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6101.451, and 6111.029 of the Revised Code; to 510  
amend Section 205.10 of Am. Sub. H.B. 51 of the 511  
130th General Assembly; to amend Sections 201.80 512  
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Assembly; to amend Section 4 of Sub. S.B. 171 of 514  
the 129th General Assembly, as subsequently 515  
amended; to amend Section 105.05 of Am. Sub. H.B. 516  
2 of the 128th General Assembly; to repeal Section 517  
267.60.31 of Am. Sub. H.B. 153 of the 129th 518  
General Assembly; to repeal Section 125.10 of Am. 519  
Sub. H.B. 1 of the 128th General Assembly as 520



subsequently amended; to repeal Section 153 of Am. 521  
Sub. H.B. 117 of the 121st General Assembly as 522  
subsequently amended; to amend Sections 203.90.10 523  
and 203.90.20 of Sub. S.B. 312 of the 129th 524  
General Assembly; to amend the versions of 525  
sections 109.57, 2151.011, 2923.126, 5104.012, 526  
5104.013, 5104.03, 5104.08, and 5104.32 of the 527  
Revised Code that are scheduled to take effect 528  
January 1, 2014, to continue the provisions of 529  
this act on and after that effective date; to 530  
amend the version of section 4507.06 of the 531  
Revised Code that is scheduled to take effect 532  
January 1, 2017, to continue the provisions of 533  
this act on and after that effective date; to 534  
amend section 3313.88 of the Revised Code as it 535  
results from Section 101.01 of this act for the 536  
purpose of adopting new section number 3313.482 on 537  
July 1, 2014; to make operating appropriations for 538  
the biennium beginning July 1, 2013, and ending 539  
June 30, 2015; to provide authorization and 540  
conditions for the operation of state programs; to 541  
repeal sections 5168.20, 5168.21, 5168.22, 542  
5168.23, 5168.24, 5168.25, 5168.26, 5168.27, and 543  
5168.28 of the Revised Code on October 1, 2015, to 544  
terminate the operation of those sections on that 545  
date; and to repeal sections 5168.01, 5168.02, 546  
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5168.13, 5168.99, and 5168.991 of the Revised Code 549  
on October 16, 2015, to terminate the operation of 550  
those sections on that date. 551

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

**Section 101.01.** That sections 9.03, 9.15, 9.231, 9.239, 9.24, 552  
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(5119.421), 5119.69 (5119.41), and 5119.691 (5119.411) be amended 876  
for the purpose of adopting new section numbers as indicated in 877  
parentheses; new sections 3313.481, 3317.014, 3317.02, 3317.022, 878  
3317.0217, 3317.051, 3317.16, 3327.02, 3333.90, 3345.81, and 879  
3737.883 and sections 1.611, 101.392, 121.483, 122.681, 123.19, 880  
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5167.01, 5167.02, 5167.032, 5167.121, 5168.41, 5703.75, 5703.76, 915  
5703.90, 5735.013, 5739.081, 5910.08, and 5919.342 of the Revised 916  
Code be enacted to read as follows: 917

Sec. 1.611. As used in the Revised Code, "OSU extension" 918  
means the cooperative extension service that was established by 919  
the "Smith-Lever Act," 38 Stat. 372 (1914), 7 U.S.C. 341 et seq., 920  
and is administered in this state by the Ohio state university. 921

**Sec. 9.03.** (A) As used in this section: 922

(1) "Political subdivision" means any body corporate and 923  
politic, except a municipal corporation that has adopted a charter 924  
under Section 7 of Article XVIII, Ohio Constitution, and except a 925  
county that has adopted a charter under Sections 3 and 4 of 926  
Article X, Ohio Constitution, to which both of the following 927  
apply: 928

(a) It is responsible for governmental activities only in a 929  
geographic area smaller than the state. 930

(b) It is subject to the sovereign immunity of the state. 931

(2) "Cigarettes" and "tobacco product" have the same meanings 932

as in section 5743.01 of the Revised Code. 933

(3) "Transaction" has the same meaning as in section 1315.51 934  
of the Revised Code. 935

(4) "Campaign committee," "campaign fund," "candidate," 936  
"legislative campaign fund," "political action committee," 937  
"political committee," "political party," and "separate segregated 938  
fund" have the same meanings as in section 3517.01 of the Revised 939  
Code. 940

(B) Except as otherwise provided in division (C) of this 941  
section, the governing body of a political subdivision may use 942  
public funds to publish and distribute newsletters, or to use any 943  
other means, to communicate information about the plans, policies, 944  
and operations of the political subdivision to members of the 945  
public within the political subdivision and to other persons who 946  
may be affected by the political subdivision. 947

(C) Except as otherwise provided in division (A)(7) of 948  
section 340.03 ~~or division (A)(12) of section 340.033~~ of the 949  
Revised Code, no governing body of a political subdivision shall 950  
use public funds to do any of the following: 951

(1) Publish, distribute, or otherwise communicate information 952  
that does any of the following: 953

(a) Contains defamatory, libelous, or obscene matter; 954

(b) Promotes alcoholic beverages, cigarettes or other tobacco 955  
products, or any illegal product, service, or activity; 956

(c) Promotes illegal discrimination on the basis of race, 957  
color, religion, national origin, handicap, age, or ancestry; 958

(d) Supports or opposes any labor organization or any action 959  
by, on behalf of, or against any labor organization; 960

(e) Supports or opposes the nomination or election of a 961  
candidate for public office, the investigation, prosecution, or 962

recall of a public official, or the passage of a levy or bond 963  
issue. 964

(2) Compensate any employee of the political subdivision for 965  
time spent on any activity to influence the outcome of an election 966  
for any of the purposes described in division (C)(1)(e) of this 967  
section. Division (C)(2) of this section does not prohibit the use 968  
of public funds to compensate an employee of a political 969  
subdivision for attending a public meeting to present information 970  
about the political subdivision's finances, activities, and 971  
governmental actions in a manner that is not designed to influence 972  
the outcome of an election or the passage of a levy or bond issue, 973  
even though the election, levy, or bond issue is discussed or 974  
debated at the meeting. 975

(D) Except as otherwise provided in division (A)(7) of 976  
section 340.03 ~~or division (A)(12) of section 340.033~~ of the 977  
Revised Code or in division (E) of this section, no person shall 978  
knowingly conduct a direct or indirect transaction of public funds 979  
to the benefit of any of the following: 980

- (1) A campaign committee; 981
- (2) A political action committee; 982
- (3) A legislative campaign fund; 983
- (4) A political party; 984
- (5) A campaign fund; 985
- (6) A political committee; 986
- (7) A separate segregated fund; 987
- (8) A candidate. 988

(E) Division (D) of this section does not prohibit the 989  
utilization of any person's own time to speak in support of or in 990  
opposition to any candidate, recall, referendum, levy, or bond 991  
issue unless prohibited by any other section of the Revised Code. 992

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

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

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

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

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

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

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

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



municipal corporation in which the person had a legal residence at 1023  
the time of death. 1024

(C) If the person was an inmate of a correctional institution 1025  
of the county or a patient or resident of a benevolent institution 1026  
of the county, the person had no legal residence in the state, or 1027  
the person's legal residence is unknown, the superintendent shall 1028  
cause the person to be buried or cremated at the expense of the 1029  
county. 1030

Such officials shall provide, at the grave of the person or, 1031  
if the person's cremated remains are buried, at the grave of the 1032  
person's cremated remains, a metal, stone, or concrete marker on 1033  
which the person's name and age, if known, and date of death shall 1034  
be inscribed. 1035

A political subdivision is not relieved of its duty to bury 1036  
or cremate a person at its expense under this section when the 1037  
body is claimed by an indigent person. As used in this section, 1038  
"indigent person" means a person whose income does not exceed one 1039  
hundred fifty per cent of the federal poverty line, as revised 1040  
annually by the United States department of health and human 1041  
services in accordance with section 673(2) of the "Omnibus Budget 1042  
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as 1043  
amended, for a family size equal to the size of the person's 1044  
family. 1045

**Sec. 9.231.** (A)(1) Subject to divisions (A)(2) and (3) of 1046  
this section, a governmental entity shall not disburse money 1047  
totaling twenty-five thousand dollars or more to any person for 1048  
the provision of services for the primary benefit of individuals 1049  
or the public and not for the primary benefit of a governmental 1050  
entity or the employees of a governmental entity, unless the 1051  
contracting authority of the governmental entity first enters into 1052  
a written contract with the person that is signed by the person or 1053

by an officer or agent of the person authorized to legally bind 1054  
the person and that embodies all of the requirements and 1055  
conditions set forth in sections 9.23 to 9.236 of the Revised 1056  
Code. If the disbursement of money occurs over the course of a 1057  
governmental entity's fiscal year, rather than in a lump sum, the 1058  
contracting authority of the governmental entity shall enter into 1059  
the written contract with the person at the point during the 1060  
governmental entity's fiscal year that at least seventy-five 1061  
thousand dollars has been disbursed by the governmental entity to 1062  
the person. Thereafter, the contracting authority of the 1063  
governmental entity shall enter into the written contract with the 1064  
person at the beginning of the governmental entity's fiscal year, 1065  
if, during the immediately preceding fiscal year, the governmental 1066  
entity disbursed to that person an aggregate amount totaling at 1067  
least seventy-five thousand dollars. 1068

(2) If the money referred to in division (A)(1) of this 1069  
section is disbursed by or through more than one state agency to 1070  
the person for the provision of services to the same population, 1071  
the contracting authorities of those agencies shall determine 1072  
which one of them will enter into the written contract with the 1073  
person. 1074

(3) The requirements and conditions set forth in divisions 1075  
(A), (B), (C), and (F) of section 9.232, divisions (A)(1) and (2) 1076  
and (B) of section 9.234, divisions (A)(2) and (B) of section 1077  
9.235, and sections 9.233 and 9.236 of the Revised Code do not 1078  
apply with respect to the following: 1079

(a) Contracts to which all of the following apply: 1080

(i) The amount received for the services is a set fee for 1081  
each time the services are provided, is determined in accordance 1082  
with a fixed rate per unit of time or per service, or is a 1083  
capitated rate, and the fee or rate is established by competitive 1084  
bidding or by a market rate survey of similar services provided in 1085

a defined market area. The market rate survey may be one conducted 1086  
by or on behalf of the governmental entity or an independent 1087  
survey accepted by the governmental entity as statistically valid 1088  
and reliable. 1089

(ii) The services are provided in accordance with standards 1090  
established by state or federal law, or by rules or regulations 1091  
adopted thereunder, for their delivery, which standards are 1092  
enforced by the federal government, a governmental entity, or an 1093  
accrediting organization recognized by the federal government or a 1094  
governmental entity. 1095

(iii) Payment for the services is made after the services are 1096  
delivered and upon submission to the governmental entity of an 1097  
invoice or other claim for payment as required by any applicable 1098  
local, state, or federal law or, if no such law applies, by the 1099  
terms of the contract. 1100

(b) Contracts under which the services are reimbursed through 1101  
or in a manner consistent with a federal program that meets all of 1102  
the following requirements: 1103

(i) The program calculates the reimbursement rate on the 1104  
basis of the previous year's experience or in accordance with an 1105  
alternative method set forth in rules adopted by the Ohio 1106  
department of job and family services. 1107

(ii) The reimbursement rate is derived from a breakdown of 1108  
direct and indirect costs. 1109

(iii) The program's guidelines describe types of expenditures 1110  
that are allowable and not allowable under the program and 1111  
delineate which costs are acceptable as direct costs for purposes 1112  
of calculating the reimbursement rate. 1113

(iv) The program includes a uniform cost reporting system 1114  
with specific audit requirements. 1115

(c) Contracts under which the services are reimbursed through 1116  
or in a manner consistent with a federal program that calculates 1117  
the reimbursement rate on a fee for service basis in compliance 1118  
with United States office of management and budget Circular A-87, 1119  
as revised May 10, 2004. 1120

(d) Contracts for services that are paid pursuant to the 1121  
earmarking of an appropriation made by the general assembly for 1122  
that purpose. 1123

(B) Division (A) of this section does not apply if the money 1124  
is disbursed to a person pursuant to a contract with the United 1125  
States or a governmental entity under any of the following 1126  
circumstances: 1127

(1) The person receives the money directly or indirectly from 1128  
the United States, and no governmental entity exercises any 1129  
oversight or control over the use of the money. 1130

(2) The person receives the money solely in return for the 1131  
performance of one or more of the following types of services: 1132

(a) Medical, therapeutic, or other health-related services 1133  
provided by a person if the amount received is a set fee for each 1134  
time the person provides the services, is determined in accordance 1135  
with a fixed rate per unit of time, or is a capitated rate, and 1136  
the fee or rate is reasonable and customary in the person's trade 1137  
or profession; 1138

(b) Medicaid-funded services, including administrative and 1139  
management services, provided pursuant to a contract or medicaid 1140  
provider agreement that meets the requirements of the medicaid 1141  
program ~~established under Chapter 5111. of the Revised Code.~~ 1142

(c) Services, other than administrative or management 1143  
services or any of the services described in division (B)(2)(a) or 1144  
(b) of this section, that are commonly purchased by the public at 1145  
an hourly rate or at a set fee for each time the services are 1146

provided, unless the services are performed for the benefit of 1147  
children, persons who are eligible for the services by reason of 1148  
advanced age, medical condition, or financial need, or persons who 1149  
are confined in a detention facility as defined in section 2921.01 1150  
of the Revised Code, and the services are intended to help promote 1151  
the health, safety, or welfare of those children or persons; 1152

(d) Educational services provided by a school to children 1153  
eligible to attend that school. For purposes of division (B)(2)(d) 1154  
of this section, "school" means any school operated by a school 1155  
district board of education, any community school established 1156  
under Chapter 3314. of the Revised Code, or any nonpublic school 1157  
for which the state board of education prescribes minimum 1158  
education standards under section 3301.07 of the Revised Code. 1159

(e) Services provided by a foster home as defined in section 1160  
5103.02 of the Revised Code; 1161

(f) "Routine business services other than administrative or 1162  
management services," as that term is defined by the attorney 1163  
general by rule adopted in accordance with Chapter 119. of the 1164  
Revised Code; 1165

(g) Services to protect the environment or promote 1166  
environmental education that are provided by a nonprofit entity or 1167  
services to protect the environment that are funded with federal 1168  
grants or revolving loan funds and administered in accordance with 1169  
federal law. 1170

(3) The person receives the money solely in return for the 1171  
performance of services intended to help preserve public health or 1172  
safety under circumstances requiring immediate action as a result 1173  
of a natural or man-made emergency. 1174

(C) With respect to an unincorporated nonprofit association, 1175  
corporation, or organization established for the purpose of 1176  
providing educational, technical, consulting, training, financial, 1177

or other services to its members in exchange for membership dues 1178  
and other fees, any of the services provided to a member that is a 1179  
governmental entity shall, for purposes of this section, be 1180  
considered services "for the primary benefit of a governmental 1181  
entity or the employees of a governmental entity." 1182

**Sec. 9.239.** (A) There is hereby created the government 1183  
contracting advisory council. The attorney general and auditor of 1184  
state shall consult with the council on the performance of their 1185  
rule-making functions under sections 9.237 and 9.238 of the 1186  
Revised Code and shall consider any recommendations of the 1187  
council. The medicaid director ~~of job and family services~~ shall 1188  
annually report to the council the cost methodology of the 1189  
medicaid-funded services described in division (A)(3)(d) of 1190  
section 9.231 of the Revised Code. The council shall consist of 1191  
the following members or their designees: 1192

- (1) The attorney general; 1193
- (2) The auditor of state; 1194
- (3) The director of administrative services; 1195
- (4) The director of aging; 1196
- (5) ~~The director of alcohol and drug addiction services~~ The 1197  
medicaid director; 1198
- (6) The director of budget and management; 1199
- (7) The director of development services; 1200
- (8) The director of job and family services; 1201
- (9) The director of ~~mental health~~ mental health and addiction 1202  
services; 1203
- (10) The director of developmental disabilities; 1204
- (11) The director of rehabilitation and correction; 1205

(12) The administrator of workers' compensation;	1206
(13) The executive director of the county commissioners' association of Ohio;	1207 1208
(14) The president of the Ohio grantmakers forum;	1209
(15) The president of the Ohio chamber of commerce;	1210
(16) The president of the Ohio state bar association;	1211
(17) The president of the Ohio society of certified public accountants;	1212 1213
(18) The executive director of the Ohio association of nonprofit organizations;	1214 1215
(19) The president of the Ohio united way;	1216
(20) One additional member appointed by the attorney general;	1217
(21) One additional member appointed by the auditor of state.	1218
(B) If an agency or organization represented on the council ceases to exist in the form it has on September 29, 2005, the successor agency or organization shall be represented in its place. If there is no successor agency or organization, or if it is not clear what agency or organization is the successor, the attorney general shall designate an agency or organization to be represented in place of the agency or organization originally represented on the council.	1219 1220 1221 1222 1223 1224 1225 1226
(C) The two members appointed to the council shall serve three-year terms. Original appointments shall be made not later than sixty days after September 29, 2005. Vacancies on the council shall be filled in the same manner as the original appointment.	1227 1228 1229 1230
(D) The attorney general or the attorney general's designee shall be the chairperson of the council. The council shall meet at least once every two years to review the rules adopted under sections 9.237 and 9.238 of the Revised Code and to make	1231 1232 1233 1234

recommendations to the attorney general and auditor of state 1235  
regarding the adoption, amendment, or repeal of those rules. The 1236  
council shall also meet at other times as requested by the 1237  
attorney general or auditor of state. 1238

(E) Members of the council shall serve without compensation 1239  
or reimbursement. 1240

(F) The office of the attorney general shall provide 1241  
necessary staff, facilities, supplies, and services to the 1242  
council. 1243

(G) Sections 101.82 to 101.87 of the Revised Code do not 1244  
apply to the council. 1245

**Sec. 9.24.** (A) Except as may be allowed under division (F) of 1246  
this section, no state agency and no political subdivision shall 1247  
award a contract as described in division (G)(1) of this section 1248  
for goods, services, or construction, paid for in whole or in part 1249  
with state funds, to a person against whom a finding for recovery 1250  
has been issued by the auditor of state on and after January 1, 1251  
2001, if the finding for recovery is unresolved. 1252

A contract is considered to be awarded when it is entered 1253  
into or executed, irrespective of whether the parties to the 1254  
contract have exchanged any money. 1255

(B) For purposes of this section, a finding for recovery is 1256  
unresolved unless one of the following criteria applies: 1257

(1) The money identified in the finding for recovery is paid 1258  
in full to the state agency or political subdivision to whom the 1259  
money was owed; 1260

(2) The debtor has entered into a repayment plan that is 1261  
approved by the attorney general and the state agency or political 1262  
subdivision to whom the money identified in the finding for 1263  
recovery is owed. A repayment plan may include a provision 1264



permitting a state agency or political subdivision to withhold 1265  
payment to a debtor for goods, services, or construction provided 1266  
to or for the state agency or political subdivision pursuant to a 1267  
contract that is entered into with the debtor after the date the 1268  
finding for recovery was issued. 1269

(3) The attorney general waives a repayment plan described in 1270  
division (B)(2) of this section for good cause; 1271

(4) The debtor and state agency or political subdivision to 1272  
whom the money identified in the finding for recovery is owed have 1273  
agreed to a payment plan established through an enforceable 1274  
settlement agreement. 1275

(5) The state agency or political subdivision desiring to 1276  
enter into a contract with a debtor certifies, and the attorney 1277  
general concurs, that all of the following are true: 1278

(a) Essential services the state agency or political 1279  
subdivision is seeking to obtain from the debtor cannot be 1280  
provided by any other person besides the debtor; 1281

(b) Awarding a contract to the debtor for the essential 1282  
services described in division (B)(5)(a) of this section is in the 1283  
best interest of the state; 1284

(c) Good faith efforts have been made to collect the money 1285  
identified in the finding of recovery. 1286

(6) The debtor has commenced an action to contest the finding 1287  
for recovery and a final determination on the action has not yet 1288  
been reached. 1289

(C) The attorney general shall submit an initial report to 1290  
the auditor of state, not later than December 1, 2003, indicating 1291  
the status of collection for all findings for recovery issued by 1292  
the auditor of state for calendar years 2001, 2002, and 2003. 1293  
Beginning on January 1, 2004, the attorney general shall submit to 1294

the auditor of state, on the first day of every January, April, 1295  
July, and October, a list of all findings for recovery that have 1296  
been resolved in accordance with division (B) of this section 1297  
during the calendar quarter preceding the submission of the list 1298  
and a description of the means of resolution. The attorney general 1299  
shall notify the auditor of state when a judgment is issued 1300  
against an entity described in division (F)(1) of this section. 1301

(D) The auditor of state shall maintain a database, 1302  
accessible to the public, listing persons against whom an 1303  
unresolved finding for recovery has been issued, and the amount of 1304  
the money identified in the unresolved finding for recovery. The 1305  
auditor of state shall have this database operational on or before 1306  
January 1, 2004. The initial database shall contain the 1307  
information required under this division for calendar years 2001, 1308  
2002, and 2003. 1309

Beginning January 15, 2004, the auditor of state shall update 1310  
the database by the fifteenth day of every January, April, July, 1311  
and October to reflect resolved findings for recovery that are 1312  
reported to the auditor of state by the attorney general on the 1313  
first day of the same month pursuant to division (C) of this 1314  
section. 1315

(E) Before awarding a contract as described in division 1316  
(G)(1) of this section for goods, services, or construction, paid 1317  
for in whole or in part with state funds, a state agency or 1318  
political subdivision shall verify that the person to whom the 1319  
state agency or political subdivision plans to award the contract 1320  
has no unresolved finding for recovery issued against the person. 1321  
A state agency or political subdivision shall verify that the 1322  
person does not appear in the database described in division (D) 1323  
of this section or shall obtain other proof that the person has no 1324  
unresolved finding for recovery issued against the person. 1325

(F) The prohibition of division (A) of this section and the 1326

requirement of division (E) of this section do not apply with 1327  
respect to the companies, payments, or agreements described in 1328  
divisions (F)(1) and (2) of this section, or in the circumstance 1329  
described in division (F)(3) of this section. 1330

(1) A bonding company or a company authorized to transact the 1331  
business of insurance in this state, a self-insurance pool, joint 1332  
self-insurance pool, risk management program, or joint risk 1333  
management program, unless a court has entered a final judgment 1334  
against the company and the company has not yet satisfied the 1335  
final judgment. 1336

(2) To medicaid provider agreements under ~~Chapter 5111. of~~ 1337  
the ~~Revised Code~~ medicaid program. 1338

(3) When federal law dictates that a specified entity provide 1339  
the goods, services, or construction for which a contract is being 1340  
awarded, regardless of whether that entity would otherwise be 1341  
prohibited from entering into the contract pursuant to this 1342  
section. 1343

(G)(1) This section applies only to contracts for goods, 1344  
services, or construction that satisfy the criteria in either 1345  
division (G)(1)(a) or (b) of this section. This section may apply 1346  
to contracts for goods, services, or construction that satisfy the 1347  
criteria in division (G)(1)(c) of this section, provided that the 1348  
contracts also satisfy the criteria in either division (G)(1)(a) 1349  
or (b) of this section. 1350

(a) The cost for the goods, services, or construction 1351  
provided under the contract is estimated to exceed twenty-five 1352  
thousand dollars. 1353

(b) The aggregate cost for the goods, services, or 1354  
construction provided under multiple contracts entered into by the 1355  
particular state agency and a single person or the particular 1356  
political subdivision and a single person within the fiscal year 1357

preceding the fiscal year within which a contract is being entered 1358  
into by that same state agency and the same single person or the 1359  
same political subdivision and the same single person, exceeded 1360  
fifty thousand dollars. 1361

(c) The contract is a renewal of a contract previously 1362  
entered into and renewed pursuant to that preceding contract. 1363

(2) This section does not apply to employment contracts. 1364

(H) As used in this section: 1365

(1) "State agency" has the same meaning as in section 9.66 of 1366  
the Revised Code. 1367

(2) "Political subdivision" means a political subdivision as 1368  
defined in section 9.82 of the Revised Code that has received more 1369  
than fifty thousand dollars of state money in the current fiscal 1370  
year or the preceding fiscal year. 1371

(3) "Finding for recovery" means a determination issued by 1372  
the auditor of state, contained in a report the auditor of state 1373  
gives to the attorney general pursuant to section 117.28 of the 1374  
Revised Code, that public money has been illegally expended, 1375  
public money has been collected but not been accounted for, public 1376  
money is due but has not been collected, or public property has 1377  
been converted or misappropriated. 1378

(4) "Debtor" means a person against whom a finding for 1379  
recovery has been issued. 1380

(5) "Person" means the person named in the finding for 1381  
recovery. 1382

(6) "State money" does not include funds the state receives 1383  
from another source and passes through to a political subdivision. 1384

**Sec. 9.833.** (A) As used in this section, "political 1385  
subdivision" has the meaning defined in sections 2744.01 and 1386

3905.36 of the Revised Code. For purposes of this section, 1387  
"political subdivision" includes municipal corporations as defined 1388  
in section 5705.01 of the Revised Code. 1389

(B) Political subdivisions that provide health care benefits 1390  
for their officers or employees may do any of the following: 1391

(1) Establish and maintain an individual self-insurance 1392  
program with public moneys to provide authorized health care 1393  
benefits, including but not limited to, health care, prescription 1394  
drugs, dental care, and vision care, in accordance with division 1395  
(C) of this section; 1396

(2) Establish and maintain a health savings account program 1397  
whereby employees or officers may establish and maintain health 1398  
savings accounts in accordance with section 223 of the Internal 1399  
Revenue Code. Public moneys may be used to pay for or fund 1400  
federally qualified high deductible health plans that are linked 1401  
to health savings accounts or to make contributions to health 1402  
savings accounts. A health savings account program may be a part 1403  
of a self-insurance program. 1404

(3) After establishing an individual self-insurance program, 1405  
agree with other political subdivisions that have established 1406  
individual self-insurance programs for health care benefits, that 1407  
their programs will be jointly administered in a manner specified 1408  
in the agreement; 1409

(4) Pursuant to a written agreement and in accordance with 1410  
division (C) of this section, join in any combination with other 1411  
political subdivisions to establish and maintain a joint 1412  
self-insurance program to provide health care benefits; 1413

(5) Pursuant to a written agreement, join in any combination 1414  
with other political subdivisions to procure or contract for 1415  
policies, contracts, or plans of insurance to provide health care 1416  
benefits, which may include a health savings account program for 1417

their officers and employees subject to the agreement; 1418

(6) Use in any combination any of the policies, contracts, 1419  
plans, or programs authorized under this division. 1420

(7) Any agreement made under division (B)(3), (4), (5), or 1421  
(6) of this section shall be in writing, comply with division (C) 1422  
of this section, and contain best practices established in 1423  
consultation with and approved by the department of administrative 1424  
services. The best practices may be reviewed and amended at the 1425  
discretion of the political subdivisions in consultation with the 1426  
department. Detailed information regarding the best practices 1427  
shall be made available to any employee upon that employee's 1428  
request. 1429

(8) Purchase plans ~~approved~~ containing best practices 1430  
established by the department of administrative services under 1431  
section 9.901 of the Revised Code. 1432

(C) Except as otherwise provided in division (E) of this 1433  
section, the following apply to individual or joint self-insurance 1434  
programs established pursuant to this section: 1435

(1) Such funds shall be reserved as are necessary, in the 1436  
exercise of sound and prudent actuarial judgment, to cover 1437  
potential cost of health care benefits for the officers and 1438  
employees of the political subdivision. A certified audited 1439  
financial statement and a report of aggregate amounts so reserved 1440  
and aggregate disbursements made from such funds, together with a 1441  
written report of a member of the American academy of actuaries 1442  
certifying whether the amounts reserved conform to the 1443  
requirements of this division, are computed in accordance with 1444  
accepted loss reserving standards, and are fairly stated in 1445  
accordance with sound loss reserving principles, shall be prepared 1446  
and maintained, within ninety days after the last day of the 1447  
fiscal year of the entity for which the report is provided for 1448

that fiscal year, in the office of the program administrator 1449  
described in division (C)(3) of this section. 1450

The report required by division (C)(1) of this section shall 1451  
include, but not be limited to, the aggregate of disbursements 1452  
made for the administration of the program, including claims paid, 1453  
costs of the legal representation of political subdivisions and 1454  
employees, and fees paid to consultants. 1455

The program administrator described in division (C)(3) of 1456  
this section shall make the report required by this division 1457  
available for inspection by any person at all reasonable times 1458  
during regular business hours, and, upon the request of such 1459  
person, shall make copies of the report available at cost within a 1460  
reasonable period of time. The program administrator shall further 1461  
provide the report to the auditor of state under Chapter 117. of 1462  
the Revised Code. The report required by this division is in lieu 1463  
of the records required by division (A) of section 149.431 of the 1464  
Revised Code. 1465

(2) Each political subdivision shall reserve funds necessary 1466  
for an individual or joint self-insurance program in a special 1467  
fund that may be established for political subdivisions other than 1468  
an agency or instrumentality pursuant to an ordinance or 1469  
resolution of the political subdivision and not subject to section 1470  
5705.12 of the Revised Code. An agency or instrumentality shall 1471  
reserve the funds necessary for an individual or joint 1472  
self-insurance program in a special fund established pursuant to a 1473  
resolution duly adopted by the agency's or instrumentality's 1474  
governing board. The political subdivision may allocate the costs 1475  
of insurance or any self-insurance program, or both, among the 1476  
funds or accounts established under this division on the basis of 1477  
relative exposure and loss experience. 1478

(3) A contract may be awarded, without the necessity of 1479  
competitive bidding, to any person, political subdivision, 1480

nonprofit corporation organized under Chapter 1702. of the Revised 1481  
Code, or regional council of governments created under Chapter 1482  
167. of the Revised Code for purposes of administration of an 1483  
individual or joint self-insurance program. No such contract shall 1484  
be entered into without full, prior, public disclosure of all 1485  
terms and conditions. The disclosure shall include, at a minimum, 1486  
a statement listing all representations made in connection with 1487  
any possible savings and losses resulting from the contract, and 1488  
potential liability of any political subdivision or employee. The 1489  
proposed contract and statement shall be disclosed and presented 1490  
at a meeting of the political subdivision not less than one week 1491  
prior to the meeting at which the political subdivision authorizes 1492  
the contract. 1493

A contract awarded to a nonprofit corporation or a regional 1494  
council of governments under this division may provide that all 1495  
employees of the nonprofit corporation or regional council of 1496  
governments, the employees of all entities related to the 1497  
nonprofit corporation or regional council of governments, and the 1498  
employees of other nonprofit corporations that have fifty or fewer 1499  
employees and have been organized for the primary purpose of 1500  
representing the interests of political subdivisions, may be 1501  
covered by the individual or joint self-insurance program under 1502  
the terms and conditions set forth in the contract. 1503

(4) The individual or joint self-insurance program shall 1504  
include a contract with a certified public accountant and a member 1505  
of the American academy of actuaries for the preparation of the 1506  
written evaluations required under division (C)(1) of this 1507  
section. 1508

(5) A joint self-insurance program may allocate the costs of 1509  
funding the program among the funds or accounts established under 1510  
this division to the participating political subdivisions on the 1511  
basis of their relative exposure and loss experience. 1512



(6) An individual self-insurance program may allocate the 1513  
costs of funding the program among the funds or accounts 1514  
established under this division to the political subdivision that 1515  
established the program. 1516

(7) Two or more political subdivisions may also authorize the 1517  
establishment and maintenance of a joint health care cost 1518  
containment program, including, but not limited to, the employment 1519  
of risk managers, health care cost containment specialists, and 1520  
consultants, for the purpose of preventing and reducing health 1521  
care costs covered by insurance, individual self-insurance, or 1522  
joint self-insurance programs. 1523

(8) A political subdivision is not liable under a joint 1524  
self-insurance program for any amount in excess of amounts payable 1525  
pursuant to the written agreement for the participation of the 1526  
political subdivision in the joint self-insurance program. Under a 1527  
joint self-insurance program agreement, a political subdivision 1528  
may, to the extent permitted under the written agreement, assume 1529  
the risks of any other political subdivision. A joint 1530  
self-insurance program established under this section is deemed a 1531  
separate legal entity for the public purpose of enabling the 1532  
members of the joint self-insurance program to obtain insurance or 1533  
to provide for a formalized, jointly administered self-insurance 1534  
fund for its members. An entity created pursuant to this section 1535  
is exempt from all state and local taxes. 1536

(9) Any political subdivision, other than an agency or 1537  
instrumentality, may issue general obligation bonds, or special 1538  
obligation bonds that are not payable from real or personal 1539  
property taxes, and may also issue notes in anticipation of such 1540  
bonds, pursuant to an ordinance or resolution of its legislative 1541  
authority or other governing body for the purpose of providing 1542  
funds to pay expenses associated with the settlement of claims, 1543  
whether by way of a reserve or otherwise, and to pay the political 1544

subdivision's portion of the cost of establishing and maintaining 1545  
an individual or joint self-insurance program or to provide for 1546  
the reserve in the special fund authorized by division (C)(2) of 1547  
this section. 1548

In its ordinance or resolution authorizing bonds or notes 1549  
under this section, a political subdivision may elect to issue 1550  
such bonds or notes under the procedures set forth in Chapter 133. 1551  
of the Revised Code. In the event of such an election, 1552  
notwithstanding Chapter 133. of the Revised Code, the maturity of 1553  
the bonds may be for any period authorized in the ordinance or 1554  
resolution not exceeding twenty years, which period shall be the 1555  
maximum maturity of the bonds for purposes of section 133.22 of 1556  
the Revised Code. 1557

Bonds and notes issued under this section shall not be 1558  
considered in calculating the net indebtedness of the political 1559  
subdivision under sections 133.04, 133.05, 133.06, and 133.07 of 1560  
the Revised Code. Sections 9.98 to 9.983 of the Revised Code are 1561  
hereby made applicable to bonds or notes authorized under this 1562  
section. 1563

(10) A joint self-insurance program is not an insurance 1564  
company. Its operation does not constitute doing an insurance 1565  
business and is not subject to the insurance laws of this state. 1566

(D) A political subdivision may procure group life insurance 1567  
for its employees in conjunction with an individual or joint 1568  
self-insurance program authorized by this section, provided that 1569  
the policy of group life insurance is not self-insured. 1570

(E) This section does not apply to individual self-insurance 1571  
programs created solely by municipal corporations as defined in 1572  
section 5705.01 of the Revised Code. 1573

(F) A public official or employee of a political subdivision 1574  
who is or becomes a member of the governing body of the program 1575

administrator of a joint self-insurance program in which the 1576  
political subdivision participates is not in violation of division 1577  
(D) or (E) of section 102.03, division (C) of section 102.04, or 1578  
section 2921.42 of the Revised Code as a result of either of the 1579  
following: 1580

(1) The political subdivision's entering under this section 1581  
into the written agreement to participate in the joint 1582  
self-insurance program; 1583

(2) The political subdivision's entering under this section 1584  
into any other contract with the joint self-insurance program. 1585

**Sec. 9.90.** ~~(A) The following applies until the department of 1586  
administrative services implements healthcare plans designed under 1587  
section 9.901 of the Revised Code. If those plans do not include 1588  
or address any benefits listed in this section, or if the board of 1589  
trustees or other governing body of a state institution of higher 1590  
education, as defined in section 3345.011 of the Revised Code, 1591  
board of education of a school district, or governing board of an 1592  
educational service center do not elect to be covered under a plan 1593  
offered by the department of administrative services under section 1594  
9.901 of the Revised Code, the following provisions continue in 1595  
effect for those benefits. The board of trustees or other 1596  
governing body of a state institution of higher education, as 1597  
defined in section 3345.011 of the Revised Code, board of 1598  
education of a school district, or governing board of an 1599  
educational service center may, in addition to all other powers 1600  
provided in the Revised Code: 1601~~

(1) Contract for, purchase, or otherwise procure from an 1602  
insurer or insurers licensed to do business by the state of Ohio 1603  
for or on behalf of such of its employees as it may determine, 1604  
life insurance, or sickness, accident, annuity, endowment, health, 1605  
medical, hospital, dental, or surgical coverage and benefits, or 1606

any combination thereof, by means of insurance plans or other 1607  
types of coverage, family, group or otherwise, and may pay from 1608  
funds under its control and available for such purpose all or any 1609  
portion of the cost, premium, or charge for such insurance, 1610  
coverage, or benefits. However, the governing board, in addition 1611  
to or as an alternative to the authority otherwise granted by 1612  
division (A)(1) of this section, may elect to procure coverage for 1613  
health care services, for or on behalf of such of its employees as 1614  
it may determine, by means of policies, contracts, certificates, 1615  
or agreements issued by at least two health insuring corporations 1616  
holding a certificate of authority under Chapter 1751. of the 1617  
Revised Code and may pay from funds under the governing board's 1618  
control and available for such purpose all or any portion of the 1619  
cost of such coverage. 1620

(2) Make payments to a custodial account for investment in 1621  
regulated investment company stock for the purpose of providing 1622  
retirement benefits as described in section 403(b)(7) of the 1623  
Internal Revenue Code of 1954, as amended. Such stock shall be 1624  
purchased only from persons authorized to sell such stock in this 1625  
state. 1626

Any income of an employee deferred under divisions (A)(1) and 1627  
(2) of this section in a deferred compensation program eligible 1628  
for favorable tax treatment under the Internal Revenue Code of 1629  
1954, as amended, shall continue to be included as regular 1630  
compensation for the purpose of computing the contributions to and 1631  
benefits from the retirement system of such employee. Any sum so 1632  
deferred shall not be included in the computation of any federal 1633  
and state income taxes withheld on behalf of any such employee. 1634

(B) All or any portion of the cost, premium, or charge 1635  
therefor may be paid in such other manner or combination of 1636  
manner as the board or governing body may determine, including 1637  
direct payment by the employee in cases under division (A)(1) of 1638

this section, and, if authorized in writing by the employee in 1639  
cases under division (A)(1) or (2) of this section, by the board 1640  
or governing body with moneys made available by deduction from or 1641  
reduction in salary or wages or by the foregoing of a salary or 1642  
wage increase. Nothing in section 3917.01 or section 3917.06 of 1643  
the Revised Code shall prohibit the issuance or purchase of group 1644  
life insurance authorized by this section by reason of payment of 1645  
premiums therefor by the board or governing body from its funds, 1646  
and such group life insurance may be so issued and purchased if 1647  
otherwise consistent with the provisions of sections 3917.01 to 1648  
3917.07 of the Revised Code. 1649

(C) The board of education of any school district may 1650  
exercise any of the powers granted to the governing boards of 1651  
public institutions of higher education under divisions (A) and 1652  
(B) of this section. All health care benefits provided to persons 1653  
employed by the public schools of this state shall be through 1654  
health care plans that contain best practices established by the 1655  
department of administrative services pursuant to section 9.901 of 1656  
the Revised Code. 1657

~~(D) Once the department of administrative services releases 1658  
in final form health care plans designed under section 9.901 of 1659  
the Revised Code, all health care benefits provided to persons 1660  
employed by state institutions of higher education, school 1661  
districts, or educational service centers may be through those 1662  
plans. 1663~~

**Sec. 9.901.** (A)(1) All health care benefits provided to 1664  
persons employed by ~~the political subdivisions and public school~~ 1665  
~~districts of~~ employers as defined by this state section shall be 1666  
provided by health care plans that contain best practices 1667  
established ~~pursuant to this section~~ by the former school 1668  
employees health care board or the department of administrative 1669

~~services. Twelve months after the release of best practices by the~~ 1670  
~~board all All policies or contracts for health care benefits~~ 1671  
~~provided to public school district employees that are issued or~~ 1672  
~~renewed after the expiration of any applicable collective~~ 1673  
~~bargaining agreement must contain all best practices established~~ 1674  
~~pursuant to this section by the board at the time of renewal. Any~~ 1675  
~~or all of the health Health care plans that contain the best~~ 1676  
~~practices specified by the board may be self-insured.~~ 1677

~~(2) Upon completion of the consultant's report under division~~ 1678  
~~(E) of this section and once the plans are released in final form~~ 1679  
~~by the department, all health care benefits provided to persons~~ 1680  
~~employed by political subdivisions, public school districts, and~~ 1681  
~~state institutions of higher education may be provided by health~~ 1682  
~~care plans designed under this section by the department. The~~ 1683  
~~department, in consultation with the superintendent of insurance,~~ 1684  
~~may negotiate with and, in accordance with the competitive~~ 1685  
~~selection procedures of Chapter 125. of the Revised Code, contract~~ 1686  
~~with one or more insurance companies authorized to do business in~~ 1687  
~~this state for the issuance of the plans. Any or all of the health~~ 1688  
~~care plans designed by the department may be self insured. All~~ 1689  
~~self-insured plans adopted shall be administered by the department~~ 1690  
~~in accordance with this section. The plans shall incorporate the~~ 1691  
~~best practices adopted by the department under division (C)(3) of~~ 1692  
~~this section consulting with the department of administrative~~ 1693  
~~services, a political subdivision may adopt a delivery system of~~ 1694  
~~benefits that is not in accordance with the department's adopted~~ 1695  
~~best practices if it is considered by the department to be most~~ 1696  
~~financially advantageous to the political subdivision.~~ 1697

~~(3) Before soliciting proposals from insurance companies for~~ 1698  
~~the issuance of health care plans, the department, in consultation~~ 1699  
~~with the superintendent of insurance, shall determine what~~ 1700  
~~geographic regions exist in the state based on the availability of~~ 1701

~~providers, networks, costs, and other factors relating to 1702  
providing health care benefits. The department shall then 1703  
determine what health care plans offered by political 1704  
subdivisions, public school districts, state institutions, and 1705  
existing consortiums in the region offer the most cost effective 1706  
plan. 1707~~

~~(4) The department, in consultation with the superintendent 1708  
of insurance, shall develop a request for proposals and solicit 1709  
bids for health care plans for political subdivisions, public 1710  
school districts, and state institutions in a region similar to 1711  
the existing plans. The department shall also determine the 1712  
benefits offered by existing health care plans, the employees' 1713  
costs, and the cost sharing arrangements used by political 1714  
subdivisions, schools, and institutions participating in a 1715  
consortium. The department shall determine what strategies are 1716  
used by the existing plans to manage health care costs and shall 1717  
study the potential benefits of state or regional consortiums 1718  
offering multiple health care plans. When options exist in a 1719  
defined regional service area that meet the benchmarks or best 1720  
practices prescribed by the department, public employees shall be 1721  
given the option of selecting from two or more health plans. 1722~~

~~(5) No political subdivision, public school district, or 1723  
state institution may be required to offer the health care plans 1724  
designed under this section until action is taken under division 1725  
(E) of this section. 1726~~

~~In addition, political subdivisions, public school districts, 1727  
or state institutions offering employee health care benefits 1728  
through a plan offered by a consortium of two or more political 1729  
subdivisions, districts, or state institutions, or a consortium of 1730  
one or more political subdivisions, districts, or state 1731  
institutions and one or more other political subdivisions may 1732  
continue offering consortium plans to the political subdivisions', 1733~~

~~districts', or institutions' employees if plans contain best practices required under this section.~~ 1734  
1735

~~(6)~~ As used in this section: 1736

(a) "Public employer" means political subdivisions, public school districts, or state institutions of higher education. 1737  
1738

(b) "Public school district" means a city, local, exempted village, or joint vocational school district; a STEM school established under Chapter 3326. of the Revised Code; or an educational service center. "Public school district" does not mean a community school established under Chapter 3314. of the Revised Code. 1739  
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~~(b)~~(c) "State institution of higher education" or "state institution" means a state institution of higher education as defined in section 3345.011 of the Revised Code. 1745  
1746  
1747

~~(e)~~(d) "Political subdivision" has the same meaning as defined in section 9.833 of the Revised Code. 1748  
1749

~~(d)~~(e) A "health care plan" includes group policies, contracts, and agreements that provide hospital, surgical, or medical expense coverage, including self-insured plans. A "health care plan" does not include an individual plan offered to the employees of a political subdivision, public school district, or state institution, or a plan that provides coverage only for specific disease or accidents, or a hospital indemnity, medicare supplement, or other plan that provides only supplemental benefits, paid for by the employees of a political subdivision, public school district, or state institution. 1750  
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~~(e)~~(f) A "health plan sponsor" means a political subdivision, public school district, a state institution of higher education, a consortium of political subdivisions, public school districts, or state institutions, or a council of governments. 1760  
1761  
1762  
1763



~~(B)(4)~~ The ~~political subdivisions and public employees health~~ 1764  
care fund is hereby created in the state treasury. The department 1765  
shall use all funds in the ~~political subdivisions and public~~ 1766  
employees health care fund solely to carry out the provisions of 1767  
this section and related administrative costs. 1768

~~(C)(B)~~ The department of administrative services shall do all 1769  
of the following: 1770

~~(1) Include disease management and consumer education~~ 1771  
~~programs, which programs shall include, but are not limited to,~~ 1772  
~~wellness programs and other measures designed to encourage the~~ 1773  
~~wise use of medical plan coverage. These programs are not services~~ 1774  
~~or treatments for purposes of section 3901.71 of the Revised Code.~~ 1775

~~(2) After action is taken under division (E) of this section,~~ 1776  
~~design health care plans for political subdivisions, public school~~ 1777  
~~districts, and state institutions of higher education in~~ 1778  
~~accordance with division (A) of this section separate from the~~ 1779  
~~plans for state agencies;~~ 1780

~~(3) Adopt and release a set of standards that shall be~~ 1781  
~~considered the best practices for health care plans offered to~~ 1782  
~~employees of political subdivisions, public school districts, and~~ 1783  
~~state institutions.~~ 1784

~~(4) Require that the plans the health plan sponsors~~ 1785  
~~administer make readily available to the public all cost and~~ 1786  
~~design elements of the plan;~~ 1787

~~(5) Set employee and employer health care plan premiums for~~ 1788  
~~the plans designed under division (C)(2) of this section;~~ 1789

~~(6) Promote cooperation among all organizations affected by~~ 1790  
~~this section in identifying the elements for the successful~~ 1791  
~~implementation of this section;~~ 1792

~~(7) Promote cost containment measures aligned with patient,~~ 1793

~~plan, and provider management strategies in developing and 1794  
managing health care plans; 1795~~

~~(8) Prepare and disseminate to the public an annual report on 1796  
the status of health plan sponsors' effectiveness in making 1797  
progress to reduce the rate of increase in insurance premiums and 1798  
employee out-of-pocket expenses, as well as progress in improving 1799  
the health status of political subdivision, public school 1800  
district, and state institution employees and their families. 1801~~

~~(D) The sections in Chapter 3923. of the Revised Code 1802  
regulating public employee benefit plans are not applicable to the 1803  
health care plans designed pursuant to this section. 1804~~

~~(E) Before the department's release of the initial health 1805  
care plans, the department shall contract with an independent 1806  
consultant to analyze costs related to employee health care 1807  
benefits provided by existing political subdivision, public school 1808  
district, and state institution plans. All political subdivisions 1809  
shall provide information requested by the department that the 1810  
department determines is needed to complete this study. The 1811  
information requested shall be held confidentially by the 1812  
department and shall not be considered a public record under 1813  
Chapter 149. of the Revised Code. The department may release the 1814  
information after redacting all personally identifiable 1815  
information. The consultant shall determine the benefits offered 1816  
by existing plans, the employees' costs, and the cost sharing 1817  
arrangements used by political subdivisions, schools, and 1818  
institutions participating in a consortium. The consultant shall 1819  
determine what strategies are used by the existing plans to manage 1820  
health care costs and shall study the potential benefits of state 1821  
or regional consortiums of political subdivisions, public schools, 1822  
and institutions offering multiple health care plans. Based on the 1823  
findings of the analysis, the consultant shall submit written 1824  
recommendations to the department for the development and 1825~~

~~implementation of a successful program for pooling purchasing 1826  
power for the acquisition of employee health care plans. The 1827  
consultant's recommendations shall address, at a minimum, all of 1828  
the following issues: 1829~~

~~(1) The development of a plan for regional coordination of 1830  
the health care plans; 1831~~

~~(2) The establishment of regions for the provision of health 1832  
care plans, based on the availability of providers and plans in 1833  
the state at the time; 1834~~

~~(3) The viability of voluntary and mandatory participation by 1835  
political subdivisions, public schools, and institutions of higher 1836  
education; 1837~~

~~(4) The use of regional preferred provider and closed panel 1838  
plans, health savings accounts, and alternative health care plans, 1839  
to stabilize both costs and the premiums charged to political 1840  
subdivisions, public school districts, and state institutions and 1841  
their employees; 1842~~

~~(5) The use of the competitive bidding process for regional 1843  
health care plans; 1844~~

~~(6) The use of information on claims and costs and of 1845  
information reported by political subdivisions, public school 1846  
districts, and state institutions pursuant to the Consolidated 1847  
Omnibus Budget Reconciliation Act (COBRA) 100 Stat. 227, 29 U.S.C. 1848  
1161, as amended in analyzing administrative and premium costs; 1849~~

~~(7) The experience of states that have statewide health care 1850  
plans for political subdivision, public school district, and state 1851  
institution employees, including the implementation strategies 1852  
used by those states; 1853~~

~~(8) Recommended strategies for the use of first year roll in 1854  
premiums in the transition from political subdivision, district, 1855~~

<del>and state institution health care plans to department plans;</del>	1856
<del>(9) The option of allowing political subdivisions, public school districts, and state institutions to join an existing regional consortium as an alternative to department plans;</del>	1857
	1858
	1859
<del>(10) Mandatory and optional coverages to be offered by the department's plans;</del>	1860
	1861
<del>(11) Potential risks to the state from the use of plans developed under this section;</del>	1862
	1863
<del>(12) Any legislation needed to ensure the long term financial solvency and stability of a health care purchasing system;</del>	1864
	1865
<del>(13) The potential impacts of any changes to the existing purchasing structure on all of the following:</del>	1866
	1867
<del>(a) Existing health care pooling and consortiums;</del>	1868
<del>(b) Political subdivision, school district, and state institution employees;</del>	1869
	1870
<del>(c) Individual political subdivisions, school districts, and state institutions.</del>	1871
	1872
<del>(14) Issues that could arise when political subdivisions, school districts, and state institutions transition from the existing purchasing structure to a new purchasing structure;</del>	1873
	1874
	1875
<del>(15) Strategies available to the department in the creation of fund reserves and the need for stop loss insurance coverage for catastrophic losses;</del>	1876
	1877
	1878
<del>(16) Impact on eliminating the premium tax or excise currently received on behalf of a public employer under division (A) of section 5725.18 and division (A) of 5729.03 of the Revised Code;</del>	1879
	1880
	1881
	1882
<del>(17) How development of the federal health exchange in Ohio may impact public employees;</del>	1883
	1884

<del>(18) Impact of joint health insurance regional program on insurance carriers and agents;</del>	1885
	1886
<del>(19) The benefits, including any cost savings to the state of establishing a benchmark for public employers to meet in lieu of establishing new plans administered by the department.</del>	1887
	1888
	1889
<del>(F) The <u>Identify strategies to manage health care costs;</u></del>	1890
<u>(2) Study the potential benefits of state or regional consortiums of public employers' health care plans;</u>	1891
	1892
<u>(3) Publish information regarding the health care plans offered by political subdivisions, public school districts, state institutions, and existing consortiums;</u>	1893
	1894
	1895
<u>(4) Assist in the design of health care plans for political subdivisions, public school districts, and state institutions of higher education in accordance with division (A) of this section separate from the plans for state agencies;</u>	1896
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	1899
<u>(5) Adopt and release a set of standards that shall be considered the best practices for health care plans offered to employees of political subdivisions, public school districts, and state institutions;</u>	1900
	1901
	1902
	1903
<u>(6) Require that plans the health plan sponsors administer make readily available to the public all cost and design elements of the plan;</u>	1904
	1905
	1906
<u>(7) Promote cooperation among all organizations affected by this section in identifying the elements for successful implementation of this section;</u>	1907
	1908
	1909
<u>(8) Promote cost containment measures aligned with patient, plan, and provider management strategies in developing and managing health care plans; and</u>	1910
	1911
	1912
<u>(9) Prepare and disseminate to the public an annual report on the status of health plan sponsors' effectiveness in complying</u>	1913
	1914

with best practices and making progress to reduce the rate of 1915  
increase in insurance premiums and employee out-of-pocket 1916  
expenses, as well as progress in improving the health status of 1917  
employees and their families. 1918

(C) The director of administrative services may convene a 1919  
public health care advisory committee is hereby created under the 1920  
department of administrative services. The committee shall make 1921  
recommendations to the director of administrative services or the 1922  
director's designee on the development and adoption of best 1923  
practices under this section. The committee shall consist of 1924  
fifteen members: five members appointed by the speaker of the 1925  
house of representatives; five members appointed by the president 1926  
of the senate; and five members appointed by the governor and 1927  
shall include representatives from state and local government 1928  
employers, state and local government employees, insurance agents, 1929  
health insurance companies, and joint purchasing arrangements 1930  
currently in existence. Nothing in this section prohibits a 1931  
political subdivision from adopting a delivery system of benefits 1932  
that is not in accordance with the department's adopted best 1933  
practices if it is considered to be most financially advantageous 1934  
to the political subdivision. Members shall serve without 1935  
compensation. 1936

~~(G)~~(D) The department may adopt rules for the enforcement of 1937  
health plan sponsors' compliance with the best practices standards 1938  
adopted by the department pursuant to this section. 1939

~~(H)~~(E) Any health care plan providing coverage for the 1940  
employees of political subdivisions, public school districts, or 1941  
state institutions of higher education, or that have provided 1942  
coverage within two years before the effective date of this 1943  
amendment, shall provide nonidentifiable aggregate claims and 1944  
administrative data for the coverage provided as required by the 1945  
department, without charge, within thirty days after receiving a 1946

written request from the department. The claims data shall include 1947  
data relating to employee group benefit sets, demographics, and 1948  
claims experience. 1949

~~(I)(1)(F)~~ The department may ~~contract~~ work with other state 1950  
agencies ~~for~~ to obtain services as the department deems necessary 1951  
for the implementation and operation of this section, based on 1952  
demonstrated experience and expertise in administration, 1953  
management, data handling, actuarial studies, quality assurance, 1954  
or for other needed services. 1955

~~(2)(G)~~ The department shall hire staff as necessary to 1956  
provide administrative support to the department and the public 1957  
employee health care plan program established by this section. 1958

~~(J)~~ ~~Not more than ninety days before coverage begins for~~ 1959  
~~political subdivision, public school district, and state~~ 1960  
~~institution employees under health care plans designed by the~~ 1961  
~~department, a political subdivision's governing body, public~~ 1962  
~~school district's board of education, and a state institution's~~ 1963  
~~board of trustees or managing authority shall provide detailed~~ 1964  
~~information about the health care plans to the employees.~~ 1965

~~(K)(H)~~ Nothing in this section shall be construed as 1966  
prohibiting political subdivisions, public school districts, or 1967  
state institutions from consulting with and compensating insurance 1968  
agents and brokers for professional services or from establishing 1969  
a self-insurance program. 1970

~~(L)(I)~~ Pursuant to Chapter 117. of the Revised Code, the 1971  
auditor of state shall conduct all necessary and required audits 1972  
of the department. The auditor of state, upon request, also shall 1973  
furnish to the department copies of audits of political 1974  
subdivisions, public school districts, or consortia performed by 1975  
the auditor of state. 1976

**Sec. 101.39.** (A) There is hereby created the joint 1977  
legislative committee on health care oversight. The committee may 1978  
review or study any matter related to the provision of health care 1979  
services that it considers of significance to the citizens of this 1980  
state, including the availability of health care, the quality of 1981  
health care, the effectiveness and efficiency of managed care 1982  
systems, and the operation of the ~~medical assistance~~ medicaid 1983  
~~program established under Chapter 5111. of the Revised Code~~ or 1984  
other government health programs. 1985

The department of ~~job and family services~~ medicaid, 1986  
department of health, department of aging, department of ~~mental~~ 1987  
~~health~~ mental health and addiction services, department of 1988  
developmental disabilities, ~~department of alcohol and drug~~ 1989  
~~addiction services~~, and other state agencies shall cooperate with 1990  
the committee in its study and review of health care issues. On 1991  
request, the departments shall provide the committee with reports 1992  
and other information sufficient for the committee to fulfill its 1993  
duties. 1994

The committee may issue recommendations as it determines 1995  
appropriate. The recommendations may be made to the general 1996  
assembly, state agencies, private industry, or any other entity. 1997

(B) The committee shall consist of the following members of 1998  
the general assembly: the chairperson of the senate's standing 1999  
committee with primary responsibility for health legislation, the 2000  
chairperson of the house of representatives' standing committee 2001  
with primary responsibility for health legislation, four members 2002  
of the house of representatives appointed by the speaker of the 2003  
house of representatives, and four members of the senate appointed 2004  
by the president of the senate. Not more than two members 2005  
appointed by the speaker of the house of representatives and not 2006  
more than two members appointed by the president of the senate may 2007



be of the same political party. Except in 1995, appointments shall 2008  
be made not later than fifteen days after the commencement of the 2009  
first regular session of each general assembly. The chairpersons 2010  
of the standing committees with primary responsibility for health 2011  
legislation shall serve as co-chairpersons of the committee. 2012

Each member of the committee shall hold office during the 2013  
general assembly in which the member is appointed and until a 2014  
successor has been appointed, notwithstanding the adjournment sine 2015  
die of the general assembly in which the member was appointed or 2016  
the expiration of the member's term as a member of the general 2017  
assembly. Any vacancies occurring among the members of the 2018  
committee shall be filled in the manner of the original 2019  
appointment. 2020

The committee shall meet at least quarterly and at the call 2021  
of the co-chairpersons. The co-chairpersons shall determine the 2022  
time, place, and agenda for each meeting of the committee. 2023

The committee has the same powers as other standing or select 2024  
committees of the general assembly. The committee may request 2025  
assistance from the legislative service commission. 2026

**Sec. 101.391.** (A) There is hereby created the joint 2027  
legislative committee on medicaid technology and reform. The 2028  
committee may review or study any matter that it considers 2029  
relevant to the operation of the medicaid program ~~established~~ 2030  
~~under Chapter 5111. of the Revised Code,~~ with priority given to 2031  
the study or review of mechanisms to enhance the program's 2032  
effectiveness through improved technology systems and program 2033  
reform. 2034

(B) The committee shall consist of five members of the house 2035  
of representatives appointed by the speaker of the house of 2036  
representatives and five members of the senate appointed by the 2037  
president of the senate. Not more than three members appointed by 2038

the speaker of the house of representatives and not more than 2039  
three members appointed by the president of the senate may be of 2040  
the same political party. 2041

Each member of the committee shall hold office during the 2042  
general assembly in which the member is appointed and until a 2043  
successor has been appointed, notwithstanding the adjournment sine 2044  
die of the general assembly in which the member was appointed or 2045  
the expiration of the member's term as a member of the general 2046  
assembly. Any vacancies occurring among the members of the 2047  
committee shall be filled in the manner of the original 2048  
appointment. 2049

(C) The committee has the same powers as other standing or 2050  
select committees of the general assembly. The committee may 2051  
employ an executive director. 2052

Sec. 101.392. (A) As used in this section, "Affordable Care 2053  
Act" means the federal "Patient Protection and Affordable Care Act 2054  
of 2010," Pub. L. 111-148, 124 Stat. 119, as amended by the 2055  
federal "Health Care and Education Reconciliation Act of 2010," 2056  
Pub. L. 111-152, 124 Stat. 1029, and any amendments to those acts, 2057  
or any regulations or guidance issued under those acts. 2058

(B) There is hereby created the joint legislative committee 2059  
on the Affordable Care Act. The committee may review or study any 2060  
matter that it considers relevant to the operation and impact of 2061  
the Affordable Care Act in this state. 2062

(C) The committee shall consist of three members of the house 2063  
of representatives appointed by the speaker of the house of 2064  
representatives, and three members of the senate appointed by the 2065  
president of the senate. Two members appointed by the speaker of 2066  
the house of representatives shall be from the majority party and 2067  
one member shall be from the minority party, and two members 2068  
appointed by the president of the senate shall be from the 2069

majority party and one member shall be from the minority party. 2070

Each member of the committee shall hold office during the 2071  
general assembly in which the member is appointed and until a 2072  
successor has been appointed, notwithstanding the adjournment sine 2073  
die of the general assembly in which the member was appointed or 2074  
the expiration of the member's term as a member of the general 2075  
assembly. Any vacancies occurring among the members of the 2076  
committee shall be filled in the manner of the original 2077  
appointment. 2078

(D) The committee has the same powers as other standing or 2079  
select committees of the general assembly. The committee may 2080  
request assistance from the legislative service commission. 2081

**Sec. 103.144.** As used in sections 103.144 to 103.146 of the 2082  
Revised Code: 2083

(A) "Mandated benefit" means the following, when considered 2084  
in the context of a sickness and accident insurance policy or a 2085  
health insuring corporation policy, contract, or agreement: 2086

(1) Any required coverage for a specific medical or 2087  
health-related service, treatment, medication, or practice; 2088

(2) Any required coverage for the services of specific health 2089  
care providers; 2090

(3) Any requirement that an insurer or health insuring 2091  
corporation offer coverage to specific individuals or groups; 2092

(4) Any requirement that an insurer or health insuring 2093  
corporation offer specific medical or health-related services, 2094  
treatments, medications, or practices to existing insureds or 2095  
enrollees; 2096

(5) Any required expansion of, or addition to, existing 2097  
coverage; 2098

(6) Any mandated reimbursement amount to specific health care providers. 2099  
2100

(B) "Mandated benefit" does not include any required coverage 2101  
or offer of coverage, any required expansion of, or addition to, 2102  
existing coverage, or any mandated reimbursement amount to 2103  
specific providers, as described in division (A) of this section, 2104  
within the context of any public health benefits arrangement, 2105  
including but not limited to, the coverage of beneficiaries 2106  
enrolled in ~~Title XVIII of the "Social Security Act," 49 Stat. 620~~ 2107  
~~(1935), 42 U.S.C.A. 301, as amended, medicare~~ pursuant to a 2108  
medicare risk contract or medicare cost contract, or to the 2109  
coverage of beneficiaries enrolled in ~~Title XIX of the "Social~~ 2110  
~~Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ 2111  
~~known as the medical assistance program or medicaid, provided by~~ 2112  
~~the Ohio department of job and family services under Chapter 5111.~~ 2113  
~~of the Revised Code.~~ 2114

**Sec. 105.41.** (A) There is hereby created in the legislative 2115  
branch of government the capitol square review and advisory board, 2116  
consisting of twelve members as follows: 2117

(1) Two members of the senate, appointed by the president of 2118  
the senate, both of whom shall not be members of the same 2119  
political party; 2120

(2) Two members of the house of representatives, appointed by 2121  
the speaker of the house of representatives, both of whom shall 2122  
not be members of the same political party; 2123

(3) Four members appointed by the governor, with the advice 2124  
and consent of the senate, not more than three of whom shall be 2125  
members of the same political party, one of whom shall be the 2126  
chief of staff of the governor's office, one of whom shall 2127  
represent the Ohio arts council, one of whom shall represent the 2128  
Ohio historical society, and one of whom shall represent the 2129

public at large; 2130

(4) One member, who shall be a former president of the 2131  
senate, appointed by the current president of the senate. If the 2132  
current president of the senate, in the current president's 2133  
discretion, decides for any reason not to make the appointment or 2134  
if no person is eligible or available to serve, the seat shall 2135  
remain vacant. 2136

(5) One member, who shall be a former speaker of the house of 2137  
representatives, appointed by the current speaker of the house of 2138  
representatives. If the current speaker of the house of 2139  
representatives, in the current speaker's discretion, decides for 2140  
any reason not to make the appointment or if no person is eligible 2141  
or available to serve, the seat shall remain vacant. 2142

(6) The clerk of the senate and the clerk of the house of 2143  
representatives. 2144

(B) Terms of office of each appointed member of the board 2145  
shall be for three years, except that members of the general 2146  
assembly appointed to the board shall be members of the board only 2147  
so long as they are members of the general assembly and the chief 2148  
of staff of the governor's office shall be a member of the board 2149  
only so long as the appointing governor remains in office. Each 2150  
member shall hold office from the date of the member's appointment 2151  
until the end of the term for which the member was appointed. In 2152  
case of a vacancy occurring on the board, the president of the 2153  
senate, the speaker of the house of representatives, or the 2154  
governor, as the case may be, shall in the same manner prescribed 2155  
for the regular appointment to the commission, fill the vacancy by 2156  
appointing a member. Any member appointed to fill a vacancy 2157  
occurring prior to the expiration of the term for which the 2158  
member's predecessor was appointed shall hold office for the 2159  
remainder of the term. Any appointed member shall continue in 2160  
office subsequent to the expiration date of the member's term 2161

until the member's successor takes office, or until a period of 2162  
sixty days has elapsed, whichever occurs first. 2163

(C) The board shall hold meetings in a manner and at times 2164  
prescribed by the rules adopted by the board. A majority of the 2165  
board constitutes a quorum, and no action shall be taken by the 2166  
board unless approved by at least six members or by at least seven 2167  
members if a person is appointed under division (A)(4) or (5) of 2168  
this section. At its first meeting, the board shall adopt rules 2169  
for the conduct of its business and the election of its officers, 2170  
and shall organize by selecting a chairperson and other officers 2171  
as it considers necessary. Board members shall serve without 2172  
compensation but shall be reimbursed for actual and necessary 2173  
expenses incurred in the performance of their duties. 2174

(D) The board may do any of the following: 2175

(1) Employ or hire on a consulting basis professional, 2176  
technical, and clerical employees as are necessary for the 2177  
performance of its duties. All employees of the board are in the 2178  
unclassified service and serve at the pleasure of the board. For 2179  
purposes of section 4117.01 of the Revised Code, employees of the 2180  
board shall be considered employees of the general assembly, 2181  
except that employees who are covered by a collective bargaining 2182  
agreement on September 29, 2011, shall remain subject to the 2183  
agreement until the agreement expires on its terms, and the 2184  
agreement shall not be extended or renewed. Upon expiration of the 2185  
agreement, the employees are considered employees of the general 2186  
assembly for purposes of section 4117.01 of the Revised Code and 2187  
are in the unclassified service and serve at the pleasure of the 2188  
board. 2189

(2) Hold public hearings at times and places as determined by 2190  
the board; 2191

(3) Adopt, amend, or rescind rules necessary to accomplish 2192

the duties of the board as set forth in this section; 2193

(4) Sponsor, conduct, and support such social events as the 2194  
board may authorize and consider appropriate for the employees of 2195  
the board, employees and members of the general assembly, 2196  
employees of persons under contract with the board or otherwise 2197  
engaged to perform services on the premises of capitol square, or 2198  
other persons as the board may consider appropriate. Subject to 2199  
the requirements of Chapter 4303. of the Revised Code, the board 2200  
may provide beer, wine, and intoxicating liquor, with or without 2201  
charge, for those events and may use funds only from the sale of 2202  
goods and services fund to purchase the beer, wine, and 2203  
intoxicating liquor the board provides; 2204

(5) Purchase a warehouse in which to store items of the 2205  
capitol collection trust and, whenever necessary, equipment or 2206  
other property of the board. 2207

(E) The board shall do all of the following: 2208

(1) Have sole authority to coordinate and approve any 2209  
improvements, additions, and renovations that are made to the 2210  
capitol square. The improvements shall include, but not be limited 2211  
to, the placement of monuments and sculpture on the capitol 2212  
grounds. 2213

(2) Subject to section ~~3353.07~~ 3333.93 of the Revised Code, 2214  
operate the capitol square, and have sole authority to regulate 2215  
all uses of the capitol square. The uses shall include, but not be 2216  
limited to, the casual and recreational use of the capitol square. 2217

(3) Employ, fix the compensation of, and prescribe the duties 2218  
of the executive director of the board and other employees the 2219  
board considers necessary for the performance of its powers and 2220  
duties; 2221

(4) Establish and maintain the capitol collection trust. The 2222  
capitol collection trust shall consist of furniture, antiques, and 2223

other items of personal property that the board shall store in 2224  
suitable facilities until they are ready to be displayed in the 2225  
capitol square. 2226

(5) Perform repair, construction, contracting, purchasing, 2227  
maintenance, supervisory, and operating activities the board 2228  
determines are necessary for the operation and maintenance of the 2229  
capitol square; 2230

(6) Maintain and preserve the capitol square, in accordance 2231  
with guidelines issued by the United States secretary of the 2232  
interior for application of the secretary's standards for 2233  
rehabilitation adopted in 36 C.F.R. part 67; 2234

(7) Plan and develop a center at the capitol building for the 2235  
purpose of educating visitors about the history of Ohio, including 2236  
its political, economic, and social development and the design and 2237  
erection of the capitol building and its grounds. 2238

(F)(1) The board shall lease capital facilities improved or 2239  
financed by the Ohio building authority pursuant to Chapter 152. 2240  
of the Revised Code for the use of the board, and may enter into 2241  
any other agreements with the authority ancillary to improvement, 2242  
financing, or leasing of those capital facilities, including, but 2243  
not limited to, any agreement required by the applicable bond 2244  
proceedings authorized by Chapter 152. of the Revised Code. Any 2245  
lease of capital facilities authorized by this section shall be 2246  
governed by division (D) of section 152.24 of the Revised Code. 2247

(2) Fees, receipts, and revenues received by the board from 2248  
the state underground parking garage constitute available receipts 2249  
as defined in section 152.09 of the Revised Code, and may be 2250  
pledged to the payment of bond service charges on obligations 2251  
issued by the Ohio building authority pursuant to Chapter 152. of 2252  
the Revised Code to improve, finance, or purchase capital 2253  
facilities useful to the board. The authority may, with the 2254



consent of the board, provide in the bond proceedings for a pledge 2255  
of all or a portion of those fees, receipts, and revenues as the 2256  
authority determines. The authority may provide in the bond 2257  
proceedings or by separate agreement with the board for the 2258  
transfer of those fees, receipts, and revenues to the appropriate 2259  
bond service fund or bond service reserve fund as required to pay 2260  
the bond service charges when due, and any such provision for the 2261  
transfer of those fees, receipts, and revenues shall be 2262  
controlling notwithstanding any other provision of law pertaining 2263  
to those fees, receipts, and revenues. 2264

(3) All moneys received by the treasurer of state on account 2265  
of the board and required by the applicable bond proceedings or by 2266  
separate agreement with the board to be deposited, transferred, or 2267  
credited to the bond service fund or bond service reserve fund 2268  
established by the bond proceedings shall be transferred by the 2269  
treasurer of state to such fund, whether or not it is in the 2270  
custody of the treasurer of state, without necessity for further 2271  
appropriation, upon receipt of notice from the Ohio building 2272  
authority as prescribed in the bond proceedings. 2273

(G)(1) Except as otherwise provided in division (G)(2) of 2274  
this section, all fees, receipts, and revenues received by the 2275  
board from the state underground parking garage shall be deposited 2276  
into the state treasury to the credit of the underground parking 2277  
garage operating fund, which is hereby created, to be used for the 2278  
purposes specified in division (F) of this section and for the 2279  
operation and maintenance of the garage. All investment earnings 2280  
of the fund shall be credited to the fund. 2281

(2) There is hereby created the parking garage automated 2282  
equipment fund, which shall be in the custody of the treasurer of 2283  
state but shall not be part of the state treasury. Money in the 2284  
fund shall be used to purchase the automated teller machine 2285  
quality dollar bills needed for operation of the parking garage 2286

automated equipment. The fund shall consist of fees, receipts, or 2287  
revenues received by the board from the state underground parking 2288  
garage; provided, however, that the total amount deposited into 2289  
the fund at any one time shall not exceed ten thousand dollars. 2290  
All investment earnings of the fund shall be credited to the fund. 2291

(H) All donations received by the board shall be deposited 2292  
into the state treasury to the credit of the capitol square 2293  
renovation gift fund, which is hereby created. The fund shall be 2294  
used by the board as follows: 2295

(1) To provide part or all of the funding related to 2296  
construction, goods, or services for the renovation of the capitol 2297  
square; 2298

(2) To purchase art, antiques, and artifacts for display at 2299  
the capitol square; 2300

(3) To award contracts or make grants to organizations for 2301  
educating the public regarding the historical background and 2302  
governmental functions of the capitol square. Chapters 125., 127., 2303  
and 153. and section 3517.13 of the Revised Code do not apply to 2304  
purchases made exclusively from the fund, notwithstanding anything 2305  
to the contrary in those chapters or that section. All investment 2306  
earnings of the fund shall be credited to the fund. 2307

(I) Except as provided in divisions (G), (H), and (J) of this 2308  
section, all fees, receipts, and revenues received by the board 2309  
shall be deposited into the state treasury to the credit of the 2310  
sale of goods and services fund, which is hereby created. Money 2311  
credited to the fund shall be used solely to pay costs of the 2312  
board other than those specified in divisions (F) and (G) of this 2313  
section. All investment earnings of the fund shall be credited to 2314  
the fund. 2315

(J) There is hereby created in the state treasury the capitol 2316  
square improvement fund, to be used by the board to pay 2317

construction, renovation, and other costs related to the capitol 2318  
square for which money is not otherwise available to the board. 2319  
Whenever the board determines that there is a need to incur those 2320  
costs and that the unencumbered, unobligated balance to the credit 2321  
of the underground parking garage operating fund exceeds the 2322  
amount needed for the purposes specified in division (F) of this 2323  
section and for the operation and maintenance of the garage, the 2324  
board may request the director of budget and management to 2325  
transfer from the underground parking garage operating fund to the 2326  
capitol square improvement fund the amount needed to pay such 2327  
construction, renovation, or other costs. The director then shall 2328  
transfer the amount needed from the excess balance of the 2329  
underground parking garage operating fund. 2330

(K) As the operation and maintenance of the capitol square 2331  
constitute essential government functions of a public purpose, the 2332  
board shall not be required to pay taxes or assessments upon the 2333  
square, upon any property acquired or used by the board under this 2334  
section, or upon any income generated by the operation of the 2335  
square. 2336

(L) As used in this section, "capitol square" means the 2337  
capitol building, senate building, capitol atrium, capitol 2338  
grounds, the state underground parking garage, and the warehouse 2339  
owned by the board. 2340

(M) The capitol annex shall be known as the senate building. 2341

(N) Any person may possess a firearm in a motor vehicle in 2342  
the state underground parking garage at the state capitol 2343  
building, if the person's possession of the firearm in the motor 2344  
vehicle is not in violation of section 2923.16 of the Revised Code 2345  
or any other provision of the Revised Code. Any person may store 2346  
or leave a firearm in a locked motor vehicle that is parked in the 2347  
state underground parking garage at the state capitol building, if 2348  
the person's transportation and possession of the firearm in the 2349

motor vehicle while traveling to the garage was not in violation 2350  
of section 2923.16 of the Revised Code or any other provision of 2351  
the Revised Code. 2352

**Sec. 107.033.** As part of the state budget the governor 2353  
submits to the general assembly under section 107.03 of the 2354  
Revised Code, the governor shall include the state appropriation 2355  
limitations the general assembly shall not exceed when making 2356  
aggregate general revenue fund appropriations for each respective 2357  
fiscal year of the biennium covered by that budget. The aggregate 2358  
general revenue fund appropriations the governor proposes in the 2359  
state budget also shall not exceed those limitations for each 2360  
respective fiscal year of the biennium covered by that budget. 2361

(A) For fiscal year 2008, the state appropriation limitation 2362  
is the sum of the following: 2363

(1) The aggregate general revenue fund appropriations for 2364  
fiscal year 2007; plus 2365

(2) The aggregate general revenue fund appropriations for 2366  
fiscal year 2007 multiplied by either three and one-half per cent, 2367  
or the sum of the rate of inflation plus the rate of population 2368  
change, whichever is greater. 2369

(B) For each fiscal year thereafter that is not a recast 2370  
fiscal year, the state appropriation limitation is the sum of the 2371  
following: 2372

(1) The state appropriation limitation for the previous 2373  
fiscal year; plus 2374

(2) The state appropriation limitation for the previous 2375  
fiscal year multiplied by either three and one-half per cent, or 2376  
the sum of the rate of inflation plus the rate of population 2377  
change, whichever is greater. 2378

(C) For each recast fiscal year, the state appropriation 2379

limitation is the sum of the following:	2380
(1) The aggregate general revenue fund appropriations for the previous fiscal year; plus	2381 2382
(2) The aggregate general revenue fund appropriations for the previous fiscal year multiplied by either three and one-half per cent, or the sum of the rate of inflation plus the rate of population change, whichever is greater.	2383 2384 2385 2386
<u>(D) The state appropriation limitation for a fiscal year shall be increased by the amount of a nongeneral revenue fund appropriation made in the immediately preceding fiscal year, if all of the following apply to the nongeneral revenue fund appropriation:</u>	2387 2388 2389 2390 2391
<u>(1) It was made on or after July 1, 2013.</u>	2392
<u>(2) It is included in the aggregate general revenue fund appropriations proposed for that fiscal year.</u>	2393 2394
<u>(3) It is being made for the first time from the general revenue fund.</u>	2395 2396
<b>Sec. 107.12.</b> (A) As used in this section, "organization" means a faith-based or other organization that is exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, and provides charitable services to needy residents of this state.	2397 2398 2399 2400 2401
(B) There is hereby established within the office of the governor the governor's office of faith-based and community initiatives. The office shall:	2402 2403 2404
(1) Serve as a clearinghouse of information on federal, state, and local funding for charitable services performed by organizations;	2405 2406 2407
(2) Encourage organizations to seek public funding for their	2408

charitable services; 2409

(3) Assist local, state, and federal agencies in coordinating 2410  
their activities to secure maximum use of funds and efforts that 2411  
benefit people receiving charitable services from organizations; 2412

(4) Advise the governor, general assembly, and the advisory 2413  
board of the governor's office of faith-based and community 2414  
initiatives on the barriers that exist to collaboration between 2415  
organizations and governmental entities and on ways to remove the 2416  
barriers. 2417

(C) The governor shall appoint an executive director and such 2418  
other staff as may be necessary to manage the office and perform 2419  
or oversee the performance of the duties of the office. Within 2420  
sixty days after being appointed, and every twelve months 2421  
thereafter, the executive director shall distribute to the 2422  
advisory board and review with the board a strategic plan. The 2423  
executive director shall report to the board at least quarterly on 2424  
proposed initiatives and policies. A report shall include the 2425  
condition of the budget and the finances of the office. 2426

(D)(1) There is hereby created the advisory board of the 2427  
governor's office of faith-based and community initiatives. The 2428  
board shall consist of the following members: 2429

(a) The directors of aging, ~~alcohol and drug addiction~~ 2430  
~~services~~, rehabilitation and correction, health, job and family 2431  
services, developmental disabilities, ~~mental health~~ mental health 2432  
and addiction services, and youth services, or their designees; 2433

(b) The speaker of the house of representatives shall appoint 2434  
to the board two members of the house of representatives, not more 2435  
than one of whom shall be from the same political party and at 2436  
least one of whom shall be from the legislative black caucus. The 2437  
president of the senate shall appoint to the board two members of 2438  
the senate, not more than one of whom shall be from the same 2439

political party. 2440

(c) The governor, the speaker of the house of 2441  
representatives, and the president of the senate shall each 2442  
appoint to the board three representatives of the nonprofit, 2443  
faith-based and other nonprofit community. 2444

(2) Terms of the office shall be one year. Any vacancy that 2445  
occurs on the board shall be filled in the same manner as the 2446  
original appointment. 2447

(3) Members of the board are not entitled to compensation, 2448  
but the members appointed by the governor, the speaker of the 2449  
house of representatives, and the president of the senate who are 2450  
representatives of the nonprofit, faith-based and other nonprofit 2451  
community shall be reimbursed for their actual and necessary 2452  
expenses that are incurred in relation to board meetings. 2453

(4) The board shall be presided over by a chairperson and a 2454  
vice-chairperson, who shall be the members of the board who are 2455  
also members of the house of representatives or the senate. 2456  
Annually on the first day of January, the chairpersonship and 2457  
vice-chairpersonship shall alternate between the members of the 2458  
house of representatives and the senate. 2459

(E) The board shall have the following duties: 2460

(1) Provide direction, guidance, and oversight to the office; 2461

(2) Assist in the dissemination of information about, and in 2462  
the stimulation of public awareness of, the service programs 2463  
supported by the office; 2464

(3) Review the budget and finances of the office, proposed 2465  
initiatives and policies, and the executive director's annual 2466  
strategic plan at board meetings; 2467

(4) Provide feedback for and proposed modifications of the 2468  
executive director's strategic plan. Within forty-five days after 2469

submitting a strategic plan, the executive director shall contact 2470  
each advisory board member to obtain feedback. With the approval 2471  
of the advisory board chairperson, the executive director shall 2472  
lead a strategic plan discussion at the first board meeting 2473  
following the distribution of the strategic plan. 2474

(5) Publish a report of its activities and accomplishments on 2475  
or before the first day of August of each year, and deliver copies 2476  
of the report to the governor, the speaker and minority leader of 2477  
the house of representatives, and the president and minority 2478  
leader of the senate. 2479

(F) No member of the board or organization that the member is 2480  
affiliated or involved with is eligible to receive any grant that 2481  
the office administers or assists in administering. 2482

**Sec. 109.06.** Before entering upon the discharge of the duties 2483  
of ~~his~~ office, the attorney general shall give a bond to the state 2484  
in the sum of five thousand dollars, with ~~two or more sureties~~ 2485  
~~approved by the governor~~ a surety authorized to do business in the 2486  
state, conditioned for the faithful discharge of the duties of ~~his~~ 2487  
the office of attorney general. Such bond, ~~with the approval of~~ 2488  
~~the governor~~ and the oath of office ~~indorsed thereon~~, shall be 2489  
deposited with and kept by the secretary of state ~~and kept~~ in ~~his~~ 2490  
the secretary of state's office. 2491

The first assistant attorney general shall give a bond to the 2492  
state in the sum of five thousand dollars, and such other 2493  
employees as are designated by the attorney general shall give a 2494  
bond to the state in such amounts as the attorney general 2495  
determines. Such bonds shall be approved by the attorney general, 2496  
conditioned for the faithful discharge of the duties of their 2497  
offices, and shall be deposited with and kept by the secretary of 2498  
state ~~and kept~~ in ~~his~~ the secretary of state's office. 2499



Sec. 109.36. As used in this section and sections 109.361 to 2500  
109.366 of the Revised Code: 2501

(A)(1) "Officer or employee" means any of the following: 2502

(a) A person who, at the time a cause of action against the 2503  
person arises, is serving in an elected or appointed office or 2504  
position with the state or is employed by the state. 2505

(b) A person that, at the time a cause of action against the 2506  
person, partnership, or corporation arises, is rendering medical, 2507  
nursing, dental, podiatric, optometric, physical therapeutic, 2508  
psychiatric, or psychological services pursuant to a personal 2509  
services contract or purchased service contract with a department, 2510  
agency, or institution of the state. 2511

(c) A person that, at the time a cause of action against the 2512  
person, partnership, or corporation arises, is rendering peer 2513  
review, utilization review, or drug utilization review services in 2514  
relation to medical, nursing, dental, podiatric, optometric, 2515  
physical therapeutic, psychiatric, or psychological services 2516  
pursuant to a personal services contract or purchased service 2517  
contract with a department, agency, or institution of the state. 2518

(d) A person who, at the time a cause of action against the 2519  
person arises, is rendering medical, nursing, dental, podiatric, 2520  
optometric, physical therapeutic, psychiatric, or psychological 2521  
services to patients in a state institution operated by the 2522  
department of ~~mental health~~ mental health and addiction services 2523  
pursuant to an agreement with the department. 2524

(2) "Officer or employee" does not include any person 2525  
elected, appointed, or employed by any political subdivision of 2526  
the state. 2527

(B) "State" means the state of Ohio, including but not 2528  
limited to, the general assembly, the supreme court, courts of 2529

appeals, the offices of all elected state officers, and all 2530  
departments, boards, offices, commissions, agencies, institutions, 2531  
and other instrumentalities of the state of Ohio. "State" does not 2532  
include political subdivisions. 2533

(C) "Political subdivisions" of the state means municipal 2534  
corporations, townships, counties, school districts, and all other 2535  
bodies corporate and politic responsible for governmental 2536  
activities only in geographical areas smaller than that of the 2537  
state. 2538

(D) "Employer" means the general assembly, the supreme court, 2539  
courts of appeals, any office of an elected state officer, or any 2540  
department, board, office, commission, agency, institution, or 2541  
other instrumentality of the state of Ohio that employs or 2542  
contracts with an officer or employee or to which an officer or 2543  
employee is elected or appointed. 2544

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 2545  
criminal identification and investigation shall procure from 2546  
wherever procurable and file for record photographs, pictures, 2547  
descriptions, fingerprints, measurements, and other information 2548  
that may be pertinent of all persons who have been convicted of 2549  
committing within this state a felony, any crime constituting a 2550  
misdemeanor on the first offense and a felony on subsequent 2551  
offenses, or any misdemeanor described in division (A)(1)(a), 2552  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 2553  
all children under eighteen years of age who have been adjudicated 2554  
delinquent children for committing within this state an act that 2555  
would be a felony or an offense of violence if committed by an 2556  
adult or who have been convicted of or pleaded guilty to 2557  
committing within this state a felony or an offense of violence, 2558  
and of all well-known and habitual criminals. The person in charge 2559  
of any county, multicounty, municipal, municipal-county, or 2560

multicounty-municipal jail or workhouse, community-based 2561  
correctional facility, halfway house, alternative residential 2562  
facility, or state correctional institution and the person in 2563  
charge of any state institution having custody of a person 2564  
suspected of having committed a felony, any crime constituting a 2565  
misdemeanor on the first offense and a felony on subsequent 2566  
offenses, or any misdemeanor described in division (A)(1)(a), 2567  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 2568  
having custody of a child under eighteen years of age with respect 2569  
to whom there is probable cause to believe that the child may have 2570  
committed an act that would be a felony or an offense of violence 2571  
if committed by an adult shall furnish such material to the 2572  
superintendent of the bureau. Fingerprints, photographs, or other 2573  
descriptive information of a child who is under eighteen years of 2574  
age, has not been arrested or otherwise taken into custody for 2575  
committing an act that would be a felony or an offense of violence 2576  
who is not in any other category of child specified in this 2577  
division, if committed by an adult, has not been adjudicated a 2578  
delinquent child for committing an act that would be a felony or 2579  
an offense of violence if committed by an adult, has not been 2580  
convicted of or pleaded guilty to committing a felony or an 2581  
offense of violence, and is not a child with respect to whom there 2582  
is probable cause to believe that the child may have committed an 2583  
act that would be a felony or an offense of violence if committed 2584  
by an adult shall not be procured by the superintendent or 2585  
furnished by any person in charge of any county, multicounty, 2586  
municipal, municipal-county, or multicounty-municipal jail or 2587  
workhouse, community-based correctional facility, halfway house, 2588  
alternative residential facility, or state correctional 2589  
institution, except as authorized in section 2151.313 of the 2590  
Revised Code. 2591

(2) Every clerk of a court of record in this state, other 2592  
than the supreme court or a court of appeals, shall send to the 2593

superintendent of the bureau a weekly report containing a summary 2594  
of each case involving a felony, involving any crime constituting 2595  
a misdemeanor on the first offense and a felony on subsequent 2596  
offenses, involving a misdemeanor described in division (A)(1)(a), 2597  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 2598  
involving an adjudication in a case in which a child under 2599  
eighteen years of age was alleged to be a delinquent child for 2600  
committing an act that would be a felony or an offense of violence 2601  
if committed by an adult. The clerk of the court of common pleas 2602  
shall include in the report and summary the clerk sends under this 2603  
division all information described in divisions (A)(2)(a) to (f) 2604  
of this section regarding a case before the court of appeals that 2605  
is served by that clerk. The summary shall be written on the 2606  
standard forms furnished by the superintendent pursuant to 2607  
division (B) of this section and shall include the following 2608  
information: 2609

(a) The incident tracking number contained on the standard 2610  
forms furnished by the superintendent pursuant to division (B) of 2611  
this section; 2612

(b) The style and number of the case; 2613

(c) The date of arrest, offense, summons, or arraignment; 2614

(d) The date that the person was convicted of or pleaded 2615  
guilty to the offense, adjudicated a delinquent child for 2616  
committing the act that would be a felony or an offense of 2617  
violence if committed by an adult, found not guilty of the 2618  
offense, or found not to be a delinquent child for committing an 2619  
act that would be a felony or an offense of violence if committed 2620  
by an adult, the date of an entry dismissing the charge, an entry 2621  
declaring a mistrial of the offense in which the person is 2622  
discharged, an entry finding that the person or child is not 2623  
competent to stand trial, or an entry of a nolle prosequi, or the 2624  
date of any other determination that constitutes final resolution 2625

of the case; 2626

(e) A statement of the original charge with the section of 2627  
the Revised Code that was alleged to be violated; 2628

(f) If the person or child was convicted, pleaded guilty, or 2629  
was adjudicated a delinquent child, the sentence or terms of 2630  
probation imposed or any other disposition of the offender or the 2631  
delinquent child. 2632

If the offense involved the disarming of a law enforcement 2633  
officer or an attempt to disarm a law enforcement officer, the 2634  
clerk shall clearly state that fact in the summary, and the 2635  
superintendent shall ensure that a clear statement of that fact is 2636  
placed in the bureau's records. 2637

(3) The superintendent shall cooperate with and assist 2638  
sheriffs, chiefs of police, and other law enforcement officers in 2639  
the establishment of a complete system of criminal identification 2640  
and in obtaining fingerprints and other means of identification of 2641  
all persons arrested on a charge of a felony, any crime 2642  
constituting a misdemeanor on the first offense and a felony on 2643  
subsequent offenses, or a misdemeanor described in division 2644  
(A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the 2645  
Revised Code and of all children under eighteen years of age 2646  
arrested or otherwise taken into custody for committing an act 2647  
that would be a felony or an offense of violence if committed by 2648  
an adult. The superintendent also shall file for record the 2649  
fingerprint impressions of all persons confined in a county, 2650  
multicounty, municipal, municipal-county, or multicounty-municipal 2651  
jail or workhouse, community-based correctional facility, halfway 2652  
house, alternative residential facility, or state correctional 2653  
institution for the violation of state laws and of all children 2654  
under eighteen years of age who are confined in a county, 2655  
multicounty, municipal, municipal-county, or multicounty-municipal 2656  
jail or workhouse, community-based correctional facility, halfway 2657

house, alternative residential facility, or state correctional 2658  
institution or in any facility for delinquent children for 2659  
committing an act that would be a felony or an offense of violence 2660  
if committed by an adult, and any other information that the 2661  
superintendent may receive from law enforcement officials of the 2662  
state and its political subdivisions. 2663

(4) The superintendent shall carry out Chapter 2950. of the 2664  
Revised Code with respect to the registration of persons who are 2665  
convicted of or plead guilty to a sexually oriented offense or a 2666  
child-victim oriented offense and with respect to all other duties 2667  
imposed on the bureau under that chapter. 2668

(5) The bureau shall perform centralized recordkeeping 2669  
functions for criminal history records and services in this state 2670  
for purposes of the national crime prevention and privacy compact 2671  
set forth in section 109.571 of the Revised Code and is the 2672  
criminal history record repository as defined in that section for 2673  
purposes of that compact. The superintendent or the 2674  
superintendent's designee is the compact officer for purposes of 2675  
that compact and shall carry out the responsibilities of the 2676  
compact officer specified in that compact. 2677

(B) The superintendent shall prepare and furnish to every 2678  
county, multicounty, municipal, municipal-county, or 2679  
multicounty-municipal jail or workhouse, community-based 2680  
correctional facility, halfway house, alternative residential 2681  
facility, or state correctional institution and to every clerk of 2682  
a court in this state specified in division (A)(2) of this section 2683  
standard forms for reporting the information required under 2684  
division (A) of this section. The standard forms that the 2685  
superintendent prepares pursuant to this division may be in a 2686  
tangible format, in an electronic format, or in both tangible 2687  
formats and electronic formats. 2688

(C)(1) The superintendent may operate a center for 2689

electronic, automated, or other data processing for the storage 2690  
and retrieval of information, data, and statistics pertaining to 2691  
criminals and to children under eighteen years of age who are 2692  
adjudicated delinquent children for committing an act that would 2693  
be a felony or an offense of violence if committed by an adult, 2694  
criminal activity, crime prevention, law enforcement, and criminal 2695  
justice, and may establish and operate a statewide communications 2696  
network to be known as the Ohio law enforcement gateway to gather 2697  
and disseminate information, data, and statistics for the use of 2698  
law enforcement agencies and for other uses specified in this 2699  
division. The superintendent may gather, store, retrieve, and 2700  
disseminate information, data, and statistics that pertain to 2701  
children who are under eighteen years of age and that are gathered 2702  
pursuant to sections 109.57 to 109.61 of the Revised Code together 2703  
with information, data, and statistics that pertain to adults and 2704  
that are gathered pursuant to those sections. 2705

(2) The superintendent or the superintendent's designee shall 2706  
gather information of the nature described in division (C)(1) of 2707  
this section that pertains to the offense and delinquency history 2708  
of a person who has been convicted of, pleaded guilty to, or been 2709  
adjudicated a delinquent child for committing a sexually oriented 2710  
offense or a child-victim oriented offense for inclusion in the 2711  
state registry of sex offenders and child-victim offenders 2712  
maintained pursuant to division (A)(1) of section 2950.13 of the 2713  
Revised Code and in the internet database operated pursuant to 2714  
division (A)(13) of that section and for possible inclusion in the 2715  
internet database operated pursuant to division (A)(11) of that 2716  
section. 2717

(3) In addition to any other authorized use of information, 2718  
data, and statistics of the nature described in division (C)(1) of 2719  
this section, the superintendent or the superintendent's designee 2720  
may provide and exchange the information, data, and statistics 2721

pursuant to the national crime prevention and privacy compact as 2722  
described in division (A)(5) of this section. 2723

(4) The attorney general may adopt rules under Chapter 119. 2724  
of the Revised Code establishing guidelines for the operation of 2725  
and participation in the Ohio law enforcement gateway. The rules 2726  
may include criteria for granting and restricting access to 2727  
information gathered and disseminated through the Ohio law 2728  
enforcement gateway. The attorney general shall permit the state 2729  
medical board and board of nursing to access and view, but not 2730  
alter, information gathered and disseminated through the Ohio law 2731  
enforcement gateway. 2732

The attorney general may appoint a steering committee to 2733  
advise the attorney general in the operation of the Ohio law 2734  
enforcement gateway that is comprised of persons who are 2735  
representatives of the criminal justice agencies in this state 2736  
that use the Ohio law enforcement gateway and is chaired by the 2737  
superintendent or the superintendent's designee. 2738

(D)(1) The following are not public records under section 2739  
149.43 of the Revised Code: 2740

(a) Information and materials furnished to the superintendent 2741  
pursuant to division (A) of this section; 2742

(b) Information, data, and statistics gathered or 2743  
disseminated through the Ohio law enforcement gateway pursuant to 2744  
division (C)(1) of this section; 2745

(c) Information and materials furnished to any board or 2746  
person under division (F) or (G) of this section. 2747

(2) The superintendent or the superintendent's designee shall 2748  
gather and retain information so furnished under division (A) of 2749  
this section that pertains to the offense and delinquency history 2750  
of a person who has been convicted of, pleaded guilty to, or been 2751  
adjudicated a delinquent child for committing a sexually oriented 2752



offense or a child-victim oriented offense for the purposes 2753  
described in division (C)(2) of this section. 2754

(E)(1) The attorney general shall adopt rules, in accordance 2755  
with Chapter 119. of the Revised Code and subject to division 2756  
(E)(2) of this section, setting forth the procedure by which a 2757  
person may receive or release information gathered by the 2758  
superintendent pursuant to division (A) of this section. A 2759  
reasonable fee may be charged for this service. If a temporary 2760  
employment service submits a request for a determination of 2761  
whether a person the service plans to refer to an employment 2762  
position has been convicted of or pleaded guilty to an offense 2763  
listed or described in division (A)(1), (2), or (3) of section 2764  
109.572 of the Revised Code, the request shall be treated as a 2765  
single request and only one fee shall be charged. 2766

(2) Except as otherwise provided in this division, a rule 2767  
adopted under division (E)(1) of this section may provide only for 2768  
the release of information gathered pursuant to division (A) of 2769  
this section that relates to the conviction of a person, or a 2770  
person's plea of guilty to, a criminal offense. The superintendent 2771  
shall not release, and the attorney general shall not adopt any 2772  
rule under division (E)(1) of this section that permits the 2773  
release of, any information gathered pursuant to division (A) of 2774  
this section that relates to an adjudication of a child as a 2775  
delinquent child, or that relates to a criminal conviction of a 2776  
person under eighteen years of age if the person's case was 2777  
transferred back to a juvenile court under division (B)(2) or (3) 2778  
of section 2152.121 of the Revised Code and the juvenile court 2779  
imposed a disposition or serious youthful offender disposition 2780  
upon the person under either division, unless either of the 2781  
following applies with respect to the adjudication or conviction: 2782

(a) The adjudication or conviction was for a violation of 2783  
section 2903.01 or 2903.02 of the Revised Code. 2784

(b) The adjudication or conviction was for a sexually 2785  
oriented offense, the juvenile court was required to classify the 2786  
child a juvenile offender registrant for that offense under 2787  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, and that 2788  
classification has not been removed. 2789

(F)(1) As used in division (F)(2) of this section, "head 2790  
start agency" means an entity in this state that has been approved 2791  
to be an agency for purposes of subchapter II of the "Community 2792  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 2793  
as amended. 2794

(2)(a) In addition to or in conjunction with any request that 2795  
is required to be made under section 109.572, 2151.86, 3301.32, 2796  
3301.541, division (C) of section 3310.58, or section 3319.39, 2797  
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, or 2798  
5153.111 of the Revised Code or that is made under section 2799  
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 2800  
board of education of any school district; the director of 2801  
developmental disabilities; any county board of developmental 2802  
disabilities; any provider or subcontractor as defined in section 2803  
5123.081 of the Revised Code; the chief administrator of any 2804  
chartered nonpublic school; the chief administrator of a 2805  
registered private provider that is not also a chartered nonpublic 2806  
school; the chief administrator of any home health agency; the 2807  
chief administrator of or person operating any child day-care 2808  
center, type A family day-care home, or type B family day-care 2809  
home licensed or certified under Chapter 5104. of the Revised 2810  
Code; the administrator of any type C family day-care home 2811  
certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 2812  
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 2813  
general assembly; the chief administrator of any head start 2814  
agency; the executive director of a public children services 2815  
agency; a private company described in section 3314.41, 3319.392, 2816

3326.25, or 3328.20 of the Revised Code; or an employer described 2817  
in division (J)(2) of section 3327.10 of the Revised Code may 2818  
request that the superintendent of the bureau investigate and 2819  
determine, with respect to any individual who has applied for 2820  
employment in any position after October 2, 1989, or any 2821  
individual wishing to apply for employment with a board of 2822  
education may request, with regard to the individual, whether the 2823  
bureau has any information gathered under division (A) of this 2824  
section that pertains to that individual. On receipt of the 2825  
request, subject to division (E)(2) of this section, the 2826  
superintendent shall determine whether that information exists 2827  
and, upon request of the person, board, or entity requesting 2828  
information, also shall request from the federal bureau of 2829  
investigation any criminal records it has pertaining to that 2830  
individual. The superintendent or the superintendent's designee 2831  
also may request criminal history records from other states or the 2832  
federal government pursuant to the national crime prevention and 2833  
privacy compact set forth in section 109.571 of the Revised Code. 2834  
Within thirty days of the date that the superintendent receives a 2835  
request, subject to division (E)(2) of this section, the 2836  
superintendent shall send to the board, entity, or person a report 2837  
of any information that the superintendent determines exists, 2838  
including information contained in records that have been sealed 2839  
under section 2953.32 of the Revised Code, and, within thirty days 2840  
of its receipt, subject to division (E)(2) of this section, shall 2841  
send the board, entity, or person a report of any information 2842  
received from the federal bureau of investigation, other than 2843  
information the dissemination of which is prohibited by federal 2844  
law. 2845

(b) When a board of education or a registered private 2846  
provider is required to receive information under this section as 2847  
a prerequisite to employment of an individual pursuant to division 2848  
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 2849

may accept a certified copy of records that were issued by the 2850  
bureau of criminal identification and investigation and that are 2851  
presented by an individual applying for employment with the 2852  
district in lieu of requesting that information itself. In such a 2853  
case, the board shall accept the certified copy issued by the 2854  
bureau in order to make a photocopy of it for that individual's 2855  
employment application documents and shall return the certified 2856  
copy to the individual. In a case of that nature, a district or 2857  
provider only shall accept a certified copy of records of that 2858  
nature within one year after the date of their issuance by the 2859  
bureau. 2860

(c) Notwithstanding division (F)(2)(a) of this section, in 2861  
the case of a request under section 3319.39, 3319.391, or 3327.10 2862  
of the Revised Code only for criminal records maintained by the 2863  
federal bureau of investigation, the superintendent shall not 2864  
determine whether any information gathered under division (A) of 2865  
this section exists on the person for whom the request is made. 2866

(3) The state board of education may request, with respect to 2867  
any individual who has applied for employment after October 2, 2868  
1989, in any position with the state board or the department of 2869  
education, any information that a school district board of 2870  
education is authorized to request under division (F)(2) of this 2871  
section, and the superintendent of the bureau shall proceed as if 2872  
the request has been received from a school district board of 2873  
education under division (F)(2) of this section. 2874

(4) When the superintendent of the bureau receives a request 2875  
for information under section 3319.291 of the Revised Code, the 2876  
superintendent shall proceed as if the request has been received 2877  
from a school district board of education and shall comply with 2878  
divisions (F)(2)(a) and (c) of this section. 2879

(5) When a recipient of a classroom reading improvement grant 2880  
paid under section 3301.86 of the Revised Code requests, with 2881

respect to any individual who applies to participate in providing 2882  
any program or service funded in whole or in part by the grant, 2883  
the information that a school district board of education is 2884  
authorized to request under division (F)(2)(a) of this section, 2885  
the superintendent of the bureau shall proceed as if the request 2886  
has been received from a school district board of education under 2887  
division (F)(2)(a) of this section. 2888

(G) In addition to or in conjunction with any request that is 2889  
required to be made under section 3701.881, 3712.09, or 3721.121 2890  
of the Revised Code with respect to an individual who has applied 2891  
for employment in a position that involves providing direct care 2892  
to an older adult or adult resident, the chief administrator of a 2893  
home health agency, hospice care program, home licensed under 2894  
Chapter 3721. of the Revised Code, or adult day-care program 2895  
operated pursuant to rules adopted under section 3721.04 of the 2896  
Revised Code may request that the superintendent of the bureau 2897  
investigate and determine, with respect to any individual who has 2898  
applied after January 27, 1997, for employment in a position that 2899  
does not involve providing direct care to an older adult or adult 2900  
resident, whether the bureau has any information gathered under 2901  
division (A) of this section that pertains to that individual. 2902

In addition to or in conjunction with any request that is 2903  
required to be made under section 173.27 of the Revised Code with 2904  
respect to an individual who has applied for employment in a 2905  
position that involves providing ombudsperson services to 2906  
residents of long-term care facilities or recipients of 2907  
community-based long-term care services, the state long-term care 2908  
ombudsperson, ~~ombudsperson's designee, or the~~ director of health 2909  
aging, a regional long-term care ombudsperson, or the designee of 2910  
the ombudsperson, director, or program may request that the 2911  
superintendent investigate and determine, with respect to any 2912  
individual who has applied for employment in a position that does 2913

not involve providing such ombudsperson services, whether the 2914  
bureau has any information gathered under division (A) of this 2915  
section that pertains to that applicant. 2916

In addition to or in conjunction with any request that is 2917  
required to be made under section ~~173.394~~ 173.38 of the Revised 2918  
Code with respect to an individual who has applied for employment 2919  
in a direct-care position ~~that involves providing direct care to~~ 2920  
~~an individual~~, the chief administrator of a ~~community based~~ 2921  
~~long term care agency provider~~, as defined in section 173.39 of 2922  
the Revised Code, may request that the superintendent investigate 2923  
and determine, with respect to any individual who has applied for 2924  
employment in a position that ~~does is not involve providing direct~~ 2925  
~~care~~ a direct-care position, whether the bureau has any 2926  
information gathered under division (A) of this section that 2927  
pertains to that applicant. 2928

In addition to or in conjunction with any request that is 2929  
required to be made under section 3712.09 of the Revised Code with 2930  
respect to an individual who has applied for employment in a 2931  
position that involves providing direct care to a pediatric 2932  
respite care patient, the chief administrator of a pediatric 2933  
respite care program may request that the superintendent of the 2934  
bureau investigate and determine, with respect to any individual 2935  
who has applied for employment in a position that does not involve 2936  
providing direct care to a pediatric respite care patient, whether 2937  
the bureau has any information gathered under division (A) of this 2938  
section that pertains to that individual. 2939

On receipt of a request under this division, the 2940  
superintendent shall determine whether that information exists 2941  
and, on request of the individual requesting information, shall 2942  
also request from the federal bureau of investigation any criminal 2943  
records it has pertaining to the applicant. The superintendent or 2944  
the superintendent's designee also may request criminal history 2945

records from other states or the federal government pursuant to 2946  
the national crime prevention and privacy compact set forth in 2947  
section 109.571 of the Revised Code. Within thirty days of the 2948  
date a request is received, subject to division (E)(2) of this 2949  
section, the superintendent shall send to the requester a report 2950  
of any information determined to exist, including information 2951  
contained in records that have been sealed under section 2953.32 2952  
of the Revised Code, and, within thirty days of its receipt, shall 2953  
send the requester a report of any information received from the 2954  
federal bureau of investigation, other than information the 2955  
dissemination of which is prohibited by federal law. 2956

(H) Information obtained by a government entity or person 2957  
under this section is confidential and shall not be released or 2958  
disseminated. 2959

(I) The superintendent may charge a reasonable fee for 2960  
providing information or criminal records under division (F)(2) or 2961  
(G) of this section. 2962

(J) As used in this section: 2963

(1) "Pediatric respite care program" and "pediatric respite 2964  
care patient" have the same meanings as in section 3712.01 of the 2965  
Revised Code. 2966

(2) "Sexually oriented offense" and "child-victim oriented 2967  
offense" have the same meanings as in section 2950.01 of the 2968  
Revised Code. 2969

(3) "Registered private provider" means a nonpublic school or 2970  
entity registered with the superintendent of public instruction 2971  
under section 3310.41 of the Revised Code to participate in the 2972  
autism scholarship program or section 3310.58 of the Revised Code 2973  
to participate in the Jon Peterson special needs scholarship 2974  
program. 2975

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 2976  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 2977  
a completed form prescribed pursuant to division (C)(1) of this 2978  
section, and a set of fingerprint impressions obtained in the 2979  
manner described in division (C)(2) of this section, the 2980  
superintendent of the bureau of criminal identification and 2981  
investigation shall conduct a criminal records check in the manner 2982  
described in division (B) of this section to determine whether any 2983  
information exists that indicates that the person who is the 2984  
subject of the request previously has been convicted of or pleaded 2985  
guilty to any of the following: 2986

(a) A violation of section 2903.01, 2903.02, 2903.03, 2987  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2988  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2989  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2990  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2991  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2992  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2993  
2925.06, or 3716.11 of the Revised Code, felonious sexual 2994  
penetration in violation of former section 2907.12 of the Revised 2995  
Code, a violation of section 2905.04 of the Revised Code as it 2996  
existed prior to July 1, 1996, a violation of section 2919.23 of 2997  
the Revised Code that would have been a violation of section 2998  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2999  
had the violation been committed prior to that date, or a 3000  
violation of section 2925.11 of the Revised Code that is not a 3001  
minor drug possession offense; 3002

(b) A violation of an existing or former law of this state, 3003  
any other state, or the United States that is substantially 3004  
equivalent to any of the offenses listed in division (A)(1)(a) of 3005  
this section; 3006



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

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

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

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

(3) On receipt of a request pursuant to section 173.27, ~~173.394~~ 173.38, 3701.881, ~~5111.032~~ 5164.34, ~~5111.033~~ 5164.341, ~~5111.034~~ 5164.342, 5123.081, or 5123.169 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this

section, and a set of fingerprint impressions obtained in the 3039  
manner described in division (C)(2) of this section, the 3040  
superintendent of the bureau of criminal identification and 3041  
investigation shall conduct a criminal records check of the person 3042  
for whom the request is made. The superintendent shall conduct the 3043  
criminal records check in the manner described in division (B) of 3044  
this section to determine whether any information exists that 3045  
indicates that the person who is the subject of the request 3046  
previously has been convicted of, has pleaded guilty to, or 3047  
(except in the case of a request pursuant to section 5164.34, 3048  
5164.341, or 5164.342 of the Revised Code) has been found eligible 3049  
for intervention in lieu of conviction for any of the following, 3050  
regardless of the date of the conviction, the date of entry of the 3051  
guilty plea, or (except in the case of a request pursuant to 3052  
section 5164.34, 5164.341, or 5164.342 of the Revised Code) the 3053  
date the person was found eligible for intervention in lieu of 3054  
conviction: 3055

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 3056  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 3057  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 3058  
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 3059  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 3060  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 3061  
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 3062  
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 3063  
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 3064  
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 3065  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 3066  
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 3067  
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 3068  
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 3069  
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 3070  
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 3071

2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 3072  
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 3073  
2927.12, or 3716.11 of the Revised Code; 3074

(b) Felonious sexual penetration in violation of former 3075  
section 2907.12 of the Revised Code; 3076

(c) A violation of section 2905.04 of the Revised Code as it 3077  
existed prior to July 1, 1996; 3078

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 3079  
the Revised Code when the underlying offense that is the object of 3080  
the conspiracy, attempt, or complicity is one of the offenses 3081  
listed in divisions (A)(3)(a) to (c) of this section; 3082

(e) A violation of an existing or former municipal ordinance 3083  
or law of this state, any other state, or the United States that 3084  
is substantially equivalent to any of the offenses listed in 3085  
divisions (A)(3)(a) to (d) of this section. 3086

(4) On receipt of a request pursuant to section 2151.86 of 3087  
the Revised Code, a completed form prescribed pursuant to division 3088  
(C)(1) of this section, and a set of fingerprint impressions 3089  
obtained in the manner described in division (C)(2) of this 3090  
section, the superintendent of the bureau of criminal 3091  
identification and investigation shall conduct a criminal records 3092  
check in the manner described in division (B) of this section to 3093  
determine whether any information exists that indicates that the 3094  
person who is the subject of the request previously has been 3095  
convicted of or pleaded guilty to any of the following: 3096

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 3097  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 3098  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 3099  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 3100  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 3101  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 3102

2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 3103  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 3104  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 3105  
of the Revised Code, a violation of section 2905.04 of the Revised 3106  
Code as it existed prior to July 1, 1996, a violation of section 3107  
2919.23 of the Revised Code that would have been a violation of 3108  
section 2905.04 of the Revised Code as it existed prior to July 1, 3109  
1996, had the violation been committed prior to that date, a 3110  
violation of section 2925.11 of the Revised Code that is not a 3111  
minor drug possession offense, two or more OVI or OVUAC violations 3112  
committed within the three years immediately preceding the 3113  
submission of the application or petition that is the basis of the 3114  
request, or felonious sexual penetration in violation of former 3115  
section 2907.12 of the Revised Code; 3116

(b) A violation of an existing or former law of this state, 3117  
any other state, or the United States that is substantially 3118  
equivalent to any of the offenses listed in division (A)(4)(a) of 3119  
this section. 3120

(5) Upon receipt of a request pursuant to section 5104.012 or 3121  
5104.013 of the Revised Code, a completed form prescribed pursuant 3122  
to division (C)(1) of this section, and a set of fingerprint 3123  
impressions obtained in the manner described in division (C)(2) of 3124  
this section, the superintendent of the bureau of criminal 3125  
identification and investigation shall conduct a criminal records 3126  
check in the manner described in division (B) of this section to 3127  
determine whether any information exists that indicates that the 3128  
person who is the subject of the request has been convicted of or 3129  
pleaded guilty to any of the following: 3130

(a) A violation of section 2903.01, 2903.02, 2903.03, 3131  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 3132  
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 3133  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 3134

2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 3135  
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 3136  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 3137  
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 3138  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 3139  
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 3140  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3141  
3716.11 of the Revised Code, felonious sexual penetration in 3142  
violation of former section 2907.12 of the Revised Code, a 3143  
violation of section 2905.04 of the Revised Code as it existed 3144  
prior to July 1, 1996, a violation of section 2919.23 of the 3145  
Revised Code that would have been a violation of section 2905.04 3146  
of the Revised Code as it existed prior to July 1, 1996, had the 3147  
violation been committed prior to that date, a violation of 3148  
section 2925.11 of the Revised Code that is not a minor drug 3149  
possession offense, a violation of section 2923.02 or 2923.03 of 3150  
the Revised Code that relates to a crime specified in this 3151  
division, or a second violation of section 4511.19 of the Revised 3152  
Code within five years of the date of application for licensure or 3153  
certification. 3154

(b) A violation of an existing or former law of this state, 3155  
any other state, or the United States that is substantially 3156  
equivalent to any of the offenses or violations described in 3157  
division (A)(5)(a) of this section. 3158

(6) Upon receipt of a request pursuant to section 5153.111 of 3159  
the Revised Code, a completed form prescribed pursuant to division 3160  
(C)(1) of this section, and a set of fingerprint impressions 3161  
obtained in the manner described in division (C)(2) of this 3162  
section, the superintendent of the bureau of criminal 3163  
identification and investigation shall conduct a criminal records 3164  
check in the manner described in division (B) of this section to 3165  
determine whether any information exists that indicates that the 3166

person who is the subject of the request previously has been 3167  
convicted of or pleaded guilty to any of the following: 3168

(a) A violation of section 2903.01, 2903.02, 2903.03, 3169  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3170  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3171  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3172  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 3173  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 3174  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 3175  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 3176  
felonious sexual penetration in violation of former section 3177  
2907.12 of the Revised Code, a violation of section 2905.04 of the 3178  
Revised Code as it existed prior to July 1, 1996, a violation of 3179  
section 2919.23 of the Revised Code that would have been a 3180  
violation of section 2905.04 of the Revised Code as it existed 3181  
prior to July 1, 1996, had the violation been committed prior to 3182  
that date, or a violation of section 2925.11 of the Revised Code 3183  
that is not a minor drug possession offense; 3184

(b) A violation of an existing or former law of this state, 3185  
any other state, or the United States that is substantially 3186  
equivalent to any of the offenses listed in division (A)(6)(a) of 3187  
this section. 3188

(7) On receipt of a request for a criminal records check from 3189  
an individual pursuant to section 4749.03 or 4749.06 of the 3190  
Revised Code, accompanied by a completed copy of the form 3191  
prescribed in division (C)(1) of this section and a set of 3192  
fingerprint impressions obtained in a manner described in division 3193  
(C)(2) of this section, the superintendent of the bureau of 3194  
criminal identification and investigation shall conduct a criminal 3195  
records check in the manner described in division (B) of this 3196  
section to determine whether any information exists indicating 3197  
that the person who is the subject of the request has been 3198

convicted of or pleaded guilty to a felony in this state or in any 3199  
other state. If the individual indicates that a firearm will be 3200  
carried in the course of business, the superintendent shall 3201  
require information from the federal bureau of investigation as 3202  
described in division (B)(2) of this section. Subject to division 3203  
(F) of this section, the superintendent shall report the findings 3204  
of the criminal records check and any information the federal 3205  
bureau of investigation provides to the director of public safety. 3206

(8) On receipt of a request pursuant to section 1321.37, 3207  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 3208  
Code, a completed form prescribed pursuant to division (C)(1) of 3209  
this section, and a set of fingerprint impressions obtained in the 3210  
manner described in division (C)(2) of this section, the 3211  
superintendent of the bureau of criminal identification and 3212  
investigation shall conduct a criminal records check with respect 3213  
to any person who has applied for a license, permit, or 3214  
certification from the department of commerce or a division in the 3215  
department. The superintendent shall conduct the criminal records 3216  
check in the manner described in division (B) of this section to 3217  
determine whether any information exists that indicates that the 3218  
person who is the subject of the request previously has been 3219  
convicted of or pleaded guilty to any of the following: a 3220  
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 3221  
2925.03 of the Revised Code; any other criminal offense involving 3222  
theft, receiving stolen property, embezzlement, forgery, fraud, 3223  
passing bad checks, money laundering, or drug trafficking, or any 3224  
criminal offense involving money or securities, as set forth in 3225  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 3226  
the Revised Code; or any existing or former law of this state, any 3227  
other state, or the United States that is substantially equivalent 3228  
to those offenses. 3229

(9) On receipt of a request for a criminal records check from 3230

the treasurer of state under section 113.041 of the Revised Code 3231  
or from an individual under section 4701.08, 4715.101, 4717.061, 3232  
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 3233  
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 3234  
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 3235  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 3236  
4762.06, 4776.021, or 4779.091 of the Revised Code, accompanied by 3237  
a completed form prescribed under division (C)(1) of this section 3238  
and a set of fingerprint impressions obtained in the manner 3239  
described in division (C)(2) of this section, the superintendent 3240  
of the bureau of criminal identification and investigation shall 3241  
conduct a criminal records check in the manner described in 3242  
division (B) of this section to determine whether any information 3243  
exists that indicates that the person who is the subject of the 3244  
request has been convicted of or pleaded guilty to any criminal 3245  
offense in this state or any other state. Subject to division (F) 3246  
of this section, the superintendent shall send the results of a 3247  
check requested under section 113.041 of the Revised Code to the 3248  
treasurer of state and shall send the results of a check requested 3249  
under any of the other listed sections to the licensing board 3250  
specified by the individual in the request. 3251

(10) On receipt of a request pursuant to section 1121.23, 3252  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 3253  
Code, a completed form prescribed pursuant to division (C)(1) of 3254  
this section, and a set of fingerprint impressions obtained in the 3255  
manner described in division (C)(2) of this section, the 3256  
superintendent of the bureau of criminal identification and 3257  
investigation shall conduct a criminal records check in the manner 3258  
described in division (B) of this section to determine whether any 3259  
information exists that indicates that the person who is the 3260  
subject of the request previously has been convicted of or pleaded 3261  
guilty to any criminal offense under any existing or former law of 3262  
this state, any other state, or the United States. 3263



(11) On receipt of a request for a criminal records check 3264  
from an appointing or licensing authority under section 3772.07 of 3265  
the Revised Code, a completed form prescribed under division 3266  
(C)(1) of this section, and a set of fingerprint impressions 3267  
obtained in the manner prescribed in division (C)(2) of this 3268  
section, the superintendent of the bureau of criminal 3269  
identification and investigation shall conduct a criminal records 3270  
check in the manner described in division (B) of this section to 3271  
determine whether any information exists that indicates that the 3272  
person who is the subject of the request previously has been 3273  
convicted of or pleaded guilty or no contest to any offense under 3274  
any existing or former law of this state, any other state, or the 3275  
United States that is a disqualifying offense as defined in 3276  
section 3772.07 of the Revised Code or substantially equivalent to 3277  
such an offense. 3278

(12) On receipt of a request pursuant to section 2151.33 or 3279  
2151.412 of the Revised Code, a completed form prescribed pursuant 3280  
to division (C)(1) of this section, and a set of fingerprint 3281  
impressions obtained in the manner described in division (C)(2) of 3282  
this section, the superintendent of the bureau of criminal 3283  
identification and investigation shall conduct a criminal records 3284  
check with respect to any person for whom a criminal records check 3285  
is required by that section. The superintendent shall conduct the 3286  
criminal records check in the manner described in division (B) of 3287  
this section to determine whether any information exists that 3288  
indicates that the person who is the subject of the request 3289  
previously has been convicted of or pleaded guilty to any of the 3290  
following: 3291

(a) A violation of section 2903.01, 2903.02, 2903.03, 3292  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3293  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3294  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3295

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 3296  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 3297  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 3298  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 3299  
2925.22, 2925.23, or 3716.11 of the Revised Code; 3300

(b) An existing or former law of this state, any other state, 3301  
or the United States that is substantially equivalent to any of 3302  
the offenses listed in division (A)(12)(a) of this section. 3303

(B) Subject to division (F) of this section, the 3304  
superintendent shall conduct any criminal records check to be 3305  
conducted under this section as follows: 3306

(1) The superintendent shall review or cause to be reviewed 3307  
any relevant information gathered and compiled by the bureau under 3308  
division (A) of section 109.57 of the Revised Code that relates to 3309  
the person who is the subject of the criminal records check, 3310  
including, if the criminal records check was requested under 3311  
section 113.041, 121.08, 173.27, ~~173.394~~ 173.38, 1121.23, 1155.03, 3312  
1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 3313  
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3314  
3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 3315  
5104.013, ~~5111.032~~ 5164.34, ~~5111.033~~ 5164.341, ~~5111.034~~ 5164.342, 3316  
5123.081, 5123.169, or 5153.111 of the Revised Code, any relevant 3317  
information contained in records that have been sealed under 3318  
section 2953.32 of the Revised Code; 3319

(2) If the request received by the superintendent asks for 3320  
information from the federal bureau of investigation, the 3321  
superintendent shall request from the federal bureau of 3322  
investigation any information it has with respect to the person 3323  
who is the subject of the criminal records check, including 3324  
fingerprint-based checks of national crime information databases 3325  
as described in 42 U.S.C. 671 if the request is made pursuant to 3326  
section 2151.86, 5104.012, or 5104.013 of the Revised Code or if 3327

any other Revised Code section requires fingerprint-based checks 3328  
of that nature, and shall review or cause to be reviewed any 3329  
information the superintendent receives from that bureau. If a 3330  
request under section 3319.39 of the Revised Code asks only for 3331  
information from the federal bureau of investigation, the 3332  
superintendent shall not conduct the review prescribed by division 3333  
(B)(1) of this section. 3334

(3) The superintendent or the superintendent's designee may 3335  
request criminal history records from other states or the federal 3336  
government pursuant to the national crime prevention and privacy 3337  
compact set forth in section 109.571 of the Revised Code. 3338

(4) The superintendent shall include in the results of the 3339  
criminal records check a list or description of the offenses 3340  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 3341  
(7), (8), (9), (10), (11), or (12) of this section, whichever 3342  
division requires the superintendent to conduct the criminal 3343  
records check. The superintendent shall exclude from the results 3344  
any information the dissemination of which is prohibited by 3345  
federal law. 3346

(5) The superintendent shall send the results of the criminal 3347  
records check to the person to whom it is to be sent not later 3348  
than the following number of days after the date the 3349  
superintendent receives the request for the criminal records 3350  
check, the completed form prescribed under division (C)(1) of this 3351  
section, and the set of fingerprint impressions obtained in the 3352  
manner described in division (C)(2) of this section: 3353

(a) If the superintendent is required by division (A) of this 3354  
section (other than division (A)(3) of this section) to conduct 3355  
the criminal records check, thirty; 3356

(b) If the superintendent is required by division (A)(3) of 3357  
this section to conduct the criminal records check, sixty. 3358

(C)(1) The superintendent shall prescribe a form to obtain 3359  
the information necessary to conduct a criminal records check from 3360  
any person for whom a criminal records check is to be conducted 3361  
under this section. The form that the superintendent prescribes 3362  
pursuant to this division may be in a tangible format, in an 3363  
electronic format, or in both tangible and electronic formats. 3364

(2) The superintendent shall prescribe standard impression 3365  
sheets to obtain the fingerprint impressions of any person for 3366  
whom a criminal records check is to be conducted under this 3367  
section. Any person for whom a records check is to be conducted 3368  
under this section shall obtain the fingerprint impressions at a 3369  
county sheriff's office, municipal police department, or any other 3370  
entity with the ability to make fingerprint impressions on the 3371  
standard impression sheets prescribed by the superintendent. The 3372  
office, department, or entity may charge the person a reasonable 3373  
fee for making the impressions. The standard impression sheets the 3374  
superintendent prescribes pursuant to this division may be in a 3375  
tangible format, in an electronic format, or in both tangible and 3376  
electronic formats. 3377

(3) Subject to division (D) of this section, the 3378  
superintendent shall prescribe and charge a reasonable fee for 3379  
providing a criminal records check under this section. The person 3380  
requesting the criminal records check shall pay the fee prescribed 3381  
pursuant to this division. In the case of a request under section 3382  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 3383  
2151.412, or ~~5111.032~~ 5164.34 of the Revised Code, the fee shall 3384  
be paid in the manner specified in that section. 3385

(4) The superintendent of the bureau of criminal 3386  
identification and investigation may prescribe methods of 3387  
forwarding fingerprint impressions and information necessary to 3388  
conduct a criminal records check, which methods shall include, but 3389  
not be limited to, an electronic method. 3390

(D) The results of a criminal records check conducted under 3391  
this section, other than a criminal records check specified in 3392  
division (A)(7) of this section, are valid for the person who is 3393  
the subject of the criminal records check for a period of one year 3394  
from the date upon which the superintendent completes the criminal 3395  
records check. If during that period the superintendent receives 3396  
another request for a criminal records check to be conducted under 3397  
this section for that person, the superintendent shall provide the 3398  
results from the previous criminal records check of the person at 3399  
a lower fee than the fee prescribed for the initial criminal 3400  
records check. 3401

(E) When the superintendent receives a request for 3402  
information from a registered private provider, the superintendent 3403  
shall proceed as if the request was received from a school 3404  
district board of education under section 3319.39 of the Revised 3405  
Code. The superintendent shall apply division (A)(1)(c) of this 3406  
section to any such request for an applicant who is a teacher. 3407

(F)(1) All information regarding the results of a criminal 3408  
records check conducted under this section that the superintendent 3409  
reports or sends under division (A)(7) or (9) of this section to 3410  
the director of public safety, the treasurer of state, or the 3411  
person, board, or entity that made the request for the criminal 3412  
records check shall relate to the conviction of the subject 3413  
person, or the subject person's plea of guilty to, a criminal 3414  
offense. 3415

(2) Division (F)(1) of this section does not limit, restrict, 3416  
or preclude the superintendent's release of information that 3417  
relates to an adjudication of a child as a delinquent child, or 3418  
that relates to a criminal conviction of a person under eighteen 3419  
years of age if the person's case was transferred back to a 3420  
juvenile court under division (B)(2) or (3) of section 2152.121 of 3421  
the Revised Code and the juvenile court imposed a disposition or 3422

serious youthful offender disposition upon the person under either 3423  
division, if either of the following applies with respect to the 3424  
adjudication or conviction: 3425

(a) The adjudication or conviction was for a violation of 3426  
section 2903.01 or 2903.02 of the Revised Code. 3427

(b) The adjudication or conviction was for a sexually 3428  
oriented offense, as defined in section 2950.01 of the Revised 3429  
Code, the juvenile court was required to classify the child a 3430  
juvenile offender registrant for that offense under section 3431  
2152.82, 2152.83, or 2152.86 of the Revised Code, and that 3432  
classification has not been removed. 3433

(G) As used in this section: 3434

(1) "Criminal records check" means any criminal records check 3435  
conducted by the superintendent of the bureau of criminal 3436  
identification and investigation in accordance with division (B) 3437  
of this section. 3438

(2) "Minor drug possession offense" has the same meaning as 3439  
in section 2925.01 of the Revised Code. 3440

(3) "OVI or OVUAC violation" means a violation of section 3441  
4511.19 of the Revised Code or a violation of an existing or 3442  
former law of this state, any other state, or the United States 3443  
that is substantially equivalent to section 4511.19 of the Revised 3444  
Code. 3445

(4) "Registered private provider" means a nonpublic school or 3446  
entity registered with the superintendent of public instruction 3447  
under section 3310.41 of the Revised Code to participate in the 3448  
autism scholarship program or section 3310.58 of the Revised Code 3449  
to participate in the Jon Peterson special needs scholarship 3450  
program. 3451

**Sec. 109.71.** There is hereby created in the office of the 3452

attorney general the Ohio peace officer training commission. The 3453  
commission shall consist of nine members appointed by the governor 3454  
with the advice and consent of the senate and selected as follows: 3455  
one member representing the public; two members who are incumbent 3456  
sheriffs; two members who are incumbent chiefs of police; one 3457  
member from the bureau of criminal identification and 3458  
investigation; one member from the state highway patrol; one 3459  
member who is the special agent in charge of a field office of the 3460  
federal bureau of investigation in this state; and one member from 3461  
the department of education, trade and industrial education 3462  
services, law enforcement training. 3463

This section does not confer any arrest authority or any 3464  
ability or authority to detain a person, write or issue any 3465  
citation, or provide any disposition alternative, as granted under 3466  
Chapter 2935. of the Revised Code. 3467

As used in sections 109.71 to 109.801 of the Revised Code: 3468

(A) "Peace officer" means: 3469

(1) A deputy sheriff, marshal, deputy marshal, member of the 3470  
organized police department of a township or municipal 3471  
corporation, member of a township police district or joint police 3472  
district police force, member of a police force employed by a 3473  
metropolitan housing authority under division (D) of section 3474  
3735.31 of the Revised Code, or township constable, who is 3475  
commissioned and employed as a peace officer by a political 3476  
subdivision of this state or by a metropolitan housing authority, 3477  
and whose primary duties are to preserve the peace, to protect 3478  
life and property, and to enforce the laws of this state, 3479  
ordinances of a municipal corporation, resolutions of a township, 3480  
or regulations of a board of county commissioners or board of 3481  
township trustees, or any of those laws, ordinances, resolutions, 3482  
or regulations; 3483

(2) A police officer who is employed by a railroad company	3484
and appointed and commissioned by the secretary of state pursuant	3485
to sections 4973.17 to 4973.22 of the Revised Code;	3486
(3) Employees of the department of taxation engaged in the	3487
enforcement of Chapter 5743. of the Revised Code and designated by	3488
the tax commissioner for peace officer training for purposes of	3489
the delegation of investigation powers under section 5743.45 of	3490
the Revised Code;	3491
(4) An undercover drug agent;	3492
(5) Enforcement agents of the department of public safety	3493
whom the director of public safety designates under section	3494
5502.14 of the Revised Code;	3495
(6) An employee of the department of natural resources who is	3496
a natural resources law enforcement staff officer designated	3497
pursuant to section 1501.013, a park officer designated pursuant	3498
to section 1541.10, a forest officer designated pursuant to	3499
section 1503.29, a preserve officer designated pursuant to section	3500
1517.10, a wildlife officer designated pursuant to section	3501
1531.13, or a state watercraft officer designated pursuant to	3502
section 1547.521 of the Revised Code;	3503
(7) An employee of a park district who is designated pursuant	3504
to section 511.232 or 1545.13 of the Revised Code;	3505
(8) An employee of a conservancy district who is designated	3506
pursuant to section 6101.75 of the Revised Code;	3507
(9) A police officer who is employed by a hospital that	3508
employs and maintains its own proprietary police department or	3509
security department, and who is appointed and commissioned by the	3510
secretary of state pursuant to sections 4973.17 to 4973.22 of the	3511
Revised Code;	3512
(10) Veterans' homes police officers designated under section	3513



5907.02 of the Revised Code;	3514
(11) A police officer who is employed by a qualified	3515
nonprofit corporation police department pursuant to section	3516
1702.80 of the Revised Code;	3517
(12) A state university law enforcement officer appointed	3518
under section 3345.04 of the Revised Code or a person serving as a	3519
state university law enforcement officer on a permanent basis on	3520
June 19, 1978, who has been awarded a certificate by the executive	3521
director of the Ohio peace officer training commission attesting	3522
to the person's satisfactory completion of an approved state,	3523
county, municipal, or department of natural resources peace	3524
officer basic training program;	3525
(13) A special police officer employed by the department of	3526
<del>mental health</del> <u>mental health and addiction services</u> pursuant to	3527
section <del>5119.14</del> <u>5119.08</u> of the Revised Code or the department of	3528
developmental disabilities pursuant to section 5123.13 of the	3529
Revised Code;	3530
(14) A member of a campus police department appointed under	3531
section 1713.50 of the Revised Code;	3532
(15) A member of a police force employed by a regional	3533
transit authority under division (Y) of section 306.35 of the	3534
Revised Code;	3535
(16) Investigators appointed by the auditor of state pursuant	3536
to section 117.091 of the Revised Code and engaged in the	3537
enforcement of Chapter 117. of the Revised Code;	3538
(17) A special police officer designated by the	3539
superintendent of the state highway patrol pursuant to section	3540
5503.09 of the Revised Code or a person who was serving as a	3541
special police officer pursuant to that section on a permanent	3542
basis on October 21, 1997, and who has been awarded a certificate	3543
by the executive director of the Ohio peace officer training	3544

commission attesting to the person's satisfactory completion of an 3545  
approved state, county, municipal, or department of natural 3546  
resources peace officer basic training program; 3547

(18) A special police officer employed by a port authority 3548  
under section 4582.04 or 4582.28 of the Revised Code or a person 3549  
serving as a special police officer employed by a port authority 3550  
on a permanent basis on May 17, 2000, who has been awarded a 3551  
certificate by the executive director of the Ohio peace officer 3552  
training commission attesting to the person's satisfactory 3553  
completion of an approved state, county, municipal, or department 3554  
of natural resources peace officer basic training program; 3555

(19) A special police officer employed by a municipal 3556  
corporation who has been awarded a certificate by the executive 3557  
director of the Ohio peace officer training commission for 3558  
satisfactory completion of an approved peace officer basic 3559  
training program and who is employed on a permanent basis on or 3560  
after March 19, 2003, at a municipal airport, or other municipal 3561  
air navigation facility, that has scheduled operations, as defined 3562  
in section 119.3 of Title 14 of the Code of Federal Regulations, 3563  
14 C.F.R. 119.3, as amended, and that is required to be under a 3564  
security program and is governed by aviation security rules of the 3565  
transportation security administration of the United States 3566  
department of transportation as provided in Parts 1542. and 1544. 3567  
of Title 49 of the Code of Federal Regulations, as amended; 3568

(20) A police officer who is employed by an owner or operator 3569  
of an amusement park that has an average yearly attendance in 3570  
excess of six hundred thousand guests and that employs and 3571  
maintains its own proprietary police department or security 3572  
department, and who is appointed and commissioned by a judge of 3573  
the appropriate municipal court or county court pursuant to 3574  
section 4973.17 of the Revised Code; 3575

(21) A police officer who is employed by a bank, savings and 3576

loan association, savings bank, credit union, or association of 3577  
banks, savings and loan associations, savings banks, or credit 3578  
unions, who has been appointed and commissioned by the secretary 3579  
of state pursuant to sections 4973.17 to 4973.22 of the Revised 3580  
Code, and who has been awarded a certificate by the executive 3581  
director of the Ohio peace officer training commission attesting 3582  
to the person's satisfactory completion of a state, county, 3583  
municipal, or department of natural resources peace officer basic 3584  
training program; 3585

(22) An investigator, as defined in section 109.541 of the 3586  
Revised Code, of the bureau of criminal identification and 3587  
investigation who is commissioned by the superintendent of the 3588  
bureau as a special agent for the purpose of assisting law 3589  
enforcement officers or providing emergency assistance to peace 3590  
officers pursuant to authority granted under that section; 3591

(23) A state fire marshal law enforcement officer appointed 3592  
under section 3737.22 of the Revised Code or a person serving as a 3593  
state fire marshal law enforcement officer on a permanent basis on 3594  
or after July 1, 1982, who has been awarded a certificate by the 3595  
executive director of the Ohio peace officer training commission 3596  
attesting to the person's satisfactory completion of an approved 3597  
state, county, municipal, or department of natural resources peace 3598  
officer basic training program; 3599

(24) A gaming agent employed under section 3772.03 of the 3600  
Revised Code. 3601

(25) A deputy inspector general appointed under section 3602  
121.48 of the Revised Code who has been awarded a certificate by 3603  
the executive director of the Ohio peace officer training 3604  
commission attesting to the person's satisfactory completion of an 3605  
approved state, county, or municipal peace officer basic training 3606  
program. 3607

(B) "Undercover drug agent" has the same meaning as in 3608  
division (B)(2) of section 109.79 of the Revised Code. 3609

(C) "Crisis intervention training" means training in the use 3610  
of interpersonal and communication skills to most effectively and 3611  
sensitively interview victims of rape. 3612

(D) "Missing children" has the same meaning as in section 3613  
2901.30 of the Revised Code. 3614

**Sec. 109.746.** (A) The attorney general may prepare public 3615  
awareness programs that are designed to educate potential victims 3616  
of violations of section 2905.32 of the Revised Code and their 3617  
families of the risks of becoming a victim of a violation of that 3618  
section. The attorney general may prepare these programs with 3619  
assistance from the department of health, the department of ~~mental~~ 3620  
~~health~~ mental health and addiction services, the department of job 3621  
and family services, ~~the department of alcohol and drug addiction~~ 3622  
~~services~~, and the department of education. 3623

(B) Any organization, person, or other governmental agency 3624  
with an interest and expertise in trafficking in persons may 3625  
submit information or materials to the attorney general regarding 3626  
the preparation of the programs and materials permitted under this 3627  
section. The attorney general, in developing the programs and 3628  
materials permitted by this section, shall consider any 3629  
information submitted pursuant to this division. 3630

**Sec. 109.77.** (A) As used in this section, "felony" has the 3631  
same meaning as in section 109.511 of the Revised Code. 3632

(B)(1) Notwithstanding any general, special, or local law or 3633  
charter to the contrary, and except as otherwise provided in this 3634  
section, no person shall receive an original appointment on a 3635  
permanent basis as any of the following unless the person 3636  
previously has been awarded a certificate by the executive 3637

director of the Ohio peace officer training commission attesting 3638  
to the person's satisfactory completion of an approved state, 3639  
county, municipal, or department of natural resources peace 3640  
officer basic training program: 3641

(a) A peace officer of any county, township, municipal 3642  
corporation, regional transit authority, or metropolitan housing 3643  
authority; 3644

(b) A natural resources law enforcement staff officer, park 3645  
officer, forest officer, preserve officer, wildlife officer, or 3646  
state watercraft officer of the department of natural resources; 3647

(c) An employee of a park district under section 511.232 or 3648  
1545.13 of the Revised Code; 3649

(d) An employee of a conservancy district who is designated 3650  
pursuant to section 6101.75 of the Revised Code; 3651

(e) A state university law enforcement officer; 3652

(f) A special police officer employed by the department of 3653  
~~mental health~~ mental health and addiction services pursuant to 3654  
section ~~5119.14~~ 5119.08 of the Revised Code or the department of 3655  
developmental disabilities pursuant to section 5123.13 of the 3656  
Revised Code; 3657

(g) An enforcement agent of the department of public safety 3658  
whom the director of public safety designates under section 3659  
5502.14 of the Revised Code; 3660

(h) A special police officer employed by a port authority 3661  
under section 4582.04 or 4582.28 of the Revised Code; 3662

(i) A special police officer employed by a municipal 3663  
corporation at a municipal airport, or other municipal air 3664  
navigation facility, that has scheduled operations, as defined in 3665  
section 119.3 of Title 14 of the Code of Federal Regulations, 14 3666  
C.F.R. 119.3, as amended, and that is required to be under a 3667

security program and is governed by aviation security rules of the 3668  
transportation security administration of the United States 3669  
department of transportation as provided in Parts 1542. and 1544. 3670  
of Title 49 of the Code of Federal Regulations, as amended; 3671

(j) A gaming agent employed under section 3772.03 of the 3672  
Revised Code. 3673

(2) Every person who is appointed on a temporary basis or for 3674  
a probationary term or on other than a permanent basis as any of 3675  
the following shall forfeit the appointed position unless the 3676  
person previously has completed satisfactorily or, within the time 3677  
prescribed by rules adopted by the attorney general pursuant to 3678  
section 109.74 of the Revised Code, satisfactorily completes a 3679  
state, county, municipal, or department of natural resources peace 3680  
officer basic training program for temporary or probationary 3681  
officers and is awarded a certificate by the director attesting to 3682  
the satisfactory completion of the program: 3683

(a) A peace officer of any county, township, municipal 3684  
corporation, regional transit authority, or metropolitan housing 3685  
authority; 3686

(b) A natural resources law enforcement staff officer, park 3687  
officer, forest officer, preserve officer, wildlife officer, or 3688  
state watercraft officer of the department of natural resources; 3689

(c) An employee of a park district under section 511.232 or 3690  
1545.13 of the Revised Code; 3691

(d) An employee of a conservancy district who is designated 3692  
pursuant to section 6101.75 of the Revised Code; 3693

(e) A special police officer employed by the department of 3694  
~~mental health~~ mental health and addiction services pursuant to 3695  
section ~~5119.14~~ 5119.08 of the Revised Code or the department of 3696  
developmental disabilities pursuant to section 5123.13 of the 3697  
Revised Code; 3698

(f) An enforcement agent of the department of public safety 3699  
whom the director of public safety designates under section 3700  
5502.14 of the Revised Code; 3701

(g) A special police officer employed by a port authority 3702  
under section 4582.04 or 4582.28 of the Revised Code; 3703

(h) A special police officer employed by a municipal 3704  
corporation at a municipal airport, or other municipal air 3705  
navigation facility, that has scheduled operations, as defined in 3706  
section 119.3 of Title 14 of the Code of Federal Regulations, 14 3707  
C.F.R. 119.3, as amended, and that is required to be under a 3708  
security program and is governed by aviation security rules of the 3709  
transportation security administration of the United States 3710  
department of transportation as provided in Parts 1542. and 1544. 3711  
of Title 49 of the Code of Federal Regulations, as amended. 3712

(3) For purposes of division (B) of this section, a state, 3713  
county, municipal, or department of natural resources peace 3714  
officer basic training program, regardless of whether the program 3715  
is to be completed by peace officers appointed on a permanent or 3716  
temporary, probationary, or other nonpermanent basis, shall 3717  
include training in the handling of the offense of domestic 3718  
violence, other types of domestic violence-related offenses and 3719  
incidents, and protection orders and consent agreements issued or 3720  
approved under section 2919.26 or 3113.31 of the Revised Code and 3721  
crisis intervention training. The requirement to complete training 3722  
in the handling of the offense of domestic violence, other types 3723  
of domestic violence-related offenses and incidents, and 3724  
protection orders and consent agreements issued or approved under 3725  
section 2919.26 or 3113.31 of the Revised Code does not apply to 3726  
any person serving as a peace officer on March 27, 1979, and the 3727  
requirement to complete training in crisis intervention does not 3728  
apply to any person serving as a peace officer on April 4, 1985. 3729  
Any person who is serving as a peace officer on April 4, 1985, who 3730

terminates that employment after that date, and who subsequently 3731  
is hired as a peace officer by the same or another law enforcement 3732  
agency shall complete training in crisis intervention as 3733  
prescribed by rules adopted by the attorney general pursuant to 3734  
section 109.742 of the Revised Code. No peace officer shall have 3735  
employment as a peace officer terminated and then be reinstated 3736  
with intent to circumvent this section. 3737

(4) Division (B) of this section does not apply to any person 3738  
serving on a permanent basis on March 28, 1985, as a park officer, 3739  
forest officer, preserve officer, wildlife officer, or state 3740  
watercraft officer of the department of natural resources or as an 3741  
employee of a park district under section 511.232 or 1545.13 of 3742  
the Revised Code, to any person serving on a permanent basis on 3743  
March 6, 1986, as an employee of a conservancy district designated 3744  
pursuant to section 6101.75 of the Revised Code, to any person 3745  
serving on a permanent basis on January 10, 1991, as a preserve 3746  
officer of the department of natural resources, to any person 3747  
employed on a permanent basis on July 2, 1992, as a special police 3748  
officer by the department of ~~mental health~~ mental health and 3749  
addiction services pursuant to section ~~5119.14~~ 5119.08 of the 3750  
Revised Code or by the department of developmental disabilities 3751  
pursuant to section 5123.13 of the Revised Code, to any person 3752  
serving on a permanent basis on May 17, 2000, as a special police 3753  
officer employed by a port authority under section 4582.04 or 3754  
4582.28 of the Revised Code, to any person serving on a permanent 3755  
basis on March 19, 2003, as a special police officer employed by a 3756  
municipal corporation at a municipal airport or other municipal 3757  
air navigation facility described in division (A)(19) of section 3758  
109.71 of the Revised Code, to any person serving on a permanent 3759  
basis on June 19, 1978, as a state university law enforcement 3760  
officer pursuant to section 3345.04 of the Revised Code and who, 3761  
immediately prior to June 19, 1978, was serving as a special 3762  
police officer designated under authority of that section, or to 3763



any person serving on a permanent basis on September 20, 1984, as 3764  
a liquor control investigator, known after June 30, 1999, as an 3765  
enforcement agent of the department of public safety, engaged in 3766  
the enforcement of Chapters 4301. and 4303. of the Revised Code. 3767

(5) Division (B) of this section does not apply to any person 3768  
who is appointed as a regional transit authority police officer 3769  
pursuant to division (Y) of section 306.35 of the Revised Code if, 3770  
on or before July 1, 1996, the person has completed satisfactorily 3771  
an approved state, county, municipal, or department of natural 3772  
resources peace officer basic training program and has been 3773  
awarded a certificate by the executive director of the Ohio peace 3774  
officer training commission attesting to the person's satisfactory 3775  
completion of such an approved program and if, on July 1, 1996, 3776  
the person is performing peace officer functions for a regional 3777  
transit authority. 3778

(C) No person, after September 20, 1984, shall receive an 3779  
original appointment on a permanent basis as a veterans' home 3780  
police officer designated under section 5907.02 of the Revised 3781  
Code unless the person previously has been awarded a certificate 3782  
by the executive director of the Ohio peace officer training 3783  
commission attesting to the person's satisfactory completion of an 3784  
approved police officer basic training program. Every person who 3785  
is appointed on a temporary basis or for a probationary term or on 3786  
other than a permanent basis as a veterans' home police officer 3787  
designated under section 5907.02 of the Revised Code shall forfeit 3788  
that position unless the person previously has completed 3789  
satisfactorily or, within one year from the time of appointment, 3790  
satisfactorily completes an approved police officer basic training 3791  
program. 3792

(D) No bailiff or deputy bailiff of a court of record of this 3793  
state and no criminal investigator who is employed by the state 3794  
public defender shall carry a firearm, as defined in section 3795

2923.11 of the Revised Code, while on duty unless the bailiff, 3796  
deputy bailiff, or criminal investigator has done or received one 3797  
of the following: 3798

(1) Has been awarded a certificate by the executive director 3799  
of the Ohio peace officer training commission, which certificate 3800  
attests to satisfactory completion of an approved state, county, 3801  
or municipal basic training program for bailiffs and deputy 3802  
bailiffs of courts of record and for criminal investigators 3803  
employed by the state public defender that has been recommended by 3804  
the Ohio peace officer training commission; 3805

(2) Has successfully completed a firearms training program 3806  
approved by the Ohio peace officer training commission prior to 3807  
employment as a bailiff, deputy bailiff, or criminal investigator; 3808

(3) Prior to June 6, 1986, was authorized to carry a firearm 3809  
by the court that employed the bailiff or deputy bailiff or, in 3810  
the case of a criminal investigator, by the state public defender 3811  
and has received training in the use of firearms that the Ohio 3812  
peace officer training commission determines is equivalent to the 3813  
training that otherwise is required by division (D) of this 3814  
section. 3815

(E)(1) Before a person seeking a certificate completes an 3816  
approved peace officer basic training program, the executive 3817  
director of the Ohio peace officer training commission shall 3818  
request the person to disclose, and the person shall disclose, any 3819  
previous criminal conviction of or plea of guilty of that person 3820  
to a felony. 3821

(2) Before a person seeking a certificate completes an 3822  
approved peace officer basic training program, the executive 3823  
director shall request a criminal history records check on the 3824  
person. The executive director shall submit the person's 3825  
fingerprints to the bureau of criminal identification and 3826

investigation, which shall submit the fingerprints to the federal 3827  
bureau of investigation for a national criminal history records 3828  
check. 3829

Upon receipt of the executive director's request, the bureau 3830  
of criminal identification and investigation and the federal 3831  
bureau of investigation shall conduct a criminal history records 3832  
check on the person and, upon completion of the check, shall 3833  
provide a copy of the criminal history records check to the 3834  
executive director. The executive director shall not award any 3835  
certificate prescribed in this section unless the executive 3836  
director has received a copy of the criminal history records check 3837  
on the person to whom the certificate is to be awarded. 3838

(3) The executive director of the commission shall not award 3839  
a certificate prescribed in this section to a person who has been 3840  
convicted of or has pleaded guilty to a felony or who fails to 3841  
disclose any previous criminal conviction of or plea of guilty to 3842  
a felony as required under division (E)(1) of this section. 3843

(4) The executive director of the commission shall revoke the 3844  
certificate awarded to a person as prescribed in this section, and 3845  
that person shall forfeit all of the benefits derived from being 3846  
certified as a peace officer under this section, if the person, 3847  
before completion of an approved peace officer basic training 3848  
program, failed to disclose any previous criminal conviction of or 3849  
plea of guilty to a felony as required under division (E)(1) of 3850  
this section. 3851

(F)(1) Regardless of whether the person has been awarded the 3852  
certificate or has been classified as a peace officer prior to, 3853  
on, or after October 16, 1996, the executive director of the Ohio 3854  
peace officer training commission shall revoke any certificate 3855  
that has been awarded to a person as prescribed in this section if 3856  
the person does either of the following: 3857

(a) Pleads guilty to a felony committed on or after January 3858  
1, 1997; 3859

(b) Pleads guilty to a misdemeanor committed on or after 3860  
January 1, 1997, pursuant to a negotiated plea agreement as 3861  
provided in division (D) of section 2929.43 of the Revised Code in 3862  
which the person agrees to surrender the certificate awarded to 3863  
the person under this section. 3864

(2) The executive director of the commission shall suspend 3865  
any certificate that has been awarded to a person as prescribed in 3866  
this section if the person is convicted, after trial, of a felony 3867  
committed on or after January 1, 1997. The executive director 3868  
shall suspend the certificate pursuant to division (F)(2) of this 3869  
section pending the outcome of an appeal by the person from that 3870  
conviction to the highest court to which the appeal is taken or 3871  
until the expiration of the period in which an appeal is required 3872  
to be filed. If the person files an appeal that results in that 3873  
person's acquittal of the felony or conviction of a misdemeanor, 3874  
or in the dismissal of the felony charge against that person, the 3875  
executive director shall reinstate the certificate awarded to the 3876  
person under this section. If the person files an appeal from that 3877  
person's conviction of the felony and the conviction is upheld by 3878  
the highest court to which the appeal is taken or if the person 3879  
does not file a timely appeal, the executive director shall revoke 3880  
the certificate awarded to the person under this section. 3881

(G)(1) If a person is awarded a certificate under this 3882  
section and the certificate is revoked pursuant to division (E)(4) 3883  
or (F) of this section, the person shall not be eligible to 3884  
receive, at any time, a certificate attesting to the person's 3885  
satisfactory completion of a peace officer basic training program. 3886

(2) The revocation or suspension of a certificate under 3887  
division (E)(4) or (F) of this section shall be in accordance with 3888  
Chapter 119. of the Revised Code. 3889

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

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

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

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

peace officer is required by this section to complete 3922  
satisfactorily. 3923

(K) This section does not apply to any member of the police 3924  
department of a municipal corporation in an adjoining state 3925  
serving in this state under a contract pursuant to section 737.04 3926  
of the Revised Code. 3927

**Sec. 109.85.** (A) Upon the written request of the governor, 3928  
the general assembly, the auditor of state, the medicaid director 3929  
~~of job and family services~~, the director of health, or the 3930  
director of budget and management, or upon the attorney general's 3931  
becoming aware of criminal or improper activity related to Chapter 3932  
3721. and the ~~medical assistance~~ medicaid program established 3933  
~~under section 5111.01 of the Revised Code~~, the attorney general 3934  
shall investigate any criminal or civil violation of law related 3935  
to Chapter 3721. of the Revised Code or the ~~medical assistance~~ 3936  
medicaid program. 3937

(B) When it appears to the attorney general, as a result of 3938  
an investigation under division (A) of this section, that there is 3939  
cause to prosecute for the commission of a crime or to pursue a 3940  
civil remedy, the attorney general may refer the evidence to the 3941  
prosecuting attorney having jurisdiction of the matter, or to a 3942  
regular grand jury drawn and impaneled pursuant to sections 3943  
2939.01 to 2939.24 of the Revised Code, or to a special grand jury 3944  
drawn and impaneled pursuant to section 2939.17 of the Revised 3945  
Code, or the attorney general may initiate and prosecute any 3946  
necessary criminal or civil actions in any court or tribunal of 3947  
competent jurisdiction in this state. When proceeding under this 3948  
section, the attorney general, and any assistant or special 3949  
counsel designated by the attorney general for that purpose, have 3950  
all rights, privileges, and powers of prosecuting attorneys. The 3951  
attorney general shall have exclusive supervision and control of 3952

all investigations and prosecutions initiated by the attorney 3953  
general under this section. The forfeiture provisions of Chapter 3954  
2981. of the Revised Code apply in relation to any such criminal 3955  
action initiated and prosecuted by the attorney general. 3956

(C) Nothing in this section shall prevent a county 3957  
prosecuting attorney from investigating and prosecuting criminal 3958  
activity related to Chapter 3721. of the Revised Code and the 3959  
~~medical assistance~~ medicaid program established under section 3960  
~~5111.01 of the Revised Code.~~ The forfeiture provisions of Chapter 3961  
2981. of the Revised Code apply in relation to any prosecution of 3962  
criminal activity related to the ~~medical assistance~~ medicaid 3963  
program undertaken by the prosecuting attorney. 3964

**Sec. 109.86.** (A) The attorney general shall investigate any 3965  
activity the attorney general has reasonable cause to believe is 3966  
in violation of section 2903.34 of the Revised Code. Upon written 3967  
request of the governor, the general assembly, the auditor of 3968  
state, or the director of health, job and family services, aging, 3969  
~~mental health~~ mental health and addiction services, or 3970  
developmental disabilities, the attorney general shall investigate 3971  
any activity these persons believe is in violation of section 3972  
2903.34 of the Revised Code. If after an investigation the 3973  
attorney general has probable cause to prosecute for the 3974  
commission of a crime, the attorney general shall refer the 3975  
evidence to the prosecuting attorney, director of law, or other 3976  
similar chief legal officer having jurisdiction over the matter. 3977  
If the prosecuting attorney decides to present the evidence to a 3978  
grand jury, the prosecuting attorney shall notify the attorney 3979  
general in writing of the decision within thirty days after 3980  
referral of the matter and shall present the evidence prior to the 3981  
discharge of the next regular grand jury. If the director of law 3982  
or other chief legal officer decides to prosecute the case, the 3983  
director or officer shall notify the attorney general in writing 3984

of the decision within thirty days and shall initiate prosecution 3985  
within sixty days after the matter was referred to the director or 3986  
officer. 3987

(B) If the prosecuting attorney, director of law, or other 3988  
chief legal officer fails to notify the attorney general or to 3989  
present evidence or initiate prosecution in accordance with 3990  
division (A) of this section, the attorney general may present the 3991  
evidence to a regular grand jury drawn and impaneled pursuant to 3992  
sections 2939.01 to 2939.24 of the Revised Code, or to a special 3993  
grand jury drawn and impaneled pursuant to section 2939.17 of the 3994  
Revised Code, or the attorney general may initiate and prosecute 3995  
any action in any court or tribunal of competent jurisdiction in 3996  
this state. The attorney general, and any assistant or special 3997  
counsel designated by the attorney general, have all the powers of 3998  
a prosecuting attorney, director of law, or other chief legal 3999  
officer when proceeding under this section. Nothing in this 4000  
section shall limit or prevent a prosecuting attorney, director of 4001  
law, or other chief legal officer from investigating and 4002  
prosecuting criminal activity committed against a resident or 4003  
patient of a care facility. 4004

**Sec. 109.90.** (A) The attorney general shall collaborate with 4005  
the state board of pharmacy and director of ~~alcohol and drug~~ 4006  
~~addiction services~~ mental health and addiction services in the 4007  
establishment and administration of a drug take-back program, as 4008  
provided under section 4729.69 of the Revised Code. The office of 4009  
the attorney general is solely responsible for the costs incurred 4010  
in the establishment and administration of the program. 4011

(B) The attorney general may accept grants, gifts, or 4012  
donations for purposes of the program. Money received under this 4013  
division or section ~~3793.22~~ 5119.49 or 4729.69 of the Revised Code 4014  
shall be deposited into the state treasury to the credit of the 4015



drug take-back program fund, which is hereby created. Money 4016  
credited to the fund shall be used solely for purposes of the 4017  
program. 4018

**Sec. 111.02.** Before entering upon the discharge of the duties 4019  
of ~~his~~ office, the secretary of state shall give a bond to the 4020  
state in the sum of one hundred thousand dollars, with ~~two or more~~ 4021  
~~sureties approved by the governor, auditor of state, and attorney~~ 4022  
~~general~~ a surety authorized to do business in the state, 4023  
conditioned for the faithful discharge of the duties of ~~his~~ the 4024  
office of secretary of state. The bond, ~~with the approval of the~~ 4025  
~~proper officials~~ and the oath of office ~~indorsed thereon,~~ shall be 4026  
deposited with and kept by the director of administrative services 4027  
~~and kept~~ in ~~his~~ the director's office. 4028

**Sec. 111.15.** (A) As used in this section: 4029

(1) "Rule" includes any rule, regulation, bylaw, or standard 4030  
having a general and uniform operation adopted by an agency under 4031  
the authority of the laws governing the agency; any appendix to a 4032  
rule; and any internal management rule. "Rule" does not include 4033  
any guideline adopted pursuant to section 3301.0714 of the Revised 4034  
Code, any order respecting the duties of employees, any finding, 4035  
any determination of a question of law or fact in a matter 4036  
presented to an agency, or any rule promulgated pursuant to 4037  
Chapter 119., section 4141.14, division (C)(1) or (2) of section 4038  
5117.02, or section 5703.14 of the Revised Code. "Rule" includes 4039  
any amendment or rescission of a rule. 4040

(2) "Agency" means any governmental entity of the state and 4041  
includes, but is not limited to, any board, department, division, 4042  
commission, bureau, society, council, institution, state college 4043  
or university, community college district, technical college 4044  
district, or state community college. "Agency" does not include 4045

the general assembly, the controlling board, the adjutant 4046  
general's department, or any court. 4047

(3) "Internal management rule" means any rule, regulation, 4048  
bylaw, or standard governing the day-to-day staff procedures and 4049  
operations within an agency. 4050

(4) "Substantive revision" has the same meaning as in 4051  
division (J) of section 119.01 of the Revised Code. 4052

(B)(1) Any rule, other than a rule of an emergency nature, 4053  
adopted by any agency pursuant to this section shall be effective 4054  
on the tenth day after the day on which the rule in final form and 4055  
in compliance with division (B)(3) of this section is filed as 4056  
follows: 4057

(a) The rule shall be filed in electronic form with both the 4058  
secretary of state and the director of the legislative service 4059  
commission; 4060

(b) The rule shall be filed in electronic form with the joint 4061  
committee on agency rule review. Division (B)(1)(b) of this 4062  
section does not apply to any rule to which division (D) of this 4063  
section does not apply. 4064

An agency that adopts or amends a rule that is subject to 4065  
division (D) of this section shall assign a review date to the 4066  
rule that is not later than five years after its effective date. 4067  
If no review date is assigned to a rule, or if a review date 4068  
assigned to a rule exceeds the five-year maximum, the review date 4069  
for the rule is five years after its effective date. A rule with a 4070  
review date is subject to review under section 119.032 of the 4071  
Revised Code. This paragraph does not apply to a rule of a state 4072  
college or university, community college district, technical 4073  
college district, or state community college. 4074

If all filings are not completed on the same day, the rule 4075  
shall be effective on the tenth day after the day on which the 4076

latest filing is completed. If an agency in adopting a rule 4077  
designates an effective date that is later than the effective date 4078  
provided for by division (B)(1) of this section, the rule if filed 4079  
as required by such division shall become effective on the later 4080  
date designated by the agency. 4081

Any rule that is required to be filed under division (B)(1) 4082  
of this section is also subject to division (D) of this section if 4083  
not exempted by division (D)(1), (2), (3), (4), (5), (6), (7), or 4084  
(8) of this section. 4085

If a rule incorporates a text or other material by reference, 4086  
the agency shall comply with sections 121.71 to 121.76 of the 4087  
Revised Code. 4088

(2) A rule of an emergency nature necessary for the immediate 4089  
preservation of the public peace, health, or safety shall state 4090  
the reasons for the necessity. The emergency rule, in final form 4091  
and in compliance with division (B)(3) of this section, shall be 4092  
filed in electronic form with the secretary of state, the director 4093  
of the legislative service commission, and the joint committee on 4094  
agency rule review. The emergency rule is effective immediately 4095  
upon completion of the latest filing, except that if the agency in 4096  
adopting the emergency rule designates an effective date, or date 4097  
and time of day, that is later than the effective date and time 4098  
provided for by division (B)(2) of this section, the emergency 4099  
rule if filed as required by such division shall become effective 4100  
at the later date, or later date and time of day, designated by 4101  
the agency. 4102

An emergency rule becomes invalid at the end of the ninetieth 4103  
day it is in effect. Prior to that date, the agency may file the 4104  
emergency rule as a nonemergency rule in compliance with division 4105  
(B)(1) of this section. The agency may not refile the emergency 4106  
rule in compliance with division (B)(2) of this section so that, 4107  
upon the emergency rule becoming invalid under such division, the 4108

emergency rule will continue in effect without interruption for 4109  
another ninety-day period. 4110

(3) An agency shall file a rule under division (B)(1) or (2) 4111  
of this section in compliance with the following standards and 4112  
procedures: 4113

(a) The rule shall be numbered in accordance with the 4114  
numbering system devised by the director for the Ohio 4115  
administrative code. 4116

(b) The rule shall be prepared and submitted in compliance 4117  
with the rules of the legislative service commission. 4118

(c) The rule shall clearly state the date on which it is to 4119  
be effective and the date on which it will expire, if known. 4120

(d) Each rule that amends or rescinds another rule shall 4121  
clearly refer to the rule that is amended or rescinded. Each 4122  
amendment shall fully restate the rule as amended. 4123

If the director of the legislative service commission or the 4124  
director's designee gives an agency notice pursuant to section 4125  
103.05 of the Revised Code that a rule filed by the agency is not 4126  
in compliance with the rules of the legislative service 4127  
commission, the agency shall within thirty days after receipt of 4128  
the notice conform the rule to the rules of the commission as 4129  
directed in the notice. 4130

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 4131  
of this section shall be recorded by the secretary of state and 4132  
the director under the title of the agency adopting the rule and 4133  
shall be numbered according to the numbering system devised by the 4134  
director. The secretary of state and the director shall preserve 4135  
the rules in an accessible manner. Each such rule shall be a 4136  
public record open to public inspection and may be transmitted to 4137  
any law publishing company that wishes to reproduce it. 4138

(D) At least sixty-five days before a board, commission, department, division, or bureau of the government of the state files a rule under division (B)(1) of this section, it shall file the full text of the proposed rule in electronic form with the joint committee on agency rule review, and the proposed rule is subject to legislative review and invalidation under division (I) of section 119.03 of the Revised Code. If a state board, commission, department, division, or bureau makes a substantive revision in a proposed rule after it is filed with the joint committee, the state board, commission, department, division, or bureau shall promptly file the full text of the proposed rule in its revised form in electronic form with the joint committee. The latest version of a proposed rule as filed with the joint committee supersedes each earlier version of the text of the same proposed rule. ~~Except as provided in division (F) of this section,~~ a A state board, commission, department, division, or bureau shall also file the rule summary and fiscal analysis prepared under section 127.18 of the Revised Code in electronic form along with a proposed rule, and along with a proposed rule in revised form, that is filed under this division. If a proposed rule has an adverse impact on businesses, the state board, commission, department, division, or bureau also shall file the business impact analysis, any recommendations received from the common sense initiative office, and the associated memorandum of response, if any, in electronic form along with the proposed rule, or the proposed rule in revised form, that is filed under this division.

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

This division does not apply to any of the following:

(1) A proposed rule of an emergency nature;

(2) A rule proposed under section 1121.05, 1121.06, 1155.18, 4171  
1163.22, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4172  
4123.342, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 4173  
Code; 4174

(3) A rule proposed by an agency other than a board, 4175  
commission, department, division, or bureau of the government of 4176  
the state; 4177

(4) A proposed internal management rule of a board, 4178  
commission, department, division, or bureau of the government of 4179  
the state; 4180

(5) Any proposed rule that must be adopted verbatim by an 4181  
agency pursuant to federal law or rule, to become effective within 4182  
sixty days of adoption, in order to continue the operation of a 4183  
federally reimbursed program in this state, so long as the 4184  
proposed rule contains both of the following: 4185

(a) A statement that it is proposed for the purpose of 4186  
complying with a federal law or rule; 4187

(b) A citation to the federal law or rule that requires 4188  
verbatim compliance. 4189

(6) An initial rule proposed by the director of health to 4190  
impose safety standards and quality-of-care standards with respect 4191  
to a health service specified in section 3702.11 of the Revised 4192  
Code, or an initial rule proposed by the director to impose 4193  
quality standards on a facility listed in division (A)(4) of 4194  
section 3702.30 of the Revised Code, if section 3702.12 of the 4195  
Revised Code requires that the rule be adopted under this section; 4196

(7) A rule of the state lottery commission pertaining to 4197  
instant game rules. 4198

If a rule is exempt from legislative review under division 4199  
(D)(5) of this section, and if the federal law or rule pursuant to 4200

which the rule was adopted expires, is repealed or rescinded, or 4201  
otherwise terminates, the rule is thereafter subject to 4202  
legislative review under division (D) of this section. 4203

(E) Whenever a state board, commission, department, division, 4204  
or bureau files a proposed rule or a proposed rule in revised form 4205  
under division (D) of this section, it shall also file the full 4206  
text of the same proposed rule or proposed rule in revised form in 4207  
electronic form with the secretary of state and the director of 4208  
the legislative service commission. ~~Except as provided in division~~ 4209  
~~(F) of this section, a~~ A state board, commission, department, 4210  
division, or bureau shall file the rule summary and fiscal 4211  
analysis prepared under section 127.18 of the Revised Code in 4212  
electronic form along with a proposed rule or proposed rule in 4213  
revised form that is filed with the secretary of state or the 4214  
director of the legislative service commission. 4215

~~(F) Except as otherwise provided in this division, the~~ 4216  
~~auditor of state or the auditor of state's designee is not~~ 4217  
~~required to file a rule summary and fiscal analysis along with a~~ 4218  
~~proposed rule, or proposed rule in revised form, that the auditor~~ 4219  
~~of state proposes under section 117.12, 117.19, 117.38, or 117.43~~ 4220  
~~of the Revised Code and files under division (D) or (E) of this~~ 4221  
~~section.~~ 4222

**Sec. 111.28.** (A) There is hereby created in the state 4223  
treasury the help America vote act (HAVA) fund. All moneys 4224  
received by the secretary of state from the United States election 4225  
assistance commission shall be credited to the fund. The secretary 4226  
of state shall use the moneys credited to the fund for activities 4227  
conducted pursuant to the "Help America Vote Act of 2002," Pub. L. 4228  
No. 107-252, 116 Stat. 1666. All investment earnings of the fund 4229  
shall be credited to the fund. 4230

(B) There is hereby created in the state treasury the 4231

election reform/health and human services fund. All moneys 4232  
received by the secretary of state from the United States 4233  
department of health and human services shall be credited to the 4234  
fund. The secretary of state shall use the moneys credited to the 4235  
fund for activities conducted pursuant to grants awarded to the 4236  
state under Title II, Subtitle D, Sections 261 to 265 of the Help 4237  
America Vote Act of 2002 to assure access for individuals with 4238  
disabilities. All investment earnings of the fund shall be 4239  
credited to the fund. 4240

(C) There is hereby created in the state treasury the 4241  
miscellaneous federal grants fund. All moneys the secretary of 4242  
state receives as grants from federal sources that are not 4243  
otherwise designated shall be credited to the fund. The secretary 4244  
of state shall use the moneys credited to the fund for the 4245  
purposes and activities required by the applicable federal grant 4246  
agreements. All investment earnings of the fund shall be credited 4247  
to the fund. 4248

**Sec. 113.02.** Before entering upon the discharge of the duties 4249  
of ~~his~~ office, the treasurer of state shall give a bond to the 4250  
state in the sum of one million dollars, with ~~sureties approved by~~ 4251  
~~the governor~~ a surety authorized to do business in the state, 4252  
conditioned for the faithful discharge of the duties of ~~his~~ the 4253  
office of treasurer of state. The bond, ~~with the approval of the~~ 4254  
~~governor~~ and the oath of office ~~endorsed thereon,~~ shall be 4255  
deposited with and kept by the secretary of state ~~and kept~~ in ~~his~~ 4256  
the secretary of state's office. 4257

**Sec. 113.061.** The treasurer of state shall adopt rules in 4258  
accordance with Chapter 119. of the Revised Code governing the 4259  
remittance of taxes by electronic funds transfer as required under 4260  
sections 5726.03, 5727.311, 5727.83, 5733.022, 5735.062, 5739.032, 4261  
~~and~~ 5745.04, 5747.072, 5749.06, and 5751.07 of the Revised Code 4262



and any other section of the Revised Code under which a person is 4263  
required to remit taxes by electronic funds transfer. The rules 4264  
shall govern the modes of electronic funds transfer acceptable to 4265  
the treasurer of state and under what circumstances each mode is 4266  
acceptable, the content and format of electronic funds transfers, 4267  
the coordination of payment by electronic funds transfer and 4268  
filing of associated tax reports and returns, the remittance of 4269  
taxes by means other than electronic funds transfer by persons 4270  
otherwise required to do so but relieved of the requirement by the 4271  
treasurer of state, and any other matter that in the opinion of 4272  
the treasurer of state facilitates payment by electronic funds 4273  
transfer in a manner consistent with those sections. 4274

Upon failure by a person, if so required, to remit taxes by 4275  
electronic funds transfer in the manner prescribed under section 4276  
5726.03, 5727.83, 5733.022, 5735.062, 5739.032, 5745.04, ~~or~~ 4277  
5747.072, 5749.06, or 5751.07 of the Revised Code and rules 4278  
adopted under this section, the treasurer of state shall notify 4279  
the tax commissioner of such failure if the treasurer of state 4280  
determines that such failure was not due to reasonable cause or 4281  
was due to willful neglect, and shall provide the tax commissioner 4282  
with any information used in making that determination. The tax 4283  
commissioner may assess an additional charge as specified in the 4284  
respective section of the Revised Code governing the requirement 4285  
to remit taxes by electronic funds transfer. 4286

The treasurer of state may implement means of acknowledging, 4287  
upon the request of a taxpayer, receipt of tax remittances made by 4288  
electronic funds transfer, and may adopt rules governing 4289  
acknowledgments. The cost of acknowledging receipt of electronic 4290  
remittances shall be paid by the person requesting acknowledgment. 4291

The treasurer of state, not the tax commissioner, is 4292  
responsible for resolving any problems involving electronic funds 4293  
transfer transmissions. 4294

**Sec. 117.03.** Before entering upon the discharge of the duties 4295  
of ~~his~~ office, the auditor of state shall give a bond to the state 4296  
in the sum of twenty thousand dollars, with a surety ~~approved by~~ 4297  
~~the governor~~ authorized to do business in the state, conditioned 4298  
for the faithful discharge of the duties of ~~his~~ the office of 4299  
auditor of state. The bond, ~~with the approval of the governor~~ and 4300  
the oath of office ~~endorsed thereon~~, shall be deposited with and 4301  
kept by the secretary of state and kept in ~~his~~ the secretary of 4302  
state's office. 4303

**Sec. 117.10.** The auditor of state shall audit all public 4304  
offices as provided in this chapter. The auditor of state also may 4305  
audit the accounts of private institutions, associations, boards, 4306  
and corporations receiving public money for their use and may 4307  
require of them annual reports in such form as the auditor of 4308  
state prescribes. 4309

If the auditor of state performs or contracts for the 4310  
performance of an audit, including a special audit, of the public 4311  
employees retirement system, school employees retirement system, 4312  
state teachers retirement system, state highway patrol retirement 4313  
system, or Ohio police and fire pension fund, the auditor of state 4314  
shall make a timely report of the results of the audit to the Ohio 4315  
retirement study council. 4316

The auditor of state may audit the accounts of any medicaid 4317  
provider, as defined in section ~~5111.06~~ 5164.01 of the Revised 4318  
Code. 4319

If a public office has been audited by an agency of the 4320  
United States government, the auditor of state may, if satisfied 4321  
that the federal audit has been conducted according to principles 4322  
and procedures not contrary to those of the auditor of state, use 4323  
and adopt the federal audit and report in lieu of an audit by the 4324

auditor of state's own office. 4325

Within thirty days after the creation or dissolution or the 4326  
winding up of the affairs of any public office, that public office 4327  
shall notify the auditor of state in writing that this action has 4328  
occurred. 4329

**Sec. 117.20.** (A) In adopting rules pursuant to Chapter 117. 4330  
of the Revised Code, the auditor of state or the auditor of 4331  
state's designee shall do both of the following: 4332

(1) Before adopting any such rule, except a rule of an 4333  
emergency nature, do each of the following: 4334

(a) At least thirty-five days before any public hearing on 4335  
the proposed rule-making action, mail or send by electronic mail 4336  
notice of the hearing to each public office and to each statewide 4337  
organization that the auditor of state or designee determines will 4338  
be affected or represents persons who will be affected by the 4339  
proposed rule-making action; 4340

(b) Mail or send by electronic mail a copy of the proposed 4341  
rule to any person or organization that requests a copy within 4342  
five days after receipt of the request; 4343

(c) Consult with appropriate state and local government 4344  
agencies, or with persons representative of their interests, 4345  
including statewide organizations of local government officials, 4346  
and consult with accounting professionals and other interested 4347  
persons; 4348

(d) Conduct, on the date and at the time and place designated 4349  
in the notice, a public hearing at which any person affected by 4350  
the proposed rule, including statewide organizations of local 4351  
government officials, may appear and be heard in person, by 4352  
attorney, or both, and may present the person's or organization's 4353  
position or contentions orally or in writing. 4354

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

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

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

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

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

(A)(1) "Agency" means, except as limited by this division, any official, board, or commission having authority to promulgate rules or make adjudications in the civil service commission, the division of liquor control, the department of taxation, the industrial commission, the bureau of workers' compensation, the

functions of any administrative or executive officer, department, 4386  
division, bureau, board, or commission of the government of the 4387  
state specifically made subject to sections 119.01 to 119.13 of 4388  
the Revised Code, and the licensing functions of any 4389  
administrative or executive officer, department, division, bureau, 4390  
board, or commission of the government of the state having the 4391  
authority or responsibility of issuing, suspending, revoking, or 4392  
canceling licenses. 4393

Except as otherwise provided in division (I) of this section, 4394  
sections 119.01 to 119.13 of the Revised Code do not apply to the 4395  
public utilities commission. Sections 119.01 to 119.13 of the 4396  
Revised Code do not apply to the utility radiological safety 4397  
board; to the controlling board; to actions of the superintendent 4398  
of financial institutions and the superintendent of insurance in 4399  
the taking possession of, and rehabilitation or liquidation of, 4400  
the business and property of banks, savings and loan associations, 4401  
savings banks, credit unions, insurance companies, associations, 4402  
reciprocal fraternal benefit societies, and bond investment 4403  
companies; to any action taken by the division of securities under 4404  
section 1707.201 of the Revised Code; or to any action that may be 4405  
taken by the superintendent of financial institutions under 4406  
section 1113.03, 1121.06, 1121.10, 1125.09, 1125.12, 1125.18, 4407  
1157.09, 1157.12, 1157.18, 1165.09, 1165.12, 1165.18, 1349.33, 4408  
1733.35, 1733.361, 1733.37, or 1761.03 of the Revised Code. 4409

Sections 119.01 to 119.13 of the Revised Code do not apply to 4410  
actions of the industrial commission or the bureau of workers' 4411  
compensation under sections 4123.01 to 4123.94 of the Revised Code 4412  
with respect to all matters of adjudication, or to the actions of 4413  
the industrial commission, bureau of workers' compensation board 4414  
of directors, and bureau of workers' compensation under division 4415  
(D) of section 4121.32, sections 4123.29, 4123.34, 4123.341, 4416  
4123.342, 4123.40, 4123.411, 4123.44, 4123.442, 4127.07, divisions 4417

(B), (C), and (E) of section 4131.04, and divisions (B), (C), and 4418  
(E) of section 4131.14 of the Revised Code with respect to all 4419  
matters concerning the establishment of premium, contribution, and 4420  
assessment rates. 4421

(2) "Agency" also means any official or work unit having 4422  
authority to promulgate rules or make adjudications in the 4423  
department of job and family services, but only with respect to 4424  
both of the following: 4425

(a) The adoption, amendment, or rescission of rules that 4426  
section 5101.09 of the Revised Code requires be adopted in 4427  
accordance with this chapter; 4428

(b) The issuance, suspension, revocation, or cancellation of 4429  
licenses. 4430

(B) "License" means any license, permit, certificate, 4431  
commission, or charter issued by any agency. "License" does not 4432  
include any arrangement whereby a person, ~~institution,~~ or 4433  
government entity furnishes medicaid services under a provider 4434  
agreement with the department of ~~job and family services pursuant~~ 4435  
~~to Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42~~ 4436  
~~U.S.C. 301, as amended~~ medicaid. 4437

(C) "Rule" means any rule, regulation, or standard, having a 4438  
general and uniform operation, adopted, promulgated, and enforced 4439  
by any agency under the authority of the laws governing such 4440  
agency, and includes any appendix to a rule. "Rule" does not 4441  
include any internal management rule of an agency unless the 4442  
internal management rule affects private rights and does not 4443  
include any guideline adopted pursuant to section 3301.0714 of the 4444  
Revised Code. 4445

(D) "Adjudication" means the determination by the highest or 4446  
ultimate authority of an agency of the rights, duties, privileges, 4447  
benefits, or legal relationships of a specified person, but does 4448

not include the issuance of a license in response to an 4449  
application with respect to which no question is raised, nor other 4450  
acts of a ministerial nature. 4451

(E) "Hearing" means a public hearing by any agency in 4452  
compliance with procedural safeguards afforded by sections 119.01 4453  
to 119.13 of the Revised Code. 4454

(F) "Person" means a person, firm, corporation, association, 4455  
or partnership. 4456

(G) "Party" means the person whose interests are the subject 4457  
of an adjudication by an agency. 4458

(H) "Appeal" means the procedure by which a person, aggrieved 4459  
by a finding, decision, order, or adjudication of any agency, 4460  
invokes the jurisdiction of a court. 4461

(I) "Rule-making agency" means any board, commission, 4462  
department, division, or bureau of the government of the state 4463  
that is required to file proposed rules, amendments, or 4464  
rescissions under division (D) of section 111.15 of the Revised 4465  
Code and any agency that is required to file proposed rules, 4466  
amendments, or rescissions under divisions (B) and (H) of section 4467  
119.03 of the Revised Code. "Rule-making agency" includes the 4468  
public utilities commission. "Rule-making agency" does not include 4469  
any state-supported college or university. 4470

(J) "Substantive revision" means any addition to, elimination 4471  
from, or other change in a rule, an amendment of a rule, or a 4472  
rescission of a rule, whether of a substantive or procedural 4473  
nature, that changes any of the following: 4474

(1) That which the rule, amendment, or rescission permits, 4475  
authorizes, regulates, requires, prohibits, penalizes, rewards, or 4476  
otherwise affects; 4477

(2) The scope or application of the rule, amendment, or 4478

rescission. 4479

(K) "Internal management rule" means any rule, regulation, or 4480  
standard governing the day-to-day staff procedures and operations 4481  
within an agency. 4482

**Sec. 120.06.** (A)(1) The state public defender, when 4483  
designated by the court or requested by a county public defender 4484  
or joint county public defender, may provide legal representation 4485  
in all courts throughout the state to indigent adults and 4486  
juveniles who are charged with the commission of an offense or act 4487  
for which the penalty or any possible adjudication includes the 4488  
potential loss of liberty. 4489

(2) The state public defender may provide legal 4490  
representation to any indigent person who, while incarcerated in 4491  
any state correctional institution, is charged with a felony 4492  
offense, for which the penalty or any possible adjudication that 4493  
may be imposed by a court upon conviction includes the potential 4494  
loss of liberty. 4495

(3) The state public defender may provide legal 4496  
representation to any person incarcerated in any correctional 4497  
institution of the state, in any matter in which the person 4498  
asserts the person is unlawfully imprisoned or detained. 4499

(4) The state public defender, in any case in which the state 4500  
public defender has provided legal representation or is requested 4501  
to do so by a county public defender or joint county public 4502  
defender, may provide legal representation on appeal. 4503

(5) The state public defender, when designated by the court 4504  
or requested by a county public defender, joint county public 4505  
defender, or the director of rehabilitation and correction, shall 4506  
provide legal representation in parole and probation revocation 4507  
matters or matters relating to the revocation of community control 4508



or post-release control under a community control sanction or 4509  
post-release control sanction, unless the state public defender 4510  
finds that the alleged parole or probation violator or alleged 4511  
violator of a community control sanction or post-release control 4512  
sanction has the financial capacity to retain the alleged 4513  
violator's own counsel. 4514

(6) If the state public defender contracts with a county 4515  
public defender commission, a joint county public defender 4516  
commission, or a board of county commissioners for the provision 4517  
of services, under authority of division (C)(7) of section 120.04 4518  
of the Revised Code, the state public defender shall provide legal 4519  
representation in accordance with the contract. 4520

(B) The state public defender shall not be required to 4521  
prosecute any appeal, postconviction remedy, or other proceeding 4522  
pursuant to division (A)(3), (4), or (5) of this section, unless 4523  
the state public defender first is satisfied that there is 4524  
arguable merit to the proceeding. 4525

(C) A court may appoint counsel or allow an indigent person 4526  
to select the indigent's own personal counsel to assist the state 4527  
public defender as co-counsel when the interests of justice so 4528  
require. When co-counsel is appointed to assist the state public 4529  
defender, the co-counsel shall receive any compensation that the 4530  
court may approve, not to exceed the amounts provided for in 4531  
section 2941.51 of the Revised Code. 4532

(D)(1) When the state public defender is designated by the 4533  
court or requested by a county public defender or joint county 4534  
public defender to provide legal representation for an indigent 4535  
person in any case, other than pursuant to a contract entered into 4536  
under authority of division (C)(7) of section 120.04 of the 4537  
Revised Code, the state public defender shall send to the county 4538  
in which the case is filed a bill detailing the actual cost of the 4539  
representation that separately itemizes legal fees and expenses. 4540

The county, upon receipt of an itemized bill from the state public 4541  
defender pursuant to this division, shall pay the state public 4542  
defender each of the following amounts: 4543

(a) For the amount identified as legal fees in the itemized 4544  
bill, one hundred per cent of the amount identified as legal fees 4545  
less the state reimbursement rate as calculated by the state 4546  
public defender pursuant to section 120.34 of the Revised Code for 4547  
the month the case terminated, as set forth in the itemized bill; 4548

(b) For the amount identified as expenses in the itemized 4549  
bill, one hundred per cent. 4550

(2) Upon payment of the itemized bill under division (D)(1) 4551  
of this section, the county may submit the cost of the expenses, 4552  
excluding legal fees, to the state public defender for 4553  
reimbursement pursuant to section 120.33 of the Revised Code. 4554

(3) When the state public defender provides investigation or 4555  
mitigation services to private appointed counsel or to a county or 4556  
joint county public defender as approved by the appointing court, 4557  
other than pursuant to a contract entered into under authority of 4558  
division (C)(7) of section 120.04 of the Revised Code, the state 4559  
public defender shall send to the county in which the case is 4560  
filed a bill itemizing the actual cost of the services provided. 4561  
The county, upon receipt of an itemized bill from the state public 4562  
defender pursuant to this division, shall pay one hundred per cent 4563  
of the amount as set forth in the itemized bill. Upon payment of 4564  
the itemized bill received pursuant to this division, the county 4565  
may submit the cost of the investigation and mitigation services 4566  
to the state public defender for reimbursement pursuant to section 4567  
120.33 of the Revised Code. 4568

(4) There is hereby created in the state treasury the county 4569  
representation fund for the deposit of moneys received from 4570  
counties under this division. All moneys credited to the fund 4571

shall be used by the state public defender to provide legal 4572  
representation for indigent persons when designated by the court 4573  
or requested by a county or joint county public defender or to 4574  
provide investigation or mitigation services, including 4575  
investigation or mitigation services to private appointed counsel 4576  
or a county or joint county public defender, as approved by the 4577  
court. 4578

(E)(1) Notwithstanding any contrary provision of sections 4579  
109.02, 109.07, 109.361 to 109.366, and 120.03 of the Revised Code 4580  
that pertains to representation by the attorney general, an 4581  
assistant attorney general, or special counsel of an officer or 4582  
employee, as defined in section 109.36 of the Revised Code, or of 4583  
an entity of state government, the state public defender may elect 4584  
to contract with, and to have the state pay pursuant to division 4585  
(E)(2) of this section for the services of, private legal counsel 4586  
to represent the Ohio public defender commission, the state public 4587  
defender, assistant state public defenders, other employees of the 4588  
commission or the state public defender, and attorneys described 4589  
in division (C) of section 120.41 of the Revised Code in a 4590  
malpractice or other civil action or proceeding that arises from 4591  
alleged actions or omissions related to responsibilities derived 4592  
pursuant to this chapter, or in a civil action that is based upon 4593  
alleged violations of the constitution or statutes of the United 4594  
States, including section 1983 of Title 42 of the United States 4595  
Code, 93 Stat. 1284 (1979), 42 U.S.C.A. 1983, as amended, and that 4596  
arises from alleged actions or omissions related to 4597  
responsibilities derived pursuant to this chapter, if the state 4598  
public defender determines, in good faith, that the defendant in 4599  
the civil action or proceeding did not act manifestly outside the 4600  
scope of the defendant's employment or official responsibilities, 4601  
with malicious purpose, in bad faith, or in a wanton or reckless 4602  
manner. If the state public defender elects not to contract 4603  
pursuant to this division for private legal counsel in a civil 4604

action or proceeding, then, in accordance with sections 109.02, 4605  
109.07, 109.361 to 109.366, and 120.03 of the Revised Code, the 4606  
attorney general shall represent or provide for the representation 4607  
of the Ohio public defender commission, the state public defender, 4608  
assistant state public defenders, other employees of the 4609  
commission or the state public defender, or attorneys described in 4610  
division (C) of section 120.41 of the Revised Code in the civil 4611  
action or proceeding. 4612

(2)(a) Subject to division (E)(2)(b) of this section, payment 4613  
from the state treasury for the services of private legal counsel 4614  
with whom the state public defender has contracted pursuant to 4615  
division (E)(1) of this section shall be accomplished only through 4616  
the following procedure: 4617

(i) The private legal counsel shall file with the attorney 4618  
general a copy of the contract; a request for an award of legal 4619  
fees, court costs, and expenses earned or incurred in connection 4620  
with the defense of the Ohio public defender commission, the state 4621  
public defender, an assistant state public defender, an employee, 4622  
or an attorney in a specified civil action or proceeding; a 4623  
written itemization of those fees, costs, and expenses, including 4624  
the signature of the state public defender and the state public 4625  
defender's attestation that the fees, costs, and expenses were 4626  
earned or incurred pursuant to division (E)(1) of this section to 4627  
the best of the state public defender's knowledge and information; 4628  
a written statement whether the fees, costs, and expenses are for 4629  
all legal services to be rendered in connection with that defense, 4630  
are only for legal services rendered to the date of the request 4631  
and additional legal services likely will have to be provided in 4632  
connection with that defense, or are for the final legal services 4633  
rendered in connection with that defense; a written statement 4634  
indicating whether the private legal counsel previously submitted 4635  
a request for an award under division (E)(2) of this section in 4636

connection with that defense and, if so, the date and the amount 4637  
of each award granted; and, if the fees, costs, and expenses are 4638  
for all legal services to be rendered in connection with that 4639  
defense or are for the final legal services rendered in connection 4640  
with that defense, a certified copy of any judgment entry in the 4641  
civil action or proceeding or a signed copy of any settlement 4642  
agreement entered into between the parties to the civil action or 4643  
proceeding. 4644

(ii) Upon receipt of a request for an award of legal fees, 4645  
court costs, and expenses and the requisite supportive 4646  
documentation described in division (E)(2)(a)(i) of this section, 4647  
the attorney general shall review the request and documentation; 4648  
determine whether any of the limitations specified in division 4649  
(E)(2)(b) of this section apply to the request; and, if an award 4650  
of legal fees, court costs, or expenses is permissible after 4651  
applying the limitations, prepare a document awarding legal fees, 4652  
court costs, or expenses to the private legal counsel. The 4653  
document shall name the private legal counsel as the recipient of 4654  
the award; specify the total amount of the award as determined by 4655  
the attorney general; itemize the portions of the award that 4656  
represent legal fees, court costs, and expenses; specify any 4657  
limitation applied pursuant to division (E)(2)(b) of this section 4658  
to reduce the amount of the award sought by the private legal 4659  
counsel; state that the award is payable from the state treasury 4660  
pursuant to division (E)(2)(a)(iii) of this section; and be 4661  
approved by the inclusion of the signatures of the attorney 4662  
general, the state public defender, and the private legal counsel. 4663

(iii) The attorney general shall forward a copy of the 4664  
document prepared pursuant to division (E)(2)(a)(ii) of this 4665  
section to the director of budget and management. The award of 4666  
legal fees, court costs, or expenses shall be paid out of the 4667  
state public defender's appropriations, to the extent there is a 4668

sufficient available balance in those appropriations. If the state public defender does not have a sufficient available balance in the state public defender's appropriations to pay the entire award of legal fees, court costs, or expenses, the director shall make application for a transfer of appropriations out of the emergency purposes account or any other appropriation for emergencies or contingencies in an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations. A transfer of appropriations out of the emergency purposes account or any other appropriation for emergencies or contingencies shall be authorized if there are sufficient moneys greater than the sum total of then pending emergency purposes account requests, or requests for releases from the other appropriation. If a transfer of appropriations out of the emergency purposes account or other appropriation for emergencies or contingencies is made to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, the director shall cause the payment to be made to the private legal counsel. If sufficient moneys do not exist in the emergency purposes account or other appropriation for emergencies or contingencies to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, the private legal counsel shall request the general assembly to make an appropriation sufficient to pay an amount equal to the portion of the award that exceeds the sufficient available balance in the state public defender's appropriations, and no payment in that amount shall be made until the appropriation has been made. The private legal counsel shall make the request during the current biennium and during each succeeding biennium until a sufficient appropriation is made.

(b) An award of legal fees, court costs, and expenses pursuant to division (E) of this section is subject to the

following limitations: 4702

(i) The maximum award or maximum aggregate of a series of 4703  
awards of legal fees, court costs, and expenses to the private 4704  
legal counsel in connection with the defense of the Ohio public 4705  
defender commission, the state public defender, an assistant state 4706  
public defender, an employee, or an attorney in a specified civil 4707  
action or proceeding shall not exceed fifty thousand dollars. 4708

(ii) The private legal counsel shall not be awarded legal 4709  
fees, court costs, or expenses to the extent the fees, costs, or 4710  
expenses are covered by a policy of malpractice or other 4711  
insurance. 4712

(iii) The private legal counsel shall be awarded legal fees 4713  
and expenses only to the extent that the fees and expenses are 4714  
reasonable in light of the legal services rendered by the private 4715  
legal counsel in connection with the defense of the Ohio public 4716  
defender commission, the state public defender, an assistant state 4717  
public defender, an employee, or an attorney in a specified civil 4718  
action or proceeding. 4719

(c) If, pursuant to division (E)(2)(a) of this section, the 4720  
attorney general denies a request for an award of legal fees, 4721  
court costs, or expenses to private legal counsel because of the 4722  
application of a limitation specified in division (E)(2)(b) of 4723  
this section, the attorney general shall notify the private legal 4724  
counsel in writing of the denial and of the limitation applied. 4725

(d) If, pursuant to division (E)(2)(c) of this section, a 4726  
private legal counsel receives a denial of an award notification 4727  
or if a private legal counsel refuses to approve a document under 4728  
division (E)(2)(a)(ii) of this section because of the proposed 4729  
application of a limitation specified in division (E)(2)(b) of 4730  
this section, the private legal counsel may commence a civil 4731  
action against the attorney general in the court of claims to 4732

prove the private legal counsel's entitlement to the award sought, 4733  
to prove that division (E)(2)(b) of this section does not prohibit 4734  
or otherwise limit the award sought, and to recover a judgment for 4735  
the amount of the award sought. A civil action under division 4736  
(E)(2)(d) of this section shall be commenced no later than two 4737  
years after receipt of a denial of award notification or, if the 4738  
private legal counsel refused to approve a document under division 4739  
(E)(2)(a)(ii) of this section because of the proposed application 4740  
of a limitation specified in division (E)(2)(b) of this section, 4741  
no later than two years after the refusal. Any judgment of the 4742  
court of claims in favor of the private legal counsel shall be 4743  
paid from the state treasury in accordance with division (E)(2)(a) 4744  
of this section. 4745

(F) If a court appoints the office of the state public 4746  
defender to represent a petitioner in a postconviction relief 4747  
proceeding under section 2953.21 of the Revised Code, the 4748  
petitioner has received a sentence of death, and the proceeding 4749  
relates to that sentence, all of the attorneys who represent the 4750  
petitioner in the proceeding pursuant to the appointment, whether 4751  
an assistant state public defender, the state public defender, or 4752  
another attorney, shall be certified under Rule 20 of the Rules of 4753  
Superintendence for the Courts of Ohio to represent indigent 4754  
defendants charged with or convicted of an offense for which the 4755  
death penalty can be or has been imposed. 4756

(G)(1) The state public defender may provide legal 4757  
representation and services to a child committed to the department 4758  
of youth services relative to either of the following: 4759

(a) The fact or duration of the child's confinement, 4760  
including, but not limited to, appeals, post-conviction relief, 4761  
petitions for habeas corpus, and administrative issues that may 4762  
extend the period of confinement; 4763

(b) Conditions of the child's confinement. 4764



(2) Division (G)(1) of this section does not authorize the state public defender to represent a child committed to the department of youth services in general civil matters arising solely out of state law. 4765  
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(H) A child's right to representation or services under this section is not affected by the child, or another person on behalf of the child, previously having paid for similar representation or services or having waived legal representation. 4769  
4770  
4771  
4772

(I) The state public defender shall have access to any child committed to the department of youth services, department of youth services institution, and department of youth services record as needed to implement this section. 4773  
4774  
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4776

(J) As used in this section: 4777

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 4778  
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(2) "Conditions of confinement" means any issue involving a constitutional right or other civil right related to a child's incarceration, including, but not limited to, actions cognizable under 42 U.S.C. 1983. 4780  
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4783

(3) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 4784  
4785

**Sec. 121.02.** The following administrative departments and their respective directors are hereby created: 4786  
4787

(A) The office of budget and management, which shall be administered by the director of budget and management; 4788  
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(B) The department of commerce, which shall be administered by the director of commerce; 4790  
4791

(C) The department of administrative services, which shall be administered by the director of administrative services; 4792  
4793

(D) The department of transportation, which shall be administered by the director of transportation;	4794 4795
(E) The department of agriculture, which shall be administered by the director of agriculture;	4796 4797
(F) The department of natural resources, which shall be administered by the director of natural resources;	4798 4799
(G) The department of health, which shall be administered by the director of health;	4800 4801
(H) The department of job and family services, which shall be administered by the director of job and family services;	4802 4803
(I) Until July 1, 1997, the department of liquor control, which shall be administered by the director of liquor control;	4804 4805
(J) The department of public safety, which shall be administered by the director of public safety;	4806 4807
(K) The department of <del>mental health</del> <u>mental health and addiction services</u> , which shall be administered by the director of <del>mental health</del> <u>mental health and addiction services</u> ;	4808 4809 4810
(L) The department of developmental disabilities, which shall be administered by the director of developmental disabilities;	4811 4812
(M) The department of insurance, which shall be administered by the superintendent of insurance as director thereof;	4813 4814
(N) The development services agency, which shall be administered by the director of development services;	4815 4816
(O) The department of youth services, which shall be administered by the director of youth services;	4817 4818
(P) The department of rehabilitation and correction, which shall be administered by the director of rehabilitation and correction;	4819 4820 4821
(Q) The environmental protection agency, which shall be	4822

administered by the director of environmental protection;	4823
(R) The department of aging, which shall be administered by the director of aging;	4824
(S) <del>The department of alcohol and drug addiction services, which shall be administered by the director of alcohol and drug addiction services;</del>	4826
(T) <del>The department of veterans services, which shall be administered by the director of veterans services;</del>	4829
(T) <u>The department of medicaid, which shall be administered by the medicaid director.</u>	4831
The director of each department shall exercise the powers and perform the duties vested by law in such department.	4833
<b>Sec. 121.03.</b> The following administrative department heads shall be appointed by the governor, with the advice and consent of the senate, and shall hold their offices during the term of the appointing governor, and are subject to removal at the pleasure of the governor.	4835
(A) The director of budget and management;	4840
(B) The director of commerce;	4841
(C) The director of transportation;	4842
(D) The director of agriculture;	4843
(E) The director of job and family services;	4844
(F) Until July 1, 1997, the director of liquor control;	4845
(G) The director of public safety;	4846
(H) The superintendent of insurance;	4847
(I) The director of development services;	4848
(J) The tax commissioner;	4849

(K) The director of administrative services;	4850
(L) The director of natural resources;	4851
(M) The director of <del>mental health</del> <u>mental health and addiction</u> <u>services</u> ;	4852 4853
(N) The director of developmental disabilities;	4854
(O) The director of health;	4855
(P) The director of youth services;	4856
(Q) The director of rehabilitation and correction;	4857
(R) The director of environmental protection;	4858
(S) The director of aging;	4859
(T) <del>The director of alcohol and drug addiction services</del> ;	4860
<del>(U)</del> The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	4861 4862 4863
<del>(V)</del> <u>(U)</u> The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;	4864 4865
<del>(W)</del> <u>(V)</u> The chancellor of the Ohio board of regents;	4866
<u>(W) The medicaid director.</u>	4867
<b>Sec. 121.11.</b> (A) Each officer whose office is created by	4868
sections 121.02, 121.04, and 121.05 of the Revised Code, before	4869
entering upon the duties of office, shall take and subscribe an	4870
oath of office as provided by law and give bond, conditioned	4871
according to law, with security <del>to be approved by the governor</del> in	4872
the penal sum, not less than ten thousand dollars, <del>fixed by the</del>	4873
<del>governor</del> . The department of administrative services may procure	4874
from any duly authorized corporate surety <u>authorized to do</u>	4875
<u>business in the state</u> a <u>schedule or</u> blanket bond covering the	4876
officers described in those sections and any other officers the	4877

governor designates. The bond and oath of the officers described 4878  
in those sections shall be filed in the office of the secretary of 4879  
state. 4880

~~(B) The director of each department, with the approval of the 4881  
governor, may require any chief of a division, or any officer or 4882  
employee in the director's department, to give bond in the amount 4883  
the governor prescribes. The bond or bonds may, in the discretion 4884  
of the director, be individual, schedule, or blanket bonds. 4885~~

~~(C) The premium on any bond required or authorized by this 4886  
section may be paid from the state treasury. 4887~~

**Sec. 121.22.** (A) This section shall be liberally construed to 4888  
require public officials to take official action and to conduct 4889  
all deliberations upon official business only in open meetings 4890  
unless the subject matter is specifically excepted by law. 4891

(B) As used in this section: 4892

(1) "Public body" means any of the following: 4893

(a) Any board, commission, committee, council, or similar 4894  
decision-making body of a state agency, institution, or authority, 4895  
and any legislative authority or board, commission, committee, 4896  
council, agency, authority, or similar decision-making body of any 4897  
county, township, municipal corporation, school district, or other 4898  
political subdivision or local public institution; 4899

(b) Any committee or subcommittee of a body described in 4900  
division (B)(1)(a) of this section; 4901

(c) A court of jurisdiction of a sanitary district organized 4902  
wholly for the purpose of providing a water supply for domestic, 4903  
municipal, and public use when meeting for the purpose of the 4904  
appointment, removal, or reappointment of a member of the board of 4905  
directors of such a district pursuant to section 6115.10 of the 4906  
Revised Code, if applicable, or for any other matter related to 4907

such a district other than litigation involving the district. As 4908  
used in division (B)(1)(c) of this section, "court of 4909  
jurisdiction" has the same meaning as "court" in section 6115.01 4910  
of the Revised Code. 4911

(2) "Meeting" means any prearranged discussion of the public 4912  
business of the public body by a majority of its members. 4913

(3) "Regulated individual" means either of the following: 4914

(a) A student in a state or local public educational 4915  
institution; 4916

(b) A person who is, voluntarily or involuntarily, an inmate, 4917  
patient, or resident of a state or local institution because of 4918  
criminal behavior, mental illness or retardation, disease, 4919  
disability, age, or other condition requiring custodial care. 4920

(4) "Public office" has the same meaning as in section 4921  
149.011 of the Revised Code. 4922

(C) All meetings of any public body are declared to be public 4923  
meetings open to the public at all times. A member of a public 4924  
body shall be present in person at a meeting open to the public to 4925  
be considered present or to vote at the meeting and for purposes 4926  
of determining whether a quorum is present at the meeting. 4927

The minutes of a regular or special meeting of any public 4928  
body shall be promptly prepared, filed, and maintained and shall 4929  
be open to public inspection. The minutes need only reflect the 4930  
general subject matter of discussions in executive sessions 4931  
authorized under division (G) or (J) of this section. 4932

(D) This section does not apply to any of the following: 4933

(1) A grand jury; 4934

(2) An audit conference conducted by the auditor of state or 4935  
independent certified public accountants with officials of the 4936  
public office that is the subject of the audit; 4937

(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon;	4938 4939 4940
(4) The organized crime investigations commission established under section 177.01 of the Revised Code;	4941 4942
(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;	4943 4944 4945
(6) The state medical board when determining whether to suspend a certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;	4946 4947 4948
(7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;	4949 4950 4951
(8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D) of section 4729.16 of the Revised Code;	4952 4953 4954
(9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;	4955 4956 4957
(10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code;	4958 4959 4960 4961
(11) The board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code or any committee thereof, and the board of directors of any subsidiary of that corporation or a committee thereof;	4962 4963 4964 4965
(12) An audit conference conducted by the audit staff of the department of job and family services with officials of the public	4966 4967

office that is the subject of that audit under section 5101.37 of 4968  
the Revised Code. 4969

(E) The controlling board, ~~the industrial technology and~~ 4970  
~~enterprise advisory council,~~ the tax credit authority, or the 4971  
minority development financing advisory board, when meeting to 4972  
consider granting assistance pursuant to Chapter 122. or 166. of 4973  
the Revised Code, in order to protect the interest of the 4974  
applicant or the possible investment of public funds, by unanimous 4975  
vote of all board, ~~council,~~ or authority members present, may 4976  
close the meeting during consideration of the following 4977  
information confidentially received by the authority, ~~council,~~ or 4978  
board from the applicant: 4979

(1) Marketing plans; 4980

(2) Specific business strategy; 4981

(3) Production techniques and trade secrets; 4982

(4) Financial projections; 4983

(5) Personal financial statements of the applicant or members 4984  
of the applicant's immediate family, including, but not limited 4985  
to, tax records or other similar information not open to public 4986  
inspection. 4987

The vote by the authority, ~~council,~~ or board to accept or 4988  
reject the application, as well as all proceedings of the 4989  
authority, ~~council,~~ or board not subject to this division, shall 4990  
be open to the public and governed by this section. 4991

(F) Every public body, by rule, shall establish a reasonable 4992  
method whereby any person may determine the time and place of all 4993  
regularly scheduled meetings and the time, place, and purpose of 4994  
all special meetings. A public body shall not hold a special 4995  
meeting unless it gives at least twenty-four hours' advance notice 4996  
to the news media that have requested notification, except in the 4997



event of an emergency requiring immediate official action. In the 4998  
event of an emergency, the member or members calling the meeting 4999  
shall notify the news media that have requested notification 5000  
immediately of the time, place, and purpose of the meeting. 5001

The rule shall provide that any person, upon request and 5002  
payment of a reasonable fee, may obtain reasonable advance 5003  
notification of all meetings at which any specific type of public 5004  
business is to be discussed. Provisions for advance notification 5005  
may include, but are not limited to, mailing the agenda of 5006  
meetings to all subscribers on a mailing list or mailing notices 5007  
in self-addressed, stamped envelopes provided by the person. 5008

(G) Except as provided in division (J) of this section, the 5009  
members of a public body may hold an executive session only after 5010  
a majority of a quorum of the public body determines, by a roll 5011  
call vote, to hold an executive session and only at a regular or 5012  
special meeting for the sole purpose of the consideration of any 5013  
of the following matters: 5014

(1) To consider the appointment, employment, dismissal, 5015  
discipline, promotion, demotion, or compensation of a public 5016  
employee or official, or the investigation of charges or 5017  
complaints against a public employee, official, licensee, or 5018  
regulated individual, unless the public employee, official, 5019  
licensee, or regulated individual requests a public hearing. 5020  
Except as otherwise provided by law, no public body shall hold an 5021  
executive session for the discipline of an elected official for 5022  
conduct related to the performance of the elected official's 5023  
official duties or for the elected official's removal from office. 5024  
If a public body holds an executive session pursuant to division 5025  
(G)(1) of this section, the motion and vote to hold that executive 5026  
session shall state which one or more of the approved purposes 5027  
listed in division (G)(1) of this section are the purposes for 5028  
which the executive session is to be held, but need not include 5029

the name of any person to be considered at the meeting. 5030

(2) To consider the purchase of property for public purposes, 5031  
or for the sale of property at competitive bidding, if premature 5032  
disclosure of information would give an unfair competitive or 5033  
bargaining advantage to a person whose personal, private interest 5034  
is adverse to the general public interest. No member of a public 5035  
body shall use division (G)(2) of this section as a subterfuge for 5036  
providing covert information to prospective buyers or sellers. A 5037  
purchase or sale of public property is void if the seller or buyer 5038  
of the public property has received covert information from a 5039  
member of a public body that has not been disclosed to the general 5040  
public in sufficient time for other prospective buyers and sellers 5041  
to prepare and submit offers. 5042

If the minutes of the public body show that all meetings and 5043  
deliberations of the public body have been conducted in compliance 5044  
with this section, any instrument executed by the public body 5045  
purporting to convey, lease, or otherwise dispose of any right, 5046  
title, or interest in any public property shall be conclusively 5047  
presumed to have been executed in compliance with this section 5048  
insofar as title or other interest of any bona fide purchasers, 5049  
lessees, or transferees of the property is concerned. 5050

(3) Conferences with an attorney for the public body 5051  
concerning disputes involving the public body that are the subject 5052  
of pending or imminent court action; 5053

(4) Preparing for, conducting, or reviewing negotiations or 5054  
bargaining sessions with public employees concerning their 5055  
compensation or other terms and conditions of their employment; 5056

(5) Matters required to be kept confidential by federal law 5057  
or regulations or state statutes; 5058

(6) Details relative to the security arrangements and 5059  
emergency response protocols for a public body or a public office, 5060

if disclosure of the matters discussed could reasonably be 5061  
expected to jeopardize the security of the public body or public 5062  
office; 5063

(7) In the case of a county hospital operated pursuant to 5064  
Chapter 339. of the Revised Code, a joint township hospital 5065  
operated pursuant to Chapter 513. of the Revised Code, or a 5066  
municipal hospital operated pursuant to Chapter 749. of the 5067  
Revised Code, to consider trade secrets, as defined in section 5068  
1333.61 of the Revised Code. 5069

If a public body holds an executive session to consider any 5070  
of the matters listed in divisions (G)(2) to (7) of this section, 5071  
the motion and vote to hold that executive session shall state 5072  
which one or more of the approved matters listed in those 5073  
divisions are to be considered at the executive session. 5074

A public body specified in division (B)(1)(c) of this section 5075  
shall not hold an executive session when meeting for the purposes 5076  
specified in that division. 5077

(H) A resolution, rule, or formal action of any kind is 5078  
invalid unless adopted in an open meeting of the public body. A 5079  
resolution, rule, or formal action adopted in an open meeting that 5080  
results from deliberations in a meeting not open to the public is 5081  
invalid unless the deliberations were for a purpose specifically 5082  
authorized in division (G) or (J) of this section and conducted at 5083  
an executive session held in compliance with this section. A 5084  
resolution, rule, or formal action adopted in an open meeting is 5085  
invalid if the public body that adopted the resolution, rule, or 5086  
formal action violated division (F) of this section. 5087

(I)(1) Any person may bring an action to enforce this 5088  
section. An action under division (I)(1) of this section shall be 5089  
brought within two years after the date of the alleged violation 5090  
or threatened violation. Upon proof of a violation or threatened 5091

violation of this section in an action brought by any person, the 5092  
court of common pleas shall issue an injunction to compel the 5093  
members of the public body to comply with its provisions. 5094

(2)(a) If the court of common pleas issues an injunction 5095  
pursuant to division (I)(1) of this section, the court shall order 5096  
the public body that it enjoins to pay a civil forfeiture of five 5097  
hundred dollars to the party that sought the injunction and shall 5098  
award to that party all court costs and, subject to reduction as 5099  
described in division (I)(2) of this section, reasonable 5100  
attorney's fees. The court, in its discretion, may reduce an award 5101  
of attorney's fees to the party that sought the injunction or not 5102  
award attorney's fees to that party if the court determines both 5103  
of the following: 5104

(i) That, based on the ordinary application of statutory law 5105  
and case law as it existed at the time of violation or threatened 5106  
violation that was the basis of the injunction, a well-informed 5107  
public body reasonably would believe that the public body was not 5108  
violating or threatening to violate this section; 5109

(ii) That a well-informed public body reasonably would 5110  
believe that the conduct or threatened conduct that was the basis 5111  
of the injunction would serve the public policy that underlies the 5112  
authority that is asserted as permitting that conduct or 5113  
threatened conduct. 5114

(b) If the court of common pleas does not issue an injunction 5115  
pursuant to division (I)(1) of this section and the court 5116  
determines at that time that the bringing of the action was 5117  
frivolous conduct, as defined in division (A) of section 2323.51 5118  
of the Revised Code, the court shall award to the public body all 5119  
court costs and reasonable attorney's fees, as determined by the 5120  
court. 5121

(3) Irreparable harm and prejudice to the party that sought 5122

the injunction shall be conclusively and irrebuttably presumed 5123  
upon proof of a violation or threatened violation of this section. 5124

(4) A member of a public body who knowingly violates an 5125  
injunction issued pursuant to division (I)(1) of this section may 5126  
be removed from office by an action brought in the court of common 5127  
pleas for that purpose by the prosecuting attorney or the attorney 5128  
general. 5129

(J)(1) Pursuant to division (C) of section 5901.09 of the 5130  
Revised Code, a veterans service commission shall hold an 5131  
executive session for one or more of the following purposes unless 5132  
an applicant requests a public hearing: 5133

(a) Interviewing an applicant for financial assistance under 5134  
sections 5901.01 to 5901.15 of the Revised Code; 5135

(b) Discussing applications, statements, and other documents 5136  
described in division (B) of section 5901.09 of the Revised Code; 5137

(c) Reviewing matters relating to an applicant's request for 5138  
financial assistance under sections 5901.01 to 5901.15 of the 5139  
Revised Code. 5140

(2) A veterans service commission shall not exclude an 5141  
applicant for, recipient of, or former recipient of financial 5142  
assistance under sections 5901.01 to 5901.15 of the Revised Code, 5143  
and shall not exclude representatives selected by the applicant, 5144  
recipient, or former recipient, from a meeting that the commission 5145  
conducts as an executive session that pertains to the applicant's, 5146  
recipient's, or former recipient's application for financial 5147  
assistance. 5148

(3) A veterans service commission shall vote on the grant or 5149  
denial of financial assistance under sections 5901.01 to 5901.15 5150  
of the Revised Code only in an open meeting of the commission. The 5151  
minutes of the meeting shall indicate the name, address, and 5152  
occupation of the applicant, whether the assistance was granted or 5153

denied, the amount of the assistance if assistance is granted, and 5154  
the votes for and against the granting of assistance. 5155

**Sec. 121.35.** (A) Subject to division (B) of this section, the 5156  
following state agencies shall collaborate to revise and make more 5157  
uniform the eligibility standards and eligibility determination 5158  
procedures of programs the state agencies administer: 5159

(1) The department of aging; 5160  
5161

(2) ~~The department of alcohol and drug addiction services;~~ 5162

~~(3) The department of development services agency;~~ 5163

~~(4)~~(3) The department of developmental disabilities; 5164

~~(5)~~(4) The department of education; 5165

~~(6)~~(5) The department of health; 5166

~~(7)~~(6) The department of job and family services; 5167

~~(8)~~(7) The department of medicaid; 5168

(8) The department of ~~mental health~~ mental health and 5169  
addiction services; 5170

(9) The rehabilitation services commission. 5171

(B) In revising eligibility standards and eligibility 5172  
determination procedures, a state agency shall not make any 5173  
program's eligibility standards or eligibility determination 5174  
procedures inconsistent with state or federal law. To the extent 5175  
authorized by state and federal law, the revisions may provide for 5176  
the state agencies to share administrative operations. 5177

**Sec. 121.37.** (A)(1) There is hereby created the Ohio family 5178  
and children first cabinet council. The council shall be composed 5179  
of the superintendent of public instruction, the administrator of 5180  
the rehabilitation services commission, the medicaid director, and 5181

the directors of youth services, job and family services, ~~mental~~ 5182  
~~health~~ mental health and addiction services, health, ~~alcohol and~~ 5183  
~~drug addiction services~~, developmental disabilities, aging, 5184  
rehabilitation and correction, and budget and management. The 5185  
chairperson of the council shall be the governor or the governor's 5186  
designee and shall establish procedures for the council's internal 5187  
control and management. 5188

The purpose of the cabinet council is to help families 5189  
seeking government services. This section shall not be interpreted 5190  
or applied to usurp the role of parents, but solely to streamline 5191  
and coordinate existing government services for families seeking 5192  
assistance for their children. 5193

(2) In seeking to fulfill its purpose, the council may do any 5194  
of the following: 5195

(a) Advise and make recommendations to the governor and 5196  
general assembly regarding the provision of services to children; 5197

(b) Advise and assess local governments on the coordination 5198  
of service delivery to children; 5199

(c) Hold meetings at such times and places as may be 5200  
prescribed by the council's procedures and maintain records of the 5201  
meetings, except that records identifying individual children are 5202  
confidential and shall be disclosed only as provided by law; 5203

(d) Develop programs and projects, including pilot projects, 5204  
to encourage coordinated efforts at the state and local level to 5205  
improve the state's social service delivery system; 5206

(e) Enter into contracts with and administer grants to county 5207  
family and children first councils, as well as other county or 5208  
multicounty organizations to plan and coordinate service delivery 5209  
between state agencies and local service providers for families 5210  
and children; 5211

(f) Enter into contracts with and apply for grants from federal agencies or private organizations;	5212 5213
(g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds;	5214 5215 5216 5217 5218
(h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services;	5219 5220 5221 5222
(i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs;	5223 5224 5225 5226
(j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children;	5227 5228 5229 5230
(k) Maintain an inventory of strategic planning facilitators for use by government or nonprofit entities that serve alleged or adjudicated unruly children or children who are at risk of being alleged or adjudicated unruly children.	5231 5232 5233 5234
(3) The cabinet council shall provide for the following:	5235
(a) Reviews of service and treatment plans for children for which such reviews are requested;	5236 5237
(b) Assistance as the council determines to be necessary to meet the needs of children referred by county family and children first councils;	5238 5239 5240
(c) Monitoring and supervision of a statewide, comprehensive,	5241



coordinated, multi-disciplinary, interagency system for infants 5242  
and toddlers with developmental disabilities or delays and their 5243  
families, as established pursuant to federal grants received and 5244  
administered by the department of health for early intervention 5245  
services under the "Individuals with Disabilities Education Act of 5246  
2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended. 5247

(4) The cabinet council shall develop and implement the 5248  
following: 5249

(a) An interagency process to select the indicators that will 5250  
be used to measure progress toward increasing child well-being in 5251  
the state and to update the indicators on an annual basis. The 5252  
indicators shall focus on expectant parents and newborns thriving; 5253  
infants and toddlers thriving; children being ready for school; 5254  
children and youth succeeding in school; youth choosing healthy 5255  
behaviors; and youth successfully transitioning into adulthood. 5256

(b) An interagency system to offer guidance and monitor 5257  
progress toward increasing child well-being in the state and in 5258  
each county; 5259

(c) An annual plan that identifies state-level agency efforts 5260  
taken to ensure progress towards increasing child well-being in 5261  
the state. 5262

On an annual basis, the cabinet council shall submit to the 5263  
governor and the general assembly a report on the status of 5264  
efforts to increase child well-being in the state. This report 5265  
shall be made available to any other person on request. 5266

(B)(1) Each board of county commissioners shall establish a 5267  
county family and children first council. The board may invite any 5268  
local public or private agency or group that funds, advocates, or 5269  
provides services to children and families to have a 5270  
representative become a permanent or temporary member of its 5271  
county council. Each county council must include the following 5272

individuals:	5273
(a) At least three individuals who are not employed by an agency represented on the council and whose families are or have received services from an agency represented on the council or another county's council. Where possible, the number of members representing families shall be equal to twenty per cent of the council's membership.	5274 5275 5276 5277 5278 5279
(b) The director of the board of alcohol, drug addiction, and mental health services that serves the county, or, in the case of a county that has a board of alcohol and drug addiction services and a community mental health board, the directors of both boards. If a board of alcohol, drug addiction, and mental health services covers more than one county, the director may designate a person to participate on the county's council.	5280 5281 5282 5283 5284 5285 5286
(c) The health commissioner, or the commissioner's designee, of the board of health of each city and general health district in the county. If the county has two or more health districts, the health commissioner membership may be limited to the commissioners of the two districts with the largest populations.	5287 5288 5289 5290 5291
(d) The director of the county department of job and family services;	5292 5293
(e) The executive director of the public children services agency;	5294 5295
(f) The superintendent of the county board of developmental disabilities <u>or, if the superintendent serves as superintendent of more than one county board of developmental disabilities, the superintendent's designee;</u>	5296 5297 5298 5299
(g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, as determined by the department of education, which shall notify each board of county commissioners of its	5300 5301 5302 5303

determination at least biennially; 5304

(h) A school superintendent representing all other school 5305  
districts with territory in the county, as designated at a 5306  
biennial meeting of the superintendents of those districts; 5307

(i) A representative of the municipal corporation with the 5308  
largest population in the county; 5309

(j) The president of the board of county commissioners or an 5310  
individual designated by the board; 5311

(k) A representative of the regional office of the department 5312  
of youth services; 5313

(l) A representative of the county's head start agencies, as 5314  
defined in section 3301.32 of the Revised Code; 5315

(m) A representative of the county's early intervention 5316  
collaborative established pursuant to the federal early 5317  
intervention program operated under the "Individuals with 5318  
Disabilities Education Act of 2004"; 5319

(n) A representative of a local nonprofit entity that funds, 5320  
advocates, or provides services to children and families. 5321

Notwithstanding any other provision of law, the public 5322  
members of a county council are not prohibited from serving on the 5323  
council and making decisions regarding the duties of the council, 5324  
including those involving the funding of joint projects and those 5325  
outlined in the county's service coordination mechanism 5326  
implemented pursuant to division (C) of this section. 5327

The cabinet council shall establish a state appeals process 5328  
to resolve disputes among the members of a county council 5329  
concerning whether reasonable responsibilities as members are 5330  
being shared. The appeals process may be accessed only by a 5331  
majority vote of the council members who are required to serve on 5332  
the council. Upon appeal, the cabinet council may order that state 5333

funds for services to children and families be redirected to a county's board of county commissioners.

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

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

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

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

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

(d) Maintenance of an accountability system to monitor the

county council's progress in achieving results for families and children; 5365  
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(e) Establishment of a mechanism to ensure ongoing input from a broad representation of families who are receiving services within the county system. 5367  
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5369

(3) A county council shall develop and implement the following: 5370  
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(a) An interagency process to establish local indicators and monitor the county's progress toward increasing child well-being in the county; 5372  
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(b) An interagency process to identify local priorities to increase child well-being. The local priorities shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood and take into account the indicators established by the cabinet council under division (A)(4)(a) of this section. 5375  
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(c) An annual plan that identifies the county's interagency efforts to increase child well-being in the county. 5383  
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On an annual basis, the county council shall submit a report on the status of efforts by the county to increase child well-being in the county to the county's board of county commissioners and the cabinet council. This report shall be made available to any other person on request. 5385  
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(4)(a) Except as provided in division (B)(4)(b) of this section, a county council shall comply with the policies, procedures, and activities prescribed by the rules or interagency agreements of a state department participating on the cabinet council whenever the county council performs a function subject to those rules or agreements. 5390  
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(b) On application of a county council, the cabinet council 5396  
may grant an exemption from any rules or interagency agreements of 5397  
a state department participating on the council if an exemption is 5398  
necessary for the council to implement an alternative program or 5399  
approach for service delivery to families and children. The 5400  
application shall describe the proposed program or approach and 5401  
specify the rules or interagency agreements from which an 5402  
exemption is necessary. The cabinet council shall approve or 5403  
disapprove the application in accordance with standards and 5404  
procedures it shall adopt. If an application is approved, the 5405  
exemption is effective only while the program or approach is being 5406  
implemented, including a reasonable period during which the 5407  
program or approach is being evaluated for effectiveness. 5408

(5)(a) Each county council shall designate an administrative 5409  
agent for the council from among the following public entities: 5410  
the board of alcohol, drug addiction, and mental health services, 5411  
including a board of alcohol and drug addiction or a community 5412  
mental health board if the county is served by separate boards; 5413  
the board of county commissioners; any board of health of the 5414  
county's city and general health districts; the county department 5415  
of job and family services; the county agency responsible for the 5416  
administration of children services pursuant to section 5153.15 of 5417  
the Revised Code; the county board of developmental disabilities; 5418  
any of the county's boards of education or governing boards of 5419  
educational service centers; or the county's juvenile court. Any 5420  
of the foregoing public entities, other than the board of county 5421  
commissioners, may decline to serve as the council's 5422  
administrative agent. 5423

A county council's administrative agent shall serve as the 5424  
council's appointing authority for any employees of the council. 5425  
The council shall file an annual budget with its administrative 5426  
agent, with copies filed with the county auditor and with the 5427

board of county commissioners, unless the board is serving as the 5428  
council's administrative agent. The council's administrative agent 5429  
shall ensure that all expenditures are handled in accordance with 5430  
policies, procedures, and activities prescribed by state 5431  
departments in rules or interagency agreements that are applicable 5432  
to the council's functions. 5433

The administrative agent of a county council shall send 5434  
notice of a member's absence if a member listed in division (B)(1) 5435  
of this section has been absent from either three consecutive 5436  
meetings of the county council or a county council subcommittee, 5437  
or from one-quarter of such meetings in a calendar year, whichever 5438  
is less. The notice shall be sent to the board of county 5439  
commissioners that establishes the county council and, for the 5440  
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 5441  
section, to the governing board overseeing the respective entity; 5442  
for the member listed in division (B)(1)(f) of this section, to 5443  
the county board of developmental disabilities that employs the 5444  
superintendent; for a member listed in division (B)(1)(g) or (h) 5445  
of this section, to the school board that employs the 5446  
superintendent; for the member listed in division (B)(1)(i) of 5447  
this section, to the mayor of the municipal corporation; for the 5448  
member listed in division (B)(1)(k) of this section, to the 5449  
director of youth services; and for the member listed in division 5450  
(B)(1)(n) of this section, to that member's board of trustees. 5451

The administrative agent for a county council may do any of 5452  
the following on behalf of the council: 5453

(i) Enter into agreements or administer contracts with public 5454  
or private entities to fulfill specific council business. Such 5455  
agreements and contracts are exempt from the competitive bidding 5456  
requirements of section 307.86 of the Revised Code if they have 5457  
been approved by the county council and they are for the purchase 5458  
of family and child welfare or child protection services or other 5459

social or job and family services for families and children. The 5460  
approval of the county council is not required to exempt 5461  
agreements or contracts entered into under section 5139.34, 5462  
5139.41, or 5139.43 of the Revised Code from the competitive 5463  
bidding requirements of section 307.86 of the Revised Code. 5464

(ii) As determined by the council, provide financial 5465  
stipends, reimbursements, or both, to family representatives for 5466  
expenses related to council activity; 5467

(iii) Receive by gift, grant, devise, or bequest any moneys, 5468  
lands, or other property for the purposes for which the council is 5469  
established. The agent shall hold, apply, and dispose of the 5470  
moneys, lands, or other property according to the terms of the 5471  
gift, grant, devise, or bequest. Any interest or earnings shall be 5472  
treated in the same manner and are subject to the same terms as 5473  
the gift, grant, devise, or bequest from which it accrues. 5474

(b)(i) If the county council designates the board of county 5475  
commissioners as its administrative agent, the board may, by 5476  
resolution, delegate any of its powers and duties as 5477  
administrative agent to an executive committee the board 5478  
establishes from the membership of the county council. The board 5479  
shall name to the executive committee at least the individuals 5480  
described in divisions (B)(1)(b) to (h) of this section and may 5481  
appoint the president of the board or another individual as the 5482  
chair of the executive committee. The executive committee must 5483  
include at least one family county council representative who does 5484  
not have a family member employed by an agency represented on the 5485  
council. 5486

(ii) The executive committee may, with the approval of the 5487  
board, hire an executive director to assist the county council in 5488  
administering its powers and duties. The executive director shall 5489  
serve in the unclassified civil service at the pleasure of the 5490  
executive committee. The executive director may, with the approval 5491



of the executive committee, hire other employees as necessary to 5492  
properly conduct the county council's business. 5493

(iii) The board may require the executive committee to submit 5494  
an annual budget to the board for approval and may amend or repeal 5495  
the resolution that delegated to the executive committee its 5496  
authority as the county council's administrative agent. 5497

(6) Two or more county councils may enter into an agreement 5498  
to administer their county councils jointly by creating a regional 5499  
family and children first council. A regional council possesses 5500  
the same duties and authority possessed by a county council, 5501  
except that the duties and authority apply regionally rather than 5502  
to individual counties. Prior to entering into an agreement to 5503  
create a regional council, the members of each county council to 5504  
be part of the regional council shall meet to determine whether 5505  
all or part of the members of each county council will serve as 5506  
members of the regional council. 5507

(7) A board of county commissioners may approve a resolution 5508  
by a majority vote of the board's members that requires the county 5509  
council to submit a statement to the board each time the council 5510  
proposes to enter into an agreement, adopt a plan, or make a 5511  
decision, other than a decision pursuant to section 121.38 of the 5512  
Revised Code, that requires the expenditure of funds for two or 5513  
more families. The statement shall describe the proposed 5514  
agreement, plan, or decision. 5515

Not later than fifteen days after the board receives the 5516  
statement, it shall, by resolution approved by a majority of its 5517  
members, approve or disapprove the agreement, plan, or decision. 5518  
Failure of the board to pass a resolution during that time period 5519  
shall be considered approval of the agreement, plan, or decision. 5520

An agreement, plan, or decision for which a statement is 5521  
required to be submitted to the board shall be implemented only if 5522

it is approved by the board. 5523

(C) Each county shall develop a county service coordination 5524  
mechanism. The county service coordination mechanism shall serve 5525  
as the guiding document for coordination of services in the 5526  
county. For children who also receive services under the help me 5527  
grow program, the service coordination mechanism shall be 5528  
consistent with rules adopted by the department of health under 5529  
section 3701.61 of the Revised Code. All family service 5530  
coordination plans shall be developed in accordance with the 5531  
county service coordination mechanism. The mechanism shall be 5532  
developed and approved with the participation of the county 5533  
entities representing child welfare; mental retardation and 5534  
developmental disabilities; alcohol, drug addiction, and mental 5535  
health services; health; juvenile judges; education; the county 5536  
family and children first council; and the county early 5537  
intervention collaborative established pursuant to the federal 5538  
early intervention program operated under the "Individuals with 5539  
Disabilities Education Act of 2004." The county shall establish an 5540  
implementation schedule for the mechanism. The cabinet council may 5541  
monitor the implementation and administration of each county's 5542  
service coordination mechanism. 5543

Each mechanism shall include all of the following: 5544

(1) A procedure for an agency, including a juvenile court, or 5545  
a family voluntarily seeking service coordination, to refer the 5546  
child and family to the county council for service coordination in 5547  
accordance with the mechanism; 5548

(2) A procedure ensuring that a family and all appropriate 5549  
staff from involved agencies, including a representative from the 5550  
appropriate school district, are notified of and invited to 5551  
participate in all family service coordination plan meetings; 5552

(3) A procedure that permits a family to initiate a meeting 5553

to develop or review the family's service coordination plan and 5554  
allows the family to invite a family advocate, mentor, or support 5555  
person of the family's choice to participate in any such meeting; 5556

(4) A procedure for ensuring that a family service 5557  
coordination plan meeting is conducted for each child who receives 5558  
service coordination under the mechanism and for whom an emergency 5559  
out-of-home placement has been made or for whom a nonemergency 5560  
out-of-home placement is being considered. The meeting shall be 5561  
conducted within ten days of an emergency out-of-home placement. 5562  
The meeting shall be conducted before a nonemergency out-of-home 5563  
placement. The family service coordination plan shall outline how 5564  
the county council members will jointly pay for services, where 5565  
applicable, and provide services in the least restrictive 5566  
environment. 5567

(5) A procedure for monitoring the progress and tracking the 5568  
outcomes of each service coordination plan requested in the county 5569  
including monitoring and tracking children in out-of-home 5570  
placements to assure continued progress, appropriateness of 5571  
placement, and continuity of care after discharge from placement 5572  
with appropriate arrangements for housing, treatment, and 5573  
education; 5574

(6) A procedure for protecting the confidentiality of all 5575  
personal family information disclosed during service coordination 5576  
meetings or contained in the comprehensive family service 5577  
coordination plan. 5578

(7) A procedure for assessing the needs and strengths of any 5579  
child or family that has been referred to the council for service 5580  
coordination, including a child whose parent or custodian is 5581  
voluntarily seeking services, and for ensuring that parents and 5582  
custodians are afforded the opportunity to participate; 5583

(8) A procedure for development of a family service 5584

coordination plan described in division (D) of this section; 5585

(9) A local dispute resolution process to serve as the 5586  
process that must be used first to resolve disputes among the 5587  
agencies represented on the county council concerning the 5588  
provision of services to children, including children who are 5589  
abused, neglected, dependent, unruly, alleged unruly, or 5590  
delinquent children and under the jurisdiction of the juvenile 5591  
court and children whose parents or custodians are voluntarily 5592  
seeking services. The local dispute resolution process shall 5593  
comply with sections 121.38, 121.381, and 121.382 of the Revised 5594  
Code. The local dispute resolution process shall be used to 5595  
resolve disputes between a child's parents or custodians and the 5596  
county council regarding service coordination. The county council 5597  
shall inform the parents or custodians of their right to use the 5598  
dispute resolution process. Parents or custodians shall use 5599  
existing local agency grievance procedures to address disputes not 5600  
involving service coordination. The dispute resolution process is 5601  
in addition to and does not replace other rights or procedures 5602  
that parents or custodians may have under other sections of the 5603  
Revised Code. 5604

The cabinet council shall adopt rules in accordance with 5605  
Chapter 119. of the Revised Code establishing an administrative 5606  
review process to address problems that arise concerning the 5607  
operation of a local dispute resolution process. 5608

Nothing in division (C)(4) of this section shall be 5609  
interpreted as overriding or affecting decisions of a juvenile 5610  
court regarding an out-of-home placement, long-term placement, or 5611  
emergency out-of-home placement. 5612

(D) Each county shall develop a family service coordination 5613  
plan that does all of the following: 5614

(1) Designates service responsibilities among the various 5615

state and local agencies that provide services to children and 5616  
their families, including children who are abused, neglected, 5617  
dependent, unruly, or delinquent children and under the 5618  
jurisdiction of the juvenile court and children whose parents or 5619  
custodians are voluntarily seeking services; 5620

(2) Designates an individual, approved by the family, to 5621  
track the progress of the family service coordination plan, 5622  
schedule reviews as necessary, and facilitate the family service 5623  
coordination plan meeting process; 5624

(3) Ensures that assistance and services to be provided are 5625  
responsive to the strengths and needs of the family, as well as 5626  
the family's culture, race, and ethnic group, by allowing the 5627  
family to offer information and suggestions and participate in 5628  
decisions. Identified assistance and services shall be provided in 5629  
the least restrictive environment possible. 5630

(4) Includes a process for dealing with a child who is 5631  
alleged to be an unruly child. The process shall include methods 5632  
to divert the child from the juvenile court system; 5633

(5) Includes timelines for completion of goals specified in 5634  
the plan with regular reviews scheduled to monitor progress toward 5635  
those goals; 5636

(6) Includes a plan for dealing with short-term crisis 5637  
situations and safety concerns. 5638

(E)(1) The process provided for under division (D)(4) of this 5639  
section may include, but is not limited to, the following: 5640

(a) Designation of the person or agency to conduct the 5641  
assessment of the child and the child's family as described in 5642  
division (C)(7) of this section and designation of the instrument 5643  
or instruments to be used to conduct the assessment; 5644

(b) An emphasis on the personal responsibilities of the child 5645

and the parental responsibilities of the parents, guardian, or  
custodian of the child; 5646  
5647

(c) Involvement of local law enforcement agencies and  
officials. 5648  
5649

(2) The method to divert a child from the juvenile court  
system that must be included in the service coordination process 5650  
5651  
may include, but is not limited to, the following: 5652

(a) The preparation of a complaint under section 2151.27 of  
the Revised Code alleging that the child is an unruly child and 5653  
5654  
notifying the child and the parents, guardian, or custodian that 5655  
the complaint has been prepared to encourage the child and the 5656  
parents, guardian, or custodian to comply with other methods to 5657  
divert the child from the juvenile court system; 5658

(b) Conducting a meeting with the child, the parents,  
guardian, or custodian, and other interested parties to determine 5659  
5660  
the appropriate methods to divert the child from the juvenile 5661  
court system; 5662

(c) A method to provide to the child and the child's family a  
short-term respite from a short-term crisis situation involving a 5663  
5664  
confrontation between the child and the parents, guardian, or 5665  
custodian; 5666

(d) A program to provide a mentor to the child or the  
parents, guardian, or custodian; 5667  
5668

(e) A program to provide parenting education to the parents,  
guardian, or custodian; 5669  
5670

(f) An alternative school program for children who are truant  
from school, repeatedly disruptive in school, or suspended or 5671  
5672  
expelled from school; 5673

(g) Other appropriate measures, including, but not limited  
to, any alternative methods to divert a child from the juvenile 5674  
5675

court system that are identified by the Ohio family and children 5676  
first cabinet council. 5677

(F) Each county may review and revise the service 5678  
coordination process described in division (D) of this section 5679  
based on the availability of funds under Title IV-A of the "Social 5680  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 5681  
or to the extent resources are available from any other federal, 5682  
state, or local funds. 5683

**Sec. 121.372.** (A) As used in this section, "substitute care 5684  
provider" means any of the following: 5685

(1) ~~An alcohol and drug~~ A community addiction ~~program~~ 5686  
services provider subject to certification under section ~~3793.06~~ 5687  
5119.36 of the Revised Code; 5688

(2) An institution or association subject to certification 5689  
under section 5103.03 of the Revised Code; 5690

(3) A residential facility subject to licensure under section 5691  
~~5119.22~~ 5119.34 of the Revised Code; 5692

(4) A residential facility subject to licensure under section 5693  
5123.19 of the Revised Code. 5694

(B) Not later than ninety days after ~~the effective date of~~ 5695  
~~this section~~ March 18, 1999, the members of the Ohio family and 5696  
children first cabinet council, other than the director of budget 5697  
and management, shall enter into an agreement to establish an 5698  
office to perform the duties prescribed by division (C) of this 5699  
section. The agreement shall specify one of the departments 5700  
represented on the council as the department responsible for 5701  
housing and supervising the office. The agreement shall include 5702  
the recommendation of the council for funding the office. 5703

(C) The office established pursuant to the agreement entered 5704  
into under this section shall review rules governing the 5705

certification and licensure of substitute care providers and 5706  
determine which of the rules can be made substantively identical 5707  
or more similar in order to minimize the number of differing 5708  
certification and licensure standards and simplify the 5709  
certification or licensure process for substitute care providers 5710  
seeking certification or licensure from two or more of the 5711  
departments represented on the council. The office shall provide 5712  
county family and children first councils, substitute care 5713  
providers, and persons interested in substitute care providers the 5714  
opportunity to help the office with the review and determination. 5715  
The office shall report its findings to the council. Each of the 5716  
departments represented on the council that has adopted rules 5717  
governing the certification or licensure of substitute care 5718  
providers shall review the report and amend the rules as that 5719  
department considers appropriate, except that no rule shall be 5720  
amended so as to make it inconsistent with substitute care 5721  
provider certification or licensure procedures and standards 5722  
established by federal or state law. A department shall give 5723  
priority to amendments that will not increase the department's 5724  
administrative costs. In amending a rule, a department shall 5725  
comply with Chapter 119. or section 111.15 of the Revised Code, as 5726  
required by the Revised Code section governing the adoption of the 5727  
particular rule. 5728

(D) In accordance with section 124.27 of the Revised Code, 5729  
the council shall select a coordinator to oversee the office 5730  
established pursuant to the agreement entered into under this 5731  
section. The coordinator shall be in the classified service. In 5732  
addition to overseeing the office, the coordinator shall perform 5733  
any other duties the council assigns to the coordinator. The 5734  
duties the council assigns to the coordinator shall be related to 5735  
the duties of the office under division (C) of this section. 5736

Sec. 121.483. A deputy inspector general appointed under 5737



section 121.48 of the Revised Code, who has been awarded a 5738  
certificate by the executive director of the Ohio peace officer 5739  
training commission attesting to the person's satisfactory 5740  
completion of an approved state, county, or municipal peace 5741  
officer basic training program, shall have the power and authority 5742  
of a peace officer under the laws of this state while engaged in 5743  
the scope of the deputy inspector general's duties. 5744

**Sec. 122.075.** (A) As used in this section: 5745

(1) "Alternative fuel" has the same meaning as in section 5746  
125.831 of the Revised Code. 5747

(2) "Biodiesel" means a mono-alkyl ester combustible liquid 5748  
fuel that is derived from vegetable oils or animal fats, or any 5749  
combination of those reagents, and that meets American society for 5750  
testing and materials specification D6751-03a for biodiesel fuel 5751  
(B100) blend stock distillate fuels. 5752

(3) "Diesel fuel" and "gasoline" have the same meanings as in 5753  
section 5735.01 of the Revised Code. 5754

(4) "Ethanol" has the same meaning as in section 5733.46 of 5755  
the Revised Code. 5756

(5) "Blended biodiesel" means diesel fuel containing at least 5757  
twenty per cent biodiesel by volume. 5758

(6) "Blended gasoline" means gasoline containing at least 5759  
eighty-five per cent ethanol by volume. 5760

(7) "Incremental cost" means either of the following: 5761

(a) The difference in cost between blended gasoline and 5762  
gasoline containing ten per cent or less ethanol at the time that 5763  
the blended gasoline is purchased; 5764

(b) The difference in cost between blended biodiesel and 5765  
diesel fuel containing two per cent or less biodiesel at the time 5766

that the blended biodiesel is purchased. 5767

(B) For the purpose of improving the air quality in this 5768  
state, the director of development services shall establish an 5769  
alternative fuel transportation program under which the director 5770  
may make grants and loans to businesses, nonprofit organizations, 5771  
public school systems, or local governments for the purchase and 5772  
installation of alternative fuel refueling or distribution 5773  
facilities and terminals, for the purchase and use of alternative 5774  
fuel, to pay the cost of fleet conversion, and to pay the costs of 5775  
educational and promotional materials and activities intended for 5776  
prospective alternative fuel consumers, fuel marketers, and others 5777  
in order to increase the availability and use of alternative fuel. 5778

(C) The director, in consultation with the director of 5779  
agriculture, shall adopt rules in accordance with Chapter 119. of 5780  
the Revised Code that are necessary for the administration of the 5781  
alternative fuel transportation program. The rules shall establish 5782  
at least all of the following: 5783

(1) An application form and procedures governing the 5784  
application process for receiving funds under the program; 5785

(2) A procedure for prioritizing the award of grants and 5786  
loans under the program. The procedures shall give preference to 5787  
all of the following: 5788

(a) Publicly accessible refueling facilities; 5789

(b) Entities applying to the program that have secured 5790  
funding from other sources, including, but not limited to, private 5791  
or federal incentives; 5792

(c) Entities that have presented compelling evidence of 5793  
demand in the market in which the facilities or terminals will be 5794  
located; 5795

(d) Entities that have committed to utilizing purchased or 5796

installed facilities or terminals for the greatest number of 5797  
years; 5798

(e) Entities that will be purchasing or installing facilities 5799  
or terminals for any type of alternative fuel. 5800

(3) A requirement that the maximum incentive for the purchase 5801  
and installation of an alternative fuel refueling or distribution 5802  
facility or terminal be eighty per cent of the cost of the 5803  
facility or terminal, except that at least twenty per cent of the 5804  
total ~~net~~ cost of the facility or terminal shall be incurred by 5805  
the recipient and not compensated for by any other source; 5806

(4) A requirement that the maximum incentive for the purchase 5807  
of alternative fuel be eighty per cent of the cost of the fuel or, 5808  
in the case of blended biodiesel or blended gasoline, eighty per 5809  
cent of the incremental cost of the blended biodiesel or blended 5810  
gasoline; 5811

(5) Any other criteria, procedures, or guidelines that the 5812  
director determines are necessary to administer the program, 5813  
including fees, charges, interest rates, and payment schedules. 5814

(D) An applicant for a grant or loan under this section that 5815  
sells motor vehicle fuel at retail shall agree that if the 5816  
applicant receives funding, the applicant will report to the 5817  
director the gallon or gallon equivalent amounts of alternative 5818  
fuel the applicant sells at retail in this state for a period of 5819  
three years after the project is completed. 5820

The director shall enter into a written confidentiality 5821  
agreement with the applicant regarding the gallon or gallon 5822  
equivalent amounts sold as described in this division, and upon 5823  
execution of the agreement this information is not a public 5824  
record. 5825

(E) There is hereby created in the state treasury the 5826  
alternative fuel transportation fund. The fund shall consist of 5827

money transferred to the fund under division ~~(C)~~(B) of section 5828  
125.836 and under division (B)(2) of section 3706.27 of the 5829  
Revised Code, money that is appropriated to it by the general 5830  
assembly, ~~and~~ money as may be specified by the general assembly 5831  
from the advanced energy fund created by section 4928.61 of the 5832  
Revised Code, and all money received from the repayment of loans 5833  
made from the fund or in the event of a default on any such loan. 5834  
Money in the fund shall be used to make grants and loans under the 5835  
alternative fuel transportation program and by the director in the 5836  
administration of that program. 5837

**Sec. 122.083.** (A) The director of development shall 5838  
administer a shovel ready sites program to provide grants for 5839  
projects to port authorities and development entities approved by 5840  
the director. Grants may be used to pay the costs of any or all of 5841  
the following: 5842

(1) Acquisition of property, including options; 5843

(2) Preparation of sites, including brownfield clean-up 5844  
activities; 5845

(3) Construction of road, water, telecommunication, and 5846  
utility infrastructure; 5847

(4) Payment of professional fees the amount of which shall 5848  
not exceed twenty per cent of the grant amount for a project. 5849

(B) The director shall adopt rules in accordance with Chapter 5850  
119. of the Revised Code that establish procedures and 5851  
requirements necessary for the administration of the program, 5852  
including a requirement that a recipient of a grant enter into an 5853  
agreement with the director governing the use of the grant. 5854

~~(C) There is hereby created in the state treasury the shovel 5855  
ready sites fund consisting of money appropriated to it. Money in 5856  
the fund shall be used solely for the purposes of this section. 5857~~

Sec. 122.17. (A) As used in this section: 5858

(1) "Income tax revenue" means the total amount withheld 5859  
under section 5747.06 of the Revised Code by the taxpayer during 5860  
the taxable year, or during the calendar year that includes the 5861  
tax period, from the compensation of each employee or each 5862  
home-based employee employed in the project to the extent the 5863  
employee's withholdings are not used to determine the credit under 5864  
section 122.171 of the Revised Code. "Income tax revenue" excludes 5865  
amounts withheld before the day the taxpayer becomes eligible for 5866  
the credit. 5867

(2) "Baseline income tax revenue" means income tax revenue 5868  
except that the applicable withholding period is the twelve months 5869  
immediately preceding the date the tax credit authority approves 5870  
the taxpayer's application or the date the tax credit authority 5871  
receives the recommendation described in division (C)(2)(a) of 5872  
this section, whichever occurs first, multiplied by the sum of one 5873  
plus an annual pay increase factor to be determined by the tax 5874  
credit authority. If the taxpayer becomes eligible for the credit 5875  
after the first day of the taxpayer's taxable year or after the 5876  
first day of the calendar year that includes the tax period, the 5877  
taxpayer's baseline income tax revenue for the first such taxable 5878  
or calendar year of credit eligibility shall be reduced in 5879  
proportion to the number of days during the taxable or calendar 5880  
year for which the taxpayer was not eligible for the credit. For 5881  
subsequent taxable or calendar years, "baseline income tax 5882  
revenue" equals the unreduced baseline income tax revenue for the 5883  
preceding taxable or calendar year multiplied by the sum of one 5884  
plus the pay increase factor. 5885

(3) "Excess income tax revenue" means income tax revenue 5886  
minus baseline income tax revenue. 5887

(4) "Home-based employee" means an employee whose services 5888

are performed primarily from the employee's residence in this 5889  
state exclusively for the benefit of the project and whose rate of 5890  
pay is at least one hundred thirty-one per cent of the federal 5891  
minimum wage under 29 U.S.C. 206. 5892

(B) The tax credit authority may make grants under this 5893  
section to foster job creation in this state. Such a grant shall 5894  
take the form of a refundable credit allowed against the tax 5895  
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, or 5747.02 5896  
or levied under Chapter 5751. of the Revised Code. The credit 5897  
shall be claimed for the taxable years or tax periods specified in 5898  
the taxpayer's agreement with the tax credit authority under 5899  
division (D) of this section. With respect to taxes imposed under 5900  
section 5726.02, 5733.06, or 5747.02 or Chapter 5751. of the 5901  
Revised Code, the credit shall be claimed in the order required 5902  
under section 5726.98, 5733.98, 5747.98, or 5751.98 of the Revised 5903  
Code. The amount of the credit available for a taxable year or for 5904  
a calendar year that includes a tax period equals the excess 5905  
income tax revenue for that year multiplied by the percentage 5906  
specified in the agreement with the tax credit authority. Any 5907  
credit granted under this section against the tax imposed by 5908  
section 5733.06 or 5747.02 of the Revised Code, to the extent not 5909  
fully utilized against such tax for taxable years ending prior to 5910  
2008, shall automatically be converted without any action taken by 5911  
the tax credit authority to a credit against the tax levied under 5912  
Chapter 5751. of the Revised Code for tax periods beginning on or 5913  
after July 1, 2008, provided that the person to whom the credit 5914  
was granted is subject to such tax. The converted credit shall 5915  
apply to those calendar years in which the remaining taxable years 5916  
specified in the agreement end. 5917

(C)(1) A taxpayer or potential taxpayer who proposes a 5918  
project to create new jobs in this state may apply to the tax 5919  
credit authority to enter into an agreement for a tax credit under 5920

this section. 5921

An application shall not propose to include both home-based 5922  
employees and employees who are not home-based employees in the 5923  
computation of income tax revenue for the purposes of the same tax 5924  
credit agreement. If a taxpayer or potential taxpayer employs both 5925  
home-based employees and employees who are not home-based 5926  
employees in a project, the taxpayer shall submit separate 5927  
applications for separate tax credit agreements for the project, 5928  
one of which shall include home-based employees in the computation 5929  
of income tax revenue and one of which shall include all other 5930  
employees in the computation of income tax revenue. 5931

The director of development services shall prescribe the form 5932  
of the application. After receipt of an application, the authority 5933  
may enter into an agreement with the taxpayer for a credit under 5934  
this section if it determines all of the following: 5935

(a) The taxpayer's project will increase payroll and income 5936  
tax revenue; 5937

(b) The taxpayer's project is economically sound and will 5938  
benefit the people of this state by increasing opportunities for 5939  
employment and strengthening the economy of this state; 5940

(c) Receiving the tax credit is a major factor in the 5941  
taxpayer's decision to go forward with the project. 5942

(2)(a) A taxpayer that chooses to begin the project prior to 5943  
receiving the determination of the authority may, upon submitting 5944  
the taxpayer's application to the authority, request that the 5945  
chief investment officer of the nonprofit corporation formed under 5946  
section 187.01 of the Revised Code and the director review the 5947  
taxpayer's application and recommend to the authority that the 5948  
taxpayer's application be considered. As soon as possible after 5949  
receiving such a request, the chief investment officer and the 5950  
director shall review the taxpayer's application and, if they 5951

determine that the application warrants consideration by the 5952  
authority, make that recommendation to the authority not later 5953  
than six months after the application is received by the 5954  
authority. 5955

(b) The authority shall consider any taxpayer's application 5956  
for which it receives a recommendation under division (C)(2)(a) of 5957  
this section. If the authority determines that the taxpayer does 5958  
not meet all of the criteria set forth in division (C)(1) of this 5959  
section, the authority and the development services agency shall 5960  
proceed in accordance with rules adopted by the director pursuant 5961  
to division (I) of this section. 5962

(D) An agreement under this section shall include all of the 5963  
following: 5964

(1) A detailed description of the project that is the subject 5965  
of the agreement; 5966

(2)(a) The term of the tax credit, which, except as provided 5967  
in division (D)(2)(b) of this section, shall not exceed fifteen 5968  
years, and the first taxable year, or first calendar year that 5969  
includes a tax period, for which the credit may be claimed; 5970

(b) If the tax credit is computed on the basis of home-based 5971  
employees, the term of the credit shall expire on or before the 5972  
last day of the taxable or calendar year ending before the 5973  
beginning of the seventh year after September 6, 2012, the 5974  
effective date of H.B. 327 of the 129th general assembly~~+~~. 5975

(3) A requirement that the taxpayer shall maintain operations 5976  
at the project location for at least the greater of seven years or 5977  
the term of the credit plus three years; 5978

(4) The percentage, as determined by the tax credit 5979  
authority, of excess income tax revenue that will be allowed as 5980  
the amount of the credit for each taxable year or for each 5981  
calendar year that includes a tax period; 5982



(5) The pay increase factor to be applied to the taxpayer's 5983  
baseline income tax revenue; 5984

(6) A requirement that the taxpayer annually shall report to 5985  
the director of development services employment, tax withholding, 5986  
investment, the provision of health care benefits and tuition 5987  
reimbursement if required in the agreement, and other information 5988  
the director needs to perform the director's duties under this 5989  
section; 5990

(7) A requirement that the director of development services 5991  
annually review the information reported under division (D)(6) of 5992  
this section and verify compliance with the agreement; if the 5993  
taxpayer is in compliance, a requirement that the director issue a 5994  
certificate to the taxpayer stating that the information has been 5995  
verified and identifying the amount of the credit that may be 5996  
claimed for the taxable or calendar year; 5997

(8) A provision providing that the taxpayer may not relocate 5998  
a substantial number of employment positions from elsewhere in 5999  
this state to the project location unless the director of 6000  
development services determines that the legislative authority of 6001  
the county, township, or municipal corporation from which the 6002  
employment positions would be relocated has been notified by the 6003  
taxpayer of the relocation. 6004

For purposes of this section, the movement of an employment 6005  
position from one political subdivision to another political 6006  
subdivision shall be considered a relocation of an employment 6007  
position unless the employment position in the first political 6008  
subdivision is replaced. 6009

(9) If the tax credit is computed on the basis of home-based 6010  
employees, that the tax credit may not be claimed by the taxpayer 6011  
until the taxable year or tax period in which the taxpayer employs 6012  
at least two hundred employees more than the number of employees 6013

the taxpayer employed on June 30, 2011. 6014

(E) If a taxpayer fails to meet or comply with any condition 6015  
or requirement set forth in a tax credit agreement, the tax credit 6016  
authority may amend the agreement to reduce the percentage or term 6017  
of the tax credit. The reduction of the percentage or term may 6018  
take effect in the current taxable or calendar year. 6019

(F) Projects that consist solely of point-of-final-purchase 6020  
retail facilities are not eligible for a tax credit under this 6021  
section. If a project consists of both point-of-final-purchase 6022  
retail facilities and nonretail facilities, only the portion of 6023  
the project consisting of the nonretail facilities is eligible for 6024  
a tax credit and only the excess income tax revenue from the 6025  
nonretail facilities shall be considered when computing the amount 6026  
of the tax credit. If a warehouse facility is part of a 6027  
point-of-final-purchase retail facility and supplies only that 6028  
facility, the warehouse facility is not eligible for a tax credit. 6029  
Catalog distribution centers are not considered 6030  
point-of-final-purchase retail facilities for the purposes of this 6031  
division, and are eligible for tax credits under this section. 6032

(G) Financial statements and other information submitted to 6033  
the development services agency or the tax credit authority by an 6034  
applicant or recipient of a tax credit under this section, and any 6035  
information taken for any purpose from such statements or 6036  
information, are not public records subject to section 149.43 of 6037  
the Revised Code. However, the chairperson of the authority may 6038  
make use of the statements and other information for purposes of 6039  
issuing public reports or in connection with court proceedings 6040  
concerning tax credit agreements under this section. Upon the 6041  
request of the tax commissioner or, if the applicant or recipient 6042  
is an insurance company, upon the request of the superintendent of 6043  
insurance, the chairperson of the authority shall provide to the 6044  
commissioner or superintendent any statement or information 6045

submitted by an applicant or recipient of a tax credit in 6046  
connection with the credit. The commissioner or superintendent 6047  
shall preserve the confidentiality of the statement or 6048  
information. 6049

(H) A taxpayer claiming a credit under this section shall 6050  
submit to the tax commissioner or, if the taxpayer is an insurance 6051  
company, to the superintendent of insurance, a copy of the 6052  
director of development services' certificate of verification 6053  
under division (D)(7) of this section with the taxpayer's tax 6054  
report or return for the taxable year or for the calendar year 6055  
that includes the tax period. Failure to submit a copy of the 6056  
certificate with the report or return does not invalidate a claim 6057  
for a credit if the taxpayer submits a copy of the certificate to 6058  
the commissioner or superintendent within sixty days after the 6059  
commissioner or superintendent requests it. 6060

(I) The director of development services, after consultation 6061  
with the tax commissioner and the superintendent of insurance and 6062  
in accordance with Chapter 119. of the Revised Code, shall adopt 6063  
rules necessary to implement this section, including rules that 6064  
establish a procedure to be followed by the tax credit authority 6065  
and the development services agency in the event the authority 6066  
considers a taxpayer's application for which it receives a 6067  
recommendation under division (C)(2)(a) of this section but does 6068  
not approve it. The rules may provide for recipients of tax 6069  
credits under this section to be charged fees to cover 6070  
administrative costs of the tax credit program. The fees collected 6071  
shall be credited to the business assistance fund created in 6072  
section 122.174 of the Revised Code. At the time the director 6073  
gives public notice under division (A) of section 119.03 of the 6074  
Revised Code of the adoption of the rules, the director shall 6075  
submit copies of the proposed rules to the chairpersons of the 6076  
standing committees on economic development in the senate and the 6077

house of representatives. 6078

(J) For the purposes of this section, a taxpayer may include 6079  
a partnership, a corporation that has made an election under 6080  
subchapter S of chapter one of subtitle A of the Internal Revenue 6081  
Code, or any other business entity through which income flows as a 6082  
distributive share to its owners. A partnership, S-corporation, or 6083  
other such business entity may elect to pass the credit received 6084  
under this section through to the persons to whom the income or 6085  
profit of the partnership, S-corporation, or other entity is 6086  
distributed. The election shall be made on the annual report 6087  
required under division (D)(6) of this section. The election 6088  
applies to and is irrevocable for the credit for which the report 6089  
is submitted. If the election is made, the credit shall be 6090  
apportioned among those persons in the same proportions as those 6091  
in which the income or profit is distributed. 6092

(K) If the director of development services determines that a 6093  
taxpayer who has received a credit under this section is not 6094  
complying with the requirement under division (D)(3) of this 6095  
section, the director shall notify the tax credit authority of the 6096  
noncompliance. After receiving such a notice, and after giving the 6097  
taxpayer an opportunity to explain the noncompliance, the tax 6098  
credit authority may require the taxpayer to refund to this state 6099  
a portion of the credit in accordance with the following: 6100

(1) If the taxpayer maintained operations at the project 6101  
location for a period less than or equal to the term of the 6102  
credit, an amount not exceeding one hundred per cent of the sum of 6103  
any credits allowed and received under this section; 6104

(2) If the taxpayer maintained operations at the project 6105  
location for a period longer than the term of the credit, but less 6106  
than the greater of seven years or the term of the credit plus 6107  
three years, an amount not exceeding seventy-five per cent of the 6108  
sum of any credits allowed and received under this section. 6109

In determining the portion of the tax credit to be refunded 6110  
to this state, the tax credit authority shall consider the effect 6111  
of market conditions on the taxpayer's project and whether the 6112  
taxpayer continues to maintain other operations in this state. 6113  
After making the determination, the authority shall certify the 6114  
amount to be refunded to the tax commissioner or superintendent of 6115  
insurance, as appropriate. If the amount is certified to the 6116  
commissioner, the commissioner shall make an assessment for that 6117  
amount against the taxpayer under Chapter 5726., 5733., 5747., or 6118  
5751. of the Revised Code. If the amount is certified to the 6119  
superintendent, the superintendent shall make an assessment for 6120  
that amount against the taxpayer under Chapter 5725. or 5729. of 6121  
the Revised Code. The time limitations on assessments under those 6122  
chapters do not apply to an assessment under this division, but 6123  
the commissioner or superintendent, as appropriate, shall make the 6124  
assessment within one year after the date the authority certifies 6125  
to the commissioner or superintendent the amount to be refunded. 6126

(L) On or before the first day of August each year, the 6127  
director of development services shall submit a report to the 6128  
governor, the president of the senate, and the speaker of the 6129  
house of representatives on the tax credit program under this 6130  
section. The report shall include information on the number of 6131  
agreements that were entered into under this section during the 6132  
preceding calendar year, a description of the project that is the 6133  
subject of each such agreement, and an update on the status of 6134  
projects under agreements entered into before the preceding 6135  
calendar year. 6136

(M) There is hereby created the tax credit authority, which 6137  
consists of the director of development services and four other 6138  
members appointed as follows: the governor, the president of the 6139  
senate, and the speaker of the house of representatives each shall 6140  
appoint one member who shall be a specialist in economic 6141

development; the governor also shall appoint a member who is a 6142  
specialist in taxation. Of the initial appointees, the members 6143  
appointed by the governor shall serve a term of two years; the 6144  
members appointed by the president of the senate and the speaker 6145  
of the house of representatives shall serve a term of four years. 6146  
Thereafter, terms of office shall be for four years. Initial 6147  
appointments to the authority shall be made within thirty days 6148  
after January 13, 1993. Each member shall serve on the authority 6149  
until the end of the term for which the member was appointed. 6150  
Vacancies shall be filled in the same manner provided for original 6151  
appointments. Any member appointed to fill a vacancy occurring 6152  
prior to the expiration of the term for which the member's 6153  
predecessor was appointed shall hold office for the remainder of 6154  
that term. Members may be reappointed to the authority. Members of 6155  
the authority shall receive their necessary and actual expenses 6156  
while engaged in the business of the authority. The director of 6157  
development services shall serve as chairperson of the authority, 6158  
and the members annually shall elect a vice-chairperson from among 6159  
themselves. Three members of the authority constitute a quorum to 6160  
transact and vote on the business of the authority. The majority 6161  
vote of the membership of the authority is necessary to approve 6162  
any such business, including the election of the vice-chairperson. 6163

The director of development services may appoint a 6164  
professional employee of the development services agency to serve 6165  
as the director's substitute at a meeting of the authority. The 6166  
director shall make the appointment in writing. In the absence of 6167  
the director from a meeting of the authority, the appointed 6168  
substitute shall serve as chairperson. In the absence of both the 6169  
director and the director's substitute from a meeting, the 6170  
vice-chairperson shall serve as chairperson. 6171

(N) For purposes of the credits granted by this section 6172  
against the taxes imposed under sections 5725.18 and 5729.03 of 6173

the Revised Code, "taxable year" means the period covered by the taxpayer's annual statement to the superintendent of insurance.

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

(P) On or before the first day of January of ~~the seventh~~ calendar year following the year in which H.B. 327 of the 129th general assembly became effective 2019, the director of development services shall submit a report to the governor, the president of the senate, and the speaker of the house of representatives on the effect of agreements entered into under this section in which the taxpayer included home-based employees in the computation of income tax revenue. The report shall include information on the number of such agreements that were entered into in the preceding six years, a description of the projects that were the subjects of such agreements, and an analysis of nationwide home-based employment trends, including the number of home-based jobs created from July 1, 2011, through June 30, 2017, and a description of any home-based employment tax incentives provided by other states during that time.

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

**Sec. 122.28.** As used in sections 122.28 and 122.30 to 122.36

of the Revised Code: 6205

(A) "New technology" means the development through science or 6206  
research of methods, processes, and procedures, including but not 6207  
limited to those involving the processing and utilization of coal, 6208  
for practical application in industrial or agribusiness 6209  
situations. 6210

(B) "Industrial research" means study and investigation in 6211  
giving new shapes, new qualities or new combinations to matter or 6212  
material products by the application of labor thereto or the 6213  
rehabilitation of an existing matter or material product. 6214

(C) "Enterprise" means a business with its principal place of 6215  
business in this state or which proposes to be engaged in this 6216  
state in research and development or in the provision of products 6217  
or services involving a significant amount of new technology. 6218

(D) "Educational institutions" means nonprofit public and 6219  
private colleges and universities, incorporated or unincorporated, 6220  
in the state. 6221

(E) "Small business" means an enterprise with less than four 6222  
hundred employees, including corporations, partnerships, 6223  
unincorporated entities, proprietorships, and joint enterprises. 6224

(F) "Applied research" means the application of basic 6225  
research for the development of new technology. 6226

**Sec. 122.30.** The ~~industrial technology and enterprise~~ 6227  
~~advisory council and the director of development are~~ services is 6228  
vested with the powers and duties provided in sections 122.28 and 6229  
122.30 to 122.36 of the Revised Code, to promote the welfare of 6230  
the people of the state through the interaction of the business 6231  
and industrial community and educational institutions in the 6232  
development of new technology and enterprise. 6233

(A) It is necessary for the state to establish the ~~industrial~~ 6234



~~technology and enterprise advisory council and the programs~~ 6235  
created pursuant to sections 122.28 and 122.30 to 122.36 of the 6236  
Revised Code to accomplish the following purposes which are 6237  
determined to be essential: 6238

(1) Improve the existing industrial and agricultural base of 6239  
the state; 6240

(2) Improve the economy of the state by providing employment, 6241  
increasing productivity, and slowing the rate of inflation; 6242

(3) Develop markets worldwide for the products of the state's 6243  
natural resources and agricultural and manufacturing industries; 6244

(4) Maintain a high standard of living for the people of the 6245  
state. 6246

~~(B) The industrial technology and enterprise advisory council~~ 6247  
~~shall do all of the following:~~ 6248

~~(1) Make recommendations to the director of development as to~~ 6249  
~~applications for assistance pursuant to sections 122.28 to 122.36~~ 6250  
~~of the Revised Code. The council may revise its recommendations to~~ 6251  
~~reflect any changes in the proposed assistance made by the~~ 6252  
~~director.~~ 6253

~~(2) Advise the director in the administration of sections~~ 6254  
~~122.28 to 122.36 of the Revised Code;~~ 6255

~~(3) Adopt bylaws to govern the conduct of the council's~~ 6256  
~~business.~~ 6257

~~(C) The director of development shall do all of the~~ 6258  
following: 6259

(1) Receive applications for assistance under sections 122.28 6260  
and 122.30 to 122.36 of the Revised Code ~~and, after processing,~~ 6261  
~~forward them to the council together with necessary supporting~~ 6262  
~~information;~~ 6263

(2) ~~Receive the recommendations of the council and make~~ Make 6264

a ~~final~~ determination whether to approve the application for 6265  
assistance; 6266

(3) Transmit determinations to approve assistance exceeding 6267  
forty thousand dollars to the controlling board, together with any 6268  
information the controlling board requires, for the board's review 6269  
and decision as to whether to approve the assistance; 6270

(4) Gather and disseminate information and conduct hearings, 6271  
conferences, seminars, investigations, and special studies on 6272  
problems and programs concerning industrial research and new 6273  
technology and their commercial applications in the state; 6274

(5) Establish an annual program to recognize the 6275  
accomplishments and contributions of individuals and organizations 6276  
in the development of industrial research and new technology in 6277  
the state; 6278

(6) Stimulate both public and industrial awareness and 6279  
interest in industrial research and development of new technology 6280  
primarily in the areas of industrial processes, implementation, 6281  
energy, agribusiness, medical technology, avionics, and food 6282  
processing; 6283

(7) Develop and implement comprehensive and coordinated 6284  
policies, programs, and procedures promoting industrial research 6285  
and new technology; 6286

(8) Propose appropriate legislation or executive actions to 6287  
stimulate the development of industrial research and new 6288  
technology by enterprises and individuals; 6289

(9) Encourage and facilitate contracts between industry, 6290  
agriculture, educational institutions, federal agencies, and state 6291  
agencies, with special emphasis on industrial research and new 6292  
technology by small businesses and agribusiness; 6293

(10) Participate with any state agency in developing specific 6294

programs and goals to assist in the development of industrial	6295
research and new technology and monitor performance;	6296
(11) Assist enterprises in obtaining alternative forms of	6297
governmental or commercial financing for industrial research and	6298
new technology;	6299
(12) Assist enterprises or individuals in the implementation	6300
of new programs and policies and the expansion of existing	6301
programs to provide an atmosphere conducive to increased	6302
cooperation among and participation by individuals, enterprises,	6303
and educational institutions engaged in industrial research and	6304
the development of new technology;	6305
(13) Advertise, prepare, print, and distribute books, maps,	6306
pamphlets, and other information <del>which in the judgment of the</del>	6307
<del>director will further its purposes;</del>	6308
(14) Include in the director's annual report to the governor	6309
and the general assembly a report on the activities for the	6310
preceding calendar year under sections 122.28 <u>and 122.30</u> to 122.36	6311
of the Revised Code;	6312
(15) Approve the expenditure of money appropriated by the	6313
general assembly for the purpose of sections 122.28 <u>and 122.30</u> to	6314
122.36 of the Revised Code;	6315
(16) Identify and implement federal research and development	6316
programs which would link Ohio's industrial base, research	6317
facilities, and natural resources;	6318
(17) Employ and fix the compensation of technical and	6319
professional personnel, who shall be in the unclassified civil	6320
service, and employ other personnel, who shall be in the	6321
classified civil service, as necessary to carry out the provisions	6322
of sections 122.28 <u>and 122.30</u> to 122.36 of the Revised Code.	6323
<b>Sec. 122.31.</b> All expenses and obligations incurred by the	6324

director of development ~~and the industrial technology and~~ 6325  
~~enterprise advisory council services~~ in carrying out ~~their the~~ 6326  
director's powers and ~~in exercising their~~ duties under sections 6327  
122.28 and 122.30 to 122.36 of the Revised Code, are payable from 6328  
revenues or other receipts or income from grants, gifts, 6329  
contributions, compensation, reimbursement, and funds established 6330  
in accordance with those sections or general revenue funds 6331  
appropriated by the general assembly for operating expenses of the 6332  
director ~~or council~~. 6333

**Sec. 122.32.** The director of development services, on behalf 6334  
of the programs authorized pursuant to sections 122.28 and 122.30 6335  
to 122.36 of the Revised Code, may receive and accept grants, 6336  
gifts, and contributions of money, property, labor, and other 6337  
things of value to be held, used, and applied only for the purpose 6338  
for which the grants, gifts, and contributions are made, from 6339  
individuals, private and public corporations, from the United 6340  
States or any agency of the United States, and from any political 6341  
subdivision of the state. The director may agree to repay any 6342  
contribution of money or to return any property contributed or its 6343  
value at times, in amounts, and on terms and conditions excluding 6344  
the payment of interest as the director determines at the time the 6345  
contribution is made. The director may evidence the obligation by 6346  
written contracts, subject to section 122.31 of the Revised Code, 6347  
provided that the director shall not thereby incur indebtedness of 6348  
or impose liability upon the state or any political subdivision. 6349

**Sec. 122.33.** The director of development services shall 6350  
administer the following programs: 6351

(A) The industrial technology and enterprise development 6352  
grant program, to provide capital to acquire, construct, enlarge, 6353  
improve, or equip and to sell, lease, exchange, and otherwise 6354  
dispose of property, structures, equipment, and facilities within 6355

the state. 6356

Such funding may be made to enterprises that propose to 6357  
develop new products or technologies when the director finds all 6358  
of the following factors to be present: 6359

(1) The undertaking will benefit the people of the state by 6360  
creating or preserving jobs and employment opportunities or 6361  
improving the economic welfare of the people of the state, and 6362  
promoting the development of new technology. 6363

(2) There is reasonable assurance that the potential 6364  
royalties to be derived from the sale of the product or process 6365  
described in the proposal will be sufficient to repay the funding 6366  
pursuant to sections 122.28 and 122.30 to 122.36 of the Revised 6367  
Code and that, in making the agreement, as it relates to patents, 6368  
copyrights, and other ownership rights, there is reasonable 6369  
assurance that the resulting new technology will be utilized to 6370  
the maximum extent possible in facilities located in Ohio. 6371

(3) The technology and research to be undertaken will allow 6372  
enterprises to compete more effectively in the marketplace. Grants 6373  
of capital may be in such form and conditioned upon such terms as 6374  
the ~~board~~ director deems appropriate. 6375

(B) The industrial technology and enterprise resources 6376  
program to provide for the collection, dissemination, and exchange 6377  
of information regarding equipment, facilities, and business 6378  
planning consultation resources available in business, industry, 6379  
and educational institutions and to establish methods by which 6380  
small businesses may use available facilities and resources. The 6381  
methods may include, but need not be limited to, leases 6382  
reimbursing the educational institutions for their actual costs 6383  
incurred in maintaining the facilities and agreements assigning 6384  
royalties from development of successful products or processes 6385  
through the use of the facilities and resources. The director 6386

shall operate this program in conjunction with the board of 6387  
regents. 6388

(C) The Thomas Alva Edison grant program to provide grants to 6389  
foster research, development, or technology transfer efforts 6390  
involving enterprises and educational institutions that will lead 6391  
to the creation of jobs. 6392

(1) Grants may be made to a nonprofit organization or a 6393  
public or private educational institution, department, college, 6394  
institute, faculty member, or other administrative subdivision or 6395  
related entity of an educational institution when the director 6396  
finds that the undertaking will benefit the people of the state by 6397  
supporting research in advanced technology areas likely to improve 6398  
the economic welfare of the people of the state through promoting 6399  
the development of new commercial technology. 6400

(2) Grants may be made in a form and conditioned upon terms 6401  
as the director considers appropriate. 6402

(3) Grants made under this program shall in all instances be 6403  
in conjunction with a contribution to the project by a cooperating 6404  
enterprise which maintains or proposes to maintain a relevant 6405  
research, development, or manufacturing facility in the state, by 6406  
a nonprofit organization, or by an educational institution or 6407  
related entity; however, funding provided by an educational 6408  
institution or related entity shall not be from general revenue 6409  
funds appropriated by the Ohio general assembly. No grant made 6410  
under this program shall exceed the contribution made by the 6411  
cooperating enterprise, nonprofit organization, or educational 6412  
institution or related entity. The director may consider 6413  
cooperating contributions in the form of state of the art new 6414  
equipment or in other forms provided the director determines that 6415  
the contribution is essential to the successful implementation of 6416  
the project. The director may adopt rules or guidelines for the 6417  
valuation of contributions of equipment or other property. 6418

(4) The director may determine fields of research from which 6419  
grant applications will be accepted under this program. 6420

**Sec. 122.34.** The exercise of the powers granted by sections 6421  
122.28 and 122.30 to 122.36 of the Revised Code will be in all 6422  
respects for the benefit of the people of the state, for the 6423  
improvement of commerce and prosperity, improvement of employment 6424  
conditions, and will constitute the performance of essential 6425  
governmental functions. 6426

**Sec. 122.35.** All moneys received under sections 122.28 and 6427  
122.30 to 122.36 of the Revised Code are trust funds to be held 6428  
and applied solely as provided in those sections and section 6429  
166.03 of the Revised Code. All moneys, except when deposited with 6430  
the treasurer of the state, shall be kept and secured in 6431  
depositories as selected by the director of development services 6432  
in the manner provided in sections 135.01 to 135.21 of the Revised 6433  
Code, insofar as those sections are applicable. All moneys held by 6434  
the director in trust to carry out the purposes of sections 122.28 6435  
and 122.30 to 122.36 of the Revised Code shall be used as provided 6436  
in sections 122.28 and 122.30 to 122.36 of the Revised Code and at 6437  
no time be part of other public funds. 6438

**Sec. 122.36.** Any materials or data submitted to, made 6439  
available to, or received by the director of development, ~~the~~ 6440  
~~industrial technology and enterprise advisory council,~~ services or 6441  
the controlling board, to the extent that the material or data 6442  
consist of trade secrets, as defined in section 1333.61 of the 6443  
Revised Code, or commercial or financial information, regarding 6444  
projects are not public records for the purposes of section 149.43 6445  
of the Revised Code. 6446

**Sec. 122.657.** For the purposes of sections 122.65 to 122.658 6447

of the Revised Code, the director of development shall establish 6448  
policies and requirements regarding all of the following: 6449

(A) The form and content of applications for grants or loans 6450  
from the clean Ohio revitalization fund under section 122.652 of 6451  
the Revised Code. The policies and requirements shall require that 6452  
each application include, at a minimum, all of the following: 6453

(1) The name, address, and telephone number of the applicant; 6454

(2) The legal description of the property for which the grant 6455  
or loan is requested; 6456

(3) A summary description of the hazardous substances or 6457  
petroleum present at the brownfield and a certified copy of the 6458  
results of an assessment; 6459

(4) A detailed explanation of the proposed cleanup or 6460  
remediation of the brownfield, including an identification of the 6461  
applicable cleanup standards, and a detailed description of the 6462  
proposed use of the brownfield after completion of the cleanup or 6463  
remediation; 6464

(5) An estimate of the total cost to clean up or remediate 6465  
the brownfield in order to comply with the applicable cleanup 6466  
standards. The total cost shall include the cost of employing a 6467  
certified professional under section 122.654 of the Revised Code. 6468

(6) A detailed explanation of the portion of the estimated 6469  
total cost of the cleanup or remediation of the brownfield that 6470  
the applicant proposes to provide as required under sections 6471  
122.653 and 122.658 of the Revised Code and financial records 6472  
supporting the proposal; 6473

(7) A certified copy of a resolution or ordinance approving 6474  
the project that the applicant shall obtain from the board of 6475  
township trustees of the township or the legislative authority of 6476  
the municipal corporation in which the property is located, 6477



whichever is applicable; 6478

(8) A description of the estimated economic benefit that will 6479  
result from a cleanup or remediation of the brownfield; 6480

(9) An application summary for purposes of review by an 6481  
integrating committee or, if applicable, the executive committee 6482  
of an integrating committee under division (B) of section 122.652 6483  
of the Revised Code; 6484

(10) With respect to applications for loans, information 6485  
demonstrating that the applicant will implement a financial 6486  
management plan that includes, without limitation, provisions for 6487  
the satisfactory repayment of the loan; 6488

(11) Any other provisions that the director determines should 6489  
be included in an application. 6490

(B) Procedures for conducting public meetings and providing 6491  
public notice under division (A) of section 122.652 of the Revised 6492  
Code; 6493

(C) Criteria to be used by integrating committees or, if 6494  
required under division (C) of section 122.652 of the Revised 6495  
Code, executive committees of integrating committees when 6496  
prioritizing projects under division (B) of section 122.652 of the 6497  
Revised Code. The policies and requirements also shall establish 6498  
procedures that integrating committees or, if required under 6499  
division (C) of section 122.652 of the Revised Code, executive 6500  
committees of integrating committees shall use in applying the 6501  
criteria. 6502

(D) A selection process that provides for the prioritization 6503  
of brownfield cleanup or remediation projects for which grant or 6504  
loan applications are submitted under section 122.652 of the 6505  
Revised Code. The policies and requirements shall require the 6506  
selection process to give priority to projects in which the 6507  
post-cleanup or remediation use will be for a combination of 6508

residential, commercial, or industrial purposes, which may include 6509  
the conversion of a portion of a brownfield to a recreation, park, 6510  
or natural area that is integrated with the residential, 6511  
commercial, or industrial use of the brownfield after cleanup or 6512  
remediation, or will incorporate projects that are funded by 6513  
grants awarded under sections 164.20 to 164.27 of the Revised 6514  
Code. The policies and requirements shall require the selection 6515  
process to incorporate and emphasize all of the following factors: 6516

(1) The potential economic benefit that will result from the 6517  
cleanup or remediation of a brownfield; 6518

(2) The potential environmental improvement that will result 6519  
from the cleanup or remediation of a brownfield; 6520

(3) The amount and nature of the match provided by an 6521  
applicant as required under sections 122.653 and 122.658 of the 6522  
Revised Code; 6523

(4) Funding priorities recommended by integrating committees 6524  
or, if required under division (C) of section 122.652 of the 6525  
Revised Code, executive committees of integrating committees under 6526  
division (B) of section 122.652 of the Revised Code; 6527

(5) The potential benefit to low-income communities, 6528  
including minority communities, that will result from the cleanup 6529  
or remediation of a brownfield; 6530

(6) Any other factors that the director considers 6531  
appropriate. 6532

(E) The development of criteria that the director shall use 6533  
when awarding grants under section 122.656 of the Revised Code. 6534  
The criteria shall give priority to public health projects. In 6535  
addition, the director, in consultation with the director of 6536  
environmental protection, shall establish policies and 6537  
requirements that require the criteria to include a public health 6538  
project selection process that incorporates and emphasizes all of 6539

the following factors: 6540

(1) The potential environmental improvement that will result 6541  
from the cleanup or remediation; 6542

(2) The ability of an applicant to access the property for 6543  
purposes of the cleanup or remediation; 6544

(3) The name and qualifications of the cleanup or remediation 6545  
contractor; 6546

(4) Any other factors that the director of development 6547  
considers appropriate. 6548

The director of development may develop any other policies 6549  
and requirements that the director determines are necessary for 6550  
the administration of section 122.656 of the Revised Code. 6551

(F) The development of a brownfield cleanup and remediation 6552  
oversight program to ensure compliance with sections 122.65 to 6553  
122.658 of the Revised Code and policies and requirements 6554  
established under this section. The policies and requirements 6555  
shall require the program to include, at a minimum, both of the 6556  
following: 6557

(1) Procedures for the accounting of invoices and receipts 6558  
and any other documents that are necessary to demonstrate that a 6559  
cleanup or remediation was properly performed; 6560

(2) Procedures that are necessary to provide a detailed 6561  
explanation of the status of the property five years after the 6562  
completed cleanup or remediation. 6563

(G) A delineation of what constitutes administrative costs 6564  
for purposes of divisions (D) and (F) of section 122.658 of the 6565  
Revised Code; 6566

(H) Procedures and requirements for making loans and loan 6567  
agreements that include at least all of the following: 6568

(1) Not more than fifteen per cent of moneys annually 6569

allocated to the clean Ohio revitalization fund shall be used for 6570  
loans. 6571

(2) The loans shall be made at or below market rates of 6572  
interest, including, without limitation, interest-free loans. 6573

(3) The recipient of a loan shall identify a source of 6574  
security and a source of repayment of the loan. 6575

~~(4) All payments of principal and interest on a loan shall be 6576  
deposited in the state treasury and credited to the clean Ohio 6577  
revitalization revolving loan fund. 6578~~

~~(5) The clean Ohio council may accept notes and other forms 6579  
of obligation to evidence indebtedness, accept mortgages, liens, 6580  
pledges, assignments, and other security interests to secure such 6581  
indebtedness, and take any actions that are considered by the 6582  
council to be appropriate to protect such security and safeguard 6583  
against losses, including, without limitation, foreclosure and 6584  
bidding on the purchase of property upon foreclosure or other 6585  
sale. 6586~~

(I) Any other policies and requirements that the director 6587  
determines are necessary for the administration of sections 122.65 6588  
to 122.658 of the Revised Code. 6589

**Sec. 122.658.** (A) The clean Ohio revitalization fund is 6590  
hereby created in the state treasury. The fund shall consist of 6591  
moneys credited to it pursuant to section 151.40 of the Revised 6592  
Code. Moneys in the fund shall be used to make grants or loans for 6593  
projects that have been approved by the clean Ohio council in 6594  
accordance with section 122.653 of the Revised Code, except that 6595  
the council annually shall devote twenty per cent of the net 6596  
proceeds of obligations deposited in the clean Ohio revitalization 6597  
fund for the purposes of section 122.656 of the Revised Code. 6598

Moneys in the clean Ohio revitalization fund may be used to 6599

pay reasonable costs incurred by the department of development and 6600  
the environmental protection agency in administering sections 6601  
122.65 to 122.658 of the Revised Code. All investment earnings of 6602  
the fund shall be credited to the fund. Investment earnings 6603  
credited to the clean Ohio revitalization fund may be used to pay 6604  
costs incurred by the department of development and the 6605  
environmental protection agency pursuant to sections 122.65 to 6606  
122.658 of the Revised Code. 6607

The department of development shall administer the clean Ohio 6608  
revitalization fund in accordance with this section, policies and 6609  
requirements established under section 122.657 of the Revised 6610  
Code, and the terms of agreements entered into by the council 6611  
under section 122.653 of the Revised Code. 6612

(B) Grants awarded and loans made under section 122.653 of 6613  
the Revised Code shall provide not more than seventy-five per cent 6614  
of the estimated total cost of a project. A grant or loan to any 6615  
one project shall not exceed three million dollars. An applicant 6616  
shall provide at least twenty-five per cent of the estimated total 6617  
cost of a project. The applicant's share may consist of one or a 6618  
combination of any of the following: 6619

(1) Payment of the cost of acquiring the property for the 6620  
purposes of sections 122.65 to 122.658 of the Revised Code; 6621

(2) Payment of the reasonable cost of an assessment at the 6622  
property; 6623

(3) The reasonable value, as determined by the council, of 6624  
labor and materials that will be contributed by the applicant in 6625  
performing the cleanup or remediation; 6626

(4) Moneys received by the applicant in any form for use in 6627  
performing the cleanup or remediation; 6628

(5) Loans secured by the applicant for the purpose of the 6629  
cleanup or remediation of the brownfield. 6630

Costs that were incurred more than two years prior to the 6631  
submission of an application to the clean Ohio council for the 6632  
acquisition of property, assessments, and labor and materials 6633  
shall not be used as part of the applicant's matching share. 6634

(C) The department of development shall not make any payment 6635  
to an applicant from the clean Ohio revitalization fund to pay 6636  
costs of the applicant that were not included in an application 6637  
for a grant or loan under section 122.653 of the Revised Code or 6638  
that exceed the amount of the estimated total cost of the project 6639  
included in the application. If, upon completion of a project, the 6640  
costs of the project are less than the amounts included in the 6641  
application, the amounts included in the application less the 6642  
amounts of the actual costs of the project shall be credited to 6643  
the clean Ohio revitalization fund. However, the amounts credited 6644  
shall be equivalent in percentage to the percentage of the costs 6645  
of the project that were to be funded by the grant or loan from 6646  
the fund. 6647

(D) Grants awarded or loans made under section 122.653 of the 6648  
Revised Code from the clean Ohio revitalization fund shall be used 6649  
by an applicant only to pay the costs of the actual cleanup or 6650  
remediation of a brownfield and shall not be used by an applicant 6651  
to pay any administrative costs incurred by the applicant. Costs 6652  
related to the use of a certified professional for purposes of 6653  
section 122.654 of the Revised Code are not administrative costs 6654  
and may be paid with moneys from grants awarded or loans made 6655  
under section 122.653 of the Revised Code. 6656

(E) The portion of net proceeds of obligations devoted under 6657  
division (A) of this section for the purposes of section 122.656 6658  
of the Revised Code shall be used to make grants for assessments, 6659  
cleanup or remediation of brownfields, and public health projects 6660  
that have been approved by the director of development under that 6661  
section. The department of development shall administer section 6662

122.656 of the Revised Code in accordance with this section, 6663  
policies and requirements established under section 122.657 of the 6664  
Revised Code, and the terms of agreements entered into by the 6665  
director under section 122.656 of the Revised Code. The director 6666  
shall not grant more than twenty-five million dollars for public 6667  
health projects under section 122.656 of the Revised Code. 6668

(F) Grants awarded under section 122.656 of the Revised Code 6669  
shall be used by an applicant only to pay the costs of actually 6670  
conducting an assessment, a cleanup or remediation of a 6671  
brownfield, or a public health project and shall not be used by an 6672  
applicant to pay any administrative costs incurred by the 6673  
applicant. Costs related to the use of a certified professional 6674  
for purposes of section 122.654 of the Revised Code are not 6675  
administrative costs and may be paid with moneys from grants 6676  
awarded under section 122.656 of the Revised Code. 6677

~~(G)(1) The clean Ohio revitalization revolving loan fund is 6678  
hereby created in the state treasury. Payments of principal and 6679  
interest on loans made from the clean Ohio revitalization fund 6680  
shall be credited to this revolving loan fund, as shall payments 6681  
of principal and interest on loans made from the revolving loan 6682  
fund itself. The revolving loan fund's investment earnings shall 6683  
be credited to it. 6684~~

~~(2) The clean Ohio revitalization revolving loan fund shall 6685  
be used to make loans for the same purposes and subject to the 6686  
same policies, requirements, criteria, and application procedures 6687  
as loans made from the clean Ohio revitalization fund. 6688~~

**Sec. 122.66.** As used in sections 122.66 to 122.702 of the 6689  
Revised Code: 6690

(A) "Poverty line" means the official poverty line 6691  
established by the director of the United States office of 6692  
management and budget and as revised by the ~~director~~ secretary of 6693

~~the office of community~~ health and human services in accordance 6694  
with section 673(2) of the "Community Services Block Grant Act," 6695  
95 Stat. 1609, 42 U.S.C.A. 9902. 6696

(B) "Low-income person" means a person whose adjusted gross 6697  
income as defined in division (A) of section 5747.01 of the 6698  
Revised Code is below the poverty line as defined in division (A) 6699  
of this section. 6700

(C) "Advocacy" means the act of pleading for, supporting, or 6701  
recommending actions on behalf of low-income persons. 6702

(D) "Community action agency" means a community-based and 6703  
operated private nonprofit agency or organization that includes or 6704  
is designed to include a sufficient number of projects or 6705  
components to provide a range of services and activities having a 6706  
measurable and potentially major impact on the causes of poverty 6707  
in the community or those areas of the community where poverty is 6708  
a particularly acute problem and is designated as a community 6709  
action agency by the ~~office of~~ community services division 6710  
pursuant to sections 122.68 and 122.69 of the Revised Code. 6711

(E) "Community" means a city, village, county, multicity or 6712  
multicounty unit, a neighborhood or other area, disregarding 6713  
boundaries or political subdivisions, which provides a suitable 6714  
organizational base and possesses a commonality of needs and 6715  
interests for a community action program suitable to be served by 6716  
a community action agency. 6717

(F) "Service area" means the geographical area served by a 6718  
community action agency. 6719

**Sec. 122.67.** There is hereby created in the ~~department of~~ 6720  
development services agency the ~~office of~~ community services 6721  
division. The director of development services shall employ and 6722  
fix the compensation of professional and technical unclassified 6723



personnel as necessary to carry out the provisions of sections 6724  
122.66 to 122.701 of the Revised Code. 6725

**Sec. 122.68.** The ~~office of~~ community services division shall: 6726  
6727

(A) Administer all federal funds appropriated to the state 6728  
from the "Community Services Block Grant Act," 95 Stat. 511, 42 6729  
U.S.C.A. 9901, and comply with requirements imposed by that act in 6730  
its application for, and administration of, the funds; 6731

(B) Designate community action agencies to receive community 6732  
services block grant funds; 6733

(C) Disburse at least ninety-five per cent or such other 6734  
higher maximum amount as may from time to time be designated by 6735  
congress of the funds received in the state from the "Community 6736  
Services Block Grant Act" to community action agencies that comply 6737  
with the requirements of section 122.69 of the Revised Code and 6738  
migrant and seasonal farm worker organizations that are not 6739  
designated community action agencies but which provide the 6740  
services described in division (B)(1) of section 122.69 of the 6741  
Revised Code. 6742

(D) Provide technical assistance to community action agencies 6743  
to improve program planning, development, and administration; 6744

(E) Conduct yearly performance assessments, according to 6745  
criteria determined by ~~department of~~ development services agency 6746  
rule, to determine whether community action agencies are in 6747  
compliance with section 122.69 of the Revised Code; 6748

(F) Annually prepare and submit to the United States 6749  
secretary of health and human services, the governor, the 6750  
president of the Ohio senate, and the speaker of the Ohio house of 6751  
representatives, a comprehensive report that includes: 6752

(1) Certification that all community action agencies 6753

designated to receive funds from the "Community Services Block Grant Act" are in compliance with section 122.69 of the Revised Code; 6754  
6755  
6756

(2) A program plan for the next federal fiscal year that has been made available for public inspection and that details how community services block grant funds will be disbursed and used during that fiscal year; 6757  
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(3) Information detailing how funds were expended for the current fiscal year; 6761  
6762

(4) An audit of community services block grant expenditures for the preceding federal fiscal year that is conducted in accordance with generally accepted accounting principles by an independent auditing firm that has no connection with any community action agency receiving community services block grant funds or with any employee of the ~~office~~ division. 6763  
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(G) Serve as a statewide advocate for social and economic opportunities for low-income persons. 6769  
6770

Sec. 122.681. (A) Except as permitted by this section, or when required by federal law, no person or government entity shall solicit, release, disclose, receive, use, or knowingly permit or participate in the use of any information regarding an individual receiving assistance pursuant to a community services division program under sections 122.66 to 122.702 of the Revised Code for any purpose not directly related to the administration of a division assistance program. 6771  
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(B) To the extent permitted by federal law, the division, and any entity that receives division funds to administer a division program to assist individuals, shall release information regarding an individual assistance recipient to the following: 6779  
6780  
6781  
6782

(1) A government entity responsible for administering the 6783

assistance program for purposes directly related to the 6784  
administration of the program; 6785

(2) A law enforcement agency for the purpose of any 6786  
investigation, prosecution, or criminal or civil proceeding 6787  
relating to the administration of the assistance program; 6788

(3) A government entity responsible for administering a 6789  
children's protective services program, for the purpose of 6790  
protecting children. 6791

(C) To the extent permitted by federal law and section 6792  
1347.08 of the Revised Code, the division, and any entity 6793  
administering a division program, shall provide access to 6794  
information regarding an individual assistance recipient to all of 6795  
the following: 6796

(1) The individual assistance recipient; 6797

(2) The authorized representative of the individual 6798  
assistance recipient; 6799

(3) The legal guardian of the individual assistance 6800  
recipient; 6801

(4) The attorney of the individual assistance recipient. 6802

(D) To the extent permitted by federal law, the division, and 6803  
any entity administering a division program, may do either of the 6804  
following: 6805

(1) Release information about an individual assistance 6806  
recipient if the recipient gives voluntary, written authorization; 6807

(2) Release information regarding an individual assistance 6808  
recipient to a state, federal, or federally assisted program that 6809  
provides cash or in-kind assistance or services directly to 6810  
individuals based on need. 6811

(E) The community services division, or an entity 6812  
administering a division program, shall provide, at no cost, a 6813

copy of each written authorization to the individual who signed 6814  
it. 6815

(F) The development services agency may adopt rules defining 6816  
who may serve as an individual assistance recipient's authorized 6817  
representative for purposes of division (C)(2) of this section. 6818

**Sec. 122.69.** (A) Any nonprofit agency or organization seeking 6819  
designation as a community action agency by the ~~office of~~ 6820  
community services division shall obtain the endorsement of the 6821  
chief elected officials of at least two-thirds of the municipal 6822  
corporations and the counties within the community to be served by 6823  
the agency or organization. 6824

(B) Any nonprofit agency or organization that receives the 6825  
endorsement provided for in division (A) of this section shall be 6826  
designated by the ~~office~~ division as the community action agency 6827  
for the community it serves and shall receive community services 6828  
block grant funds for any period of time that the nonprofit agency 6829  
or organization: 6830

(1) Provides a range of services and opportunities having a 6831  
measurable and potentially major impact on the causes of poverty 6832  
in the community or those areas of the community where poverty is 6833  
a particularly acute problem. These activities may include but 6834  
shall not be limited to: 6835

(a) Providing activities designed to assist low-income 6836  
persons, including elderly and handicapped low-income persons, to: 6837

(i) Secure and maintain meaningful employment, training, work 6838  
experience, and unsubsidized employment; 6839

(ii) Attain an adequate education; 6840

(iii) Make better use of available income; 6841

(iv) Obtain and maintain adequate housing and a suitable 6842  
living environment; 6843

(v) Obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, nutritious food, housing, and employment-related assistance; 6844  
6845  
6846  
6847

(vi) Remove obstacles and solve personal and family problems that block the achievement of self-sufficiency; 6848  
6849

(vii) Achieve greater participation in the affairs of the community; 6850  
6851

(viii) Undertake family planning, consistent with personal and family goals and religious and moral convictions; 6852  
6853

(ix) Obtain energy assistance, conservation, and weatherization services. 6854  
6855

(b) Providing, on an emergency basis, supplies and services, nutritious foodstuffs, and related services necessary to counteract conditions of starvation and malnutrition among low-income persons; 6856  
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(c) Coordinating and establishing links between government and other social services programs to assure the effective delivery of services to low-income individuals; 6860  
6861  
6862

(d) Providing child care services, nutrition and health services, transportation services, alcoholism and narcotic addiction prevention and rehabilitation services, youth development services, and community services to elderly and handicapped persons; 6863  
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(e) Encouraging entities in the private sector to participate in efforts to ameliorate poverty in the community. 6868  
6869

(2) Annually submits to the ~~office of community services~~ division a program plan and budget for use of community services block grant funds for the next federal fiscal year. At least ten days prior to its submission to the ~~office of community services~~ 6870  
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division, a copy of the program plan and budget shall be made 6874  
available to the chief elected officials of the municipal 6875  
corporations and counties within the service area in order to 6876  
provide them the opportunity to review and comment upon such plan 6877  
and budget. 6878

(3) Composes its board of directors in compliance with 6879  
section (c)(3) of section 675 of ~~the~~ the "Community Services Block 6880  
Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9904, except that the board 6881  
shall consist of not less than fifteen nor more than thirty-three 6882  
members; 6883

(4) Complies with the prohibitions against discrimination and 6884  
political activity, as provided in the "Community Services Block 6885  
Grant Act"; 6886

(5) Complies with fiscal and program requirements established 6887  
by ~~department of~~ development services agency rule. 6888

**Sec. 122.70.** The board of directors of a community action 6889  
agency shall: 6890

(A) Select, appoint, and may remove the executive director of 6891  
the community action agency; 6892

(B) Approve contracts, annual program budgets, and policies 6893  
of the community action agency; 6894

(C) Advise the elected officials of any political subdivision 6895  
located within its service area, and state and federal elected 6896  
officials who represent its service area, of the nature and extent 6897  
of poverty within its community, and advise them of any needed 6898  
changes; 6899

(D) Convene public meetings to provide community members the 6900  
opportunity to comment on public policies and programs to reduce 6901  
poverty; 6902

(E) Annually evaluate the policies and programs of the 6903

community action agency according to criteria determined by 6904  
~~department of~~ development services agency rule; 6905

(F) Submit the results of the evaluation required by division 6906  
(E) of this section, along with recommendations for improved 6907  
administration of the community action agency, to the ~~office of~~ 6908  
community services division; 6909

(G) Adopt a code of ethics for the board of directors and the 6910  
employees of the community action agency; 6911

(H) Adopt written policies describing all of the following: 6912

(1) How the community action agency is to expend and 6913  
distribute the community services block grant funds that it 6914  
receives from the ~~office of community services~~ division under 6915  
sections 122.68 and 122.69 of the Revised Code; 6916

(2) The salary, benefits, travel expenses, and any other 6917  
compensation that persons are to receive for serving on the 6918  
community action agency's board of directors; 6919

(3) The operating procedures to be used by the board to 6920  
conduct its meetings, to vote on all official business it 6921  
considers, and to provide notice of its meetings. 6922

(I) Provide for the posting of notices in a conspicuous place 6923  
indicating that the code of ethics described in division (G) of 6924  
this section and the policies described in division (H) of this 6925  
section are available for public inspection at the community 6926  
action agency during normal business hours. 6927

**Sec. 122.701.** (A) Prior to designating a new community action 6928  
agency or rescinding a community action agency's designation, the 6929  
~~office of~~ community services division shall: 6930

(1) Determine whether a community action agency is in 6931  
compliance with section 122.69 of the Revised Code; 6932

(2) Consult with the chief elected officials of political subdivisions located within a community action agency's service area, and, in designating a new community action agency, obtain their endorsement of the agency in accordance with division (A) of section 122.69 of the Revised Code;

(3) Hold at least one public meeting within a community action agency's service area for the purpose of allowing citizens to comment on the community action agency's delivery of services;

(4) Evaluate the proposed service area of the community action agency, and, as may be necessary, modify the boundaries of the service area so that low-income persons in the area are adequately and efficiently served.

(B) After providing notice and hearing pursuant to sections 119.01 to 119.13 of the Revised Code, the director of development services:

(1) May rescind the designation of a community action agency ~~if he finds~~ after finding that the agency is not in compliance with any or all of the provisions of section 122.69 of the Revised Code;

(2) Shall rescind the designation of a community action agency upon notification from the chief elected officials of more than one-half of the municipal corporations and the counties within a community currently served by a community action agency that such agency is not endorsed by them and ~~upon a~~ after finding ~~by him~~ that the agency is not in compliance with section 122.69 of the Revised Code.

Any agency whose designation is rescinded pursuant to this section may appeal from an order rescinding such designation pursuant to section 119.12 of the Revised Code.

**Sec. 122.76.** (A) The director of development services, with



controlling board approval, may lend funds to minority business 6963  
enterprises and to community improvement corporations, Ohio 6964  
development corporations, minority contractors business assistance 6965  
organizations, and minority business supplier development councils 6966  
for the purpose of loaning funds to minority business enterprises 6967  
~~and~~, for the purpose of procuring or improving real or personal 6968  
property, or both, for the establishment, location, or expansion 6969  
of industrial, distribution, commercial, or research facilities in 6970  
the state, and for the purpose of contract financing, and to 6971  
community development corporations that predominantly benefit 6972  
minority business enterprises or are located in a census tract 6973  
that has a population that is sixty per cent or more minority, if 6974  
the director determines, in the director's sole discretion, that 6975  
all of the following apply: 6976

(1) The project is economically sound and will benefit the 6977  
people of the state by increasing opportunities for employment, by 6978  
strengthening the economy of the state, or expanding minority 6979  
business enterprises. 6980

(2) The proposed minority business enterprise borrower is 6981  
unable to finance the proposed project through ordinary financial 6982  
channels at comparable terms. 6983

(3) The value of the project is or, upon completion, will be 6984  
at least equal to the total amount of the money expended in the 6985  
procurement or improvement of the project. 6986

(4) The amount to be loaned by the director will not exceed 6987  
seventy-five per cent of the total amount expended in the 6988  
procurement or improvement of the project. 6989

(5) The amount to be loaned by the director will be 6990  
adequately secured by a first or second mortgage upon the project 6991  
or by mortgages, leases, liens, assignments, or pledges on or of 6992  
other property or contracts as the director requires, and such 6993

mortgage will not be subordinate to any other liens or mortgages 6994  
except the liens securing loans or investments made by financial 6995  
institutions referred to in division (A)(3) of this section, and 6996  
the liens securing loans previously made by any financial 6997  
institution in connection with the procurement or expansion of all 6998  
or part of a project. 6999

(B) Any proposed minority business enterprise borrower 7000  
submitting an application for assistance under this section shall 7001  
not have defaulted on a previous loan from the director, and no 7002  
full or limited partner, major shareholder, or holder of an equity 7003  
interest of the proposed minority business enterprise borrower 7004  
shall have defaulted on a loan from the director. 7005

(C) The proposed minority business enterprise borrower shall 7006  
demonstrate to the satisfaction of the director that it is able to 7007  
successfully compete in the private sector if it obtains the 7008  
necessary financial, technical, or managerial support and that 7009  
support is available through the director, the minority business 7010  
development office of the ~~department of development~~ services 7011  
agency, or other identified and acceptable sources. In determining 7012  
whether a minority business enterprise borrower will be able to 7013  
successfully compete, the director may give consideration to such 7014  
factors as the successful completion of or participation in 7015  
courses of study, recognized by the board of regents as providing 7016  
financial, technical, or managerial skills related to the 7017  
operation of the business, by the economically disadvantaged 7018  
individual, owner, or partner, and the prior success of the 7019  
individual, owner, or partner in personal, career, or business 7020  
activities, as well as to other factors identified by the 7021  
director. 7022

(D) The director shall not lend funds for the purpose of 7023  
procuring or improving motor vehicles or accounts receivable. 7024

**Sec. 122.85.** (A) As used in this section and in sections 7025  
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 7026

(1) "Tax credit-eligible production" means a motion picture 7027  
production certified by the director of development under division 7028  
(B) of this section as qualifying the motion picture company for a 7029  
tax credit under section 5726.55, 5733.59, 5747.66, or 5751.54 of 7030  
the Revised Code. 7031

(2) "Certificate owner" means a motion picture company to 7032  
which a tax credit certificate is issued. 7033

(3) "Motion picture company" means an individual, 7034  
corporation, partnership, limited liability company, or other form 7035  
of business association producing a motion picture. 7036

(4) "Eligible production expenditures" means expenditures 7037  
made after June 30, 2009, for goods or services purchased and 7038  
consumed in this state by a motion picture company directly for 7039  
the production of a tax credit-eligible production. 7040

"Eligible production expenditures" includes, but is not 7041  
limited to, expenditures for resident and nonresident cast and 7042  
crew wages, accommodations, costs of set construction and 7043  
operations, editing and related services, photography, sound 7044  
synchronization, lighting, wardrobe, makeup and accessories, film 7045  
processing, transfer, sound mixing, special and visual effects, 7046  
music, location fees, and the purchase or rental of facilities and 7047  
equipment. 7048

(5) "Motion picture" means entertainment content created in 7049  
whole or in part within this state for distribution or exhibition 7050  
to the general public, including, but not limited to, 7051  
feature-length films; documentaries; long-form, specials, 7052  
miniseries, series, and interstitial television programming; 7053  
interactive web sites; sound recordings; videos; music videos; 7054

interactive television; interactive games; video games; 7055  
commercials; any format of digital media; and any trailer, pilot, 7056  
video teaser, or demo created primarily to stimulate the sale, 7057  
marketing, promotion, or exploitation of future investment in 7058  
either a product or a motion picture by any means and media in any 7059  
digital media format, film, or videotape, provided the motion 7060  
picture qualifies as a motion picture. "Motion picture" does not 7061  
include any television program created primarily as news, weather, 7062  
or financial market reports, a production featuring current events 7063  
or sporting events, an awards show or other gala event, a 7064  
production whose sole purpose is fundraising, a long-form 7065  
production that primarily markets a product or service or in-house 7066  
corporate advertising or other similar productions, a production 7067  
for purposes of political advocacy, or any production for which 7068  
records are required to be maintained under 18 U.S.C. 2257 with 7069  
respect to sexually explicit content. 7070

(B) For the purpose of encouraging and developing a strong 7071  
film industry in this state, the director of development may 7072  
certify a motion picture produced by a motion picture company as a 7073  
tax credit-eligible production. In the case of a television 7074  
series, the director may certify the production of each episode of 7075  
the series as a separate tax credit-eligible production. A motion 7076  
picture company shall apply for certification of a motion picture 7077  
as a tax credit-eligible production on a form and in the manner 7078  
prescribed by the director. Each application shall include the 7079  
following information: 7080

(1) The name and telephone number of the motion picture 7081  
production company; 7082

(2) The name and telephone number of the company's contact 7083  
person; 7084

(3) A list of the first preproduction date through the last 7085  
production date in Ohio; 7086

(4) The Ohio production office address and telephone number;	7087
(5) The total production budget of the motion picture;	7088
(6) The total budgeted eligible production expenditures and the percentage that amount is of the total production budget of the motion picture;	7089 7090 7091
(7) The total percentage of the motion picture being shot in Ohio;	7092 7093
(8) The level of employment of cast and crew who reside in Ohio;	7094 7095
(9) A synopsis of the script;	7096
(10) The shooting script;	7097
(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;	7098 7099
(12) Documentation of financial ability to undertake and complete the motion picture;	7100 7101
(13) Estimated value of the tax credit based upon total budgeted eligible production expenditures;	7102 7103
(14) Any other information considered necessary by the director.	7104 7105
Within ninety days after certification of a motion picture as a tax credit-eligible production, and any time thereafter upon the <del>director of development services</del> <sup>1</sup> request <u>of the director of</u> <u>development services</u> , the motion picture company shall present to the director sufficient evidence of reviewable progress. If the motion picture company fails to present sufficient evidence, the director may rescind the certification. Upon rescission, the director shall notify the applicant that the certification has been rescinded. Nothing in this section prohibits an applicant whose tax credit-eligible production certification has been rescinded from submitting a subsequent application for	7106 7107 7108 7109 7110 7111 7112 7113 7114 7115 7116

certification. 7117

(C)(1) A motion picture company whose motion picture has been 7118  
certified as a tax credit-eligible production may apply to the 7119  
director of development services on or after July 1, 2009, for a 7120  
refundable credit against the tax imposed by section 5726.02, 7121  
5733.06, 5747.02, or 5751.02 of the Revised Code. The director in 7122  
consultation with the tax commissioner shall prescribe the form 7123  
and manner of the application and the information or documentation 7124  
required to be submitted with the application. 7125

The credit is determined as follows: 7126

(a) If the total budgeted eligible production expenditures 7127  
stated in the application submitted under division (B) of this 7128  
section or the actual eligible production expenditures as finally 7129  
determined under division (D) of this section, whichever is least, 7130  
is less than or equal to three hundred thousand dollars, no credit 7131  
is allowed; 7132

(b) If the total budgeted eligible production expenditures 7133  
stated in the application submitted under division (B) of this 7134  
section or the actual eligible production expenditures as finally 7135  
determined under division (D) of this section, whichever is least, 7136  
is greater than three hundred thousand dollars, the credit equals 7137  
the sum of the following, subject to the limitation in division 7138  
(C)(4) of this section: 7139

(i) Twenty-five per cent of the least of such budgeted or 7140  
actual eligible expenditure amounts excluding budgeted or actual 7141  
eligible expenditures for resident cast and crew wages; 7142

(ii) Thirty-five per cent of budgeted or actual eligible 7143  
expenditures for resident cast and crew wages. 7144

(2) Except as provided in division (C)(4) of this section, if 7145  
the director of development services approves a motion picture 7146  
company's application for a credit, the director shall issue a tax 7147

credit certificate to the company. The director in consultation 7148  
with the tax commissioner shall prescribe the form and manner of 7149  
issuing certificates. The director shall assign a unique 7150  
identifying number to each tax credit certificate and shall record 7151  
the certificate in a register devised and maintained by the 7152  
director for that purpose. The certificate shall state the amount 7153  
of the eligible production expenditures on which the credit is 7154  
based and the amount of the credit. Upon the issuance of a 7155  
certificate, the director shall certify to the tax commissioner 7156  
the name of the applicant, the amount of eligible production 7157  
expenditures shown on the certificate, and any other information 7158  
required by the rules adopted to administer this section. 7159

(3) The amount of eligible production expenditures for which 7160  
a tax credit may be claimed is subject to inspection and 7161  
examination by the tax commissioner or employees of the 7162  
commissioner under section 5703.19 of the Revised Code and any 7163  
other applicable law. Once the eligible production expenditures 7164  
are finally determined under section 5703.19 of the Revised Code 7165  
and division (D) of this section, the credit amount is not subject 7166  
to adjustment unless the director determines an error was 7167  
committed in the computation of the credit amount. 7168

(4) No tax credit certificate may be issued before the 7169  
completion of the tax credit-eligible production. Not more than 7170  
forty million dollars of tax credit may be allowed per fiscal 7171  
biennium beginning on or after July 1, 2011, and not more than 7172  
twenty million dollars may be allowed in the first year of the 7173  
biennium. At any time, not more than five million dollars of tax 7174  
credit may be allowed per tax credit-eligible production. 7175

(D) A motion picture company whose motion picture has been 7176  
certified as a tax credit-eligible production shall engage, at the 7177  
company's expense, an independent certified public accountant to 7178  
examine the company's production expenditures to identify the 7179

expenditures that qualify as eligible production expenditures. The 7180  
certified public accountant shall issue a report to the company 7181  
and to the director of development services certifying the 7182  
company's eligible production expenditures and any other 7183  
information required by the director. Upon receiving and examining 7184  
the report, the director may disallow any expenditure the director 7185  
determines is not an eligible production expenditure. If the 7186  
director disallows an expenditure, the director shall issue a 7187  
written notice to the motion picture production company stating 7188  
that the expenditure is disallowed and the reason for the 7189  
disallowance. Upon examination of the report and disallowance of 7190  
any expenditures, the director shall determine finally the lesser 7191  
of the total budgeted eligible production expenditures stated in 7192  
the application submitted under division (B) of this section or 7193  
the actual eligible production expenditures for the purpose of 7194  
computing the amount of the credit. 7195

(E) No credit shall be allowed under section 5726.55, 7196  
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 7197  
director has reviewed the report and made the determination 7198  
prescribed by division (D) of this section. 7199

(F) This state reserves the right to refuse the use of this 7200  
state's name in the credits of any tax credit-eligible motion 7201  
picture production. 7202

(G)(1) The director of development services in consultation 7203  
with the tax commissioner shall adopt rules for the administration 7204  
of this section, including rules setting forth and governing the 7205  
criteria for determining whether a motion picture production is a 7206  
tax credit-eligible production; activities that constitute the 7207  
production of a motion picture; reporting sufficient evidence of 7208  
reviewable progress; expenditures that qualify as eligible 7209  
production expenditures; a competitive process for approving 7210  
credits; and consideration of geographic distribution of credits. 7211



The rules shall be adopted under Chapter 119. of the Revised Code. 7212

(2) The director may require a reasonable application fee to 7213  
cover administrative costs of the tax credit program. The fees 7214  
collected shall be credited to the ~~motion picture tax credit~~ 7215  
~~program operating~~ tourism fund, ~~which is hereby created in the~~ 7216  
~~state treasury under section 122.072 of the Revised Code.~~ The 7217  
~~motion picture tax credit program operating fund shall consist of~~ 7218  
~~all grants, gifts, fees, and contributions made to the director~~ 7219  
~~for marketing and promotion of the motion picture industry within~~ 7220  
~~this state. The director shall use money in the fund to pay~~ 7221  
~~expenses related to the administration of the Ohio film office and~~ 7222  
~~the credit authorized by this section and sections 5726.55.,~~ 7223  
~~5733.59, 5747.66, and 5751.54 of the Revised Code.~~ 7224

**Sec. 122.861.** (A) As used in this section: 7225

(1) "Certified engine configuration" means a new, rebuilt, or 7226  
remanufactured engine configuration that satisfies divisions 7227  
(A)(1)(a) and (b) and, if applicable, division (A)(1)(c) of this 7228  
section: 7229

(a) It has been certified by the administrator of the United 7230  
States environmental protection agency or the California air 7231  
resources board. 7232

(b) It meets or is rebuilt or remanufactured to a more 7233  
stringent set of engine emission standards than when originally 7234  
manufactured, as determined pursuant to Subtitle G of Title VII of 7235  
the Energy Policy Act of 2005, Pub. L. No. 109-58, 119 Stat. 838, 7236  
et seq. 7237

(c) In the case of a certified engine configuration involving 7238  
the replacement of an existing engine, an engine configuration 7239  
that replaced an engine that was removed from the vehicle and 7240  
returned to the supplier for remanufacturing to a more stringent 7241

set of engine emissions standards or for scrappage. 7242

(2) "Section 793" means section 793 of the Energy Policy Act 7243  
of 2005, Pub. L. No. 109-58, 119 Stat. 841, et seq. 7244

(3) "Verified technology" means a pollution control 7245  
technology, including a retrofit technology, advanced truckstop 7246  
electrification system, or auxiliary power unit, that has been 7247  
verified by the administrator of the United States environmental 7248  
protection agency or the California air resources board. 7249

(B) For the purpose of reducing emissions from diesel 7250  
engines, the director of environmental protection shall administer 7251  
a diesel emissions reduction grant program and a diesel emissions 7252  
reduction revolving loan program. The programs shall provide for 7253  
the implementation in this state of section 793 and shall 7254  
otherwise be administered in compliance with the requirements of 7255  
section 793, and any regulations issued pursuant to that section. 7256

The director shall apply to the administrator of the United 7257  
States environmental protection agency for grant or loan funds 7258  
available under section 793 to help fund the diesel emissions 7259  
reduction grant program and the diesel emissions reduction 7260  
revolving loan program. 7261

~~(C) There is hereby created in the state treasury the diesel 7262  
emissions grant fund consisting of money appropriated to it by the 7263  
general assembly, any grants obtained from the federal government 7264  
under section 793, and any other grants, gifts, or other 7265  
contributions of money made to the credit of the fund. Money in 7266  
the fund shall be used for the purpose of making grants for 7267  
projects relating to certified engine configurations and verified 7268  
technologies in a manner consistent with the requirements of 7269  
section 793 and any regulations issued under that section. 7270  
Interest earned from moneys in the fund shall be used to 7271  
administer the diesel emissions reduction grant program. 7272~~

~~(D)~~ There is hereby created in the state treasury the diesel 7273  
emissions reduction revolving loan fund consisting of money 7274  
appropriated to it by the general assembly, any grants obtained 7275  
from the federal government under section 793, and any other 7276  
grants, gifts, or other contributions of money made to the credit 7277  
of the fund. Money in the fund shall be used for the purpose of 7278  
making loans for projects relating to certified engine 7279  
configurations and verified technologies in a manner consistent 7280  
with the requirements of section 793 and any regulations issued 7281  
pursuant to that section. Interest earned from moneys in the fund 7282  
shall be used to administer the diesel emissions reduction 7283  
revolving loan program. 7284

**Sec. 123.01.** (A) The department of administrative services, 7285  
in addition to those powers enumerated in Chapters 124. and 125. 7286  
of the Revised Code and provided elsewhere by law, shall exercise 7287  
the following powers: 7288

(1) To prepare and suggest comprehensive plans for the 7289  
development of grounds and buildings under the control of a state 7290  
agency; 7291

(2) To acquire, by purchase, gift, devise, lease, or grant, 7292  
all real estate required by a state agency, in the exercise of 7293  
which power the department may exercise the power of eminent 7294  
domain, in the manner provided by sections 163.01 to 163.22 of the 7295  
Revised Code; 7296

(3) To erect, supervise, and maintain all public monuments 7297  
and memorials erected by the state, except where the supervision 7298  
and maintenance is otherwise provided by law; 7299

(4) To procure, by lease, storage accommodations for a state 7300  
agency; 7301

(5) To lease or grant easements or licenses for unproductive 7302

and unused lands or other property under the control of a state 7303  
agency. Such leases, easements, or licenses may be granted to any 7304  
person or entity, shall be for a period not to exceed fifteen 7305  
years, and shall be executed for the state by the director of 7306  
administrative services, provided that the director shall grant 7307  
leases, easements, or licenses of university land for periods not 7308  
to exceed twenty-five years for purposes approved by the 7309  
respective university's board of trustees wherein the uses are 7310  
compatible with the uses and needs of the university and may grant 7311  
leases of university land for periods not to exceed forty years 7312  
for purposes approved by the respective university's board of 7313  
trustees pursuant to section 123.17 of the Revised Code. 7314

(6) To lease space for the use of a state agency; 7315

(7) To have general supervision and care of the storerooms, 7316  
offices, and buildings leased for the use of a state agency; 7317

(8) To exercise general custodial care of all real property 7318  
of the state; 7319

(9) To assign and group together state offices in any city in 7320  
the state and to establish, in cooperation with the state agencies 7321  
involved, rules governing space requirements for office or storage 7322  
use; 7323

(10) To lease for a period not to exceed forty years, 7324  
pursuant to a contract providing for the construction thereof 7325  
under a lease-purchase plan, buildings, structures, and other 7326  
improvements for any public purpose, and, in conjunction 7327  
therewith, to grant leases, easements, or licenses for lands under 7328  
the control of a state agency for a period not to exceed forty 7329  
years. The lease-purchase plan shall provide that at the end of 7330  
the lease period, the buildings, structures, and related 7331  
improvements, together with the land on which they are situated, 7332  
shall become the property of the state without cost. 7333

(a) Whenever any building, structure, or other improvement is to be so leased by a state agency, the department shall retain either basic plans, specifications, bills of materials, and estimates of cost with sufficient detail to afford bidders all needed information or, alternatively, all of the following plans, details, bills of materials, and specifications:

(i) Full and accurate plans suitable for the use of mechanics and other builders in the improvement;

(ii) Details to scale and full sized, so drawn and represented as to be easily understood;

(iii) Accurate bills showing the exact quantity of different kinds of material necessary to the construction;

(iv) Definite and complete specifications of the work to be performed, together with such directions as will enable a competent mechanic or other builder to carry them out and afford bidders all needed information;

(v) A full and accurate estimate of each item of expense and of the aggregate cost thereof.

(b) The department shall give public notice, in such newspaper, in such form, and with such phraseology as the director of administrative services prescribes, published once each week for four consecutive weeks, of the time when and place where bids will be received for entering into an agreement to lease to a state agency a building, structure, or other improvement. The last publication shall be at least eight days preceding the day for opening the bids. The bids shall contain the terms upon which the builder would propose to lease the building, structure, or other improvement to the state agency. The form of the bid approved by the department shall be used, and a bid is invalid and shall not be considered unless that form is used without change, alteration, or addition. Before submitting bids pursuant to this section, any

builder shall comply with Chapter 153. of the Revised Code. 7365

(c) On the day and at the place named for receiving bids for 7366  
entering into lease agreements with a state agency, the director 7367  
of administrative services shall open the bids and shall publicly 7368  
proceed immediately to tabulate the bids upon duplicate sheets. No 7369  
lease agreement shall be entered into until the bureau of workers' 7370  
compensation has certified that the person to be awarded the lease 7371  
agreement has complied with Chapter 4123. of the Revised Code, 7372  
until, if the builder submitting the lowest and best bid is a 7373  
foreign corporation, the secretary of state has certified that the 7374  
corporation is authorized to do business in this state, until, if 7375  
the builder submitting the lowest and best bid is a person 7376  
nonresident of this state, the person has filed with the secretary 7377  
of state a power of attorney designating the secretary of state as 7378  
its agent for the purpose of accepting service of summons in any 7379  
action brought under Chapter 4123. of the Revised Code, and until 7380  
the agreement is submitted to the attorney general and the 7381  
attorney general's approval is certified thereon. Within thirty 7382  
days after the day on which the bids are received, the department 7383  
shall investigate the bids received and shall determine that the 7384  
bureau and the secretary of state have made the certifications 7385  
required by this section of the builder who has submitted the 7386  
lowest and best bid. Within ten days of the completion of the 7387  
investigation of the bids, the department shall award the lease 7388  
agreement to the builder who has submitted the lowest and best bid 7389  
and who has been certified by the bureau and secretary of state as 7390  
required by this section. If bidding for the lease agreement has 7391  
been conducted upon the basis of basic plans, specifications, 7392  
bills of materials, and estimates of costs, upon the award to the 7393  
builder the department, or the builder with the approval of the 7394  
department, shall appoint an architect or engineer licensed in 7395  
this state to prepare such further detailed plans, specifications, 7396  
and bills of materials as are required to construct the building, 7397

structure, or improvement. The department shall adopt such rules 7398  
as are necessary to give effect to this section. The department 7399  
may reject any bid. Where there is reason to believe there is 7400  
collusion or combination among bidders, the bids of those 7401  
concerned therein shall be rejected. 7402

(11) To acquire by purchase, gift, devise, or grant and to 7403  
transfer, lease, or otherwise dispose of all real property 7404  
required to assist in the development of a conversion facility as 7405  
defined in section 5709.30 of the Revised Code as that section 7406  
existed before its repeal by Amended Substitute House Bill 95 of 7407  
the 125th general assembly; 7408

(12) To lease for a period not to exceed forty years, 7409  
notwithstanding any other division of this section, the 7410  
state-owned property located at 408-450 East Town Street, 7411  
Columbus, Ohio, formerly the state school for the deaf, to a 7412  
developer in accordance with this section. "Developer," as used in 7413  
this section, has the same meaning as in section 123.77 of the 7414  
Revised Code. 7415

Such a lease shall be for the purpose of development of the 7416  
land for use by senior citizens by constructing, altering, 7417  
renovating, repairing, expanding, and improving the site as it 7418  
existed on June 25, 1982. A developer desiring to lease the land 7419  
shall prepare for submission to the department a plan for 7420  
development. Plans shall include provisions for roads, sewers, 7421  
water lines, waste disposal, water supply, and similar matters to 7422  
meet the requirements of state and local laws. The plans shall 7423  
also include provision for protection of the property by insurance 7424  
or otherwise, and plans for financing the development, and shall 7425  
set forth details of the developer's financial responsibility. 7426

The department may employ, as employees or consultants, 7427  
persons needed to assist in reviewing the development plans. Those 7428  
persons may include attorneys, financial experts, engineers, and 7429

other necessary experts. The department shall review the 7430  
development plans and may enter into a lease if it finds all of 7431  
the following: 7432

(a) The best interests of the state will be promoted by 7433  
entering into a lease with the developer; 7434

(b) The development plans are satisfactory; 7435

(c) The developer has established the developer's financial 7436  
responsibility and satisfactory plans for financing the 7437  
development. 7438

The lease shall contain a provision that construction or 7439  
renovation of the buildings, roads, structures, and other 7440  
necessary facilities shall begin within one year after the date of 7441  
the lease and shall proceed according to a schedule agreed to 7442  
between the department and the developer or the lease will be 7443  
terminated. The lease shall contain such conditions and 7444  
stipulations as the director considers necessary to preserve the 7445  
best interest of the state. Moneys received by the state pursuant 7446  
to this lease shall be paid into the general revenue fund. The 7447  
lease shall provide that at the end of the lease period the 7448  
buildings, structures, and related improvements shall become the 7449  
property of the state without cost. 7450

(13) To manage the use of space owned and controlled by the 7451  
department, including space in property under the jurisdiction of 7452  
the Ohio building authority, by doing all of the following: 7453

(a) Biennially implementing, by state agency location, a 7454  
census of agency employees assigned space; 7455

(b) Periodically in the discretion of the director of 7456  
administrative services: 7457

(i) Requiring each state agency to categorize the use of 7458  
space allotted to the agency between office space, common areas, 7459



storage space, and other uses, and to report its findings to the 7460  
department; 7461

(ii) Creating and updating a master space utilization plan 7462  
for all space allotted to state agencies. The plan shall 7463  
incorporate space utilization metrics. 7464

(iii) Conducting a cost-benefit analysis to determine the 7465  
effectiveness of state-owned buildings; 7466

(iv) Assessing the alternatives associated with consolidating 7467  
the commercial leases for buildings located in Columbus. 7468

(c) Commissioning a comprehensive space utilization and 7469  
capacity study in order to determine the feasibility of 7470  
consolidating existing commercially leased space used by state 7471  
agencies into a new state-owned facility. 7472

(14) To adopt rules to ensure that energy efficiency and 7473  
conservation is considered in the purchase of products and 7474  
equipment, except motor vehicles, by any state agency, department, 7475  
division, bureau, office, unit, board, commission, authority, 7476  
quasi-governmental entity, or institution. The department may 7477  
require minimum energy efficiency standards for purchased products 7478  
and equipment based on federal testing and labeling if available 7479  
or on standards developed by the department. When possible, the 7480  
rules shall apply to the competitive selection of energy consuming 7481  
systems, components, and equipment under Chapter 125. of the 7482  
Revised Code. 7483

(15) To ensure energy efficient and energy conserving 7484  
purchasing practices by doing all of the following: 7485

(a) Identifying available energy efficiency and conservation 7486  
opportunities; 7487

(b) Providing for interchange of information among purchasing 7488  
agencies; 7489

(c) Identifying laws, policies, rules, and procedures that should be modified; 7490  
7491

(d) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products having a significant impact on energy consumption by the government; 7492  
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(e) Providing technical assistance and training to state employees involved in the purchasing process; 7497  
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(f) Working with the ~~department of~~ development services agency to make recommendations regarding planning and implementation of purchasing policies and procedures that are supportive of energy efficiency and conservation. 7499  
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(16) To require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures to ensure that all of the passenger automobiles they acquire in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as the department shall prescribe by rule. The department shall adopt the rule prior to the beginning of the fiscal year, in accordance with the average fuel economy standards established by federal law for passenger automobiles manufactured during the model year that begins during the fiscal year. 7503  
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Each state agency, department, division, bureau, office, unit, commission, board, authority, quasi-governmental entity, institution, and state institution of higher education shall determine its fleet average fuel economy by dividing the total number of passenger vehicles acquired during the fiscal year, 7516  
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except for those passenger vehicles acquired for use in law 7521  
enforcement or emergency rescue work, by a sum of terms, each of 7522  
which is a fraction created by dividing the number of passenger 7523  
vehicles of a given make, model, and year, except for passenger 7524  
vehicles acquired for use in law enforcement or emergency rescue 7525  
work, acquired during the fiscal year by the fuel economy measured 7526  
by the administrator of the United States environmental protection 7527  
agency, for the given make, model, and year of vehicle, that 7528  
constitutes an average fuel economy for combined city and highway 7529  
driving. 7530

As used in division (A)(16) of this section, "acquired" means 7531  
leased for a period of sixty continuous days or more, or 7532  
purchased. 7533

(B) This section and section 125.02 of the Revised Code shall 7534  
not interfere with any of the following: 7535

(1) The power of the adjutant general to purchase military 7536  
supplies, or with the custody of the adjutant general of property 7537  
leased, purchased, or constructed by the state and used for 7538  
military purposes, or with the functions of the adjutant general 7539  
as director of state armories; 7540

(2) The power of the director of transportation in acquiring 7541  
rights-of-way for the state highway system, or the leasing of 7542  
lands for division or resident district offices, or the leasing of 7543  
lands or buildings required in the maintenance operations of the 7544  
department of transportation, or the purchase of real property for 7545  
garage sites or division or resident district offices, or in 7546  
preparing plans and specifications for and constructing such 7547  
buildings as the director may require in the administration of the 7548  
department; 7549

(3) The power of the director of public safety and the 7550  
registrar of motor vehicles to purchase or lease real property and 7551

buildings to be used solely as locations to which a deputy registrar is assigned pursuant to division (B) of section 4507.011 of the Revised Code and from which the deputy registrar is to conduct the deputy registrar's business, the power of the director of public safety to purchase or lease real property and buildings to be used as locations for division or district offices as required in the maintenance of operations of the department of public safety, and the power of the superintendent of the state highway patrol in the purchase or leasing of real property and buildings needed by the patrol, to negotiate the sale of real property owned by the patrol, to rent or lease real property owned or leased by the patrol, and to make or cause to be made repairs to all property owned or under the control of the patrol;

(4) The power of the division of liquor control in the leasing or purchasing of retail outlets and warehouse facilities for the use of the division;

(5) The power of the director of development services to enter into leases of real property, buildings, and office space to be used solely as locations for the state's foreign offices to carry out the purposes of section 122.05 of the Revised Code;

(6) The power of the director of environmental protection to enter into environmental covenants, to grant and accept easements, or to sell property pursuant to division (G) of section 3745.01 of the Revised Code.

(C) Purchases for, and the custody and repair of, buildings under the management and control of the capitol square review and advisory board, the rehabilitation services commission, the bureau of workers' compensation, or the departments of public safety, job and family services, ~~mental health~~ mental health and addiction services, developmental disabilities, and rehabilitation and correction; buildings of educational and benevolent institutions under the management and control of boards of trustees; and

purchases or leases for, and the custody and repair of, office 7584  
space used for the purposes of the joint legislative ethics 7585  
committee are not subject to the control and jurisdiction of the 7586  
department of administrative services. 7587

If the joint legislative ethics committee so requests, the 7588  
committee and the director of administrative services may enter 7589  
into a contract under which the department of administrative 7590  
services agrees to perform any services requested by the committee 7591  
that the department is authorized under this section to perform. 7592

(D) Unless the house of representatives notifies the 7593  
department of administrative services that the house of 7594  
representatives opts out, purchases for the maintenance, care, 7595  
custodial care, utility costs, and repair of office space used by 7596  
the house of representatives are subject to the control and 7597  
jurisdiction of the department. If the house of representatives 7598  
opts out, the house of representatives may enter into a contract 7599  
for the purchase of any such services as is permitted under 7600  
sections 125.02 and 125.04 of the Revised Code and the department 7601  
shall pay the costs of the purchase and shall not charge the house 7602  
of representatives service fees related to the purchase. 7603

(E) Any instrument by which real property is acquired 7604  
pursuant to this section shall identify the agency of the state 7605  
that has the use and benefit of the real property as specified in 7606  
section 5301.012 of the Revised Code. 7607

**Sec. 123.10.** (A) As used in this section and section 123.11 7608  
of the Revised Code, "public exigency" means an injury or 7609  
obstruction that occurs in any public works of the state 7610  
maintained by the director of administrative services and that 7611  
materially impairs its immediate use or places in jeopardy 7612  
property adjacent to it; an immediate danger of such an injury or 7613  
obstruction; or an injury or obstruction, or an immediate danger 7614

of an injury or obstruction, that occurs in any public works of 7615  
the state maintained by the director of administrative services 7616  
and that materially impairs its immediate use or places in 7617  
jeopardy property adjacent to it. 7618

(B) When a declaration of public exigency is issued pursuant 7619  
to division (C) of this section, ~~the director of administrative~~ 7620  
~~services may request~~ the Ohio facilities construction commission 7621  
~~to~~ shall enter into contracts with proper persons for the 7622  
performance of labor, the furnishing of materials, or the 7623  
construction of any structures and buildings necessary to the 7624  
maintenance, control, and management of the public works of the 7625  
state or any part of those public works. Any contracts awarded for 7626  
the work performed pursuant to the declaration of a public 7627  
exigency may be awarded without competitive bidding or selection 7628  
as set forth in Chapter 153. of the Revised Code. 7629

(C) The executive director of ~~administrative services~~ the 7630  
Ohio facilities construction commission may issue a declaration of 7631  
a public exigency on the executive director's own initiative or 7632  
upon the request of the director of any state agency. The 7633  
executive director's declaration shall identify the specific 7634  
injury, obstruction, or danger that is the subject of the 7635  
declaration and shall set forth a dollar limitation for the 7636  
repair, removal, or prevention of that exigency under the 7637  
declaration. 7638

Before any project to repair, remove, or prevent a public 7639  
exigency under the executive director's declaration may begin, the 7640  
executive director shall send notice of the project, in writing, 7641  
to the director of budget and management and to the members of the 7642  
controlling board. That notice shall detail the project to be 7643  
undertaken to address the public exigency and shall include a copy 7644  
of the executive director's declaration that establishes the 7645  
monetary limitations on that project. 7646

**Sec. 123.11.** When a public exigency, as defined in division 7647  
(A) of section 123.10 of the Revised Code, exists, the executive 7648  
director of ~~administrative services~~ the Ohio facilities 7649  
construction commission may take possession of lands and use them, 7650  
or materials and other property necessary for the maintenance, 7651  
protection, or repair of the public works, in accordance with 7652  
sections 163.01 to 163.22 of the Revised Code. 7653

**Sec. 123.19.** There is hereby established in the state 7654  
treasury the theater equipment maintenance fund. All appropriate 7655  
theater-related revenues of the department of administrative 7656  
services, as determined by the department, shall be credited to 7657  
that fund and to any accounts created in that fund with the 7658  
department's approval. All appropriate theater-related expenses of 7659  
the department, as determined by the department, including 7660  
reimbursement of, or payment to, any other fund or any 7661  
governmental agency for advances made or services rendered to or 7662  
on behalf of the department, shall be paid from that fund as 7663  
determined by or pursuant to directions of the department. All 7664  
investment earnings of that fund shall be credited to it and shall 7665  
be allocated among any accounts created in the fund in the manner 7666  
determined by the department. 7667

**Sec. 123.201.** (A) There is hereby created in the state 7668  
treasury the Ohio facilities construction commission fund, 7669  
consisting of transfers of moneys authorized by the general 7670  
assembly and revenues received by the Ohio facilities construction 7671  
commission under section 123.21 of the Revised Code. Investment 7672  
earnings on moneys in the fund shall be credited to the fund. 7673  
Moneys in the fund may be used by the commission, in performing 7674  
its duties under this chapter, to pay personnel and other 7675  
administrative expenses, to pay the cost of preparing building 7676

design specifications, to pay the cost of providing project 7677  
management services, and for other purposes determined by the 7678  
commission to be necessary to fulfill its duties under this 7679  
chapter. 7680

(B)(1) There is hereby created in the state treasury the 7681  
cultural and sports facilities building fund, consisting of 7682  
proceeds of obligations authorized to pay costs of Ohio cultural 7683  
facilities and Ohio sports facilities for which appropriations are 7684  
made by the general assembly. All investment earnings of the fund 7685  
shall be credited to the fund. 7686

(2) Upon the request of the executive director of the Ohio 7687  
facilities construction commission and subject to applicable tax 7688  
law limitations, the director of budget and management may 7689  
transfer to the Ohio cultural facilities administration fund 7690  
moneys credited to the cultural and sports facilities building 7691  
fund to pay the costs of administering projects funded through the 7692  
cultural and sports facilities building fund. 7693

(C) There is hereby created in the state treasury the Ohio 7694  
cultural facilities administration fund, consisting of transfers 7695  
of money authorized by the general assembly and revenues received 7696  
by the commission under division (A)(9) of section 123.21 of the 7697  
Revised Code. Moneys in the fund may be used by the Ohio 7698  
facilities construction commission in administering projects 7699  
funded through the cultural and sports facilities building fund 7700  
pursuant to sections 123.28 and 128.281 of the Revised Code. All 7701  
investment earnings of that fund shall be credited to it and shall 7702  
be allocated among any accounts created in the fund in the manner 7703  
determined by the commission. 7704

(D)(1) There is hereby created in the state treasury the 7705  
capital donations fund, which shall be administered by the Ohio 7706  
facilities construction commission. The fund consists of gifts, 7707



grants, devises, bequests, and other financial contributions made 7708  
to the commission for the construction or improvement of cultural 7709  
and sports facilities and shall be used in accordance with the 7710  
specific purposes for which the gifts, grants, devises, bequests, 7711  
or other financial contributions are made. All investment earnings 7712  
of the fund shall be credited to the fund. Chapters 123., 125., 7713  
127., and 153. and section 3517.13 of the Revised Code do not 7714  
apply to contract obligations paid from the fund, notwithstanding 7715  
anything to the contrary in those chapters or that section. 7716

(2) Not later than one month following the end of each 7717  
quarter of the fiscal year, the commission shall allocate the 7718  
amounts credited to the fund from investment earnings during that 7719  
preceding quarter of the fiscal year among the specific projects 7720  
for which they are to be used and shall certify this information 7721  
to the director of budget and management. 7722

(3) If the amounts credited to the fund for a particular 7723  
project exceed what is required to complete that project, the 7724  
commission may refund any of those excess amounts, including 7725  
unexpended investment earnings attributable to those amounts, to 7726  
the entity from which they were received. 7727

**Sec. 123.21.** (A) The Ohio facilities construction commission 7728  
may perform any act and ensure the performance of any function 7729  
necessary or appropriate to carry out the purposes of, and 7730  
exercise the powers granted under this chapter or any other 7731  
provision of the Revised Code, including any of the following: 7732

(1) Prepare, or contract to be prepared, by licensed 7733  
engineers or architects, surveys, general and detailed plans, 7734  
specifications, bills of materials, and estimates of cost for any 7735  
projects, improvements, or public buildings to be constructed by 7736  
state agencies that may be authorized by legislative 7737  
appropriations or any other funds made available therefor, 7738

provided that the construction of the projects, improvements, or public buildings is a statutory duty of the commission. This section does not require the independent employment of an architect or engineer as provided by section 153.01 of the Revised Code in the cases to which section 153.01 of the Revised Code applies. This section does not affect or alter the existing powers of the director of transportation.

(2) Have general supervision over the construction of any projects, improvements, or public buildings constructed for a state agency and over the inspection of materials prior to their incorporation into those projects, improvements, or buildings.

(3) Make contracts for and supervise the design and construction of any projects and improvements or the construction and repair of buildings under the control of a state agency. All such contracts may be based in whole or in part on the unit price or maximum estimated cost, with payment computed and made upon actual quantities or units.

(4) Adopt, amend, and rescind rules pertaining to the administration of the construction of the public works of the state as required by law, in accordance with Chapter 119. of the Revised Code.

(5) Contract with, retain the services of, or designate, and fix the compensation of, such agents, accountants, consultants, advisers, and other independent contractors as may be necessary or desirable to carry out the programs authorized under this chapter, or authorize the executive director to perform such powers and duties.

(6) Receive and accept any gifts, grants, donations, and pledges, and receipts therefrom, to be used for the programs authorized under this chapter.

(7) Make and enter into all contracts, commitments, and

agreements, and execute all instruments, necessary or incidental 7770  
to the performance of its duties and the execution of its rights 7771  
and powers under this chapter, or authorize the executive director 7772  
to perform such powers and duties. 7773

(8) Debar a contractor as provided in section 153.02 of the 7774  
Revised Code. 7775

(9) Enter into and administer cooperative agreements for 7776  
cultural projects, as provided in sections 123.28 and 123.281 of 7777  
the Revised Code. 7778

(B) The commission shall appoint and fix the compensation of 7779  
an executive director who shall serve at the pleasure of the 7780  
commission. The executive director shall exercise all powers that 7781  
the commission possesses, supervise the operations of the 7782  
commission, and perform such other duties as delegated by the 7783  
commission. The executive director also shall employ and fix the 7784  
compensation of such employees as will facilitate the activities 7785  
and purposes of the commission, who shall serve at the pleasure of 7786  
the executive director. The employees of the commission are exempt 7787  
from Chapter 4117. of the Revised Code and are not considered 7788  
public employees as defined in section 4117.01 of the Revised 7789  
Code. Any agreement entered into prior to July 1, 2012, between 7790  
the office of collective bargaining and the exclusive 7791  
representative for employees of the commission is binding and 7792  
shall continue to have effect. 7793

(C) The attorney general shall serve as the legal 7794  
representative for the commission and may appoint other counsel as 7795  
necessary for that purpose in accordance with section 109.07 of 7796  
the Revised Code. 7797

**Sec. 123.27.** (A) As used in this section: 7798

"Capital facilities project" means the construction, 7799

reconstruction, improvement, enlargement, alteration, or repair of 7800  
a building by a public entity. 7801

"Public entity" includes a state agency and a state 7802  
institution of higher education. 7803

"State institution of higher education" has the same meaning 7804  
as in section 3345.011 of the Revised Code. 7805

(B) Commencing not later than July 1, 2012, and upon 7806  
completion of a capital facilities project that is funded wholly 7807  
or in part using state funds, each public entity shall submit a 7808  
report about the project to the executive director of the Ohio 7809  
facilities construction commission. The report shall be submitted 7810  
in Ohio administrative knowledge system capital improvement format 7811  
or in a manner determined by the executive director and not later 7812  
than thirty days after the project is complete. The report shall 7813  
provide the total original contract bid, total cost of change 7814  
orders, total actual cost of the project, total costs incurred for 7815  
mediation and litigation services, and any other data requested by 7816  
the executive director. The first report submitted pursuant to 7817  
this division shall include information about any capital 7818  
facilities project completed on or after July 1, 2011. Any capital 7819  
facilities project that is funded wholly or in part through 7820  
appropriations made to the Ohio school facilities commission, or 7821  
the Ohio public works commission, ~~or the Ohio cultural facilities~~ 7822  
~~commission~~, or for which a joint use agreement has been entered 7823  
into with any public entity, is exempt from the reporting 7824  
requirement prescribed under this division. 7825

(C) Commencing not later than July 1, 2012, and annually 7826  
thereafter, the attorney general shall report to the executive 7827  
director of the Ohio facilities construction commission on any 7828  
mediation and litigation costs associated with capital facilities 7829  
projects for which a judgment has been rendered. The report shall 7830  
be submitted in a manner prescribed by the executive director and 7831

shall contain any information requested by the executive director 7832  
related to capital facilities project mediation and litigation 7833  
costs. 7834

(D) As soon as practicable after such information is made 7835  
available, the executive director of the Ohio facilities 7836  
construction commission shall incorporate the information reported 7837  
pursuant to divisions (B) and (C) of this section into the Ohio 7838  
administrative knowledge system. 7839

**Sec. ~~3383.01~~ 123.28.** As used in this ~~chapter~~ section and in 7840  
section 123.281 of the Revised Code: 7841

(A) "Culture" means any of the following: 7842

(1) Visual, musical, dramatic, graphic, design, and other 7843  
arts, including, but not limited to, architecture, dance, 7844  
literature, motion pictures, music, painting, photography, 7845  
sculpture, and theater, and the provision of training or education 7846  
in these arts; 7847

(2) The presentation or making available, in museums or other 7848  
indoor or outdoor facilities, of principles of science and their 7849  
development, use, or application in business, industry, or 7850  
commerce or of the history, heritage, development, presentation, 7851  
and uses of the arts described in division (A)(1) of this section 7852  
and of transportation; 7853

(3) The preservation, presentation, or making available of 7854  
features of archaeological, architectural, environmental, or 7855  
historical interest or significance in a state historical facility 7856  
or a local historical facility. 7857

(B) "Cultural organization" means either of the following: 7858

(1) A governmental agency or Ohio nonprofit corporation, 7859  
including the Ohio historical society, that provides programs or 7860  
activities in areas directly concerned with culture; 7861

(2) A regional arts and cultural district as defined in section 3381.01 of the Revised Code. 7862  
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(C) "Cultural project" means all or any portion of an Ohio cultural facility for which the general assembly has ~~specifically authorized the spending of money, or~~ made an appropriation, pursuant to division (D)(3) or (E) of section 3383.07 of the Revised Code or has specifically authorized the spending of money or the making of rental payments relating to the financing of construction. 7864  
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(D) "Cooperative contract" means a contract between the Ohio ~~cultural facilities~~ construction commission and a cultural organization providing the terms and conditions of the cooperative use of an Ohio cultural facility. 7871  
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(E) "Costs of operation" means amounts required to manage an Ohio cultural facility that are incurred following the completion of construction of its cultural project, provided that both of the following apply: 7875  
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(1) Those amounts either: 7879

(a) Have been committed to a fund dedicated to that purpose; 7880

(b) Equal the principal of any endowment fund, the income from which is dedicated to that purpose. 7881  
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(2) The commission and the cultural organization have executed an agreement with respect to either of those funds. 7883  
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(F) ~~"General building services" means general building services for an Ohio cultural facility or an Ohio sports facility, including, but not limited to, general custodial care, security, maintenance, repair, painting, decoration, cleaning, utilities, fire safety, grounds and site maintenance and upkeep, and plumbing.~~ 7885  
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~~(G) "Governmental agency" means a state agency, a~~ 7891

~~state supported or state assisted institution of higher education,~~ 7892  
a municipal corporation, county, township, or school district, a 7893  
port authority created under Chapter 4582. of the Revised Code, 7894  
any other political subdivision or special district in this state 7895  
established by or pursuant to law, or any combination of these 7896  
entities; except where otherwise indicated, the United States or 7897  
any department, division, or agency of the United States, or any 7898  
agency, commission, or authority established pursuant to an 7899  
interstate compact or agreement. 7900

~~(H)~~(G) "Local contributions" means the value of an asset 7901  
provided by or on behalf of a cultural organization from sources 7902  
other than the state, the value and nature of which shall be 7903  
approved by the Ohio ~~cultural~~ facilities construction commission, 7904  
in its sole discretion. "Local contributions" may include the 7905  
value of the site where a cultural project is to be constructed. 7906  
All "local contributions," except a contribution attributable to 7907  
such a site, shall be for the costs of construction of a cultural 7908  
project or the creation or expansion of an endowment for the costs 7909  
of operation of a cultural facility. 7910

~~(I)~~(H) "Local historical facility" means a site or facility, 7911  
other than a state historical facility, of archaeological, 7912  
architectural, environmental, or historical interest or 7913  
significance, or a facility, including a storage facility, 7914  
appurtenant to the operations of such a site or facility, that is 7915  
owned by a cultural organization, ~~provided the facility meets the~~ 7916  
~~requirements of division (K)(2)(b) of this section, is managed by~~ 7917  
~~or pursuant to a contract with the Ohio cultural facilities~~ 7918  
~~commission,~~ and is used for or in connection with the cultural 7919  
activities ~~of the commission,~~ including the presentation or making 7920  
available of culture to the public. 7921

~~(J)~~(I) "Manage," "operate," or "management" means the 7922  
provision of, or the exercise of control over the provision of, 7923

activities: 7924

(1) Relating to culture for an Ohio cultural facility, 7925  
including as applicable, but not limited to, providing for 7926  
displays, exhibitions, specimens, and models; booking of artists, 7927  
performances, or presentations; scheduling; and hiring or 7928  
contracting for directors, curators, technical and scientific 7929  
staff, ushers, stage managers, and others directly related to the 7930  
cultural activities in the facility; but not including general 7931  
building services; 7932

(2) Relating to sports and athletic events for an Ohio sports 7933  
facility, including as applicable, but not limited to, providing 7934  
for booking of athletes, teams, and events; scheduling; and hiring 7935  
or contracting for staff, ushers, managers, and others directly 7936  
related to the sports and athletic events in the facility; but not 7937  
including general building services. 7938

~~(K)~~(J) "Ohio cultural facility" means any of the following: 7939

(1) The theaters located in the state office tower at 77 7940  
South High street in Columbus; 7941

(2) Any ~~capital~~ cultural facility in this state ~~to which both~~ 7942  
~~of the following apply:~~ 7943

~~(a) The construction of a cultural project related to the 7944  
facility was authorized or funded by the general assembly pursuant 7945  
to division (D)(3) of section 3383.07 of the Revised Code and 7946  
proceeds of state bonds are used for costs of the cultural 7947  
project. 7948~~

~~(b) The facility that is managed directly by, or is subject 7949  
to a cooperative or management contract with, the Ohio ~~cultural~~ 7950  
facilities construction commission, ~~and is used for or in~~ 7951  
~~connection with the activities of the commission, including the~~ 7952  
~~presentation or making available of culture to the public and the~~ 7953  
~~provision of training or education in culture. 7954~~~~



(3) A state historical facility or a local historical facility. 7955  
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~~(L) "State agency" means the state or any of its branches, officers, boards, commissions, authorities, departments, divisions, or other units or agencies.~~ 7957  
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~~(M)~~(K) "Construction" includes acquisition, including acquisition by lease-purchase, demolition, reconstruction, alteration, renovation, remodeling, enlargement, improvement, site improvements, and related equipping and furnishing. 7960  
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~~(N)~~(L) "State historical facility" means a site or facility that has all of the following characteristics: 7964  
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(1) It is created, supervised, operated, protected, maintained, and promoted by the Ohio historical society pursuant to the society's performance of public functions under sections 149.30 and 149.302 of the Revised Code. 7966  
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(2) Its title must reside wholly or in part with the state, the society, or both the state and the society. 7970  
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(3) It is managed directly by or is subject to a cooperative or management contract with the Ohio ~~cultural~~ facilities construction commission and is used for or in connection with ~~the~~ cultural activities ~~of the commission~~, including the presentation or making available of culture to the public. 7972  
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~~(O)~~(M) "Ohio sports facility" means all or a portion of a stadium, arena, tennis facility, motorsports complex, or other capital facility in this state. A primary purpose of the facility shall be to provide a site or venue for the presentation to the public of motorsports events, professional tennis tournaments, or events of one or more major or minor league professional athletic or sports teams that are associated with the state or with a city or region of the state. The facility shall be, in the case of a motorsports complex, owned by the state or governmental agency, or 7977  
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in all other instances, owned by or located on real property owned 7986  
by the state or a governmental agency, and includes all parking 7987  
facilities, walkways, and other auxiliary facilities, equipment, 7988  
furnishings, and real and personal property and interests and 7989  
rights therein, that may be appropriate for or used for or in 7990  
connection with the facility or its operation, for capital costs 7991  
of which state funds are spent pursuant to ~~this chapter~~ this 7992  
section and section 123.281 of the Revised Code. A facility 7993  
constructed as an Ohio sports facility may be both an Ohio 7994  
cultural facility and an Ohio sports facility. 7995

~~(P)~~(N) "Motorsports" means sporting events in which motor 7996  
vehicles are driven on a clearly demarcated tracked surface. 7997

**Sec. ~~3383.07~~ 123.281**. (A) The Ohio facilities construction 7998  
commission shall provide for the construction of a cultural 7999  
project in conformity with Chapter 153. of the Revised Code, 8000  
except as follows: 8001

~~(1) For a cultural project other than a state historical~~ 8002  
~~facility, construction services may be provided on behalf of the~~ 8003  
~~state by the Ohio cultural facilities commission, or by for~~ 8004  
construction services provided on behalf of the state by a 8005  
governmental agency or a cultural organization in accordance with 8006  
divisions (B) and (C) of this section. 8007

(B) In order for a governmental agency or a cultural 8008  
~~organization that occupies, will occupy, or is responsible for the~~ 8009  
~~Ohio cultural facility, as determined by the Ohio cultural~~ 8010  
~~facilities commission. For a project receiving a state~~ 8011  
~~appropriation of fifty thousand dollars or less, the Ohio cultural~~ 8012  
~~facilities commission may delegate to its executive director the~~ 8013  
~~authority to approve the provision of construction services by~~ 8014  
~~such an agency or organization, but not the authority to~~ 8015  
~~disapprove that provision. Construction services to be provided by~~ 8016

~~a governmental agency or a cultural organization shall be 8017  
specified in an agreement between the Ohio cultural facilities 8018  
commission and the governmental agency or cultural organization. 8019  
The agreement, or any actions taken under it, are not subject to 8020  
Chapter 123. or 153. of the Revised Code, except for sections 8021  
123.081 and 153.011 of the Revised Code, and shall be subject to 8022  
Chapter 4115. of the Revised Code. 8023~~

~~(2) For a cultural project that is to provide construction 8024  
services on behalf of the state for a cultural project, other than 8025  
a state historical facility, for which the general assembly has 8026  
made an appropriation or specifically authorized the spending of 8027  
money or the making of rental payments relating to the financing 8028  
of the construction, the governmental agency or cultural 8029  
organization shall submit to the Ohio facilities construction 8030  
commission a cooperative agreement that includes, but is not 8031  
limited to, provisions that: 8032~~

~~(1) Specify how the proposed project will support culture, as 8033  
defined in section 123.28 of the Revised Code; 8034~~

~~(2) Specify that the governmental agency or cultural 8035  
organization has local contributions amounting to not less than 8036  
fifty per cent of the total state funding for the cultural 8037  
project; 8038~~

~~(3) Specify that the funds shall be used only for 8039  
construction, as defined in section 123.28 of the Revised Code; 8040~~

~~(4) Identify the facility to be constructed, renovated, 8041  
remodeled, or improved; 8042~~

~~(5) Specify that the project scope meets the intent and 8043  
purpose of the project appropriation and that the project can be 8044  
completed and ready for full occupancy without exceeding 8045  
appropriated funds; 8046~~

~~(6) Specify that the governmental agency or cultural 8047~~

organization shall hold the Ohio facilities construction 8048  
commission harmless from all liability for the operation and 8049  
maintenance costs of the facility; 8050

(7) Specify that the agreement or any actions taken under it 8051  
are not subject to Chapters 123. or 153. of the Revised Code, 8052  
except for section 153.011 of the Revised Code, and are subject to 8053  
Chapter 4115. of the Revised Code; and 8054

(8) Provide that amendments to the agreement shall require 8055  
the approval of the Ohio facilities construction commission. 8056

(C) In order for a cultural organization to provide 8057  
construction services on behalf of the state for a state 8058  
historical facility, construction services may be provided by the 8059  
Ohio cultural facilities commission or by a cultural organization 8060  
that occupies, will occupy, or is responsible for the facility, as 8061  
determined by the Ohio cultural facilities commission. For a 8062  
facility receiving a state appropriation of fifty thousand dollars 8063  
or less, the Ohio cultural facilities commission may delegate to 8064  
its executive director the authority to approve the provision of 8065  
construction services by such an organization, but not the 8066  
authority to disapprove that provision. The construction services 8067  
to be provided by the cultural organization shall be specified in 8068  
an agreement between the Ohio cultural facilities commission and 8069  
the cultural organization. That agreement, and any actions taken 8070  
under it, are not subject to Chapter 123., 153., or 4115. of the 8071  
Revised Code. 8072

(B) For an Ohio sports facility that is financed in part by 8073  
obligations issued pursuant to Chapter 154. of the Revised Code, 8074  
construction services shall be provided on behalf of the state by 8075  
or at the direction of the governmental agency or nonprofit 8076  
corporation that will own or be responsible for the management of 8077  
the facility, all as determined by the Ohio cultural facilities 8078  
commission. For a facility receiving a state appropriation of 8079

~~fifty thousand dollars or less, the Ohio cultural facilities 8080  
commission may delegate to its executive director the authority to 8081  
approve the provision of construction services by or at the 8082  
direction of the agency or corporation, but not the authority to 8083  
disapprove that provision. Any construction services to be 8084  
provided by a governmental agency or nonprofit corporation shall 8085  
be specified in an agreement between the Ohio cultural facilities 8086  
commission and the governmental agency or nonprofit corporation. 8087  
That agreement, and any actions taken under it, are not subject to 8088  
Chapter 123. or 153. of the Revised Code, except for sections 8089  
123.081 and 153.011 of the Revised Code, and shall be subject to 8090  
Chapter 4115. of the Revised Code. 8091~~

~~(C) General building services for an Ohio cultural facility 8092  
shall be provided by the Ohio cultural facilities commission or by 8093  
a cultural organization that occupies, will occupy, or is 8094  
responsible for the facility, as determined by the Ohio cultural 8095  
facilities commission. For a facility receiving a state 8096  
appropriation of fifty thousand dollars or less, the Ohio cultural 8097  
facilities commission may delegate to its executive director the 8098  
authority to approve the provision of general building services by 8099  
such an organization, but not the authority to disapprove that 8100  
provision. Alternatively, the Ohio building authority may elect to 8101  
provide those services for Ohio cultural facilities financed with 8102  
proceeds of state bonds issued by the authority. The costs of 8103  
management and general building services shall be paid by the 8104  
cultural organization that occupies, will occupy, or is 8105  
responsible for the facility as provided in an agreement between 8106  
the Ohio cultural facilities commission and the cultural 8107  
organization, except that the state may pay for general building 8108  
services for state-owned cultural facilities constructed on 8109  
state-owned land. 8110~~

~~General building services for an Ohio sports facility shall 8111~~

~~be provided by or at the direction of the governmental agency or 8112  
nonprofit corporation that will be responsible for the management 8113  
of the facility, all as determined by the Ohio cultural facilities 8114  
commission. For a facility receiving a state appropriation of 8115  
fifty thousand dollars or less, the Ohio cultural facilities 8116  
commission may delegate to its executive director the authority to 8117  
approve the provision of general building services by or at the 8118  
direction of the agency or corporation, but not the authority to 8119  
disapprove that provision. Any general building services to be 8120  
provided by a governmental agency or nonprofit corporation for an 8121  
Ohio sports facility shall be specified in an agreement between 8122  
the Ohio cultural facilities commission and the governmental 8123  
agency or nonprofit corporation. That agreement, and any actions 8124  
taken under it, are not subject to Chapter 123. or 153. of the 8125  
Revised Code, except for sections 123.081 and 153.011 of the 8126  
Revised Code, and shall be subject to Chapter 4115. of the Revised 8127  
Code. 8128~~

~~(D) This division does not apply to a state historical 8129  
facility. No state funds, including any state bond proceeds, shall 8130  
be spent on the construction of any cultural project under this 8131  
chapter unless, with respect to the cultural project and to the 8132  
Ohio cultural facility related to the project, all of the 8133  
following apply: 8134~~

~~(1) The Ohio cultural facilities commission has determined 8135  
that there is a need for the cultural project and the Ohio 8136  
cultural facility related to the project in the region of the 8137  
state in which the Ohio cultural facility is located or for which 8138  
the facility is proposed. For a project receiving a state 8139  
appropriation of fifty thousand dollars or less, the Ohio cultural 8140  
facilities commission may delegate to its executive director the 8141  
authority to determine need but only in the affirmative. 8142~~

~~(2) The Ohio cultural facilities commission has determined 8143~~

~~that, as an indication of substantial regional support for the cultural project, the cultural organization has made provision satisfactory to the Ohio cultural facilities commission, in its sole discretion, for local contributions amounting to not less than fifty per cent of the total state funding for the cultural project. For a project receiving a state appropriation of fifty thousand dollars or less, the Ohio cultural facilities commission may delegate to its executive director the authority to determine the adequacy of the regional support but only in the affirmative.~~

~~(3) The general assembly has specifically authorized the spending of money on, or made an appropriation for, the construction of the cultural project, or for rental payments relating to the financing of the construction of the cultural project. Authorization to spend money, or an appropriation, for planning the cultural project does not constitute authorization to spend money on, or an appropriation for, construction of the cultural project.~~

~~(E) No state funds, including any state bond proceeds, shall be spent on the construction of any state historical facility under this chapter unless the general assembly has specifically authorized the spending of money on, or made an appropriation for, the construction of the state historical project related to the facility, or for rental payments relating to the financing of the construction of the state historical project. Authorization to spend money, or an appropriation, for planning the state historical project does not constitute authorization to spend money on, or an appropriation for, the construction of the state historical project.~~

~~(F) for which the general assembly has made an appropriation or specifically authorized the spending of money or the making of rental payments relating to the financing of the construction, the cultural organization shall submit to the Ohio facilities~~

construction commission a cooperative agreement that includes, but 8176  
is not limited to, provisions that: 8177

(1) Specify how the proposed project will support culture, as 8178  
defined in section 123.28 of the Revised Code; 8179

(2) Specify that the funds shall be used only for 8180  
construction, as defined in section 123.28 of the Revised Code; 8181

(3) Identify the facility to be constructed, renovated, 8182  
remodeled, or improved; 8183

(4) Specify that the project scope meets the intent and 8184  
purpose of the project appropriation and that the project can be 8185  
completed and ready for full occupancy without exceeding 8186  
appropriated funds; 8187

(5) Specify that the cultural organization shall hold the 8188  
Ohio facilities construction commission harmless from all 8189  
liability for the operation and maintenance costs of the facility; 8190

(6) Specify that the agreement or any actions taken under it 8191  
are not subject to Chapters 123., 153., or 4115. of the Revised 8192  
Code; and 8193

(7) Provide that amendments to the agreement shall require 8194  
the approval of the Ohio facilities construction commission. 8195

(D) State funds shall not be used to pay or reimburse more 8196  
than fifteen per cent of the initial estimated construction cost 8197  
of an Ohio sports facility, excluding any site acquisition cost, 8198  
and no state funds, including any state bond proceeds, shall be 8199  
spent on any Ohio sports facility under this chapter unless, with 8200  
respect to that facility, all of the following apply: 8201

(1) The Ohio ~~cultural~~ facilities construction commission has 8202  
determined that there is a need for the facility in the region of 8203  
the state for which the facility is proposed to provide the 8204  
function of an Ohio sports facility as provided for in this 8205



~~chapter. For a facility receiving a state appropriation of fifty thousand dollars or less, the Ohio cultural facilities commission may delegate to its executive director the authority to determine need but only in the affirmative.~~

~~(2) As an indication of substantial local support for the facility, the Ohio cultural facilities commission has received a financial and development plan satisfactory to it, and provision has been made, by agreement or otherwise, satisfactory to the Ohio cultural facilities commission, for a contribution amounting to not less than eighty-five per cent of the total estimated construction cost of the facility, excluding any site acquisition cost, from sources other than the state. For a facility receiving a state appropriation of fifty thousand dollars or less, the Ohio cultural facilities commission may delegate to its executive director the authority to evaluate the financial and development plan and the contribution and to determine their adequacy but only in the affirmative.~~

~~(3)(2) The general assembly has specifically authorized the spending of money on, or made an appropriation for, the construction of the facility, or for rental payments relating to state financing of all or a portion of the costs of constructing the facility. Authorization to spend money, or an appropriation, for planning or determining the feasibility of or need for the facility does not constitute authorization to spend money on, or an appropriation for, costs of constructing the facility.~~

~~(4)(3) If state bond proceeds are being used for the Ohio sports facility, the state or a governmental agency owns or has sufficient property interests in the facility or in the site of the facility or in the portion or portions of the facility financed from proceeds of state bonds, which may include, but is not limited to, the right to use or to require the use of the facility for the presentation of sport and athletic events to the~~

public at the facility. 8238

~~(G)~~(E) In addition to the requirements of division ~~(F)~~(D) of 8239  
this section, no state funds, including any state bond proceeds, 8240  
shall be spent on any Ohio sports facility that is a motorsports 8241  
complex, unless, with respect to that facility, both of the 8242  
following apply: 8243

(1) Motorsports events shall be presented at the facility 8244  
pursuant to a lease entered into with the owner of the facility. 8245  
The term of the lease shall be for a period of not less than the 8246  
greater of the useful life of the portion of the facility financed 8247  
from proceeds of state bonds as determined using the guidelines 8248  
for maximum maturities as provided under divisions (B) and (C) of 8249  
section 133.20 of the Revised Code, or the period of time 8250  
remaining to the date of payment or provision for payment of 8251  
outstanding state bonds allocable to costs of the facility, all as 8252  
determined by the director of budget and management and certified 8253  
by the executive director ~~to~~ of the Ohio ~~cultural~~ facilities 8254  
construction commission and to the treasurer of state. 8255

(2) Any motorsports organization that commits to using the 8256  
facility for an established period of time shall give the 8257  
political subdivision in which the facility is located not less 8258  
than six months' advance notice if the organization intends to 8259  
cease utilizing the facility prior to the expiration of that 8260  
established period. Such a motorsports organization shall be 8261  
liable to the state for any state funds used on the construction 8262  
costs of the facility. 8263

~~(H)~~(F) In addition to the requirements of division ~~(F)~~(D) of 8264  
this section, no state bond proceeds shall be spent on any Ohio 8265  
sports facility that is a tennis facility, unless the owner or 8266  
manager of the facility provides contractual commitments from a 8267  
national or international professional tennis organization in a 8268  
form acceptable to the ~~cultural~~ Ohio facilities construction 8269

commission that assures that one or more sanctioned professional 8270  
tennis events will be presented at the facility during each year 8271  
that the bonds remain outstanding. 8272

**Sec. 124.11.** The civil service of the state and the several 8273  
counties, cities, civil service townships, city health districts, 8274  
general health districts, and city school districts of the state 8275  
shall be divided into the unclassified service and the classified 8276  
service. 8277

(A) The unclassified service shall comprise the following 8278  
positions, which shall not be included in the classified service, 8279  
and which shall be exempt from all examinations required by this 8280  
chapter: 8281

(1) All officers elected by popular vote or persons appointed 8282  
to fill vacancies in those offices; 8283

(2) All election officers as defined in section 3501.01 of 8284  
the Revised Code; 8285

(3)(a) The members of all boards and commissions, and heads 8286  
of principal departments, boards, and commissions appointed by the 8287  
governor or by and with the governor's consent; 8288

(b) The heads of all departments appointed by a board of 8289  
county commissioners; 8290

(c) The members of all boards and commissions and all heads 8291  
of departments appointed by the mayor, or, if there is no mayor, 8292  
such other similar chief appointing authority of any city or city 8293  
school district; 8294

Except as otherwise provided in division (A)(17) or (C) of 8295  
this section, this chapter does not exempt the chiefs of police 8296  
departments and chiefs of fire departments of cities or civil 8297  
service townships from the competitive classified service. 8298

(4) The members of county or district licensing boards or 8299

commissions and boards of revision, and not more than five deputy county auditors;	8300 8301
(5) All officers and employees elected or appointed by either or both branches of the general assembly, and employees of the city legislative authority engaged in legislative duties;	8302 8303 8304
(6) All commissioned, warrant, and noncommissioned officers and enlisted persons in the Ohio organized militia, including military appointees in the adjutant general's department;	8305 8306 8307
(7)(a) All presidents, business managers, administrative officers, superintendents, assistant superintendents, principals, deans, assistant deans, instructors, teachers, and such employees as are engaged in educational or research duties connected with the public school system, colleges, and universities, as determined by the governing body of the public school system, colleges, and universities;	8308 8309 8310 8311 8312 8313 8314
(b) The library staff of any library in the state supported wholly or in part at public expense.	8315 8316
(8) Four clerical and administrative support employees for each of the elective state officers, four clerical and administrative support employees for each board of county commissioners and one such employee for each county commissioner, and four clerical and administrative support employees for other elective officers and each of the principal appointive executive officers, boards, or commissions, except for civil service commissions, that are authorized to appoint such clerical and administrative support employees;	8317 8318 8319 8320 8321 8322 8323 8324 8325
(9) The deputies and assistants of state agencies authorized to act for and on behalf of the agency, or holding a fiduciary or administrative relation to that agency and those persons employed by and directly responsible to elected county officials or a county administrator and holding a fiduciary or administrative	8326 8327 8328 8329 8330

relationship to such elected county officials or county 8331  
administrator, and the employees of such county officials whose 8332  
fitness would be impracticable to determine by competitive 8333  
examination, provided that division (A)(9) of this section shall 8334  
not affect those persons in county employment in the classified 8335  
service as of September 19, 1961. Nothing in division (A)(9) of 8336  
this section applies to any position in a county department of job 8337  
and family services created pursuant to Chapter 329. of the 8338  
Revised Code. 8339

(10) Bailiffs, constables, official stenographers, and 8340  
commissioners of courts of record, deputies of clerks of the 8341  
courts of common pleas who supervise or who handle public moneys 8342  
or secured documents, and such officers and employees of courts of 8343  
record and such deputies of clerks of the courts of common pleas 8344  
as the appointing authority finds it impracticable to determine 8345  
their fitness by competitive examination; 8346

(11) Assistants to the attorney general, special counsel 8347  
appointed or employed by the attorney general, assistants to 8348  
county prosecuting attorneys, and assistants to city directors of 8349  
law; 8350

(12) Such teachers and employees in the agricultural 8351  
experiment stations; such students in normal schools, colleges, 8352  
and universities of the state who are employed by the state or a 8353  
political subdivision of the state in student or intern 8354  
classifications; and such unskilled labor positions as the 8355  
director of administrative services, with respect to positions in 8356  
the service of the state, or any municipal civil service 8357  
commission may find it impracticable to include in the competitive 8358  
classified service; provided such exemptions shall be by order of 8359  
the commission or the director, duly entered on the record of the 8360  
commission or the director with the reasons for each such 8361  
exemption; 8362

(13) Any physician or dentist who is a full-time employee of 8363  
the department of ~~mental health~~ mental health and addiction 8364  
services, the department of developmental disabilities, or an 8365  
institution under the jurisdiction of either department; and 8366  
physicians who are in residency programs at the institutions; 8367

(14) Up to twenty positions at each institution under the 8368  
jurisdiction of the department of ~~mental health~~ mental health and 8369  
addiction services or the department of developmental disabilities 8370  
that the department director determines to be primarily 8371  
administrative or managerial; and up to fifteen positions in any 8372  
division of either department, excluding administrative assistants 8373  
to the director and division chiefs, which are within the 8374  
immediate staff of a division chief and which the director 8375  
determines to be primarily and distinctively administrative and 8376  
managerial; 8377

(15) Noncitizens of the United States employed by the state, 8378  
or its counties or cities, as physicians or nurses who are duly 8379  
licensed to practice their respective professions under the laws 8380  
of this state, or medical assistants, in mental or chronic disease 8381  
hospitals, or institutions; 8382

(16) Employees of the governor's office; 8383

(17) Fire chiefs and chiefs of police in civil service 8384  
townships appointed by boards of township trustees under section 8385  
505.38 or 505.49 of the Revised Code; 8386

(18) Executive directors, deputy directors, and program 8387  
directors employed by boards of alcohol, drug addiction, and 8388  
mental health services under Chapter 340. of the Revised Code, and 8389  
secretaries of the executive directors, deputy directors, and 8390  
program directors; 8391

(19) Superintendents, and management employees as defined in 8392  
section 5126.20 of the Revised Code, of county boards of 8393

developmental disabilities;	8394
(20) Physicians, nurses, and other employees of a county hospital who are appointed pursuant to sections 339.03 and 339.06 of the Revised Code;	8395 8396 8397
(21) The executive director of the state medical board, who is appointed pursuant to division (B) of section 4731.05 of the Revised Code;	8398 8399 8400
(22) County directors of job and family services as provided in section 329.02 of the Revised Code and administrators appointed under section 329.021 of the Revised Code;	8401 8402 8403
(23) A director of economic development who is hired pursuant to division (A) of section 307.07 of the Revised Code;	8404 8405
(24) Chiefs of construction and compliance, of operations and maintenance, of worker protection, and of licensing and certification in the division of industrial compliance in the department of commerce;	8406 8407 8408 8409
(25) The executive director of a county transit system appointed under division (A) of section 306.04 of the Revised Code;	8410 8411 8412
(26) Up to five positions at each of the administrative departments listed in section 121.02 of the Revised Code and at the department of taxation, department of the adjutant general, department of education, Ohio board of regents, bureau of workers' compensation, industrial commission, state lottery commission, and public utilities commission of Ohio that the head of that administrative department or of that other state agency determines to be involved in policy development and implementation. The head of the administrative department or other state agency shall set the compensation for employees in these positions at a rate that is not less than the minimum compensation specified in pay range 41 but not more than the maximum compensation specified in pay	8413 8414 8415 8416 8417 8418 8419 8420 8421 8422 8423 8424

range 44 47 of salary schedule E-2 in section 124.152 of the Revised Code. The authority to establish positions in the unclassified service under division (A)(26) of this section is in addition to and does not limit any other authority that an administrative department or state agency has under the Revised Code to establish positions, appoint employees, or set compensation.

(27) Employees of the department of agriculture employed under section 901.09 of the Revised Code;

(28) For cities, counties, civil service townships, city health districts, general health districts, and city school districts, the deputies and assistants of elective or principal executive officers authorized to act for and in the place of their principals or holding a fiduciary relation to their principals;

(29) Employees who receive intermittent or temporary appointments under division (B) of section 124.30 of the Revised Code;

(30) Employees appointed to administrative staff positions for which an appointing authority is given specific statutory authority to set compensation;

(31) Employees appointed to highway patrol cadet or highway patrol cadet candidate classifications;

(32) Employees placed in the unclassified service by another section of the Revised Code.

(B) The classified service shall comprise all persons in the employ of the state and the several counties, cities, city health districts, general health districts, and city school districts of the state, not specifically included in the unclassified service. Upon the creation by the board of trustees of a civil service township civil service commission, the classified service shall also comprise, except as otherwise provided in division (A)(17) or



(C) of this section, all persons in the employ of a civil service township police or fire department having ten or more full-time paid employees. The classified service consists of two classes, which shall be designated as the competitive class and the unskilled labor class.

(1) The competitive class shall include all positions and employments in the state and the counties, cities, city health districts, general health districts, and city school districts of the state, and, upon the creation by the board of trustees of a civil service township of a township civil service commission, all positions in a civil service township police or fire department having ten or more full-time paid employees, for which it is practicable to determine the merit and fitness of applicants by competitive examinations. Appointments shall be made to, or employment shall be given in, all positions in the competitive class that are not filled by promotion, reinstatement, transfer, or reduction, as provided in this chapter, and the rules of the director of administrative services, by appointment from those certified to the appointing officer in accordance with this chapter.

(2) The unskilled labor class shall include ordinary unskilled laborers. Vacancies in the labor class for positions in service of the state shall be filled by appointment from lists of applicants registered by the director or the director's designee. Vacancies in the labor class for all other positions shall be filled by appointment from lists of applicants registered by a commission. The director or the commission, as applicable, by rule, shall require an applicant for registration in the labor class to furnish evidence or take tests as the director or commission considers proper with respect to age, residence, physical condition, ability to labor, honesty, sobriety, industry, capacity, and experience in the work or employment for which

application is made. Laborers who fulfill the requirements shall 8488  
be placed on the eligible list for the kind of labor or employment 8489  
sought, and preference shall be given in employment in accordance 8490  
with the rating received from that evidence or in those tests. 8491  
Upon the request of an appointing officer, stating the kind of 8492  
labor needed, the pay and probable length of employment, and the 8493  
number to be employed, the director or commission, as applicable, 8494  
shall certify from the highest on the list double the number to be 8495  
employed; from this number, the appointing officer shall appoint 8496  
the number actually needed for the particular work. If more than 8497  
one applicant receives the same rating, priority in time of 8498  
application shall determine the order in which their names shall 8499  
be certified for appointment. 8500

(C) A municipal or civil service township civil service 8501  
commission may place volunteer firefighters who are paid on a 8502  
fee-for-service basis in either the classified or the unclassified 8503  
civil service. 8504

(D)(1) This division does not apply to persons in the 8505  
unclassified service who have the right to resume positions in the 8506  
classified service under sections 4121.121, ~~5119.071~~ 5119.18, 8507  
5120.38, 5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the 8508  
Revised Code or to cities, counties, or political subdivisions of 8509  
the state. 8510

(2) A person who holds a position in the classified service 8511  
of the state and who is appointed to a position in the 8512  
unclassified service shall retain the right to resume the position 8513  
and status held by the person in the classified service 8514  
immediately prior to the person's appointment to the position in 8515  
the unclassified service, regardless of the number of positions 8516  
the person held in the unclassified service. An employee's right 8517  
to resume a position in the classified service may only be 8518  
exercised when an appointing authority demotes the employee to a 8519

pay range lower than the employee's current pay range or revokes 8520  
the employee's appointment to the unclassified service and: 8521

(a) That person held a certified position prior to July 1, 8522  
2007, in the classified service within the appointing authority's 8523  
agency; or 8524

(b) That person held a permanent position on or after July 1, 8525  
2007, in the classified service within the appointing authority's 8526  
agency. 8527

(3) An employee forfeits the right to resume a position in 8528  
the classified service when: 8529

(a) The employee is removed from the position in the 8530  
unclassified service due to incompetence, inefficiency, 8531  
dishonesty, drunkenness, immoral conduct, insubordination, 8532  
discourteous treatment of the public, neglect of duty, violation 8533  
of this chapter or the rules of the director of administrative 8534  
services, any other failure of good behavior, any other acts of 8535  
misfeasance, malfeasance, or nonfeasance in office, or conviction 8536  
of a felony; or 8537

(b) Upon transfer to a different agency. 8538

(4) Reinstatement to a position in the classified service 8539  
shall be to a position substantially equal to that position in the 8540  
classified service held previously, as certified by the director 8541  
of administrative services. If the position the person previously 8542  
held in the classified service has been placed in the unclassified 8543  
service or is otherwise unavailable, the person shall be appointed 8544  
to a position in the classified service within the appointing 8545  
authority's agency that the director of administrative services 8546  
certifies is comparable in compensation to the position the person 8547  
previously held in the classified service. Service in the position 8548  
in the unclassified service shall be counted as service in the 8549  
position in the classified service held by the person immediately 8550

prior to the person's appointment to the position in the 8551  
unclassified service. When a person is reinstated to a position in 8552  
the classified service as provided in this division, the person is 8553  
entitled to all rights, status, and benefits accruing to the 8554  
position in the classified service during the person's time of 8555  
service in the position in the unclassified service. 8556

**Sec. 124.14.** (A)(1) The director of administrative services 8557  
shall establish, and may modify or rescind, by rule, a job 8558  
classification plan for all positions, offices, and employments 8559  
~~the salaries of which are paid in whole or in part by~~ in the 8560  
service of the state. The director shall group jobs within a 8561  
classification so that the positions are similar enough in duties 8562  
and responsibilities to be described by the same title, to have 8563  
the same pay assigned with equity, and to have the same 8564  
qualifications for selection applied. The director shall, by rule, 8565  
assign a classification title to each classification within the 8566  
classification plan. However, the director shall consider in 8567  
establishing classifications, including classifications with 8568  
parenthetical titles, and assigning pay ranges such factors as 8569  
duties performed only on one shift, special skills in short supply 8570  
in the labor market, recruitment problems, separation rates, 8571  
comparative salary rates, the amount of training required, and 8572  
other conditions affecting employment. The director shall describe 8573  
the duties and responsibilities of the class, establish the 8574  
qualifications for being employed in each position in the class, 8575  
and file with the secretary of state a copy of specifications for 8576  
all of the classifications. The director shall file new, 8577  
additional, or revised specifications with the secretary of state 8578  
before they are used. 8579

The director shall, by rule, assign each classification, 8580  
either on a statewide basis or in particular counties or state 8581  
institutions, to a pay range established under section 124.15 or 8582

section 124.152 of the Revised Code. The director may assign a 8583  
classification to a pay range on a temporary basis for a period of 8584  
six months. The director may establish, by rule adopted under 8585  
Chapter 119. of the Revised Code, experimental classification 8586  
plans for some or all employees paid directly by warrant of the 8587  
director of budget and management. The rule shall include 8588  
specifications for each classification within the plan and shall 8589  
specifically address compensation ranges, and methods for 8590  
advancing within the ranges, for the classifications, which may be 8591  
assigned to pay ranges other than the pay ranges established under 8592  
section 124.15 or 124.152 of the Revised Code. 8593

(2) The director of administrative services may reassign to a 8594  
proper classification those positions that have been assigned to 8595  
an improper classification. If the compensation of an employee in 8596  
such a reassigned position exceeds the maximum rate of pay for the 8597  
employee's new classification, the employee shall be placed in pay 8598  
step X and shall not receive an increase in compensation until the 8599  
maximum rate of pay for that classification exceeds the employee's 8600  
compensation. 8601

(3) The director may reassign an exempt employee, as defined 8602  
in section 124.152 of the Revised Code, to a bargaining unit 8603  
classification if the director determines that the bargaining unit 8604  
classification is the proper classification for that employee. 8605  
Notwithstanding Chapter 4117. of the Revised Code or instruments 8606  
and contracts negotiated under it, these placements are at the 8607  
director's discretion. 8608

(4) The director shall, by rule, assign related 8609  
classifications, which form a career progression, to a 8610  
classification series. The director shall, by rule, assign each 8611  
classification in the classification plan a five-digit number, the 8612  
first four digits of which shall denote the classification series 8613  
to which the classification is assigned. When a career progression 8614

encompasses more than ten classifications, the director shall, by 8615  
rule, identify the additional classifications belonging to a 8616  
classification series. The additional classifications shall be 8617  
part of the classification series, notwithstanding the fact that 8618  
the first four digits of the number assigned to the additional 8619  
classifications do not correspond to the first four digits of the 8620  
numbers assigned to other classifications in the classification 8621  
series. 8622

(B) Division (A) of this section and sections 124.15 and 8623  
124.152 of the Revised Code do not apply to the following persons, 8624  
positions, offices, and employments: 8625

(1) Elected officials; 8626

(2) Legislative employees, employees of the legislative 8627  
service commission, employees in the office of the governor, 8628  
employees who are in the unclassified civil service and exempt 8629  
from collective bargaining coverage in the office of the secretary 8630  
of state, auditor of state, treasurer of state, and attorney 8631  
general, and employees of the supreme court; 8632

(3) Any position for which the authority to determine 8633  
compensation is given by law to another individual or entity; 8634

(4) Employees of the bureau of workers' compensation whose 8635  
compensation the administrator of workers' compensation 8636  
establishes under division (B) of section 4121.121 of the Revised 8637  
Code. 8638

(C) The director may employ a consulting agency to aid and 8639  
assist the director in carrying out this section. 8640

(D)(1) When the director proposes to modify a classification 8641  
or the assignment of classes to appropriate pay ranges, the 8642  
director shall send written notice of the proposed rule to the 8643  
appointing authorities of the affected employees thirty days 8644  
before a hearing on the proposed rule. The appointing authorities 8645

shall notify the affected employees regarding the proposed rule. 8646  
The director also shall send those appointing authorities notice 8647  
of any final rule that is adopted within ten days after adoption. 8648

(2) When the director proposes to reclassify any employee in 8649  
the service of the state so that the employee is adversely 8650  
affected, the director shall give to the employee affected and to 8651  
the employee's appointing authority a written notice setting forth 8652  
the proposed new classification, pay range, and salary. Upon the 8653  
request of any classified employee in the service of the state who 8654  
is not serving in a probationary period, the director shall 8655  
perform a job audit to review the classification of the employee's 8656  
position to determine whether the position is properly classified. 8657  
The director shall give to the employee affected and to the 8658  
employee's appointing authority a written notice of the director's 8659  
determination whether or not to reclassify the position or to 8660  
reassign the employee to another classification. An employee or 8661  
appointing authority desiring a hearing shall file a written 8662  
request for the hearing with the state personnel board of review 8663  
within thirty days after receiving the notice. The board shall set 8664  
the matter for a hearing and notify the employee and appointing 8665  
authority of the time and place of the hearing. The employee, the 8666  
appointing authority, or any authorized representative of the 8667  
employee who wishes to submit facts for the consideration of the 8668  
board shall be afforded reasonable opportunity to do so. After the 8669  
hearing, the board shall consider anew the reclassification and 8670  
may order the reclassification of the employee and require the 8671  
director to assign the employee to such appropriate classification 8672  
as the facts and evidence warrant. As provided in division (A)(1) 8673  
of section 124.03 of the Revised Code, the board may determine the 8674  
most appropriate classification for the position of any employee 8675  
coming before the board, with or without a job audit. The board 8676  
shall disallow any reclassification or reassignment classification 8677  
of any employee when it finds that changes have been made in the 8678

duties and responsibilities of any particular employee for 8679  
political, religious, or other unjust reasons. 8680

(E)(1) Employees of each county department of job and family 8681  
services shall be paid a salary or wage established by the board 8682  
of county commissioners. The provisions of section 124.18 of the 8683  
Revised Code concerning the standard work week apply to employees 8684  
of county departments of job and family services. A board of 8685  
county commissioners may do either of the following: 8686

(a) Notwithstanding any other section of the Revised Code, 8687  
supplement the sick leave, vacation leave, personal leave, and 8688  
other benefits of any employee of the county department of job and 8689  
family services of that county, if the employee is eligible for 8690  
the supplement under a written policy providing for the 8691  
supplement; 8692

(b) Notwithstanding any other section of the Revised Code, 8693  
establish alternative schedules of sick leave, vacation leave, 8694  
personal leave, or other benefits for employees not inconsistent 8695  
with the provisions of a collective bargaining agreement covering 8696  
the affected employees. 8697

(2) Division (E)(1) of this section does not apply to 8698  
employees for whom the state employment relations board 8699  
establishes appropriate bargaining units pursuant to section 8700  
4117.06 of the Revised Code, except in either of the following 8701  
situations: 8702

(a) The employees for whom the state employment relations 8703  
board establishes appropriate bargaining units elect no 8704  
representative in a board-conducted representation election. 8705

(b) After the state employment relations board establishes 8706  
appropriate bargaining units for such employees, all employee 8707  
organizations withdraw from a representation election. 8708

(F)(1) Notwithstanding any contrary provision of sections 8709



124.01 to 124.64 of the Revised Code, the board of trustees of 8710  
each state university or college, as defined in section 3345.12 of 8711  
the Revised Code, shall carry out all matters of governance 8712  
involving the officers and employees of the university or college, 8713  
including, but not limited to, the powers, duties, and functions 8714  
of the department of administrative services and the director of 8715  
administrative services specified in this chapter. Officers and 8716  
employees of a state university or college shall have the right of 8717  
appeal to the state personnel board of review as provided in this 8718  
chapter. 8719

(2) Each board of trustees shall adopt rules under section 8720  
111.15 of the Revised Code to carry out the matters of governance 8721  
described in division (F)(1) of this section. Until the board of 8722  
trustees adopts those rules, a state university or college shall 8723  
continue to operate pursuant to the applicable rules adopted by 8724  
the director of administrative services under this chapter. 8725

(G)(1) Each board of county commissioners may, by a 8726  
resolution adopted by a majority of its members, establish a 8727  
county personnel department to exercise the powers, duties, and 8728  
functions specified in division (G) of this section. As used in 8729  
division (G) of this section, "county personnel department" means 8730  
a county personnel department established by a board of county 8731  
commissioners under division (G)(1) of this section. 8732

(2)(a) Each board of county commissioners, by a resolution 8733  
adopted by a majority of its members, may designate the county 8734  
personnel department of the county to exercise the powers, duties, 8735  
and functions specified in sections 124.01 to 124.64 and Chapter 8736  
325. of the Revised Code with regard to employees in the service 8737  
of the county, except for the powers and duties of the state 8738  
personnel board of review, which powers and duties shall not be 8739  
construed as having been modified or diminished in any manner by 8740  
division (G)(2) of this section, with respect to the employees for 8741

whom the board of county commissioners is the appointing authority 8742  
or co-appointing authority. 8743

(b) Nothing in division (G)(2) of this section shall be 8744  
construed to limit the right of any employee who possesses the 8745  
right of appeal to the state personnel board of review to continue 8746  
to possess that right of appeal. 8747

(c) Any board of county commissioners that has established a 8748  
county personnel department may contract with the department of 8749  
administrative services, in accordance with division (H) of this 8750  
section, another political subdivision, or an appropriate public 8751  
or private entity to provide competitive testing services or other 8752  
appropriate services. 8753

(3) After the county personnel department of a county has 8754  
been established as described in division (G)(2) of this section, 8755  
any elected official, board, agency, or other appointing authority 8756  
of that county, upon written notification to the county personnel 8757  
department, may elect to use the services and facilities of the 8758  
county personnel department. Upon receipt of the notification by 8759  
the county personnel department, the county personnel department 8760  
shall exercise the powers, duties, and functions as described in 8761  
division (G)(2) of this section with respect to the employees of 8762  
that elected official, board, agency, or other appointing 8763  
authority. 8764

(4) Each board of county commissioners, by a resolution 8765  
adopted by a majority of its members, may disband the county 8766  
personnel department. 8767

(5) Any elected official, board, agency, or appointing 8768  
authority of a county may end its involvement with a county 8769  
personnel department upon actual receipt by the department of a 8770  
certified copy of the notification that contains the decision to 8771  
no longer participate. 8772

(6) A county personnel department, in carrying out its 8773  
duties, shall adhere to merit system principles with regard to 8774  
employees of county departments of job and family services, child 8775  
support enforcement agencies, and public child welfare agencies so 8776  
that there is no threatened loss of federal funding for these 8777  
agencies, and the county is financially liable to the state for 8778  
any loss of federal funds due to the action or inaction of the 8779  
county personnel department. 8780

(H) County agencies may contract with the department of 8781  
administrative services for any human resources services, 8782  
including, but not limited to, establishment and modification of 8783  
job classification plans, competitive testing services, and 8784  
periodic audits and reviews of the county's uniform application of 8785  
the powers, duties, and functions specified in sections 124.01 to 8786  
124.64 and Chapter 325. of the Revised Code with regard to 8787  
employees in the service of the county. Nothing in this division 8788  
modifies the powers and duties of the state personnel board of 8789  
review with respect to employees in the service of the county. 8790  
Nothing in this division limits the right of any employee who 8791  
possesses the right of appeal to the state personnel board of 8792  
review to continue to possess that right of appeal. 8793

(I) The director of administrative services shall establish 8794  
the rate and method of compensation for all employees who are paid 8795  
directly by warrant of the director of budget and management and 8796  
who are serving in positions that the director of administrative 8797  
services has determined impracticable to include in the state job 8798  
classification plan. This division does not apply to elected 8799  
officials, legislative employees, employees of the legislative 8800  
service commission, employees who are in the unclassified civil 8801  
service and exempt from collective bargaining coverage in the 8802  
office of the secretary of state, auditor of state, treasurer of 8803  
state, and attorney general, employees of the courts, employees of 8804

the bureau of workers' compensation whose compensation the 8805  
administrator of workers' compensation establishes under division 8806  
(B) of section 4121.121 of the Revised Code, or employees of an 8807  
appointing authority authorized by law to fix the compensation of 8808  
those employees. 8809

(J) The director of administrative services shall set the 8810  
rate of compensation for all intermittent, seasonal, temporary, 8811  
emergency, and casual employees in the service of the state who 8812  
are not considered public employees under section 4117.01 of the 8813  
Revised Code. Those employees are not entitled to receive employee 8814  
benefits. This rate of compensation shall be equitable in terms of 8815  
the rate of employees serving in the same or similar 8816  
classifications. This division does not apply to elected 8817  
officials, legislative employees, employees of the legislative 8818  
service commission, employees who are in the unclassified civil 8819  
service and exempt from collective bargaining coverage in the 8820  
office of the secretary of state, auditor of state, treasurer of 8821  
state, and attorney general, employees of the courts, employees of 8822  
the bureau of workers' compensation whose compensation the 8823  
administrator establishes under division (B) of section 4121.121 8824  
of the Revised Code, or employees of an appointing authority 8825  
authorized by law to fix the compensation of those employees. 8826

**Sec. 124.141.** The director of administrative services may 8827  
establish, by rule adopted under Chapter 119. of the Revised Code, 8828  
an appointment incentive program that allows an appointing 8829  
authority to pay to an officer or employee described in division 8830  
(A)(30) of section 124.11, division (B)(2) of section 124.14, or 8831  
division (B) of section 126.32 of the Revised Code a salary and 8832  
benefits package that differs from the salary and benefits 8833  
otherwise provided by law for that officer or employee, provided 8834  
that the appointment incentive program established by the director 8835  
cannot include authority for an appointing authority to provide 8836

health care benefits to a covered officer or employee that are 8837  
different from health care benefits otherwise provided by law for 8838  
that officer or employee. 8839

**Sec. 124.18.** (A) Forty hours shall be the standard work week 8840  
for all employees whose salary or wage is paid in whole or in part 8841  
by the state or by any state-supported college or university. When 8842  
any employee whose salary or wage is paid in whole or in part by 8843  
the state or by any state-supported college or university is 8844  
required by an authorized administrative authority to be in an 8845  
active pay status more than forty hours in any calendar week, the 8846  
employee shall be compensated for such time over forty hours, 8847  
except as otherwise provided in this section, at one and one-half 8848  
times the employee's regular rate of pay. The use of sick leave or 8849  
any leave used in lieu of sick leave shall not be considered to be 8850  
active pay status for the purposes of earning overtime or 8851  
compensatory time by employees whose wages are paid directly by 8852  
warrant of the director of budget and management. A flexible-hours 8853  
employee is not entitled to compensation for overtime work unless 8854  
the employee's authorized administrative authority required the 8855  
employee to be in active pay status for more than forty hours in a 8856  
calendar week, regardless of the number of hours the employee 8857  
works on any day in the same calendar week. 8858

Such compensation for overtime work shall be paid no later 8859  
than at the conclusion of the next succeeding pay period. 8860

If the employee elects to take compensatory time off in lieu 8861  
of overtime pay for any overtime worked, such compensatory time 8862  
shall be granted by the employee's administrative superior, on a 8863  
time and one-half basis, at a time mutually convenient to the 8864  
employee and the administrative superior. Compensatory time is not 8865  
available for use until it appears on the employee's earning 8866  
statement and the compensation described in the earning statement 8867

is available to the employee. 8868

An employee may accrue compensatory time to a maximum of two 8869  
hundred forty hours, except that public safety employees and other 8870  
employees who meet the criteria established in the "Federal Fair 8871  
Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, 8872  
as amended, may accrue a maximum of four hundred eighty hours of 8873  
compensatory time. An employee shall be paid at the employee's 8874  
regular rate of pay for any hours of compensatory time accrued in 8875  
excess of these maximum amounts if the employee has not used the 8876  
compensatory time within three hundred sixty-five days after it is 8877  
granted, if the employee transfers to another agency of the state, 8878  
or if a change in the employee's status exempts the employee from 8879  
the payment of overtime compensation. Upon the termination of 8880  
employment, any employee with accrued but unused compensatory time 8881  
shall be paid for that time at a rate that is the greater of the 8882  
employee's final regular rate of pay or the employee's average 8883  
regular rate of pay during the employee's last three years of 8884  
employment with the state. 8885

No overtime, as described in this section, can be paid unless 8886  
it has been authorized by the authorized administrative authority. 8887  
Employees may be exempted from the payment of compensation as 8888  
required by this section only under the criteria for exemption 8889  
from the payment of overtime compensation established in the 8890  
"Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 8891  
U.S.C.A. 207, 213, as amended. With the approval of the director 8892  
of administrative services, the appointing authority may establish 8893  
a policy to grant compensatory time or to pay compensation to 8894  
~~state~~ employees in the service of the state who are exempt from 8895  
overtime compensation. With the approval of the board of county 8896  
commissioners, a county human services department may establish a 8897  
policy to grant compensatory time or to pay compensation to 8898  
employees of the department who are exempt from overtime 8899

compensation. 8900

(B)(1) An employee, whose salary or wage is paid in whole or 8901  
in part by the state, shall be paid for the holidays declared in 8902  
section 124.19 of the Revised Code and shall not be required to 8903  
work on those holidays, unless, in the opinion of the employee's 8904  
responsible administrative authority, failure to work on those 8905  
holidays would impair the public service. 8906

(2) An employee paid directly by warrant of the director of 8907  
budget and management who is scheduled to work on the first day of 8908  
January, the commemoration of memorial day, the fourth day of 8909  
July, the fourth Thursday in November, or the twenty-fifth day of 8910  
December and who does not report to work the day before, the day 8911  
of, or the day after the holiday due to an illness of the employee 8912  
or of a member of the employee's immediate family shall not 8913  
receive holiday pay as provided by this division, unless the 8914  
employee can provide documentation of extenuating circumstances 8915  
that prohibited the employee from so reporting to work. If the 8916  
employee works a shift between the employee's scheduled shift and 8917  
the holiday, the employee shall be paid for the holiday. 8918

(3) An employee also shall not be paid for a holiday unless 8919  
the employee was in active pay status on the scheduled work day 8920  
immediately preceding the holiday, except that an employee need 8921  
not be in active pay status on that work day in order to be paid 8922  
for the holiday if the employee is participating in a mandatory or 8923  
voluntary cost savings day under section 124.392 of the Revised 8924  
Code. 8925

(4) If any of the holidays declared in section 124.19 of the 8926  
Revised Code falls on Saturday, the Friday immediately preceding 8927  
shall be observed as the holiday. If any of the holidays declared 8928  
in section 124.19 of the Revised Code falls on Sunday, the Monday 8929  
immediately succeeding shall be observed as the holiday. Employees 8930  
whose work schedules are based on the requirements of a 8931

seven-days-a-week work operation shall observe holidays on the 8932  
actual days specified in section 124.19 of the Revised Code. 8933

(5) If an employee's work schedule is other than Monday 8934  
through Friday, the employee shall be entitled to eight hours of 8935  
holiday pay for holidays observed on the employee's day off 8936  
regardless of the day of the week on which they are observed. 8937

(6) A full-time permanent employee is entitled to a minimum 8938  
of eight hours of pay for each holiday regardless of the 8939  
employee's work shift and work schedule. A flexible-hours 8940  
employee, who is normally scheduled to work in excess of eight 8941  
hours on a day on which a holiday falls, either shall be required 8942  
to work an alternate schedule for that week or shall receive 8943  
additional holiday pay for the hours the employee is normally 8944  
scheduled to work. Such an alternate schedule may require a 8945  
flexible-hours employee to work five shifts consisting of eight 8946  
hours each during the week including the holiday, and, in that 8947  
case, the employee shall receive eight hours of holiday pay for 8948  
the day the holiday is observed. 8949

(7) Except as provided under section 124.392 of the Revised 8950  
Code, part-time permanent employees shall receive four hours of 8951  
holiday pay regardless of the employee's work shift and work 8952  
schedule. 8953

(8) When an employee who is eligible for overtime pay under 8954  
this section is required by the employee's responsible 8955  
administrative authority to work on the day observed as a holiday, 8956  
the employee shall be entitled to pay for such time worked at one 8957  
and one-half times the employee's regular rate of pay in addition 8958  
to the employee's regular pay, or to be granted compensatory time 8959  
off at time and one-half thereafter, at the employee's option. 8960  
Payment at such rate shall be excluded in the calculation of hours 8961  
in active pay status. 8962



(C) Each appointing authority may designate the number of employees in an agency who are flexible-hours employees. The appointing authority may establish for each flexible-hours employee a specified minimum number of hours to be worked each day that is consistent with the "Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended.

(D) This section shall be uniformly administered for employees as defined in section 124.01 of the Revised Code and by the personnel departments of state-supported colleges and universities for employees of state-supported colleges and universities. If employees are not paid directly by warrant of the director of budget and management, the political subdivision shall determine whether the use of sick leave shall be considered to be active pay status for purposes of those employees earning overtime or compensatory time.

(E) Policies relating to the payment of overtime pay or the granting of compensatory time off shall be adopted by the chief administrative officer of the house of representatives for employees of the house of representatives, by the clerk of the senate for employees of the senate, and by the director of the legislative service commission for all other legislative employees.

(F) As used in this section, "regular rate of pay" means the base rate of pay an employee receives plus any pay supplements received pursuant to section 124.181 of the Revised Code.

**Sec. 124.30.** (A) Classified positions in the civil service may be filled without competition as follows:

(1) Whenever there are urgent reasons for filling a vacancy in any position in the classified civil service and the director of administrative services is unable to certify to the appointing authority, upon its request, a list of persons eligible for

appointment to the position after a competitive examination, the 8994  
appointing authority may fill the position by noncompetitive 8995  
examination. 8996

A temporary appointment may be made without regard to the 8997  
rules of sections 124.01 to 124.64 of the Revised Code. Except as 8998  
otherwise provided in this division, the temporary appointment may 8999  
not continue longer than one hundred twenty days, and in no case 9000  
shall successive temporary appointments be made. A temporary 9001  
appointment longer than one hundred twenty days may be made if 9002  
necessary by reason of sickness, disability, or other approved 9003  
leave of absence of regular officers or employees, in which case 9004  
it may continue during the period of sickness, disability, or 9005  
other approved leave of absence, subject to the rules of the 9006  
director. 9007

(2) In case of a vacancy in a position in the classified 9008  
civil service where peculiar and exceptional qualifications of a 9009  
scientific, managerial, professional, or educational character are 9010  
required, and upon satisfactory evidence that for specified 9011  
reasons competition in this special case is impracticable and that 9012  
the position can best be filled by a selection of some designated 9013  
person of high and recognized attainments in those qualities, the 9014  
director may suspend the provisions of sections 124.01 to 124.64 9015  
of the Revised Code that require competition in this special case, 9016  
but no suspension shall be general in its application. All such 9017  
cases of suspension shall be reported in the annual report of the 9018  
director with the reasons for each suspension. The director shall 9019  
suspend the provisions when ~~the~~ either of the following applies: 9020

(a) The director of job and family services provides the 9021  
certification under section 5101.051 of the Revised Code that a 9022  
position with the department of job and family services can best 9023  
be filled if the provisions are suspended; 9024

(b) The medicaid director provides the certification under 9025

section 5160.051 of the Revised Code that a position with the 9026  
department of medicaid can best be filled if the provisions are 9027  
suspended. 9028

(3) The acceptance or refusal by an eligible person of a 9029  
temporary appointment shall not affect the person's standing on 9030  
the eligible list for permanent appointment, nor shall the period 9031  
of temporary service be counted as a part of the probationary 9032  
service in case of subsequent appointment to a permanent position. 9033

(B) Persons who receive temporary or intermittent 9034  
appointments are in the unclassified civil service and serve at 9035  
the pleasure of their appointing authority. 9036

**Sec. 124.341.** (A) If an employee in the classified or 9037  
unclassified civil service becomes aware in the course of 9038  
employment of a violation of state or federal statutes, rules, or 9039  
regulations or the misuse of public resources, and the employee's 9040  
supervisor or appointing authority has authority to correct the 9041  
violation or misuse, the employee may file a written report 9042  
identifying the violation or misuse with the supervisor or 9043  
appointing authority. In addition to or instead of filing a 9044  
written report with the supervisor or appointing authority, the 9045  
employee may file a written report with the office of internal 9046  
~~auditing~~ audit created under section 126.45 of the Revised Code or 9047  
file a complaint with the auditor of state's fraud-reporting 9048  
system under section 117.103 of the Revised Code. 9049

If the employee reasonably believes that a violation or 9050  
misuse of public resources is a criminal offense, the employee, in 9051  
addition to or instead of filing a written report or complaint 9052  
with the supervisor, appointing authority, the office of internal 9053  
~~auditing~~ audit, or the auditor of state's fraud-reporting system, 9054  
may report it to a prosecuting attorney, director of law, village 9055  
solicitor, or similar chief legal officer of a municipal 9056

corporation, to a peace officer, as defined in section 2935.01 of 9057  
the Revised Code, or, if the violation or misuse of public 9058  
resources is within the jurisdiction of the inspector general, to 9059  
the inspector general in accordance with section 121.46 of the 9060  
Revised Code. In addition to that report, if the employee 9061  
reasonably believes the violation or misuse is also a violation of 9062  
Chapter 102., section 2921.42, or section 2921.43 of the Revised 9063  
Code, the employee may report it to the appropriate ethics 9064  
commission. 9065

(B) Except as otherwise provided in division (C) of this 9066  
section, no officer or employee in the classified or unclassified 9067  
civil service shall take any disciplinary action against an 9068  
employee in the classified or unclassified civil service for 9069  
making any report or filing a complaint as authorized by division 9070  
(A) of this section, including, without limitation, doing any of 9071  
the following: 9072

(1) Removing or suspending the employee from employment; 9073

(2) Withholding from the employee salary increases or 9074  
employee benefits to which the employee is otherwise entitled; 9075

(3) Transferring or reassigning the employee; 9076

(4) Denying the employee promotion that otherwise would have 9077  
been received; 9078

(5) Reducing the employee in pay or position. 9079

(C) An employee in the classified or unclassified civil 9080  
service shall make a reasonable effort to determine the accuracy 9081  
of any information reported under division (A) of this section. 9082  
The employee is subject to disciplinary action, including 9083  
suspension or removal, as determined by the employee's appointing 9084  
authority, for purposely, knowingly, or recklessly reporting false 9085  
information under division (A) of this section. 9086

(D) If an appointing authority takes any disciplinary or 9087  
retaliatory action against a classified or unclassified employee 9088  
as a result of the employee's having filed a report or complaint 9089  
under division (A) of this section, the employee's sole and 9090  
exclusive remedy, notwithstanding any other provision of law, is 9091  
to file an appeal with the state personnel board of review within 9092  
thirty days after receiving actual notice of the appointing 9093  
authority's action. If the employee files such an appeal, the 9094  
board shall immediately notify the employee's appointing authority 9095  
and shall hear the appeal. The board may affirm or disaffirm the 9096  
action of the appointing authority or may issue any other order as 9097  
is appropriate. The order of the board is appealable in accordance 9098  
with Chapter 119. of the Revised Code. 9099

(E) As used in this section: 9100

(1) "Purposely," "knowingly," and "recklessly" have the same 9101  
meanings as in section 2901.22 of the Revised Code. 9102

(2) "Appropriate ethics commission" has the same meaning as 9103  
in section 102.01 of the Revised Code. 9104

(3) "Inspector general" means the inspector general appointed 9105  
under section 121.48 of the Revised Code. 9106

**Sec. 124.381.** (A)(1)(a) An employee in the service of the 9107  
state may be eligible to receive salary continuation not to exceed 9108  
four hundred eighty hours at the employee's total rate of pay for 9109  
absence as a result of injury incurred during the performance of, 9110  
or arising out of, state employment. When an eligible employee's 9111  
absence as a result of such an injury extends beyond four hundred 9112  
eighty hours, the employee immediately becomes subject to sections 9113  
124.382 and 124.385 of the Revised Code regarding sick leave and 9114  
disability leave benefits. 9115

An employee is ineligible to receive salary continuation 9116

until the date of implementation is established in the rules 9117  
adopted under division (C)(1) of this section. 9118

(b) Employees of the secretary of state, auditor of state, 9119  
treasurer of state, attorney general, supreme court, general 9120  
assembly, or legislative service commission are not subject to 9121  
division (A)(1)(a) of this section unless the relevant appointing 9122  
authority notifies the director of administrative services in 9123  
writing of the intent to have all of the appointing authority's 9124  
employees participate in salary continuation. The relevant 9125  
appointing authority also may discontinue salary continuation for 9126  
all of its employees by providing written notice of the 9127  
discontinuation to the director. 9128

Participation in salary continuation is subject to rules 9129  
adopted under division (C)(1) of this section. 9130

(2) Each employee of the department of rehabilitation and 9131  
correction, the department of ~~mental health~~ mental health and 9132  
addiction services, the department of developmental disabilities, 9133  
the department of veterans services, or the Ohio schools for the 9134  
deaf and blind, and each employee of the department of youth 9135  
services as established in division (A) of section 124.14 of the 9136  
Revised Code who sustains a qualifying physical condition 9137  
inflicted by a ward of these agencies during the time the employee 9138  
is lawfully carrying out the assigned duties of the employee's 9139  
position shall be paid occupational injury leave at the employee's 9140  
total rate of pay during the period the employee is disabled as a 9141  
result of that qualifying physical condition, but in no case to 9142  
exceed nine hundred sixty hours, in lieu of workers' compensation. 9143  
Pay made according to this division shall not be charged to the 9144  
employee's accumulation of sick leave credit. In any case when an 9145  
employee's disability as a result of such a qualifying physical 9146  
condition extends beyond nine hundred sixty hours, the employee 9147  
immediately becomes subject to sections 124.382 and 124.385 of the 9148

Revised Code regarding sick leave and disability leave benefits. 9149

(B) An employee who is receiving salary continuation or 9150  
occupational injury leave under division (A)(1) or (2) of this 9151  
section is not eligible for other paid leave, including holiday 9152  
pay, while receiving benefits under either division. While an 9153  
employee is receiving salary continuation or occupational injury 9154  
leave under division (A)(1) or (2) of this section, vacation leave 9155  
credit ceases to accrue to the employee under section 124.134 of 9156  
the Revised Code, but sick leave credit and personal leave credit 9157  
continue to accrue to the employee under sections 124.382 and 9158  
124.386 of the Revised Code. 9159

(C)(1) The director of administrative services shall adopt 9160  
rules for the administration of both the salary continuation 9161  
program and the occupational injury leave program. The rules shall 9162  
include, but not be limited to, provisions for determining a 9163  
disability, for filing a claim for leave under this section, and 9164  
for allowing or denying claims for the leave. 9165

(2) The director also may adopt rules for the payment of 9166  
health benefits while an employee is on workers' compensation 9167  
leave. 9168

(D) An appointing authority may apply to the director of 9169  
administrative services to grant salary continuation under 9170  
division (A)(1) of this section or occupational injury leave under 9171  
division (A)(2) of this section to law enforcement personnel 9172  
employed by the agency. 9173

**Sec. 124.57.** (A) No officer or employee in the classified 9174  
service of the state, the several counties, cities, and city 9175  
school districts of the state, or the civil service townships of 9176  
the state shall directly or indirectly, orally or by letter, 9177  
solicit or receive, or be in any manner concerned in soliciting or 9178  
receiving, any assessment, subscription, or contribution for any 9179

political party or for any candidate for public office; nor shall 9180  
any person solicit directly or indirectly, orally or by letter, or 9181  
be in any manner concerned in soliciting, any such assessment, 9182  
contribution, or payment from any officer or employee in the 9183  
classified service of the state, the several counties, cities, or 9184  
city school districts of the state, or the civil service townships 9185  
of the state; nor shall any officer or employee in the classified 9186  
service of the state, the several counties, cities, and city 9187  
school districts of the state, or the civil service townships of 9188  
the state be an officer in any political organization or take part 9189  
in politics other than to vote as the officer or employee pleases 9190  
and to express freely political opinions. 9191

(B)(1) Nothing in division (A) of this section prohibits an 9192  
officer or employee described in that division from serving as a 9193  
precinct election official under section 3501.22 of the Revised 9194  
Code. 9195

(2) Nothing in division (A) of this section prohibits an 9196  
employee of ~~the Ohio cooperative~~ OSU extension service whose 9197  
position is transferred from the unclassified civil service to the 9198  
classified civil service and who also holds the office of 9199  
president of a city legislative authority from completing the 9200  
existing term of office as president. 9201

**Sec. 125.05.** Except as provided in division (F) of this 9202  
section, no state agency shall purchase any supplies or services 9203  
except as provided in divisions (A) to (D) of this section. 9204

(A) Subject to division (E) of this section, a state agency 9205  
may, without competitive selection, make any purchase of supplies 9206  
or services that cost twenty-five thousand dollars or less. The 9207  
agency may make the purchase directly or may make the purchase 9208  
from or through the department of administrative services, 9209  
whichever the agency determines. The agency shall adopt written 9210



procedures consistent with the department's purchasing procedures 9211  
and shall use those procedures when making purchases under this 9212  
division. 9213

(B) Subject to division (E) of this section and in accordance 9214  
with section 125.051 of the Revised Code, a state agency may make 9215  
purchases of supplies and services that cost more than twenty-five 9216  
thousand dollars but less than fifty thousand dollars if the 9217  
purchases are made under the direction of an employee of the 9218  
agency who is certified by the department to make purchases and if 9219  
the purchases comply with the department's purchasing procedures. 9220  
Section 127.16 of the Revised Code does not apply to purchases 9221  
made under this division. Until the certification effective date 9222  
established by the department in rules adopted under section 9223  
125.051 of the Revised Code, state agencies may make purchases of 9224  
supplies and services that cost more than twenty-five thousand 9225  
dollars but less than fifty thousand dollars in the same manner as 9226  
provided in division (A) of this section. 9227

(C) Subject to division (E) of this section, a state agency 9228  
wanting to purchase supplies or services that cost more than 9229  
twenty-five thousand dollars shall, unless otherwise authorized by 9230  
law, make the purchase from or through the department. The 9231  
department shall make the purchase by competitive selection. If 9232  
the director of administrative services determines that it is not 9233  
possible or not advantageous to the state for the department to 9234  
make the purchase, the department shall grant the agency a release 9235  
and permit under section 125.06 of the Revised Code to make the 9236  
purchase. Section 127.16 of the Revised Code does not apply to 9237  
purchases the department makes under this section. 9238

(D) An agency that has been granted a release and permit to 9239  
make a purchase may make the purchase without competitive 9240  
selection if after making the purchase the cumulative purchase 9241  
threshold as computed under division (E) of section 127.16 of the 9242

Revised Code would: 9243

(1) Be exceeded and the controlling board approves the 9244  
purchase; 9245

(2) Not be exceeded and the department of administrative 9246  
services approves the purchase. 9247

(E) Not later than the thirty-first day of January of each 9248  
even-numbered year, the directors of administrative services and 9249  
budget and management shall review and recommend to the general 9250  
assembly, if necessary, adjustments to the amounts specified in 9251  
divisions (A) to (C) of this section and division (B) of section 9252  
127.16 of the Revised Code. 9253

(F) If ~~the eTech Ohio commission~~, the department of 9254  
education, or the Ohio education computer network determines that 9255  
it can purchase software services or supplies for specified school 9256  
districts at a price less than the price for which the districts 9257  
could purchase the same software services or supplies for 9258  
themselves, the ~~commission~~, department, or network shall certify 9259  
that fact to the department of administrative services and, acting 9260  
as an agent for the specified school districts, shall make that 9261  
purchase without following the provisions in divisions (A) to (D) 9262  
of this section. 9263

**Sec. 125.21.** The director of administrative services shall 9264  
process payroll information for the purpose of payment for 9265  
personal services of state officials and employees on the basis of 9266  
rates of pay determined by pertinent law, the director, or other 9267  
competent authority. 9268

Calculation of payrolls may be made after the conclusion of 9269  
each pay period based upon the amount of time served as certified 9270  
by the appropriate appointing authority. Payment for personal 9271  
service rendered by an official or employee during any pay period 9272

shall be made no later than at the conclusion of the official's or 9273  
employee's next succeeding pay period. 9274

The director of administrative services shall furnish to the 9275  
director of budget and management all necessary data for drawing 9276  
state official and employee pay warrants and preparing earning 9277  
statements. These data shall include the rate at which paid; the 9278  
time for which paid, including overtime and any other adjustments 9279  
affecting the official's or employee's gross pay; all taxes 9280  
withheld, including, whenever practicable, year-to-date figures on 9281  
all taxes withheld; the amount of contribution to the appropriate 9282  
retirement system; any voluntary deductions made in accordance 9283  
with authorizations filed by the official or employee; and whether 9284  
a direct deposit is to be made in accordance with an authorization 9285  
filed by the official or employee. 9286

Amounts deducted from the salaries or wages of all officials 9287  
and employees shall be transferred to the payroll ~~withholding~~ 9288  
deduction fund, which is hereby created in the state treasury for 9289  
the purpose of consolidating all such deductions made in any 9290  
month. Payments from this fund shall be made at intervals for the 9291  
intended purpose of the deduction or for refund where it is 9292  
determined that deductions were made in error. 9293

**Sec. 125.212.** The life insurance investment fund is hereby 9294  
created in the state treasury. The fund shall consist of amounts 9295  
from ~~the payroll withholding fund created by section 125.21 of the~~ 9296  
~~Revised Code~~ state agencies, life insurance premium refunds 9297  
received by the state, and other receipts related to the state's 9298  
life insurance benefit program. The fund shall be used to pay the 9299  
costs of the state's life insurance benefit program. All 9300  
investment earnings of the life insurance investment fund shall be 9301  
credited to the fund. 9302

Sec. 125.27. (A) There is hereby created in the state 9303  
treasury the building improvement fund. The fund shall retain the 9304  
interest earned. 9305

(B) The fund shall consist of any payments made by intrastate 9306  
transfer voucher from the appropriation item for office building 9307  
operating payments. 9308

(C) The fund shall be used for major maintenance or 9309  
improvements required in the James A. Rhodes or Frank J. Lausche 9310  
state office tower, Toledo government center, Senator Oliver R. 9311  
Ocasek government office building, and Vern Riffe center for 9312  
government and the arts. 9313

**Sec. 125.28. (A)(1)** Each state agency that is supported in 9314  
whole or in part by nongeneral revenue fund money and that 9315  
occupies space in the James A. Rhodes or Frank J. Lausche state 9316  
office tower, Toledo government center, Senator Oliver R. Ocasek 9317  
government office building, Vern Riffe center for government and 9318  
the arts, capitol square, or governor's mansion shall reimburse 9319  
the general revenue fund for the cost of occupying the space in 9320  
the ratio that the occupied space in each facility attributable to 9321  
the nongeneral revenue fund money bears to the total space 9322  
occupied by the state agency in the facility. 9323

(2) All agencies that occupy space in the old blind school or 9324  
that occupy warehouse space in the general services facility shall 9325  
reimburse the department of administrative services for the cost 9326  
of occupying the space. The director of administrative services 9327  
shall determine the amount of debt service, if any, to be charged 9328  
to building tenants and shall collect reimbursements for it. 9329

(3) Each agency that is supported in whole or in part by 9330  
nongeneral revenue fund money and that occupies space in any other 9331  
facility or facilities owned and maintained by the department of 9332

administrative services or space in the general services facility 9333  
other than warehouse space shall reimburse the department for the 9334  
cost of occupying the space, including debt service, if any, in 9335  
the ratio that the occupied space in each facility attributable to 9336  
the nongeneral revenue fund money bears to the total space 9337  
occupied by the state agency in the facility. 9338

(B) The director of administrative services may provide 9339  
building maintenance services and ~~skilled trades~~ minor 9340  
construction project management services to any state agency 9341  
~~occupying space in a facility that is not owned by the department~~ 9342  
~~of administrative services~~ and may collect reimbursements for the 9343  
cost of providing those services. 9344

(C) All money collected by the department of administrative 9345  
services for operating expenses of facilities owned or maintained 9346  
by the department shall be deposited into the state treasury to 9347  
the credit of the building management fund, which is hereby 9348  
created, or to the credit of the building operation fund, which is 9349  
hereby created. All money collected by the department for ~~skilled~~ 9350  
~~trades~~ minor construction project management services shall be 9351  
deposited into the state treasury to the credit of the ~~skilled~~ 9352  
~~trades~~ minor construction project management fund, which is hereby 9353  
created. All money collected for debt service shall be deposited 9354  
into the general revenue fund. 9355

(D) The director of administrative services shall determine 9356  
the reimbursable cost of space in state-owned or state-leased 9357  
facilities and shall collect reimbursements for that cost. 9358

**Sec. 125.602.** (A) The department of developmental 9359  
disabilities, the department of ~~mental health~~ mental health and 9360  
addiction services, the department of job and family services, the 9361  
rehabilitation services commission, and any other state or 9362  
governmental agency or community rehabilitation program 9363

responsible for the provision of rehabilitation and vocational 9364  
educational services to persons with work-limiting disabilities 9365  
may, through written agreement, cooperate in providing resources 9366  
to the department of administrative services for the operation of 9367  
the office of procurement from community rehabilitation programs. 9368  
These resources may include, but are not limited to, leadership 9369  
and assistance in dealing with the societal aspects of meeting the 9370  
needs of persons with work-limiting disabilities. 9371

(B) The office and all governmental entities that administer 9372  
socioeconomic programs may enter into contractual agreements, 9373  
cooperative working relationships, or other arrangements that are 9374  
necessary for effective coordination and realization of the 9375  
objectives of these entities. 9376

**Sec. 125.603.** (A) The office of procurement from community 9377  
rehabilitation programs shall do the following in addition to 9378  
other duties specified in sections 125.60 to 125.6012 of the 9379  
Revised Code: 9380

(1) Establish, maintain, and periodically update a 9381  
procurement list of approved supplies and services available from 9382  
qualified nonprofit agencies; 9383

(2) Monitor the procurement practices of government ordering 9384  
offices to ensure compliance with sections 125.60 to 125.6012 of 9385  
the Revised Code; 9386

(3) In cooperation with qualified nonprofit agencies, 9387  
government ordering offices, the department of developmental 9388  
disabilities, the department of ~~mental health~~ mental health and 9389  
addiction services, the department of job and family services, and 9390  
the rehabilitation services commission, develop and recommend to 9391  
the director of administrative services rules the director shall 9392  
adopt in accordance with Chapter 119. of the Revised Code for the 9393  
effective and efficient administration of sections 125.60 to 9394

125.6012 of the Revised Code; 9395

(4) Prepare a report of its activities by the last day of 9396  
December of each year. The report shall be posted electronically 9397  
on the office's web site. 9398

(B) The office of procurement from community rehabilitation 9399  
programs may enter into contractual agreements and establish pilot 9400  
programs to further the objectives of sections 125.60 to 125.6012 9401  
of the Revised Code. 9402

**Sec. 125.832.** (A) The department of administrative services 9403  
is granted exclusive authority over the acquisition and management 9404  
of all motor vehicles used by state agencies. In carrying out this 9405  
authority, the department shall do both of the following: 9406

(1) Approve the purchase or lease of each motor vehicle for 9407  
use by a state agency. The department shall decide if a motor 9408  
vehicle shall be leased or purchased for that use. 9409

Except as otherwise provided in division (A)(1) of this 9410  
section, on and after July 1, 2005, each state agency shall 9411  
acquire all passenger motor vehicles under the department's master 9412  
leasing program. If the department determines that acquisition 9413  
under that program is not the most economical method and if the 9414  
department and the state agency acquiring the passenger motor 9415  
vehicle can provide economic justification for doing so, the 9416  
department may approve the purchase, rather than the lease, of a 9417  
passenger motor vehicle for the acquiring state agency. 9418

(2) Direct and approve all funds that are expended for the 9419  
purchase, lease, repair, maintenance, registration, insuring, and 9420  
other costs related to the possession and operation of motor 9421  
vehicles for the use of state agencies. 9422

(B) The director of administrative services shall establish 9423  
and operate a fleet management program. The director shall operate 9424

the program for purposes including, but not limited to, 9425  
cost-effective acquisition, maintenance, management, analysis, and 9426  
disposal of all motor vehicles owned or leased by the state. All 9427  
state agencies shall comply with statewide fleet management 9428  
policies and procedures established by the director for the 9429  
program, including, but not limited to, motor vehicle assignments, 9430  
additions of motor vehicles to fleets or motor vehicle 9431  
replacements, motor vehicle fueling, and motor vehicle repairs. 9432

(C) The director shall establish and maintain a fleet 9433  
reporting system and shall require state agencies to submit to the 9434  
department information relative to state motor vehicles, including 9435  
motor vehicles described in division (G)(2) of section 125.831 of 9436  
the Revised Code, to be used in operating the fleet management 9437  
program. State agencies shall provide to the department fleet data 9438  
and other information, including, but not limited to, mileage and 9439  
costs. The data and other information shall be submitted in 9440  
formats and in a manner determined by the department. 9441

(D) All state agency purchases or leases of motor vehicles 9442  
are subject to the prior approval of the director under division 9443  
(A)(1) of this section. 9444

(E) State agencies that utilize state motor vehicles or pay 9445  
mileage reimbursements to employees shall provide a fleet plan to 9446  
the department as directed by the department. 9447

(F)(1) The fleets of state agencies that consist of one 9448  
hundred or less vehicles on July 1, 2004, shall be managed by the 9449  
department's fleet management program on a time schedule 9450  
determined by the department, unless the state agency has received 9451  
delegated authority as described in division (G) of this section. 9452

(2) The fleets of state agencies that consist of greater than 9453  
one hundred motor vehicles, but less than five hundred motor 9454  
vehicles, on July 1, 2005, also shall be managed by the 9455



department's fleet management program on a time schedule 9456  
determined by the department, unless the state agency has received 9457  
delegated authority as described in division (G) of this section. 9458

(G)(1) The department may delegate any or all of its duties 9459  
regarding fleet management to a state agency, if the state agency 9460  
demonstrates to the satisfaction of the department both of the 9461  
following: 9462

(a) Capabilities to institute and manage a fleet management 9463  
program, including, but not limited to, the presence of a 9464  
certified fleet manager; 9465

(b) Fleet management performance, as demonstrated by fleet 9466  
data and other information submitted pursuant to annual reporting 9467  
requirements and any other criteria the department considers 9468  
necessary in evaluating the performance. 9469

(2) The department may determine that a state agency is not 9470  
in compliance with this section and direct that the agency's fleet 9471  
management duties be transferred to the department. 9472

(H) The proceeds derived from the disposition of any motor 9473  
vehicles under this section shall be paid to whichever of the 9474  
following applies: 9475

(1) The fund that originally provided moneys for the purchase 9476  
or lease of the motor vehicles; 9477

(2) If the motor vehicles were originally purchased with 9478  
moneys derived from the general revenue fund, the proceeds shall 9479  
be deposited, in the director's discretion, into the state 9480  
treasury to the credit of either the fleet management fund created 9481  
by section 125.83 of the Revised Code or the investment recovery 9482  
fund created by section 125.14 of the Revised Code. 9483

(I)(1) The department shall create and maintain a certified 9484  
fleet manager program. 9485

(2) State agencies that have received delegated authority as 9486  
described in division (G) of this section shall have a certified 9487  
fleet manager. 9488

(J) The department annually shall prepare and submit a 9489  
statewide fleet report to the governor, the speaker of the house 9490  
of representatives, and the president of the senate. The report 9491  
shall be submitted not later than the thirty-first day of January 9492  
following the end of each fiscal year. It may include, but is not 9493  
limited to, the numbers and types of motor vehicles, their 9494  
mileage, miles per gallon, and cost per mile, mileage 9495  
reimbursements, accident and insurance data, and information 9496  
regarding compliance by state agencies having delegated authority 9497  
under division (G) of this section with applicable fleet 9498  
management requirements. 9499

(K) The director shall adopt rules for implementing the fleet 9500  
management program that are consistent with recognized best 9501  
practices. The program shall be supported by reasonable fee 9502  
charges for the services provided. The director shall collect 9503  
these fees and deposit them into the state treasury to the credit 9504  
for the fleet management fund created by section 125.83 of the 9505  
Revised Code. The setting and collection of fees under this 9506  
division is not subject to any restriction imposed by law upon the 9507  
director's or the department's authority to set or collect fees. 9508

(L) The director also shall adopt rules that prohibit, except 9509  
in very limited circumstances, the exclusive assignment of 9510  
state-owned, leased, or pooled motor vehicles to state employees 9511  
and that prohibit the reimbursement under section 126.31 of the 9512  
Revised Code of state employees who use their own motor vehicles 9513  
for any mileage they incur above an amount that the department 9514  
shall determine annually unless reimbursement for the excess 9515  
mileage is approved by the department in accordance with standards 9516  
for that approval the director shall establish in those rules. 9517

Beginning on September 26, 2003, no state-owned, leased, or pooled motor vehicle shall be personally assigned as any form of compensation or benefit of state employment, and no state-owned, leased, or pooled motor vehicle shall be assigned to an employee solely for commuting to and from home and work.

(M) The director shall do both of the following:

(1) Implement to the greatest extent possible the recommendations from the 2002 report entitled "Administrative Analysis of the Ohio Fleet Management Program" in connection with the authority granted to the department by this section;

(2) Attempt to reduce the number of passenger vehicles used by state agencies during the fiscal years ending on June 30, 2004, and June 30, 2005.

(N) Each state agency shall reimburse the department for all costs incurred in the assignment of motor vehicles to the state agency.

(O) The director shall do all of the following in managing the fleet management program:

(1) Determine how motor vehicles will be maintained, insured, operated, financed, and licensed;

(2) Pursuant to the formula in division (O)(3) of this section, annually establish the minimum number of business miles per year an employee of a state agency must drive in order to qualify for approval by the department to receive a motor vehicle for business use;

(3) Establish the minimum number of business miles per year at an amount that results when the annual motor vehicle cost is divided by the amount that is the reimbursement rate per mile minus the amount that is the sum of the fuel cost, the operating cost, and the insurance cost. As used in this division:

(a) "Annual motor vehicle cost" means the price of a motor vehicle divided by the number of years an average motor vehicle is used. 9548  
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(b) "Fuel cost" means the average price per gallon of motor fuel divided by the miles per gallon fuel efficiency of a motor vehicle. 9551  
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(c) "Insurance cost" means the cost of insuring a motor vehicle per year divided by the number of miles an average motor vehicle is driven per year. 9554  
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(d) "Operating cost" means the maintenance cost of a motor vehicle per year divided by the product resulting when the number of miles an average motor vehicle is driven per year is multiplied by the number of years an average motor vehicle is used. 9557  
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(e) "Reimbursement rate per mile" means the reimbursement per mile rate for travel expenses as provided by rule of the director of budget and management adopted under division (B) of section 126.31 of the Revised Code. 9561  
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~~(P)(1) Not later than the fifteenth day of September of each year, each state institution of higher education shall report to the department on all of the following topics relating to motor vehicles that the institution acquires and manages:~~ 9565  
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~~(a) The methods it uses to track the motor vehicles;~~ 9569

~~(b) Whether or not it uses a fuel card program to purchase fuel for, or to pay for the maintenance of, the motor vehicles;~~ 9570  
9571

~~(c) Whether or not it makes bulk purchases of fuel for the motor vehicles.~~ 9572  
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~~(2) Assuming it does not use the fleet management tracking, fuel card program, and bulk fuel purchases tools and services that the department provides, the report of a state institution of higher education required by division (P)(1) of this section also~~ 9574  
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~~shall include both of the following:~~ 9578

~~(a) An analysis of the amount the institution would save, if 9579  
any, if it were to use the fleet management tracking, fuel card 9580  
program, and bulk fuel purchases tools and services that the 9581  
department provides instead of the fleet management system the 9582  
institution regularly uses;~~ 9583

~~(b) A rationale for either continuing with the fleet 9584  
management system that the institution regularly uses or changing 9585  
to the use of those tools and services that the department 9586  
provides.~~ 9587

~~(3) The department shall certify within ninety days after 9588  
receipt of all reports under division (P)(1) of this section a 9589  
list of those state institutions of higher education that the 9590  
department determines would save amounts if they were to use the 9591  
fleet management tracking, fuel card program, and bulk fuel 9592  
purchases tools and services that the department provides. The 9593  
institutions so certified then shall use those tools and services 9594  
that the department provides until the department next certifies 9595  
institutions under division (P)(3) of this section.~~ 9596

**Sec. 125.836.** (A) As used in this section: 9597

(1) "Biodiesel," "blended biodiesel," and "diesel fuel" have 9598  
the same meanings as in section 125.831 of the Revised Code. 9599

~~(2) "Credit" means a credit generated by the acquisition of 9600  
alternative fueled vehicles in accordance with the "Energy Policy 9601  
Act of 1992," 106 Stat. 2897, 42 U.S.C. 13257.~~ 9602

~~(3) "Incremental cost" means the difference in cost between 9603  
blended biodiesel and conventional petroleum-based diesel fuel at 9604  
the time the blended biodiesel is purchased.~~ 9605

~~(B) The department of administrative services shall establish 9606  
and administer a credit banking and selling program. The 9607~~

~~department may sell or trade credits in accordance with procedures 9608  
established pursuant to the "Energy Policy Act of 1992," 106 Stat. 9609  
2897, 42 U.S.C. 13258. 9610~~

~~(C) There is hereby created in the state treasury the 9611  
"biodiesel revolving fund," to which shall be credited moneys 9612  
received from the sale of credits under this section, any moneys 9613  
appropriated to the fund by the general assembly, and any other 9614  
moneys obtained or accepted by the ~~department~~ development services 9615  
agency for crediting to the fund. Moneys credited to the fund 9616  
shall be used to pay for the incremental cost of biodiesel for use 9617  
in vehicles owned or leased by the state that use diesel fuel. The 9618  
director of ~~administrative services~~, after consultation with the 9619  
~~director~~ of development, services may direct the director of 9620  
budget and management to transfer available moneys in the 9621  
biodiesel revolving fund to the alternative fuel transportation 9622  
fund created in section 122.075 of the Revised Code to be used by 9623  
the ~~department~~ of development services agency for the purposes 9624  
specified in that section. 9625~~

~~(D) The director of administrative services shall adopt rules 9626  
under Chapter 119. of the Revised Code that are necessary for the 9627  
administration of the credit banking and selling program. 9628~~

**Sec. 126.07.** Except as provided in division (B) of section 9629  
126.21 of the Revised Code, no contract, agreement, or obligation 9630  
involving the expenditure of money chargeable to an appropriation, 9631  
nor any resolution or order for the expenditure of money 9632  
chargeable to an appropriation, shall be valid and enforceable 9633  
unless the director of budget and management first certifies that 9634  
there is a balance in the appropriation not already obligated to 9635  
pay existing obligations, in an amount at least equal to the 9636  
portion of the contract, agreement, obligation, resolution, or 9637  
order to be performed in the current fiscal year. Any written 9638

contract or agreement entered into by the state shall contain a 9639  
clause stating that the obligations of the state are subject to 9640  
this section. 9641

The chief administrative officer of a state agency is 9642  
responsible for the preaudit and approval of expenditures and 9643  
other transactions of the agency. In order to initiate the making 9644  
of a payment from the state treasury, the person in a state agency 9645  
who requests that the payment be made shall first submit to the 9646  
chief administrative officer of the agency all invoices, claims, 9647  
vouchers, and other documentation related to the payment. The 9648  
chief administrative officer shall examine each voucher and all 9649  
other documentation required to support the voucher and determine 9650  
whether they meet all the requirements established by the director 9651  
of budget and management for making the payment. If they do meet 9652  
those requirements, the chief administrative officer shall certify 9653  
to the director the approval of the chief administrative officer 9654  
for payment. 9655

Prior to drawing a warrant or processing an electronic funds 9656  
transfer as provided in section 126.35 of the Revised Code, the 9657  
director may review and audit the voucher, any documentation 9658  
accompanying the voucher, and any other documentation related to 9659  
the transaction that the director may require to determine if the 9660  
transaction is in accordance with law. The director shall not 9661  
approve payment to be made if the director finds that there is not 9662  
an unobligated balance in the appropriation for the payment, that 9663  
the payment is not for a valid claim against the state that is 9664  
legally due, or that insufficient documentation has been 9665  
submitted. If the director does not approve payment, the director 9666  
shall notify the agency of the reasons the director has not given 9667  
approval. 9668

In approving payments to be made under this section, the 9669  
director, upon receipt of certification from the director of job 9670

and family services pursuant to section 4141.231 of the Revised Code, shall withhold from amounts otherwise payable to a person who is the subject of the director of jobs and family services' certification, the amount certified to be due and unpaid to the director of job and family services, and shall approve for payment to the director of job and family services, the amount withheld.

As used in this section and in section 126.21 of the Revised Code, "chief administrative officer" means either of the following:

(A) The director of the agency or, in the case of a state agency without a director, the equivalent officer of that agency;

(B) The designee of the chief administrative officer for the purposes of such sections.

**Sec. 126.14.** The release of any money appropriated for the purchase of real estate shall be approved by the controlling board. The release of money appropriated for all other capital projects is also subject to the approval of the controlling board, except that the director of budget and management may approve the release of money appropriated for specific projects in accordance with the requirements of this section and except that the director of budget and management may approve the release of unencumbered capital balances, for a project to repair, remove, or prevent a public exigency declared to exist by the executive director of ~~administrative services~~ the Ohio facilities construction commission under section 123.10 of the Revised Code, ~~or by the executive director of the Ohio facilities construction commission under section 123.23 of the Revised Code,~~ in the amount designated in that declaration.

Within sixty days after the effective date of any act appropriating money for capital projects, the director shall determine which appropriations are for general projects and which



are for specific projects. Specific projects may include specific 9702  
higher education projects that are to be funded from general 9703  
purpose appropriations from the higher education improvement fund 9704  
or the higher education improvement taxable fund created in 9705  
section 154.21 of the Revised Code. Upon determining which 9706  
projects are general and which are specific, the director shall 9707  
submit to the controlling board a list that includes a brief 9708  
description of and the estimated expenditures for each specific 9709  
project. The release of money for any specific higher education 9710  
projects that are to be funded from general purpose appropriations 9711  
from the higher education improvement fund or the higher education 9712  
improvement taxable fund but that are not included on the list, 9713  
and the release of money for any specific higher education 9714  
projects included on the list that will exceed the estimated 9715  
expenditures by more than ten per cent, are subject to the 9716  
approval of the controlling board. 9717

The director may create new appropriation items and make 9718  
transfers of appropriations to them for specific higher education 9719  
projects included on the list that are to be funded from general 9720  
purpose appropriations for basic renovations that are made from 9721  
the higher education improvement fund or the higher education 9722  
improvement taxable fund. 9723

**Sec. 126.32.** (A) Any officer of any state agency may 9724  
authorize reimbursement for travel, including the costs of 9725  
transportation, for lodging, and for meals to any person who is 9726  
interviewing for a position that is classified in pay range 13 or 9727  
above in schedule E-1 or schedule E-1 for step seven only, or is 9728  
classified in schedule E-2, of section 124.152 of the Revised 9729  
Code. 9730

(B) If a person is appointed to a position listed in section 9731  
121.03 of the Revised Code, to the position of chairperson of the 9732

industrial commission, adjutant general, chancellor of the Ohio 9733  
board of regents, superintendent of public instruction, 9734  
chairperson of the public utilities commission of Ohio, or 9735  
director of the state lottery commission, to a position holding a 9736  
fiduciary relationship to the governor, to a position of an 9737  
appointing authority of the department of ~~mental health~~ mental 9738  
health and addiction services, developmental disabilities, or 9739  
rehabilitation and correction, to a position of superintendent in 9740  
the department of youth services, or to a position under section 9741  
122.05 of the Revised Code, and if that appointment requires a 9742  
permanent change of residence, the appropriate state agency may 9743  
reimburse the person for the person's actual and necessary 9744  
expenses, including the cost of in-transit storage of household 9745  
goods and personal effects, of moving the person and members of 9746  
the person's immediate family residing in the person's household, 9747  
and of moving their household goods and personal effects, to the 9748  
person's new location. 9749

Until that person moves the person's permanent residence to 9750  
the new location, but not for a period that exceeds thirty 9751  
consecutive days, the state agency may reimburse the person for 9752  
the person's temporary living expenses at the new location that 9753  
the person has incurred on behalf of the person and members of the 9754  
person's immediate family residing in the person's household. In 9755  
addition, the state agency may reimburse that person for the 9756  
person's travel expenses between the new location and the person's 9757  
former residence during this period for a maximum number of trips 9758  
specified by rule of the director of budget and management, but 9759  
the state agency shall not reimburse the person for travel 9760  
expenses incurred for those trips by members of the person's 9761  
immediate family. With the prior written approval of the director, 9762  
the maximum thirty-day period for temporary living expenses may be 9763  
extended for a person appointed to a position under section 122.05 9764  
of the Revised Code. 9765

The director of development services may reimburse a person 9766  
appointed to a position under section 122.05 of the Revised Code 9767  
for the person's actual and necessary expenses of moving the 9768  
person and members of the person's immediate family residing in 9769  
the person's household back to the United States and may reimburse 9770  
a person appointed to such a position for the cost of storage of 9771  
household goods and personal effects of the person and the 9772  
person's immediate family while the person is serving outside the 9773  
United States, if the person's office outside the United States is 9774  
the person's primary job location. 9775

(C) All reimbursement under division (A) or (B) of this 9776  
section shall be made in the manner, and at rates that do not 9777  
exceed those, provided by rule of the director of budget and 9778  
management in accordance with section 111.15 of the Revised Code. 9779  
Reimbursements may be made under division (B) of this section 9780  
directly to the persons who incurred the expenses or directly to 9781  
the providers of goods or services the persons receive, as 9782  
determined by the director of budget and management. 9783

**Sec. 126.35.** (A) The director of budget and management shall 9784  
draw warrants or process electronic funds transfers against the 9785  
treasurer of state pursuant to all requests for payment that the 9786  
director has approved under section 126.07 of the Revised Code. 9787

(B) Unless a cash assistance payment is to be made by 9788  
electronic benefit transfer, payment by the director of budget and 9789  
management to a participant in the Ohio works first program 9790  
pursuant to Chapter 5107. of the Revised Code, a recipient of 9791  
disability financial assistance pursuant to Chapter 5115. of the 9792  
Revised Code, or a recipient of cash assistance provided under the 9793  
refugee assistance program established under section 5101.49 of 9794  
the Revised Code shall be made by direct deposit to the account of 9795  
the participant or recipient in the financial institution 9796

designated under section 329.03 of the Revised Code. Payment by 9797  
the director of budget and management to a recipient of benefits 9798  
distributed through the medium of electronic benefit transfer 9799  
pursuant to section 5101.33 of the Revised Code shall be by 9800  
electronic benefit transfer. Payment by the director of budget and 9801  
management as compensation to an employee of the state who has, 9802  
pursuant to section 124.151 of the Revised Code, designated a 9803  
financial institution and account for the direct deposit of such 9804  
payments shall be made by direct deposit to the account of the 9805  
employee. Payment to any other payee who has designated a 9806  
financial institution and account for the direct deposit of such 9807  
payment may be made by direct deposit to the account of the payee 9808  
in the financial institution as provided in section 9.37 of the 9809  
Revised Code. Accounts maintained by the director of budget and 9810  
management or the director's agent in a financial institution for 9811  
the purpose of effectuating payment by direct deposit or 9812  
electronic benefit transfer shall be maintained in accordance with 9813  
section 135.18 of the Revised Code. 9814

(C) All other payments from the state treasury shall be made 9815  
by paper warrants, electronic funds transfers, or by direct 9816  
deposit payable to the respective payees. The director of budget 9817  
and management may mail the paper warrants to the respective 9818  
payees or distribute them through other state agencies, whichever 9819  
the director determines to be the better procedure. 9820

~~(D) If the average per transaction cost the director of 9821  
budget and management incurs in making direct deposits for a state 9822  
agency exceeds the average per transaction cost the director 9823  
incurs in drawing paper warrants for all public offices during the 9824  
same period of time, the director may certify the difference in 9825  
cost and the number of direct deposits for the agency to the 9826  
director of administrative services. The director of 9827  
administrative services shall reimburse the director of budget and 9828~~

~~management for such additional costs and add the amount to the~~ 9829  
~~processing charge assessed upon the state agency.~~ 9830

**Sec. 126.45.** (A) As used in sections 126.45 to 126.48 of the 9831  
Revised Code, "state agency" means the administrative departments 9832  
listed in section 121.02 of the Revised Code, the department of 9833  
taxation, the bureau of workers' compensation, ~~and~~ the Ohio board 9834  
of regents, the rehabilitation services commission, the public 9835  
utilities commission of Ohio, the adjutant general, and the state 9836  
lottery commission. 9837

(B) The office of internal ~~auditing~~ audit is hereby created 9838  
in the office of budget and management to ~~conduct~~ direct internal 9839  
audits of state agencies or divisions of state agencies to improve 9840  
their operations in the areas of risk management, internal 9841  
controls, and governance. The director of budget and management, 9842  
with the approval of the governor, shall appoint for the office of 9843  
internal ~~auditing~~ audit a chief internal auditor who meets the 9844  
qualifications specified in division ~~(C)~~(E) of this section. The 9845  
chief internal auditor shall serve at the director's pleasure and 9846  
be responsible for the administration of the office of internal 9847  
~~auditing~~ audit consistent with sections 126.45 to 126.48 of the 9848  
Revised Code. 9849

(C) The office of internal ~~auditing~~ audit shall conduct 9850  
programs for the internal auditing of state agencies. The programs 9851  
shall include an annual internal audit plan, reviewed by the state 9852  
audit committee, that utilizes risk assessment techniques and 9853  
identifies the specific audits to be ~~conducted~~ directed during the 9854  
year. The programs also shall include periodic audits of each 9855  
state agency's major systems and controls, including those systems 9856  
and controls pertaining to accounting, administration, and 9857  
~~electronic data processing~~ information technology. Upon the 9858  
request of the office of internal ~~auditing~~ audit, each state 9859

agency shall provide office employees access to all records and 9860  
documents necessary for the performance of an internal audit. 9861

The director of budget and management shall assess a charge 9862  
against each state agency for which the office of internal 9863  
~~auditing~~ audit conducts internal auditing programs under sections 9864  
126.45 to 126.48 of the Revised Code so that the total amount of 9865  
these charges is sufficient to cover the costs of the operation of 9866  
the office of internal ~~auditing~~ audit. 9867

(D) At the request of any other organized body, office, or 9868  
agency established by the laws of the state for the exercise of 9869  
any function of state government that is not described in division 9870  
(A) of this section, the office of internal audit may direct an 9871  
internal audit of all or part of that body, office, or agency. The 9872  
office of internal audit shall charge an amount sufficient to 9873  
cover the costs it incurs in relation to the requested audit. 9874

~~(C)~~(E) The chief internal auditor of the office of internal 9875  
~~auditing~~ audit shall hold at least a bachelor's degree and be one 9876  
of the following: 9877

(1) A certified internal auditor, a certified government 9878  
auditing professional, or a certified public accountant, who also 9879  
has held a PA registration or a CPA certificate authorized by 9880  
Chapter 4701. of the Revised Code for at least four years and has 9881  
at least six years of auditing experience; 9882

(2) An auditor who has held a PA registration or a CPA 9883  
certificate authorized by Chapter 4701. of the Revised Code for at 9884  
least four years and has at least ten years of auditing 9885  
experience. 9886

~~(D)~~(F) The chief internal auditor, subject to the direction 9887  
and control of the director of budget and management, may appoint 9888  
and maintain any staff necessary to carry out the duties assigned 9889  
by sections 126.45 to 126.48 of the Revised Code to the office of 9890

internal ~~auditing~~ audit or to the chief internal auditor. 9891

**Sec. 126.46.** (A)(1) There is hereby created the state audit 9892  
committee, consisting of the following five members: one public 9893  
member appointed by the governor; two public members appointed by 9894  
the speaker of the house of representatives, one of which may be a 9895  
person who is recommended by the minority leader of the house of 9896  
representatives; and two public members appointed by the president 9897  
of the senate, one of which may be a person who is recommended by 9898  
the minority leader of the senate. Not more than two of the four 9899  
members appointed by the speaker of the house of representatives 9900  
and the president of the senate shall belong to or be affiliated 9901  
with the same political party. The member appointed by the 9902  
governor shall have the program and management expertise required 9903  
to perform the duties of the committee's chairperson. 9904

Each member of the committee shall be external to the 9905  
management structure of state government and shall serve a 9906  
three-year term. Each term shall commence on the first day of July 9907  
and end on the thirtieth day of June. Any member may continue in 9908  
office subsequent to the expiration date of the member's term 9909  
until the member's successor takes office or until a period of 9910  
ninety days has elapsed, whichever occurs first. Members may be 9911  
reappointed to serve one additional term. 9912

~~On the effective date of the amendment of this section by~~ 9913  
~~H.B. 153 of the 129th general assembly~~ September 29, 2011, the 9914  
terms of the members shall be altered as follows: 9915

(a) The terms of the members appointed by the president shall 9916  
expire on June 30, 2012. 9917

(b) The term of the member appointed by the speaker scheduled 9918  
to expire on November 17, 2012, shall expire on June 30, 2013. 9919

(c) The term of the other member appointed by the speaker 9920

shall expire on June 30, 2014. 9921

(d) The term of the member appointed by the governor shall 9922  
expire on June 30, 2014. 9923

The committee shall include at least one member who is a 9924  
financial expert; at least one member who is an active, inactive, 9925  
or retired certified public accountant; at least one member who is 9926  
familiar with governmental financial accounting; at least one 9927  
member who is familiar with information technology systems and 9928  
services; and at least one member who is a representative of the 9929  
public. 9930

Any vacancy on the committee shall be filled in the same 9931  
manner as provided in this division, and, when applicable, the 9932  
person appointed to fill a vacancy shall serve the remainder of 9933  
the predecessor's term. 9934

(2) Members of the committee shall receive reimbursement for 9935  
actual and necessary expenses incurred in the discharge of their 9936  
duties. 9937

(3) The member of the committee appointed by the governor 9938  
shall serve as the committee's chairperson. 9939

(4) Members of the committee shall be subject to the 9940  
disclosure statement requirements of section 102.02 of the Revised 9941  
Code. 9942

(B) The state audit committee shall do all of the following: 9943

(1) ~~Ensure that~~ Evaluate whether the internal audits 9944  
~~conducted~~ directed by the office of internal ~~auditing~~ audit in the 9945  
office of budget and management conform to the institute of 9946  
internal auditors' international ~~standards for the~~ professional 9947  
~~practice of~~ practices framework for internal auditing and to the 9948  
institute of internal auditors' code of ethics; 9949

(2) Review and comment on the process used by the office of 9950



budget and management to prepare ~~its annual budgetary financial~~ 9951  
~~report and~~ the state's comprehensive annual financial report 9952  
required under division (A)(9) of section 126.21 of the Revised 9953  
Code; 9954

(3) Review and comment on unaudited financial statements 9955  
submitted to the auditor of state and communicate with external 9956  
auditors as required by government auditing standards; 9957

(4) Perform the additional functions imposed upon it by 9958  
section 126.47 of the Revised Code. 9959

(C) As used in this section, "financial expert" means a 9960  
person who has all of the following: 9961

(1) An understanding of generally accepted accounting 9962  
principles and financial statements; 9963

(2) The ability to assess the general application of those 9964  
principles in connection with accounting for estimates, accruals, 9965  
and reserves; 9966

(3) Experience preparing, auditing, analyzing, or evaluating 9967  
financial statements presenting accounting issues that generally 9968  
are of comparable breadth and level of complexity to those likely 9969  
to be presented by a state agency's financial statements, or 9970  
experience actively supervising one or more persons engaged in 9971  
those activities; 9972

(4) An understanding of internal controls and procedures for 9973  
financial reporting; and 9974

(5) An understanding of audit committee functions. 9975

**Sec. 126.47.** (A) The state audit committee created by section 9976  
126.46 of the Revised Code shall ensure that the office of 9977  
internal ~~auditing~~ audit in the office of budget and management has 9978  
an annual internal audit plan that identifies the internal audits 9979  
of state agencies or divisions of state agencies scheduled for the 9980

next fiscal year. The chief internal auditor of the office of 9981  
internal ~~auditing~~ audit shall submit the plan to the state audit 9982  
committee for review and comment before the beginning of each 9983  
fiscal year. The chief internal auditor may submit a revised 9984  
internal audit plan for review and comment at any time the 9985  
director of budget and management believes there is reason to 9986  
modify the previously submitted plan for a fiscal year. 9987

(B) To determine the state agencies or divisions of state 9988  
agencies that are to be internally audited, the office of internal 9989  
~~auditing~~ audit, in the formulation of an annual or revised 9990  
internal audit plan, and the state audit committee, in reviewing a 9991  
submitted annual or revised internal audit plan, shall consider 9992  
the following factors: 9993

(1) The risk for fraud, waste, or abuse of public money 9994  
within an agency or division; 9995

(2) The length of time since an agency or division was last 9996  
subject to an internal audit; 9997

(3) The size of an agency or division, and the amount of time 9998  
and resources necessary to audit it; 9999

(4) Any other factor the state audit committee determines to 10000  
be relevant. 10001

(C) All internal audits shall be ~~conducted only~~ directed by 10002  
employees of the office of internal ~~auditing~~ audit. 10003

(D) After the conclusion of an internal audit, the chief 10004  
internal auditor shall submit a preliminary report of the internal 10005  
audit's findings and recommendations to the state audit committee 10006  
and to the director of the state agency involved. The state agency 10007  
or division of the state agency covered by the preliminary report 10008  
shall be provided an opportunity to respond within thirty days 10009  
after receipt of the preliminary report. The response shall 10010  
include a corrective action plan for any recommendations in the 10011

preliminary report that are not disputed by the agency or 10012  
division. Any response received by the office of internal ~~auditing~~ 10013  
audit within that thirty-day period shall be included in the 10014  
office's final report of the internal audit's findings and 10015  
recommendations. The final report shall be issued by the office of 10016  
internal ~~auditing~~ audit within thirty days after the termination 10017  
of the thirty-day response period. Copies of the final report 10018  
shall be submitted to the state audit committee, the governor, and 10019  
the director of the state agency involved. The state audit 10020  
committee shall determine an appropriate method for making the 10021  
preliminary and final reports available for public inspection in a 10022  
timely manner. 10023

Any suspected fraud or other illegal activity discovered by 10024  
the office of internal ~~auditing~~ audit during ~~the conduct of an~~ 10025  
internal audit shall be reported immediately to the state audit 10026  
committee, the director of the state agency in which the fraud or 10027  
illegal activity is suspected to have occurred, and the auditor of 10028  
state. 10029

(E) The chief internal auditor shall prepare an annual report 10030  
and submit the report to the governor, the president of the 10031  
senate, the speaker of the house of representatives, and the 10032  
auditor of state. The office of budget and management shall make 10033  
the report available to the public by posting it on the office's 10034  
web site before the first of ~~July~~ August of each year. 10035

**Sec. 126.48.** ~~Any~~ (A) Except as provided in division (B) of 10036  
this section, any preliminary or final report of an internal 10037  
audit's findings and recommendations which is produced by the 10038  
office of internal ~~auditing~~ audit in the office of budget and 10039  
management and all work papers of the internal audit are 10040  
confidential and are not public records under section 149.43 of 10041  
the Revised Code until the final report of an internal audit's 10042

findings and recommendations is submitted to the state audit committee, the governor, and the director of the state agency involved.

(B) The following are not public records under section 149.43 of the Revised Code:

(1) An internal audit report that meets the definition of a security record under section 149.433 of the Revised Code;

(2) Any information derived from a state tax return or state tax return information as permitted to be used by the office of internal audit under section 5703.21 of the Revised Code.

**Sec. 127.14.** The controlling board may, at the request of any state agency or the director of budget and management, authorize, with respect to the provisions of any appropriation act:

(A) Transfers of all or part of an appropriation within but not between state agencies, except such transfers as the director of budget and management is authorized by law to make, provided that no transfer shall be made by the director for the purpose of effecting new or changed levels of program service not authorized by the general assembly;

(B) Transfers of all or part of an appropriation from one fiscal year to another;

(C) Transfers of all or part of an appropriation within or between state agencies made necessary by administrative reorganization or by the abolition of an agency or part of an agency;

(D) Transfers of all or part of cash balances in excess of needs from any fund of the state to the general revenue fund or to such other fund of the state to which the money would have been credited in the absence of the fund from which the transfers are

authorized to be made, except that the controlling board may not 10073  
authorize such transfers from the accrued leave liability fund, 10074  
auto registration distribution fund, budget stabilization fund, 10075  
building improvement fund, development bond retirement fund, 10076  
facilities establishment fund, gasoline excise tax fund, general 10077  
revenue fund, higher education improvement fund, highway 10078  
improvement bond retirement fund, highway obligations bond 10079  
retirement fund, highway capital improvement fund, highway 10080  
operating fund, horse racing tax fund, improvements bond 10081  
retirement fund, public library fund, liquor control fund, local 10082  
government fund, local transportation improvement program fund, 10083  
mental health facilities improvement fund, Ohio fairs fund, parks 10084  
and recreation improvement fund, public improvements bond 10085  
retirement fund, school district income tax fund, state agency 10086  
facilities improvement fund, state and local government highway 10087  
distribution fund, state highway safety fund, state lottery fund, 10088  
undivided liquor permit fund, Vietnam conflict compensation bond 10089  
retirement fund, volunteer fire fighters' dependents fund, 10090  
waterways safety fund, wildlife fund, workers' compensation fund, 10091  
or any fund not specified in this division that the director of 10092  
budget and management determines to be a bond fund or bond 10093  
retirement fund; 10094

(E) Transfers of all or part of those appropriations included 10095  
in the emergency purposes account of the controlling board; 10096

(F) Temporary transfers of all or part of an appropriation or 10097  
other moneys into and between existing funds, or new funds, as may 10098  
be established by law when needed for capital outlays for which 10099  
notes or bonds will be issued; 10100

(G) Transfer or release of all or part of an appropriation to 10101  
a state agency requiring controlling board approval of such 10102  
transfer or release as provided by law; 10103

(H) Temporary transfer of funds included in the emergency 10104

purposes appropriation of the controlling board. Such temporary 10105  
transfers may be made subject to conditions specified by the 10106  
controlling board at the time temporary transfers are authorized. 10107  
No transfers shall be made under this division for the purpose of 10108  
effecting new or changed levels of program service not authorized 10109  
by the general assembly. 10110

As used in this section, "request" means an application by a 10111  
state agency or the director of budget and management seeking some 10112  
action by the controlling board. 10113

When authorizing the transfer of all or part of an 10114  
appropriation under this section, the controlling board may 10115  
authorize the transfer to an existing appropriation item and the 10116  
creation of and transfer to a new appropriation item. 10117

Whenever there is a transfer of all or part of funds included 10118  
in the emergency purposes appropriation by the controlling board, 10119  
pursuant to division (E) of this section, the state agency or the 10120  
director of budget and management receiving such transfer shall 10121  
keep a detailed record of the use of the transferred funds. At the 10122  
earliest scheduled meeting of the controlling board following the 10123  
accomplishment of the purposes specified in the request originally 10124  
seeking the transfer, or following the total expenditure of the 10125  
transferred funds for the specified purposes, the state agency or 10126  
the director of budget and management shall submit a report on the 10127  
expenditure of such funds to the board. The portion of any 10128  
appropriation so transferred which is not required to accomplish 10129  
the purposes designated in the original request to the controlling 10130  
board shall be returned to the proper appropriation of the 10131  
controlling board at this time. 10132

Notwithstanding any provisions of law providing for the 10133  
deposit of revenues received by a state agency to the credit of a 10134  
particular fund in the state treasury, whenever there is a 10135  
temporary transfer of funds included in the emergency purposes 10136

appropriation of the controlling board pursuant to division (H) of 10137  
this section, revenues received by any state agency receiving such 10138  
a temporary transfer of funds shall, as directed by the 10139  
controlling board, be transferred back to the emergency purposes 10140  
appropriation. 10141

The board may delegate to the director of budget and 10142  
management authority to approve transfers among items of 10143  
appropriation under division (A) of this section. 10144

**Sec. 127.16.** (A) Upon the request of either a state agency or 10145  
the director of budget and management and after the controlling 10146  
board determines that an emergency or a sufficient economic reason 10147  
exists, the controlling board may approve the making of a purchase 10148  
without competitive selection as provided in division (B) of this 10149  
section. 10150

(B) Except as otherwise provided in this section, no state 10151  
agency, using money that has been appropriated to it directly, 10152  
shall: 10153

(1) Make any purchase from a particular supplier, that would 10154  
amount to fifty thousand dollars or more when combined with both 10155  
the amount of all disbursements to the supplier during the fiscal 10156  
year for purchases made by the agency and the amount of all 10157  
outstanding encumbrances for purchases made by the agency from the 10158  
supplier, unless the purchase is made by competitive selection or 10159  
with the approval of the controlling board; 10160

(2) Lease real estate from a particular supplier, if the 10161  
lease would amount to seventy-five thousand dollars or more when 10162  
combined with both the amount of all disbursements to the supplier 10163  
during the fiscal year for real estate leases made by the agency 10164  
and the amount of all outstanding encumbrances for real estate 10165  
leases made by the agency from the supplier, unless the lease is 10166  
made by competitive selection or with the approval of the 10167

controlling board. 10168

(C) Any person who authorizes a purchase in violation of 10169  
division (B) of this section shall be liable to the state for any 10170  
state funds spent on the purchase, and the attorney general shall 10171  
collect the amount from the person. 10172

(D) Nothing in division (B) of this section shall be 10173  
construed as: 10174

(1) A limitation upon the authority of the director of 10175  
transportation as granted in sections 5501.17, 5517.02, and 10176  
5525.14 of the Revised Code; 10177

(2) Applying to medicaid provider agreements under ~~Chapter~~ 10178  
~~5111. of the Revised Code~~ medicaid program; 10179

(3) Applying to the purchase of examinations from a sole 10180  
supplier by a state licensing board under Title XLVII of the 10181  
Revised Code; 10182

(4) Applying to entertainment contracts for the Ohio state 10183  
fair entered into by the Ohio expositions commission, provided 10184  
that the controlling board has given its approval to the 10185  
commission to enter into such contracts and has approved a total 10186  
budget amount for such contracts as agreed upon by commission 10187  
action, and that the commission causes to be kept itemized records 10188  
of the amounts of money spent under each contract and annually 10189  
files those records with the clerk of the house of representatives 10190  
and the clerk of the senate following the close of the fair; 10191

(5) Limiting the authority of the chief of the division of 10192  
mineral resources management to contract for reclamation work with 10193  
an operator mining adjacent land as provided in section 1513.27 of 10194  
the Revised Code; 10195

(6) Applying to investment transactions and procedures of any 10196  
state agency, except that the agency shall file with the board the 10197



name of any person with whom the agency contracts to make, broker, 10198  
service, or otherwise manage its investments, as well as the 10199  
commission, rate, or schedule of charges of such person with 10200  
respect to any investment transactions to be undertaken on behalf 10201  
of the agency. The filing shall be in a form and at such times as 10202  
the board considers appropriate. 10203

(7) Applying to purchases made with money for the per cent 10204  
for arts program established by section 3379.10 of the Revised 10205  
Code; 10206

(8) Applying to purchases made by the rehabilitation services 10207  
commission of services, or supplies, that are provided to persons 10208  
with disabilities, or to purchases made by the commission in 10209  
connection with the eligibility determinations it makes for 10210  
applicants of programs administered by the social security 10211  
administration; 10212

(9) Applying to payments by the department of ~~job and family~~ 10213  
~~services~~ medicaid under section ~~5111.13~~ 5164.85 of the Revised 10214  
Code for group health plan premiums, deductibles, coinsurance, and 10215  
other cost-sharing expenses; 10216

(10) Applying to any agency of the legislative branch of the 10217  
state government; 10218

(11) Applying to agreements or contracts entered into under 10219  
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the 10220  
Revised Code; 10221

(12) Applying to purchases of services by the adult parole 10222  
authority under section 2967.14 of the Revised Code or by the 10223  
department of youth services under section 5139.08 of the Revised 10224  
Code; 10225

(13) Applying to dues or fees paid for membership in an 10226  
organization or association; 10227

(14) Applying to purchases of utility services pursuant to section 9.30 of the Revised Code;	10228 10229
(15) Applying to purchases made in accordance with rules adopted by the department of administrative services of motor vehicle, aviation, or watercraft fuel, or emergency repairs of such vehicles;	10230 10231 10232 10233
(16) Applying to purchases of tickets for passenger air transportation;	10234 10235
(17) Applying to purchases necessary to provide public notifications required by law or to provide notifications of job openings;	10236 10237 10238
(18) Applying to the judicial branch of state government;	10239
(19) Applying to purchases of liquor for resale by the division of liquor control;	10240 10241
(20) Applying to purchases of motor courier and freight services made in accordance with department of administrative services rules;	10242 10243 10244
(21) Applying to purchases from the United States postal service and purchases of stamps and postal meter replenishment from vendors at rates established by the United States postal service;	10245 10246 10247 10248
(22) Applying to purchases of books, periodicals, pamphlets, newspapers, maintenance subscriptions, and other published materials;	10249 10250 10251
(23) Applying to purchases from other state agencies, including state-assisted institutions of higher education;	10252 10253
(24) Limiting the authority of the director of environmental protection to enter into contracts under division (D) of section 3745.14 of the Revised Code to conduct compliance reviews, as defined in division (A) of that section;	10254 10255 10256 10257

(25) Applying to purchases from a qualified nonprofit agency	10258
pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of	10259
the Revised Code;	10260
(26) Applying to payments by the department of job and family	10261
services to the United States department of health and human	10262
services for printing and mailing notices pertaining to the tax	10263
refund offset program of the internal revenue service of the	10264
United States department of the treasury;	10265
(27) Applying to contracts entered into by the department of	10266
developmental disabilities under section 5123.18 of the Revised	10267
Code;	10268
(28) Applying to payments made by the department of <del>mental</del>	10269
<del>health</del> <u>mental health and addiction services</u> under a physician	10270
recruitment program authorized by section <del>5119.101</del> <u>5119.185</u> of the	10271
Revised Code;	10272
(29) Applying to contracts entered into with persons by the	10273
director of commerce for unclaimed funds collection and remittance	10274
efforts as provided in division (F) of section 169.03 of the	10275
Revised Code. The director shall keep an itemized accounting of	10276
unclaimed funds collected by those persons and amounts paid to	10277
them for their services.	10278
(30) Applying to purchases made by a state institution of	10279
higher education in accordance with the terms of a contract	10280
between the vendor and an inter-university purchasing group	10281
comprised of purchasing officers of state institutions of higher	10282
education;	10283
(31) Applying to the department of <del>job and family services</del>	10284
<u>medicaid's</u> purchases of health assistance services under the	10285
children's health insurance program <del>part I provided for under</del>	10286
<del>section 5101.50 of the Revised Code, the children's health</del>	10287
<del>insurance program part II provided for under section 5101.51 of</del>	10288

<del>the Revised Code, or the children's health insurance program part</del>	10289
<del>III provided for under section 5101.52 of the Revised Code;</del>	10290
(32) Applying to payments by the attorney general from the	10291
reparations fund to hospitals and other emergency medical	10292
facilities for performing medical examinations to collect physical	10293
evidence pursuant to section 2907.28 of the Revised Code;	10294
(33) Applying to contracts with a contracting authority or	10295
administrative receiver under division (B) of section 5126.056 of	10296
the Revised Code;	10297
(34) Applying to purchases of goods and services by the	10298
department of veterans services in accordance with the terms of	10299
contracts entered into by the United States department of veterans	10300
affairs;	10301
(35) Applying to payments by the superintendent of the bureau	10302
of criminal identification and investigation to the federal bureau	10303
of investigation for criminal records checks pursuant to section	10304
109.572 of the Revised Code;	10305
(36) Applying to contracts entered into by the department of	10306
<del>job and family services</del> <u>medicaid</u> under section <del>5111.054</del> <u>5164.47</u> of	10307
the Revised Code;	10308
<u>(37) Applying to contracts entered into under section 5160.12</u>	10309
<u>of the Revised Code.</u>	10310
(E) When determining whether a state agency has reached the	10311
cumulative purchase thresholds established in divisions (B)(1) and	10312
(2) of this section, all of the following purchases by such agency	10313
shall not be considered:	10314
(1) Purchases made through competitive selection or with	10315
controlling board approval;	10316
(2) Purchases listed in division (D) of this section;	10317
(3) For the purposes of the threshold of division (B)(1) of	10318

this section only, leases of real estate. 10319

(F) As used in this section, "competitive selection," 10320  
"purchase," "supplies," and "services" have the same meanings as 10321  
in section 125.01 of the Revised Code. 10322

**Sec. 133.06.** (A) A school district shall not incur, without a 10323  
vote of the electors, net indebtedness that exceeds an amount 10324  
equal to one-tenth of one per cent of its tax valuation, except as 10325  
provided in divisions (G) and (H) of this section and in division 10326  
(C) of section 3313.372 of the Revised Code, or as prescribed in 10327  
section 3318.052 or 3318.44 of the Revised Code, or as provided in 10328  
division (J) of this section. 10329

(B) Except as provided in divisions (E), (F), and (I) of this 10330  
section, a school district shall not incur net indebtedness that 10331  
exceeds an amount equal to nine per cent of its tax valuation. 10332

(C) A school district shall not submit to a vote of the 10333  
electors the question of the issuance of securities in an amount 10334  
that will make the district's net indebtedness after the issuance 10335  
of the securities exceed an amount equal to four per cent of its 10336  
tax valuation, unless the superintendent of public instruction, 10337  
acting under policies adopted by the state board of education, and 10338  
the tax commissioner, acting under written policies of the 10339  
commissioner, consent to the submission. A request for the 10340  
consents shall be made at least one hundred twenty days prior to 10341  
the election at which the question is to be submitted. 10342

The superintendent of public instruction shall certify to the 10343  
district the superintendent's and the tax commissioner's decisions 10344  
within thirty days after receipt of the request for consents. 10345

If the electors do not approve the issuance of securities at 10346  
the election for which the superintendent of public instruction 10347  
and tax commissioner consented to the submission of the question, 10348

the school district may submit the same question to the electors 10349  
on the date that the next special election may be held under 10350  
section 3501.01 of the Revised Code without submitting a new 10351  
request for consent. If the school district seeks to submit the 10352  
same question at any other subsequent election, the district shall 10353  
first submit a new request for consent in accordance with this 10354  
division. 10355

(D) In calculating the net indebtedness of a school district, 10356  
none of the following shall be considered: 10357

(1) Securities issued to acquire school buses and other 10358  
equipment used in transporting pupils or issued pursuant to 10359  
division (D) of section 133.10 of the Revised Code; 10360

(2) Securities issued under division (F) of this section, 10361  
under section 133.301 of the Revised Code, and, to the extent in 10362  
excess of the limitation stated in division (B) of this section, 10363  
under division (E) of this section; 10364

(3) Indebtedness resulting from the dissolution of a joint 10365  
vocational school district under section 3311.217 of the Revised 10366  
Code, evidenced by outstanding securities of that joint vocational 10367  
school district; 10368

(4) Loans, evidenced by any securities, received under 10369  
sections 3313.483, 3317.0210, and 3317.0211, ~~and 3317.64~~ of the 10370  
Revised Code; 10371

(5) Debt incurred under section 3313.374 of the Revised Code; 10372

(6) Debt incurred pursuant to division (B)(5) of section 10373  
3313.37 of the Revised Code to acquire computers and related 10374  
hardware; 10375

(7) Debt incurred under section 3318.042 of the Revised Code. 10376

(E) A school district may become a special needs district as 10377  
to certain securities as provided in division (E) of this section. 10378

(1) A board of education, by resolution, may declare its school district to be a special needs district by determining both of the following:

(a) The student population is not being adequately serviced by the existing permanent improvements of the district.

(b) The district cannot obtain sufficient funds by the issuance of securities within the limitation of division (B) of this section to provide additional or improved needed permanent improvements in time to meet the needs.

(2) The board of education shall certify a copy of that resolution to the superintendent of public instruction with a statistical report showing all of the following:

(a) The history of and a projection of the growth of the tax valuation;

(b) The projected needs;

(c) The estimated cost of permanent improvements proposed to meet such projected needs.

(3) The superintendent of public instruction shall certify the district as an approved special needs district if the superintendent finds both of the following:

(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs.

(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the superintendent and any other information the superintendent obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than one and one-half per cent per year. The findings and certification of the

superintendent shall be conclusive. 10409

(4) An approved special needs district may incur net 10410  
indebtedness by the issuance of securities in accordance with the 10411  
provisions of this chapter in an amount that does not exceed an 10412  
amount equal to the greater of the following: 10413

(a) Twelve per cent of the sum of its tax valuation plus an 10414  
amount that is the product of multiplying that tax valuation by 10415  
the percentage by which the tax valuation has increased over the 10416  
tax valuation on the first day of the sixtieth month preceding the 10417  
month in which its board determines to submit to the electors the 10418  
question of issuing the proposed securities; 10419

(b) Twelve per cent of the sum of its tax valuation plus an 10420  
amount that is the product of multiplying that tax valuation by 10421  
the percentage, determined by the superintendent of public 10422  
instruction, by which that tax valuation is projected to increase 10423  
during the next ten years. 10424

(F) A school district may issue securities for emergency 10425  
purposes, in a principal amount that does not exceed an amount 10426  
equal to three per cent of its tax valuation, as provided in this 10427  
division. 10428

(1) A board of education, by resolution, may declare an 10429  
emergency if it determines both of the following: 10430

(a) School buildings or other necessary school facilities in 10431  
the district have been wholly or partially destroyed, or condemned 10432  
by a constituted public authority, or that such buildings or 10433  
facilities are partially constructed, or so constructed or planned 10434  
as to require additions and improvements to them before the 10435  
buildings or facilities are usable for their intended purpose, or 10436  
that corrections to permanent improvements are necessary to remove 10437  
or prevent health or safety hazards. 10438

(b) Existing fiscal and net indebtedness limitations make 10439



adequate replacement, additions, or improvements impossible. 10440

(2) Upon the declaration of an emergency, the board of 10441  
education may, by resolution, submit to the electors of the 10442  
district pursuant to section 133.18 of the Revised Code the 10443  
question of issuing securities for the purpose of paying the cost, 10444  
in excess of any insurance or condemnation proceeds received by 10445  
the district, of permanent improvements to respond to the 10446  
emergency need. 10447

(3) The procedures for the election shall be as provided in 10448  
section 133.18 of the Revised Code, except that: 10449

(a) The form of the ballot shall describe the emergency 10450  
existing, refer to this division as the authority under which the 10451  
emergency is declared, and state that the amount of the proposed 10452  
securities exceeds the limitations prescribed by division (B) of 10453  
this section; 10454

(b) The resolution required by division (B) of section 133.18 10455  
of the Revised Code shall be certified to the county auditor and 10456  
the board of elections at least one hundred days prior to the 10457  
election; 10458

(c) The county auditor shall advise and, not later than 10459  
ninety-five days before the election, confirm that advice by 10460  
certification to, the board of education of the information 10461  
required by division (C) of section 133.18 of the Revised Code; 10462

(d) The board of education shall then certify its resolution 10463  
and the information required by division (D) of section 133.18 of 10464  
the Revised Code to the board of elections not less than ninety 10465  
days prior to the election. 10466

(4) Notwithstanding division (B) of section 133.21 of the 10467  
Revised Code, the first principal payment of securities issued 10468  
under this division may be set at any date not later than sixty 10469  
months after the earliest possible principal payment otherwise 10470

provided for in that division. 10471

(G)(1) The board of education may contract with an architect, 10472  
professional engineer, or other person experienced in the design 10473  
and implementation of energy conservation measures for an analysis 10474  
and recommendations pertaining to installations, modifications of 10475  
installations, or remodeling that would significantly reduce 10476  
energy consumption in buildings owned by the district. The report 10477  
shall include estimates of all costs of such installations, 10478  
modifications, or remodeling, including costs of design, 10479  
engineering, installation, maintenance, repairs, and debt service, 10480  
forgone residual value of materials or equipment replaced by the 10481  
energy conservation measure, as defined by the Ohio school 10482  
facilities commission, a baseline analysis of actual energy 10483  
consumption data for the preceding three years with the utility 10484  
baseline based on only the actual energy consumption data for the 10485  
preceding twelve months, and estimates of the amounts by which 10486  
energy consumption and resultant operational and maintenance 10487  
costs, as defined by the commission, would be reduced. 10488

If the board finds after receiving the report that the amount 10489  
of money the district would spend on such installations, 10490  
modifications, or remodeling is not likely to exceed the amount of 10491  
money it would save in energy and resultant operational and 10492  
maintenance costs over the ensuing fifteen years, the board may 10493  
submit to the commission a copy of its findings and a request for 10494  
approval to incur indebtedness to finance the making or 10495  
modification of installations or the remodeling of buildings for 10496  
the purpose of significantly reducing energy consumption. 10497

~~If the commission determines that the board's findings are~~ 10498  
~~reasonable, it~~ The school facilities commission, in consultation 10499  
with the auditor of state, may deny a request under this division 10500  
by the board of education any school district is in a state of 10501  
fiscal watch pursuant to division (A) of section 3316.03 of the 10502

Revised Code, if it determines that the expenditure of funds is 10503  
not in the best interest of the school district. 10504

No district board of education of a school district that is 10505  
in a state of fiscal emergency pursuant to division (B) of section 10506  
3316.03 of the Revised Code shall submit a request without 10507  
submitting evidence that the installations, modifications, or 10508  
remodeling have been approved by the district's financial planning 10509  
and supervision commission established under section 3316.05 of 10510  
the Revised Code. 10511

No board of education of a school district that, for three or 10512  
more consecutive years, has been declared to be in a state of 10513  
academic emergency under section 3302.03 of the Revised Code, as 10514  
that section existed prior to March 22, 2013, and has failed to 10515  
meet adequate yearly progress, or has met any condition set forth 10516  
in division (A)(2), (3), or (4) of section 3302.10 of the Revised 10517  
Code shall submit a request without first receiving approval to 10518  
incur indebtedness from the district's academic distress 10519  
commission established under that section, for so long as such 10520  
commission continues to be required for the district. 10521

(2) The school facilities commission shall approve the 10522  
board's request. ~~Upon~~ provided that the following conditions are 10523  
satisfied: 10524

(a) The commission determines that the board's findings are 10525  
reasonable. 10526

(b) The request for approval is complete. 10527

(c) The installations, modifications, or remodeling are 10528  
consistent with any project to construct or acquire classroom 10529  
facilities, or to reconstruct or make additions to existing 10530  
classroom facilities under sections 3318.01 to 3318.20 or sections 10531  
3318.40 to 3318.45 of the Revised Code. 10532

Upon receipt of the commission's approval, the district may 10533

issue securities without a vote of the electors in a principal 10534  
amount not to exceed nine-tenths of one per cent of its tax 10535  
valuation for the purpose of making such installations, 10536  
modifications, or remodeling, but the total net indebtedness of 10537  
the district without a vote of the electors incurred under this 10538  
and all other sections of the Revised Code, except section 10539  
3318.052 of the Revised Code, shall not exceed one per cent of the 10540  
district's tax valuation. 10541

(3) So long as any securities issued under ~~division (C) of~~ 10542  
this ~~section~~ division remain outstanding, the board of education 10543  
shall monitor the energy consumption and resultant operational and 10544  
maintenance costs of buildings in which installations or 10545  
modifications have been made or remodeling has been done pursuant 10546  
to ~~division (C) of this section~~ division and shall maintain and 10547  
annually update a report documenting the reductions in energy 10548  
consumption and resultant operational and maintenance cost savings 10549  
attributable to such installations, modifications, or remodeling. 10550  
The report shall be certified by an architect or engineer 10551  
independent of any person that provided goods or services to the 10552  
board in connection with the energy conservation measures that are 10553  
the subject of the report. The resultant operational and 10554  
maintenance cost savings shall be certified by the school district 10555  
treasurer. The report shall be submitted annually to the 10556  
commission. 10557

(H) With the consent of the superintendent of public 10558  
instruction, a school district may incur without a vote of the 10559  
electors net indebtedness that exceeds the amounts stated in 10560  
divisions (A) and (G) of this section for the purpose of paying 10561  
costs of permanent improvements, if and to the extent that both of 10562  
the following conditions are satisfied: 10563

(1) The fiscal officer of the school district estimates that 10564  
receipts of the school district from payments made under or 10565

pursuant to agreements entered into pursuant to section 725.02, 10566  
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.62, 10567  
5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 of the Revised 10568  
Code, or distributions under division (C) of section 5709.43 of 10569  
the Revised Code, or any combination thereof, are, after 10570  
accounting for any appropriate coverage requirements, sufficient 10571  
in time and amount, and are committed by the proceedings, to pay 10572  
the debt charges on the securities issued to evidence that 10573  
indebtedness and payable from those receipts, and the taxing 10574  
authority of the district confirms the fiscal officer's estimate, 10575  
which confirmation is approved by the superintendent of public 10576  
instruction; 10577

(2) The fiscal officer of the school district certifies, and 10578  
the taxing authority of the district confirms, that the district, 10579  
at the time of the certification and confirmation, reasonably 10580  
expects to have sufficient revenue available for the purpose of 10581  
operating such permanent improvements for their intended purpose 10582  
upon acquisition or completion thereof, and the superintendent of 10583  
public instruction approves the taxing authority's confirmation. 10584

The maximum maturity of securities issued under division (H) 10585  
of this section shall be the lesser of twenty years or the maximum 10586  
maturity calculated under section 133.20 of the Revised Code. 10587

(I) A school district may incur net indebtedness by the 10588  
issuance of securities in accordance with the provisions of this 10589  
chapter in excess of the limit specified in division (B) or (C) of 10590  
this section when necessary to raise the school district portion 10591  
of the basic project cost and any additional funds necessary to 10592  
participate in a project under Chapter 3318. of the Revised Code, 10593  
including the cost of items designated by the Ohio school 10594  
facilities commission as required locally funded initiatives, the 10595  
cost of other locally funded initiatives in an amount that does 10596  
not exceed fifty per cent of the district's portion of the basic 10597

project cost, and the cost for site acquisition. The school 10598  
facilities commission shall notify the superintendent of public 10599  
instruction whenever a school district will exceed either limit 10600  
pursuant to this division. 10601

(J) A school district whose portion of the basic project cost 10602  
of its classroom facilities project under sections 3318.01 to 10603  
3318.20 of the Revised Code is greater than or equal to one 10604  
hundred million dollars may incur without a vote of the electors 10605  
net indebtedness in an amount up to two per cent of its tax 10606  
valuation through the issuance of general obligation securities in 10607  
order to generate all or part of the amount of its portion of the 10608  
basic project cost if the controlling board has approved the 10609  
school facilities commission's conditional approval of the project 10610  
under section 3318.04 of the Revised Code. The school district 10611  
board and the Ohio school facilities commission shall include the 10612  
dedication of the proceeds of such securities in the agreement 10613  
entered into under section 3318.08 of the Revised Code. No state 10614  
moneys shall be released for a project to which this section 10615  
applies until the proceeds of any bonds issued under this section 10616  
that are dedicated for the payment of the school district portion 10617  
of the project are first deposited into the school district's 10618  
project construction fund. 10619

**Sec. 140.01.** As used in this chapter: 10620

(A) "Hospital agency" means any public hospital agency or any 10621  
nonprofit hospital agency. 10622

(B) "Public hospital agency" means any county, board of 10623  
county hospital trustees established pursuant to section 339.02 of 10624  
the Revised Code, county hospital commission established pursuant 10625  
to section 339.14 of the Revised Code, municipal corporation, new 10626  
community authority organized under Chapter 349. of the Revised 10627  
Code, joint township hospital district, state or municipal 10628

university or college operating or authorized to operate a 10629  
hospital facility, or the state. 10630

(C) "Nonprofit hospital agency" means a corporation or 10631  
association not for profit, no part of the net earnings of which 10632  
inures or may lawfully inure to the benefit of any private 10633  
shareholder or individual, that has authority to own or operate a 10634  
hospital facility or provides or is to provide services to one or 10635  
more other hospital agencies. 10636

(D) "Governing body" means, in the case of a county, the 10637  
board of county commissioners or other legislative body; in the 10638  
case of a board of county hospital trustees, the board; in the 10639  
case of a county hospital commission, the commission; in the case 10640  
of a municipal corporation, the council or other legislative 10641  
authority; in the case of a new community authority, its board of 10642  
trustees; in the case of a joint township hospital district, the 10643  
joint township district hospital board; in the case of a state or 10644  
municipal university or college, its board of trustees or board of 10645  
directors; in the case of a nonprofit hospital agency, the board 10646  
of trustees or other body having general management of the agency; 10647  
and, in the case of the state, the director of development 10648  
services or the Ohio higher educational facility commission. 10649

(E) "Hospital facilities" means buildings, structures and 10650  
other improvements, additions thereto and extensions thereof, 10651  
furnishings, equipment, and real estate and interests in real 10652  
estate, used or to be used for or in connection with one or more 10653  
hospitals, emergency, intensive, intermediate, extended, 10654  
long-term, or self-care facilities, diagnostic and treatment and 10655  
out-patient facilities, facilities related to programs for home 10656  
health services, clinics, laboratories, public health centers, 10657  
research facilities, and rehabilitation facilities, for or 10658  
pertaining to diagnosis, treatment, care, or rehabilitation of 10659  
sick, ill, injured, infirm, impaired, disabled, or handicapped 10660

persons, or the prevention, detection, and control of disease, and 10661  
also includes education, training, and food service facilities for 10662  
health professions personnel, housing facilities for such 10663  
personnel and their families, and parking and service facilities 10664  
in connection with any of the foregoing; and includes any one, 10665  
part of, or any combination of the foregoing; and further includes 10666  
site improvements, utilities, machinery, facilities, furnishings, 10667  
and any separate or connected buildings, structures, improvements, 10668  
sites, utilities, facilities, or equipment to be used in, or in 10669  
connection with the operation or maintenance of, or supplementing 10670  
or otherwise related to the services or facilities to be provided 10671  
by, any one or more of such hospital facilities. 10672

(F) "Costs of hospital facilities" means the costs of 10673  
acquiring hospital facilities or interests in hospital facilities, 10674  
including membership interests in nonprofit hospital agencies, 10675  
costs of constructing hospital facilities, costs of improving one 10676  
or more hospital facilities, including reconstructing, 10677  
rehabilitating, remodeling, renovating, and enlarging, costs of 10678  
equipping and furnishing such facilities, and all financing costs 10679  
pertaining thereto, including, without limitation thereto, costs 10680  
of engineering, architectural, and other professional services, 10681  
designs, plans, specifications and surveys, and estimates of cost, 10682  
costs of tests and inspections, the costs of any indemnity or 10683  
surety bonds and premiums on insurance, all related direct or 10684  
allocable administrative expenses pertaining thereto, fees and 10685  
expenses of trustees, depositories, and paying agents for the 10686  
obligations, cost of issuance of the obligations and financing 10687  
charges and fees and expenses of financial advisors, attorneys, 10688  
accountants, consultants and rating services in connection 10689  
therewith, capitalized interest on the obligations, amounts 10690  
necessary to establish reserves as required by the bond 10691  
proceedings, the reimbursement of all moneys advanced or applied 10692  
by the hospital agency or others or borrowed from others for the 10693



payment of any item or items of costs of such facilities, and all 10694  
other expenses necessary or incident to planning or determining 10695  
feasibility or practicability with respect to such facilities, and 10696  
such other expenses as may be necessary or incident to the 10697  
acquisition, construction, reconstruction, rehabilitation, 10698  
remodeling, renovation, enlargement, improvement, equipment, and 10699  
furnishing of such facilities, the financing thereof, and the 10700  
placing of the same in use and operation, including any one, part 10701  
of, or combination of such classes of costs and expenses, and 10702  
means the costs of refinancing obligations issued by, or 10703  
reimbursement of money advanced by, nonprofit hospital agencies or 10704  
others the proceeds of which were used for the payment of costs of 10705  
hospital facilities, if the governing body of the public hospital 10706  
agency determines that the refinancing or reimbursement advances 10707  
the purposes of this chapter, whether or not the refinancing or 10708  
reimbursement is in conjunction with the acquisition or 10709  
construction of additional hospital facilities. 10710

(G) "Hospital receipts" means all moneys received by or on 10711  
behalf of a hospital agency from or in connection with the 10712  
ownership, operation, acquisition, construction, improvement, 10713  
equipping, or financing of any hospital facilities, including, 10714  
without limitation thereto, any rentals and other moneys received 10715  
from the lease, sale, or other disposition of hospital facilities, 10716  
and any gifts, grants, interest subsidies, or other moneys 10717  
received under any federal program for assistance in financing the 10718  
costs of hospital facilities, and any other gifts, grants, and 10719  
donations, and receipts therefrom, available for financing the 10720  
costs of hospital facilities. 10721

(H) "Obligations" means bonds, notes, or other evidences of 10722  
indebtedness or obligation, including interest coupons pertaining 10723  
thereto, issued or issuable by a public hospital agency to pay 10724  
costs of hospital facilities. 10725

(I) "Bond service charges" means principal, interest, and call premium, if any, required to be paid on obligations.	10726 10727
(J) "Bond proceedings" means one or more ordinances, resolutions, trust agreements, indentures, and other agreements or documents, and amendments and supplements to the foregoing, or any combination thereof, authorizing or providing for the terms, including any variable interest rates, and conditions applicable to, or providing for the security of, obligations and the provisions contained in such obligations.	10728 10729 10730 10731 10732 10733 10734
(K) "Nursing home" has the same meaning as in division (A)(1) of section 5701.13 of the Revised Code.	10735 10736
(L) "Residential care facility" has the same meaning as in division (A)(2) of section 5701.13 of the Revised Code.	10737 10738
(M) "Independent living facility" means any self-care facility or other housing facility designed or used as a residence for elderly persons. An "independent living facility" does not include a residential facility, or that part of a residential facility, that is any of the following:	10739 10740 10741 10742 10743
(1) A hospital required to be certified by section 3727.02 of the Revised Code;	10744 10745
(2) A nursing home or residential care facility;	10746
(3) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code and used for the program's hospice patients;	10747 10748 10749
(4) A residential facility licensed by the department of <del>mental health</del> <u>mental health and addiction services</u> under section <del>5119.22</del> <u>5119.34</u> of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults;	10750 10751 10752 10753 10754
(5) A residential facility licensed by the department of	10755

~~mental health~~ mental health and addiction services under section 10756  
~~5119.22~~ 5119.34 of the Revised Code that is not a residential 10757  
facility described in division (M)(4) of this section; 10758

(6) A facility licensed to provide methadone treatment under 10759  
section ~~3793.11~~ 5119.39 of the Revised Code; 10760

(7) A facility certified as ~~an alcohol and drug~~ a community 10761  
~~addiction program~~ services provider under section ~~3793.06~~ 5119.36 10762  
of the Revised Code; 10763

(8) A residential facility licensed under section 5123.19 of 10764  
the Revised Code or a facility providing services under a contract 10765  
with the department of developmental disabilities under section 10766  
5123.18 of the Revised Code; 10767

(9) A residential facility used as part of a hospital to 10768  
provide housing for staff of the hospital or students pursuing a 10769  
course of study at the hospital. 10770

**Sec. 140.03.** (A) Two or more hospital agencies may enter into 10771  
agreements for the acquisition, construction, reconstruction, 10772  
rehabilitation, remodeling, renovating, enlarging, equipping, and 10773  
furnishing of hospital facilities, or the management, operation, 10774  
occupancy, use, maintenance, and repair of hospital facilities, or 10775  
for participation in programs, projects, activities, and services 10776  
useful to, connected with, supplementing, or otherwise related to 10777  
the services provided by, or the operation of, hospital facilities 10778  
operated by one or more participating hospital agencies, including 10779  
any combination of such purposes, all in such manner as to promote 10780  
the public purpose stated in section 140.02 of the Revised Code. A 10781  
city health district; general health district; board of alcohol, 10782  
drug addiction, and mental health services; county board of 10783  
developmental disabilities; the department of ~~mental health~~ mental 10784  
health and addiction services; the department of developmental 10785  
disabilities; or any public body engaged in the education or 10786

training of health professions personnel may join in any such 10787  
agreement for purposes related to its authority under laws 10788  
applicable to it, and as such a participant shall be considered a 10789  
public hospital agency or hospital agency for the purposes of this 10790  
section. 10791

(B) An agreement entered into under authority of this section 10792  
shall, where appropriate, provide for: 10793

(1) The manner in which the title to the hospital facilities, 10794  
including the sites and interest in real estate pertaining 10795  
thereto, is to be held, transferred, or disposed of; 10796

(2) Unless provided for by lease pursuant to section 140.05 10797  
of the Revised Code, the method by which such hospital facilities 10798  
are to be acquired, constructed, or otherwise improved and by 10799  
which they shall be managed, occupied, maintained, and repaired, 10800  
including the designation of one of the hospital agencies to have 10801  
charge of the details of acquisition, construction, or improvement 10802  
pursuant to the contracting procedures prescribed under the law 10803  
applicable to one of the participating public hospital agencies; 10804

(3) The management or administration of any such programs, 10805  
projects, activities, or services, which may include management or 10806  
administration by one of said hospital agencies or a board or 10807  
agency thereof; 10808

(4) Annual, or more frequent, reports to the participating 10809  
hospital agencies as to the revenues and receipts pertaining to 10810  
the subject of the agreement, the expenditures thereof, the status 10811  
and application of other funds contributed under such agreement, 10812  
and such other matters as may be specified by or pursuant to such 10813  
agreement; 10814

(5) The manner of apportionment or sharing of costs of 10815  
hospital facilities, any other applicable costs of management, 10816  
operation, maintenance, and repair of hospital facilities, and 10817

costs for the programs, projects, activities, and services forming 10818  
the subject of the agreement, which apportionment or sharing may 10819  
be prescribed in fixed amounts, or determined by ratios, formulas, 10820  
or otherwise, and paid as service charges, rentals, or in such 10821  
other manner as provided in the agreement, and may include amounts 10822  
sufficient to meet the bond service charges and other payments and 10823  
deposits required under the bond proceedings for obligations 10824  
issued to pay costs of hospital facilities. A hospital agency may 10825  
commit itself to make such payments at least for so long as any 10826  
such obligations are outstanding. In the apportionment, different 10827  
classes of costs or expenses may be apportioned to one or more, 10828  
all or less than all, of the participating hospital agencies as 10829  
determined under such agreement. 10830

(C) An agreement entered into under authority of this section 10831  
may provide for: 10832

(1) An orderly process for making determinations or advising 10833  
as to planning, execution, implementation, and operation, which 10834  
may include designating one of the hospital agencies, or a board 10835  
thereof, for any of such purposes, provisions for a committee, 10836  
board, or commission, and for representation thereon, or as may 10837  
otherwise be provided; 10838

(2) Securing necessary personnel, including participation of 10839  
personnel from the respective hospital agencies; 10840

(3) Standards or conditions for the admission or 10841  
participation of patients and physicians; 10842

(4) Conditions for admittance of other hospital agencies to 10843  
participation under the agreement; 10844

(5) Fixing or establishing the method of determining charges 10845  
to be made for particular services; 10846

(6) The manner of amending, supplementing, terminating, or 10847  
withdrawal or removal of any party from, the agreement, and the 10848

term of the agreement, or an indefinite term; 10849

(7) Designation of the applicants for or recipients of any 10850  
federal, state, or other aid, assistance, or loans available by 10851  
reason of any activities conducted under the agreement; 10852

(8) Designation of one or more of the participating hospital 10853  
agencies to maintain, prepare, and submit, on behalf of all 10854  
parties to the agreement, any or all records and reports with 10855  
regard to the activities conducted under the agreement; 10856

(9) Any incidental use of the hospital facilities, or 10857  
services thereof, by participating public hospital agencies for 10858  
any of their lawful purposes, which incidental use does not impair 10859  
the character of the facilities as hospital facilities for any 10860  
purpose of this chapter; 10861

(10) Such other matters as the parties thereto may agree upon 10862  
for the purposes of division (A) of this section. 10863

(D) For the purpose of paying or contributing its share under 10864  
an agreement made under this section, a public hospital agency 10865  
may: 10866

(1) Expend any moneys from its general fund, and from any 10867  
other funds not otherwise restricted by law, but including funds 10868  
for permanent improvements of hospital facilities of such public 10869  
hospital agency where the contribution is to be made toward the 10870  
costs of hospital facilities under the agreement, and including 10871  
funds derived from levies for, or receipts available for, 10872  
operating expenses of hospital facilities or services of such 10873  
public hospital agency where the contribution or payment is to be 10874  
made toward operating expenses of the hospital facilities or 10875  
services under the agreement or for the services provided thereby; 10876

(2) Issue obligations under Chapter 133. or section 140.06, 10877  
339.14, 339.15, 513.12, or 3345.12 of the Revised Code, or Section 10878  
3 of Article XVIII, Ohio Constitution, if applicable to such 10879

public hospital agency, to pay costs of hospital facilities, or 10880  
issue obligations under any other provision of law authorizing 10881  
such public hospital agency to issue obligations for any costs of 10882  
hospital facilities; 10883

(3) Levy taxes under Chapter 5705. or section 513.13 or 10884  
3709.29 of the Revised Code, if applicable to such public hospital 10885  
agency, provided that the purpose of such levy may include the 10886  
provision of funds for either or both permanent improvements and 10887  
current expenses if required for the contribution or payment of 10888  
such hospital agency under such agreement, and each such public 10889  
hospital agency may issue notes in anticipation of any such levy, 10890  
pursuant to the procedures provided in section 5705.191 of the 10891  
Revised Code if the levy is solely for current expenses, and in 10892  
section 5705.193 of the Revised Code if the levy is all or in part 10893  
for permanent improvements; 10894

(4) Contribute real and personal property or interest therein 10895  
without necessity for competitive bidding or public auction on 10896  
disposition of such property. 10897

(E) Any funds provided by public hospital agencies that are 10898  
parties to an agreement entered into under this section shall be 10899  
transferred to and placed in a separate fund or funds of such 10900  
participating public hospital agency as is designated under the 10901  
agreement. The funds shall be applied for the purposes provided in 10902  
such agreement and are subject to audit. Pursuant to any 10903  
determinations to be made under such agreement, the funds shall be 10904  
deposited, invested, and disbursed under the provisions of law 10905  
applicable to the public hospital agency in whose custody the 10906  
funds are held. This division is subject to the provisions of any 10907  
applicable bond proceedings under section 133.08, 140.06, 339.15, 10908  
or 3345.12 of the Revised Code or Section 3 of Article XVIII, Ohio 10909  
Constitution. The records and reports of such public hospital 10910  
agency under Chapter 117. of the Revised Code and sections 3702.51 10911

to 3702.62 of the Revised Code, with respect to the funds shall be 10912  
sufficient without necessity for reports thereon by the other 10913  
public hospital agencies participating under such agreement. 10914

(F)(1) Prior to its entry into any such agreement, the public 10915  
hospital agency must determine, and set forth in a resolution or 10916  
ordinance, that the contribution to be made by it under such 10917  
agreement will be fair consideration for value and benefit to be 10918  
derived by it under such agreement and that the agreement will 10919  
promote the public purpose stated in section 140.02 of the Revised 10920  
Code. 10921

(2) If the agreement is with a board of county commissioners, 10922  
board of county hospital trustees, or county hospital commission 10923  
and is an initial agreement for the acquisition or operation of a 10924  
county hospital operated by a board of county hospital trustees 10925  
under section 339.06 of the Revised Code, the governing body of 10926  
the public hospital agency shall submit the agreement, accompanied 10927  
by the resolution or ordinance, to the board of county 10928  
commissioners for review pursuant to section 339.091 of the 10929  
Revised Code. The agreement may be entered into only if the board 10930  
of county commissioners adopts a resolution under that section. 10931  
The requirements of division (F)(2) of this section do not apply 10932  
to the agreement if one or more hospitals classified as general 10933  
hospitals by the director of health under section 3701.07 of the 10934  
Revised Code are operating in the same county as the county 10935  
hospital. 10936

**Sec. 140.05.** (A)(1) A public hospital agency may lease any 10937  
hospital facility to one or more hospital agencies for use as a 10938  
hospital facility, or to one or more city or general health 10939  
districts; boards of alcohol, drug addiction, and mental health 10940  
services; county boards of developmental disabilities; the 10941  
department of ~~mental health~~ mental health and addiction services; 10942



or the department of developmental disabilities, for uses which 10943  
they are authorized to make thereof under the laws applicable to 10944  
them, or any combination of them, and they may lease such 10945  
facilities to or from a hospital agency for such uses, upon such 10946  
terms and conditions as are agreed upon by the parties. Such lease 10947  
may be for a term of fifty years or less and may provide for an 10948  
option of the lessee to renew for a term of fifty years or less, 10949  
as therein set forth. Prior to entering into such lease, the 10950  
governing body of any public hospital agency granting such lease 10951  
must determine, and set forth in a resolution or ordinance, that 10952  
such lease will promote the public purpose stated in section 10953  
140.02 of the Revised Code and that the lessor public hospital 10954  
agency will be duly benefited thereby. 10955

(2) If the lease is with a board of county commissioners, 10956  
board of county hospital trustees, or county hospital commission 10957  
and is an agreement for the initial lease of a county hospital 10958  
operated by a board of county hospital trustees under section 10959  
339.06 of the Revised Code, the governing body of the public 10960  
hospital agency shall submit the agreement, accompanied by the 10961  
resolution or ordinance, to the board of county commissioners for 10962  
review pursuant to section 339.091 of the Revised Code. The 10963  
agreement may be entered into only if the board of county 10964  
commissioners adopts a resolution under that section. The 10965  
requirements of division (A)(2) of this section do not apply to 10966  
the lease if one or more hospitals classified as general hospitals 10967  
by the director of health under section 3701.07 of the Revised 10968  
Code are operating in the same county as the county hospital. 10969

(B) Any lease entered into pursuant to this section shall 10970  
provide that in the event that the lessee fails faithfully and 10971  
efficiently to administer, maintain, and operate such leased 10972  
facilities as hospital facilities, or fails to provide the 10973  
services thereof without regard to race, creed, color, or national 10974

origin, or fails to require that any hospital agency using such facilities or the services thereof shall not discriminate by reason of race, creed, color, or national origin, after an opportunity to be heard upon written charges, said lease may be terminated at the time, in the manner and with consequences therein provided. If any such lease does not contain terms to the effect provided in this division, it shall nevertheless be deemed to contain such terms which shall be implemented as determined by the governing body of the lessor.

(C) Such lease may provide for rentals commencing at any time agreed upon, or advance rental, and continuing for such period therein provided, notwithstanding and without diminution, rebate, or setoff by reason of time of availability of the hospital facility for use, delays in construction, failure of completion, damage or destruction of the hospital facilities, or for any other reason.

(D) Such lease may provide for the sale or transfer of title of the leased facilities pursuant to an option to purchase, lease-purchase, or installment purchase upon terms therein provided or to be determined as therein provided, which may include provision for the continued use thereof as a hospital facility for some reasonable period, taking into account efficient useful life and other factors, as is provided therein.

(E) Such lease may be entered as part of or in connection with an agreement pursuant to section 140.03 of the Revised Code. Any hospital facilities which are the subject of an agreement entered into under section 140.03 of the Revised Code may be leased pursuant to this section.

(F) If land acquired by a public hospital agency for a hospital facility is adjacent to an existing hospital facility owned by another hospital agency, the public hospital agency may, in connection with such acquisition or the leasing of such land

and hospital facilities thereon to one or more hospital agencies, 11007  
enter into an agreement with the hospital agency which owns such 11008  
adjacent hospital facility for the use of common walls in the 11009  
construction, operation, or maintenance of hospital facilities of 11010  
the public hospital agency. For the purpose of construction, 11011  
operation, or maintenance of hospital facilities, a public 11012  
hospital agency may acquire by purchase, gift, lease, lease with 11013  
option to purchase, lease-purchase, or installment purchase, 11014  
easement deed, or other agreement, real estate and interests in 11015  
real estate, including rights to use space over, under or upon 11016  
real property owned by others, and support, access, common wall, 11017  
and other rights in connection therewith. Any public hospital 11018  
agency or other political subdivision or any public agency, board, 11019  
commission, institution, body, or instrumentality may grant such 11020  
real estate, interests, or rights to any hospital agency upon such 11021  
terms as are agreed upon without necessity for competitive bidding 11022  
or public auction. 11023

**Sec. 145.01.** As used in this chapter: 11024

(A) "Public employee" means: 11025

(1) Any person holding an office, not elective, under the 11026  
state or any county, township, municipal corporation, park 11027  
district, conservancy district, sanitary district, health 11028  
district, metropolitan housing authority, state retirement board, 11029  
Ohio historical society, public library, county law library, union 11030  
cemetery, joint hospital, institutional commissary, state 11031  
university, or board, bureau, commission, council, committee, 11032  
authority, or administrative body as the same are, or have been, 11033  
created by action of the general assembly or by the legislative 11034  
authority of any of the units of local government named in 11035  
division (A)(1) of this section, or employed and paid in whole or 11036  
in part by the state or any of the authorities named in division 11037

(A)(1) of this section in any capacity not covered by section 11038  
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. 11039

(2) A person who is a member of the public employees 11040  
retirement system and who continues to perform the same or similar 11041  
duties under the direction of a contractor who has contracted to 11042  
take over what before the date of the contract was a publicly 11043  
operated function. The governmental unit with which the contract 11044  
has been made shall be deemed the employer for the purposes of 11045  
administering this chapter. 11046

(3) Any person who is an employee of a public employer, 11047  
notwithstanding that the person's compensation for that employment 11048  
is derived from funds of a person or entity other than the 11049  
employer. Credit for such service shall be included as total 11050  
service credit, provided that the employee makes the payments 11051  
required by this chapter, and the employer makes the payments 11052  
required by sections 145.48 and 145.51 of the Revised Code. 11053

(4) A person who elects in accordance with section 145.015 of 11054  
the Revised Code to remain a contributing member of the public 11055  
employees retirement system. 11056

(5) A person who is an employee of the legal rights service 11057  
on September 30, 2012, and continues to be employed by the 11058  
nonprofit entity established under Section 319.20 of Am. Sub. H.B. 11059  
153 of the 129th general assembly. The nonprofit entity is the 11060  
employer for the purpose of this chapter. 11061

In all cases of doubt, the public employees retirement board 11062  
shall determine under section 145.036, 145.037, or 145.038 of the 11063  
Revised Code whether any person is a public employee, and its 11064  
decision is final. 11065

(B) "Member" means any public employee, other than a public 11066  
employee excluded or exempted from membership in the retirement 11067  
system by section 145.03, 145.031, 145.032, 145.033, 145.034, 11068

145.035, or 145.38 of the Revised Code. "Member" includes a PERS 11069  
retirant who becomes a member under division (C) of section 145.38 11070  
of the Revised Code. "Member" also includes a disability benefit 11071  
recipient. 11072

(C) "Head of the department" means the elective or appointive 11073  
head of the several executive, judicial, and administrative 11074  
departments, institutions, boards, and commissions of the state 11075  
and local government as the same are created and defined by the 11076  
laws of this state or, in case of a charter government, by that 11077  
charter. 11078

(D) "Employer" or "public employer" means the state or any 11079  
county, township, municipal corporation, park district, 11080  
conservancy district, sanitary district, health district, 11081  
metropolitan housing authority, state retirement board, Ohio 11082  
historical society, public library, county law library, union 11083  
cemetery, joint hospital, institutional commissary, state medical 11084  
university, state university, or board, bureau, commission, 11085  
council, committee, authority, or administrative body as the same 11086  
are, or have been, created by action of the general assembly or by 11087  
the legislative authority of any of the units of local government 11088  
named in this division not covered by section 742.01, 3307.01, 11089  
3309.01, or 5505.01 of the Revised Code. In addition, "employer" 11090  
means the employer of any public employee. 11091

(E) "Prior military service" also means all service credited 11092  
for active duty with the armed forces of the United States as 11093  
provided in section 145.30 of the Revised Code. 11094

(F) "Contributor" means any person who has an account in the 11095  
employees' savings fund created by section 145.23 of the Revised 11096  
Code. When used in the sections listed in division (B) of section 11097  
145.82 of the Revised Code, "contributor" includes any person 11098  
participating in a PERS defined contribution plan. 11099

(G) "Beneficiary" or "beneficiaries" means the estate or a person or persons who, as the result of the death of a member, contributor, or retirant, qualify for or are receiving some right or benefit under this chapter.

(H)(1) "Total service credit," except as provided in section 145.37 of the Revised Code, means all service credited to a member of the retirement system since last becoming a member, including restored service credit as provided by section 145.31 of the Revised Code; credit purchased under sections 145.293 and 145.299 of the Revised Code; all the member's military service credit computed as provided in this chapter; all service credit established pursuant to section 145.297 of the Revised Code; and any other service credited under this chapter. For the exclusive purpose of satisfying the service credit requirement and of determining eligibility for benefits under sections 145.32, 145.33, 145.331, 145.332, 145.35, 145.36, and 145.361 of the Revised Code, "five or more years of total service credit" means sixty or more calendar months of contributing service in this system.

(2) "One and one-half years of contributing service credit," as used in division (B) of section 145.45 of the Revised Code, also means eighteen or more calendar months of employment by a municipal corporation that formerly operated its own retirement plan for its employees or a part of its employees, provided that all employees of that municipal retirement plan who have eighteen or more months of such employment, upon establishing membership in the public employees retirement system, shall make a payment of the contributions they would have paid had they been members of this system for the eighteen months of employment preceding the date membership was established. When that payment has been made by all such employee members, a corresponding payment shall be paid into the employers' accumulation fund by that municipal

corporation as the employer of the employees. 11132

(3) Where a member also is a member of the state teachers 11133  
retirement system or the school employees retirement system, or 11134  
both, except in cases of retirement on a combined basis pursuant 11135  
to section 145.37 of the Revised Code or as provided in section 11136  
145.383 of the Revised Code, service credit for any period shall 11137  
be credited on the basis of the ratio that contributions to the 11138  
public employees retirement system bear to total contributions in 11139  
all state retirement systems. 11140

(4) Not more than one year of credit may be given for any 11141  
period of twelve months. 11142

(5) "Ohio service credit" means credit for service that was 11143  
rendered to the state or any of its political subdivisions or any 11144  
employer. 11145

(I) "Regular interest" means interest at any rates for the 11146  
respective funds and accounts as the public employees retirement 11147  
board may determine from time to time. 11148

(J) "Accumulated contributions" means the sum of all amounts 11149  
credited to a contributor's individual account in the employees' 11150  
savings fund together with any interest credited to the 11151  
contributor's account under section 145.471 or 145.472 of the 11152  
Revised Code. 11153

(K)(1) "Final average salary" means the greater of the 11154  
following: 11155

(a) The sum of the member's earnable salaries for the 11156  
appropriate number of calendar years of contributing service, 11157  
determined under section 145.017 of the Revised Code, in which the 11158  
member's earnable salary was highest, divided by the same number 11159  
of calendar years or, if the member has fewer than the appropriate 11160  
number of calendar years of contributing service, the total of the 11161  
member's earnable salary for all years of contributing service 11162

divided by the number of calendar years of the member's 11163  
contributing service; 11164

(b) The sum of a member's earnable salaries for the 11165  
appropriate number of consecutive months, determined under section 11166  
145.017 of the Revised Code, that were the member's last months of 11167  
service, up to and including the last month, divided by the 11168  
appropriate number of years or, if the time between the first and 11169  
final months of service is less than the appropriate number of 11170  
consecutive months, the total of the member's earnable salary for 11171  
all months of contributing service divided by the number of years 11172  
between the first and final months of contributing service, 11173  
including any fraction of a year, except that the member's final 11174  
average salary shall not exceed the member's highest earnable 11175  
salary for any twelve consecutive months. 11176

(2) If contributions were made in only one calendar year, 11177  
"final average salary" means the member's total earnable salary. 11178

(L) "Annuity" means payments for life derived from 11179  
contributions made by a contributor and paid from the annuity and 11180  
pension reserve fund as provided in this chapter. All annuities 11181  
shall be paid in twelve equal monthly installments. 11182

(M) "Annuity reserve" means the present value, computed upon 11183  
the basis of the mortality and other tables adopted by the board, 11184  
of all payments to be made on account of any annuity, or benefit 11185  
in lieu of any annuity, granted to a retirant as provided in this 11186  
chapter. 11187

(N)(1) "Disability retirement" means retirement as provided 11188  
in section 145.36 of the Revised Code. 11189

(2) "Disability allowance" means an allowance paid on account 11190  
of disability under section 145.361 of the Revised Code. 11191

(3) "Disability benefit" means a benefit paid as disability 11192  
retirement under section 145.36 of the Revised Code, as a 11193



disability allowance under section 145.361 of the Revised Code, or 11194  
as a disability benefit under section 145.37 of the Revised Code. 11195

(4) "Disability benefit recipient" means a member who is 11196  
receiving a disability benefit. 11197

(O) "Age and service retirement" means retirement as provided 11198  
in sections 145.32, 145.33, 145.331, 145.332, 145.37, and 145.46 11199  
and former section 145.34 of the Revised Code. 11200

(P) "Pensions" means annual payments for life derived from 11201  
contributions made by the employer that at the time of retirement 11202  
are credited into the annuity and pension reserve fund from the 11203  
employers' accumulation fund and paid from the annuity and pension 11204  
reserve fund as provided in this chapter. All pensions shall be 11205  
paid in twelve equal monthly installments. 11206

(Q) "Retirement allowance" means the pension plus that 11207  
portion of the benefit derived from contributions made by the 11208  
member. 11209

(R)(1) Except as otherwise provided in division (R) of this 11210  
section, "earnable salary" means all salary, wages, and other 11211  
earnings paid to a contributor by reason of employment in a 11212  
position covered by the retirement system. The salary, wages, and 11213  
other earnings shall be determined prior to determination of the 11214  
amount required to be contributed to the employees' savings fund 11215  
under section 145.47 of the Revised Code and without regard to 11216  
whether any of the salary, wages, or other earnings are treated as 11217  
deferred income for federal income tax purposes. "Earnable salary" 11218  
includes the following: 11219

(a) Payments made by the employer in lieu of salary, wages, 11220  
or other earnings for sick leave, personal leave, or vacation used 11221  
by the contributor; 11222

(b) Payments made by the employer for the conversion of sick 11223  
leave, personal leave, and vacation leave accrued, but not used if 11224

the payment is made during the year in which the leave is accrued, 11225  
except that payments made pursuant to section 124.383 or 124.386 11226  
of the Revised Code are not earnable salary; 11227

(c) Allowances paid by the employer for maintenance, 11228  
consisting of housing, laundry, and meals, as certified to the 11229  
retirement board by the employer or the head of the department 11230  
that employs the contributor; 11231

(d) Fees and commissions paid under section 507.09 of the 11232  
Revised Code; 11233

(e) Payments that are made under a disability leave program 11234  
sponsored by the employer and for which the employer is required 11235  
by section 145.296 of the Revised Code to make periodic employer 11236  
and employee contributions; 11237

(f) Amounts included pursuant to former division (K)(3) and 11238  
former division (Y) of this section and section 145.2916 of the 11239  
Revised Code. 11240

(2) "Earnable salary" does not include any of the following: 11241

(a) Fees and commissions, other than those paid under section 11242  
507.09 of the Revised Code, paid as sole compensation for personal 11243  
services and fees and commissions for special services over and 11244  
above services for which the contributor receives a salary; 11245

(b) Amounts paid by the employer to provide life insurance, 11246  
sickness, accident, endowment, health, medical, hospital, dental, 11247  
or surgical coverage, or other insurance for the contributor or 11248  
the contributor's family, or amounts paid by the employer to the 11249  
contributor in lieu of providing the insurance; 11250

(c) Incidental benefits, including lodging, food, laundry, 11251  
parking, or services furnished by the employer, or use of the 11252  
employer's property or equipment, or amounts paid by the employer 11253  
to the contributor in lieu of providing the incidental benefits; 11254

(d) Reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;	11255 11256 11257
(e) Payments for accrued but unused sick leave, personal leave, or vacation that are made at any time other than in the year in which the sick leave, personal leave, or vacation was accrued;	11258 11259 11260 11261
(f) Payments made to or on behalf of a contributor that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as amended;	11262 11263 11264 11265 11266
(g) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general assembly;	11267 11268 11269 11270 11271 11272
(h) Anything of value received by the contributor that is based on or attributable to retirement or an agreement to retire, except that payments made on or before January 1, 1989, that are based on or attributable to an agreement to retire shall be included in earnable salary if both of the following apply:	11273 11274 11275 11276 11277
(i) The payments are made in accordance with contract provisions that were in effect prior to January 1, 1986;	11278 11279
(ii) The employer pays the retirement system an amount specified by the retirement board equal to the additional liability resulting from the payments.	11280 11281 11282
(i) The portion of any amount included in section 145.2916 of the Revised Code that represents employer contributions.	11283 11284

(3) The retirement board shall determine by rule whether any compensation not enumerated in division (R) of this section is earnable salary, and its decision shall be final.

(S) "Pension reserve" means the present value, computed upon the basis of the mortality and other tables adopted by the board, of all payments to be made on account of any retirement allowance or benefit in lieu of any retirement allowance, granted to a member or beneficiary under this chapter.

(T) "Contributing service" means both of the following:

(1) All service credited to a member of the system since January 1, 1935, for which contributions are made as required by sections 145.47, 145.48, and 145.483 of the Revised Code. In any year subsequent to 1934, credit for any service shall be allowed in accordance with section 145.016 of the Revised Code.

(2) Service credit received by election of the member under section 145.814 of the Revised Code.

(U) "State retirement board" means the public employees retirement board, the school employees retirement board, or the state teachers retirement board.

(V) "Retirant" means any former member who retires and is receiving a monthly allowance as provided in sections 145.32, 145.33, 145.331, 145.332, and 145.46 and former section 145.34 of the Revised Code.

(W) "Employer contribution" means the amount paid by an employer as determined under section 145.48 of the Revised Code.

(X) "Public service terminates" means the last day for which a public employee is compensated for services performed for an employer or the date of the employee's death, whichever occurs first.

(Y) "Five years of service credit," for the exclusive purpose

of satisfying the service credit requirements and of determining 11315  
eligibility under section 145.33 or 145.332 of the Revised Code, 11316  
means employment covered under this chapter or under a former 11317  
retirement plan operated, recognized, or endorsed by the employer 11318  
prior to coverage under this chapter or under a combination of the 11319  
coverage. 11320

(Z) "Deputy sheriff" means any person who is commissioned and 11321  
employed as a full-time peace officer by the sheriff of any 11322  
county, and has been so employed since on or before December 31, 11323  
1965; any person who is or has been commissioned and employed as a 11324  
peace officer by the sheriff of any county since January 1, 1966, 11325  
and who has received a certificate attesting to the person's 11326  
satisfactory completion of the peace officer training school as 11327  
required by section 109.77 of the Revised Code; or any person 11328  
deputized by the sheriff of any county and employed pursuant to 11329  
section 2301.12 of the Revised Code as a criminal bailiff or court 11330  
constable who has received a certificate attesting to the person's 11331  
satisfactory completion of the peace officer training school as 11332  
required by section 109.77 of the Revised Code. 11333

(AA) "Township constable or police officer in a township 11334  
police department or district" means any person who is 11335  
commissioned and employed as a full-time peace officer pursuant to 11336  
Chapter 505. or 509. of the Revised Code, who has received a 11337  
certificate attesting to the person's satisfactory completion of 11338  
the peace officer training school as required by section 109.77 of 11339  
the Revised Code. 11340

(BB) "Drug agent" means any person who is either of the 11341  
following: 11342

(1) Employed full time as a narcotics agent by a county 11343  
narcotics agency created pursuant to section 307.15 of the Revised 11344  
Code and has received a certificate attesting to the satisfactory 11345  
completion of the peace officer training school as required by 11346

section 109.77 of the Revised Code; 11347

(2) Employed full time as an undercover drug agent as defined 11348  
in section 109.79 of the Revised Code and is in compliance with 11349  
section 109.77 of the Revised Code. 11350

(CC) "Department of public safety enforcement agent" means a 11351  
full-time employee of the department of public safety who is 11352  
designated under section 5502.14 of the Revised Code as an 11353  
enforcement agent and who is in compliance with section 109.77 of 11354  
the Revised Code. 11355

(DD) "Natural resources law enforcement staff officer" means 11356  
a full-time employee of the department of natural resources who is 11357  
designated a natural resources law enforcement staff officer under 11358  
section 1501.013 of the Revised Code and is in compliance with 11359  
section 109.77 of the Revised Code. 11360

(EE) "Park officer" means a full-time employee of the 11361  
department of natural resources who is designated a park officer 11362  
under section 1541.10 of the Revised Code and is in compliance 11363  
with section 109.77 of the Revised Code. 11364

(FF) "Forest officer" means a full-time employee of the 11365  
department of natural resources who is designated a forest officer 11366  
under section 1503.29 of the Revised Code and is in compliance 11367  
with section 109.77 of the Revised Code. 11368

(GG) "Preserve officer" means a full-time employee of the 11369  
department of natural resources who is designated a preserve 11370  
officer under section 1517.10 of the Revised Code and is in 11371  
compliance with section 109.77 of the Revised Code. 11372

(HH) "Wildlife officer" means a full-time employee of the 11373  
department of natural resources who is designated a wildlife 11374  
officer under section 1531.13 of the Revised Code and is in 11375  
compliance with section 109.77 of the Revised Code. 11376

(II) "State watercraft officer" means a full-time employee of the department of natural resources who is designated a state watercraft officer under section 1547.521 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(JJ) "Park district police officer" means a full-time employee of a park district who is designated pursuant to section 511.232 or 1545.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(KK) "Conservancy district officer" means a full-time employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(LL) "Municipal police officer" means a member of the organized police department of a municipal corporation who is employed full time, is in compliance with section 109.77 of the Revised Code, and is not a member of the Ohio police and fire pension fund.

(MM) "Veterans' home police officer" means any person who is employed at a veterans' home as a police officer pursuant to section 5907.02 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(NN) "Special police officer for a mental health institution" means any person who is designated as such pursuant to section ~~5119.14~~ 5119.08 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(OO) "Special police officer for an institution for the developmentally disabled" means any person who is designated as such pursuant to section 5123.13 of the Revised Code and is in compliance with section 109.77 of the Revised Code.

(PP) "State university law enforcement officer" means any person who is employed full time as a state university law

enforcement officer pursuant to section 3345.04 of the Revised Code and who is in compliance with section 109.77 of the Revised Code. 11408  
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(QQ) "House sergeant at arms" means any person appointed by the speaker of the house of representatives under division (B)(1) of section 101.311 of the Revised Code who has arrest authority under division (E)(1) of that section. 11411  
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(RR) "Assistant house sergeant at arms" means any person appointed by the house sergeant at arms under division (C)(1) of section 101.311 of the Revised Code. 11415  
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(SS) "Regional transit authority police officer" means a person who is employed full time as a regional transit authority police officer under division (Y) of section 306.35 of the Revised Code and is in compliance with section 109.77 of the Revised Code. 11418  
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(TT) "State highway patrol police officer" means a special police officer employed full time and designated by the superintendent of the state highway patrol pursuant to section 5503.09 of the Revised Code or a person serving full time as a special police officer pursuant to that section on a permanent basis on October 21, 1997, who is in compliance with section 109.77 of the Revised Code. 11422  
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(UU) "Municipal public safety director" means a person who serves full time as the public safety director of a municipal corporation with the duty of directing the activities of the municipal corporation's police department and fire department. 11429  
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(VV) Notwithstanding section 2901.01 of the Revised Code, "PERS law enforcement officer" means a sheriff or any of the following whose primary duties are to preserve the peace, protect life and property, and enforce the laws of this state: a deputy sheriff, township constable or police officer in a township police department or district, drug agent, department of public safety 11433  
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enforcement agent, natural resources law enforcement staff 11439  
officer, park officer, forest officer, preserve officer, wildlife 11440  
officer, state watercraft officer, park district police officer, 11441  
conservancy district officer, veterans' home police officer, 11442  
special police officer for a mental health institution, special 11443  
police officer for an institution for the developmentally 11444  
disabled, state university law enforcement officer, municipal 11445  
police officer, house sergeant at arms, assistant house sergeant 11446  
at arms, regional transit authority police officer, or state 11447  
highway patrol police officer. "PERS law enforcement officer" also 11448  
includes a person serving as a municipal public safety director at 11449  
any time during the period from September 29, 2005, to March 24, 11450  
2009, if the duties of that service were to preserve the peace, 11451  
protect life and property, and enforce the laws of this state. 11452

(WW) "Hamilton county municipal court bailiff" means a person 11453  
appointed by the clerk of courts of the Hamilton county municipal 11454  
court under division (A)(3) of section 1901.32 of the Revised Code 11455  
who is employed full time as a bailiff or deputy bailiff, who has 11456  
received a certificate attesting to the person's satisfactory 11457  
completion of the peace officer basic training described in 11458  
division (D)(1) of section 109.77 of the Revised Code. 11459

(XX) "PERS public safety officer" means a Hamilton county 11460  
municipal court bailiff, or any of the following whose primary 11461  
duties are other than to preserve the peace, protect life and 11462  
property, and enforce the laws of this state: a deputy sheriff, 11463  
township constable or police officer in a township police 11464  
department or district, drug agent, department of public safety 11465  
enforcement agent, natural resources law enforcement staff 11466  
officer, park officer, forest officer, preserve officer, wildlife 11467  
officer, state watercraft officer, park district police officer, 11468  
conservancy district officer, veterans' home police officer, 11469  
special police officer for a mental health institution, special 11470

police officer for an institution for the ~~mentally retarded and~~ 11471  
developmentally disabled, state university law enforcement 11472  
officer, municipal police officer, house sergeant at arms, 11473  
assistant house sergeant at arms, regional transit authority 11474  
police officer, or state highway patrol police officer. "PERS 11475  
public safety officer" also includes a person serving as a 11476  
municipal public safety director at any time during the period 11477  
from September 29, 2005, to March 24, 2009, if the duties of that 11478  
service were other than to preserve the peace, protect life and 11479  
property, and enforce the laws of this state. 11480

(YY) "Fiduciary" means a person who does any of the 11481  
following: 11482

(1) Exercises any discretionary authority or control with 11483  
respect to the management of the system or with respect to the 11484  
management or disposition of its assets; 11485

(2) Renders investment advice for a fee, direct or indirect, 11486  
with respect to money or property of the system; 11487

(3) Has any discretionary authority or responsibility in the 11488  
administration of the system. 11489

(ZZ) "Actuary" means an individual who satisfies all of the 11490  
following requirements: 11491

(1) Is a member of the American academy of actuaries; 11492

(2) Is an associate or fellow of the society of actuaries; 11493

(3) Has a minimum of five years' experience in providing 11494  
actuarial services to public retirement plans. 11495

(AAA) "PERS defined benefit plan" means the plan described in 11496  
sections 145.201 to 145.79 of the Revised Code. 11497

(BBB) "PERS defined contribution plans" means the plan or 11498  
plans established under section 145.81 of the Revised Code. 11499

<b>Sec. 145.012.</b> (A) "Public employee," as defined in division	11500
(A) of section 145.01 of the Revised Code, does not include any	11501
person:	11502
(1) Who is employed by a private, temporary-help service and	11503
performs services under the direction of a public employer or is	11504
employed on a contractual basis as an independent contractor under	11505
a personal service contract with a public employer;	11506
(2) Who is an emergency employee serving on a temporary basis	11507
in case of fire, snow, earthquake, flood, or other similar	11508
emergency;	11509
(3) Who is employed in a program established pursuant to the	11510
"Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A.	11511
1501;	11512
(4) Who is an appointed member of either the motor vehicle	11513
salvage dealers board or the motor vehicle dealer's board whose	11514
rate and method of payment are determined pursuant to division (J)	11515
of section 124.15 of the Revised Code;	11516
(5) Who is employed as an election worker and paid less than	11517
five hundred dollars per calendar year for that service;	11518
(6) Who is employed as a firefighter in a position requiring	11519
satisfactory completion of a firefighter training course approved	11520
under former section 3303.07 or section 4765.55 of the Revised	11521
Code or conducted under section 3737.33 of the Revised Code except	11522
for the following:	11523
(a) Any firefighter who has elected under section 145.013 of	11524
the Revised Code to remain a contributing member of the public	11525
employees retirement system;	11526
(b) Any firefighter who was eligible to transfer from the	11527
public employees retirement system to the Ohio police and fire	11528
pension fund under section 742.51 or 742.515 of the Revised Code	11529

and did not elect to transfer; 11530

(c) Any firefighter who has elected under section 742.516 of 11531  
the Revised Code to transfer from the Ohio police and fire pension 11532  
fund to the public employees retirement system. 11533

(7) Who is a member of the board of health of a city or 11534  
general health district, which pursuant to sections 3709.051 and 11535  
3709.07 of the Revised Code includes a combined health district, 11536  
and whose compensation for attendance at meetings of the board is 11537  
set forth in division (B) of section 3709.02 or division (B) of 11538  
section 3709.05 of the Revised Code, as appropriate; 11539

(8) Who participates in an alternative retirement plan 11540  
established under Chapter 3305. of the Revised Code; 11541

(9) Who is a member of the board of directors of a sanitary 11542  
district established under Chapter 6115. of the Revised Code; 11543

(10) Who is a member of the unemployment compensation 11544  
advisory council; 11545

(11) Who is an employee, officer, or governor-appointed 11546  
member of the board of directors of the nonprofit corporation 11547  
formed under section 187.01 of the Revised Code; 11548

(12) Who is employed by the nonprofit entity established to 11549  
provide advocacy services and a client assistance program for 11550  
people with disabilities under Section 319.20 of Am. Sub. H.B. 153 11551  
of the 129th general assembly and whose employment begins on or 11552  
after October 1, 2012. 11553

(B) No inmate of a correctional institution operated by the 11554  
department of rehabilitation and correction, no patient in a 11555  
hospital for the mentally ill or criminally insane operated by the 11556  
department of ~~mental health~~ mental health and addiction services, 11557  
no resident in an institution for the mentally retarded operated 11558  
by the department of developmental disabilities, no resident 11559

admitted as a patient of a veterans' home operated under Chapter 11560  
5907. of the Revised Code, and no resident of a county home shall 11561  
be considered as a public employee for the purpose of establishing 11562  
membership or calculating service credit or benefits under this 11563  
chapter. Nothing in this division shall be construed to affect any 11564  
service credit attained by any person who was a public employee 11565  
before becoming an inmate, patient, or resident at any institution 11566  
listed in this division, or the payment of any benefit for which 11567  
such a person or such a person's beneficiaries otherwise would be 11568  
eligible. 11569

**Sec. 145.22.** (A) The public employees retirement board shall 11570  
have prepared annually by or under the supervision of an actuary 11571  
an actuarial valuation of the pension assets, liabilities, and 11572  
funding requirements of the public employees retirement system as 11573  
established pursuant to this chapter. The actuary shall complete 11574  
the valuation in accordance with actuarial standards of practice 11575  
promulgated by the actuarial standards board of the American 11576  
academy of actuaries and prepare a report of the valuation. The 11577  
report shall include all of the following: 11578

(1) A summary of the benefit provisions evaluated; 11579

(2) A summary of the census data and financial information 11580  
used in the valuation; 11581

(3) A description of the actuarial assumptions, actuarial 11582  
cost method, and asset valuation method used in the valuation, 11583  
including a statement of the assumed rate of payroll growth and 11584  
assumed rate of growth or decline in the number of members 11585  
contributing to the retirement system; 11586

(4) A summary of findings that includes a statement of the 11587  
actuarial accrued pension liabilities and unfunded actuarial 11588  
accrued pension liabilities; 11589

(5) A schedule showing the effect of any changes in the benefit provisions, actuarial assumptions, or cost methods since the last annual actuarial valuation;

(6) A statement of whether contributions to the retirement system are expected to be sufficient to satisfy the funding objectives established by the board.

The board shall submit the report to the Ohio retirement study council, the director of budget and management, and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation immediately upon its availability and not later than the first day of September following the year for which the valuation was made.

(B) At such time as the public employees retirement board determines, and at least once in each five-year period, the board shall have prepared by or under the supervision of an actuary an actuarial investigation of the mortality, service, and other experience of the members, retirants, contributors, and beneficiaries of the system to update the actuarial assumptions used in the actuarial valuation required by division (A) of this section. The actuary shall prepare a report of the actuarial investigation. The report shall be prepared and any recommended changes in actuarial assumptions shall be made in accordance with the actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries. The report shall include all of the following:

(1) A summary of relevant decrement and economic assumption experience observed over the period of the investigation;

(2) Recommended changes in actuarial assumptions to be used in subsequent actuarial valuations required by division (A) of this section;

(3) A measurement of the financial effect of the recommended

changes in actuarial assumptions. 11621

The board shall submit the report to the Ohio retirement 11622  
study council and the standing committees of the house of 11623  
representatives and the senate with primary responsibility for 11624  
retirement legislation not later than the first day of November 11625  
following the last fiscal year of the period the report covers. 11626

(C) The board may at any time request the actuary to make any 11627  
studies or actuarial valuations to determine the adequacy of the 11628  
contribution rate determined under section 145.48 of the Revised 11629  
Code, and those rates may be adjusted by the board, as recommended 11630  
by the actuary, effective as of the first of any year thereafter. 11631

(D) The board shall have prepared by or under the supervision 11632  
of an actuary an actuarial analysis of any introduced legislation 11633  
expected to have a measurable financial impact on the retirement 11634  
system. The actuarial analysis shall be completed in accordance 11635  
with the actuarial standards of practice promulgated by the 11636  
actuarial standards board of the American academy of actuaries. 11637  
The actuary shall prepare a report of the actuarial analysis, 11638  
which shall include all of the following: 11639

(1) A summary of the statutory changes that are being 11640  
evaluated; 11641

(2) A description of or reference to the actuarial 11642  
assumptions and actuarial cost method used in the report; 11643

(3) A description of the participant group or groups included 11644  
in the report; 11645

(4) A statement of the financial impact of the legislation, 11646  
including the resulting increase, if any, in the employer normal 11647  
cost percentage; the increase, if any, in actuarial accrued 11648  
liabilities; and the per cent of payroll that would be required to 11649  
amortize the increase in actuarial accrued liabilities as a level 11650  
per cent of covered payroll for all active members over a period 11651

not to exceed thirty years; 11652

(5) A statement of whether the scheduled contributions to the 11653  
system after the proposed change is enacted are expected to be 11654  
sufficient to satisfy the funding objectives established by the 11655  
board. 11656

Not later than sixty days from the date of introduction of 11657  
the legislation, the board shall submit a copy of the actuarial 11658  
analysis to the legislative service commission, the standing 11659  
committees of the house of representatives and the senate with 11660  
primary responsibility for retirement legislation, and the Ohio 11661  
retirement study council. 11662

(E) The board shall have prepared annually a report giving a 11663  
full accounting of the revenues and costs relating to the 11664  
provision of benefits under sections 145.58 and 145.584 of the 11665  
Revised Code. The report shall be made as of December 31, 1997, 11666  
and the thirty-first day of December of each year thereafter. The 11667  
report shall include the following: 11668

(1) A description of the statutory authority for the benefits 11669  
provided; 11670

(2) A summary of the benefits; 11671

(3) A summary of the eligibility requirements for the 11672  
benefits; 11673

(4) A statement of the number of participants eligible for 11674  
the benefits; 11675

(5) A description of the accounting, asset valuation, and 11676  
funding method used to provide the benefits; 11677

(6) A statement of the net assets available for the provision 11678  
of the benefits as of the last day of the fiscal year; 11679

(7) A statement of any changes in the net assets available 11680  
for the provision of benefits, including participant and employer 11681



contributions, net investment income, administrative expenses, and 11682  
benefits provided to participants, as of the last day of the 11683  
fiscal year; 11684

(8) For the last six consecutive fiscal years, a schedule of 11685  
the net assets available for the benefits, the annual cost of 11686  
benefits, administrative expenses incurred, and annual employer 11687  
contributions allocated for the provision of benefits; 11688

(9) A description of any significant changes that affect the 11689  
comparability of the report required under this division; 11690

(10) A statement of the amount paid under division (C) of 11691  
section 145.58 of the Revised Code. 11692

The board shall submit the report to the Ohio retirement 11693  
study council, the director of budget and management, and the 11694  
standing committees of the house of representatives and the senate 11695  
with primary responsibility for retirement legislation immediately 11696  
upon its availability and not later than the thirtieth day of June 11697  
following the year for which the report was made. 11698

**Sec. 149.01.** Each elective state officer, the adjutant 11699  
general, the adult parole authority, the department of 11700  
agriculture, the director of administrative services, the public 11701  
utilities commission, the superintendent of insurance, the 11702  
superintendent of financial institutions, the superintendent of 11703  
purchases and printing, the fire marshal, the industrial 11704  
commission, the administrator of workers' compensation, the state 11705  
department of transportation, the department of health, the state 11706  
medical board, the state dental board, the board of embalmers and 11707  
funeral directors, the Ohio commission for the blind, the 11708  
accountancy board of Ohio, the state council of uniform state 11709  
laws, the board of commissioners of the sinking fund, the 11710  
department of taxation, the board of tax appeals, the division of 11711  
liquor control, the director of state armories, the trustees of 11712

the Ohio state university, and every private or quasi-public 11713  
institution, association, board, or corporation receiving state 11714  
money for its use and purpose shall make annually, at the end of 11715  
each fiscal year, in quadruplicate, a report of the transactions 11716  
and proceedings of that office or department for that fiscal year, 11717  
excepting receipts and disbursements unless otherwise specifically 11718  
required by law. The report shall contain a summary of the 11719  
official acts of the officer, board, council, commission, 11720  
institution, association, or corporation and any suggestions and 11721  
recommendations that are proper. ~~On the first day of August of~~ 11722  
~~each year, one~~ 11723

One of the reports shall be filed with the governor, one with 11724  
the secretary of state, and one with the state library, and one 11725  
shall be kept on file in the office of the officer, board, 11726  
council, commission, institution, association, or corporation. The 11727  
reports shall be so filed by the first day of August, except that 11728  
the report of the treasurer of state shall be so filed by the 11729  
thirty-first day of December. 11730

**Sec. 149.43.** (A) As used in this section: 11731

(1) "Public record" means records kept by any public office, 11732  
including, but not limited to, state, county, city, village, 11733  
township, and school district units, and records pertaining to the 11734  
delivery of educational services by an alternative school in this 11735  
state kept by the nonprofit or for-profit entity operating the 11736  
alternative school pursuant to section 3313.533 of the Revised 11737  
Code. "Public record" does not mean any of the following: 11738

(a) Medical records; 11739

(b) Records pertaining to probation and parole proceedings or 11740  
to proceedings related to the imposition of community control 11741  
sanctions and post-release control sanctions; 11742

(c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;	11743 11744 11745
(d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;	11746 11747 11748
(e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;	11749 11750 11751 11752 11753 11754
(f) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;	11755 11756 11757
(g) Trial preparation records;	11758
(h) Confidential law enforcement investigatory records;	11759
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	11760 11761
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	11762 11763
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	11764 11765 11766 11767
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	11768 11769 11770 11771
(m) Intellectual property records;	11772

(n) Donor profile records;	11773
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	11774 11775
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information;	11776 11777 11778 11779 11780 11781
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	11782 11783 11784 11785 11786
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	11787 11788
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, and child fatality review data submitted by the child fatality review board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	11789 11790 11791 11792 11793 11794 11795 11796
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	11797 11798 11799 11800
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of <del>examiners</del> <u>executives</u> of <del>nursing home administrators</del>	11801 11802 11803

long-term services and supports administers under section 4751.04 11804  
of the Revised Code or contracts under that section with a private 11805  
or government entity to administer; 11806

(v) Records the release of which is prohibited by state or 11807  
federal law; 11808

(w) Proprietary information of or relating to any person that 11809  
is submitted to or compiled by the Ohio venture capital authority 11810  
created under section 150.01 of the Revised Code; 11811

~~(x) Information reported and evaluations conducted pursuant 11812  
to section 3701.072 of the Revised Code;~~ 11813

~~(y)~~ Financial statements and data any person submits for any 11814  
purpose to the Ohio housing finance agency or the controlling 11815  
board in connection with applying for, receiving, or accounting 11816  
for financial assistance from the agency, and information that 11817  
identifies any individual who benefits directly or indirectly from 11818  
financial assistance from the agency; 11819

~~(z)~~(y) Records listed in section 5101.29 of the Revised Code; 11820

~~(aa)~~(z) Discharges recorded with a county recorder under 11821  
section 317.24 of the Revised Code, as specified in division 11822  
(B)(2) of that section; 11823

~~(bb)~~(aa) Usage information including names and addresses of 11824  
specific residential and commercial customers of a municipally 11825  
owned or operated public utility; 11826

~~(cc)~~(bb) Records described in division (C) of section 187.04 11827  
of the Revised Code that are not designated to be made available 11828  
to the public as provided in that division. 11829

(2) "Confidential law enforcement investigatory record" means 11830  
any record that pertains to a law enforcement matter of a 11831  
criminal, quasi-criminal, civil, or administrative nature, but 11832  
only to the extent that the release of the record would create a 11833

high probability of disclosure of any of the following: 11834

(a) The identity of a suspect who has not been charged with 11835  
the offense to which the record pertains, or of an information 11836  
source or witness to whom confidentiality has been reasonably 11837  
promised; 11838

(b) Information provided by an information source or witness 11839  
to whom confidentiality has been reasonably promised, which 11840  
information would reasonably tend to disclose the source's or 11841  
witness's identity; 11842

(c) Specific confidential investigatory techniques or 11843  
procedures or specific investigatory work product; 11844

(d) Information that would endanger the life or physical 11845  
safety of law enforcement personnel, a crime victim, a witness, or 11846  
a confidential information source. 11847

(3) "Medical record" means any document or combination of 11848  
documents, except births, deaths, and the fact of admission to or 11849  
discharge from a hospital, that pertains to the medical history, 11850  
diagnosis, prognosis, or medical condition of a patient and that 11851  
is generated and maintained in the process of medical treatment. 11852

(4) "Trial preparation record" means any record that contains 11853  
information that is specifically compiled in reasonable 11854  
anticipation of, or in defense of, a civil or criminal action or 11855  
proceeding, including the independent thought processes and 11856  
personal trial preparation of an attorney. 11857

(5) "Intellectual property record" means a record, other than 11858  
a financial or administrative record, that is produced or 11859  
collected by or for faculty or staff of a state institution of 11860  
higher learning in the conduct of or as a result of study or 11861  
research on an educational, commercial, scientific, artistic, 11862  
technical, or scholarly issue, regardless of whether the study or 11863  
research was sponsored by the institution alone or in conjunction 11864

with a governmental body or private concern, and that has not been 11865  
publicly released, published, or patented. 11866

(6) "Donor profile record" means all records about donors or 11867  
potential donors to a public institution of higher education 11868  
except the names and reported addresses of the actual donors and 11869  
the date, amount, and conditions of the actual donation. 11870

(7) "Peace officer, parole officer, probation officer, 11871  
bailiff, prosecuting attorney, assistant prosecuting attorney, 11872  
correctional employee, community-based correctional facility 11873  
employee, youth services employee, firefighter, EMT, or 11874  
investigator of the bureau of criminal identification and 11875  
investigation residential and familial information" means any 11876  
information that discloses any of the following about a peace 11877  
officer, parole officer, probation officer, bailiff, prosecuting 11878  
attorney, assistant prosecuting attorney, correctional employee, 11879  
community-based correctional facility employee, youth services 11880  
employee, firefighter, EMT, or investigator of the bureau of 11881  
criminal identification and investigation: 11882

(a) The address of the actual personal residence of a peace 11883  
officer, parole officer, probation officer, bailiff, assistant 11884  
prosecuting attorney, correctional employee, community-based 11885  
correctional facility employee, youth services employee, 11886  
firefighter, EMT, or an investigator of the bureau of criminal 11887  
identification and investigation, except for the state or 11888  
political subdivision in which the peace officer, parole officer, 11889  
probation officer, bailiff, assistant prosecuting attorney, 11890  
correctional employee, community-based correctional facility 11891  
employee, youth services employee, firefighter, EMT, or 11892  
investigator of the bureau of criminal identification and 11893  
investigation resides; 11894

(b) Information compiled from referral to or participation in 11895  
an employee assistance program; 11896

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation;

(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation by the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, or investigator of the bureau of criminal identification and investigation's employer;

(e) The identity and amount of any charitable or employment benefit deduction made by the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, or investigator of the bureau of criminal identification and investigation's employer from the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility



employee's, youth services employee's, firefighter's, EMT's, or 11929  
investigator of the bureau of criminal identification and 11930  
investigation's compensation unless the amount of the deduction is 11931  
required by state or federal law; 11932

(f) The name, the residential address, the name of the 11933  
employer, the address of the employer, the social security number, 11934  
the residential telephone number, any bank account, debit card, 11935  
charge card, or credit card number, or the emergency telephone 11936  
number of the spouse, a former spouse, or any child of a peace 11937  
officer, parole officer, probation officer, bailiff, prosecuting 11938  
attorney, assistant prosecuting attorney, correctional employee, 11939  
community-based correctional facility employee, youth services 11940  
employee, firefighter, EMT, or investigator of the bureau of 11941  
criminal identification and investigation; 11942

(g) A photograph of a peace officer who holds a position or 11943  
has an assignment that may include undercover or plain clothes 11944  
positions or assignments as determined by the peace officer's 11945  
appointing authority. 11946

As used in divisions (A)(7) and (B)(9) of this section, 11947  
"peace officer" has the same meaning as in section 109.71 of the 11948  
Revised Code and also includes the superintendent and troopers of 11949  
the state highway patrol; it does not include the sheriff of a 11950  
county or a supervisory employee who, in the absence of the 11951  
sheriff, is authorized to stand in for, exercise the authority of, 11952  
and perform the duties of the sheriff. 11953

As used in divisions (A)(7) and (B)(5) of this section, 11954  
"correctional employee" means any employee of the department of 11955  
rehabilitation and correction who in the course of performing the 11956  
employee's job duties has or has had contact with inmates and 11957  
persons under supervision. 11958

As used in divisions (A)(7) and (B)(5) of this section, 11959

"youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

As used in divisions (A)(7) and (B)(9) of this section, "firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

As used in divisions (A)(7) and (B)(9) of this section, "EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code.

As used in divisions (A)(7) and (B)(9) of this section, "investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.

(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age of eighteen years, and that discloses any of the following:

(a) The address or telephone number of a person under the age of eighteen or the address or telephone number of that person's parent, guardian, custodian, or emergency contact person;

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;

(c) Any medical record, history, or information pertaining to a person under the age of eighteen;

(d) Any additional information sought or required about a 11990  
person under the age of eighteen for the purpose of allowing that 11991  
person to participate in any recreational activity conducted or 11992  
sponsored by a public office or to use or obtain admission 11993  
privileges to any recreational facility owned or operated by a 11994  
public office. 11995

(9) "Community control sanction" has the same meaning as in 11996  
section 2929.01 of the Revised Code. 11997

(10) "Post-release control sanction" has the same meaning as 11998  
in section 2967.01 of the Revised Code. 11999

(11) "Redaction" means obscuring or deleting any information 12000  
that is exempt from the duty to permit public inspection or 12001  
copying from an item that otherwise meets the definition of a 12002  
"record" in section 149.011 of the Revised Code. 12003

(12) "Designee" and "elected official" have the same meanings 12004  
as in section 109.43 of the Revised Code. 12005

(B)(1) Upon request and subject to division (B)(8) of this 12006  
section, all public records responsive to the request shall be 12007  
promptly prepared and made available for inspection to any person 12008  
at all reasonable times during regular business hours. Subject to 12009  
division (B)(8) of this section, upon request, a public office or 12010  
person responsible for public records shall make copies of the 12011  
requested public record available at cost and within a reasonable 12012  
period of time. If a public record contains information that is 12013  
exempt from the duty to permit public inspection or to copy the 12014  
public record, the public office or the person responsible for the 12015  
public record shall make available all of the information within 12016  
the public record that is not exempt. When making that public 12017  
record available for public inspection or copying that public 12018  
record, the public office or the person responsible for the public 12019  
record shall notify the requester of any redaction or make the 12020

redaction plainly visible. A redaction shall be deemed a denial of 12021  
a request to inspect or copy the redacted information, except if 12022  
federal or state law authorizes or requires a public office to 12023  
make the redaction. 12024

(2) To facilitate broader access to public records, a public 12025  
office or the person responsible for public records shall organize 12026  
and maintain public records in a manner that they can be made 12027  
available for inspection or copying in accordance with division 12028  
(B) of this section. A public office also shall have available a 12029  
copy of its current records retention schedule at a location 12030  
readily available to the public. If a requester makes an ambiguous 12031  
or overly broad request or has difficulty in making a request for 12032  
copies or inspection of public records under this section such 12033  
that the public office or the person responsible for the requested 12034  
public record cannot reasonably identify what public records are 12035  
being requested, the public office or the person responsible for 12036  
the requested public record may deny the request but shall provide 12037  
the requester with an opportunity to revise the request by 12038  
informing the requester of the manner in which records are 12039  
maintained by the public office and accessed in the ordinary 12040  
course of the public office's or person's duties. 12041

(3) If a request is ultimately denied, in part or in whole, 12042  
the public office or the person responsible for the requested 12043  
public record shall provide the requester with an explanation, 12044  
including legal authority, setting forth why the request was 12045  
denied. If the initial request was provided in writing, the 12046  
explanation also shall be provided to the requester in writing. 12047  
The explanation shall not preclude the public office or the person 12048  
responsible for the requested public record from relying upon 12049  
additional reasons or legal authority in defending an action 12050  
commenced under division (C) of this section. 12051

(4) Unless specifically required or authorized by state or 12052

federal law or in accordance with division (B) of this section, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requestor's identity or the intended use of the requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory and that the requester may decline to reveal the requester's identity or the intended use and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person chooses to obtain a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require that person to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the person seeking the copy under this division. The public office or the person responsible for the public record shall permit that person to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the person seeking

the copy makes a choice under this division, the public office or 12085  
person responsible for the public record shall provide a copy of 12086  
it in accordance with the choice made by the person seeking the 12087  
copy. Nothing in this section requires a public office or person 12088  
responsible for the public record to allow the person seeking a 12089  
copy of the public record to make the copies of the public record. 12090

(7) Upon a request made in accordance with division (B) of 12091  
this section and subject to division (B)(6) of this section, a 12092  
public office or person responsible for public records shall 12093  
transmit a copy of a public record to any person by United States 12094  
mail or by any other means of delivery or transmission within a 12095  
reasonable period of time after receiving the request for the 12096  
copy. The public office or person responsible for the public 12097  
record may require the person making the request to pay in advance 12098  
the cost of postage if the copy is transmitted by United States 12099  
mail or the cost of delivery if the copy is transmitted other than 12100  
by United States mail, and to pay in advance the costs incurred 12101  
for other supplies used in the mailing, delivery, or transmission. 12102

Any public office may adopt a policy and procedures that it 12103  
will follow in transmitting, within a reasonable period of time 12104  
after receiving a request, copies of public records by United 12105  
States mail or by any other means of delivery or transmission 12106  
pursuant to this division. A public office that adopts a policy 12107  
and procedures under this division shall comply with them in 12108  
performing its duties under this division. 12109

In any policy and procedures adopted under this division, a 12110  
public office may limit the number of records requested by a 12111  
person that the office will transmit by United States mail to ten 12112  
per month, unless the person certifies to the office in writing 12113  
that the person does not intend to use or forward the requested 12114  
records, or the information contained in them, for commercial 12115  
purposes. For purposes of this division, "commercial" shall be 12116

narrowly construed and does not include reporting or gathering 12117  
news, reporting or gathering information to assist citizen 12118  
oversight or understanding of the operation or activities of 12119  
government, or nonprofit educational research. 12120

(8) A public office or person responsible for public records 12121  
is not required to permit a person who is incarcerated pursuant to 12122  
a criminal conviction or a juvenile adjudication to inspect or to 12123  
obtain a copy of any public record concerning a criminal 12124  
investigation or prosecution or concerning what would be a 12125  
criminal investigation or prosecution if the subject of the 12126  
investigation or prosecution were an adult, unless the request to 12127  
inspect or to obtain a copy of the record is for the purpose of 12128  
acquiring information that is subject to release as a public 12129  
record under this section and the judge who imposed the sentence 12130  
or made the adjudication with respect to the person, or the 12131  
judge's successor in office, finds that the information sought in 12132  
the public record is necessary to support what appears to be a 12133  
justiciable claim of the person. 12134

(9)(a) Upon written request made and signed by a journalist 12135  
on or after December 16, 1999, a public office, or person 12136  
responsible for public records, having custody of the records of 12137  
the agency employing a specified peace officer, parole officer, 12138  
probation officer, bailiff, prosecuting attorney, assistant 12139  
prosecuting attorney, correctional employee, community-based 12140  
correctional facility employee, youth services employee, 12141  
firefighter, EMT, or investigator of the bureau of criminal 12142  
identification and investigation shall disclose to the journalist 12143  
the address of the actual personal residence of the peace officer, 12144  
parole officer, probation officer, bailiff, prosecuting attorney, 12145  
assistant prosecuting attorney, correctional employee, 12146  
community-based correctional facility employee, youth services 12147  
employee, firefighter, EMT, or investigator of the bureau of 12148

criminal identification and investigation and, if the peace 12149  
officer's, parole officer's, probation officer's, bailiff's, 12150  
prosecuting attorney's, assistant prosecuting attorney's, 12151  
correctional employee's, community-based correctional facility 12152  
employee's, youth services employee's, firefighter's, EMT's, or 12153  
investigator of the bureau of criminal identification and 12154  
investigation's spouse, former spouse, or child is employed by a 12155  
public office, the name and address of the employer of the peace 12156  
officer's, parole officer's, probation officer's, bailiff's, 12157  
prosecuting attorney's, assistant prosecuting attorney's, 12158  
correctional employee's, community-based correctional facility 12159  
employee's, youth services employee's, firefighter's, EMT's, or 12160  
investigator of the bureau of criminal identification and 12161  
investigation's spouse, former spouse, or child. The request shall 12162  
include the journalist's name and title and the name and address 12163  
of the journalist's employer and shall state that disclosure of 12164  
the information sought would be in the public interest. 12165

(b) Division (B)(9)(a) of this section also applies to 12166  
journalist requests for customer information maintained by a 12167  
municipally owned or operated public utility, other than social 12168  
security numbers and any private financial information such as 12169  
credit reports, payment methods, credit card numbers, and bank 12170  
account information. 12171

(c) As used in division (B)(9) of this section, "journalist" 12172  
means a person engaged in, connected with, or employed by any news 12173  
medium, including a newspaper, magazine, press association, news 12174  
agency, or wire service, a radio or television station, or a 12175  
similar medium, for the purpose of gathering, processing, 12176  
transmitting, compiling, editing, or disseminating information for 12177  
the general public. 12178

(C)(1) If a person allegedly is aggrieved by the failure of a 12179  
public office or the person responsible for public records to 12180



promptly prepare a public record and to make it available to the 12181  
person for inspection in accordance with division (B) of this 12182  
section or by any other failure of a public office or the person 12183  
responsible for public records to comply with an obligation in 12184  
accordance with division (B) of this section, the person allegedly 12185  
aggrieved may commence a mandamus action to obtain a judgment that 12186  
orders the public office or the person responsible for the public 12187  
record to comply with division (B) of this section, that awards 12188  
court costs and reasonable attorney's fees to the person that 12189  
instituted the mandamus action, and, if applicable, that includes 12190  
an order fixing statutory damages under division (C)(1) of this 12191  
section. The mandamus action may be commenced in the court of 12192  
common pleas of the county in which division (B) of this section 12193  
allegedly was not complied with, in the supreme court pursuant to 12194  
its original jurisdiction under Section 2 of Article IV, Ohio 12195  
Constitution, or in the court of appeals for the appellate 12196  
district in which division (B) of this section allegedly was not 12197  
complied with pursuant to its original jurisdiction under Section 12198  
3 of Article IV, Ohio Constitution. 12199

If a requestor transmits a written request by hand delivery 12200  
or certified mail to inspect or receive copies of any public 12201  
record in a manner that fairly describes the public record or 12202  
class of public records to the public office or person responsible 12203  
for the requested public records, except as otherwise provided in 12204  
this section, the requestor shall be entitled to recover the 12205  
amount of statutory damages set forth in this division if a court 12206  
determines that the public office or the person responsible for 12207  
public records failed to comply with an obligation in accordance 12208  
with division (B) of this section. 12209

The amount of statutory damages shall be fixed at one hundred 12210  
dollars for each business day during which the public office or 12211  
person responsible for the requested public records failed to 12212

comply with an obligation in accordance with division (B) of this 12213  
section, beginning with the day on which the requester files a 12214  
mandamus action to recover statutory damages, up to a maximum of 12215  
one thousand dollars. The award of statutory damages shall not be 12216  
construed as a penalty, but as compensation for injury arising 12217  
from lost use of the requested information. The existence of this 12218  
injury shall be conclusively presumed. The award of statutory 12219  
damages shall be in addition to all other remedies authorized by 12220  
this section. 12221

The court may reduce an award of statutory damages or not 12222  
award statutory damages if the court determines both of the 12223  
following: 12224

(a) That, based on the ordinary application of statutory law 12225  
and case law as it existed at the time of the conduct or 12226  
threatened conduct of the public office or person responsible for 12227  
the requested public records that allegedly constitutes a failure 12228  
to comply with an obligation in accordance with division (B) of 12229  
this section and that was the basis of the mandamus action, a 12230  
well-informed public office or person responsible for the 12231  
requested public records reasonably would believe that the conduct 12232  
or threatened conduct of the public office or person responsible 12233  
for the requested public records did not constitute a failure to 12234  
comply with an obligation in accordance with division (B) of this 12235  
section; 12236

(b) That a well-informed public office or person responsible 12237  
for the requested public records reasonably would believe that the 12238  
conduct or threatened conduct of the public office or person 12239  
responsible for the requested public records would serve the 12240  
public policy that underlies the authority that is asserted as 12241  
permitting that conduct or threatened conduct. 12242

(2)(a) If the court issues a writ of mandamus that orders the 12243  
public office or the person responsible for the public record to 12244

comply with division (B) of this section and determines that the 12245  
circumstances described in division (C)(1) of this section exist, 12246  
the court shall determine and award to the relator all court 12247  
costs. 12248

(b) If the court renders a judgment that orders the public 12249  
office or the person responsible for the public record to comply 12250  
with division (B) of this section, the court may award reasonable 12251  
attorney's fees subject to reduction as described in division 12252  
(C)(2)(c) of this section. The court shall award reasonable 12253  
attorney's fees, subject to reduction as described in division 12254  
(C)(2)(c) of this section when either of the following applies: 12255

(i) The public office or the person responsible for the 12256  
public records failed to respond affirmatively or negatively to 12257  
the public records request in accordance with the time allowed 12258  
under division (B) of this section. 12259

(ii) The public office or the person responsible for the 12260  
public records promised to permit the relator to inspect or 12261  
receive copies of the public records requested within a specified 12262  
period of time but failed to fulfill that promise within that 12263  
specified period of time. 12264

(c) Court costs and reasonable attorney's fees awarded under 12265  
this section shall be construed as remedial and not punitive. 12266  
Reasonable attorney's fees shall include reasonable fees incurred 12267  
to produce proof of the reasonableness and amount of the fees and 12268  
to otherwise litigate entitlement to the fees. The court may 12269  
reduce an award of attorney's fees to the relator or not award 12270  
attorney's fees to the relator if the court determines both of the 12271  
following: 12272

(i) That, based on the ordinary application of statutory law 12273  
and case law as it existed at the time of the conduct or 12274  
threatened conduct of the public office or person responsible for 12275

the requested public records that allegedly constitutes a failure 12276  
to comply with an obligation in accordance with division (B) of 12277  
this section and that was the basis of the mandamus action, a 12278  
well-informed public office or person responsible for the 12279  
requested public records reasonably would believe that the conduct 12280  
or threatened conduct of the public office or person responsible 12281  
for the requested public records did not constitute a failure to 12282  
comply with an obligation in accordance with division (B) of this 12283  
section; 12284

(ii) That a well-informed public office or person responsible 12285  
for the requested public records reasonably would believe that the 12286  
conduct or threatened conduct of the public office or person 12287  
responsible for the requested public records as described in 12288  
division (C)(2)(c)(i) of this section would serve the public 12289  
policy that underlies the authority that is asserted as permitting 12290  
that conduct or threatened conduct. 12291

(D) Chapter 1347. of the Revised Code does not limit the 12292  
provisions of this section. 12293

(E)(1) To ensure that all employees of public offices are 12294  
appropriately educated about a public office's obligations under 12295  
division (B) of this section, all elected officials or their 12296  
appropriate designees shall attend training approved by the 12297  
attorney general as provided in section 109.43 of the Revised 12298  
Code. In addition, all public offices shall adopt a public records 12299  
policy in compliance with this section for responding to public 12300  
records requests. In adopting a public records policy under this 12301  
division, a public office may obtain guidance from the model 12302  
public records policy developed and provided to the public office 12303  
by the attorney general under section 109.43 of the Revised Code. 12304  
Except as otherwise provided in this section, the policy may not 12305  
limit the number of public records that the public office will 12306  
make available to a single person, may not limit the number of 12307

public records that it will make available during a fixed period 12308  
of time, and may not establish a fixed period of time before it 12309  
will respond to a request for inspection or copying of public 12310  
records, unless that period is less than eight hours. 12311

(2) The public office shall distribute the public records 12312  
policy adopted by the public office under division (E)(1) of this 12313  
section to the employee of the public office who is the records 12314  
custodian or records manager or otherwise has custody of the 12315  
records of that office. The public office shall require that 12316  
employee to acknowledge receipt of the copy of the public records 12317  
policy. The public office shall create a poster that describes its 12318  
public records policy and shall post the poster in a conspicuous 12319  
place in the public office and in all locations where the public 12320  
office has branch offices. The public office may post its public 12321  
records policy on the internet web site of the public office if 12322  
the public office maintains an internet web site. A public office 12323  
that has established a manual or handbook of its general policies 12324  
and procedures for all employees of the public office shall 12325  
include the public records policy of the public office in the 12326  
manual or handbook. 12327

(F)(1) The bureau of motor vehicles may adopt rules pursuant 12328  
to Chapter 119. of the Revised Code to reasonably limit the number 12329  
of bulk commercial special extraction requests made by a person 12330  
for the same records or for updated records during a calendar 12331  
year. The rules may include provisions for charges to be made for 12332  
bulk commercial special extraction requests for the actual cost of 12333  
the bureau, plus special extraction costs, plus ten per cent. The 12334  
bureau may charge for expenses for redacting information, the 12335  
release of which is prohibited by law. 12336

(2) As used in division (F)(1) of this section: 12337

(a) "Actual cost" means the cost of depleted supplies, 12338  
records storage media costs, actual mailing and alternative 12339

delivery costs, or other transmitting costs, and any direct 12340  
equipment operating and maintenance costs, including actual costs 12341  
paid to private contractors for copying services. 12342

(b) "Bulk commercial special extraction request" means a 12343  
request for copies of a record for information in a format other 12344  
than the format already available, or information that cannot be 12345  
extracted without examination of all items in a records series, 12346  
class of records, or ~~data base~~ database by a person who intends to 12347  
use or forward the copies for surveys, marketing, solicitation, or 12348  
resale for commercial purposes. "Bulk commercial special 12349  
extraction request" does not include a request by a person who 12350  
gives assurance to the bureau that the person making the request 12351  
does not intend to use or forward the requested copies for 12352  
surveys, marketing, solicitation, or resale for commercial 12353  
purposes. 12354

(c) "Commercial" means profit-seeking production, buying, or 12355  
selling of any good, service, or other product. 12356

(d) "Special extraction costs" means the cost of the time 12357  
spent by the lowest paid employee competent to perform the task, 12358  
the actual amount paid to outside private contractors employed by 12359  
the bureau, or the actual cost incurred to create computer 12360  
programs to make the special extraction. "Special extraction 12361  
costs" include any charges paid to a public agency for computer or 12362  
records services. 12363

(3) For purposes of divisions (F)(1) and (2) of this section, 12364  
"surveys, marketing, solicitation, or resale for commercial 12365  
purposes" shall be narrowly construed and does not include 12366  
reporting or gathering news, reporting or gathering information to 12367  
assist citizen oversight or understanding of the operation or 12368  
activities of government, or nonprofit educational research. 12369

**Sec. 149.60.** (A) There is the local government information 12370

exchange grant program in the department of administrative 12371  
services. The program shall be administered by the director of 12372  
administrative services. The director shall adopt rules under 12373  
Chapter 119. of the Revised Code as are necessary to administer 12374  
the program. The rules shall include all of the following: 12375

(1) Grant eligibility criteria; 12376

(2) A requirement that exchange-related electronic data be 12377  
posted on the internet in an open format in such a manner that the 12378  
data is searchable and downloadable through the internet by the 12379  
public; 12380

(3) Specifications for consistent formatting of, and 12381  
specifications for accounting and technology standards for, 12382  
information provided by participating local governments for 12383  
inclusion in the exchange; and 12384

(4) Specifications for data that must be included by 12385  
participating local governments in the information they provide, 12386  
which must include budgetary data, revenues, expenditures, 12387  
staffing information, and employee compensation. 12388

(B) The director shall disburse a grant of ten thousand 12389  
dollars to each local government that meets the grant eligibility 12390  
criteria established by the director. Grants shall be awarded to 12391  
local governments in the order in which the local governments have 12392  
met the grant eligibility criteria. The total amount of grants 12393  
awarded shall not exceed the amount that can be funded with 12394  
appropriations made by the general assembly for this purpose. 12395

(C) Not later than July 1, 2014, the director shall prepare 12396  
and issue to members of the general assembly a demonstration 12397  
report that does all of the following: 12398

(1) Demonstrates how the information exchange may provide 12399  
local governments with insights regarding efficiency and 12400

productivity; 12401

(2) Demonstrates how the information exchange may help local governments improve services to vulnerable populations by providing insights regarding programs that benefit the poor, including general welfare support programs; and 12402  
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(3) Demonstrates how information exchange data may create opportunities for private sector and research institutions to provide value-added products or services that may be commercialized or create jobs, and thereby contribute to the state economy. 12406  
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(D) A local government that elects not to participate in the exchange or that does not meet all the grant eligibility criteria established by the director, but that does make available on the internet electronic data that is specified by the director to be included in the exchange by participating local governments, shall post the data on the internet in an open format in such a manner that the data is searchable and downloadable through the internet by the public. 12411  
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**Sec. 151.11.** (A) As used in this section: 12419

(1) "Costs of sites and facilities" includes related direct administrative expenses and allocable portions of the direct costs of those projects. "Costs of sites and facilities" includes "allowable costs" as defined in section 122.085 of the Revised Code. 12420  
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(2) "Obligations" means obligations as defined in section 151.01 of the Revised Code issued to pay costs of sites and facilities in Ohio for and in support of industry, commerce, distribution, and research and development purposes as referred to in division (A)(3) of Section 2p of Article VIII, Ohio Constitution. 12425  
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(B) The issuing authority shall issue general obligations of the state to pay costs of sites and facilities pursuant to division (B)(3) of Section 2p of Article VIII, Ohio Constitution, section 151.01 of the Revised Code, and this section. The issuing authority shall issue obligations in the amount determined by the issuing authority to be required for those purposes. The total principal amount of obligations issued under this section shall not exceed one hundred fifty million dollars.

(C) Net proceeds of obligations shall be deposited into the job ready site development fund created by section 122.0820 of the Revised Code.

(D) There is hereby created in the state treasury the job ready site development bond service fund. All moneys received by the state and required by the bond proceedings, consistent with section 151.01 of the Revised Code and this section, to be deposited, transferred, or credited to the bond service fund, and all other moneys transferred or allocated to or received for the purposes of that fund, shall be deposited and credited to the bond service fund, subject to any applicable provisions of the bond proceedings, but without necessity for any act of appropriation. During the period beginning with the date of the first issuance of obligations and continuing during the time that any obligations are outstanding in accordance with their terms, so long as moneys in the bond service fund are insufficient to pay debt service when due on those obligations payable from that fund, except the principal amounts of bond anticipation notes payable from the proceeds of renewal notes or bonds anticipated, and due in the particular fiscal year, a sufficient amount of revenues of the state is committed and, without necessity for further act of appropriation, shall be paid to the bond service fund for the purpose of paying that debt service when due. All investment earnings on the cash balance in the fund shall be credited to the

fund. 12463

Sec. 151.50. (A) There is hereby created in the state 12464  
treasury the clean Ohio distribution fund. The fund shall consist 12465  
of money credited to it under section 1509.73 of the Revised Code. 12466

(B) Not later than the fifth day of October each year, the 12467  
director of budget and management shall determine the balance of 12468  
the fund. If the balance of the fund is twenty-five million 12469  
dollars or more, the director shall transfer the total balance of 12470  
the fund as follows: 12471

(1) Seventy-five per cent of the money shall be credited to 12472  
the clean Ohio conservation fund created in section 164.27 of the 12473  
Revised Code. 12474

(2) Twelve and one-half per cent of the money shall be 12475  
credited to the clean Ohio agricultural easement fund created in 12476  
section 901.21 of the Revised Code. 12477

(3) Twelve and one-half per cent of the money shall be 12478  
credited to the clean Ohio trail fund created in section 1519.05 12479  
of the Revised Code. 12480

**Sec. 152.09. (A) As used in sections 152.06 and 152.09 to** 12481  
**152.33 of the Revised Code:** 12482

(1) "Obligations" means bonds, notes, or other evidences of 12483  
obligation, including interest coupons pertaining thereto, issued 12484  
pursuant to sections 152.09 to 152.33 of the Revised Code. 12485

(2) "State agencies" means the state of Ohio and branches, 12486  
officers, boards, commissions, authorities, departments, 12487  
divisions, courts, general assembly, or other units or agencies of 12488  
the state. "State agency" also includes counties, municipal 12489  
corporations, and governmental entities of this state that enter 12490  
into leases with the Ohio building authority pursuant to section 12491

152.31 of the Revised Code or that are designated by law as state 12492  
agencies for the purpose of performing a state function that is to 12493  
be housed by a capital facility for which the Ohio building 12494  
authority is authorized to issue revenue obligations pursuant to 12495  
sections 152.09 to 152.33 of the Revised Code. 12496

(3) "Bond service charges" means principal, including 12497  
mandatory sinking fund requirements for retirement of obligations, 12498  
and interest, and redemption premium, if any, required to be paid 12499  
by the Ohio building authority on obligations. 12500

(4) "Capital facilities" means buildings, structures, and 12501  
other improvements, and equipment, real estate, and interests in 12502  
real estate therefor, within the state, and any one, part of, or 12503  
combination of the foregoing, for housing of branches and agencies 12504  
of state government, including capital facilities for the purpose 12505  
of housing personnel, equipment, or functions, or any combination 12506  
thereof that the state agencies are responsible for housing, for 12507  
which the Ohio building authority is authorized to issue 12508  
obligations pursuant to Chapter 152. of the Revised Code, and 12509  
includes storage and parking facilities related to such capital 12510  
facilities. For purposes of sections 152.10 to 152.15 of the 12511  
Revised Code, "capital facilities" includes community or technical 12512  
college capital facilities. 12513

(5) "Cost of capital facilities" means the costs of 12514  
assessing, planning, acquiring, constructing, reconstructing, 12515  
rehabilitating, remodeling, renovating, enlarging, improving, 12516  
altering, maintaining, equipping, furnishing, repairing, painting, 12517  
decorating, managing, or operating capital facilities, and the 12518  
financing thereof, including the cost of clearance and preparation 12519  
of the site and of any land to be used in connection with capital 12520  
facilities, the cost of participating in capital facilities 12521  
pursuant to section 152.33 of the Revised Code, the cost of any 12522  
indemnity and surety bonds and premiums on insurance, all related 12523

direct administrative expenses and allocable portions of direct 12524  
costs of the authority and lessee state agencies, cost of 12525  
engineering and architectural services, designs, plans, 12526  
specifications, surveys, and estimates of cost, legal fees, fees 12527  
and expenses of trustees, depositories, and paying agents for the 12528  
obligations, cost of issuance of the obligations and financing 12529  
charges and fees and expenses of financial advisers and 12530  
consultants in connection therewith, interest on obligations from 12531  
the date thereof to the time when interest is to be covered from 12532  
sources other than proceeds of obligations, amounts that represent 12533  
the portion of investment earnings to be rebated or to be paid to 12534  
the federal government in order to maintain the exclusion from 12535  
gross income for federal income tax purposes of interest on those 12536  
obligations pursuant to section 148(f) of the Internal Revenue 12537  
Code, amounts necessary to establish reserves as required by the 12538  
resolutions or the obligations, trust agreements, or indentures, 12539  
costs of audits, the reimbursement of all moneys advanced or 12540  
applied by or borrowed from any governmental entity, whether to or 12541  
by the authority or others, from whatever source provided, for the 12542  
payment of any item or items of cost of the capital facilities, 12543  
any share of the cost undertaken by the authority pursuant to 12544  
arrangements made with governmental entities under division (J) of 12545  
section 152.21 of the Revised Code, and all other expenses 12546  
necessary or incident to assessing, planning, or determining the 12547  
feasibility or practicability with respect to capital facilities, 12548  
and such other expenses as may be necessary or incident to the 12549  
assessment, planning, acquisition, construction, reconstruction, 12550  
rehabilitation, remodeling, renovation, enlargement, improvement, 12551  
alteration, maintenance, equipment, furnishing, repair, painting, 12552  
decoration, management, or operation of capital facilities, the 12553  
financing thereof and the placing of the same in use and 12554  
operation, including any one, part of, or combination of such 12555  
classes of costs and expenses. 12556

(6) "Governmental entity" means any state agency, municipal corporation, county, township, school district, and any other political subdivision or special district in this state established pursuant to law, and, except where otherwise indicated, also means the United States or any of the states or any department, division, or agency thereof, and any agency, commission, or authority established pursuant to an interstate compact or agreement.

(7) "Governing body" means:

(a) In the case of a county, the board of county commissioners or other legislative authority; in the case of a municipal corporation, the legislative authority; in the case of a township, the board of township trustees; in the case of a school district, the board of education;

(b) In the case of any other governmental entity, the officer, board, commission, authority, or other body having the general management of the entity or having jurisdiction or authority in the particular circumstances.

(8) "Available receipts" means fees, charges, revenues, grants, subsidies, income from the investment of moneys, proceeds from the sale of goods or services, and all other revenues or receipts received by or on behalf of any state agency for which capital facilities are financed with obligations issued under Chapter 152. of the Revised Code, any state agency participating in capital facilities pursuant to section 152.33 of the Revised Code, or any state agency by which the capital facilities are constructed or financed; revenues or receipts derived by the authority from the operation, leasing, or other disposition of capital facilities, and the proceeds of obligations issued under Chapter 152. of the Revised Code; and also any moneys appropriated by a governmental entity, gifts, grants, donations, and pledges, and receipts therefrom, available for the payment of bond service

charges on such obligations. 12589

(9) "Available community or technical college receipts" means 12590  
all money received by a community or technical college or 12591  
community or technical college district, including income, 12592  
revenues, and receipts from the operation, ownership, or control 12593  
of facilities, grants, gifts, donations, and pledges and receipts 12594  
therefrom, receipts from fees and charges, the allocated state 12595  
share of instruction as defined in section ~~3333.90~~ 3333.59 of the 12596  
Revised Code, and the proceeds of the sale of obligations, 12597  
including proceeds of obligations issued to refund obligations 12598  
previously issued, but excluding any special fee, and receipts 12599  
therefrom, charged pursuant to division (D) of section 154.21 of 12600  
the Revised Code. 12601

(10) "Community or technical college," "college," "community 12602  
or technical college district," and "district" have the same 12603  
meanings as in section ~~3333.90~~ 3333.59 of the Revised Code. 12604

(11) "Community or technical college capital facilities" 12605  
means auxiliary facilities, education facilities, and housing and 12606  
dining facilities, as those terms are defined in section 3345.12 12607  
of the Revised Code, to the extent permitted to be financed by the 12608  
issuance of obligations under division (A)(2) of section 3357.112 12609  
of the Revised Code, that are authorized by sections 3354.121, 12610  
3357.112, and 3358.10 of the Revised Code to be financed by 12611  
obligations issued by a community or technical college district, 12612  
and for which the Ohio building authority is authorized to issue 12613  
obligations pursuant to Chapter 152. of the Revised Code, and 12614  
includes any one, part of, or any combination of the foregoing, 12615  
and further includes site improvements, utilities, machinery, 12616  
furnishings, and any separate or connected buildings, structures, 12617  
improvements, sites, open space and green space areas, utilities, 12618  
or equipment to be used in, or in connection with the operation or 12619  
maintenance of, or supplementing or otherwise related to the 12620

services or facilities to be provided by, such facilities. 12621

(12) "Cost of community or technical college capital 12622  
facilities" means the costs of acquiring, constructing, 12623  
reconstructing, rehabilitating, remodeling, renovating, enlarging, 12624  
improving, equipping, or furnishing community or technical college 12625  
capital facilities, and the financing thereof, including the cost 12626  
of clearance and preparation of the site and of any land to be 12627  
used in connection with community or technical college capital 12628  
facilities, the cost of any indemnity and surety bonds and 12629  
premiums on insurance, all related direct administrative expenses 12630  
and allocable portions of direct costs of the authority, community 12631  
or technical college or community or technical college district, 12632  
cost of engineering, architectural services, design, plans, 12633  
specifications and surveys, estimates of cost, legal fees, fees 12634  
and expenses of trustees, depositories, bond registrars, and 12635  
paying agents for the obligations, cost of issuance of the 12636  
obligations and financing costs and fees and expenses of financial 12637  
advisers and consultants in connection therewith, interest on the 12638  
obligations from the date thereof to the time when interest is to 12639  
be covered by available receipts or other sources other than 12640  
proceeds of the obligations, amounts that represent the portion of 12641  
investment earnings to be rebated or to be paid to the federal 12642  
government in order to maintain the exclusion from gross income 12643  
for federal income tax purposes of interest on those obligations 12644  
pursuant to section 148(f) of the Internal Revenue Code, amounts 12645  
necessary to establish reserves as required by the bond 12646  
proceedings, costs of audits, the reimbursements of all moneys 12647  
advanced or applied by or borrowed from the community or technical 12648  
college, community or technical college district, or others, from 12649  
whatever source provided, including any temporary advances from 12650  
state appropriations, for the payment of any item or items of cost 12651  
of community or technical college facilities, and all other 12652  
expenses necessary or incident to planning or determining 12653

feasibility or practicability with respect to such facilities, and 12654  
such other expenses as may be necessary or incident to the 12655  
acquisition, construction, reconstruction, rehabilitation, 12656  
remodeling, renovation, enlargement, improvement, equipment, and 12657  
furnishing of community or technical college capital facilities, 12658  
the financing thereof and the placing of them in use and 12659  
operation, including any one, part of, or combination of such 12660  
classes of costs and expenses. 12661

(B) Pursuant to the powers granted to the general assembly 12662  
under Section 2i of Article VIII, Ohio Constitution, to authorize 12663  
the issuance of revenue obligations and other obligations, the 12664  
owners or holders of which are not given the right to have excises 12665  
or taxes levied by the general assembly for the payment of 12666  
principal thereof or interest thereon, the Ohio building authority 12667  
may issue obligations, in accordance with Chapter 152. of the 12668  
Revised Code, and shall cause the net proceeds thereof, after any 12669  
deposits of accrued interest for the payment of bond service 12670  
charges and after any deposit of all or such lesser portion as the 12671  
authority may direct of the premium received upon the sale of 12672  
those obligations for the payment of the bond service charges, to 12673  
be applied to the costs of capital facilities designated by or 12674  
pursuant to act of the general assembly for housing state agencies 12675  
as authorized by Chapter 152. of the Revised Code. The authority 12676  
shall provide by resolution for the issuance of such obligations. 12677  
The bond service charges and all other payments required to be 12678  
made by the trust agreement or indenture securing such obligations 12679  
shall be payable solely from available receipts of the authority 12680  
pledged thereto as provided in such resolution. The available 12681  
receipts pledged and thereafter received by the authority are 12682  
immediately subject to the lien of such pledge without any 12683  
physical delivery thereof or further act, and the lien of any such 12684  
pledge is valid and binding against all parties having claims of 12685  
any kind against the authority, irrespective of whether those 12686



parties have notice thereof, and creates a perfected security 12687  
interest for all purposes of Chapter 1309. of the Revised Code and 12688  
a perfected lien for purposes of any real property interest, all 12689  
without the necessity for separation or delivery of funds or for 12690  
the filing or recording of the resolution, trust agreement, 12691  
indenture, or other agreement by which such pledge is created or 12692  
any certificate, statement, or other document with respect 12693  
thereto; and the pledge of such available receipts is effective 12694  
and the money therefrom and thereof may be applied to the purposes 12695  
for which pledged. Every pledge, and every covenant and agreement 12696  
made with respect to the pledge, made in the resolution may 12697  
therein be extended to the benefit of the owners and holders of 12698  
obligations authorized by Chapter 152. of the Revised Code, the 12699  
net proceeds of which are to be applied to the costs of capital 12700  
facilities, and to any trustee therefor, for the further securing 12701  
of the payment of the bond service charges, and all or any rights 12702  
under any agreement or lease made under this section may be 12703  
assigned for such purpose. Obligations may be issued at one time 12704  
or from time to time, and each issue shall be dated, shall mature 12705  
at such time or times as determined by the authority not exceeding 12706  
forty years from the date of issue, and may be redeemable before 12707  
maturity at the option of the authority at such price or prices 12708  
and under such terms and conditions as are fixed by the authority 12709  
prior to the issuance of the obligations. The authority shall 12710  
determine the form of the obligations, fix their denominations, 12711  
establish their interest rate or rates, which may be a variable 12712  
rate or rates, or the maximum interest rate, and establish within 12713  
or without this state a place or places of payment of bond service 12714  
charges. 12715

(C) The obligations shall be signed by the authority 12716  
chairperson, vice-chairperson, and secretary-treasurer, and the 12717  
authority seal shall be affixed. The signatures may be facsimile 12718  
signatures and the seal affixed may be a facsimile seal, as 12719

provided by resolution of the authority. Any coupons attached may 12720  
bear the facsimile signature of the chairperson. In case any 12721  
officer who has signed any obligations, or caused the officer's 12722  
facsimile signature to be affixed thereto, ceases to be such 12723  
officer before such obligations have been delivered, such 12724  
obligations may, nevertheless, be issued and delivered as though 12725  
the person who had signed the obligations or caused the person's 12726  
facsimile signature to be affixed thereto had not ceased to be 12727  
such officer. 12728

Any obligations may be executed on behalf of the authority by 12729  
an officer who, on the date of execution, is the proper officer 12730  
although on the date of such obligations such person was not the 12731  
proper officer. 12732

(D) All obligations issued by the authority shall have all 12733  
the qualities and incidents of negotiable instruments and may be 12734  
issued in coupon or in registered form, or both, as the authority 12735  
determines. Provision may be made for the registration of any 12736  
obligations with coupons attached thereto as to principal alone or 12737  
as to both principal and interest, their exchange for obligations 12738  
so registered, and for the conversion or reconversion into 12739  
obligations with coupons attached thereto of any obligations 12740  
registered as to both principal and interest, and for reasonable 12741  
charges for such registration, exchange, conversion, and 12742  
reconversion. The authority may sell its obligations in any manner 12743  
and for such prices as it determines, except that the authority 12744  
shall sell obligations sold at public or private sale in 12745  
accordance with section 152.091 of the Revised Code. 12746

(E) The obligations of the authority, principal, interest, 12747  
and any proceeds from their sale or transfer, are exempt from all 12748  
taxation within this state. 12749

(F) The authority is authorized to issue revenue obligations 12750  
and other obligations under Section 2i of Article VIII, Ohio 12751

Constitution, for the purpose of paying the cost of capital 12752  
facilities for housing of branches and agencies of state 12753  
government, including capital facilities for the purpose of 12754  
housing personnel, equipment, or functions, or any combination 12755  
thereof that the state agencies are responsible for housing, as 12756  
are authorized by Chapter 152. of the Revised Code, and that are 12757  
authorized by the general assembly by the appropriation of lease 12758  
payments or other moneys for such capital facilities or by any 12759  
other act of the general assembly, but not including the 12760  
appropriation of moneys for feasibility studies for such capital 12761  
facilities. This division does not authorize the authority to 12762  
issue obligations pursuant to Section 2i of Article VIII, Ohio 12763  
Constitution, to pay the cost of capital facilities for mental 12764  
hygiene and retardation, parks and recreation, or state-supported 12765  
or state-assisted institutions of higher education. 12766

(G) The authority is authorized to issue revenue obligations 12767  
under Section 2i of Article VIII, Ohio Constitution, on behalf of 12768  
a community or technical college district and shall cause the net 12769  
proceeds thereof, after any deposits of accrued interest for the 12770  
payment of bond service charges and after any deposit of all or 12771  
such lesser portion as the authority may direct of the premium 12772  
received upon the sale of those obligations for the payment of the 12773  
bond service charges, to be applied to the cost of community or 12774  
technical college capital facilities, provided that the issuance 12775  
of such obligations is subject to the execution of a written 12776  
agreement in accordance with division (C) of section ~~3333.90~~ 12777  
3333.59 of the Revised Code for the withholding and depositing of 12778  
funds otherwise due the district, or the college it operates, in 12779  
respect of its allocated state share of instruction. 12780

The authority shall provide by resolution for the issuance of 12781  
such obligations. The bond service charges and all other payments 12782  
required to be made by the trust agreement or indenture securing 12783

the obligations shall be payable solely from available community 12784  
or technical college receipts pledged thereto as provided in the 12785  
resolution. The available community or technical college receipts 12786  
pledged and thereafter received by the authority are immediately 12787  
subject to the lien of such pledge without any physical delivery 12788  
thereof or further act, and the lien of any such pledge is valid 12789  
and binding against all parties having claims of any kind against 12790  
the authority, irrespective of whether those parties have notice 12791  
thereof, and creates a perfected security interest for all 12792  
purposes of Chapter 1309. of the Revised Code and a perfected lien 12793  
for purposes of any real property interest, all without the 12794  
necessity for separation or delivery of funds or for the filing or 12795  
recording of the resolution, trust agreement, indenture, or other 12796  
agreement by which such pledge is created or any certificate, 12797  
statement, or other document with respect thereto; and the pledge 12798  
of such available community or technical college receipts is 12799  
effective and the money therefrom and thereof may be applied to 12800  
the purposes for which pledged. Every pledge, and every covenant 12801  
and agreement made with respect to the pledge, made in the 12802  
resolution may therein be extended to the benefit of the owners 12803  
and holders of obligations authorized by this division, and to any 12804  
trustee therefor, for the further securing of the payment of the 12805  
bond service charges, and all or any rights under any agreement or 12806  
lease made under this section may be assigned for such purpose. 12807  
Obligations may be issued at one time or from time to time, and 12808  
each issue shall be dated, shall mature at such time or times as 12809  
determined by the authority not exceeding forty years from the 12810  
date of issue, and may be redeemable before maturity at the option 12811  
of the authority at such price or prices and under such terms and 12812  
conditions as are fixed by the authority prior to the issuance of 12813  
the obligations. The authority shall determine the form of the 12814  
obligations, fix their denominations, establish their interest 12815  
rate or rates, which may be a variable rate or rates, or the 12816

maximum interest rate, and establish within or without this state 12817  
a place or places of payment of bond service charges. 12818

**Sec. 153.692.** For every design-build contract, the public 12819  
authority planning to contract for design-build services shall 12820  
first obtain the services of a criteria architect or engineer by 12821  
doing either of the following: 12822

(A) Contracting for the services consistent with sections 12823  
153.65 to 153.70 of the Revised Code; 12824

(B) Obtaining the services through an architect or engineer 12825  
who is an employee of the public authority and notifying the 12826  
~~department of administrative services~~ Ohio facilities construction 12827  
commission before the services are performed. 12828

**Sec. 154.01.** As used in this chapter: 12829

(A) "Commission" means the Ohio public facilities commission 12830  
created in section 151.02 of the Revised Code. 12831

(B) "Obligations" means bonds, notes, or other evidences of 12832  
obligation, including interest coupons pertaining thereto, issued 12833  
pursuant to Chapter 154. of the Revised Code. 12834

(C) "Bond proceedings" means the order or orders, resolution 12835  
or resolutions, trust agreement, indenture, lease, and other 12836  
agreements, amendments and supplements to the foregoing, or any 12837  
combination thereof, authorizing or providing for the terms and 12838  
conditions applicable to, or providing for the security of, 12839  
obligations issued pursuant to Chapter 154. of the Revised Code, 12840  
and the provisions contained in such obligations. 12841

(D) "State agencies" means the state of Ohio and officers, 12842  
boards, commissions, departments, divisions, or other units or 12843  
agencies of the state. 12844

(E) "Governmental agency" means state agencies, state 12845

supported and assisted institutions of higher education, municipal 12846  
corporations, counties, townships, school districts, and any other 12847  
political subdivision or special district in this state 12848  
established pursuant to law, and, except where otherwise 12849  
indicated, also means the United States or any department, 12850  
division, or agency thereof, and any agency, commission, or 12851  
authority established pursuant to an interstate compact or 12852  
agreement. 12853

(F) "Institutions of higher education" and "state supported 12854  
or state assisted institutions of higher education" means the 12855  
state universities identified in section 3345.011 of the Revised 12856  
Code, the northeast Ohio medical university, state universities or 12857  
colleges at any time created, community college districts, 12858  
university branch districts, and technical college districts at 12859  
any time established or operating under Chapter 3354., 3355., or 12860  
3357. of the Revised Code, and other institutions for education, 12861  
including technical education, beyond the high school, receiving 12862  
state support or assistance for their expenses of operation. 12863

(G) "Governing body" means: 12864

(1) In the case of institutions of higher education, the 12865  
board of trustees, board of directors, commission, or other body 12866  
vested by law with the general management, conduct, and control of 12867  
one or more institutions of higher education; 12868

(2) In the case of a county, the board of county 12869  
commissioners or other legislative body; in the case of a 12870  
municipal corporation, the council or other legislative body; in 12871  
the case of a township, the board of township trustees; in the 12872  
case of a school district, the board of education; 12873

(3) In the case of any other governmental agency, the 12874  
officer, board, commission, authority or other body having the 12875  
general management thereof or having jurisdiction or authority in 12876

the particular circumstances. 12877

(H) "Person" means any person, firm, partnership, 12878  
association, or corporation. 12879

(I) "Bond service charges" means principal, including 12880  
mandatory sinking fund requirements for retirement of obligations, 12881  
and interest, and redemption premium, if any, required to be paid 12882  
by the state on obligations. If not prohibited by the applicable 12883  
bond proceedings, bond service charges may include costs relating 12884  
to credit enhancement facilities that are related to and 12885  
represent, or are intended to provide a source of payment of or 12886  
limitation on, other bond service charges. 12887

(J) "Capital facilities" means buildings, structures, and 12888  
other improvements, and equipment, real estate, and interests in 12889  
real estate therefor, within the state, and any one, part of, or 12890  
combination of the foregoing, to serve the general purposes for 12891  
which the issuing authority is authorized to issue obligations 12892  
pursuant to Chapter 154. of the Revised Code, including, but not 12893  
limited to, drives, roadways, parking facilities, walks, lighting, 12894  
machinery, furnishings, utilities, landscaping, wharves, docks, 12895  
piers, reservoirs, dams, tunnels, bridges, retaining walls, 12896  
riprap, culverts, ditches, channels, watercourses, retention 12897  
basins, standpipes and water storage facilities, waste treatment 12898  
and disposal facilities, heating, air conditioning and 12899  
communications facilities, inns, lodges, cabins, camping sites, 12900  
golf courses, boat and bathing facilities, athletic and 12901  
recreational facilities, and site improvements. 12902

(K) "Costs of capital facilities" means the costs of 12903  
acquiring, constructing, reconstructing, rehabilitating, 12904  
remodeling, renovating, enlarging, improving, equipping, or 12905  
furnishing capital facilities, and the financing thereof, 12906  
including the cost of clearance and preparation of the site and of 12907  
any land to be used in connection with capital facilities, the 12908

cost of any indemnity and surety bonds and premiums on insurance, 12909  
all related direct administrative expenses and allocable portions 12910  
of direct costs of the commission or issuing authority and 12911  
department of administrative services, or other designees of the 12912  
commission under section 154.17 of the Revised Code, cost of 12913  
engineering and architectural services, designs, plans, 12914  
specifications, surveys, and estimates of cost, legal fees, fees 12915  
and expenses of trustees, depositories, and paying agents for the 12916  
obligations, cost of issuance of the obligations and financing 12917  
charges and fees and expenses of financial advisers and 12918  
consultants in connection therewith, interest on obligations, 12919  
including but not limited to, interest from the date of their 12920  
issuance to the time when interest is to be covered from sources 12921  
other than proceeds of obligations, amounts necessary to establish 12922  
reserves as required by the bond proceedings, costs of audits, the 12923  
reimbursement of all moneys advanced or applied by or borrowed 12924  
from any governmental agency, whether to or by the commission or 12925  
others, from whatever source provided, for the payment of any item 12926  
or items of cost of the capital facilities, any share of the cost 12927  
undertaken by the commission pursuant to arrangements made with 12928  
governmental agencies under division (H) of section 154.06 of the 12929  
Revised Code, and all other expenses necessary or incident to 12930  
planning or determining feasibility or practicability with respect 12931  
to capital facilities, and such other expenses as may be necessary 12932  
or incident to the acquisition, construction, reconstruction, 12933  
rehabilitation, remodeling, renovation, enlargement, improvement, 12934  
equipment, and furnishing of capital facilities, the financing 12935  
thereof and the placing of the same in use and operation, 12936  
including any one, part of, or combination of such classes of 12937  
costs and expenses. 12938

(L) "Public service facilities" means inns, lodges, hotels, 12939  
cabins, camping sites, scenic trails, picnic sites, restaurants, 12940  
commissaries, golf courses, boating and bathing facilities and 12941



other similar facilities in state parks.	12942
(M) "State parks" means:	12943
(1) State reservoirs described and identified in section 1541.06 of the Revised Code;	12944 12945
(2) All lands or interests therein of the state identified as administered by the division of parks and recreation in the "inventory of state owned lands administered by the department of natural resources as of June 1, 1963," as recorded in the journal of the director, which inventory was prepared by the real estate section of the department and is supported by maps now on file in said real estate section;	12946 12947 12948 12949 12950 12951 12952
(3) All lands or interests in lands of the state designated after June 1, 1963, as state parks in the journal of the director with the approval of the recreation and resources council.	12953 12954 12955
State parks do not include any lands or interest in lands of the state administered jointly by two or more divisions of the department of natural resources. The designation of lands as state parks under divisions (M)(1) to (3) of this section is conclusive and such lands shall be under the control of and administered by the division of parks and recreation. No order or proceeding designating lands as state parks or park purchase areas is subject to any appeal or review by any officer, board, commission, or court.	12956 12957 12958 12959 12960 12961 12962 12963 12964
(N) "Bond service fund" means the applicable fund created for and pledged to the payment of bond service charges under section 154.20, 154.21, 154.22, or 154.23 of the Revised Code, including all moneys and investments, and earnings from investments, credited and to be credited thereto.	12965 12966 12967 12968 12969
(O) "Improvement fund" means the applicable fund created for the payment of costs of capital facilities under section <u>123.201</u> , 154.20, 154.21, <u>or</u> 154.22, <del>or 3383.09</del> of the Revised Code,	12970 12971 12972

including all moneys and investments, and earnings from 12973  
investments, credited and to be credited thereto. 12974

(P) "Special funds" or "funds" means, except where the 12975  
context does not permit, the bond service funds, the improvements 12976  
funds, and any other funds for similar or different purposes 12977  
created under bond proceedings, including all moneys and 12978  
investments, and earnings from investments, credited and to be 12979  
credited thereto. 12980

(Q) "Year" unless the context indicates a different meaning 12981  
or intent, means a calendar year beginning on the first day of 12982  
January and ending on the thirty-first day of December. 12983

(R) "Fiscal year" means the period of twelve months beginning 12984  
on the first day of July and ending on the thirtieth day of June. 12985

(S) "Issuing authority" means the treasurer of state or the 12986  
officer or employee who by law performs the functions of that 12987  
office. 12988

(T) "Credit enhancement facilities" has the same meaning as 12989  
in section 133.01 of the Revised Code. 12990

(U) "Ohio cultural facility" and "Ohio sports facility" have 12991  
the same meanings as in section ~~3383.01~~ 123.28 of the Revised 12992  
Code. 12993

**Sec. 154.17.** The departments of administrative services, 12994  
~~mental health~~ mental health and addiction services, developmental 12995  
disabilities, rehabilitation and correction, and natural 12996  
resources, the Ohio board of regents, institutions of higher 12997  
education, and other state officers and state agencies shall 12998  
cooperate with the commission in providing services and 12999  
information requested by the commission for purposes of Chapter 13000  
154. of the Revised Code, and the commission may make mutually 13001  
satisfactory arrangements therefor and may thereunder designate 13002

any governmental agency for the management or performance of 13003  
particular functions of the commission, other than the 13004  
authorization and issuance of obligations provided for in Chapter 13005  
154. of the Revised Code, pursuant to which designation, upon 13006  
acceptance thereof by that governmental agency, that function may 13007  
be carried out with the full force and effect as if performed by 13008  
the commission. Any such designation shall be made only by formal 13009  
action or written agreement of the commission. In the management 13010  
of capital facilities or performance of other functions with 13011  
respect thereto, a governmental agency may exercise all powers 13012  
which it has under law with respect to other similar facilities 13013  
under its jurisdiction. 13014

Contracts relating to capital facilities shall be made in 13015  
accordance with the law pertaining to the governmental agency 13016  
designated under authority of this section to perform such 13017  
contracting function, and in any other case shall be made in 13018  
accordance with Chapter 153. of the Revised Code, for which 13019  
purpose the commission shall be considered the owner, provided 13020  
that the commission may assign the function of owner to the 13021  
department of administrative services or other governmental agency 13022  
as it determines. The commission may acquire by assignment from 13023  
any governmental agency contracts which are not completed and 13024  
which involve acquiring, constructing, reconstructing, 13025  
rehabilitating, remodeling, renovating, enlarging, improving, 13026  
equipping, or furnishing capital facilities, provided that such 13027  
governmental agency has complied with the procedures prescribed by 13028  
laws for its letting of such contract. 13029

No contract shall be let or assignment thereof accepted under 13030  
this section involving performance in accordance with plans and 13031  
specifications until such plans and specifications have been 13032  
submitted to and approved by the governmental agency to have 13033  
responsibility for the management of the capital facilities 13034

provided for in such plans and specifications, which approval 13035  
shall be considered to be given if no approval or disapproval is 13036  
communicated in writing to the commission or its designee for such 13037  
purpose within sixty days following such submission of plans and 13038  
specifications. Approval by such governmental agency of changes in 13039  
plans and specifications is not required if the director of 13040  
administrative services or the designee of the commission for such 13041  
purpose shall certify that such changes do not substantially 13042  
change the location, character, or extent of such capital 13043  
facilities. 13044

**Sec. 154.20.** (A) Subject to authorization by the general 13045  
assembly under section 154.02 of the Revised Code, the issuing 13046  
authority may issue obligations pursuant to this chapter to pay 13047  
costs of capital facilities for mental hygiene and retardation, 13048  
including housing for mental hygiene and retardation patients. 13049

(B) Any capital facilities for mental hygiene or retardation, 13050  
including housing for mental hygiene and retardation patients, may 13051  
be leased by the commission to the department of ~~mental health,~~ 13052  
mental health and addiction services or the department of 13053  
developmental disabilities, ~~or the department of alcohol and drug~~ 13054  
~~addiction services,~~ and other agreements may be made by the 13055  
commission and any one or more of these departments with respect 13056  
to the use or purchase of such capital facilities or, subject to 13057  
the approval of the director of the department, the commission may 13058  
lease such capital facilities to, and make or provide for other 13059  
agreements with respect to the use or purchase thereof with, any 13060  
governmental agency having authority under law to operate such 13061  
capital facilities, and the director of the department may 13062  
sublease such capital facilities to, and make other agreements 13063  
with respect to the use or purchase thereof with, any such 13064  
governmental agency, which may include provisions for transmittal 13065  
to the mental health bond service trust fund created under 13066

division (E) of this section, by such governmental agency or by a 13067  
nonprofit corporation providing mental hygiene and retardation 13068  
services for or under contract with or the supervision of that 13069  
governmental agency, of receipts of that agency or nonprofit 13070  
corporation from charges for the treatment or care of mental 13071  
hygiene and retardation patients, all upon such terms and 13072  
conditions as the parties may agree upon and pursuant to this 13073  
chapter, notwithstanding any other provision of law affecting the 13074  
leasing, acquisition, or disposition of capital facilities by the 13075  
parties. 13076

(C) For purposes of this section, "available receipts" means 13077  
all receipts of the state from charges for the treatment or care 13078  
of mental hygiene and retardation patients, including support 13079  
payments received under Chapter 5121. of the Revised Code and 13080  
moneys required to be transmitted to the mental health bond 13081  
service trust fund pursuant to subleases and other agreements 13082  
between any of the departments and another governmental agency 13083  
pursuant to division (B) of this section as the subleases and 13084  
other agreements may be further implemented for internal planning, 13085  
budgeting, and accounting purposes pursuant to rules adopted by 13086  
the director of ~~mental health~~, mental health and addiction 13087  
services or director of developmental disabilities, ~~or director of~~ 13088  
~~alcohol and drug addiction services~~, any revenues or receipts 13089  
derived by the commission from the operation, leasing, or other 13090  
disposition of capital facilities financed under this section, the 13091  
proceeds of obligations issued under this section and sections 13092  
154.11 and 154.12 of the Revised Code, and also means any gifts, 13093  
grants, donations, and pledges, and receipts therefrom, available 13094  
for the payment of bond service charges on such obligations. The 13095  
issuing authority may pledge all, or such portion as that 13096  
authority determines, of the available receipts to the payment of 13097  
bond service charges on obligations issued under this section and 13098  
under sections 154.11 and 154.12 of the Revised Code and for the 13099

establishment and maintenance of any reserves, as provided in the 13100  
bond proceedings, and make other provisions therein with respect 13101  
to such available receipts as authorized by this chapter, which 13102  
provisions shall be controlling notwithstanding any other 13103  
provision of law pertaining thereto. 13104

(D) The issuing authority may covenant in the bond 13105  
proceedings that the state and state agencies shall, so long as 13106  
any obligations issued under this section are outstanding, cause 13107  
to be charged and collected charges for the treatment or care of 13108  
mental hygiene and retardation patients sufficient in amount to 13109  
provide for the payment of bond service charges on such 13110  
obligations and for the establishment and maintenance of any 13111  
reserves, as provided in the bond proceedings, and such covenants 13112  
shall be controlling notwithstanding any other provision of law 13113  
pertaining to such charges. 13114

(E) There is hereby created the mental health bond service 13115  
trust fund, which shall be in the custody of the treasurer of 13116  
state but shall be separate and apart from and not a part of the 13117  
state treasury. All moneys received by or on account of the 13118  
commission or issuing authority or state agencies and required by 13119  
the applicable bond proceedings to be deposited, transferred, or 13120  
credited to the fund, and all other moneys transferred or 13121  
allocated to or received for the purposes of the fund, shall be 13122  
deposited with the treasurer of state and credited to such fund, 13123  
subject to applicable provisions of the bond proceedings, but 13124  
without necessity for any act of appropriation. The mental health 13125  
bond service trust fund is a trust fund and is hereby pledged to 13126  
the payment of bond service charges on the obligations issued 13127  
pursuant to this section and sections 154.11 and 154.12 of the 13128  
Revised Code to the extent provided in the applicable bond 13129  
proceedings, and payment thereof from such fund shall be made or 13130  
provided for by the treasurer of state in accordance with such 13131

bond proceedings without necessity for any act of appropriation. 13132

(F) There is hereby created in the state treasury the mental 13133  
health facilities improvement fund. Subject to the bond 13134  
proceedings therefor, all of the proceeds of the sale of 13135  
obligations pursuant to this section shall be credited to the 13136  
fund, except that any accrued interest shall be credited to the 13137  
mental health bond service fund. The mental health facilities 13138  
improvement fund may also be comprised of gifts, grants, 13139  
appropriated moneys, and other sums and securities received to the 13140  
credit of such fund. All investment earnings on the cash balance 13141  
in the fund shall be credited to the fund. The fund shall be 13142  
applied only to the following purposes: 13143

(1) Paying costs of capital facilities for mental hygiene and 13144  
retardation, including housing for mental hygiene and retardation 13145  
patients, under the jurisdiction of the department of ~~mental~~ 13146  
~~health,~~ mental health and addiction services or department of 13147  
developmental disabilities, ~~or department of alcohol and drug~~ 13148  
~~addiction services;~~ 13149

(2) Participating in capital facilities for mental hygiene 13150  
and retardation, including housing for mental hygiene and 13151  
retardation patients, with the federal government, municipal 13152  
corporations, counties, or other governmental agencies, or a 13153  
nonprofit corporation specifically chartered to provide a mental 13154  
health or mental retardation service when such service fulfills a 13155  
public purpose, which participation may be by grants or 13156  
contributions to them for such capital facilities. Except as 13157  
provided in division (G) of this section, the nonprofit 13158  
corporation may act in concert with a limited partnership or a 13159  
limited liability company eligible to participate in the nonprofit 13160  
set-aside described in section 42(h)(5) of the "Internal Revenue 13161  
Code of 1986," 100 Stat. 2198, 26 U.S.C. 42, and the Ohio housing 13162  
finance agency's housing tax credit program for the purpose of 13163

making use of low-income housing tax credits in support of housing 13164  
for mental hygiene and retardation patients. 13165

(G) A nonprofit corporation providing a mental retardation 13166  
service must obtain written approval from the director of 13167  
developmental disabilities before acting in concert with a limited 13168  
partnership or limited liability company as described in division 13169  
(F)(2) of this section. However, the director may issue one 13170  
blanket approval for all such nonprofit corporations. 13171

(H) This section is to be applied with other applicable 13172  
provisions of this chapter. 13173

**Sec. 154.22.** (A) Subject to authorization by the general 13174  
assembly under section 154.02 of the Revised Code, the issuing 13175  
authority may authorize and issue obligations pursuant to this 13176  
chapter to pay costs of capital facilities for parks and 13177  
recreation. 13178

(B) Any capital facilities for parks and recreation may be 13179  
leased by the commission to the department of natural resources 13180  
and other agreements may be made by the commission and such 13181  
department with respect to the use or purchase of such capital 13182  
facilities or, subject to the approval of the director of such 13183  
department, the commission may lease such capital facilities to, 13184  
and make other agreements with respect to their use or purchase 13185  
with, any governmental agency having authority under law to 13186  
operate such capital facilities, and the director of such 13187  
department may sublease such capital facilities to, and make other 13188  
agreements with respect to the use or purchase thereof with, any 13189  
such governmental agency, or such director may sublease or 13190  
contract for the operation of such capital facilities in 13191  
accordance with the applicable provisions of sections 1501.09, 13192  
1501.091, and 1501.10 of the Revised Code, all upon such terms and 13193  
conditions as the parties may agree upon and pursuant to this 13194



chapter, notwithstanding any other provisions of law affecting the 13195  
leasing, acquisition, or disposition of capital facilities by such 13196  
parties. 13197

(C) For purposes of this section, "available receipts" means 13198  
all receipts, including fees, charges, and rentals, derived or to 13199  
be derived from state parks and public service facilities in any 13200  
state park or parks, any other receipts of state agencies with 13201  
respect to parks and recreational facilities, any revenues or 13202  
receipts derived by the commission from the operation, leasing, or 13203  
other disposition of capital facilities financed under this 13204  
section, the proceeds of obligations issued under this section and 13205  
sections 154.11 and 154.12 of the Revised Code, and also means any 13206  
gifts, grants, donations, and pledges, and receipts thereon, 13207  
available for the payment of bond service charges on obligations 13208  
issued under this section. The issuing authority may pledge all, 13209  
or such portion as it determines, of the available receipts to the 13210  
payment of bond service charges on obligations issued under this 13211  
section and sections 154.11 and 154.12 of the Revised Code and for 13212  
the establishment and maintenance of any reserves, as provided in 13213  
the bond proceedings, and make other provisions therein with 13214  
respect to such available receipts as authorized by this chapter, 13215  
which provisions shall be controlling notwithstanding any other 13216  
provision of law pertaining thereto. 13217

(D) The issuing authority may covenant in the bond proceeding 13218  
that the state and state agencies shall, so long as any 13219  
obligations issued under this section are outstanding, cause to be 13220  
charged and collected fees, charges, and rentals for the use of 13221  
state parks and public service facilities and other fees and 13222  
charges with respect to parks and recreation sufficient in amount 13223  
to provide for the payment of bond service charges on such 13224  
obligations and for the establishment and maintenance of any 13225  
reserves as provided in the bond proceedings, and such covenants 13226

shall be controlling notwithstanding any other provision of law 13227  
pertaining to such charges except any provision of law prohibiting 13228  
or limiting charges for the use of swimming facilities of state 13229  
parks and public service facilities by persons under sixteen years 13230  
of age. 13231

(E) There is hereby created the parks and recreation bond 13232  
service trust fund, which shall be in the custody of the treasurer 13233  
of state but shall be separate and apart from and not a part of 13234  
the state treasury. All moneys received by or on account of the 13235  
commission or issuing authority or state agencies and required by 13236  
the applicable bond proceedings to be deposited, transferred, or 13237  
allocated to or received for the purposes of the trust fund shall 13238  
be deposited with the treasurer of state and credited to such 13239  
fund, subject to applicable provisions of the bond proceedings but 13240  
without necessity for any act of appropriation. The trust fund is 13241  
hereby pledged to the payment of bond service charges on the 13242  
obligations issued pursuant to this section and sections 154.11 13243  
and 154.12 of the Revised Code to the extent provided in the 13244  
applicable bond proceedings, and payment thereof from such fund 13245  
shall be made or provided for by the treasurer of state in 13246  
accordance with such bond proceedings without necessity for any 13247  
act of appropriation. 13248

(F) There is hereby created in the state treasury the parks 13249  
and recreation improvement fund. Subject to the bond proceedings 13250  
therefor, all of the proceeds of the sale of obligations issued 13251  
pursuant to this section shall be credited to such fund, except 13252  
that any accrued interest received shall be credited to the parks 13253  
and recreation bond service trust fund. The parks and recreation 13254  
improvement fund may also be comprised of gifts, grants, 13255  
appropriated moneys, and other sums and securities received to the 13256  
credit of such fund. Such fund shall be applied only to the 13257  
purpose of paying costs of capital facilities for parks and 13258

recreation under the jurisdiction of the department of natural 13259  
resources or for participation in capital facilities for parks and 13260  
recreation with the federal government, municipal corporations, 13261  
counties, or other governmental agencies, or any one or more of 13262  
them, which participation may be by grants or contributions to 13263  
them for such capital facilities. All investment earnings on the 13264  
cash balance in the fund shall be credited to the fund. 13265

(G) All state parks shall be exclusively under the control 13266  
and administration of the division of parks and recreation. With 13267  
the approval of the recreation and resources council, the director 13268  
of natural resources may by order remove from the classification 13269  
as state parks any of the lands or interests therein referred to 13270  
in divisions (M)(2) and (3) of section 154.01 of the Revised Code, 13271  
subject to the limitations, provisions, and conditions in any 13272  
order authorizing state park revenue bonds, in any trust agreement 13273  
securing such bonds, or in bond proceedings with respect to 13274  
obligations issued pursuant to this section. Lands or interests 13275  
therein so removed shall be transferred to other divisions of the 13276  
department for administration or may be sold as provided by law. 13277  
Proceeds of any sale shall be used or transferred as provided in 13278  
the order authorizing state park revenue bonds or in such trust 13279  
agreement, or in bond proceedings with respect to obligations 13280  
issued pursuant to this section, and if no such provision is made 13281  
shall be transferred to the state park fund created by section 13282  
1541.22 of the Revised Code. 13283

(H) This section shall be applied with other applicable 13284  
provisions of this chapter. 13285

(I) Any instrument by which real property is acquired 13286  
pursuant to this section shall identify the agency of the state 13287  
that has the use and benefit of the real property as specified in 13288  
section 5301.012 of the Revised Code. 13289

**Sec. 154.23.** (A) Subject to authorization by the general assembly under section 154.02 of the Revised Code, the issuing authority may issue obligations pursuant to this chapter to pay costs of capital facilities for Ohio cultural facilities and Ohio sports facilities.

(B) The Ohio public facilities commission may lease any capital facilities for Ohio cultural facilities or Ohio sports facilities to, and make or provide for other agreements with respect to the use or purchase of such capital facilities with, the Ohio ~~cultural~~ facilities construction commission and, with the Ohio ~~cultural~~ facilities construction commission's approval, any governmental agency having authority under law to operate such capital facilities. ~~Any lease or agreement shall be subject to Chapter 3383. of the Revised Code.~~

(C) For purposes of this section, "available receipts" means any revenues or receipts derived by the Ohio public facilities commission from the operation, leasing, or other disposition of capital facilities financed under this section, the proceeds of obligations issued under this section and section 154.11 or 154.12 of the Revised Code, and also means any gifts, grants, donations, and pledges, and receipts thereon, available for the payment of bond service charges on obligations issued under this section. The issuing authority may pledge all, or such portion as it determines, of the available receipts to the payment of bond service charges on obligations issued under this section and section 154.11 or 154.12 of the Revised Code and for the establishment and maintenance of any reserves, as provided in the bond proceedings, and make other provisions therein with respect to such available receipts as authorized by this chapter, which provisions shall be controlling notwithstanding any other provision of law pertaining thereto.

(D) There is hereby created one or more funds, as determined 13321  
by the issuing authority in the bond proceedings, designated as 13322  
the "Ohio cultural facilities ~~commission~~ bond service fund" with, 13323  
if more than one such fund, such further identifying name as the 13324  
issuing authority determines, which shall be in the custody of the 13325  
treasurer of state but shall be separate and apart from and not a 13326  
part of the state treasury. All money received by or on account of 13327  
the issuing authority or the Ohio ~~cultural~~ facilities construction 13328  
commission and required by the applicable bond proceedings to be 13329  
deposited, transferred, or credited to the Ohio cultural 13330  
facilities ~~commission~~ bond service fund, and all other money 13331  
transferred or allocated to or received for the purposes of that 13332  
fund shall be deposited with the treasurer of state and credited 13333  
to the applicable fund, subject to applicable provisions of the 13334  
bond proceedings, but without necessity of any act or 13335  
appropriation. The Ohio cultural facilities ~~commission~~ bond 13336  
service funds are trust funds and are hereby pledged to the 13337  
payment of bond service charges on the applicable obligations 13338  
issued pursuant to this section and section 154.11 or 154.12 of 13339  
the Revised Code to the extent provided in the applicable bond 13340  
proceedings, and payment thereof from such funds shall be made or 13341  
provided for by the treasurer of state in accordance with the 13342  
applicable bond proceedings without necessity for any act or 13343  
appropriation. 13344

(E) This section is to be applied with other applicable 13345  
provisions of this chapter. 13346

**Sec. 154.25.** (A) As used in this section: 13347

(1) "Available community or technical college receipts" means 13348  
all money received by a community or technical college or 13349  
community or technical college district, including income, 13350  
revenues, and receipts from the operation, ownership, or control 13351

of facilities, grants, gifts, donations, and pledges and receipts 13352  
therefrom, receipts from fees and charges, the allocated state 13353  
share of instruction as defined in section ~~3333.90~~ 3333.59 of the 13354  
Revised Code, and the proceeds of the sale of obligations, 13355  
including proceeds of obligations issued to refund obligations 13356  
previously issued, but excluding any special fee, and receipts 13357  
therefrom, charged pursuant to division (D) of section 154.21 of 13358  
the Revised Code. 13359

(2) "Community or technical college," "college," "community 13360  
or technical college district," and "district" have the same 13361  
meanings as in section ~~3333.90~~ 3333.59 of the Revised Code. 13362

(3) "Community or technical college capital facilities" means 13363  
auxiliary facilities, education facilities, and housing and dining 13364  
facilities, as those terms are defined in section 3345.12 of the 13365  
Revised Code, to the extent permitted to be financed by the 13366  
issuance of obligations under division (A)(2) of section 3357.112 13367  
of the Revised Code, that are authorized by sections 3354.121, 13368  
3357.112, and 3358.10 of the Revised Code to be financed by 13369  
obligations issued by a community or technical college district, 13370  
and for which the issuing authority is authorized to issue 13371  
obligations pursuant to this section, and includes any one, part 13372  
of, or any combination of the foregoing, and further includes site 13373  
improvements, utilities, machinery, furnishings, and any separate 13374  
or connected buildings, structures, improvements, sites, open 13375  
space and green space areas, utilities, or equipment to be used 13376  
in, or in connection with the operation or maintenance of, or 13377  
supplementing or otherwise related to the services or facilities 13378  
to be provided by, such facilities. 13379

(4) "Cost of community or technical college capital 13380  
facilities" means the costs of acquiring, constructing, 13381  
reconstructing, rehabilitating, remodeling, renovating, enlarging, 13382  
improving, equipping, or furnishing community or technical college 13383

capital facilities, and the financing thereof, including the cost 13384  
of clearance and preparation of the site and of any land to be 13385  
used in connection with community or technical college capital 13386  
facilities, the cost of any indemnity and surety bonds and 13387  
premiums on insurance, all related direct administrative expenses 13388  
and allocable portions of direct costs of the commission and the 13389  
issuing authority, community or technical college or community or 13390  
technical college district, cost of engineering, architectural 13391  
services, design, plans, specifications and surveys, estimates of 13392  
cost, legal fees, fees and expenses of trustees, depositories, 13393  
bond registrars, and paying agents for obligations, cost of 13394  
issuance of obligations and financing costs and fees and expenses 13395  
of financial advisers and consultants in connection therewith, 13396  
interest on obligations from the date thereof to the time when 13397  
interest is to be covered by available receipts or other sources 13398  
other than proceeds of those obligations, amounts necessary to 13399  
establish reserves as required by the bond proceedings, costs of 13400  
audits, the reimbursements of all moneys advanced or applied by or 13401  
borrowed from the community or technical college, community or 13402  
technical college district, or others, from whatever source 13403  
provided, including any temporary advances from state 13404  
appropriations, for the payment of any item or items of cost of 13405  
community or technical college facilities, and all other expenses 13406  
necessary or incident to planning or determining feasibility or 13407  
practicability with respect to such facilities, and such other 13408  
expenses as may be necessary or incident to the acquisition, 13409  
construction, reconstruction, rehabilitation, remodeling, 13410  
renovation, enlargement, improvement, equipment, and furnishing of 13411  
community or technical college capital facilities, the financing 13412  
thereof and the placing of them in use and operation, including 13413  
any one, part of, or combination of such classes of costs and 13414  
expenses. 13415

(5) "Capital facilities" includes community or technical 13416

college capital facilities. 13417

(6) "Obligations" has the same meaning as in section 154.01 13418  
or 3345.12 of the Revised Code, as the context requires. 13419

(B) The issuing authority is authorized to issue revenue 13420  
obligations under Section 2i of Article VIII, Ohio Constitution, 13421  
on behalf of a community or technical college district and shall 13422  
cause the net proceeds thereof, after any deposits of accrued 13423  
interest for the payment of bond service charges and after any 13424  
deposit of all or such lesser portion as the issuing authority may 13425  
direct of the premium received upon the sale of those obligations 13426  
for the payment of the bond service charges, to be applied to the 13427  
cost of community or technical college capital facilities, 13428  
provided that the issuance of such obligations is subject to the 13429  
execution of a written agreement in accordance with division (C) 13430  
of section ~~3333.90~~ 3333.59 of the Revised Code for the withholding 13431  
and depositing of funds otherwise due the district, or the college 13432  
it operates, in respect of its allocated state share of 13433  
instruction. 13434

(C) The bond service charges and all other payments required 13435  
to be made by the trust agreement or indenture securing the 13436  
obligations shall be payable solely from available community or 13437  
technical college receipts pledged thereto as provided in the 13438  
resolution. The available community or technical college receipts 13439  
pledged and thereafter received by the commission are immediately 13440  
subject to the lien of such pledge without any physical delivery 13441  
thereof or further act, and the lien of any such pledge is valid 13442  
and binding against all parties having claims of any kind against 13443  
the authority, irrespective of whether those parties have notice 13444  
thereof, and creates a perfected security interest for all 13445  
purposes of Chapter 1309. of the Revised Code and a perfected lien 13446  
for purposes of any real property interest, all without the 13447  
necessity for separation or delivery of funds or for the filing or 13448



recording of the resolution, trust agreement, indenture, or other 13449  
agreement by which such pledge is created or any certificate, 13450  
statement, or other document with respect thereto; and the pledge 13451  
of such available community or technical college receipts is 13452  
effective and the money therefrom and thereof may be applied to 13453  
the purposes for which pledged. Every pledge, and every covenant 13454  
and agreement made with respect to the pledge, made in the 13455  
resolution may therein be extended to the benefit of the owners 13456  
and holders of obligations authorized by this section, and to any 13457  
trustee therefor, for the further securing of the payment of the 13458  
bond service charges, and all or any rights under any agreement or 13459  
lease made under this section may be assigned for such purpose. 13460

(D) This section is to be applied with other applicable 13461  
provisions of this chapter. 13462

**Sec. 156.02.** The executive director of ~~administrative~~ 13463  
~~services~~ the Ohio facilities construction commission may contract 13464  
with an energy or a water services company, architect, 13465  
professional engineer, contractor, or other person experienced in 13466  
the design and implementation of energy or water conservation 13467  
measures for a report containing an analysis and recommendations 13468  
pertaining to the implementation of energy or water conservation 13469  
measures that result in energy, water, or wastewater cost savings, 13470  
operating cost savings, or avoided capital costs for the 13471  
institution. The report shall include estimates of all costs of 13472  
such installations, including the costs of design, engineering, 13473  
installation, maintenance, repairs, and debt service, and 13474  
estimates of the energy, water, or wastewater cost savings, 13475  
operating cost savings, and avoided capital costs created. 13476

**Sec. 156.03.** (A) If the executive director of ~~administrative~~ 13477  
~~services~~ the Ohio facilities construction commission wishes to 13478  
enter into an installment payment contract pursuant to section 13479

156.04 of the Revised Code or any other contract to implement one 13480  
or more energy or water saving measures, the executive director 13481  
may proceed under Chapter 153. of the Revised Code, or, 13482  
alternatively, the executive director may request the controlling 13483  
board to exempt the contract from Chapter 153. of the Revised 13484  
Code. 13485

If the controlling board by a majority vote approves an 13486  
exemption, that chapter shall not apply to the contract and 13487  
instead the executive director shall request proposals from at 13488  
least three parties for the implementation of the energy or water 13489  
saving measures. Prior to providing any interested party a copy of 13490  
any such request, the executive director shall advertise, in a 13491  
newspaper of general circulation in the county where the contract 13492  
is to be performed, and may advertise by electronic means pursuant 13493  
to rules adopted by the executive director, the executive 13494  
director's intent to request proposals for the implementation of 13495  
the energy or water saving measures. The notice shall invite 13496  
interested parties to submit proposals for consideration and shall 13497  
be published at least thirty days prior to the date for accepting 13498  
proposals. 13499

(B) Upon receiving the proposals, the executive director 13500  
shall analyze them and, after considering the cost estimates of 13501  
each proposal and the availability of funds to pay for each with 13502  
current appropriations or by financing the cost of each through an 13503  
installment payment contract under section 156.04 of the Revised 13504  
Code, may select one or more proposals or reject all proposals. In 13505  
selecting proposals, the executive director shall select the one 13506  
or more proposals most likely to result in the greatest energy, 13507  
water, or wastewater savings, operating costs savings, and avoided 13508  
capital costs created. 13509

(C) No contract shall be awarded to implement energy or water 13510  
saving measures under this section, unless the executive director 13511

finds that both of the following circumstances exists: 13512

(1) Not less than one-fifteenth of the costs of the contract 13513  
shall be paid within two years from the date of purchase; 13514

(2) In the case of a contract for a cogeneration system 13515  
described in division (B)(8) of section 156.01 of the Revised 13516  
Code, the remaining balance of the cost of the contract shall be 13517  
paid within twenty years from the date of purchase, and, in the 13518  
case of all other contracts, fifteen years. 13519

**Sec. 156.04.** (A) In accordance with this section and section 13520  
156.03 of the Revised Code, the executive director of 13521  
~~administrative services~~ the Ohio facilities construction 13522  
commission may enter into an installment payment contract for the 13523  
implementation of one or more energy or water saving measures. If 13524  
the executive director wishes an installment payment contract to 13525  
be exempted from Chapter 153. of the Revised Code, the executive 13526  
director shall proceed pursuant to section 156.03 of the Revised 13527  
Code. 13528

(B) Any installment payment contract under this section shall 13529  
provide that all payments, except payments for repairs and 13530  
obligations on termination of the contract prior to its 13531  
expiration, are to be a stated percentage of calculated energy, 13532  
water, or wastewater cost savings, operating costs, and avoided 13533  
capital costs attributable to the one or more measures over a 13534  
defined period of time and are to be made only to the extent that 13535  
those calculated amounts actually occur. No such contract shall 13536  
contain either of the following: 13537

(1) A requirement of any additional capital investment or 13538  
contribution of funds, other than funds available from state or 13539  
federal grants; 13540

(2) In the case of a contract for a cogeneration system 13541

described in division (B)(8) of section 156.01 of the Revised Code, a payment term longer than twenty years, and, in the case of all other contracts, a payment term longer than fifteen years.

(C) Any installment payment contract entered into under this section shall terminate no later than the last day of the fiscal biennium for which funds have been appropriated to the ~~department of administrative services~~ Ohio facilities construction commission by the general assembly and shall be renewed in each succeeding fiscal biennium in which any balance of the contract remains unpaid, provided that both an appropriation for that succeeding fiscal biennium and the certification required by section 126.07 of the Revised Code are made.

(D) Any installment payment contract entered into under this section shall be eligible for financing provided through the Ohio air quality development authority under Chapter 3706. of the Revised Code.

**Sec. 156.05.** In accordance with Chapter 119. of the Revised Code, the executive director of ~~administrative services~~ the Ohio facilities construction commission shall adopt, and enforce rules necessary to administer sections 156.01 to 156.04 of the Revised Code. Rules adopted under this section shall establish procedures by which the executive director may authorize in ~~his~~ the executive director's stead the manager of any building owned by the state to enter into contracts authorized under sections 156.01 to 156.04 of the Revised Code.

**Sec. 164.27.** (A) The clean Ohio conservation fund is hereby created in the state treasury. Seventy-five per cent of the net proceeds of obligations issued and sold by the issuing authority pursuant to sections 151.01 and 151.09 of the Revised Code shall be deposited into the fund. The fund also shall consist of money

credited to it under section 151.50 of the Revised Code. 13572

Investment earnings of the fund shall be credited to the fund and 13573  
may be used to pay costs incurred by the Ohio public works 13574  
commission in administering sections 164.20 to 164.27 of the 13575  
Revised Code. Moneys in the clean Ohio conservation fund shall be 13576  
used to make grants to local political subdivisions and nonprofit 13577  
organizations for projects that have been approved for grants 13578  
under sections 164.20 to 164.27 of the Revised Code. 13579

The clean Ohio conservation fund shall be administered by the 13580  
Ohio public works commission. 13581

(B) For the purpose of grants issued under sections 164.20 to 13582  
164.27 of the Revised Code, moneys shall be allocated on an annual 13583  
basis from the clean Ohio conservation fund to districts 13584  
represented by natural resources assistance councils as follows: 13585

(1) Each district shall receive an amount that is equal to 13586  
one-fourth of one per cent of the total annual amount allocated to 13587  
all districts each year for each county that is represented by the 13588  
district. 13589

(2) The remaining moneys shall be allocated to each district 13590  
annually on a per capita basis. 13591

(C) A grant that is awarded under sections 164.20 to 164.27 13592  
of the Revised Code may provide up to seventy-five per cent of the 13593  
estimated cost of a project. Matching funds from a grant recipient 13594  
may consist of contributions of money by any person, any local 13595  
political subdivision, or the federal government or of 13596  
contributions in-kind by such entities through the purchase or 13597  
donation of equipment, land, easements, interest in land, labor, 13598  
or materials necessary to complete the project. 13599

(D) The director of the Ohio public works commission shall 13600  
notify the director of budget and management of the amounts 13601

allocated pursuant to this section, and that information shall be 13602  
entered in the state accounting system. The director of budget and 13603  
management may establish appropriate line items or other 13604  
mechanisms that are needed to track the allocations. 13605

(E) Grants awarded under sections 164.20 to 164.27 of the 13606  
Revised Code from the clean Ohio conservation fund shall be used 13607  
by a local political subdivision or nonprofit organization only to 13608  
pay the costs related to the purposes for which grants may be 13609  
issued under section 164.22 of the Revised Code and shall not be 13610  
used by a local political subdivision or nonprofit organization to 13611  
pay any administrative costs incurred by the local political 13612  
subdivision or nonprofit organization. 13613

**Sec. 166.02.** (A) The general assembly finds that many local 13614  
areas throughout the state are experiencing economic stagnation or 13615  
decline, and that the economic development programs provided for 13616  
in this chapter will constitute deserved, necessary reinvestment 13617  
by the state in those areas, materially contribute to their 13618  
economic revitalization, and result in improving the economic 13619  
welfare of all the people of the state. Accordingly, it is 13620  
declared to be the public policy of the state, through the 13621  
operations of this chapter and other applicable laws adopted 13622  
pursuant to Section 2p or 13 of Article VIII, Ohio Constitution, 13623  
and other authority vested in the general assembly, to assist in 13624  
and facilitate the establishment or development of eligible 13625  
projects or assist and cooperate with any governmental agency in 13626  
achieving such purpose. 13627

(B) In furtherance of such public policy and to implement 13628  
such purpose, the director of development may: 13629

(1) After consultation with appropriate governmental 13630  
agencies, enter into agreements with persons engaged in industry, 13631  
commerce, distribution, or research and with governmental agencies 13632

to induce such persons to acquire, construct, reconstruct, 13633  
rehabilitate, renovate, enlarge, improve, equip, or furnish, or 13634  
otherwise develop, eligible projects and make provision therein 13635  
for project facilities and governmental actions, as authorized by 13636  
this chapter and other applicable laws, subject to any required 13637  
actions by the general assembly or the controlling board and 13638  
subject to applicable local government laws and regulations; 13639

(2) Provide for the guarantees and loans as provided for in 13640  
sections 166.06 and 166.07 of the Revised Code; 13641

(3) Subject to release of such moneys by the controlling 13642  
board, contract for labor and materials needed for, or contract 13643  
with others, including governmental agencies, to provide, project 13644  
facilities the allowable costs of which are to be paid for or 13645  
reimbursed from moneys in the facilities establishment fund, and 13646  
contract for the operation of such project facilities; 13647

(4) Subject to release thereof by the controlling board, from 13648  
moneys in the facilities establishment fund acquire or contract to 13649  
acquire by gift, exchange, or purchase, including the obtaining 13650  
and exercise of purchase options, property, and convey or 13651  
otherwise dispose of, or provide for the conveyance or disposition 13652  
of, property so acquired or contracted to be acquired by sale, 13653  
exchange, lease, lease purchase, conditional or installment sale, 13654  
transfer, or other disposition, including the grant of an option 13655  
to purchase, to any governmental agency or to any other person 13656  
without necessity for competitive bidding and upon such terms and 13657  
conditions and manner of consideration pursuant to and as the 13658  
director determines to be appropriate to satisfy the objectives of 13659  
sections 166.01 to 166.11 of the Revised Code; 13660

(5) Retain the services of or employ financial consultants, 13661  
appraisers, consulting engineers, superintendents, managers, 13662  
construction and accounting experts, attorneys, and employees, 13663  
agents, and independent contractors as are necessary in the 13664

director's judgment and fix the compensation for their services; 13665

(6) Receive and accept from any person grants, gifts, and 13666  
contributions of money, property, labor, and other things of 13667  
value, to be held, used and applied only for the purpose for which 13668  
such grants, gifts, and contributions are made; 13669

(7) Enter into appropriate arrangements and agreements with 13670  
any governmental agency for the taking or provision by that 13671  
governmental agency of any governmental action; 13672

(8) Do all other acts and enter into contracts and execute 13673  
all instruments necessary or appropriate to carry out the 13674  
provisions of this chapter; 13675

(9) Adopt rules to implement any of the provisions of this 13676  
chapter applicable to the director. 13677

(C) The determinations by the director that facilities 13678  
constitute eligible projects, that facilities are project 13679  
facilities, that costs of such facilities are allowable costs, and 13680  
all other determinations relevant thereto or to an action taken or 13681  
agreement entered into shall be conclusive for purposes of the 13682  
validity and enforceability of rights of parties arising from 13683  
actions taken and agreements entered into under this chapter. 13684

(D) Except as otherwise prescribed in this chapter, all 13685  
expenses and obligations incurred by the director in carrying out 13686  
the director's powers and in exercising the director's duties 13687  
under this chapter, shall be payable solely from, as appropriate, 13688  
moneys in the facilities establishment fund, the loan guarantee 13689  
fund, the innovation Ohio loan guarantee fund, the innovation Ohio 13690  
loan fund, the research and development loan fund, the logistics 13691  
and distribution infrastructure fund, ~~the logistics and~~ 13692  
~~distribution infrastructure taxable bond fund,~~ or moneys 13693  
appropriated for such purpose by the general assembly. This 13694  
chapter does not authorize the director or the issuing authority 13695



under section 166.08 of the Revised Code to incur bonded 13696  
indebtedness of the state or any political subdivision thereof, or 13697  
to obligate or pledge moneys raised by taxation for the payment of 13698  
any bonds or notes issued or guarantees made pursuant to this 13699  
chapter. 13700

(E) Any governmental agency may enter into an agreement with 13701  
the director, any other governmental agency, or a person to be 13702  
assisted under this chapter, to take or provide for the purposes 13703  
of this chapter any governmental action it is authorized to take 13704  
or provide, and to undertake on behalf and at the request of the 13705  
director any action which the director is authorized to undertake 13706  
pursuant to divisions (B)(3), (4), and (5) of this section or 13707  
divisions (B)(3), (4), and (5) of section 166.12 of the Revised 13708  
Code. Governmental agencies of the state shall cooperate with and 13709  
provide assistance to the director of development and the 13710  
controlling board in the exercise of their respective functions 13711  
under this chapter. 13712

**Sec. 166.03.** (A) There is hereby created the facilities 13713  
establishment fund within the state treasury, consisting of 13714  
proceeds from the issuance of obligations as specified under 13715  
section 166.08 of the Revised Code; the moneys received by the 13716  
state from the sources specified in section 166.09 of the Revised 13717  
Code; service charges imposed under sections 166.06 and 166.07 of 13718  
the Revised Code; any grants, gifts, or contributions of moneys 13719  
received by the director of development services to be used for 13720  
loans made under section 166.07 of the Revised Code or for the 13721  
payment of the allowable costs of project facilities; and all 13722  
other moneys appropriated or transferred to the fund. Moneys in 13723  
the loan guarantee fund in excess of the loan guarantee reserve 13724  
requirement, but subject to the provisions and requirements of any 13725  
guarantee contracts, may be transferred to the facilities 13726  
establishment fund by the treasurer of state upon the order of the 13727

director of development services. Moneys received by the state 13728  
under Chapter 122. of the Revised Code, to the extent allocable to 13729  
the utilization of moneys derived from proceeds of the sale of 13730  
obligations pursuant to section 166.08 of the Revised Code, shall 13731  
be credited to the facilities establishment fund. All investment 13732  
earnings on the cash balance in the fund shall be credited to the 13733  
fund. 13734

(B) All moneys appropriated or transferred to the facilities 13735  
establishment fund may be released at the request of the director 13736  
of development services for payment of allowable costs or the 13737  
making of loans under section 166.07 of the Revised Code, for 13738  
transfer to the loan guarantee fund established in section 166.06 13739  
of the Revised Code, or for use for the purpose of or transfer to 13740  
the funds established by sections 122.35, 122.42, 122.54, 122.55, 13741  
122.56, 122.561, 122.57, 122.601, and 122.80 of the Revised Code 13742  
and, until July 1, 2003, the fund established by section 166.031 13743  
of the Revised Code, and, until July 1, 2007, the fund established 13744  
by section 122.26 of the Revised Code, but only for such of those 13745  
purposes as are within the authorization of Section 13 of Article 13746  
VIII, Ohio Constitution, in all cases subject to the approval of 13747  
the controlling board. 13748

(C) The ~~department of~~ development services agency, in the 13749  
administration of the facilities establishment fund, is encouraged 13750  
to utilize and promote the utilization of, to the maximum 13751  
practicable extent, the other existing programs, business 13752  
incentives, and tax incentives that department is required or 13753  
authorized to administer or supervise. 13754

**Sec. 166.04.** (A) Prior to entering into each agreement to 13755  
provide assistance under sections 166.02, 166.06, and 166.07 of 13756  
the Revised Code, the director of development services shall 13757  
determine whether the assistance will conform to the requirements 13758

of sections 166.01 to 166.11 of the Revised Code. Such 13759  
determination, and the facts upon which it is based, shall be set 13760  
forth, where required, by the director in submissions made to the 13761  
controlling board when the director seeks a release of moneys 13762  
under section 166.02 of the Revised Code. An agreement to provide 13763  
assistance under sections 166.02, 166.06, and 166.07 of the 13764  
Revised Code shall set forth such determination, which shall be 13765  
conclusive for purposes of the validity and enforceability of such 13766  
agreement and any loan guarantees, loans, or other agreements 13767  
entered into pursuant to such agreement to provide assistance. 13768

(B) Whenever a person applies for financial assistance under 13769  
sections 166.02, 166.06, and 166.07 of the Revised Code and the 13770  
project for which assistance is requested is to relocate 13771  
facilities that are currently being operated by the person and 13772  
that are located in another county, municipal corporation, or 13773  
township, the ~~director~~ person shall provide written notification 13774  
of the relocation to the appropriate local governmental bodies ~~and~~ 13775  
~~state officials. The~~ Prior to entering into an agreement to 13776  
provide the assistance, the director shall verify that such 13777  
~~notification shall contain the following information:~~ 13778

~~(1) The name of the person applying for financial assistance;~~ 13779

~~(2) The county, and the municipal corporation or township, in 13780  
which the project for which assistance is requested is located;~~ 13781  
~~and~~ 13782

~~(3) The county, and the municipal corporation or township, in 13783  
which the facility to be replaced is located has been provided.~~ 13784

(C) As used in division (B) of this section: 13785

~~(1),~~ "Appropriate appropriate local governmental bodies" 13786  
means: 13787

~~(a)~~ (1) The ~~boards~~ board of county commissioners or 13788  
legislative ~~authorities~~ authority of the county in which the 13789

~~project for which assistance is requested is located and of the~~ 13790  
~~county in which the facility to be replaced is located;~~ 13791

~~(b)(2) The legislative authority of the municipal corporation~~ 13792  
~~or the board of township trustees of the township in which the~~ 13793  
~~project for which assistance is requested is located; and~~ 13794

~~(c) The legislative authority of the municipal corporation or~~ 13795  
~~the board of township trustees of the township in which the~~ 13796  
~~facility to be replaced is located.~~ 13797

~~(2) "State officials" means:~~ 13798

~~(a) The state representative and state senator in whose~~ 13799  
~~districts the project for which assistance is requested is~~ 13800  
~~located;~~ 13801

~~(b) The state representative and state senator in whose~~ 13802  
~~districts the facility to be replaced is located.~~ 13803

**Sec. 166.08.** (A) As used in this chapter: 13804

(1) "Bond proceedings" means the resolution, order, trust 13805  
agreement, indenture, lease, and other agreements, amendments and 13806  
supplements to the foregoing, or any one or more or combination 13807  
thereof, authorizing or providing for the terms and conditions 13808  
applicable to, or providing for the security or liquidity of, 13809  
obligations issued pursuant to this section, and the provisions 13810  
contained in such obligations. 13811

(2) "Bond service charges" means principal, including 13812  
mandatory sinking fund requirements for retirement of obligations, 13813  
and interest, and redemption premium, if any, required to be paid 13814  
by the state on obligations. 13815

(3) "Bond service fund" means the applicable fund and 13816  
accounts therein created for and pledged to the payment of bond 13817  
service charges, which may be, or may be part of, the economic 13818  
development bond service fund created by division (S) of this 13819

section including all moneys and investments, and earnings from 13820  
investments, credited and to be credited thereto. 13821

(4) "Issuing authority" means the treasurer of state, or the 13822  
officer who by law performs the functions of such officer. 13823

(5) "Obligations" means bonds, notes, or other evidence of 13824  
obligation including interest coupons pertaining thereto, issued 13825  
pursuant to this section. 13826

(6) "Pledged receipts" means all receipts of the state 13827  
representing the gross profit on the sale of spirituous liquor, as 13828  
referred to in division (B)(4) of section 4301.10 of the Revised 13829  
Code, after paying all costs and expenses of the division of 13830  
liquor control and providing an adequate working capital reserve 13831  
for the division of liquor control as provided in that division, 13832  
but excluding the sum required by the second paragraph of section 13833  
4301.12 of the Revised Code, as in effect on May 2, 1980, to be 13834  
paid into the state treasury; moneys accruing to the state from 13835  
the lease, sale, or other disposition, or use, of project 13836  
facilities, and from the repayment, including interest, of loans 13837  
made from proceeds received from the sale of obligations; accrued 13838  
interest received from the sale of obligations; income from the 13839  
investment of the special funds; and any gifts, grants, donations, 13840  
and pledges, and receipts therefrom, available for the payment of 13841  
bond service charges. 13842

(7) "Special funds" or "funds" means, except where the 13843  
context does not permit, the bond service fund, and any other 13844  
funds, including reserve funds, created under the bond 13845  
proceedings, and the economic development bond service fund 13846  
created by division (S) of this section to the extent provided in 13847  
the bond proceedings, including all moneys and investments, and 13848  
earnings from investment, credited and to be credited thereto. 13849

(B) Subject to the limitations provided in section 166.11 of 13850

the Revised Code, the issuing authority, upon the certification by 13851  
the director of development or, with respect to eligible advanced 13852  
energy projects, the Ohio air quality development authority to the 13853  
issuing authority of the amount of moneys or additional moneys 13854  
needed in the facilities establishment fund, the loan guarantee 13855  
fund, the innovation Ohio loan fund, the innovation Ohio loan 13856  
guarantee fund, the research and development loan fund, the 13857  
logistics and distribution infrastructure fund, ~~the logistics and~~ 13858  
~~distribution infrastructure taxable bond fund,~~ the advanced energy 13859  
research and development fund, or the advanced energy research and 13860  
development taxable fund, as applicable, for the purpose of 13861  
paying, or making loans for, allowable costs from the facilities 13862  
establishment fund, allowable innovation costs from the innovation 13863  
Ohio loan fund, allowable costs from the research and development 13864  
loan fund, allowable costs from the logistics and distribution 13865  
infrastructure fund, ~~allowable costs from the logistics and~~ 13866  
~~distribution infrastructure taxable bond fund,~~ allowable costs 13867  
from the advanced energy research and development fund, or 13868  
allowable costs from the advanced energy research and development 13869  
taxable fund, as applicable, or needed for capitalized interest, 13870  
for funding reserves, and for paying costs and expenses incurred 13871  
in connection with the issuance, carrying, securing, paying, 13872  
redeeming, or retirement of the obligations or any obligations 13873  
refunded thereby, including payment of costs and expenses relating 13874  
to letters of credit, lines of credit, insurance, put agreements, 13875  
standby purchase agreements, indexing, marketing, remarketing and 13876  
administrative arrangements, interest swap or hedging agreements, 13877  
and any other credit enhancement, liquidity, remarketing, renewal, 13878  
or refunding arrangements, all of which are authorized by this 13879  
section, or providing moneys for the loan guarantee fund or the 13880  
innovation Ohio loan guarantee fund, as provided in this chapter 13881  
or needed for the purposes of funds established in accordance with 13882  
or pursuant to sections 122.35, 122.42, 122.54, 122.55, 122.56, 13883

122.561, 122.57, and 122.80 of the Revised Code which are within 13884  
the authorization of Section 13 of Article VIII, Ohio 13885  
Constitution, or, with respect to certain eligible advanced energy 13886  
projects, Section 2p of Article VIII, Ohio Constitution, shall 13887  
issue obligations of the state under this section in the required 13888  
amount; provided that such obligations may be issued to satisfy 13889  
the covenants in contracts of guarantee made under section 166.06 13890  
or 166.15 of the Revised Code, notwithstanding limitations 13891  
otherwise applicable to the issuance of obligations under this 13892  
section. The proceeds of such obligations, except for the portion 13893  
to be deposited in special funds, including reserve funds, as may 13894  
be provided in the bond proceedings, shall as provided in the bond 13895  
proceedings be deposited by the director of development to the 13896  
facilities establishment fund, the loan guarantee fund, the 13897  
innovation Ohio loan guarantee fund, the innovation Ohio loan 13898  
fund, the research and development loan fund, or the logistics and 13899  
distribution infrastructure fund, ~~or the logistics and~~ 13900  
~~distribution infrastructure taxable bond fund,~~ or be deposited by 13901  
the Ohio air quality development authority to the advanced energy 13902  
research and development fund or the advanced energy research and 13903  
development taxable fund. Bond proceedings for project financing 13904  
obligations may provide that the proceeds derived from the 13905  
issuance of such obligations shall be deposited into such fund or 13906  
funds provided for in the bond proceedings and, to the extent 13907  
provided for in the bond proceedings, such proceeds shall be 13908  
deemed to have been deposited into the facilities establishment 13909  
fund and transferred to such fund or funds. The issuing authority 13910  
may appoint trustees, paying agents, and transfer agents and may 13911  
retain the services of financial advisors, accounting experts, and 13912  
attorneys, and retain or contract for the services of marketing, 13913  
remarketing, indexing, and administrative agents, other 13914  
consultants, and independent contractors, including printing 13915  
services, as are necessary in the issuing authority's judgment to 13916

carry out this section. The costs of such services are allowable 13917  
costs payable from the facilities establishment fund or the 13918  
research and development loan fund, allowable innovation costs 13919  
payable from the innovation Ohio loan fund, or allowable costs 13920  
payable from the logistics and distribution infrastructure fund, 13921  
~~the logistics and distribution infrastructure taxable bond fund,~~ 13922  
the advanced energy research and development fund, or the advanced 13923  
energy research and development taxable fund, as applicable. 13924

(C) The holders or owners of such obligations shall have no 13925  
right to have moneys raised by taxation obligated or pledged, and 13926  
moneys raised by taxation shall not be obligated or pledged, for 13927  
the payment of bond service charges. Such holders or owners shall 13928  
have no rights to payment of bond service charges from any moneys 13929  
accruing to the state from the lease, sale, or other disposition, 13930  
or use, of project facilities, or from payment of the principal of 13931  
or interest on loans made, or fees charged for guarantees made, or 13932  
from any money or property received by the director, treasurer of 13933  
state, or the state under Chapter 122. of the Revised Code, or 13934  
from any other use of the proceeds of the sale of the obligations, 13935  
and no such moneys may be used for the payment of bond service 13936  
charges, except for accrued interest, capitalized interest, and 13937  
reserves funded from proceeds received upon the sale of the 13938  
obligations and except as otherwise expressly provided in the 13939  
applicable bond proceedings pursuant to written directions by the 13940  
director. The right of such holders and owners to payment of bond 13941  
service charges is limited to all or that portion of the pledged 13942  
receipts and those special funds pledged thereto pursuant to the 13943  
bond proceedings in accordance with this section, and each such 13944  
obligation shall bear on its face a statement to that effect. 13945

(D) Obligations shall be authorized by resolution or order of 13946  
the issuing authority and the bond proceedings shall provide for 13947  
the purpose thereof and the principal amount or amounts, and shall 13948



provide for or authorize the manner or agency for determining the 13949  
principal maturity or maturities, not exceeding twenty-five years 13950  
from the date of issuance, the interest rate or rates or the 13951  
maximum interest rate, the date of the obligations and the dates 13952  
of payment of interest thereon, their denomination, and the 13953  
establishment within or without the state of a place or places of 13954  
payment of bond service charges. Sections 9.98 to 9.983 of the 13955  
Revised Code are applicable to obligations issued under this 13956  
section, subject to any applicable limitation under section 166.11 13957  
of the Revised Code. The purpose of such obligations may be stated 13958  
in the bond proceedings in terms describing the general purpose or 13959  
purposes to be served. The bond proceedings also shall provide, 13960  
subject to the provisions of any other applicable bond 13961  
proceedings, for the pledge of all, or such part as the issuing 13962  
authority may determine, of the pledged receipts and the 13963  
applicable special fund or funds to the payment of bond service 13964  
charges, which pledges may be made either prior or subordinate to 13965  
other expenses, claims, or payments, and may be made to secure the 13966  
obligations on a parity with obligations theretofore or thereafter 13967  
issued, if and to the extent provided in the bond proceedings. The 13968  
pledged receipts and special funds so pledged and thereafter 13969  
received by the state are immediately subject to the lien of such 13970  
pledge without any physical delivery thereof or further act, and 13971  
the lien of any such pledges is valid and binding against all 13972  
parties having claims of any kind against the state or any 13973  
governmental agency of the state, irrespective of whether such 13974  
parties have notice thereof, and shall create a perfected security 13975  
interest for all purposes of Chapter 1309. of the Revised Code, 13976  
without the necessity for separation or delivery of funds or for 13977  
the filing or recording of the bond proceedings by which such 13978  
pledge is created or any certificate, statement or other document 13979  
with respect thereto; and the pledge of such pledged receipts and 13980  
special funds is effective and the money therefrom and thereof may 13981

be applied to the purposes for which pledged without necessity for 13982  
any act of appropriation. Every pledge, and every covenant and 13983  
agreement made with respect thereto, made in the bond proceedings 13984  
may therein be extended to the benefit of the owners and holders 13985  
of obligations authorized by this section, and to any trustee 13986  
therefor, for the further security of the payment of the bond 13987  
service charges. 13988

(E) The bond proceedings may contain additional provisions as 13989  
to: 13990

(1) The redemption of obligations prior to maturity at the 13991  
option of the issuing authority at such price or prices and under 13992  
such terms and conditions as are provided in the bond proceedings; 13993

(2) Other terms of the obligations; 13994

(3) Limitations on the issuance of additional obligations; 13995

(4) The terms of any trust agreement or indenture securing 13996  
the obligations or under which the same may be issued; 13997

(5) The deposit, investment and application of special funds, 13998  
and the safeguarding of moneys on hand or on deposit, without 13999  
regard to Chapter 131. or 135. of the Revised Code, but subject to 14000  
any special provisions of this chapter, with respect to particular 14001  
funds or moneys, provided that any bank or trust company which 14002  
acts as depository of any moneys in the special funds may furnish 14003  
such indemnifying bonds or may pledge such securities as required 14004  
by the issuing authority; 14005

(6) Any or every provision of the bond proceedings being 14006  
binding upon such officer, board, commission, authority, agency, 14007  
department, or other person or body as may from time to time have 14008  
the authority under law to take such actions as may be necessary 14009  
to perform all or any part of the duty required by such provision; 14010

(7) Any provision that may be made in a trust agreement or 14011

indenture; 14012

(8) Any other or additional agreements with the holders of 14013  
the obligations, or the trustee therefor, relating to the 14014  
obligations or the security therefor, including the assignment of 14015  
mortgages or other security obtained or to be obtained for loans 14016  
under section 122.43, 166.07, or 166.16 of the Revised Code. 14017

(F) The obligations may have the great seal of the state or a 14018  
facsimile thereof affixed thereto or printed thereon. The 14019  
obligations and any coupons pertaining to obligations shall be 14020  
signed or bear the facsimile signature of the issuing authority. 14021  
Any obligations or coupons may be executed by the person who, on 14022  
the date of execution, is the proper issuing authority although on 14023  
the date of such bonds or coupons such person was not the issuing 14024  
authority. If the issuing authority whose signature or a facsimile 14025  
of whose signature appears on any such obligation or coupon ceases 14026  
to be the issuing authority before delivery thereof, such 14027  
signature or facsimile is nevertheless valid and sufficient for 14028  
all purposes as if the former issuing authority had remained the 14029  
issuing authority until such delivery; and if the seal to be 14030  
affixed to obligations has been changed after a facsimile of the 14031  
seal has been imprinted on such obligations, such facsimile seal 14032  
shall continue to be sufficient as to such obligations and 14033  
obligations issued in substitution or exchange therefor. 14034

(G) All obligations are negotiable instruments and securities 14035  
under Chapter 1308. of the Revised Code, subject to the provisions 14036  
of the bond proceedings as to registration. The obligations may be 14037  
issued in coupon or in registered form, or both, as the issuing 14038  
authority determines. Provision may be made for the registration 14039  
of any obligations with coupons attached thereto as to principal 14040  
alone or as to both principal and interest, their exchange for 14041  
obligations so registered, and for the conversion or reconversion 14042  
into obligations with coupons attached thereto of any obligations 14043

registered as to both principal and interest, and for reasonable 14044  
charges for such registration, exchange, conversion, and 14045  
reconversion. 14046

(H) Obligations may be sold at public sale or at private 14047  
sale, as determined in the bond proceedings. 14048

Obligations issued to provide moneys for the loan guarantee 14049  
fund or the innovation Ohio loan guarantee fund may, as determined 14050  
by the issuing authority, be sold at private sale, and without 14051  
publication of a notice of sale. 14052

(I) Pending preparation of definitive obligations, the 14053  
issuing authority may issue interim receipts or certificates which 14054  
shall be exchanged for such definitive obligations. 14055

(J) In the discretion of the issuing authority, obligations 14056  
may be secured additionally by a trust agreement or indenture 14057  
between the issuing authority and a corporate trustee which may be 14058  
any trust company or bank having a place of business within the 14059  
state. Any such agreement or indenture may contain the resolution 14060  
or order authorizing the issuance of the obligations, any 14061  
provisions that may be contained in any bond proceedings, and 14062  
other provisions which are customary or appropriate in an 14063  
agreement or indenture of such type, including, but not limited 14064  
to: 14065

(1) Maintenance of each pledge, trust agreement, indenture, 14066  
or other instrument comprising part of the bond proceedings until 14067  
the state has fully paid the bond service charges on the 14068  
obligations secured thereby, or provision therefor has been made; 14069

(2) In the event of default in any payments required to be 14070  
made by the bond proceedings, or any other agreement of the 14071  
issuing authority made as a part of the contract under which the 14072  
obligations were issued, enforcement of such payments or agreement 14073  
by mandamus, the appointment of a receiver, suit in equity, action 14074

at law, or any combination of the foregoing; 14075

(3) The rights and remedies of the holders of obligations and 14076  
of the trustee, and provisions for protecting and enforcing them, 14077  
including limitations on rights of individual holders of 14078  
obligations; 14079

(4) The replacement of any obligations that become mutilated 14080  
or are destroyed, lost, or stolen; 14081

(5) Such other provisions as the trustee and the issuing 14082  
authority agree upon, including limitations, conditions, or 14083  
qualifications relating to any of the foregoing. 14084

(K) Any holders of obligations or trustees under the bond 14085  
proceedings, except to the extent that their rights are restricted 14086  
by the bond proceedings, may by any suitable form of legal 14087  
proceedings, protect and enforce any rights under the laws of this 14088  
state or granted by such bond proceedings. Such rights include the 14089  
right to compel the performance of all duties of the issuing 14090  
authority, the director of development, the Ohio air quality 14091  
development authority, or the division of liquor control required 14092  
by this chapter or the bond proceedings; to enjoin unlawful 14093  
activities; and in the event of default with respect to the 14094  
payment of any bond service charges on any obligations or in the 14095  
performance of any covenant or agreement on the part of the 14096  
issuing authority, the director of development, the Ohio air 14097  
quality development authority, or the division of liquor control 14098  
in the bond proceedings, to apply to a court having jurisdiction 14099  
of the cause to appoint a receiver to receive and administer the 14100  
pledged receipts and special funds, other than those in the 14101  
custody of the treasurer of state, which are pledged to the 14102  
payment of the bond service charges on such obligations or which 14103  
are the subject of the covenant or agreement, with full power to 14104  
pay, and to provide for payment of bond service charges on, such 14105  
obligations, and with such powers, subject to the direction of the 14106

court, as are accorded receivers in general equity cases, 141107  
excluding any power to pledge additional revenues or receipts or 141108  
other income or moneys of the issuing authority or the state or 141109  
governmental agencies of the state to the payment of such 141110  
principal and interest and excluding the power to take possession 141111  
of, mortgage, or cause the sale or otherwise dispose of any 141112  
project facilities. 141113

Each duty of the issuing authority and the issuing 141114  
authority's officers and employees, and of each governmental 141115  
agency and its officers, members, or employees, undertaken 141116  
pursuant to the bond proceedings or any agreement or lease, 141117  
lease-purchase agreement, or loan made under authority of this 141118  
chapter, and in every agreement by or with the issuing authority, 141119  
is hereby established as a duty of the issuing authority, and of 141120  
each such officer, member, or employee having authority to perform 141121  
such duty, specifically enjoined by the law resulting from an 141122  
office, trust, or station within the meaning of section 2731.01 of 141123  
the Revised Code. 141124

The person who is at the time the issuing authority, or the 141125  
issuing authority's officers or employees, are not liable in their 141126  
personal capacities on any obligations issued by the issuing 141127  
authority or any agreements of or with the issuing authority. 141128

(L) The issuing authority may authorize and issue obligations 141129  
for the refunding, including funding and retirement, and advance 141130  
refunding with or without payment or redemption prior to maturity, 141131  
of any obligations previously issued by the issuing authority. 141132  
Such obligations may be issued in amounts sufficient for payment 141133  
of the principal amount of the prior obligations, any redemption 141134  
premiums thereon, principal maturities of any such obligations 141135  
maturing prior to the redemption of the remaining obligations on a 141136  
parity therewith, interest accrued or to accrue to the maturity 141137  
dates or dates of redemption of such obligations, and any 141138

allowable costs including expenses incurred or to be incurred in 14139  
connection with such issuance and such refunding, funding, and 14140  
retirement. Subject to the bond proceedings therefor, the portion 14141  
of proceeds of the sale of obligations issued under this division 14142  
to be applied to bond service charges on the prior obligations 14143  
shall be credited to an appropriate account held by the trustee 14144  
for such prior or new obligations or to the appropriate account in 14145  
the bond service fund for such obligations. Obligations authorized 14146  
under this division shall be deemed to be issued for those 14147  
purposes for which such prior obligations were issued and are 14148  
subject to the provisions of this section pertaining to other 14149  
obligations, except as otherwise provided in this section; 14150  
provided that, unless otherwise authorized by the general 14151  
assembly, any limitations imposed by the general assembly pursuant 14152  
to this section with respect to bond service charges applicable to 14153  
the prior obligations shall be applicable to the obligations 14154  
issued under this division to refund, fund, advance refund or 14155  
retire such prior obligations. 14156

(M) The authority to issue obligations under this section 14157  
includes authority to issue obligations in the form of bond 14158  
anticipation notes and to renew the same from time to time by the 14159  
issuance of new notes. The holders of such notes or interest 14160  
coupons pertaining thereto shall have a right to be paid solely 14161  
from the pledged receipts and special funds that may be pledged to 14162  
the payment of the bonds anticipated, or from the proceeds of such 14163  
bonds or renewal notes, or both, as the issuing authority provides 14164  
in the resolution or order authorizing such notes. Such notes may 14165  
be additionally secured by covenants of the issuing authority to 14166  
the effect that the issuing authority and the state will do such 14167  
or all things necessary for the issuance of such bonds or renewal 14168  
notes in appropriate amount, and apply the proceeds thereof to the 14169  
extent necessary, to make full payment of the principal of and 14170  
interest on such notes at the time or times contemplated, as 14171

provided in such resolution or order. For such purpose, the 14172  
issuing authority may issue bonds or renewal notes in such 14173  
principal amount and upon such terms as may be necessary to 14174  
provide funds to pay when required the principal of and interest 14175  
on such notes, notwithstanding any limitations prescribed by or 14176  
for purposes of this section. Subject to this division, all 14177  
provisions for and references to obligations in this section are 14178  
applicable to notes authorized under this division. 14179

The issuing authority in the bond proceedings authorizing the 14180  
issuance of bond anticipation notes shall set forth for such bonds 14181  
an estimated interest rate and a schedule of principal payments 14182  
for such bonds and the annual maturity dates thereof, and for 14183  
purposes of any limitation on bond service charges prescribed 14184  
under division (A) of section 166.11 of the Revised Code, the 14185  
amount of bond service charges on such bond anticipation notes is 14186  
deemed to be the bond service charges for the bonds anticipated 14187  
thereby as set forth in the bond proceedings applicable to such 14188  
notes, but this provision does not modify any authority in this 14189  
section to pledge receipts and special funds to, and covenant to 14190  
issue bonds to fund, the payment of principal of and interest and 14191  
any premium on such notes. 14192

(N) Obligations issued under this section are lawful 14193  
investments for banks, societies for savings, savings and loan 14194  
associations, deposit guarantee associations, trust companies, 14195  
trustees, fiduciaries, insurance companies, including domestic for 14196  
life and domestic not for life, trustees or other officers having 14197  
charge of sinking and bond retirement or other special funds of 14198  
political subdivisions and taxing districts of this state, the 14199  
commissioners of the sinking fund of the state, the administrator 14200  
of workers' compensation, the state teachers retirement system, 14201  
the public employees retirement system, the school employees 14202  
retirement system, and the Ohio police and fire pension fund, 14203



notwithstanding any other provisions of the Revised Code or rules 14204  
adopted pursuant thereto by any governmental agency of the state 14205  
with respect to investments by them, and are also acceptable as 14206  
security for the deposit of public moneys. 14207

(O) Unless otherwise provided in any applicable bond 14208  
proceedings, moneys to the credit of or in the special funds 14209  
established by or pursuant to this section may be invested by or 14210  
on behalf of the issuing authority only in notes, bonds, or other 14211  
obligations of the United States, or of any agency or 14212  
instrumentality of the United States, obligations guaranteed as to 14213  
principal and interest by the United States, obligations of this 14214  
state or any political subdivision of this state, and certificates 14215  
of deposit of any national bank located in this state and any 14216  
bank, as defined in section 1101.01 of the Revised Code, subject 14217  
to inspection by the superintendent of banks. If the law or the 14218  
instrument creating a trust pursuant to division (J) of this 14219  
section expressly permits investment in direct obligations of the 14220  
United States or an agency of the United States, unless expressly 14221  
prohibited by the instrument, such moneys also may be invested in 14222  
no-front-end-load money market mutual funds consisting exclusively 14223  
of obligations of the United States or an agency of the United 14224  
States and in repurchase agreements, including those issued by the 14225  
fiduciary itself, secured by obligations of the United States or 14226  
an agency of the United States; and in common trust funds 14227  
established in accordance with section 1111.20 of the Revised Code 14228  
and consisting exclusively of any such securities, notwithstanding 14229  
division (A)(4) of that section. The income from such investments 14230  
shall be credited to such funds as the issuing authority 14231  
determines, and such investments may be sold at such times as the 14232  
issuing authority determines or authorizes. 14233

(P) Provision may be made in the applicable bond proceedings 14234  
for the establishment of separate accounts in the bond service 14235

fund and for the application of such accounts only to the 14236  
specified bond service charges on obligations pertinent to such 14237  
accounts and bond service fund and for other accounts therein 14238  
within the general purposes of such fund. Unless otherwise 14239  
provided in any applicable bond proceedings, moneys to the credit 14240  
of or in the several special funds established pursuant to this 14241  
section shall be disbursed on the order of the treasurer of state, 14242  
provided that no such order is required for the payment from the 14243  
bond service fund when due of bond service charges on obligations. 14244

(Q) The issuing authority may pledge all, or such portion as 14245  
the issuing authority determines, of the pledged receipts to the 14246  
payment of bond service charges on obligations issued under this 14247  
section, and for the establishment and maintenance of any 14248  
reserves, as provided in the bond proceedings, and make other 14249  
provisions therein with respect to pledged receipts as authorized 14250  
by this chapter, which provisions are controlling notwithstanding 14251  
any other provisions of law pertaining thereto. 14252

(R) The issuing authority may covenant in the bond 14253  
proceedings, and any such covenants are controlling 14254  
notwithstanding any other provision of law, that the state and 14255  
applicable officers and governmental agencies of the state, 14256  
including the general assembly, so long as any obligations are 14257  
outstanding, shall: 14258

(1) Maintain statutory authority for and cause to be charged 14259  
and collected wholesale and retail prices for spirituous liquor 14260  
sold by the state or its agents so that the pledged receipts are 14261  
sufficient in amount to meet bond service charges, and the 14262  
establishment and maintenance of any reserves and other 14263  
requirements provided for in the bond proceedings, and, as 14264  
necessary, to meet covenants contained in contracts of guarantee 14265  
made under section 166.06 of the Revised Code; 14266

(2) Take or permit no action, by statute or otherwise, that 14267

would impair the exemption from federal income taxation of the 14268  
interest on the obligations. 14269

(S) There is hereby created the economic development bond 14270  
service fund, which shall be in the custody of the treasurer of 14271  
state but shall be separate and apart from and not a part of the 14272  
state treasury. All moneys received by or on account of the 14273  
issuing authority or state agencies and required by the applicable 14274  
bond proceedings, consistent with this section, to be deposited, 14275  
transferred, or credited to a bond service fund or the economic 14276  
development bond service fund, and all other moneys transferred or 14277  
allocated to or received for the purposes of the fund, shall be 14278  
deposited and credited to such fund and to any separate accounts 14279  
therein, subject to applicable provisions of the bond proceedings, 14280  
but without necessity for any act of appropriation. During the 14281  
period beginning with the date of the first issuance of 14282  
obligations and continuing during such time as any such 14283  
obligations are outstanding, and so long as moneys in the 14284  
pertinent bond service funds are insufficient to pay all bond 14285  
services charges on such obligations becoming due in each year, a 14286  
sufficient amount of the gross profit on the sale of spirituous 14287  
liquor included in pledged receipts are committed and shall be 14288  
paid to the bond service fund or economic development bond service 14289  
fund in each year for the purpose of paying the bond service 14290  
charges becoming due in that year without necessity for further 14291  
act of appropriation for such purpose and notwithstanding anything 14292  
to the contrary in Chapter 4301. of the Revised Code. The economic 14293  
development bond service fund is a trust fund and is hereby 14294  
pledged to the payment of bond service charges to the extent 14295  
provided in the applicable bond proceedings, and payment thereof 14296  
from such fund shall be made or provided for by the treasurer of 14297  
state in accordance with such bond proceedings without necessity 14298  
for any act of appropriation. 14299

(T) The obligations, the transfer thereof, and the income 14300  
therefrom, including any profit made on the sale thereof, shall at 14301  
all times be free from taxation within the state. 14302

**Sec. 166.25.** (A) The director of development services, with 14303  
the approval of the controlling board and subject to the other 14304  
applicable provisions of this chapter, may lend money in the 14305  
logistics and distribution infrastructure fund ~~and the logistics~~ 14306  
~~and distribution infrastructure taxable bond fund~~ to persons for 14307  
the purpose of paying allowable costs of eligible logistics and 14308  
distribution projects. 14309

(B) In determining the eligible logistics and distribution 14310  
projects to be assisted and the nature, amount, and terms of 14311  
assistance to be provided for an eligible logistics and 14312  
distribution project, the director shall consult with appropriate 14313  
governmental agencies, including the department of transportation 14314  
and the Ohio rail development commission. 14315

(C) Any loan made pursuant to this section shall be evidenced 14316  
by a loan agreement, which shall contain such terms as the 14317  
director determines necessary or appropriate, including 14318  
performance measures and reporting requirements. The director may 14319  
take actions necessary or appropriate to collect or otherwise deal 14320  
with any loan made under this section, including requiring a loan 14321  
recipient to repay the amount of the loan plus interest at a rate 14322  
of three per cent above the federal short term interest rate or 14323  
any other rate determined by the director. 14324

**Sec. 169.02.** Subject to division (B) of section 169.01 of the 14325  
Revised Code, the following constitute unclaimed funds: 14326

(A) Except as provided in division (R) of this section, any 14327  
demand, savings, or matured time deposit account, or matured 14328  
certificate of deposit, together with any interest or dividend on 14329

it, less any lawful claims, that is held or owed by a holder which 14330  
is a financial organization, unclaimed for a period of five years; 14331

(B) Any funds paid toward the purchase of withdrawable shares 14332  
or other interest in a financial organization, and any interest or 14333  
dividends on them, less any lawful claims, that is held or owed by 14334  
a holder which is a financial organization, unclaimed for a period 14335  
of five years; 14336

(C) Except as provided in division (A) of section 3903.45 of 14337  
the Revised Code, moneys held or owed by a holder, including a 14338  
fraternal association, providing life insurance, including annuity 14339  
or endowment coverage, unclaimed for three years after becoming 14340  
payable as established from the records of such holder under any 14341  
life or endowment insurance policy or annuity contract that has 14342  
matured or terminated. An insurance policy, the proceeds of which 14343  
are payable on the death of the insured, not matured by proof of 14344  
death of the insured is deemed matured and the proceeds payable if 14345  
such policy was in force when the insured attained the limiting 14346  
age under the mortality table on which the reserve is based. 14347

Moneys otherwise payable according to the records of such 14348  
holder are deemed payable although the policy or contract has not 14349  
been surrendered as required. 14350

(D) Any deposit made to secure payment or any sum paid in 14351  
advance for utility services of a public utility and any amount 14352  
refundable from rates or charges collected by a public utility for 14353  
utility services held or owed by a holder, less any lawful claims, 14354  
that has remained unclaimed for one year after the termination of 14355  
the services for which the deposit or advance payment was made or 14356  
one year from the date the refund was payable, whichever is 14357  
earlier; 14358

(E) Except as provided in division (R) of this section, any 14359  
certificates, securities as defined in section 1707.01 of the 14360

Revised Code, nonwithdrawable shares, other instruments evidencing 14361  
ownership, or rights to them or funds paid toward the purchase of 14362  
them, or any dividend, capital credit, profit, distribution, 14363  
interest, or payment on principal or other sum, held or owed by a 14364  
holder, including funds deposited with a fiscal agent or fiduciary 14365  
for payment of them, and instruments representing an ownership 14366  
interest, unclaimed for five years. Any underlying share or other 14367  
intangible instrument representing an ownership interest in a 14368  
business association, in which the issuer has recorded on its 14369  
books the issuance of the share but has been unable to deliver the 14370  
certificate to the shareholder, constitutes unclaimed funds if 14371  
such underlying share is unclaimed for five years. In addition, an 14372  
underlying share constitutes unclaimed funds if a dividend, 14373  
distribution, or other sum payable as a result of the underlying 14374  
share has remained unclaimed by the owner for five years. 14375

This division shall not prejudice the rights of fiscal agents 14376  
or fiduciaries for payment to return the items described in this 14377  
division to their principals, according to the terms of an agency 14378  
or fiduciary agreement, but such a return shall constitute the 14379  
principal as the holder of the items and shall not interrupt the 14380  
period for computing the time for which the items have remained 14381  
unclaimed. 14382

In the case of any such funds accruing and held or owed by a 14383  
corporation under division (E) of section 1701.24 of the Revised 14384  
Code, such corporation shall comply with this chapter, subject to 14385  
the limitation contained in section 1701.34 of the Revised Code. 14386  
The period of time for which such funds have gone unclaimed 14387  
specified in section 1701.34 of the Revised Code shall be 14388  
computed, with respect to dividends or distributions, commencing 14389  
as of the dates when such dividends or distributions would have 14390  
been payable to the shareholder had such shareholder surrendered 14391  
the certificates for cancellation and exchange by the date 14392

specified in the order relating to them. 14393

Capital credits of a cooperative which after January 1, 1972, 14394  
have been allocated to members and which by agreement are 14395  
expressly required to be paid if claimed after death of the owner 14396  
are deemed payable, for the purpose of this chapter, fifteen years 14397  
after either the termination of service by the cooperative to the 14398  
owner or upon the nonactivity as provided in division (B) of 14399  
section 169.01 of the Revised Code, whichever occurs later, 14400  
provided that this provision does not apply if the payment is not 14401  
mandatory. 14402

(F) Any sum payable on certified checks or other written 14403  
instruments certified or issued and representing funds held or 14404  
owed by a holder, less any lawful claims, that are unclaimed for 14405  
five years from the date payable or from the date of issuance if 14406  
payable on demand; except that the unclaimed period for money 14407  
orders that are not third party bank checks is seven years, and 14408  
the unclaimed period for traveler's checks is fifteen years, from 14409  
the date payable or from the date of issuance if payable on 14410  
demand. 14411

As used in this division, "written instruments" include, but 14412  
are not limited to, certified checks, cashier's checks, bills of 14413  
exchange, letters of credit, drafts, money orders, and traveler's 14414  
checks. 14415

If there is no address of record for the owner or other 14416  
person entitled to the funds, such address is presumed to be the 14417  
address where the instrument was certified or issued. 14418

(G) Except as provided in division (R) of this section, all 14419  
moneys, rights to moneys, or other intangible property, arising 14420  
out of the business of engaging in the purchase or sale of 14421  
securities, or otherwise dealing in intangibles, less any lawful 14422  
claims, that are held or owed by a holder and are unclaimed for 14423

five years from the date of transaction. 14424

(H) Except as provided in division (A) of section 3903.45 of 14425  
the Revised Code, all moneys, rights to moneys, and other 14426  
intangible property distributable in the course of dissolution or 14427  
liquidation of a holder that are unclaimed for one year after the 14428  
date set by the holder for distribution; 14429

(I) All moneys, rights to moneys, or other intangible 14430  
property removed from a safe-deposit box or other safekeeping 14431  
repository located in this state or removed from a safe-deposit 14432  
box or other safekeeping repository of a holder, on which the 14433  
lease or rental period has expired, or any amount arising from the 14434  
sale of such property, less any lawful claims, that are unclaimed 14435  
for three years from the date on which the lease or rental period 14436  
expired; 14437

(J) Subject to division (M)(2) of this section, all moneys, 14438  
rights to moneys, or other intangible property, and any income or 14439  
increment on them, held or owed by a holder which is a fiduciary 14440  
for the benefit of another, or a fiduciary or custodian of a 14441  
qualified retirement plan or individual retirement arrangement 14442  
under section 401 or 408 of the Internal Revenue Code, unclaimed 14443  
for three years after the final date for distribution; 14444

(K) All moneys, rights to moneys, or other intangible 14445  
property held or owed in this state or held for or owed to an 14446  
owner whose last known address is within this state, by the United 14447  
States government or any state, as those terms are described in 14448  
division (E) of section 169.01 of the Revised Code, unclaimed by 14449  
the owner for three years, excluding any property in the control 14450  
of any court in a proceeding in which a final adjudication has not 14451  
been made; 14452

(L) Amounts payable pursuant to the terms of any policy of 14453  
insurance, other than life insurance, or any refund available 14454



under such a policy, held or owed by any holder, unclaimed for 14455  
three years from the date payable or distributable; 14456

(M)(1) Subject to division (M)(2) of this section, any funds 14457  
constituting rents or lease payments due, any deposit made to 14458  
secure payment of rents or leases, or any sum paid in advance for 14459  
rents, leases, possible damage to property, unused services, 14460  
performance requirements, or any other purpose, held or owed by a 14461  
holder unclaimed for one year; 14462

(2) Any escrow funds, security deposits, or other moneys that 14463  
are received by a licensed broker in a fiduciary capacity and 14464  
that, pursuant to division (A)(26) of section 4735.18 of the 14465  
Revised Code, are required to be deposited into and maintained in 14466  
a special or trust, noninterest-bearing bank account separate and 14467  
distinct from any personal or other account of the licensed 14468  
broker, held or owed by the licensed broker unclaimed for two 14469  
years. 14470

(N) Any sum greater than fifty dollars payable as wages, any 14471  
sum payable as salaries or commissions, any sum payable for 14472  
services rendered, funds owed or held as royalties, oil and 14473  
mineral proceeds, funds held for or owed to suppliers, and moneys 14474  
owed under pension and profit-sharing plans, held or owed by any 14475  
holder unclaimed for one year from date payable or distributable, 14476  
and all other credits held or owed, or to be refunded to a retail 14477  
customer, by any holder unclaimed for three years from date 14478  
payable or distributable; 14479

(O) Amounts held in respect of or represented by lay-aways 14480  
sold after January 1, 1972, less any lawful claims, when such 14481  
lay-aways are unclaimed for three years after the sale of them; 14482

(P) All moneys, rights to moneys, and other intangible 14483  
property not otherwise constituted as unclaimed funds by this 14484  
section, including any income or increment on them, less any 14485

lawful claims, which are held or owed by any holder, other than a holder which holds a permit issued pursuant to Chapter 3769. of the Revised Code, and which have remained unclaimed for three years after becoming payable or distributable;

(Q) All moneys that arise out of a sale held pursuant to section 5322.03 of the Revised Code, that are held by a holder for delivery on demand to the appropriate person pursuant to division (I) of that section, and that are unclaimed for two years after the date of the sale.

(R)(1) Any funds that are subject to an agreement between the holder and owner providing for automatic reinvestment and that constitute dividends, distributions, or other sums held or owed by a holder in connection with a security as defined in section 1707.01 of the Revised Code, an ownership interest in an investment company registered under the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C. 80a-1, as amended, or a certificate of deposit, unclaimed for a period of five years.

(2) The five-year period under division (R)(1) of this section commences from the date a second shareholder notification or communication mailing to the owner of the funds is returned to the holder as undeliverable by the United States postal service or other carrier. The notification or communication mailing by the holder shall be no less frequent than quarterly.

All moneys in a personal allowance account, as defined by rules adopted by the medicaid director ~~of job and family services~~, up to and including the maximum resource limitation, of a medicaid patient recipient who has died after receiving care in a long-term care facility, and for whom there is no identifiable heir or sponsor, are not subject to this chapter.

**Sec. 173.03.** (A) There is hereby created the Ohio advisory council for the aging, which shall consist of twelve members to be

appointed by the governor with the advice and consent of the 14517  
senate. Two ex officio members of the council shall be members of 14518  
the house of representatives appointed by the speaker of the house 14519  
of representatives and shall be members of two different political 14520  
parties. Two ex officio members of the council shall be members of 14521  
the senate appointed by the president of the senate and shall be 14522  
members of two different political parties. The medicaid director 14523  
and directors of ~~mental health~~ mental health and addiction 14524  
services, developmental disabilities, health, and job and family 14525  
services, or their designees, shall serve as ex officio members of 14526  
the council. The council shall carry out its role as defined under 14527  
the "Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C. 3001, 14528  
as amended. 14529

At the first meeting of the council, and annually thereafter, 14530  
the members shall select one of their members to serve as 14531  
chairperson and one of their members to serve as vice-chairperson. 14532

(B) Members of the council shall be appointed for a term of 14533  
three years, except that for the first appointment members of the 14534  
Ohio commission on aging who were serving on the commission 14535  
immediately prior to July 26, 1984, shall become members of the 14536  
council for the remainder of their unexpired terms. Thereafter, 14537  
appointment to the council shall be for a three-year term by the 14538  
governor. Each member shall hold office from the date of 14539  
appointment until the end of the term for which the member was 14540  
appointed. Any member appointed to fill a vacancy occurring prior 14541  
to the expiration of the term for which the member's predecessor 14542  
was appointed shall hold office for the remainder of the term. No 14543  
member shall continue in office subsequent to the expiration date 14544  
of the member's term unless reappointed under the provisions of 14545  
this section, and no member shall serve more than three 14546  
consecutive terms on the council. 14547

(C) Membership of the council shall represent all areas of 14548

Ohio and shall be as follows: 14549

(1) A majority of members of the council shall have attained 14550  
the age of ~~sixty~~ fifty and have a knowledge of and continuing 14551  
interest in the affairs and welfare of the older citizens of Ohio. 14552  
The fields of business, labor, health, law, and human services 14553  
shall be represented in the membership. 14554

(2) No more than seven members shall be of the same political 14555  
party. 14556

(D) Any member of the council may be removed from office by 14557  
the governor for neglect of duty, misconduct, or malfeasance in 14558  
office after being informed in writing of the charges and afforded 14559  
an opportunity for a hearing. Two consecutive unexcused absences 14560  
from regularly scheduled meetings constitute neglect of duty. 14561

(E) The director of aging may reimburse a member for actual 14562  
and necessary traveling and other expenses incurred in the 14563  
discharge of official duties. But reimbursement shall be made in 14564  
the manner and at rates that do not exceed those prescribed by the 14565  
director of budget and management for any officer, member, or 14566  
employee of, or consultant to, any state agency. 14567

(F) Council members are not limited as to the number of terms 14568  
they may serve. 14569

(G)(1) The department of aging may award grants to or enter 14570  
into contracts with a member of the advisory council or an entity 14571  
that the member represents if any of the following apply: 14572

(a) The department determines that the member or the entity 14573  
the member represents is capable of providing the goods or 14574  
services specified under the terms of the grant or contract. 14575

(b) The member has not taken part in any discussion or vote 14576  
of the council related to whether the council should recommend 14577  
that the department of aging award the grant to or enter into the 14578

contract with the member of the advisory council or the entity 14579  
that the member represents. 14580

(2) A member of the advisory council is not in violation of 14581  
Chapter 102. or section 2921.42 of the Revised Code with regard to 14582  
receiving a grant or entering into a contract under this section 14583  
if the conditions of division (G)(1)(a) and (b) of this section 14584  
have been met. 14585

**Sec. 173.14.** As used in sections 173.14 to 173.27 of the 14586  
Revised Code: 14587

(A)(1) Except as otherwise provided in division (A)(2) of 14588  
this section, "long-term care facility" includes any residential 14589  
facility that provides personal care services for more than 14590  
twenty-four hours for one or more unrelated adults, including all 14591  
of the following: 14592

(a) A "nursing home," "residential care facility," or "home 14593  
for the aging" as defined in section 3721.01 of the Revised Code; 14594

(b) A facility authorized to provide extended care services 14595  
under Title XVIII of the "Social Security Act," 49 Stat. 620 14596  
(1935), 42 U.S.C. 301, as amended, including a long-term acute 14597  
care hospital that provides medical and rehabilitative care to 14598  
patients who require an average length of stay greater than 14599  
twenty-five days and is classified by the centers for medicare and 14600  
medicaid services as a long-term care hospital pursuant to 42 14601  
C.F.R. 412.23(e); 14602

(c) A county home or district home operated pursuant to 14603  
Chapter 5155. of the Revised Code; 14604

(d) A residential facility licensed under section ~~5119.22~~ 14605  
5119.34 of the Revised Code that provides accommodations, 14606  
supervision, and personal care services for three to sixteen 14607  
unrelated adults or accommodations and personal care services for 14608

only one or two adults who are ~~recipients under the~~ receiving 14609  
residential state supplement program; 14610

(e) A facility approved by the veterans administration under 14611  
section 104(a) of the "Veterans Health Care Amendments of 1983," 14612  
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 14613  
the placement and care of veterans. 14614

(2) "Long-term care facility" does not include a residential 14615  
facility licensed under section 5123.19 of the Revised Code. 14616

(B) "Resident" means a resident of a long-term care facility 14617  
and, where appropriate, includes a prospective, previous, or 14618  
deceased resident of a long-term care facility. 14619

(C) "Community-based long-term care services" means health 14620  
and social services provided to persons in their own homes or in 14621  
community care settings, and includes any of the following: 14622

(1) Case management; 14623

(2) Home health care; 14624

(3) Homemaker services; 14625

(4) Chore services; 14626

(5) Respite care; 14627

(6) Adult day care; 14628

(7) Home-delivered meals; 14629

(8) Personal care; 14630

(9) Physical, occupational, and speech therapy; 14631

(10) Transportation; 14632

(11) Any other health and social services provided to persons 14633  
that allow them to retain their independence in their own homes or 14634  
in community care settings. 14635

(D) "Recipient" means a recipient of community-based 14636

long-term care services and, where appropriate, includes a 14637  
prospective, previous, or deceased recipient of community-based 14638  
long-term care services. 14639

(E) "Sponsor" means an adult relative, friend, or guardian 14640  
who has an interest in or responsibility for the welfare of a 14641  
resident or a recipient. 14642

(F) "Personal care services" has the same meaning as in 14643  
section 3721.01 of the Revised Code. 14644

(G) "Regional long-term care ombudsperson program" means an 14645  
entity, either public or private and nonprofit, designated as a 14646  
regional long-term care ombudsperson program by the state 14647  
long-term care ombudsperson. 14648

(H) "Representative of the office of the state long-term care 14649  
ombudsperson program" means the state long-term care ombudsperson 14650  
or a member of the ombudsperson's staff, or a person certified as 14651  
a representative of the office under section 173.21 of the Revised 14652  
Code. 14653

(I) "Area agency on aging" means an area agency on aging 14654  
established under the "Older Americans Act of 1965," 79 Stat. 219, 14655  
42 U.S.C.A. 3001, as amended. 14656

**Sec. 173.17.** (A) The state long-term care ~~ombudsperson~~ 14657  
ombudsman shall do all of the following: 14658

(1) Appoint a staff and direct and administer the work of the 14659  
staff; 14660

(2) Supervise the nursing home investigative unit established 14661  
under division (I) of section 173.01 of the Revised Code; 14662

(3) Oversee the performance and operation of the office of 14663  
the state long-term care ~~ombudsperson~~ ombudsman program, including 14664  
the operation of regional long-term care ~~ombudsperson~~ ombudsman 14665  
programs; 14666

(4) Establish and maintain a statewide uniform reporting system to collect and analyze information relating to complaints and conditions in long-term care facilities and complaints regarding the provision of community-based long-term care services for the purpose of identifying and resolving significant problems;

(5) Provide for public forums to discuss concerns and problems relating to action, inaction, or decisions that may adversely affect the health, safety, welfare, or rights of residents and recipients of services by providers of long-term care and their representatives, public agencies and entities, and social service agencies. This may include any of the following: conducting public hearings; sponsoring workshops and conferences; holding meetings for the purpose of obtaining information about residents and recipients, discussing and publicizing their needs, and advocating solutions to their problems; and promoting the development of citizen organizations.

(6) Encourage, cooperate with, and assist in the development and operation of services to provide current, objective, and verified information about long-term care;

(7) Develop and implement, with the assistance of regional programs, a continuing program to publicize, through the media and civic organizations, the office, its purposes, and its methods of operation;

(8) Maintain written descriptions of the duties and qualifications of representatives of the office;

(9) Evaluate and make known concerns and issues regarding long-term care by doing all of the following:

(a) Preparing an annual report containing information and findings regarding the types of problems experienced by residents and recipients and the complaints made by or on behalf of residents and recipients. The report shall include recommendations



for policy, regulatory, and legislative changes to solve problems, 14698  
resolve complaints, and improve the quality of care and life for 14699  
residents and recipients and shall be submitted to the governor, 14700  
the speaker of the house of representatives, the president of the 14701  
senate, the directors of health and of job and family services, 14702  
and the commissioner of the administration on aging of the United 14703  
States department of health and human services. 14704

(b) Monitoring and analyzing the development and 14705  
implementation of federal, state, and local laws, rules, and 14706  
policies regarding long-term care services in this state and 14707  
recommending to officials changes the office considers appropriate 14708  
in these laws, rules, and policies; 14709

(c) Providing information and making recommendations to 14710  
public agencies, members of the general assembly, and others 14711  
regarding problems and concerns of residents and recipients. 14712

(10) Conduct training for employees and volunteers on 14713  
~~ombudsman's~~ ombudsman's staff and for representatives of the 14714  
office employed by regional programs; 14715

(11) Monitor the training of representatives of the office 14716  
who provide volunteer services to regional programs, and provide 14717  
technical assistance to the regional programs in conducting the 14718  
training; 14719

(12) Issue certificates attesting to the successful 14720  
completion of training and specifying the level of responsibility 14721  
for which a representative of the office who has completed 14722  
training is qualified; 14723

(13) Register as a residents' rights advocate with the 14724  
department of health under division (B) of section 3701.07 of the 14725  
Revised Code; 14726

(14) Perform other duties specified by the department of 14727  
aging. 14728

(B) The state ~~ombudsperson~~ ombudsman may delegate any of the 14729  
~~ombudsperson's~~ ombudsman's authority or duties under sections 14730  
173.14 to 173.26 of the Revised Code to any member of the 14731  
~~ombudsperson's~~ ombudsman's staff. The state ~~ombudsperson~~ ombudsman 14732  
is responsible for any authority or duties the ~~ombudsperson~~ 14733  
ombudsman delegates. 14734

**Sec. 173.19.** (A) The office of the state long-term care 14735  
~~ombudsperson~~ ombudsman program, through the state long-term care 14736  
~~ombudsperson~~ ombudsman and the regional long-term care 14737  
~~ombudsperson~~ ombudsman programs, shall receive, investigate, and 14738  
attempt to resolve complaints made by residents, recipients, 14739  
sponsors, providers of long-term care, or any person acting on 14740  
behalf of a resident or recipient, relating to either of the 14741  
following: 14742

(1) The health, safety, welfare, or civil rights of a 14743  
resident or recipient or any violation of a resident's rights 14744  
described in sections 3721.10 to 3721.17 of the Revised Code; 14745

(2) Any action or inaction or decision by a provider of 14746  
long-term care or representative of a provider, a governmental 14747  
entity, or a private social service agency that may adversely 14748  
affect the health, safety, welfare, or rights of a resident or 14749  
recipient. 14750

(B) The department of aging shall adopt rules in accordance 14751  
with Chapter 119. of the Revised Code regarding the handling of 14752  
complaints received under this section, including procedures for 14753  
conducting investigations of complaints. The rules shall include 14754  
procedures to ensure that no representative of the office 14755  
investigates any complaint involving a provider of long-term care 14756  
with which the representative was once employed or associated. 14757

The state ~~ombudsperson~~ ombudsman and regional programs shall 14758  
establish procedures for handling complaints consistent with the 14759

department's rules. Complaints shall be dealt with in accordance 14760  
with the procedures established under this division. 14761

(C) The office of the state long-term care ~~ombudsperson~~ 14762  
ombudsman program may decline to investigate any complaint if it 14763  
determines any of the following: 14764

(1) That the complaint is frivolous, vexatious, or not made 14765  
in good faith; 14766

(2) That the complaint was made so long after the occurrence 14767  
of the incident on which it is based that it is no longer 14768  
reasonable to conduct an investigation; 14769

(3) That an adequate investigation cannot be conducted 14770  
because of insufficient funds, insufficient staff, lack of staff 14771  
expertise, or any other reasonable factor that would result in an 14772  
inadequate investigation despite a good faith effort; 14773

(4) That an investigation by the office would create a real 14774  
or apparent conflict of interest. 14775

(D) If a regional long-term care ~~ombudsperson~~ ombudsman 14776  
program declines to investigate a complaint, it shall refer the 14777  
complaint to the state long-term care ~~ombudsperson~~ ombudsman. 14778

(E) Each complaint to be investigated by a regional program 14779  
shall be assigned to a representative of the office of the state 14780  
long-term care ~~ombudsperson~~ ombudsman program. If the 14781  
representative determines that the complaint is valid, the 14782  
representative shall assist the parties in attempting to resolve 14783  
it. If the representative is unable to resolve it, the 14784  
representative shall refer the complaint to the state ~~ombudsperson~~ 14785  
ombudsman. 14786

In order to carry out the duties of sections 173.14 to 173.26 14787  
of the Revised Code, a representative has the right to private 14788  
communication with residents and their sponsors and access to 14789

long-term care facilities, including the right to tour resident 14790  
areas unescorted and the right to tour facilities unescorted as 14791  
reasonably necessary to the investigation of a complaint. Access 14792  
to facilities shall be during reasonable hours or, during 14793  
investigation of a complaint, at other times appropriate to the 14794  
complaint. 14795

When community-based long-term care services are provided at 14796  
a location other than the recipient's home, a representative has 14797  
the right to private communication with the recipient and the 14798  
recipient's sponsors and access to the community-based long-term 14799  
care site, including the right to tour the site unescorted. Access 14800  
to the site shall be during reasonable hours or, during the 14801  
investigation of a complaint, at other times appropriate to the 14802  
complaint. 14803

(F) The state ~~ombudsperson~~ ombudsman shall determine whether 14804  
complaints referred to the ~~ombudsperson~~ ombudsman under division 14805  
(D) or (E) of this section warrant investigation. The 14806  
~~ombudsperson's~~ ombudsman's determination in this matter is final. 14807

**Sec. 173.20.** (A) If consent is given and unless otherwise 14808  
prohibited by law, a representative of the office of the state 14809  
long-term care ombudsman program shall have access to any records, 14810  
including medical records, of a resident or a recipient that are 14811  
reasonably necessary for investigation of a complaint. Consent may 14812  
be given in any of the following ways: 14813

(1) In writing by the resident or recipient; 14814

(2) Orally by the resident or recipient, witnessed in writing 14815  
at the time it is given by one other person, and, if the records 14816  
involved are being maintained by a long-term care provider, also 14817  
by an employee of the long-term care provider designated under 14818  
division (E)(1) of this section; 14819

(3) In writing by the guardian of the resident or recipient;	14820
(4) In writing by the attorney in fact of the resident or recipient, if the resident or recipient has authorized the attorney in fact to give such consent;	14821 14822 14823
(5) In writing by the executor or administrator of the estate of a deceased resident or recipient.	14824 14825
(B) If consent to access to records is not refused by a resident or recipient or <del>his</del> <u>the resident's or recipient's</u> legal representative but cannot be obtained and any of the following circumstances exist, a representative of the office of the state long-term care ombudsman program, on approval of the state long-term care ombudsman, may inspect the records of a resident or a recipient, including medical records, that are reasonably necessary for investigation of a complaint:	14826 14827 14828 14829 14830 14831 14832 14833
(1) The resident or recipient is unable to express written or oral consent and there is no guardian or attorney in fact;	14834 14835
(2) There is a guardian or attorney in fact, but <del>he</del> <u>the guardian or attorney in fact</u> cannot be contacted within three working days;	14836 14837 14838
(3) There is a guardianship or durable power of attorney, but its existence is unknown by the long-term care provider and the representative of the office at the time of the investigation;	14839 14840 14841
(4) There is no executor or administrator of the estate of a deceased resident or recipient.	14842 14843
(C) If a representative of the office of the state long-term care ombudsman program has been refused access to records by a guardian or attorney in fact, but has reasonable cause to believe that the guardian or attorney in fact is not acting in the best interests of the resident or recipient, the representative may, on approval of the state long-term care ombudsman, inspect the	14844 14845 14846 14847 14848 14849

records of the resident or recipient, including medical records, 14850  
that are reasonably necessary for investigation of a complaint. 14851

(D) A representative of the office of the state long-term 14852  
care ombudsman program shall have access to any records of a 14853  
long-term care provider reasonably necessary to an investigation 14854  
conducted under this section, including but not limited to: 14855  
incident reports, dietary records, policies and procedures of a 14856  
facility required to be maintained under section ~~5111.21~~ 5165.06 14857  
of the Revised Code, admission agreements, staffing schedules, any 14858  
document depicting the actual staffing pattern of the provider, 14859  
any financial records that are matters of public record, resident 14860  
council and grievance committee minutes, and any waiting list 14861  
maintained by a facility in accordance with section ~~5111.31~~ 14862  
5165.08 of the Revised Code, or any similar records or lists 14863  
maintained by a provider of community-based long-term care 14864  
services. Pursuant to division (E)(2) of this section, a 14865  
representative shall be permitted to make or obtain copies of any 14866  
of these records after giving the long-term care provider 14867  
twenty-four hours' notice. A long-term care provider may impose a 14868  
charge for providing copies of records under this division that 14869  
does not exceed the actual and necessary expense of making the 14870  
copies. 14871

The state ombudsman shall take whatever action is necessary 14872  
to ensure that any copy of a record made or obtained under this 14873  
division is returned to the long-term care provider no later than 14874  
three years after the date the investigation for which the copy 14875  
was made or obtained is completed. 14876

(E)(1) Each long-term care provider shall designate one or 14877  
more of its employees to be responsible for witnessing the giving 14878  
of oral consent under division (A) of this section. In the event 14879  
that a designated employee is not available when a resident or 14880  
recipient attempts to give oral consent, the provider shall 14881

designate another employee to witness the consent. 14882

(2) Each long-term care provider shall designate one or more 14883  
of its employees to be responsible for releasing records for 14884  
copying to representatives of the office of the long-term care 14885  
ombudsman program who request permission to make or obtain copies 14886  
of records specified in division (D) of this section. In the event 14887  
that a designated employee is not available when a representative 14888  
of the office makes the request, the long-term care provider shall 14889  
designate another employee to release the records for copying. 14890

(F) A long-term care provider or any employee of such a 14891  
provider is immune from civil or criminal liability or action 14892  
taken pursuant to a professional disciplinary procedure for the 14893  
release or disclosure of records to a representative of the office 14894  
pursuant to this section. 14895

(G) A state or local government agency or entity with records 14896  
relevant to a complaint or investigation being conducted by a 14897  
representative of the office shall provide the representative 14898  
access to the records. 14899

(H) The state ombudsman, with the approval of the director of 14900  
aging, may issue a subpoena to compel any person ~~he~~ the ombudsman 14901  
reasonably believes may be able to provide information to appear 14902  
before ~~him~~ the ombudsman or ~~his~~ the ombudsman's designee and give 14903  
sworn testimony and to produce documents, books, records, papers, 14904  
or other evidence the state ombudsman believes is relevant to the 14905  
investigation. On the refusal of a witness to be sworn or to 14906  
answer any question put to ~~him~~ the witness, or if a person 14907  
disobeys a subpoena, the ombudsman shall apply to the Franklin 14908  
county court of common pleas for a contempt order, as in the case 14909  
of disobedience of the requirements of a subpoena issued from the 14910  
court, or a refusal to testify in the court. 14911

(I) The state ombudsman may petition the court of common 14912

pleas in the county in which a long-term care facility is located 14913  
to issue an injunction against any long-term care facility in 14914  
violation of sections 3721.10 to 3721.17 of the Revised Code. 14915

(J) Any suspected violation of Chapter 3721. of the Revised 14916  
Code discovered during the course of an investigation may be 14917  
reported to the department of health. Any suspected criminal 14918  
violation discovered during the course of an investigation shall 14919  
be reported to the attorney general or other appropriate law 14920  
enforcement authorities. 14921

(K) The department of aging shall adopt rules in accordance 14922  
with Chapter 119. of the Revised Code for referral by the state 14923  
ombudsman and regional long-term care ombudsman programs of 14924  
complaints to other public agencies or entities. A public agency 14925  
or entity to which a complaint is referred shall keep the state 14926  
ombudsman or regional program handling the complaint advised and 14927  
notified in writing in a timely manner of the disposition of the 14928  
complaint to the extent permitted by law. 14929

**Sec. 173.21.** (A) The office of the state long-term care 14930  
~~ombudsperson~~ ombudsman program, through the state long-term care 14931  
~~ombudsperson~~ ombudsman and the regional long-term care 14932  
~~ombudsperson~~ ombudsman programs, shall require each representative 14933  
of the office to complete a training and certification program in 14934  
accordance with this section and to meet the continuing education 14935  
requirements established under this section. 14936

(B) The department of aging shall adopt rules under Chapter 14937  
119. of the Revised Code specifying the content of training 14938  
programs for representatives of the office of the state long-term 14939  
care ~~ombudsperson~~ ombudsman program. Training for representatives 14940  
other than those who are volunteers providing services through 14941  
regional long-term care ~~ombudsperson~~ ombudsman programs shall 14942  
include instruction regarding federal, state, and local laws, 14943



rules, and policies on long-term care facilities and 14944  
community-based long-term care services; investigative techniques; 14945  
and other topics considered relevant by the department and shall 14946  
consist of the following: 14947

(1) A minimum of forty clock hours of basic instruction, 14948  
which shall be completed before the trainee is permitted to handle 14949  
complaints without the supervision of a representative of the 14950  
office certified under this section; 14951

(2) An additional sixty clock hours of instruction, which 14952  
shall be completed within the first fifteen months of employment; 14953

(3) An internship of twenty clock hours, which shall be 14954  
completed within the first twenty-four months of employment, 14955  
including instruction in, and observation of, basic nursing care 14956  
and long-term care provider operations and procedures. The 14957  
internship shall be performed at a site that has been approved as 14958  
an internship site by the state long-term care ~~ombudsperson~~ 14959  
ombudsman. 14960

(4) One of the following, which shall be completed within the 14961  
first twenty-four months of employment: 14962

(a) Observation of a survey conducted by the director of 14963  
health to certify a nursing facility to ~~receive funds under~~ 14964  
~~sections 5111.20 to 5111.32 of the Revised Code~~ participate in the 14965  
medicaid program; 14966

(b) Observation of an inspection conducted by the director of 14967  
~~mental health~~ mental health and addiction services to license a 14968  
residential facility under section ~~5119.22~~ 5119.34 of the Revised 14969  
Code that provides accommodations, supervision, and personal care 14970  
services for three to sixteen unrelated adults. 14971

(5) Any other training considered appropriate by the 14972  
department. 14973

(C) ~~Persons~~ Any person who for a period of at least six 14974  
months prior to June 11, 1990, served as ~~ombudsmen~~ an ombudsman 14975  
through the long-term care ~~ombudsperson~~ ombudsman program 14976  
established by the department of aging under division (M) of 14977  
section 173.01 of the Revised Code shall not be required to 14978  
complete a training program. ~~These persons~~ Such a person and 14979  
persons who complete a training program shall take an examination 14980  
administered by the department of aging. On attainment of a 14981  
passing score, the person shall be certified by the department as 14982  
a representative of the office. The department shall issue the 14983  
person an identification card, which the representative shall show 14984  
at the request of any person with whom the representative deals 14985  
while performing the representative's duties and which shall be 14986  
surrendered at the time the representative separates from the 14987  
office. 14988

(D) The state ~~ombudsperson~~ ombudsman and each regional 14989  
program shall conduct training programs for volunteers on their 14990  
respective staffs in accordance with the rules of the department 14991  
of aging adopted under division (B) of this section. Training 14992  
programs may be conducted that train volunteers to complete some, 14993  
but not all, of the duties of a representative of the office. Each 14994  
regional office shall bear the cost of training its 14995  
representatives who are volunteers. On completion of a training 14996  
program, the representative shall take an examination administered 14997  
by the department of aging. On attainment of a passing score, a 14998  
volunteer shall be certified by the department as a representative 14999  
authorized to perform services specified in the certification. The 15000  
department shall issue an identification card, which the 15001  
representative shall show at the request of any person with whom 15002  
the representative deals while performing the representative's 15003  
duties and which shall be surrendered at the time the 15004  
representative separates from the office. Except as a supervised 15005  
part of a training program, no volunteer shall perform any duty 15006

unless he is certified as a representative having received 15007  
appropriate training for that duty. 15008

(E) The state ~~ombudsperson~~ ombudsman shall provide technical 15009  
assistance to regional programs conducting training programs for 15010  
volunteers and shall monitor the training programs. 15011

(F) Prior to scheduling an observation of a certification 15012  
survey or licensing inspection for purposes of division (B)(4) of 15013  
this section, the state ~~ombudsperson~~ ombudsman shall obtain 15014  
permission to have the survey or inspection observed from both the 15015  
director of health and the long-term care facility at which the 15016  
survey or inspection is to take place. 15017

(G) The department of aging shall establish continuing 15018  
education requirements for representatives of the office. 15019

**Sec. 173.23.** (A) Representatives of the office of the state 15020  
long-term care ~~ombudsperson~~ ombudsman program are immune from 15021  
civil or criminal liability for any action taken in the good faith 15022  
performance of their official duties under sections 173.14 to 15023  
173.26 of the Revised Code. 15024

(B) A person acting in good faith is immune from civil or 15025  
criminal liability incident to any of the following: providing 15026  
information to the office, participating in registration of a 15027  
complaint with the office, participating in investigation of a 15028  
complaint by the office, or participating in an administrative or 15029  
judicial proceeding resulting from a complaint. 15030

(C) No person shall knowingly register a false complaint with 15031  
the office, or knowingly swear or affirm the truth of a false 15032  
complaint previously registered, when the statement is made with 15033  
purpose to incriminate another. 15034

(D) The attorney general shall provide legal counsel to the 15035  
office of the state long-term care ~~ombudsperson~~ ombudsman program 15036

and to the regional long-term care ~~ombudsperson~~ ombudsman 15037  
programs. The attorney general shall represent any representative 15038  
of the office and any representative of a regional program against 15039  
whom any legal action is brought in connection with the 15040  
representative's official duties under sections 173.14 to 173.26 15041  
of the Revised Code. 15042

**Sec. 173.25.** The office of the state long-term care 15043  
~~ombudsperson~~ ombudsman program shall, in carrying out the 15044  
provisions and purposes of sections 173.14 to 173.26 of the 15045  
Revised Code, advise, consult, and cooperate with any agency, 15046  
program, or other entity related to the purposes of the office. 15047  
Any agency, program, or other entity related to the purposes of 15048  
the office shall advise, consult, and cooperate with the office. 15049

The office shall attempt to establish effective coordination 15050  
with government-sponsored programs that provide legal services to 15051  
the elderly and with protective and advocacy programs for 15052  
individuals with developmental disabilities, mental retardation, 15053  
or mental illness. 15054

**Sec. 173.26.** (A) Each of the following facilities shall 15055  
annually pay to the department of aging six dollars for each bed 15056  
~~maintained by the facility for use by a resident~~ was licensed or 15057  
otherwise authorized to maintain during any part of the previous 15058  
year: 15059

(1) Nursing homes, and residential care facilities, ~~and homes~~ 15060  
~~for the aging~~ as defined in section 3721.01 of the Revised Code; 15061

(2) Facilities authorized to provide extended care services 15062  
under Title XVIII of the "Social Security Act," 49 Stat. 620 15063  
(1935), 42 U.S.C. 301, as amended, including a long-term acute 15064  
care hospital that provides medical and rehabilitative care to 15065  
patients who require an average length of stay greater than 15066

twenty-five days and is classified by the centers for medicare and 15067  
medicaid services as a long-term care hospital pursuant to 42 15068  
C.F.R. 412.23(e); 15069

(3) County homes and district homes operated pursuant to 15070  
Chapter 5155. of the Revised Code; 15071

(4) Residential facilities licensed under section ~~5119.22~~ 15072  
5119.34 of the Revised Code that provide accommodations, 15073  
supervision, and personal care services for three to sixteen 15074  
unrelated adults; 15075

(5) Facilities approved by the Veterans Administration under 15076  
Section 104(a) of the "Veterans Health Care Amendments of 1983," 15077  
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 15078  
the placement and care of veterans. 15079

The department shall, by rule adopted in accordance with 15080  
Chapter 119. of the Revised Code, establish deadlines for payments 15081  
required by this section. A facility that fails, within ninety 15082  
days after the established deadline, to pay a payment required by 15083  
this section shall be assessed at two times the original invoiced 15084  
payment. 15085

(B) All money collected under this section shall be deposited 15086  
in the state treasury to the credit of the office of the state 15087  
long-term care ~~ombuds person~~ ombudsman program fund, which is 15088  
hereby created. Money credited to the fund shall be used solely to 15089  
pay the costs of operating the regional long-term care 15090  
~~ombuds person~~ ombudsman programs. 15091

(C) The state long-term care ~~ombuds person~~ ombudsman and the 15092  
regional programs may solicit and receive contributions to support 15093  
the operation of the office or a regional program, except that no 15094  
contribution shall be solicited or accepted that would interfere 15095  
with the independence or objectivity of the office or program. 15096

Sec. 173.27. (A) As used in this section: 15097

(1) "Applicant" means a person who is under final 15098  
consideration for employment ~~with the office of the state~~ 15099  
~~long-term care ombudsperson program~~ by a responsible party in a 15100  
full-time, part-time, or temporary position that involves 15101  
providing ~~ombudsperson~~ ombudsman services to residents and 15102  
recipients. "Applicant" includes a person who is under final 15103  
consideration for employment as the state long-term care 15104  
~~ombudsperson~~ ombudsman or the head of a regional long-term care 15105  
~~ombudsperson~~ ombudsman program. "Applicant" does not include a 15106  
person seeking to provide ~~ombudsperson~~ ombudsman services to 15107  
residents and recipients as a volunteer without receiving or 15108  
expecting to receive any form of remuneration other than 15109  
reimbursement for actual expenses. 15110

(2) "Criminal records check" has the same meaning as in 15111  
section 109.572 of the Revised Code. 15112

(3) "Disqualifying offense" means any of the offenses listed 15113  
or described in divisions (A)(3)(a) to (e) of section 109.572 of 15114  
the Revised Code. 15115

(4) "Employee" means a person employed by ~~the office of the~~ 15116  
~~state long-term care ombudsperson program~~ a responsible party in a 15117  
full-time, part-time, or temporary position that involves 15118  
providing ~~ombudsperson~~ ombudsman services to residents and 15119  
recipients. "Employee" includes the person employed as the state 15120  
long-term care ~~ombudsperson~~ ombudsman and a person employed as the 15121  
head of a regional long-term care ~~ombudsperson~~ ombudsman program. 15122  
"Employee" does not include a person who provides ~~ombudsperson~~ 15123  
ombudsman services to residents and recipients as a volunteer 15124  
without receiving or expecting to receive any form of remuneration 15125  
other than reimbursement for actual expenses. 15126

(5) "Responsible ~~entity~~ party" means the following: 15127

(a) In the case of an applicant who is under final 15128  
consideration for employment as the state long-term care 15129  
~~ombudsperson~~ ombudsman or the person employed as the state 15130  
long-term care ~~ombudsperson~~ ombudsman, the director of aging; 15131

(b) In the case of any other applicant who is under final 15132  
consideration for employment with the state long-term care 15133  
ombudsman program or any other employee of the state long-term 15134  
care ombudsman program, the state long-term care ~~ombudsperson~~ or 15135  
~~the ombudsperson's designee~~ ombudsman; 15136

(c) In the case of an applicant who is under final 15137  
consideration for employment with a regional long-term care 15138  
ombudsman program (including as the head of the regional program) 15139  
or an employee of a regional long-term care ombudsman program 15140  
(including the head of a regional program), the regional long-term 15141  
care ombudsman program. 15142

(B) ~~The office of the state long term care ombudsperson~~ 15143  
~~program~~ A responsible party may not employ an applicant or 15144  
continue to employ an employee in a position that involves 15145  
providing ~~ombudsperson~~ ombudsman services to residents and 15146  
recipients if any of the following apply: 15147

(1) A review of the databases listed in division (D) of this 15148  
section reveals any of the following: 15149

(a) That the applicant or employee is included in one or more 15150  
of the databases listed in divisions (D)(1) to (5) of this 15151  
section; 15152

(b) That there is in the state nurse aide registry 15153  
established under section 3721.32 of the Revised Code a statement 15154  
detailing findings by the director of health that the applicant or 15155  
employee neglected or abused a long-term care facility or 15156  
residential care facility resident or misappropriated property of 15157  
such a resident; 15158

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules adopted under this section and the rules prohibit the ~~office~~ responsible party from employing an applicant or continuing to employ an employee included in such a database in a position that involves providing ~~ombudsperson~~ ombudsman services to residents and recipients.

(2) After the applicant or employee is provided, pursuant to division (E)(2)(a) of this section, a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and the standard impression sheet prescribed pursuant to division (C)(2) of that section, the applicant or employee fails to complete the form or provide the applicant's or employee's fingerprint impressions on the standard impression sheet.

(3) ~~Except as provided~~ Unless the applicant or employee meets standards specified in rules adopted under this section, the applicant or employee is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(C) ~~The~~ A ~~responsible entity party or a responsible party's designee~~ shall inform each applicant of both of the following at the time of the applicant's initial application for employment in a position that involves providing ~~ombudsperson~~ ombudsman services to residents and recipients:

(1) That a review of the databases listed in division (D) of this section will be conducted to determine whether the ~~office of the state long term care ombudsperson program~~ responsible party is prohibited by division (B)(1) of this section from employing the applicant in the position;

(2) That, unless the database review reveals that the applicant may not be employed in the position, a criminal records



check of the applicant will be conducted and the applicant is 15190  
required to provide a set of the applicant's fingerprint 15191  
impressions as part of the criminal records check. 15192

(D) As a condition of any applicant's being employed by ~~the~~ 15193  
~~office of the state long term care ombudsperson program a~~ 15194  
responsible party in a position that involves providing 15195  
~~ombudsperson~~ ombudsman services to residents and recipients, the 15196  
responsible ~~entity~~ party or designee shall conduct a database 15197  
review of the applicant in accordance with rules adopted under 15198  
this section. If rules adopted under this section so require, the 15199  
responsible ~~entity~~ party or designee shall conduct a database 15200  
review of an employee in accordance with the rules as a condition 15201  
of the ~~office's~~ responsible party continuing to employ the 15202  
employee in a position that involves providing ~~ombudsperson~~ 15203  
ombudsman services to residents and recipients. A database review 15204  
shall determine whether the applicant or employee is included in 15205  
any of the following: 15206

(1) The excluded parties list system that is maintained by 15207  
the United States general services administration pursuant to 15208  
subpart 9.4 of the federal acquisition regulation and available at 15209  
the federal web site known as the system for award management; 15210

(2) The list of excluded individuals and entities maintained 15211  
by the office of inspector general in the United States department 15212  
of health and human services pursuant to section 1128 of the 15213  
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 15214  
amended, and section 1156 of the "Social Security Act," 96 Stat. 15215  
388 (1982), 42 U.S.C. 1320c-5, as amended; 15216

(3) The registry of MR/DD employees established under section 15217  
5123.52 of the Revised Code; 15218

(4) The internet-based sex offender and child-victim offender 15219  
database established under division (A)(11) of section 2950.13 of 15220

the Revised Code; 15221

(5) The internet-based database of inmates established under 15222  
section 5120.66 of the Revised Code; 15223

(6) The state nurse aide registry established under section 15224  
3721.32 of the Revised Code; 15225

(7) Any other database, if any, specified in rules adopted 15226  
under this section. 15227

(E)(1) As a condition of any applicant's being employed by 15228  
~~the office of the state long term care ombudsperson program a~~ 15229  
responsible party in a position that involves providing 15230  
~~ombudsperson ombudsman~~ services to residents and recipients, the 15231  
responsible ~~entity~~ party or designee shall request that the 15232  
superintendent of the bureau of criminal identification and 15233  
investigation conduct a criminal records check of the applicant. 15234  
If rules adopted under this section so require, the responsible 15235  
~~entity~~ party or designee shall request that the superintendent 15236  
conduct a criminal records check of an employee at times specified 15237  
in the rules as a condition of the ~~office's~~ responsible party 15238  
continuing to employ the employee in a position that involves 15239  
providing ~~ombudsperson ombudsman~~ services to residents and 15240  
recipients. However, the responsible ~~entity~~ party or designee is 15241  
not required to request the criminal records check of the 15242  
applicant or employee if the ~~office~~ responsible party is 15243  
prohibited by division (B)(1) of this section from employing the 15244  
applicant or continuing to employ the employee in a position that 15245  
involves providing ~~ombudsperson ombudsman~~ services to residents 15246  
and recipients. If an applicant or employee for whom a criminal 15247  
records check request is required by this section does not present 15248  
proof of having been a resident of this state for the five-year 15249  
period immediately prior to the date the criminal records check is 15250  
requested or provide evidence that within that five-year period 15251  
the superintendent has requested information about the applicant 15252

or employee from the federal bureau of investigation in a criminal 15253  
records check, the responsible entity party or designee shall 15254  
request that the superintendent obtain information from the 15255  
federal bureau of investigation as part of the criminal records 15256  
check. Even if an applicant or employee for whom a criminal 15257  
records check request is required by this section presents proof 15258  
of having been a resident of this state for the five-year period, 15259  
the responsible entity party or designee may request that the 15260  
superintendent include information from the federal bureau of 15261  
investigation in the criminal records check. 15262

(2) ~~The~~ A responsible entity party or designee shall do all 15263  
of the following: 15264

(a) Provide to each applicant and employee for whom a 15265  
criminal records check request is required by this section a copy 15266  
of the form prescribed pursuant to division (C)(1) of section 15267  
109.572 of the Revised Code and a standard impression sheet 15268  
prescribed pursuant to division (C)(2) of that section; 15269

(b) Obtain the completed form and standard impression sheet 15270  
from the applicant or employee; 15271

(c) Forward the completed form and standard impression sheet 15272  
to the superintendent. 15273

(3) ~~The office of the state long-term care ombudsperson~~ 15274  
~~program~~ A responsible party shall pay to the bureau of criminal 15275  
identification and investigation the fee prescribed pursuant to 15276  
division (C)(3) of section 109.572 of the Revised Code for each 15277  
criminal records check the responsible entity party or the 15278  
responsible party's designee requests under this section. The 15279  
~~office~~ responsible party may charge an applicant a fee not 15280  
exceeding the amount the ~~office~~ responsible party pays to the 15281  
bureau under this section if the responsible entity party or 15282  
designee notifies the applicant at the time of initial application 15283

for employment of the amount of the fee. 15284

~~(F)(1) The office of the state long term care ombudsperson~~ 15285  
~~program~~ A responsible party may employ conditionally an applicant 15286  
for whom a criminal records check is required by this section 15287  
prior to obtaining the results of the criminal records check if 15288  
both of the office following apply: 15289

(a) The responsible party is not prohibited by division 15290  
(B)(1) of this section from employing the applicant in a position 15291  
that involves providing ~~ombudsperson~~ ombudsman services to 15292  
residents and recipients ~~and the;~~ 15293

(b) The responsible entity party or designee requests the 15294  
criminal records check in accordance with division (E) of this 15295  
section not later than five business days after the applicant 15296  
begins conditional employment. 15297

(2) ~~The office of the state long term care ombudsperson~~ 15298  
~~program~~ A responsible party shall terminate the employment of an 15299  
applicant employed conditionally under division (F)(1) of this 15300  
section if the results of the criminal records check, other than 15301  
the results of any request for information from the federal bureau 15302  
of investigation, are not obtained within the period ending sixty 15303  
days after the date the request for the criminal records check is 15304  
made. Regardless of when the results of the criminal records check 15305  
are obtained, if the results indicate that the applicant has been 15306  
convicted of, pleaded guilty to, or been found eligible for 15307  
intervention in lieu of conviction for a disqualifying offense, 15308  
the ~~office~~ responsible party shall terminate the applicant's 15309  
employment unless ~~circumstances~~ the applicant meets standards 15310  
specified in rules adopted under this section that permit the 15311  
~~office~~ responsible party to employ the applicant ~~exist~~ and the 15312  
~~office~~ responsible party chooses to employ the applicant. 15313  
Termination of employment under this division shall be considered 15314  
just cause for discharge for purposes of division (D)(2) of 15315

section 4141.29 of the Revised Code if the applicant makes any attempt to deceive the ~~office~~ responsible party or designee about the applicant's criminal record.

(G) The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the following:

(1) The applicant or employee who is the subject of the criminal records check or the applicant's or employee's representative;

(2) The responsible ~~entity~~ party or ~~the responsible entity's representative~~ designee;

(3) ~~If the state long-term care ombudsperson designates the head or other employee of~~ In the case of a criminal records check conducted for an applicant who is under final consideration for employment with a regional long-term care ombudsman ~~ombudsperson~~ ombudsman program ~~to request a criminal records check under this section (including as the head of the regional program) or an employee of a regional long-term care ombudsman program (including the head of a regional program), the state long-term care ombudsman or a~~ representative of the office of the state long-term care ~~ombudsperson~~ ombudsman program who is responsible for monitoring the regional program's compliance with this section;

(4) A court, hearing officer, or other necessary individual involved in a case dealing with any of the following:

(a) A denial of employment of the applicant or employee;

(b) Employment or unemployment benefits of the applicant or employee;

(c) A civil or criminal action regarding the medicaid program

or a program the department of aging administers. 15346

(H) In a tort or other civil action for damages that is 15347  
brought as the result of an injury, death, or loss to person or 15348  
property caused by an applicant or employee who ~~the office of the~~ 15349  
~~state long term care ombudsperson program~~ a responsible party 15350  
employs in a position that involves providing ~~ombudsperson~~ 15351  
ombudsman services to residents and recipients, all of the 15352  
following shall apply: 15353

(1) If the ~~office~~ responsible party employed the applicant or 15354  
employee in good faith and reasonable reliance on the report of a 15355  
criminal records check requested under this section, the ~~office~~ 15356  
responsible party shall not be found negligent solely because of 15357  
its reliance on the report, even if the information in the report 15358  
is determined later to have been incomplete or inaccurate. 15359

(2) If the ~~office~~ responsible party employed the applicant in 15360  
good faith on a conditional basis pursuant to division (F) of this 15361  
section, the ~~office~~ responsible party shall not be found negligent 15362  
solely because it employed the applicant prior to receiving the 15363  
report of a criminal records check requested under this section. 15364  
15365

(3) If the ~~office~~ responsible party in good faith employed 15366  
the applicant or employee ~~according to~~ because the ~~personal~~ 15367  
~~character~~ applicant or employee meets standards established 15368  
specified in rules adopted under this section, the ~~office~~ 15369  
responsible party shall not be found negligent solely because the 15370  
applicant or employee has been convicted of, pleaded guilty to, or 15371  
been found eligible for intervention in lieu of conviction for a 15372  
disqualifying offense. 15373

(I) The state long-term care ombudsman may not act as the 15374  
director of aging's designee for the purpose of this section. The 15375  
head of a regional long-term care ombudsman program may not act as 15376

the regional program's designee for the purpose of this section if 15377  
the head is the employee for whom a database review or criminal 15378  
records check is being conducted. 15379

(J) The director of aging shall adopt rules in accordance 15380  
with Chapter 119. of the Revised Code to implement this section. 15381

(1) The rules may do the following: 15382

(a) Require employees to undergo database reviews and 15383  
criminal records checks under this section; 15384

(b) If the rules require employees to undergo database 15385  
reviews and criminal records checks under this section, exempt one 15386  
or more classes of employees from the requirements; 15387

(c) For the purpose of division (D)(7) of this section, 15388  
specify other databases that are to be checked as part of a 15389  
database review conducted under this section. 15390

(2) The rules shall specify all of the following: 15391

(a) The procedures for conducting database reviews under this 15392  
section; 15393

(b) If the rules require employees to undergo database 15394  
reviews and criminal records checks under this section, the times 15395  
at which the database reviews and criminal records checks are to 15396  
be conducted; 15397

(c) If the rules specify other databases to be checked as 15398  
part of the database reviews, the circumstances under which ~~the~~ 15399  
~~office of the state long term care ombudsperson program a~~ 15400  
responsible party is prohibited from employing an applicant or 15401  
continuing to employ an employee who is found by a database review 15402  
to be included in one or more of those databases; 15403

(d) ~~Circumstances under which the office of the state~~ 15404  
~~long term care ombudsperson program may employ~~ Standards that an 15405  
applicant or employee who must meet for a responsible party to be 15406

permitted to employ the applicant or continue to employ the 15407  
employee in a position that involves providing ombudsman services 15408  
to residents and recipients if the applicant or employee is found 15409  
by a criminal records check required by this section to have been 15410  
convicted of, pleaded guilty to, or been found eligible for 15411  
intervention in lieu of conviction for a disqualifying offense ~~but~~ 15412  
~~meets personal character standards.~~ 15413

**Sec. 173.28.** (A)(1) As used in this division, "incident" 15414  
means the occurrence of a violation with respect to a resident or 15415  
recipient, as those terms are defined in section 173.14 of the 15416  
Revised Code. A violation is a separate incident for each day it 15417  
occurs and for each resident who is subject to it. 15418

In lieu of the fine that may be imposed under division (A) of 15419  
section 173.99 of the Revised Code, the director of aging may, 15420  
under Chapter 119. of the Revised Code, fine a long-term care 15421  
provider or other entity, or a person employed by a long-term care 15422  
provider or other entity, for a violation of division (C) of 15423  
section 173.24 of the Revised Code. The fine shall not exceed one 15424  
thousand dollars per incident. 15425

(2) In lieu of the fine that may be imposed under division 15426  
(C) of section 173.99 of the Revised Code, the director may, under 15427  
Chapter 119. of the Revised Code, fine a long-term care provider 15428  
or other entity, or a person employed by a long-term care provider 15429  
or other entity, for violating division (E) of section 173.19 of 15430  
the Revised Code by denying a representative of the office of the 15431  
state long-term care ~~ombuds person~~ ombudsman program the access 15432  
required by that division. The fine shall not exceed five hundred 15433  
dollars for each day the violation continued. 15434

(B) On request of the director, the attorney general shall 15435  
bring and prosecute to judgment a civil action to collect any fine 15436  
imposed under division (A)(1) or (2) of this section that remains 15437



unpaid thirty days after the violator's final appeal is exhausted. 15438

(C) All fines collected under this section shall be deposited 15439  
into the state treasury to the credit of the state long-term care 15440  
~~ombuds person~~ ombudsman program fund created under section 173.26 15441  
of the Revised Code. 15442

**Sec. ~~173.394~~ 173.38.** (A) As used in this section: 15443

(1) "Applicant" means a person who is under final 15444  
consideration for employment with a ~~community based long term care~~ 15445  
agency responsible party in a full-time, part-time, or temporary 15446  
~~direct-care~~ position ~~that involves providing direct care to an~~ 15447  
~~individual~~ or is referred to a ~~community based long term care~~ 15448  
agency responsible party by an employment service for such a 15449  
position. "Applicant" does not include a person ~~who provides~~ 15450  
~~direct care to an individual being considered for a direct-care~~ 15451  
position as a volunteer ~~without receiving or expecting to receive~~ 15452  
~~any form of remuneration other than reimbursement for actual~~ 15453  
~~expenses.~~ 15454

(2) "Area agency on aging" has the same meaning as in section 15455  
173.14 of the Revised Code. 15456

(3) "Community-based long-term care services" means 15457  
community-based long-term care services, as defined in section 15458  
173.14 of the Revised Code, that are provided under a program the 15459  
department of aging administers. 15460

(4) "Consumer" means an individual who receives 15461  
community-based long-term care services. 15462

(5) "Criminal records check" has the same meaning as in 15463  
section 109.572 of the Revised Code. 15464

(6) "Direct-care position" means an employment position in 15465  
which an employee has either or both of the following: 15466

(i) In-person contact with one or more consumers; 15467

(ii) Access to one or more consumers' personal property or records. 15468  
15469

(7) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 15470  
15471  
15472

(8) "Employee" means a person employed by a ~~community-based long-term care agency~~ responsible party in a full-time, part-time, or temporary direct-care position ~~that involves providing direct care to an individual~~ and a person who works in such a position due to being referred to a ~~community-based long-term care agency~~ responsible party by an employment service. "Employee" does not include a person who ~~provides direct care to an individual~~ works in a direct-care position as a volunteer ~~without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.~~ 15473  
15474  
15475  
15476  
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15482

(9) "PASSPORT administrative agency" has the same meaning as in section 173.42 of the Revised Code. 15483  
15484

(10) "Provider" has the same meaning as in section 173.39 of the Revised Code. 15485  
15486

(11) "Responsible party" means the following: 15487

(a) An area agency on aging in the case of either of the following: 15488  
15489

(i) A person who is an applicant because the person is under final consideration for employment with the agency in a full-time, part-time, or temporary direct-care position or is referred to the agency by an employment service for such a position; 15490  
15491  
15492  
15493

(ii) A person who is an employee because the person is employed by the agency in a full-time, part-time, or temporary direct-care position or works in such a position due to being referred to the agency by an employment service. 15494  
15495  
15496  
15497

(b) A PASSPORT administrative agency in the case of either of 15498  
the following: 15499

(i) A person who is an applicant because the person is under 15500  
final consideration for employment with the agency in a full-time, 15501  
part-time, or temporary direct-care position or is referred to the 15502  
agency by an employment service for such a position; 15503

(ii) A person who is an employee because the person is 15504  
employed by the agency in a full-time, part-time, or temporary 15505  
direct-care position or works in such a position due to being 15506  
referred to the agency by an employment service. 15507

(c) A provider in the case of either of the following: 15508

(i) A person who is an applicant because the person is under 15509  
final consideration for employment with the provider in a 15510  
full-time, part-time, or temporary direct-care position or is 15511  
referred to the provider by an employment service for such a 15512  
position; 15513

(ii) A person who is an employee because the person is 15514  
employed by the provider in a full-time, part-time, or temporary 15515  
direct-care position or works in such a position due to being 15516  
referred to the provider by an employment service. 15517

(d) A subcontractor in the case of either of the following: 15518

(i) A person who is an applicant because the person is under 15519  
final consideration for employment with the subcontractor in a 15520  
full-time, part-time, or temporary direct-care position or is 15521  
referred to the subcontractor by an employment service for such a 15522  
position; 15523

(ii) A person who is an employee because the person is 15524  
employed by the subcontractor in a full-time, part-time, or 15525  
temporary direct-care position or works in such a position due to 15526  
being referred to the subcontractor by an employment service. 15527

(12) "Subcontractor" has the meaning specified in rules 15528  
adopted under this section. 15529

(13) "Volunteer" means a person who serves in a direct-care 15530  
position without receiving or expecting to receive any form of 15531  
remuneration other than reimbursement for actual expenses. 15532

(14) "Waiver agency" has the same meaning as in section 15533  
~~5111.033~~ 5164.342 of the Revised Code. 15534

(B) This section does not apply to any individual who is 15535  
subject to a database review or criminal records check under 15536  
section 3701.881 of the Revised Code or to any individual who is 15537  
subject to a criminal records check under section 3721.121 of the 15538  
Revised Code. If a ~~community-based long-term care agency provider~~ 15539  
or subcontractor also is a waiver agency, the ~~agency provider or~~ 15540  
subcontractor may provide for applicants and employees to undergo 15541  
database reviews and criminal records checks in accordance with 15542  
section ~~5111.033~~ 5164.342 of the Revised Code rather than this 15543  
section. 15544

(C) No ~~community-based long-term care agency~~ responsible 15545  
party shall employ an applicant or continue to employ an employee 15546  
in a direct-care position ~~that involves providing direct care to~~ 15547  
~~an individual~~ if any of the following apply: 15548

(1) A review of the databases listed in division (E) of this 15549  
section reveals any of the following: 15550

(a) That the applicant or employee is included in one or more 15551  
of the databases listed in divisions (E)(1) to (5) of this 15552  
section; 15553

(b) That there is in the state nurse aide registry 15554  
established under section 3721.32 of the Revised Code a statement 15555  
detailing findings by the director of health that the applicant or 15556  
employee neglected or abused a long-term care facility or 15557  
residential care facility resident or misappropriated property of 15558

such a resident; 15559

(c) That the applicant or employee is included in one or more 15560  
of the databases, if any, specified in rules adopted under this 15561  
section and the rules prohibit the ~~agency~~ responsible party from 15562  
employing an applicant or continuing to employ an employee 15563  
included in such a database in a direct-care position ~~that~~ 15564  
~~involves providing direct care to an individual.~~ 15565

(2) After the applicant or employee is provided, pursuant to 15566  
division (F)(2)(a) of this section, a copy of the form prescribed 15567  
pursuant to division (C)(1) of section 109.572 of the Revised Code 15568  
and the standard impression sheet prescribed pursuant to division 15569  
(C)(2) of that section, the applicant or employee fails to 15570  
complete the form or provide the applicant's or employee's 15571  
fingerprint impressions on the standard impression sheet. 15572

(3) ~~Except as provided~~ Unless the applicant or employee meets 15573  
standards specified in rules adopted under this section, the 15574  
applicant or employee is found by a criminal records check 15575  
required by this section to have been convicted of, pleaded guilty 15576  
to, or been found eligible for intervention in lieu of conviction 15577  
for a disqualifying offense. 15578

(D) Except as provided by division (G) of this section, the 15579  
chief administrator of a ~~community-based long-term care agency~~ 15580  
responsible party shall inform each applicant of both of the 15581  
following at the time of the applicant's initial application for 15582  
employment or referral to the ~~agency~~ responsible party by an 15583  
employment service for a direct-care position ~~that involves~~ 15584  
~~providing direct care to an individual:~~ 15585

(1) That a review of the databases listed in division (E) of 15586  
this section will be conducted to determine whether the ~~agency~~ 15587  
responsible party is prohibited by division (C)(1) of this section 15588  
from employing the applicant in the direct-care position; 15589

(2) That, unless the database review reveals that the applicant may not be employed in the direct-care position, a criminal records check of the applicant will be conducted and the applicant is required to provide a set of the applicant's fingerprint impressions as part of the criminal records check.

(E) As a condition of employing any applicant in a direct-care position ~~that involves providing direct care to an individual~~, the chief administrator of a ~~community based long term care agency~~ responsible party shall conduct a database review of the applicant in accordance with rules adopted under this section. If rules adopted under this section so require, the chief administrator of a ~~community based long term care agency~~ responsible party shall conduct a database review of an employee in accordance with the rules as a condition of continuing to employ the employee in a direct-care position ~~that involves providing direct care to an individual~~. However, a chief administrator is not required to conduct a database review of an applicant or employee if division (G) of this section applies. A database review shall determine whether the applicant or employee is included in any of the following:

(1) The excluded parties list system that is maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation and available at the federal web site known as the system for award management;

(2) The list of excluded individuals and entities maintained by the office of inspector general in the United States department of health and human services pursuant to ~~section 1128~~ of the "Social Security Act," ~~94 Stat. 2619 (1980)~~ sections 1128 and 1156, 42 U.S.C. 1320a-7, ~~as amended~~, and ~~section 1156~~ of the "Social Security Act," ~~96 Stat. 388 (1982)~~, 42 U.S.C. 1320c-5, ~~as amended;~~

(3) The registry of MR/DD employees established under section

5123.52 of the Revised Code; 15622

(4) The internet-based sex offender and child-victim offender 15623  
database established under division (A)(11) of section 2950.13 of 15624  
the Revised Code; 15625

(5) The internet-based database of inmates established under 15626  
section 5120.66 of the Revised Code; 15627

(6) The state nurse aide registry established under section 15628  
3721.32 of the Revised Code; 15629

(7) Any other database, if any, specified in rules adopted 15630  
under this section. 15631

(F)(1) As a condition of employing any applicant in a 15632  
direct-care position ~~that involves providing direct care to an~~ 15633  
~~individual~~, the chief administrator of a ~~community based long term~~ 15634  
~~care agency~~ responsible party shall request that the 15635  
superintendent of the bureau of criminal identification and 15636  
investigation conduct a criminal records check of the applicant. 15637  
If rules adopted under this section so require, the chief 15638  
administrator of a ~~community based long term care agency~~ 15639  
responsible party shall request that the superintendent conduct a 15640  
criminal records check of an employee at times specified in the 15641  
rules as a condition of continuing to employ the employee in a 15642  
direct-care position ~~that involves providing direct care to an~~ 15643  
~~individual~~. However, the chief administrator is not required to 15644  
request the criminal records check of the applicant or employee if 15645  
division (G) of this section applies or the ~~agency~~ responsible 15646  
party is prohibited by division (C)(1) of this section from 15647  
employing the applicant or continuing to employ the employee in a 15648  
direct-care position ~~that involves providing direct care to an~~ 15649  
~~individual~~. If an applicant or employee for whom a criminal 15650  
records check request is required by this section does not present 15651  
proof of having been a resident of this state for the five-year 15652

period immediately prior to the date the criminal records check is 15653  
requested or provide evidence that within that five-year period 15654  
the superintendent has requested information about the applicant 15655  
or employee from the federal bureau of investigation in a criminal 15656  
records check, the chief administrator shall request that the 15657  
superintendent obtain information from the federal bureau of 15658  
investigation as part of the criminal records check. Even if an 15659  
applicant or employee for whom a criminal records check request is 15660  
required by this section presents proof of having been a resident 15661  
of this state for the five-year period, the chief administrator 15662  
may request that the superintendent include information from the 15663  
federal bureau of investigation in the criminal records check. 15664

(2) The chief administrator shall do all of the following: 15665

(a) Provide to each applicant and employee for whom a 15666  
criminal records check request is required by this section a copy 15667  
of the form prescribed pursuant to division (C)(1) of section 15668  
109.572 of the Revised Code and a standard impression sheet 15669  
prescribed pursuant to division (C)(2) of that section; 15670

(b) Obtain the completed form and standard impression sheet 15671  
from the applicant or employee; 15672

(c) Forward the completed form and standard impression sheet 15673  
to the superintendent. 15674

(3) A ~~community based long term care agency~~ responsible party 15675  
shall pay to the bureau of criminal identification and 15676  
investigation the fee prescribed pursuant to division (C)(3) of 15677  
section 109.572 of the Revised Code for each criminal records 15678  
check the ~~agency~~ responsible party requests under this section. ~~An~~ 15679  
~~agency~~ A responsible party may charge an applicant a fee not 15680  
exceeding the amount the ~~agency~~ responsible party pays to the 15681  
bureau under this section if both of the following apply: 15682

(a) The ~~agency~~ responsible party notifies the applicant at 15683



the time of initial application for employment of the amount of 15684  
the fee and that, unless the fee is paid, the applicant will not 15685  
be considered for employment. 15686

(b) The medicaid program ~~established under Chapter 5111. of~~ 15687  
~~the Revised Code~~ does not ~~reimburse~~ pay the agency responsible 15688  
party for the fee it pays to the bureau under this section. 15689

(G) Divisions (D) to (F) of this section do not apply with 15690  
regard to an applicant or employee if the applicant or employee is 15691  
referred to a ~~community based long term agency~~ responsible party 15692  
by an employment service that supplies full-time, part-time, or 15693  
temporary staff for direct-care positions ~~that involve providing~~ 15694  
~~direct care to an individual~~ and both of the following apply: 15695

(1) The chief administrator of the agency responsible party 15696  
receives from the employment service confirmation that a review of 15697  
the databases listed in division (E) of this section was conducted 15698  
of the applicant or employee. 15699

(2) The chief administrator of the agency responsible party 15700  
receives from the employment service, applicant, or employee a 15701  
report of the results of a criminal records check of the applicant 15702  
or employee that has been conducted by the superintendent within 15703  
the one-year period immediately preceding the following: 15704

(a) In the case of an applicant, the date of the applicant's 15705  
referral by the employment service to the agency responsible 15706  
party; 15707

(b) In the case of an employee, the date by which the agency 15708  
responsible party would otherwise have to request a criminal 15709  
records check of the employee under division (F) of this section. 15710

(H)(1) A ~~community based long term care agency~~ responsible 15711  
party may employ conditionally an applicant for whom a criminal 15712  
records check request is required by this section prior to 15713  
obtaining the results of the criminal records check if the agency 15714

responsible party is not prohibited by division (C)(1) of this 15715  
section from employing the applicant in a direct-care position 15716  
~~that involves providing direct care to an individual~~ and either of 15717  
the following applies: 15718

(a) The chief administrator of the agency responsible party 15719  
requests the criminal records check in accordance with division 15720  
(F) of this section not later than five business days after the 15721  
applicant begins conditional employment. 15722

(b) The applicant is referred to the agency responsible party 15723  
by an employment service, the employment service or the applicant 15724  
provides the chief administrator of the agency responsible party a 15725  
letter that is on the letterhead of the employment service, the 15726  
letter is dated and signed by a supervisor or another designated 15727  
official of the employment service, and the letter states all of 15728  
the following: 15729

(i) That the employment service has requested the 15730  
superintendent to conduct a criminal records check regarding the 15731  
applicant; 15732

(ii) That the requested criminal records check is to include 15733  
a determination of whether the applicant has been convicted of, 15734  
pleaded guilty to, or been found eligible for intervention in lieu 15735  
of conviction for a disqualifying offense; 15736

(iii) That the employment service has not received the 15737  
results of the criminal records check as of the date set forth on 15738  
the letter; 15739

(iv) That the employment service promptly will send a copy of 15740  
the results of the criminal records check to the chief 15741  
administrator of the agency responsible party when the employment 15742  
service receives the results. 15743

(2) If a ~~community-based long-term care~~ agency responsible 15744  
party employs an applicant conditionally pursuant to division 15745

(H)(1)(b) of this section, the employment service, on its receipt 15746  
of the results of the criminal records check, promptly shall send 15747  
a copy of the results to the chief administrator of the ~~agency~~ 15748  
responsible party. 15749

(3) A ~~community based long term care agency~~ responsible party 15750  
that employs an applicant conditionally pursuant to division 15751  
(H)(1)(a) or (b) of this section shall terminate the applicant's 15752  
employment if the results of the criminal records check, other 15753  
than the results of any request for information from the federal 15754  
bureau of investigation, are not obtained within the period ending 15755  
sixty days after the date the request for the criminal records 15756  
check is made. Regardless of when the results of the criminal 15757  
records check are obtained, if the results indicate that the 15758  
applicant has been convicted of, pleaded guilty to, or been found 15759  
eligible for intervention in lieu of conviction for a 15760  
disqualifying offense, the ~~agency~~ responsible party shall 15761  
terminate the applicant's employment unless ~~circumstances~~ the 15762  
applicant meets standards specified in rules adopted under this 15763  
section that permit the ~~agency~~ responsible party to employ the 15764  
applicant ~~exist~~ and the ~~agency~~ responsible party chooses to employ 15765  
the applicant. Termination of employment under this division shall 15766  
be considered just cause for discharge for purposes of division 15767  
(D)(2) of section 4141.29 of the Revised Code if the applicant 15768  
makes any attempt to deceive the ~~agency~~ responsible party about 15769  
the applicant's criminal record. 15770

(I) The report of any criminal records check conducted 15771  
pursuant to a request made under this section is not a public 15772  
record for the purposes of section 149.43 of the Revised Code and 15773  
shall not be made available to any person other than the 15774  
following: 15775

(1) The applicant or employee who is the subject of the 15776  
criminal records check or the applicant's or employee's 15777

representative; 15778

(2) The chief administrator of the ~~community based long term~~ 15779  
~~care agency~~ responsible party requesting the criminal records 15780  
check or the administrator's representative; 15781

(3) The administrator of any other facility, agency, or 15782  
program that provides ~~direct care to individuals~~ community-based 15783  
long-term care services that is owned or operated by the same 15784  
entity that owns or operates the ~~community based long term care~~ 15785  
~~agency~~ responsible party that requested the criminal records 15786  
check; 15787

(4) The employment service that requested the criminal 15788  
records check; 15789

(5) The director of aging or a person authorized by the 15790  
director to monitor a ~~community based long term care agency's~~ 15791  
responsible party's compliance with this section; 15792

(6) The medicaid director ~~of job and family services~~ and the 15793  
staff of the department of ~~job and family services~~ medicaid who 15794  
are involved in the administration of the medicaid program if 15795  
either of the following apply: 15796

(a) In the case of a criminal records check requested by a 15797  
~~community based long term care agency~~ provider or subcontractor, 15798  
the ~~agency~~ provider or subcontractor also is a waiver agency; 15799

(b) In the case of a criminal records check requested by an 15800  
employment service, the employment service makes the request for 15801  
an applicant or employee the employment service refers to a 15802  
~~community based long term care agency~~ provider or subcontractor 15803  
that also is a waiver agency. 15804

(7) A court, hearing officer, or other necessary individual 15805  
involved in a case dealing with any of the following: 15806

(a) A denial of employment of the applicant or employee; 15807

(b) Employment or unemployment benefits of the applicant or 15808  
employee; 15809

(c) A civil or criminal action regarding the medicaid program 15810  
or a program the department of aging administers. 15811

(J) In a tort or other civil action for damages that is 15812  
brought as the result of an injury, death, or loss to person or 15813  
property caused by an applicant or employee who a ~~community-based~~ 15814  
~~long term care agency~~ responsible party employs in a direct-care 15815  
position ~~that involves providing direct care to individuals~~, all 15816  
of the following shall apply: 15817

(1) If the ~~agency~~ responsible party employed the applicant or 15818  
employee in good faith and reasonable reliance on the report of a 15819  
criminal records check requested under this section, the ~~agency~~ 15820  
responsible party shall not be found negligent solely because of 15821  
its reliance on the report, even if the information in the report 15822  
is determined later to have been incomplete or inaccurate. 15823

(2) If the ~~agency~~ responsible party employed the applicant in 15824  
good faith on a conditional basis pursuant to division (H) of this 15825  
section, the ~~agency~~ responsible party shall not be found negligent 15826  
solely because it employed the applicant prior to receiving the 15827  
report of a criminal records check requested under this section. 15828  
15829

(3) If the ~~agency~~ responsible party in good faith employed 15830  
the applicant or employee ~~according to~~ because the ~~personal~~ 15831  
~~character~~ applicant or employee meets standards ~~established~~ 15832  
specified in rules adopted under this section, the ~~agency~~ 15833  
responsible party shall not be found negligent solely because the 15834  
applicant or employee has been convicted of, pleaded guilty to, or 15835  
been found eligible for intervention in lieu of conviction for a 15836  
disqualifying offense. 15837

(K) The director of aging shall adopt rules in accordance 15838

with Chapter 119. of the Revised Code to implement this section. 15839

(1) The rules may do the following: 15840

(a) Require employees to undergo database reviews and 15841  
criminal records checks under this section; 15842

(b) If the rules require employees to undergo database 15843  
reviews and criminal records checks under this section, exempt one 15844  
or more classes of employees from the requirements; 15845

(c) For the purpose of division (E)(7) of this section, 15846  
specify other databases that are to be checked as part of a 15847  
database review conducted under this section. 15848

(2) The rules shall specify all of the following: 15849

(a) The meaning of the term "subcontractor"; 15850

(b) The procedures for conducting database reviews under this 15851  
section; 15852

~~(b)~~(c) If the rules require employees to undergo database 15853  
reviews and criminal records checks under this section, the times 15854  
at which the database reviews and criminal records checks are to 15855  
be conducted; 15856

~~(c)~~(d) If the rules specify other databases to be checked as 15857  
part of the database reviews, the circumstances under which a 15858  
~~community based long term care agency~~ responsible party is 15859  
prohibited from employing an applicant or continuing to employ an 15860  
employee who is found by a database review to be included in one 15861  
or more of those databases; 15862

~~(d) Circumstances under which a community based long term~~ 15863  
~~care agency may employ~~ (e) Standards that an applicant or employee 15864  
~~who must meet for a responsible party to be permitted to employ~~ 15865  
the applicant or continue to employ the employee in a direct-care 15866  
position if the applicant or employee is found by a criminal 15867  
records check required by this section to have been convicted of, 15868

pleaded guilty to, or been found eligible for intervention in lieu 15869  
of conviction for a disqualifying offense ~~but meets personal~~ 15870  
~~character standards.~~ 15871

**Sec. 173.39.** (A) As used in sections 173.39 to ~~173.394~~ 15872  
173.393 of the Revised Code: 15873

(1) "~~Community based long term care agency~~ Provider" means a 15874  
person or ~~government~~ governmental entity that provides 15875  
community-based long-term care services under a program the 15876  
department of aging administers, ~~regardless of whether the person~~ 15877  
~~or government entity is certified under section 173.391 or~~ 15878  
~~authorized to receive payment for the services from the department~~ 15879  
~~under section 173.392 of the Revised Code.~~ "Community based 15880  
~~long term care agency~~ Provider" includes a person or ~~government~~ 15881  
governmental entity that provides home and community-based 15882  
services to older adults through the PASSPORT program ~~created~~ 15883  
~~under as defined in section 173.40~~ 173.51 of the Revised Code. 15884

(2) "Community-based long-term care services" has the same 15885  
meaning as in section 173.14 of the Revised Code. 15886

(B) Except as provided in section 173.392 of the Revised 15887  
Code, the department of aging may not pay a ~~person or government~~ 15888  
~~entity~~ provider for providing community-based long-term care 15889  
services under a program the department administers unless the 15890  
~~person or government entity~~ provider is certified under section 15891  
173.391 of the Revised Code and provides the services. 15892

**Sec. 173.391.** (A) The department of aging or its designee 15893  
shall do all of the following in accordance with Chapter 119. of 15894  
the Revised Code: 15895

(1) Certify a ~~person or government entity~~ provider to provide 15896  
community-based long-term care services under a program the 15897  
department administers if the ~~person or government entity~~ provider 15898

satisfies the requirements for certification established by rules 15899  
adopted under division (B) of this section and pays the fee, if 15900  
any, established by rules adopted under division (G) of this 15901  
section; 15902

(2) When required to do so by rules adopted under division 15903  
(B) of this section, take one or more of the following 15904  
disciplinary actions against a ~~person or government entity~~ 15905  
provider certified under division (A)(1) of this section: 15906

(a) Issue a written warning; 15907

(b) Require the submission of a plan of correction or 15908  
evidence of compliance with requirements identified by the 15909  
department; 15910

(c) Suspend referrals; 15911

(d) Remove clients; 15912

(e) Impose a fiscal sanction such as a civil monetary penalty 15913  
or an order that unearned funds be repaid; 15914

(f) Suspend the certification; 15915

(g) Revoke the certification; 15916

(h) Impose another sanction. 15917

(3) Except as provided in division (E) of this section, hold 15918  
hearings when there is a dispute between the department or its 15919  
designee and a ~~person or government entity~~ provider concerning 15920  
actions the department or its designee takes regarding a decision 15921  
not to certify the ~~person or government entity~~ provider under 15922  
division (A)(1) of this section or a disciplinary action under 15923  
divisions (A)(2)(e) to (h) of this section. 15924

(B) The director of aging shall adopt rules in accordance 15925  
with Chapter 119. of the Revised Code establishing certification 15926  
requirements and standards for determining which type of 15927  
disciplinary action to take under division (A)(2) of this section 15928



in individual situations. The rules shall establish procedures for 15929  
all of the following: 15930

(1) Ensuring that ~~community-based long-term care agencies~~ 15931  
providers comply with section ~~173.394~~ 173.38 of the Revised Code; 15932

(2) Evaluating the services provided by the ~~agencies~~ 15933  
providers to ensure that the services are provided in a quality 15934  
manner advantageous to the individual receiving the services; 15935

(3) Determining when to take disciplinary action under 15936  
division (A)(2) of this section and which disciplinary action to 15937  
take; 15938

(4) Determining what constitutes another sanction for 15939  
purposes of division (A)(2)(h) of this section. 15940

(C) The procedures established in rules adopted under 15941  
division (B)(2) of this section shall require that all of the 15942  
following be considered as part of an evaluation described in 15943  
division (B)(2) of this section: 15944

(1) The ~~community-based long-term care agency's~~ provider's 15945  
experience and financial responsibility; 15946

(2) The ~~agency's~~ provider's ability to comply with standards 15947  
for the community-based long-term care services that the ~~agency~~ 15948  
provider provides under a program the department administers; 15949

(3) The ~~agency's~~ provider's ability to meet the needs of the 15950  
individuals served; 15951

(4) Any other factor the director considers relevant. 15952

(D) The rules adopted under division (B)(3) of this section 15953  
shall specify that the reasons disciplinary action may be taken 15954  
under division (A)(2) of this section include good cause, 15955  
including misfeasance, malfeasance, nonfeasance, confirmed abuse 15956  
or neglect, financial irresponsibility, or other conduct the 15957  
director determines is injurious, or poses a threat, to the health 15958

or safety of individuals being served. 15959

(E) Subject to division (F) of this section, the department 15960  
is not required to hold hearings under division (A)(3) of this 15961  
section if any of the following conditions apply: 15962

(1) Rules adopted by the director of aging pursuant to this 15963  
chapter require the ~~community-based long-term care agency~~ provider 15964  
to be a party to a provider agreement; hold a license, 15965  
certificate, or permit; or maintain a certification, any of which 15966  
is required or issued by a state or federal government entity 15967  
other than the department of aging, and either of the following is 15968  
the case: 15969

(a) The provider agreement has not been entered into or the 15970  
license, certificate, permit, or certification has not been 15971  
obtained or maintained. 15972

(b) The provider agreement, license, certificate, permit, or 15973  
certification has been denied, revoked, not renewed, or suspended 15974  
or has been otherwise restricted. 15975

(2) The ~~agency's~~ provider's certification under this section 15976  
has been denied, suspended, or revoked for any of the following 15977  
reasons: 15978

(a) A ~~government~~ governmental entity of this state, other 15979  
than the department of aging, has terminated or refused to renew 15980  
any of the following held by, or has denied any of the following 15981  
sought by, a ~~community-based long-term care agency~~ provider: a 15982  
provider agreement, license, certificate, permit, or 15983  
certification. Division (E)(2)(a) of this section applies 15984  
regardless of whether the ~~agency~~ provider has entered into a 15985  
provider agreement in, or holds a license, certificate, permit, or 15986  
certification issued by, another state. 15987

(b) The ~~agency~~ provider or a principal owner or manager of 15988  
the ~~agency~~ provider who provides direct care has entered a guilty 15989

plea for, or has been convicted of, an offense materially related 15990  
to the medicaid program. 15991

(c) The agency provider or a principal owner or manager of 15992  
the agency provider who provides direct care has entered a guilty 15993  
plea for, been convicted of, or been found eligible for 15994  
intervention in lieu of conviction for an offense listed or 15995  
described in divisions (A)(3)(a) to (e) of section 109.572 of the 15996  
Revised Code, but only if ~~none of the personal character~~ the 15997  
provider, principal owner, or manager does not meet standards 15998  
~~established~~ specified by the director in rules adopted under 15999  
section ~~173.394~~ 173.38 of the Revised Code ~~apply~~. 16000

(d) The United States department of health and human services 16001  
has taken adverse action against the agency provider and that 16002  
action impacts the ~~agency's~~ provider's participation in the 16003  
medicaid program. 16004

(e) The agency provider has failed to enter into or renew a 16005  
provider agreement with the PASSPORT administrative agency, as 16006  
that term is defined in section 173.42 of the Revised Code, that 16007  
administers programs on behalf of the department of aging in the 16008  
region of the state in which the agency provider is certified to 16009  
provide services. 16010

(f) The agency provider has not billed or otherwise submitted 16011  
a claim to the department for payment under the medicaid program 16012  
in at least two years. 16013

(g) The agency provider denied or failed to provide the 16014  
department or its designee access to the ~~agency's~~ provider's 16015  
facilities during the ~~agency's~~ provider's normal business hours 16016  
for purposes of conducting an audit or structural compliance 16017  
review. 16018

(h) The agency provider has ceased doing business. 16019

(i) The agency provider has voluntarily relinquished its 16020

certification for any reason. 16021

(3) The ~~agency's provider's~~ provider agreement with the 16022  
department of ~~job and family services~~ medicaid has been suspended 16023  
under division (C) of section ~~5111.031~~ 5164.37 of the Revised 16024  
Code. 16025

(4) The ~~agency's provider's~~ provider agreement with the 16026  
department of ~~job and family services~~ medicaid is denied or 16027  
revoked because the ~~agency~~ provider or its owner, officer, 16028  
authorized agent, associate, manager, or employee has been 16029  
convicted of an offense that caused the provider agreement to be 16030  
suspended under section ~~5111.031~~ 5164.37 of the Revised Code. 16031

(F) If the department does not hold hearings when any 16032  
condition described in division (E) of this section applies, the 16033  
department may send a notice to the ~~agency~~ provider describing a 16034  
decision not to certify the ~~agency~~ provider under division (A)(1) 16035  
of this section or the disciplinary action the department proposes 16036  
to take under division (A)(2)(e) to (h) of this section. The 16037  
notice shall be sent to the ~~agency's provider's~~ address that is on 16038  
record with the department and may be sent by regular mail. 16039

(G) The director of aging may adopt rules in accordance with 16040  
Chapter 119. of the Revised Code establishing a fee to be charged 16041  
by the department of aging or its designee for certification 16042  
issued under this section. 16043

All fees collected by the department or its designee under 16044  
this section shall be deposited in the state treasury to the 16045  
credit of the provider certification fund, which is hereby 16046  
created. Money credited to the fund shall be used to pay for 16047  
community-based long-term care services, administrative costs 16048  
associated with ~~community-based long-term care~~ agency provider 16049  
certification under this section, and administrative costs related 16050  
to the publication of the Ohio long-term care consumer guide. 16051

**Sec. 173.392.** (A) The department of aging may pay a ~~person or~~ 16052  
~~government entity~~ provider for providing community-based long-term 16053  
care services under a program the department administers, even 16054  
though the ~~person or government entity~~ provider is not certified 16055  
under section 173.391 of the Revised Code, if all of the following 16056  
are the case: 16057

(1) The ~~person or government entity~~ provider has a contract 16058  
with the department of aging or the department's designee to 16059  
provide the services in accordance with the contract or has 16060  
received a grant from the department or its designee to provide 16061  
the services in accordance with a grant agreement; 16062

(2) The contract or grant agreement includes detailed 16063  
conditions of participation for ~~providers of services under a~~ 16064  
~~program the department administers~~ the provider and service 16065  
standards that the ~~person or government entity~~ provider is 16066  
required to satisfy; 16067

(3) The ~~person or government entity~~ provider complies with 16068  
the contract or grant agreement; 16069

(4) The contract or grant is not for medicaid-funded 16070  
services, other than services provided under the PACE program 16071  
administered by the department of aging under section 173.50 of 16072  
the Revised Code. 16073

(B) The director of aging shall adopt rules in accordance 16074  
with Chapter 119. of the Revised Code governing both of the 16075  
following: 16076

(1) Contracts and grant agreements between the department of 16077  
aging or its designee and ~~persons and government entities~~ 16078  
~~regarding community based long term care services provided under a~~ 16079  
~~program the department administers~~ providers; 16080

(2) The department's payment for community-based long-term 16081

care services under this section. 16082

**Sec. 173.42.** (A) As used in sections 173.42 to 173.434 of the Revised Code: 16083  
16084

(1) "Area agency on aging" means a public or private nonprofit entity designated under section 173.011 of the Revised Code to administer programs on behalf of the department of aging. 16085  
16086  
16087

(2) "Department of aging-administered medicaid waiver component" means each of the following: 16088  
16089

(a) The medicaid-funded component of the PASSPORT program created under section ~~173.40~~ 173.52 of the Revised Code; 16090  
16091

(b) The choices program created under section ~~173.403~~ 173.53 of the Revised Code; 16092  
16093

(c) The medicaid-funded component of the assisted living program created under section ~~5111.89~~ 173.54 of the Revised Code; 16094  
16095

(d) Any other medicaid waiver component, as defined in section ~~5111.85~~ 5166.01 of the Revised Code, that the department of aging administers pursuant to an interagency agreement with the department of ~~job and family services~~ medicaid under section ~~5111.91~~ 5162.35 of the Revised Code. 16096  
16097  
16098  
16099  
16100

(3) "Home and community-based services covered by medicaid components the department of aging administers" means all of the following: 16101  
16102  
16103

(a) Medicaid waiver services available to a participant in a department of aging-administered medicaid waiver component; 16104  
16105

(b) The following medicaid state plan services available to a participant in a department of aging-administered medicaid waiver component as specified in rules adopted under section ~~5111.02~~ 5164.02 of the Revised Code: 16106  
16107  
16108  
16109

(i) Home health services; 16110

(ii) Private duty nursing services;	16111
(iii) Durable medical equipment;	16112
(iv) Services of a clinical nurse specialist;	16113
(v) Services of a certified nurse practitioner.	16114
(c) Services available to a participant of the PACE program.	16115
(4) "Long-term care consultation" or "consultation" means the consultation service made available by the department of aging or a program administrator through the long-term care consultation program established pursuant to this section.	16116 16117 16118 16119
(5) <del>"Medicaid" means the medical assistance program established under Chapter 5111. of the Revised Code.</del>	16120 16121
<del>(6)</del> "Nursing facility" has the same meaning as in section <del>5111.20</del> <u>5165.01</u> of the Revised Code.	16122 16123
<del>(7)</del> (6) "PACE program" means the component of the medicaid program the department of aging administers pursuant to section 173.50 of the Revised Code.	16124 16125 16126
<del>(8)</del> (7) "PASSPORT administrative agency" means an entity under contract with the department of aging to provide administrative services regarding the PASSPORT program.	16127 16128 16129
<del>(9)</del> (8) "Program administrator" means an area agency on aging or other entity under contract with the department of aging to administer the long-term care consultation program in a geographic region specified in the contract.	16130 16131 16132 16133
<del>(10)</del> (9) "Representative" means a person acting on behalf of an individual specified in division (G) of this section. A representative may be a family member, attorney, hospital social worker, or any other person chosen to act on behalf of the individual.	16134 16135 16136 16137 16138
(B) The department of aging shall develop a long-term care	16139

consultation program whereby individuals or their representatives 16140  
are provided with long-term care consultations and receive through 16141  
these professional consultations information about options 16142  
available to meet long-term care needs and information about 16143  
factors to consider in making long-term care decisions. The 16144  
long-term care consultations provided under the program may be 16145  
provided at any appropriate time, as permitted or required under 16146  
this section and the rules adopted under it, including either 16147  
prior to or after the individual who is the subject of a 16148  
consultation has been admitted to a nursing facility or granted 16149  
assistance in receiving home and community-based services covered 16150  
by medicaid components the department of aging administers. 16151

(C) The long-term care consultation program shall be 16152  
administered by the department of aging, except that the 16153  
department may have the program administered on a regional basis 16154  
by one or more program administrators. The department and each 16155  
program administrator shall administer the program in such a 16156  
manner that all of the following are included: 16157

(1) Coordination and collaboration with respect to all 16158  
available funding sources for long-term care services; 16159

(2) Assessments of individuals regarding their long-term care 16160  
service needs; 16161

(3) Assessments of individuals regarding their on-going 16162  
eligibility for long-term care services; 16163

(4) Procedures for assisting individuals in obtaining access 16164  
to, and coordination of, health and supportive services, including 16165  
department of aging-administered medicaid waiver components; 16166

(5) Priorities for using available resources efficiently and 16167  
effectively. 16168

(D) The program's long-term care consultations shall be 16169  
provided by individuals certified by the department under section 16170



173.422 of the Revised Code. 16171

(E) The information provided through a long-term care 16172  
consultation shall be appropriate to the individual's needs and 16173  
situation and shall address all of the following: 16174

(1) The availability of any long-term care options open to 16175  
the individual; 16176

(2) Sources and methods of both public and private payment 16177  
for long-term care services; 16178

(3) Factors to consider when choosing among the available 16179  
programs, services, and benefits; 16180

(4) Opportunities and methods for maximizing independence and 16181  
self-reliance, including support services provided by the 16182  
individual's family, friends, and community. 16183

(F) An individual's long-term care consultation may include 16184  
an assessment of the individual's functional capabilities. The 16185  
consultation may incorporate portions of the determinations 16186  
required under sections ~~5111.202, 5119.061~~ 5119.40, ~~and~~ 5123.021, 16187  
and 5165.03 of the Revised Code and may be provided concurrently 16188  
with the assessment required under section ~~5111.204~~ 173.546 or 16189  
5165.04 of the Revised Code. 16190

(G)(1) Unless an exemption specified in division (I) of this 16191  
section is applicable, each of the following shall be provided 16192  
with a long-term care consultation: 16193

(a) An individual who applies or indicates an intention to 16194  
apply for admission to a nursing facility, regardless of the 16195  
source of payment to be used for the individual's care in a 16196  
nursing facility; 16197

(b) An individual who requests a long-term care consultation; 16198

(c) An individual identified by the department or a program 16199  
administrator as being likely to benefit from a long-term care 16200

consultation. 16201

(2) In addition to the individuals specified in division 16202  
(G)(1) of this section, a long-term care consultation may be 16203  
provided to a nursing facility resident regardless of the source 16204  
of payment being used for the resident's care in the nursing 16205  
facility. 16206

(H)(1) Except as provided in division (H)(2) or (3) of this 16207  
section, a long-term care consultation provided pursuant to 16208  
division (G) of this section shall be provided as follows: 16209

(a) If the individual for whom the consultation is being 16210  
provided has applied for medicaid and the consultation is being 16211  
provided concurrently with the assessment required under section 16212  
~~5111.204~~ 5165.04 of the Revised Code, the consultation shall be 16213  
completed in accordance with the applicable time frames specified 16214  
in that section for providing a level of care determination based 16215  
on the assessment. 16216

(b) In all other cases, the consultation shall be provided 16217  
not later than five calendar days after the department or program 16218  
administrator receives notice of the reason for which the 16219  
consultation is to be provided pursuant to division (G) of this 16220  
section. 16221

(2) An individual or the individual's representative may 16222  
request that a long-term care consultation be provided on a date 16223  
that is later than the date required under division (H)(1)(a) or 16224  
(b) of this section. 16225

(3) If a long-term care consultation cannot be completed 16226  
within the number of days required by division (H)(1) or (2) of 16227  
this section, the department or program administrator may do any 16228  
of the following: 16229

(a) In the case of an individual specified in division (G)(1) 16230  
of this section, exempt the individual from the consultation 16231

pursuant to rules that may be adopted under division (L) of this section; 16232  
16233

(b) In the case of an applicant for admission to a nursing facility, provide the consultation after the individual is admitted to the nursing facility; 16234  
16235  
16236

(c) In the case of a resident of a nursing facility, provide the consultation as soon as practicable. 16237  
16238

(I) An individual is not required to be provided a long-term care consultation under division (G)(1) of this section if any of the following apply: 16239  
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16241

(1) The department or program administrator has attempted to provide the consultation, but the individual or the individual's representative refuses to cooperate; 16242  
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(2) The individual is to receive care in a nursing facility under a contract for continuing care as defined in section 173.13 of the Revised Code; 16245  
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(3) The individual has a contractual right to admission to a nursing facility operated as part of a system of continuing care in conjunction with one or more facilities that provide a less intensive level of services, including a residential care facility licensed under Chapter 3721. of the Revised Code, a residential facility licensed under section ~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, or an independent living arrangement; 16248  
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(4) The individual is to receive continual care in a home for the aged exempt from taxation under section 5701.13 of the Revised Code; 16257  
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(5) The individual is seeking admission to a facility that is not a nursing facility with a provider agreement under section 16260  
16261

~~5111.22~~ 5165.07, ~~5111.671~~ 5165.511, or ~~5111.672~~ 5165.512 of the Revised Code;

(6) The individual is exempted from the long-term care consultation requirement by the department or the program administrator pursuant to rules that may be adopted under division (L) of this section.

(J) As part of the long-term care consultation program, the department or program administrator shall assist an individual or individual's representative in accessing all sources of care and services that are appropriate for the individual and for which the individual is eligible, including all available home and community-based services covered by medicaid components the department of aging administers. The assistance shall include providing for the conduct of assessments or other evaluations and the development of individualized plans of care or services under section 173.424 of the Revised Code.

(K) No nursing facility for which an operator has a provider agreement under section ~~5111.22~~ 5165.07, ~~5111.671~~ 5165.511, or ~~5111.672~~ 5165.512 of the Revised Code shall admit any individual as a resident, unless the nursing facility has received evidence that a long-term care consultation has been completed for the individual or division (I) of this section is applicable to the individual.

(L) The director of aging may adopt any rules the director considers necessary for the implementation and administration of this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and may specify any or all of the following:

(1) Procedures for providing long-term care consultations pursuant to this section;

(2) Information to be provided through long-term care

consultations regarding long-term care services that are available;	16293 16294
(3) Criteria and procedures to be used to identify and recommend appropriate service options for an individual receiving a long-term care consultation;	16295 16296 16297
(4) Criteria for exempting individuals from the long-term care consultation requirement;	16298 16299
(5) Circumstances under which it may be appropriate to provide an individual's long-term care consultation after the individual's admission to a nursing facility rather than before admission;	16300 16301 16302 16303
(6) Criteria for identifying nursing facility residents who would benefit from the provision of a long-term care consultation;	16304 16305
(7) A description of the types of information from a nursing facility that is needed under the long-term care consultation program to assist a resident with relocation from the facility;	16306 16307 16308
(8) Standards to prevent conflicts of interest relative to the referrals made by a person who performs a long-term care consultation, including standards that prohibit the person from being employed by a provider of long-term care services;	16309 16310 16311 16312
(9) Procedures for providing notice and an opportunity for a hearing under division (N) of this section.	16313 16314
(M) To assist the department and each program administrator with identifying individuals who are likely to benefit from a long-term care consultation, the department and program administrator may ask to be given access to nursing facility resident assessment data collected through the use of the resident assessment instrument specified in rules <del>adopted under</del> <u>authorized</u> <u>by section 5111.02 5165.191</u> of the Revised Code for purposes of the medicaid program. Except when prohibited by state or federal	16315 16316 16317 16318 16319 16320 16321 16322

law, the department of health, department of ~~job and family~~ 16323  
~~services~~ medicaid, or nursing facility holding the data shall 16324  
grant access to the data on receipt of the request from the 16325  
department of aging or program administrator. 16326

(N)(1) The director of aging, after providing notice and an 16327  
opportunity for a hearing, may fine a nursing facility an amount 16328  
determined by rules the director shall adopt in accordance with 16329  
Chapter 119. of the Revised Code for any of the following reasons: 16330

(a) The nursing facility admits an individual, without 16331  
evidence that a long-term care consultation has been provided, as 16332  
required by this section; 16333

(b) The nursing facility denies a person attempting to 16334  
provide a long-term care consultation access to the facility or a 16335  
resident of the facility; 16336

(c) The nursing facility denies the department of aging or 16337  
program administrator access to the facility or a resident of the 16338  
facility, as the department or administrator considers necessary 16339  
to administer the program. 16340

(2) In accordance with section ~~5111.62~~ 5162.66 of the Revised 16341  
Code, all fines collected under division (N)(1) of this section 16342  
shall be deposited into the state treasury to the credit of the 16343  
residents protection fund. 16344

**Sec. 173.43.** (A) ~~Subject to section 173.433 of the Revised~~ 16345  
~~Code, the~~ The department of aging shall enter into an interagency 16346  
agreement with the department of ~~job and family services~~ medicaid 16347  
under section ~~5111.91~~ 5162.35 of the Revised Code under which the 16348  
department of aging is required to establish for each biennium a 16349  
unified long-term care budget for home and community-based 16350  
services covered by medicaid components the department of aging 16351  
administers. The interagency agreement shall require the 16352

department of aging to do all of the following: 16353

(1) Administer the unified long-term care budget in 16354  
accordance with sections 173.43 to 173.434 of the Revised Code and 16355  
the general assembly's appropriations for home and community-based 16356  
services covered by medicaid components the department of aging 16357  
administers for the applicable biennium; 16358

(2) Contract with each PASSPORT administrative agency for 16359  
assistance in the administration of the unified long-term care 16360  
budget; 16361

(3) Provide individuals who are eligible for home and 16362  
community-based services covered by medicaid components the 16363  
department of aging administers a choice of services that meet the 16364  
individuals' needs and improve their quality of life; 16365

(4) Provide a continuum of services that meet the life-long 16366  
needs of individuals who are eligible for home and community-based 16367  
services covered by medicaid components the department of aging 16368  
administers. 16369

(B) The director of budget and management shall create new 16370  
appropriation items as necessary for establishment of the unified 16371  
long-term care budget. 16372

**Sec. 173.431.** ~~Subject to section 173.433 of the Revised Code,~~ 16373  
~~the~~ The department of aging shall ensure that the unified 16374  
long-term care budget established under section 173.43 of the 16375  
Revised Code is administered in a manner that provides medicaid 16376  
coverage of and expands access to all of the following as 16377  
necessary to meet the needs of individuals receiving home and 16378  
community-based services covered by medicaid components the 16379  
department of aging administers: 16380

(A) To the extent permitted by the medicaid waivers 16381  
authorizing department of aging-administered medicaid waiver 16382

components, all of the following medicaid waiver services provided	16383
under department of aging-administered medicaid waiver components:	16384
(1) Personal care services;	16385
(2) Home-delivered meals;	16386
(3) Adult day-care;	16387
(4) Homemaker services;	16388
(5) Emergency response services;	16389
(6) Medical equipment and supplies;	16390
(7) Chore services;	16391
(8) Social work counseling;	16392
(9) Nutritional counseling;	16393
(10) Independent living assistance;	16394
(11) Medical transportation;	16395
(12) Nonmedical transportation;	16396
(13) Home care attendant services;	16397
(14) Assisted living services;	16398
(15) Community transition services;	16399
(16) Enhanced community living services;	16400
(17) All other medicaid waiver services provided under	16401
department of aging-administered medicaid waiver components.	16402
(B) All of the following state medicaid plan services as	16403
specified in rules adopted under section <del>5111.02</del> <u>5164.02</u> of the	16404
Revised Code:	16405
(1) Home health services;	16406
(2) Private duty nursing services;	16407
(3) Durable medical equipment;	16408



- (4) Services of a clinical nurse specialist; 16409
- (5) Services of a certified nurse practitioner. 16410
- (C) The services that the PACE program provides. 16411

**Sec. 173.432.** ~~Subject to section 173.433 of the Revised Code,~~ 16412  
~~the~~ The department of aging or its designee shall provide care 16413  
management and authorization services with regard to the state 16414  
plan services specified in division (B) of section 173.431 of the 16415  
Revised Code that are provided to participants of department of 16416  
aging-administered medicaid waiver components. The department or 16417  
its designee shall ensure that no person providing the care 16418  
management and authorization services performs an activity that 16419  
may not be performed without a valid certificate or license issued 16420  
by an agency of this state unless the person holds the valid 16421  
certificate or license. 16422

**Sec. 173.434.** ~~The director of job and family services shall~~ 16423  
~~adopt~~ To the extent authorized by rules under authorized by 16424  
section ~~5111.85~~ 5162.021 of the Revised Code ~~to authorize,~~ the 16425  
director of aging ~~to~~ shall adopt rules that are needed to 16426  
implement sections 173.43 to 173.432 of the Revised Code. The 16427  
~~director of aging's~~ rules shall be adopted in accordance with 16428  
Chapter 119. of the Revised Code. 16429

**Sec. 173.45.** As used in this section and in sections 173.46 16430  
to 173.49 of the Revised Code: 16431

(A) "Residential facility" means a residential facility 16432  
licensed under section ~~5119.22~~ 5119.34 of the Revised Code that 16433  
provides accommodations, supervision, and personal care services 16434  
for three to sixteen unrelated adults. 16435

(B) "Community-based long-term care services" has the same 16436  
meaning as in section 173.14 of the Revised Code. 16437

(C) "Long-term care facility" means a nursing home or residential care facility. 16438  
16439

(D) "Nursing home" and "residential care facility" have the same meanings as in section 3721.01 of the Revised Code. 16440  
16441

(E) "Nursing facility" has the same meaning as in section ~~5111.20~~ 5165.01 of the Revised Code. 16442  
16443

**Sec. 173.47.** (A) For purposes of publishing the Ohio long-term care consumer guide, the department of aging shall conduct or provide for the conduct of an annual customer satisfaction survey of each long-term care facility. The results of the surveys may include information obtained from long-term care facility residents, their families, or both. A survey that is to include information obtained from nursing facility residents shall include the questions specified in divisions (C)(7)(a) and (b) and (18) and (D)(7)(a) and (b) of section ~~5111.244~~ 5165.25 of the Revised Code. A survey that is to include information obtained from the families of nursing facility residents shall include the questions specified in divisions (C)(8)(a) and (b) and (19) and (D)(8)(a) and (b) of section ~~5111.244~~ 5165.25 of the Revised Code. 16444  
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(B) Each long-term care facility shall cooperate in the conduct of its annual customer satisfaction survey. 16457  
16458

**Sec. 173.48.** (A)(1) The department of aging may charge annual fees to long-term care facilities for the publication of the Ohio long-term care consumer guide. The department may contract with any person or government entity to collect the fees on its behalf. All fees collected under this section shall be deposited in accordance with division (B) of this section. 16459  
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(2) The annual fees charged under this section shall not exceed the following amounts: 16465  
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(a) Six hundred fifty dollars for each long-term care 16467

facility that is a nursing home; 16468

(b) Three hundred dollars for each long-term care facility 16469  
that is a residential care facility. 16470

(3) Fees paid by a long-term care facility that is a nursing 16471  
facility shall be reimbursed through the medicaid program ~~operated~~ 16472  
~~under Chapter 5111. of the Revised Code.~~ 16473

(B) There is hereby created in the state treasury the 16474  
long-term care consumer guide fund. Money collected from the fees 16475  
charged for the publication of the Ohio long-term care consumer 16476  
guide under division (A) of this section shall be credited to the 16477  
fund. The department shall use money in the fund for costs 16478  
associated with publishing the Ohio long-term care consumer guide, 16479  
including, but not limited to, costs incurred in conducting or 16480  
providing for the conduct of customer satisfaction surveys. 16481

**Sec. 173.50.** (A) Pursuant to a contract entered into with the 16482  
department of ~~job and family services~~ medicaid as an interagency 16483  
agreement under section ~~5111.91~~ 5162.35 of the Revised Code, the 16484  
department of aging shall carry out the day-to-day administration 16485  
of the component of the medicaid program ~~established under Chapter~~ 16486  
~~5111. of the Revised Code~~ known as the program of all-inclusive 16487  
care for the elderly or PACE. The department of aging shall carry 16488  
out its PACE administrative duties in accordance with the 16489  
provisions of the interagency agreement and all applicable federal 16490  
laws, including the "Social Security Act," ~~79 Stat. 286 (1965)~~ 16491  
section 1934, 42 U.S.C. 1396u-4, ~~as amended.~~ 16492

(B) ~~The department~~ To the extent authorized by rules 16493  
authorized by section 5162.021 of the Revised Code, the director 16494  
of aging may adopt rules in accordance with Chapter 119. of the 16495  
Revised Code regarding the PACE program, including rules 16496  
establishing priorities for enrolling in the program pursuant to 16497  
section 173.501 of the Revised Code. The ~~department's~~ rules are 16498

~~subject to both of the following:~~ 16499

~~(1) The rules shall be authorized by rules adopted by the~~ 16500  
~~department of job and family services.~~ 16501

~~(2) The rules~~ shall address only those issues that are not 16502  
addressed in rules adopted by the ~~department of job and family~~ 16503  
~~services~~ medicaid director for the PACE program. 16504

**Sec. 173.501.** (A) As used in this section: 16505

"Nursing facility" has the same meaning as in section ~~5111.20~~ 16506  
5165.01 of the Revised Code. 16507

"PACE provider" has the same meaning as in the "Social 16508  
Security Act," section 1934(a)(3), 42 U.S.C. 1396u-4(a)(3). 16509

(B) The department of aging shall establish a home first 16510  
component of the PACE program under which eligible individuals may 16511  
be enrolled in the PACE program in accordance with this section. 16512  
An individual is eligible for the PACE program's home first 16513  
component if both of the following apply: 16514

(1) The individual has been determined to be eligible for the 16515  
PACE program. 16516

(2) At least one of the following applies: 16517

(a) The individual has been admitted to a nursing facility. 16518

(b) A physician has determined and documented in writing that 16519  
the individual has a medical condition that, unless the individual 16520  
is enrolled in home and community-based services such as the PACE 16521  
program, will require the individual to be admitted to a nursing 16522  
facility within thirty days of the physician's determination. 16523

(c) The individual has been hospitalized and a physician has 16524  
determined and documented in writing that, unless the individual 16525  
is enrolled in home and community-based services such as the PACE 16526  
program, the individual is to be transported directly from the 16527

hospital to a nursing facility and admitted. 16528

(d) Both of the following apply: 16529

(i) The individual is the subject of a report made under 16530  
section 5101.61 of the Revised Code regarding abuse, neglect, or 16531  
exploitation or such a report referred to a county department of 16532  
job and family services under section 5126.31 of the Revised Code 16533  
or has made a request to a county department for protective 16534  
services as defined in section 5101.60 of the Revised Code. 16535

(ii) A county department of job and family services and an 16536  
area agency on aging have jointly documented in writing that, 16537  
unless the individual is enrolled in home and community-based 16538  
services such as the PACE program, the individual should be 16539  
admitted to a nursing facility. 16540

(C) Each month, the department of aging shall identify 16541  
individuals who are eligible for the home first component of the 16542  
PACE program. When the department identifies such an individual, 16543  
the department shall notify the PACE provider serving the area in 16544  
which the individual resides. The PACE provider shall determine 16545  
whether the PACE program is appropriate for the individual and 16546  
whether the individual would rather participate in the PACE 16547  
program than continue or begin to reside in a nursing facility. If 16548  
the PACE provider determines that the PACE program is appropriate 16549  
for the individual and the individual would rather participate in 16550  
the PACE program than continue or begin to reside in a nursing 16551  
facility, the PACE provider shall so notify the department of 16552  
aging. On receipt of the notice from the PACE provider, the 16553  
department of aging shall approve the individual's enrollment in 16554  
the PACE program in accordance with priorities established in 16555  
rules adopted under section 173.50 of the Revised Code. 16556

**Sec. 173.51.** As used in sections 173.51 to 173.56 of the 16557  
Revised Code: 16558

"Area agency on aging" has the same meaning as in section 173.14 of the Revised Code. 16559  
16560

"Assisted living program" means the program that consists of a medicaid-funded component created under section 173.54 of the Revised Code and a state-funded component created under section 173.543 of the Revised Code and provides assisted living services to individuals who meet the program's applicable eligibility requirements. 16561  
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"Assisted living services" means the following home and community-based services: personal care, homemaker, chore, attendant care, companion, medication oversight, and therapeutic social and recreational programming. 16567  
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"Assisted living waiver" means the federal medicaid waiver granted by the United States secretary of health and human services that authorizes the medicaid-funded component of the assisted living program. 16571  
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"Choices program" means the program created under section 173.53 of the Revised Code. 16575  
16576

"County or district home" means a county or district home operated under Chapter 5155. of the Revised Code. 16577  
16578

"Long-term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code. 16579  
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"Long-term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long-term care consultation program for a particular area, that agency or entity. 16582  
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"Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 16587  
16588

"Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 16589  
16590

"PASSPORT program" means the preadmission screening system providing options and resources today program (PASSPORT) that consists of a medicaid-funded component created under section 173.52 of the Revised Code and a state-funded component created under section 173.522 of the Revised Code and provides home and community-based services as an alternative to nursing facility placement for individuals who are aged and disabled and meet the program's applicable eligibility requirements. 16591  
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"PASSPORT waiver" means the federal medicaid waiver granted by the United States secretary of health and human services that authorizes the medicaid-funded component of the PASSPORT program. 16599  
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"Representative" means a person acting on behalf of an applicant for the medicaid-funded component or state-funded component of the assisted living program. A representative may be a family member, attorney, hospital social worker, or any other person chosen to act on behalf of an applicant. 16602  
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"Residential care facility" has the same meaning as in section 3721.01 of the Revised Code. 16607  
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"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code. 16609  
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~~Sec. 173.40 173.52. (A) As used in sections 173.40 to 173.402 of the Revised Code:~~ 16612  
16613

~~"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~ 16614  
16615

~~"PASSPORT program" means the program created under this section.~~ 16616  
16617

~~"PASSPORT waiver" means the federal medicaid waiver granted~~ 16618

by the United States secretary of health and human services that 16619  
authorizes the medicaid funded component of the PASSPORT program. 16620

~~"Unified long term services and support medicaid waiver 16621  
component" means the medicaid waiver component authorized by 16622  
section 5111.864 of the Revised Code. 16623~~

~~(B) There is hereby created The department of medicaid shall 16624  
create the medicaid-funded component of the preadmission screening 16625  
system providing options and resources today program, or PASSPORT 16626  
program. The PASSPORT program shall provide home and 16627  
community based services as an alternative to nursing facility 16628  
placement for individuals who are aged and disabled and meet the 16629  
program's applicable eligibility requirements. Subject to division 16630  
(C) of this section, the program shall have a medicaid-funded 16631  
component and a state funded component. In creating the 16632  
medicaid-funded component, the department of medicaid shall 16633  
collaborate with the department of aging. 16634~~

~~(C)(1)(B) Unless the medicaid-funded component of the 16635  
PASSPORT program is terminated under division (C)(2) of this 16636  
section, all of the following apply: 16637~~

~~(a)(1) The department of aging shall administer the 16638  
medicaid-funded component through a contract entered into with the 16639  
department of ~~job and family services~~ medicaid under section 16640  
~~5111.91~~ 5162.35 of the Revised Code. 16641~~

~~(b)(2) The medicaid-funded component shall be operated as a 16642  
separate medicaid waiver component. 16643~~

~~(e)(3) For an individual to be eligible for the 16644  
medicaid-funded component, the individual must be a medicaid 16645  
recipient and meet the additional eligibility requirements 16646  
applicable to the individual established in rules adopted under 16647  
division ~~(C)(1)(d)~~ (B)(4) of this section. 16648~~

~~(d) The director of ~~job and family services~~ shall adopt (4) 16649~~



To the extent authorized by rules under authorization by section 5111.85 5162.021 of the Revised Code ~~and,~~ the director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the medicaid-funded component.

~~(2)(C)~~ If the unified long-term services and support medicaid waiver component is created, the departments of aging and ~~job and family services~~ medicaid shall work together to determine whether the medicaid-funded component of the PASSPORT program should continue to operate as a separate medicaid waiver component or be terminated. If the departments determine that the medicaid-funded component of the PASSPORT program should be terminated, the medicaid-funded component shall cease to exist on a date the departments shall specify.

~~(D)(1)~~ The department of aging shall administer the state funded component of the PASSPORT program. The state funded component shall not be administered as part of the medicaid program.

~~(2)~~ For an individual to be eligible for the state funded component, the individual must meet one of the following requirements and meet the additional eligibility requirements applicable to the individual established in rules adopted under division (D)(4) of this section:

~~(a)~~ The individual must have been enrolled in the state funded component on September 1, 1991, (as the state funded component was authorized by uncodified law in effect at that time) and have had one or more applications for enrollment in the medicaid funded component (or, if the medicaid funded component is terminated under division (C)(2) of this section, the unified long term services and support medicaid waiver component) denied.

~~(b)~~ The individual must have had the individual's enrollment in the medicaid funded component (or, if the medicaid funded

~~component is terminated under division (C)(2) of this section, the unified long term services and support medicaid waiver component) terminated and the individual must still need the home and community based services provided under the PASSPORT program to protect the individual's health and safety.~~

~~(c) The individual must have an application for the medicaid funded component (or, if the medicaid funded component is terminated under division (C)(2) of this section, the unified long term services and support medicaid waiver component) pending and the department or the department's designee must have determined that the individual meets the nonfinancial eligibility requirements of the medicaid funded component (or, if the medicaid funded component is terminated under division (C)(2) of this section, the unified long term services and support medicaid waiver component) and not have reason to doubt that the individual meets the financial eligibility requirements of the medicaid funded component (or, if the medicaid funded component is terminated under division (C)(2) of this section, the unified long term services and support medicaid waiver component).~~

~~(3) An individual who is eligible for the state funded component because the individual meets the requirement of division (D)(2)(c) of this section may participate in the component on that basis for not more than ninety days.~~

~~(4) The director of aging shall adopt rules in accordance with section 111.15 of the Revised Code to implement the state funded component. The additional eligibility requirements established in the rules may vary for the different groups of individuals specified in divisions (D)(2)(a), (b), and (c) of this section.~~

**Sec. 173.401 173.521.** (A) ~~As used in this section:~~

~~"Area agency on aging" has the same meaning as in section~~

~~173.14 of the Revised Code.~~ 16712

~~"Long term care consultation program" means the program the 16713  
department of aging is required to develop under section 173.42 of 16714  
the Revised Code. 16715~~

~~"Long term care consultation program administrator" or 16716  
"administrator" means the department of aging or, if the 16717  
department contracts with an area agency on aging or other entity 16718  
to administer the long term care consultation program for a 16719  
particular area, that agency or entity. 16720~~

~~"Nursing facility" has the same meaning as in section 5111.20 16721  
of the Revised Code. 16722~~

~~(B) Subject Unless the medicaid-funded component of the 16723  
PASSPORT program is terminated pursuant to division (C)(2) of 16724  
section 173.40 173.52 of the Revised Code, the department shall 16725  
establish a home first component of the PASSPORT program under 16726  
which eligible individuals may be enrolled in the medicaid-funded 16727  
component of the PASSPORT program in accordance with this section. 16728  
An individual is eligible for the PASSPORT program's home first 16729  
component if both of the following apply: 16730~~

~~(1) The individual has been determined to be eligible for the 16731  
medicaid-funded component of the PASSPORT program. 16732~~

~~(2) At least one of the following applies: 16733~~

~~(a) The individual has been admitted to a nursing facility. 16734~~

~~(b) A physician has determined and documented in writing that 16735  
the individual has a medical condition that, unless the individual 16736  
is enrolled in home and community-based services such as the 16737  
PASSPORT program, will require the individual to be admitted to a 16738  
nursing facility within thirty days of the physician's 16739  
determination. 16740~~

~~(c) The individual has been hospitalized and a physician has 16741~~

determined and documented in writing that, unless the individual 16742  
is enrolled in home and community-based services such as the 16743  
PASSPORT program, the individual is to be transported directly 16744  
from the hospital to a nursing facility and admitted. 16745

(d) Both of the following apply: 16746

(i) The individual is the subject of a report made under 16747  
section 5101.61 of the Revised Code regarding abuse, neglect, or 16748  
exploitation or such a report referred to a county department of 16749  
job and family services under section 5126.31 of the Revised Code 16750  
or has made a request to a county department for protective 16751  
services as defined in section 5101.60 of the Revised Code. 16752

(ii) A county department of job and family services and an 16753  
area agency on aging have jointly documented in writing that, 16754  
unless the individual is enrolled in home and community-based 16755  
services such as the PASSPORT program, the individual should be 16756  
admitted to a nursing facility. 16757

~~(C)~~(B) Each month, each area agency on aging shall identify 16758  
individuals residing in the area that the agency serves who are 16759  
eligible for the home first component of the PASSPORT program. 16760  
When an area agency on aging identifies such an individual, the 16761  
agency shall notify the long-term care consultation program 16762  
administrator serving the area in which the individual resides. 16763  
The administrator shall determine whether the PASSPORT program is 16764  
appropriate for the individual and whether the individual would 16765  
rather participate in the PASSPORT program than continue or begin 16766  
to reside in a nursing facility. If the administrator determines 16767  
that the PASSPORT program is appropriate for the individual and 16768  
the individual would rather participate in the PASSPORT program 16769  
than continue or begin to reside in a nursing facility, the 16770  
administrator shall so notify the department of aging. On receipt 16771  
of the notice from the administrator, the department shall approve 16772  
the individual's enrollment in the medicaid-funded component of 16773

the PASSPORT program regardless of the unified waiting list 16774  
established under section ~~173.404~~ 173.55 of the Revised Code, 16775  
unless the enrollment would cause the component to exceed any 16776  
limit on the number of individuals who may be enrolled in the 16777  
component as set by the United States secretary of health and 16778  
human services in the PASSPORT waiver. 16779

Sec. 173.522. (A) The department of aging shall create and 16780  
administer the state-funded component of the PASSPORT program. The 16781  
state-funded component shall not be administered as part of the 16782  
medicaid program. 16783

(B) For an individual to be eligible for the state-funded 16784  
component of the PASSPORT program, the individual must meet one of 16785  
the following requirements and meet the additional eligibility 16786  
requirements applicable to the individual established in rules 16787  
adopted under division (D) of this section: 16788

(1) The individual must have been enrolled in the 16789  
state-funded component on September 1, 1991, (as the state-funded 16790  
component was authorized by uncodified law in effect at that time) 16791  
and have had one or more applications for enrollment in the 16792  
medicaid-funded component of the PASSPORT program (or, if the 16793  
medicaid-funded component is terminated under division (C) of 16794  
section 173.52 of the Revised Code, the unified long-term services 16795  
and support medicaid waiver component) denied. 16796

(2) The individual must have had the individual's enrollment 16797  
in the medicaid-funded component of the PASSPORT program (or, if 16798  
the medicaid-funded component is terminated under division (C) of 16799  
section 173.52 of the Revised Code, the unified long-term services 16800  
and support medicaid waiver component) terminated and the 16801  
individual must still need the home and community-based services 16802  
provided under the PASSPORT program to protect the individual's 16803  
health and safety. 16804

(3) The individual must have an application for the 16805  
medicaid-funded component of the PASSPORT program (or, if the 16806  
medicaid-funded component is terminated under division (C) of 16807  
section 173.52 of the Revised Code, the unified long-term services 16808  
and support medicaid waiver component) pending and the department 16809  
or the department's designee must have determined that the 16810  
individual meets the nonfinancial eligibility requirements of the 16811  
medicaid-funded component (or, if the medicaid-funded component is 16812  
terminated under division (C) of section 173.52 of the Revised 16813  
Code, the unified long-term services and support medicaid waiver 16814  
component) and not have reason to doubt that the individual meets 16815  
the financial eligibility requirements of the medicaid-funded 16816  
component (or, if the medicaid-funded component is terminated 16817  
under division (C) of section 173.52 of the Revised Code, the 16818  
unified long-term services and support medicaid waiver component). 16819

(C) An individual who is eligible for the state-funded 16820  
component of the PASSPORT program because the individual meets the 16821  
requirement of division (B)(3) of this section may participate in 16822  
the component on that basis for not more than ninety days. 16823

(D) The director of aging shall adopt rules in accordance 16824  
with section 111.15 of the Revised Code to implement the 16825  
state-funded component of the PASSPORT program. The additional 16826  
eligibility requirements established in the rules may vary for the 16827  
different groups of individuals specified in divisions (B)(1), 16828  
(2), and (3) of this section. 16829

**Sec. 173.523.** (A) An individual who is an applicant for or 16830  
participant or former participant in the state-funded component of 16831  
the PASSPORT program may appeal an adverse action taken or 16832  
proposed to be taken by the department of aging or an entity 16833  
designated by the department concerning participation in or 16834  
services provided under the component if the action will result in 16835

<u>any of the following:</u>	16836
<u>(1) Denial of enrollment or continued enrollment in the</u>	16837
<u>component;</u>	16838
<u>(2) Denial of or reduction in the amount of services</u>	16839
<u>requested by or offered to the individual under the component;</u>	16840
<u>(3) Assessment of any patient liability payment pursuant to</u>	16841
<u>rules adopted by the department under this section.</u>	16842
<u>The appeal shall be made in accordance with section 173.56 of</u>	16843
<u>the Revised Code and rules adopted pursuant to that section.</u>	16844
<u>(B) An individual who is an applicant for or participant or</u>	16845
<u>former participant in the state-funded component of the PASSPORT</u>	16846
<u>program may not bring an appeal under this or any other section of</u>	16847
<u>the Revised Code if any of the following is the case:</u>	16848
<u>(1) The individual has voluntarily withdrawn the application</u>	16849
<u>for enrollment in the component;</u>	16850
<u>(2) The individual has voluntarily terminated enrollment in</u>	16851
<u>the component;</u>	16852
<u>(3) The individual agrees with the action being taken or</u>	16853
<u>proposed;</u>	16854
<u>(4) The individual fails to submit a written request for a</u>	16855
<u>hearing to the director of aging within the time specified in the</u>	16856
<u>rules adopted pursuant to section 173.56 of the Revised Code;</u>	16857
<u>(5) The individual has received services under the component</u>	16858
<u>for the maximum time permitted by this section.</u>	16859
<b>Sec. <del>173.402</del> <u>173.524</u>.</b> An individual enrolled in the PASSPORT	16860
program may request that home-delivered meals provided to the	16861
individual under the PASSPORT program be kosher. If such a request	16862
is made, the department of aging or the department's designee	16863

shall ensure that each home-delivered meal provided to the 16864  
individual under the PASSPORT program is kosher. In complying with 16865  
this requirement, the department or department's designee shall 16866  
require each entity that provides home-delivered meals to the 16867  
individual to provide the individual with meals that meet, as much 16868  
as possible, the requirements established in rules adopted under 16869  
~~section 173.40~~ sections 173.52 and 173.522 of the Revised Code 16870  
governing the home-delivered meal service while complying with 16871  
kosher practices for meal preparation and dietary restrictions. 16872

An entity that provides a kosher home-delivered meal to a 16873  
PASSPORT program enrollee pursuant to this section shall be 16874  
reimbursed for the meal at a rate equal to the rate for 16875  
home-delivered meals furnished to PASSPORT program enrollees 16876  
requiring a therapeutic diet. 16877

**Sec. ~~173.403~~ 173.53.** (A) ~~As used in this section:~~ 16878

~~"Choices program" means the program created under this 16879  
section.~~ 16880

~~"Medicaid waiver component" has the same meaning as in 16881  
section 5111.85 of the Revised Code.~~ 16882

~~"Unified long term services and support medicaid waiver 16883  
component" means the medicaid waiver component authorized by 16884  
section 5111.864 of the Revised Code.~~ 16885

~~(B) Subject to division (C) of this section, there is hereby 16886  
created The department of medicaid shall create the choices 16887  
program. In creating the choices program, the department of 16888  
medicaid shall collaborate with the department of aging. Subject 16889  
to division (B) of this section: 16890~~

~~(1) The choices program shall provide home and 16891  
community-based services. ~~The~~ 16892~~



(2) The department of aging shall administer the choices 16893  
program through a contract entered into with the department of ~~job~~ 16894  
~~and family services~~ medicaid under section ~~5111.91~~ 5162.35 of the 16895  
Revised Code. ~~Subject to federal approval, the~~ 16896

(3) The choices program shall be available statewide. 16897

~~(C)~~(B) If the unified long-term services and support medicaid 16898  
waiver component is created, the departments of aging and ~~job and~~ 16899  
~~family services~~ medicaid shall ~~work together~~ collaborate to 16900  
determine whether the choices program should continue to operate 16901  
as a separate medicaid waiver component or be terminated. If the 16902  
departments determine that the choices program should be 16903  
terminated, the program shall cease to exist on a date the 16904  
departments shall specify. 16905

(C) If the choices program is terminated pursuant to division 16906  
(B) of this section or for another reason, not sooner than six 16907  
months before the date on which the program ceases to exist, the 16908  
director of aging may do both of the following: 16909

(1) Suspend new enrollments in the choices program; 16910

(2) Transfer participants of the choices program to the 16911  
following: 16912

(a) Except as provided in division (C)(2)(b) of this section, 16913  
the medicaid-funded component of the PASSPORT program created 16914  
under section 173.52 of the Revised Code; 16915

(b) If the medicaid-funded component of the PASSPORT program 16916  
is terminated pursuant to division (C) of section 173.52 of the 16917  
Revised Code, the unified long-term services and support medicaid 16918  
waiver component. 16919

**Sec. ~~5111.89~~ 173.54.** (A) ~~As used in sections 5111.89 to~~ 16920  
~~5111.894 of the Revised Code:~~ 16921

~~"Area agency on aging" has the same meaning as in section~~ 16922

<del>173.14 of the Revised Code.</del>	16923
<del>"Assisted living program" means the program created under this section.</del>	16924
<del>"Assisted living services" means the following home and community based services: personal care, homemaker, chore, attendant care, companion, medication oversight, and therapeutic social and recreational programming.</del>	16925
<del>"Assisted living services" means the following home and community based services: personal care, homemaker, chore, attendant care, companion, medication oversight, and therapeutic social and recreational programming.</del>	16926
<del>"Assisted living services" means the following home and community based services: personal care, homemaker, chore, attendant care, companion, medication oversight, and therapeutic social and recreational programming.</del>	16927
<del>"Assisted living services" means the following home and community based services: personal care, homemaker, chore, attendant care, companion, medication oversight, and therapeutic social and recreational programming.</del>	16928
<del>"Assisted living services" means the following home and community based services: personal care, homemaker, chore, attendant care, companion, medication oversight, and therapeutic social and recreational programming.</del>	16929
<del>"Assisted living waiver" means the federal medicaid waiver granted by the United States secretary of health and human services that authorizes the medicaid funded component of the assisted living program.</del>	16930
<del>"Assisted living waiver" means the federal medicaid waiver granted by the United States secretary of health and human services that authorizes the medicaid funded component of the assisted living program.</del>	16931
<del>"Assisted living waiver" means the federal medicaid waiver granted by the United States secretary of health and human services that authorizes the medicaid funded component of the assisted living program.</del>	16932
<del>"Assisted living waiver" means the federal medicaid waiver granted by the United States secretary of health and human services that authorizes the medicaid funded component of the assisted living program.</del>	16933
<del>"County or district home" means a county or district home operated under Chapter 5155. of the Revised Code.</del>	16934
<del>"County or district home" means a county or district home operated under Chapter 5155. of the Revised Code.</del>	16935
<del>"Long term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code.</del>	16936
<del>"Long term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code.</del>	16937
<del>"Long term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code.</del>	16938
<del>"Long term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long term care consultation program for a particular area, that agency or entity.</del>	16939
<del>"Long term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long term care consultation program for a particular area, that agency or entity.</del>	16940
<del>"Long term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long term care consultation program for a particular area, that agency or entity.</del>	16941
<del>"Long term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long term care consultation program for a particular area, that agency or entity.</del>	16942
<del>"Long term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long term care consultation program for a particular area, that agency or entity.</del>	16943
<del>"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.</del>	16944
<del>"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.</del>	16945
<del>"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.</del>	16946
<del>"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.</del>	16947
<del>"Residential care facility" has the same meaning as in section 3721.01 of the Revised Code.</del>	16948
<del>"Residential care facility" has the same meaning as in section 3721.01 of the Revised Code.</del>	16949
<del>"Unified long term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5111.864 of the Revised Code.</del>	16950
<del>"Unified long term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5111.864 of the Revised Code.</del>	16951
<del>"Unified long term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5111.864 of the Revised Code.</del>	16952

~~(B) There is hereby created~~ The department of medicaid shall 16953  
create the medicaid-funded component of the assisted living 16954  
program. The program shall provide assisted living services to 16955  
individuals who meet the program's applicable eligibility 16956  
requirements. Subject to division (C) of this section, the program 16957  
shall have a medicaid funded component and a state funded 16958  
component In creating the medicaid-funded component, the 16959  
department of medicaid shall collaborate with the department of 16960  
aging. 16961

~~(C)(1)(B)~~ Unless the medicaid-funded component of the 16962  
assisted living program is terminated under division (C)~~(2)~~ of 16963  
this section, all of the following apply: 16964

~~(a)(1)~~ The department of aging shall administer the 16965  
medicaid-funded component through a contract entered into with the 16966  
department of ~~job and family services~~ medicaid under section 16967  
~~5111.91~~ 5162.35 of the Revised Code. 16968

~~(b)(2)~~ The contract shall include an estimate of the 16969  
medicaid-funded component's costs. 16970

~~(c)(3)~~ The medicaid-funded component shall be operated as a 16971  
separate medicaid waiver component. 16972

~~(d)(4)~~ The medicaid-funded component may not serve more 16973  
individuals than is set by the United States secretary of health 16974  
and human services in the assisted living waiver. 16975

~~(e) The director of job and family services may adopt rules~~ 16976  
~~under section 5111.85 of the Revised Code regarding the~~ 16977  
~~medicaid funded component.~~ 16978

~~(f) The~~ (5) To the extent authorized by rules authorized by 16979  
section 5162.021 of the Revised Code, the director of aging may 16980  
adopt rules under Chapter 119. of the Revised Code regarding the 16981  
medicaid-funded component ~~that the rules adopted by the director~~ 16982  
~~of job and family services under division (C)(1)(c) of this~~ 16983

~~section authorize the director of aging to adopt.~~ 16984

~~(2)(C)~~ If the unified long-term services and support medicaid 16985  
waiver component is created, the departments of aging and ~~job and~~ 16986  
~~family services~~ medicaid shall ~~work together~~ collaborate to 16987  
determine whether the medicaid-funded component of the assisted 16988  
living program should continue to operate as a separate medicaid 16989  
waiver component or be terminated. If the departments determine 16990  
that the medicaid-funded component of the assisted living program 16991  
should be terminated, the medicaid-funded component shall cease to 16992  
exist on a date the departments shall specify. 16993

~~(D) The department of aging shall administer the state funded~~ 16994  
~~component of the assisted living program. The state funded~~ 16995  
~~component shall not be administered as part of the medicaid~~ 16996  
~~program.~~ 16997

~~An individual who is eligible for the state funded component~~ 16998  
~~may participate in the component for not more than ninety days.~~ 16999

~~The director of aging shall adopt rules in accordance with~~ 17000  
~~section 111.15 of the Revised Code to implement the state funded~~ 17001  
~~component.~~ 17002

**Sec. ~~5111.891~~ 173.541.** To be eligible for the medicaid-funded 17003  
component of the assisted living program, an individual must meet 17004  
all of the following requirements: 17005

(A) Need an intermediate level of care as determined ~~under~~ 17006  
~~rule 5101:3-3-06~~ by an assessment conducted under section 173.546 17007  
of the ~~Administrative~~ Revised Code; 17008

(B) While receiving assisted living services under the 17009  
medicaid-funded component, reside in a residential care facility 17010  
that is authorized by a valid medicaid provider agreement to 17011  
participate in the component, including both of the following: 17012

(1) A residential care facility that is owned or operated by 17013

a metropolitan housing authority that has a contract with the 17014  
United States department of housing and urban development to 17015  
receive an operating subsidy or rental assistance for the 17016  
residents of the facility; 17017

(2) A county or district home licensed as a residential care 17018  
facility. 17019

(C) Meet all other eligibility requirements for the 17020  
medicaid-funded component established in rules adopted pursuant to 17021  
~~division (C) of~~ under section ~~5111.89~~ 173.54 of the Revised Code. 17022

**Sec. ~~5111.894~~ 173.542.** (A) ~~Subject~~ Unless the medicaid-funded 17023  
component of the assisted living program is terminated pursuant to 17024  
division (C)~~(2)~~ of section ~~5111.89~~ 173.54 of the Revised Code, the 17025  
department of aging shall establish a home first component of the 17026  
assisted living program under which eligible individuals may be 17027  
enrolled in the medicaid-funded component of the assisted living 17028  
program in accordance with this section. An individual is eligible 17029  
for the assisted living program's home first component if both of 17030  
the following apply: 17031

(1) The individual has been determined to be eligible for the 17032  
medicaid-funded component of the assisted living program. 17033

(2) At least one of the following applies: 17034

(a) The individual has been admitted to a nursing facility. 17035

(b) A physician has determined and documented in writing that 17036  
the individual has a medical condition that, unless the individual 17037  
is enrolled in home and community-based services such as the 17038  
assisted living program, will require the individual to be 17039  
admitted to a nursing facility within thirty days of the 17040  
physician's determination. 17041

(c) The individual has been hospitalized and a physician has 17042  
determined and documented in writing that, unless the individual 17043

is enrolled in home and community-based services such as the 17044  
assisted living program, the individual is to be transported 17045  
directly from the hospital to a nursing facility and admitted. 17046

(d) Both of the following apply: 17047

(i) The individual is the subject of a report made under 17048  
section 5101.61 of the Revised Code regarding abuse, neglect, or 17049  
exploitation or such a report referred to a county department of 17050  
job and family services under section 5126.31 of the Revised Code 17051  
or has made a request to a county department for protective 17052  
services as defined in section 5101.60 of the Revised Code. 17053

(ii) A county department of job and family services and an 17054  
area agency on aging have jointly documented in writing that, 17055  
unless the individual is enrolled in home and community-based 17056  
services such as the assisted living program, the individual 17057  
should be admitted to a nursing facility. 17058

(B) Each month, each area agency on aging shall identify 17059  
individuals residing in the area that the area agency on aging 17060  
serves who are eligible for the home first component of the 17061  
assisted living program. When an area agency on aging identifies 17062  
such an individual and determines that there is a vacancy in a 17063  
residential care facility participating in the medicaid-funded 17064  
component of the assisted living program that is acceptable to the 17065  
individual, the agency shall notify the long-term care 17066  
consultation program administrator serving the area in which the 17067  
individual resides. The administrator shall determine whether the 17068  
assisted living program is appropriate for the individual and 17069  
whether the individual would rather participate in the assisted 17070  
living program than continue or begin to reside in a nursing 17071  
facility. If the administrator determines that the assisted living 17072  
program is appropriate for the individual and the individual would 17073  
rather participate in the assisted living program than continue or 17074  
begin to reside in a nursing facility, the administrator shall so 17075

notify the department of aging. On receipt of the notice from the 17076  
administrator, the department shall approve the individual's 17077  
enrollment in the medicaid-funded component of the assisted living 17078  
program regardless of the unified waiting list established under 17079  
section ~~173.404~~ 173.55 of the Revised Code, unless the enrollment 17080  
would cause the component to exceed any limit on the number of 17081  
individuals who may participate in the component as set by the 17082  
United States secretary of health and human services in the 17083  
assisted living waiver. 17084

Sec. 173.543. The department of aging shall create and 17085  
administer the state-funded component of the assisted living 17086  
program. The state-funded component shall not be administered as 17087  
part of the medicaid program. 17088

An individual who is eligible for the state-funded component 17089  
may participate in the component for not more than ninety days. 17090

The director of aging shall adopt rules in accordance with 17091  
section 111.15 of the Revised Code to implement the state-funded 17092  
component. 17093

**Sec. ~~5111.892~~ 173.544.** To be eligible for the state-funded 17094  
component of the assisted living program, an individual must meet 17095  
all of the following requirements: 17096

(A) The individual must need an intermediate level of care as 17097  
determined ~~under rule 5101:3-3-06~~ by an assessment conducted under 17098  
section 173.546 of the Administrative Revised Code. 17099

(B) The individual must have an application for the 17100  
medicaid-funded component of the assisted living program (or, if 17101  
the medicaid-funded component is terminated under division (C)~~(2)~~ 17102  
of section ~~5111.89~~ 173.54 of the Revised Code, the unified 17103  
long-term services and support medicaid waiver component) pending 17104  
and the department or the department's designee must have 17105

determined that the individual meets the nonfinancial eligibility 17106  
requirements of the medicaid-funded component (or, if the 17107  
medicaid-funded component is terminated under division (C)~~(2)~~ of 17108  
section ~~5111.89~~ 173.54 of the Revised Code, the unified long-term 17109  
services and support medicaid waiver component) and not have 17110  
reason to doubt that the individual meets the financial 17111  
eligibility requirements of the medicaid-funded component (or, if 17112  
the medicaid-funded component is terminated under division (C)~~(2)~~ 17113  
of section ~~5111.89~~ 173.54 of the Revised Code, the unified 17114  
long-term services and support medicaid waiver component). 17115

(C) While receiving assisted living services under the 17116  
state-funded component, the individual must reside in a 17117  
residential care facility that is authorized by a valid provider 17118  
agreement to participate in the component, including both of the 17119  
following: 17120

(1) A residential care facility that is owned or operated by 17121  
a metropolitan housing authority that has a contract with the 17122  
United States department of housing and urban development to 17123  
receive an operating subsidy or rental assistance for the 17124  
residents of the facility; 17125

(2) A county or district home licensed as a residential care 17126  
facility. 17127

(D) The individual must meet all other eligibility 17128  
requirements for the state-funded component established in rules 17129  
adopted under ~~division (D)~~ of section ~~5111.89~~ 173.54 of the 17130  
Revised Code. 17131

**Sec. 173.545.** (A) An individual who is an applicant for or 17132  
participant or former participant in the state-funded component of 17133  
the assisted living program may appeal an adverse action taken or 17134  
proposed to be taken by the department of aging or an entity 17135  
designated by the department concerning participation in or 17136



services provided under the component if the action will result in 17137  
any of the following: 17138

(1) Denial of enrollment or continued enrollment in the 17139  
component; 17140

(2) Denial of or reduction in the amount of services 17141  
requested by or offered to the individual under the component; 17142

(3) Assessment of any patient liability payment pursuant to 17143  
rules adopted by the department under this section. 17144

The appeal shall be made in accordance with section 173.56 of 17145  
the Revised Code and rules adopted pursuant to that section. 17146

(B) An individual who is an applicant for or participant or 17147  
former participant in the state-funded component of the assisted 17148  
living program may not bring an appeal under this or any other 17149  
section of the Revised Code if any of the following is the case: 17150

(1) The individual has voluntarily withdrawn the application 17151  
for enrollment in the component; 17152

(2) The individual has voluntarily terminated enrollment in 17153  
the component; 17154

(3) The individual agrees with the action being taken or 17155  
proposed; 17156

(4) The individual fails to submit a written request for a 17157  
hearing to the director of aging within the time specified in the 17158  
rules adopted pursuant to section 173.56 of the Revised Code; 17159

(5) The individual has received services under the component 17160  
for the maximum time permitted by this section. 17161

**Sec. 173.546.** (A) Each applicant for the assisted living 17162  
program shall undergo an assessment to determine whether the 17163  
applicant needs an intermediate level of care. The department of 17164

medicaid or an agency under contract pursuant to division (C) of this section shall conduct the assessment. The assessment may be performed concurrently with a long-term care consultation provided under section 173.42 of the Revised Code. 17165  
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(B) An applicant or applicant's representative has the right to appeal an assessment's findings. Section 5160.31 of the Revised Code applies to appeals regarding the medicaid-funded component of the assisted living program. The department or an agency under contract to conduct the assessment shall provide written notice of this right to the applicant or applicant's representative and the residential care facility in which the applicant intends to reside if enrolled in the assisted living program. The notice shall include an explanation of the appeal procedures. The department or agency under contract to conduct the assessment shall represent the state in any appeal of an assessment's findings. 17169  
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(C) The department may contract with one or more agencies to perform assessments under this section. A contract shall specify the agency's responsibilities regarding the assessments. 17180  
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**Sec. ~~5111.893~~ 173.547.** A residential care facility providing services covered by the assisted living program to an individual enrolled in the program shall have staff on-site twenty-four hours each day who are able to do all of the following: 17183  
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(A) Meet the scheduled and unpredicted needs of the individuals enrolled in the assisted living program in a manner that promotes the individuals' dignity and independence; 17187  
17188  
17189

(B) Provide supervision services for those individuals; 17190

(C) Help keep the individuals safe and secure. 17191

**Sec. ~~173.404~~ 173.55.** (A) As used in this section: 17192

(1) "Department of aging-administered medicaid waiver 17193

component" means each of the following: 17194

(a) The medicaid-funded component of the PASSPORT program 17195  
~~created under section 173.40 of the Revised Code;~~ 17196

(b) The choices program ~~created under section 173.403 of the~~ 17197  
~~Revised Code;~~ 17198

(c) The medicaid-funded component of the assisted living 17199  
program ~~created under section 5111.89 of the Revised Code.~~ 17200

(2) "PACE program" means the component of the medicaid 17201  
program the department of aging administers pursuant to section 17202  
173.50 of the Revised Code. 17203

(B) If the department of aging determines that there are 17204  
insufficient funds to enroll all individuals who have applied and 17205  
been determined eligible for department of aging-administered 17206  
medicaid waiver components and the PACE program, the department 17207  
shall establish a unified waiting list for the components and 17208  
program. Only individuals eligible for a department of 17209  
aging-administered medicaid waiver component or the PACE program 17210  
may be placed on the unified waiting list. An individual who may 17211  
be enrolled in a department of aging-administered medicaid waiver 17212  
component or the PACE program through a home first component 17213  
established under section ~~173.401~~, 173.501, 173.521 or ~~5111.894~~ 17214  
173.542 of the Revised Code may be so enrolled without being 17215  
placed on the unified waiting list. 17216

Sec. 173.56. (A) The department of aging shall adopt rules in 17217  
accordance with section 111.15 of the Revised Code governing 17218  
appeals brought under section 173.523 or 173.545 of the Revised 17219  
Code. The rules shall require notice and the opportunity for a 17220  
hearing. The rules may allow an appeal hearing to be conducted by 17221  
telephone and permit the department to record hearings conducted 17222  
by telephone. Chapter 119. of the Revised Code applies to a 17223

hearing under section 173.523 or 173.545 of the Revised Code only 17224  
to the extent provided in rules the department adopts under this 17225  
section. 17226

(B) An appeal shall be commenced by submission of a written 17227  
request for a hearing to the director of aging within the time 17228  
specified in the rules adopted under this section. The hearing may 17229  
be recorded, but neither the recording nor a transcript of the 17230  
recording is part of the official record of the proceeding. The 17231  
director shall notify the individual bringing the appeal of the 17232  
director's decision and of the procedure for appealing the 17233  
decision. 17234

(C) The director's decision may be appealed to a court of 17235  
common pleas pursuant to section 119.12 of the Revised Code. The 17236  
appeal shall be governed by that section except as follows: 17237

(1) The appeal shall be in the court of common pleas of the 17238  
county in which the individual who brings the appeal resides or, 17239  
if the individual does not reside in this state, to the Franklin 17240  
county court of common pleas. 17241

(2) The notice of appeal must be mailed to the department and 17242  
filed with the court not later than thirty days after the 17243  
department mails notice of the director's decision. For good cause 17244  
shown, the court may extend the time for mailing and filing the 17245  
notice of appeal, but the time cannot exceed six months from the 17246  
date the department mails the notice of the director's decision. 17247

(3) If an individual applies to the court for designation as 17248  
an indigent and the court grants the application, the individual 17249  
shall not be required to furnish the costs of the appeal. 17250

(4) The department is required to file a transcript of the 17251  
testimony of the state hearing with the court only if the court 17252  
orders that the transcript be filed. The court shall make such an 17253

order only if it finds that the department and the individual 17254  
bringing the appeal are unable to stipulate to the facts of the 17255  
case and that the transcript is essential to a determination of 17256  
the appeal. The department shall file the transcript not later 17257  
than thirty days after such an order is issued. 17258

**Sec. 173.60.** (A) As used in this section: 17259

(1) "Nursing home" has the same meaning as in section 3721.01 17260  
of the Revised Code. 17261

(2) "Person-centered care" means a relationship-based 17262  
approach to care that honors and respects the opinions of 17263  
individuals receiving care and those working closely with them. 17264

(B) The department of aging shall implement a nursing home 17265  
quality initiative to improve person-centered care that nursing 17266  
homes provide. The office of the state long-term care ombudsman 17267  
program shall assist the department with the initiative. The 17268  
initiative shall include quality improvement projects that provide 17269  
nursing homes with resources and on-site education promoting 17270  
person-centered strategies and positive resident outcomes, as well 17271  
as other assistance designed to improve the quality of nursing 17272  
home services. 17273

(C) The department shall make available a list of quality 17274  
improvement projects offered by the following entities that may be 17275  
used by nursing homes in meeting the requirements of section 17276  
3721.072 of the Revised Code: 17277

(1) The department; 17278

(2) A quality improvement organization under contract with 17279  
the United States secretary of health and human services to carry 17280  
out the state functions described in section 1154 of the "Social 17281  
Security Act," 42 U.S.C. 1320c-3; 17282

(3) Other state agencies; 17283

<u>(4) The Ohio person-centered care coalition;</u>	17284
<u>(5) Any other academic, research, or health care entity identified by the department.</u>	17285 17286
<u>(D) The department shall consult with representatives of nursing homes when developing the list of quality improvement projects under division (C) of this section and include projects that the department and representatives agree should be on the list.</u>	17287 17288 17289 17290 17291
<u>(E) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section.</u>	17292 17293 17294
<b>Sec. 173.99.</b> (A) A long-term care provider, person employed by a long-term care provider, other entity, or employee of such other entity that violates division (C) of section 173.24 of the Revised Code is subject to a fine not to exceed one thousand dollars for each violation.	17295 17296 17297 17298 17299
(B) Whoever violates division (C) of section 173.23 of the Revised Code is guilty of registering a false complaint, a misdemeanor of the first degree.	17300 17301 17302
(C) A long-term care provider, other entity, or person employed by a long-term care provider or other entity that violates division (E) of section 173.19 of the Revised Code by denying a representative of the office of the state long-term care <del>ombudsperson</del> <u>ombudsman</u> program the access required by that division is subject to a fine not to exceed five hundred dollars for each violation.	17303 17304 17305 17306 17307 17308 17309
(D) Whoever violates division (C) of section 173.44 of the Revised Code is subject to a fine of one hundred dollars.	17310 17311
<b>Sec. 191.01.</b> As used in this chapter:	17312

(A) "Administrative safeguards," "availability,"	17313
"confidentiality," "integrity," "physical safeguards," and	17314
"technical safeguards" have the same meanings as in 45 C.F.R.	17315
164.304.	17316
(B) "Business associate," "covered entity," "health plan,"	17317
"individually identifiable health information," and "protected	17318
health information" have the same meanings as in 45 C.F.R.	17319
160.103.	17320
(C) "Executive director of the office of health	17321
transformation" or "executive director" means the executive	17322
director of the office of health transformation or the chief	17323
administrative officer of a successor governmental entity	17324
responsible for health system oversight in this state.	17325
(D) "Government program providing public benefits" means any	17326
program administered by a state agency that has been identified,	17327
pursuant to section 191.02 of the Revised Code, by the executive	17328
director of the office of health transformation in consultation	17329
with the individuals specified in that section.	17330
(E) "Office of health transformation" means the office of	17331
health transformation created by executive order 2011-02K.	17332
(F) "Operating protocol" means a protocol adopted by the	17333
executive director of the office of health transformation or the	17334
executive director's designee under division (D) of section 191.06	17335
of the Revised Code.	17336
(G) "Participating agency" means a state agency that	17337
participates in a health transformation initiative as specified in	17338
the one or more operating protocols adopted for the initiative	17339
under division (D) of section 191.06 of the Revised Code.	17340
(H) "Personally identifiable information" means information	17341
that meets both of the following criteria:	17342

(1) It identifies an individual or there is a reasonable basis to believe that it may be used to identify an individual; 17343  
17344

(2) It relates to an individual's eligibility for, application for, or receipt of public benefits from a government program providing public benefits. 17345  
17346  
17347

(I) "State agency" means each of the following: 17348

(1) The department of aging; 17349

(2) ~~The department of alcohol and drug addiction services;~~ 17350

~~(3) The department of development services agency;~~ 17351

~~(4)~~(3) The department of developmental disabilities; 17352

~~(5)~~(4) The department of education; 17353

~~(6)~~(5) The department of health; 17354

~~(7)~~(6) The department of insurance; 17355

~~(8)~~(7) The department of job and family services; 17356

~~(9)~~(8) The department of medicaid; 17357

(9) The department of ~~mental health~~ mental health and addiction services; 17358  
17359

(10) The department of rehabilitation and correction; 17360

(11) The department of taxation; 17361

(12) The department of veterans services; 17362

(13) The department of youth services. 17363

(J) "Unsecured" has the same meaning as in 16 C.F.R. 318.2. 17364

**Sec. 191.02.** The executive director of the office of health transformation, in consultation with all of the following individuals, shall identify each government program administered by a state agency that is to be considered a government program providing public benefits for purposes of section 191.04 of the 17365  
17366  
17367  
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Revised Code:	17370
(A) The director of aging;	17371
(B) <del>The director of alcohol and drug addiction services;</del>	17372
<del>(C)</del> The director of development <u>services</u> ;	17373
<del>(D)</del> <u>(C)</u> The director of developmental disabilities;	17374
<del>(E)</del> <u>(D)</u> The director of health;	17375
<del>(F)</del> <u>(E)</u> The director <u>of</u> job and family services;	17376
<del>(G)</del> <u>(F)</u> <u>The director of medicaid;</u>	17377
<u>(G)</u> The director of <del>mental health</del> <u>mental health and addiction</u>	17378
<u>services</u> ;	17379
(H) The director of rehabilitation and correction;	17380
(I) The director of veterans services;	17381
(J) The director of youth services;	17382
(K) The administrator of the rehabilitation services	17383
commission;	17384
(L) The administrator of workers' compensation;	17385
(M) The superintendent of insurance;	17386
(N) The superintendent of public instruction;	17387
(O) The tax commissioner.	17388
<b>Sec. 191.04.</b> (A) In accordance with federal laws governing	17389
the confidentiality of individually identifiable health	17390
information, including the "Health Insurance Portability and	17391
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021,	17392
42 U.S.C. 1320d et seq., as amended, and regulations promulgated	17393
by the United States department of health and human services to	17394
implement the act, a state agency may exchange protected health	17395
information with another state agency relating to eligibility for	17396

or enrollment in a health plan or relating to participation in a 17397  
government program providing public benefits if the exchange of 17398  
information is necessary for either or both of the following: 17399

(1) Operating a health plan; 17400

(2) Coordinating, or improving the administration or 17401  
management of, the health care-related functions of at least one 17402  
government program providing public benefits. 17403

(B) For fiscal ~~year~~ years 2013, 2014, and 2015 only, a state 17404  
agency also may exchange personally identifiable information with 17405  
another state agency for purposes related to and in support of a 17406  
health transformation initiative identified by the executive 17407  
director of the office of health transformation pursuant to 17408  
division (C) of section 191.06 of the Revised Code. 17409

(C) With respect to a state agency that uses or discloses 17410  
personally identifiable information, all of the following 17411  
conditions apply: 17412

(1) The state agency shall use or disclose the information 17413  
only as permitted or required by state and federal law. In 17414  
addition, if the information is obtained during fiscal year 2013 17415  
from an exchange of personally identifiable information permitted 17416  
under division (B) of this section, the agency shall also use or 17417  
disclose the information in accordance with all operating 17418  
protocols that apply to the use or disclosure. 17419

(2) If the state agency is a state agency other than the 17420  
department of ~~job and family services~~ medicaid and it uses or 17421  
discloses protected health information that is related to a 17422  
medicaid recipient and obtained from the department of ~~job and~~ 17423  
~~family services~~ medicaid or another agency operating a component 17424  
of the medicaid program, the state agency shall comply with all 17425  
state and federal laws that apply to the department of ~~job and~~ 17426

~~family services~~ medicaid when that department, as the state's 17427  
single state agency to supervise the medicaid program ~~as specified~~ 17428  
~~in section 5111.01 of the Revised Code~~, uses or discloses 17429  
protected health information. 17430

(3) A state agency shall implement administrative, physical, 17431  
and technical safeguards for the purpose of protecting the 17432  
confidentiality, integrity, and availability of personally 17433  
identifiable information the creation, receipt, maintenance, or 17434  
transmittal of which is affected or governed by this section. 17435

(4) If a state agency discovers an unauthorized use or 17436  
disclosure of unsecured protected health information or unsecured 17437  
individually identifiable health information, the state agency 17438  
shall, not later than seventy-two hours after the discovery, do 17439  
all of the following: 17440

(a) Identify the individuals who are the subject of the 17441  
protected health information or individually identifiable health 17442  
information; 17443

(b) Report the discovery and the names of all individuals 17444  
identified pursuant to division (C)(4)(a) of this section to all 17445  
other state agencies and the executive director of the office of 17446  
health transformation or the executive director's designee; 17447

(c) Mitigate, to the extent reasonably possible, any 17448  
potential adverse effects of the unauthorized use or disclosure. 17449

(5) A state agency shall make available to the executive 17450  
director of the office of health transformation or the executive 17451  
director's designee, and to any other state or federal 17452  
governmental entity required by law to have access on that 17453  
entity's request, all internal practices, records, and 17454  
documentation relating to personally identifiable information it 17455  
receives, uses, or discloses that is affected or governed by this 17456  
section. 17457

(6) On termination or expiration of an operating protocol and 17458  
if feasible, a state agency shall return or destroy all personally 17459  
identifiable information received directly from or received on 17460  
behalf of another state agency. If the personally identifiable 17461  
information is not returned or destroyed, the state agency 17462  
maintaining the information shall extend the protections set forth 17463  
in this section for as long as it is maintained. 17464

(7) If a state agency enters into a subcontract or, when 17465  
required by 45 C.F.R. 164.502(e)(2), a business associate 17466  
agreement, the subcontract or business associate agreement shall 17467  
require the subcontractor or business associate to comply with the 17468  
terms of this section as if the subcontractor or business 17469  
associate were a state agency. 17470

**Sec. 191.06.** (A) The provisions of this section shall apply 17471  
only for fiscal ~~year~~ years 2013, 2014, and 2015. 17472

(B) The executive director of the office of health 17473  
transformation or the executive director's designee may facilitate 17474  
the coordination of operations and exchange of information between 17475  
state agencies. The purpose of the executive director's authority 17476  
under this section is to support agency collaboration for health 17477  
transformation purposes, including modernization of the medicaid 17478  
program, streamlining of health and human services programs in 17479  
this state, and improving the quality, continuity, and efficiency 17480  
of health care and health care support systems in this state. 17481

(C) In furtherance of the authority of the executive director 17482  
of the office of health transformation under division (B) of this 17483  
section, the executive director or the executive director's 17484  
designee shall identify each health transformation initiative in 17485  
this state that involves the participation of two or more state 17486  
agencies and that permits or requires an interagency agreement to 17487  
be entered into for purposes of specifying each participating 17488

agency's role in coordinating, operating, or funding the 17489  
initiative, or facilitating the exchange of data or other 17490  
information for the initiative. The executive director shall 17491  
publish a list of the identified health transformation initiatives 17492  
on the internet web site maintained by the office of health 17493  
transformation. 17494

(D) For each health transformation initiative that is 17495  
identified under division (C) of this section, the executive 17496  
director or the executive director's designee shall, in 17497  
consultation with each participating agency, adopt one or more 17498  
operating protocols. Notwithstanding any law enacted by the 17499  
general assembly or rule adopted by a state agency, the provisions 17500  
in a protocol shall supersede any provisions in an interagency 17501  
agreement, including an interagency agreement entered into under 17502  
section 5101.10 or ~~5111.91~~ 5162.35 of the Revised Code, that 17503  
differ from the provisions of the protocol. 17504

(E)(1) An operating protocol adopted under division (D) of 17505  
this section shall include both of the following: 17506

(a) All terms necessary to meet the requirements of "other 17507  
arrangements" between a covered entity and a business associate 17508  
that are referenced in 45 C.F.R. 164.314(a)(2)(ii); 17509

(b) If known, the date on which the protocol will terminate 17510  
or expire. 17511

(2) In addition, a protocol may specify the extent to which 17512  
each participating agency is responsible and accountable for 17513  
completing the tasks necessary for successful completion of the 17514  
initiative, including tasks relating to the following components 17515  
of the initiative: 17516

(a) Workflow; 17517

(b) Funding; 17518

(c) Exchange of data or other information that is confidential pursuant to state or federal law.

(F) An operating protocol adopted under division (D) of this section shall have the same force and effect as an interagency agreement or data sharing agreement, and each participating agency shall comply with it.

~~(G) The director of job and family services shall determine whether a waiver of federal medicaid requirements or a medicaid state plan amendment is necessary to fulfill the requirements of this section. If the director determines a waiver or medicaid state plan amendment is necessary, the director shall apply to the United States secretary of health and human services for the waiver or amendment.~~

**Sec. 191.061.** (A) As used in this section:

(1) "Core competencies" means the minimum standards a direct care worker must meet when providing direct care services and engaging in any one or more of the following activities associated with care for a medicaid recipient: maintaining a clean and safe environment, ensuring recipient-centered care, promoting the recipient's development, assisting the recipient with activities of daily living, communicating with the recipient, completing administrative tasks, and participating in professional development activities.

(2) "Direct care services" means health care services, ancillary services, or services related to or in support of the provision of health care or ancillary services.

(3) "Direct care worker" means an individual who, for direct or indirect payment, provides direct care services to a medicaid recipient in the recipient's home, place of residence, or other setting as specified in rules adopted under section 5164.02 of the

Revised Code. 17549

(B) Not later than June 30, 2014, the executive director of 17550  
the office of health transformation or the executive director's 17551  
designee, in consultation with the medicaid director and the 17552  
directors of aging, developmental disabilities, health, and mental 17553  
health and addiction services, shall execute an operating protocol 17554  
in accordance with division (D) of section 191.06 of the Revised 17555  
Code documenting the manner in which each of the directors' 17556  
departments determine that direct care workers associated with 17557  
programs administered by the departments demonstrate core 17558  
competencies. The executive director or the executive director's 17559  
designee and any one or more of the directors may decide that core 17560  
competencies are demonstrated by a direct care worker attaining 17561  
certification through the direct care worker certification program 17562  
established by the director of health under section 3701.95 of the 17563  
Revised Code. A decision to this effect does not preclude a 17564  
director from specifying additional requirements a direct care 17565  
worker must meet to participate in a program administered by the 17566  
director's department. 17567

**Sec. 305.23.** (A) As used in this section: 17568

(1) "County office" means the offices of the county 17569  
commissioner, county auditor, county treasurer, county engineer, 17570  
county recorder, county prosecuting attorney, county sheriff, 17571  
county coroner, county park district, veterans service commission, 17572  
clerk of the juvenile court, clerks of court for all divisions of 17573  
the courts of common pleas, including the clerk of the court of 17574  
common pleas, clerk of a county-operated municipal court, and 17575  
clerk of a county court, and any agency, department, or division 17576  
under the authority of, or receiving funding in whole or in part 17577  
from, any of those county offices. 17578

(2) "Human resources" means any and all functions relating to 17579

human resource management, including civil service, employee 17580  
benefits administration, collective bargaining, labor relations, 17581  
risk management, workers' compensation, unemployment compensation, 17582  
and any human resource management function required by state or 17583  
federal law, but "human resources" does not authorize a board of 17584  
county commissioners to adopt a resolution establishing a 17585  
centralized human resource service that requires any county office 17586  
to conform to any classification and compensation plan, position 17587  
descriptions, or organizational structure; to determine the rate 17588  
of compensation of any employee appointed by the appointing 17589  
authority of a county office or the salary ranges for positions of 17590  
a county office within the aggregate limits set in the 17591  
appropriation resolution of the board of county commissioners; to 17592  
determine the number of or the terms of employment of any employee 17593  
appointed by the appointing authority of a county office within 17594  
the aggregate limits set in the board's appropriation resolution; 17595  
or to exercise powers relating to the hiring, qualifications, 17596  
evaluation, suspension, demotion, disciplinary action, layoff, 17597  
furloughing, establishment of a modified work-week schedule, or 17598  
the termination of any employee appointed by the appointing 17599  
authority of any county office. 17600

(B) Subject to division (C) of this section, a board of 17601  
county commissioners may adopt a resolution establishing 17602  
centralized purchasing, printing, transportation, vehicle 17603  
maintenance, human resources, revenue collection, and mail 17604  
operation services for a county office. Before adopting a 17605  
resolution under this section, the board of county commissioners, 17606  
in a written notice, shall inform any other county office that 17607  
will be impacted by the resolution of the board's desire to 17608  
establish a centralized service or services. The written notice 17609  
shall include a statement that provides the rationale and the 17610  
estimated savings anticipated for centralizing a service or 17611  
services. In addition, the board may request any other county 17612



office to serve as the agent and responsible party for 17613  
administering a centralized service or services. That county 17614  
office may enter into an agreement with the board of county 17615  
commissioners to administer the centralized service or services 17616  
under such terms and conditions as are included in the agreement, 17617  
but nothing in this section authorizes the board of county 17618  
commissioners to require a county office to serve as the agent and 17619  
responsible party for administering a centralized service or 17620  
services at the board's request. 17621

A resolution establishing a centralized service or services 17622  
shall specify all of the following: 17623

(1) The name of the county office that will be the agent and 17624  
responsible party for administering a centralized service or 17625  
services, and if the agent and responsible party is not the board 17626  
of county commissioners, the designation of the county office that 17627  
has entered into an agreement under division (B) of this section 17628  
with the board to be the agent and responsible party; 17629

(2) Which county offices are required to use the centralized 17630  
services; 17631

(3) If not all of the centralized services, which centralized 17632  
service each county office must use; 17633

(4) A list of rates and charges the county office shall pay 17634  
for the centralized services; 17635

(5) The date upon which each county office specified in the 17636  
resolution shall begin using the centralized services. 17637

Not later than ten days after a resolution is adopted under 17638  
this section, the clerk of the board of county commissioners shall 17639  
send a copy of the resolution to each county office that is 17640  
specified in the resolution. 17641

(C) A board of county commissioners shall not adopt a 17642

resolution that establishes a centralized service or services 17643  
regarding any of the following: 17644

(1) Purchases made for contract services with moneys from the 17645  
special fund designated as "general fund moneys to supplement the 17646  
~~equipment~~ technology needs of the county recorder" under section 17647  
317.321 of the Revised Code or from the funds that are paid out of 17648  
the general fund of the county under sections 325.071 and 325.12 17649  
of the Revised Code; 17650

(2) Purchases made with moneys from the real estate 17651  
assessment fund established under section 325.31 of the Revised 17652  
Code; 17653

(3) Purchases of financial software used by the county 17654  
auditor; 17655

(4) The printing of county property tax bills; 17656

(5) The collection of any taxes, assessments, and fees the 17657  
county treasurer is required by law to collect; 17658

(6) Purchases of software used by the county recorder. 17659

(D) Nothing in this section authorizes the board of county 17660  
commissioners to have control or authority over funds that are 17661  
received directly by a county office under another section of the 17662  
Revised Code, or to control, or have authority regarding, the 17663  
expenditure or use of such funds. 17664

**Sec. 307.07.** (A) The board of county commissioners, by 17665  
resolution, may create an office of economic development, to 17666  
develop and promote plans and programs designed to assure that 17667  
county resources are efficiently used, economic growth is properly 17668  
balanced, and that county economic development is coordinated with 17669  
that of the state and other local governments. For this purpose, 17670  
the board may appropriate moneys from the county general fund, or, 17671  
pursuant to section 307.64 of the Revised Code, moneys derived 17672

from a tax levied pursuant to division (EE) of section 5705.19 of 17673  
the Revised Code, for the creation and operation of the office 17674  
for, any economic development purpose of the office, and to 17675  
provide for the establishment and operation of a program of 17676  
economic development, including in support of a county land 17677  
reutilization corporation organized under Chapter 1724. of the 17678  
Revised Code. The board may hire a director of economic 17679  
development, who shall be a member of the unclassified civil 17680  
service, and fix the director's compensation; or may do any of the 17681  
following: 17682

(1) Enter into an agreement with a county planning commission 17683  
within the county, created under section 713.22 of the Revised 17684  
Code, or a regional planning commission, created under section 17685  
713.21 of the Revised Code, regardless of whether the county is a 17686  
member of the commission, to carry out all of the functions and 17687  
duties of a director of economic development under division (B) of 17688  
this section. Any agreement shall set forth the procedure by which 17689  
the county or regional planning commission shall gain the approval 17690  
of the board of county commissioners for any actions, functions, 17691  
and duties under division (B) of this section. Any agreement may 17692  
continue in effect for a period of one to three years and may be 17693  
renewed with the consent of all parties. The civil service status 17694  
of planning commission staff shall not be affected by any 17695  
agreement under this division. 17696

(2) Enter into an agreement with ~~the Ohio cooperative~~ OSU 17697  
extension ~~service~~, providing for the use of employees hired by the 17698  
Ohio state university under section 3335.36 of the Revised Code to 17699  
carry out all of the functions and duties of a director of 17700  
economic development under division (B) of this section. Any 17701  
agreement shall set forth the procedure by which ~~the Ohio~~ 17702  
~~cooperative~~ OSU extension ~~service~~ shall gain the approval of the 17703  
board of county commissioners for any actions, functions, and 17704

duties under division (B) of this section. Any agreement may 17705  
continue in effect for a period of one to three years and may be 17706  
renewed with the consent of all parties. The employment 17707  
classification of ~~Ohio cooperative~~ OSU extension ~~service~~ employees 17708  
shall not be affected by any agreement under this division. 17709

Any moneys appropriated by the board of county commissioners 17710  
to execute an agreement for the provision of services pursuant to 17711  
this section by ~~the Ohio cooperative~~ OSU extension ~~service~~ shall 17712  
be paid to the Ohio state university to the credit of the ~~Ohio~~ 17713  
~~cooperative~~ OSU extension ~~service~~ fund created under section 17714  
3335.35 of the Revised Code. 17715

(3) Enter into an agreement with a public or private 17716  
nonprofit organization to carry out all of the functions and 17717  
duties of a director of economic development under division (B) of 17718  
this section. The agreement shall set forth the procedure by which 17719  
the nonprofit organization shall gain the approval of the board of 17720  
county commissioners for any actions, functions, and duties under 17721  
that division. The agreement may continue in effect for a period 17722  
of one to three years and may be renewed with the consent of all 17723  
parties. The employment classification of the nonprofit 17724  
organization's employees shall not be affected by an agreement 17725  
under this division. 17726

(B) The director of economic development may: 17727

(1) With the approval of the board, hire such staff and 17728  
employ such technical and advisory personnel as the director sees 17729  
fit to enable the director to carry out the functions and duties 17730  
of the office; 17731

(2) With the approval of the board, contract for services 17732  
necessary to enable the director to carry out the functions and 17733  
duties of the office; 17734

(3) With the approval of the board, enter into agreements 17735

with federal, state, and local governments and agencies thereof, 17736  
and with public, private, or nonprofit organizations to carry out 17737  
the functions and duties of the office; 17738

(4) Maintain membership in development organizations; 17739

(5) With the approval of the board, make loans or grants and 17740  
provide other forms of financial assistance for the purpose of 17741  
economic development, including financial assistance for permanent 17742  
public improvements, in compliance with applicable laws of this 17743  
state, and fix the rate of interest and charges to be made for 17744  
such financial assistance; 17745

(6) With the approval of the board, receive and accept 17746  
grants, gifts, and contributions of money, property, labor, and 17747  
other things of value, to be held, used, and applied only for the 17748  
purpose for which they are made, from individuals, private and 17749  
public corporations, the United States government or any agency 17750  
thereof, from the state or any agency thereof, or from any 17751  
political subdivision or any agency thereof, and may agree to 17752  
repay any contribution of money or return any property contributed 17753  
or the value thereof in amounts, and on terms and conditions, 17754  
excluding the payment of interest, as the director determines, and 17755  
may evidence the obligations by written evidence; 17756

(7) Establish with the board any funds that are necessary for 17757  
the deposit and disbursement of gifts or contributions of money 17758  
accepted for economic development purposes; 17759

(8) With the approval of the board, design, implement, 17760  
monitor, oversee, and evaluate economic development plans, 17761  
programs, strategies, and policies; 17762

(9) Purchase real property to convey to a county land 17763  
reutilization corporation to be used in accordance with its public 17764  
purposes; 17765

(10) Perform all acts necessary to fulfill the functions and 17766

duties of the office. 17767

(C) The boards of county commissioners of two or more 17768  
counties, by resolution, may create a joint office of economic 17769  
development for the purposes set forth in division (A) of this 17770  
section. The counties participating in a joint office of economic 17771  
development shall enter into an agreement that sets forth the 17772  
contribution of funds, services, and property to the joint office 17773  
from each participating county; establishes the person, public 17774  
agency, or nonprofit organization that shall carry out the 17775  
functions and duties of the office; and discloses any other terms 17776  
by which the joint office shall operate. 17777

The boards of county commissioners of counties participating 17778  
in a joint office of economic development may appropriate moneys 17779  
from their respective county general funds, or, pursuant to 17780  
section 307.64 of the Revised Code, moneys derived from a tax 17781  
levied pursuant to division (EE) of section 5705.19 of the Revised 17782  
Code, for the creation and operation of the joint office, for any 17783  
economic development purpose of the office, and to provide for the 17784  
establishment and operation of a program of economic development. 17785  
The participating counties may hire a director of economic 17786  
development for the joint office or enter into an agreement with a 17787  
public agency or nonprofit organization in a manner set forth in 17788  
division (A) of this section to carry out the functions and duties 17789  
set forth in division (B) of this section. 17790

Any agreement establishing a joint office of economic 17791  
development shall set forth the procedure by which the person, 17792  
public agency, or nonprofit organization carrying out the 17793  
functions and duties of the office shall gain the approval of the 17794  
participating boards of county commissioners for any actions, 17795  
functions, and duties under division (B) of this section. 17796

(D) As used in this section, "economic development" has the 17797  
same meaning as in section 307.64 of the Revised Code. 17798

**Sec. 307.673.** This section applies only in a county in which  
a tax is levied under section 307.697, 4301.421, 5743.024, or  
5743.323 of the Revised Code on ~~the effective date of this~~  
~~amendment~~ July 19, 1995.

(A) As used in this section:

(1) "County taxes" means taxes levied by a board of county  
commissioners or legislative authority of a charter county under  
division (D) of section 307.697, division (B) of section 4301.421,  
division (C) of section 5743.024, and section 5743.323 of the  
Revised Code.

(2) "Corporation" means a nonprofit corporation organized  
under the laws of this state and that includes among the purposes  
for which it is incorporated the authority to acquire, construct,  
renovate, equip, lease, manage, or operate a sports facility.

(3) "Cooperative agreement" means an agreement entered into  
pursuant to this section.

(4) "Cost of a sports facility" means the cost of acquiring,  
constructing, renovating, equipping, or improving one or more  
sports facilities, including reconstructing, rehabilitating,  
remodeling, and enlarging; the cost of equipping and furnishing  
such a facility; and all financing costs pertaining thereto,  
including the cost of engineering, architectural, and other  
professional services, designs, plans, specifications and surveys,  
and estimates of costs; the costs of refinancing obligations  
issued by, or reimbursement of money advanced by, the parties to  
the cooperative agreement or other persons, the proceeds of which  
obligations were used to pay the costs of the sports facility; the  
cost of tests and inspections; the cost of any indemnity or surety  
bonds and premiums on insurance, all related direct and  
administrative costs pertaining thereto, fees and expenses of  
trustees, depositories, and paying agents for the obligations,

capitalized interest on the obligations, amounts necessary to 17830  
establish reserves as required by the obligation proceedings, the 17831  
reimbursement of money advanced or applied by the parties to the 17832  
cooperative agreement or other persons for the payment of any item 17833  
of costs of the sports facility, and all other expenses necessary 17834  
or incident to planning or determining the feasibility or 17835  
practicability with respect to the sports facility; and any other 17836  
such expenses as may be necessary or incident to the acquisition, 17837  
construction, reconstruction, rehabilitation, remodeling, 17838  
renovation, enlargement, improvement, equipping, and furnishing of 17839  
the sports facility, the financing of the sports facility, placing 17840  
the sports facility in use and operation, including any one, part 17841  
of, or combination of such classes of costs and expenses. 17842

(5) "Financing costs" has the same meaning as in section 17843  
133.01 of the Revised Code. 17844

(6) "Obligations" means obligations issued or incurred to pay 17845  
the cost of a sports facility, including bonds, notes, 17846  
certificates of indebtedness, commercial paper, and other 17847  
instruments in writing, anticipatory securities as defined in 17848  
section 133.01 of the Revised Code, issued or incurred by an 17849  
issuer pursuant to Chapter 133. or 4582. of the Revised Code or 17850  
this section, or otherwise, to evidence the issuer's obligation to 17851  
repay borrowed money, or to pay interest, by, or to pay at any 17852  
future time other money obligations of, the issuer of the 17853  
obligations, including obligations of an issuer or lessee to make 17854  
payments under an installment sale, lease, lease-purchase, or 17855  
similar agreement. 17856

(7) "Owner" means any person that owns or operates a 17857  
professional athletic or sports team, that is party to a 17858  
cooperative agreement, or that has a lease or other agreement with 17859  
a party to a cooperative agreement, and that commits to use the 17860  
sports facility that is the subject of the cooperative agreement 17861



for all of the team's home games for the period specified in that agreement. 17862  
17863

(8) "Payments," when used with reference to obligations, 17864  
means payments of the principal, including any mandatory sinking 17865  
fund deposits and mandatory redemption payments, interest and any 17866  
redemption premium, and lease rentals, lease-purchase payments and 17867  
other amounts payable under obligations in the form of installment 17868  
sale, lease, lease-purchase, or similar agreements. 17869

(9) "Person" has the same meaning as defined in section 17870  
133.01 of the Revised Code. 17871

(10) "Port authority" means a port authority created under 17872  
Chapter 4582. of the Revised Code. 17873

(11) "Sports facility" means a facility, including a stadium, 17874  
that is intended to house or provide a site for one or more major 17875  
league professional athletic or sports teams or activities, 17876  
together with all spectator facilities, parking facilities, 17877  
walkways, and auxiliary facilities, real and personal property, 17878  
property rights, easements, leasehold estates, and interests that 17879  
may be appropriate for, or used in connection with, the operation 17880  
of the sports facility. 17881

(B) The board of county commissioners of a county, the 17882  
legislative authority of a municipal corporation, a port 17883  
authority, a corporation, and an owner, or any combination 17884  
thereof, may enter into one or more cooperative agreements under 17885  
which the parties enter into one or more of the agreements 17886  
described in divisions (B)(1) to (5) of this section. 17887

(1) The board of county commissioners agrees to do one or 17888  
more of the following: 17889

(a) Levy a tax under division (D) of section 307.697, 17890  
division (B) of section 4301.421, division (C) of section 17891  
5743.024, and section 5743.323 of the Revised Code and make 17892

available all or a portion of the revenue from those taxes for the 17893  
payment of the cost of the sports facility or to make payments on 17894  
obligations; 17895

(b) Issue or incur obligations of the county pursuant to 17896  
Chapter 133. of the Revised Code or this section; 17897

(c) Make available all or a portion of the revenue from those 17898  
taxes or of the proceeds from the issuance of those obligations to 17899  
the municipal corporation, port authority, corporation, or 17900  
otherwise for the payment of the cost of a sports facility or the 17901  
payment of obligations; 17902

(d) Acquire, construct, renovate, equip, lease to or from 17903  
another person, and operate, directly or by a lease or management 17904  
contract with another person, one or more sports facilities; 17905

(e) To the extent provided in the cooperative agreement or a 17906  
lease with respect to a sports facility, authorize the municipal 17907  
corporation, port authority, corporation, or owner to administer 17908  
contracts for designing, planning, acquiring, constructing, 17909  
renovating, or equipping a sports facility. 17910

(2) The port authority agrees to do one or more of the 17911  
following: 17912

(a) Issue or incur obligations of the port authority pursuant 17913  
to Chapter 133. or 4582. of the Revised Code or this section; 17914

(b) Make available all or a portion of the proceeds from the 17915  
issuance of those obligations to the municipal corporation, 17916  
county, or corporation for the payment of the cost of a sports 17917  
facility or the payment of obligations; 17918

(c) Acquire, construct, renovate, equip, lease to or from 17919  
another person, and operate, directly or by a lease or management 17920  
contract with another person, one or more sports facilities; 17921

(d) To the extent provided in the cooperative agreement or a 17922

lease with respect to a sports facility, authorize the municipal 17923  
corporation, county, corporation, or owner to administer contracts 17924  
for designing, planning, acquiring, constructing, renovating, or 17925  
equipping a sports facility. 17926

(3) The legislative authority of the municipal corporation 17927  
agrees to do one or more of the following: 17928

(a) Make available the revenue from taxes levied by the 17929  
legislative authority for the payment of the cost of a sports 17930  
facility or to make payments on obligations; 17931

(b) Issue or incur obligations of the municipal corporation 17932  
pursuant to Chapter 133. of the Revised Code or otherwise; 17933

(c) Make available all or a portion of the proceeds from the 17934  
issuance of those obligations to the county, port authority, 17935  
corporation, or otherwise for the payment of the cost of a sports 17936  
facility or the payment of obligations; 17937

(d) Acquire, construct, renovate, equip, lease to or from 17938  
another person, and operate, directly or by a lease or management 17939  
contract with another person, one or more sports facilities; 17940

(e) To the extent provided in the cooperative agreement or a 17941  
lease with respect to a sports facility, authorize the county, 17942  
port authority, corporation, or owner to administer contracts for 17943  
designing, planning, acquiring, constructing, renovating, or 17944  
equipping a sports facility. 17945

(4) The corporation agrees to do one or more of the 17946  
following: 17947

(a) Issue or incur obligations; 17948

(b) Make available all or a portion of the proceeds from the 17949  
issuance of those obligations to the county, port authority, 17950  
municipal corporation, or otherwise for the payment of the cost of 17951  
a sports facility or the payment of obligations; 17952

(c) Acquire, construct, renovate, equip, lease to or from 17953  
another person, and operate, directly or by a lease or management 17954  
contract with another person, one or more sports facilities; 17955

(d) To the extent provided in the cooperative agreement or a 17956  
lease with respect to a sports facility, agree that the 17957  
corporation will administer contracts for designing, planning, 17958  
acquiring, constructing, renovating, or equipping a sports 17959  
facility. 17960

(5) The owner agrees to do one or more of the following: 17961

(a) Use the sports facility that is the subject of the 17962  
cooperative agreement for all of the home games of the owner's 17963  
professional athletic or sports team for a specified period; 17964

(b) Administer contracts for designing, planning, acquiring, 17965  
constructing, renovating, or equipping a sports facility. 17966

(C) Any obligations may be secured by a trust agreement 17967  
between the issuer of obligations and a corporate trustee that is 17968  
a trust company or bank having the powers of a trust company in or 17969  
outside this state and authorized to exercise corporate trust 17970  
powers in this state. Proceeds from the issuance of any 17971  
obligations or the taxes levied and collected by any party to the 17972  
cooperative agreement may be deposited with and administered by a 17973  
trustee pursuant to the trust agreement. 17974

(D) Any contract for the acquisition, construction, 17975  
renovation, or equipping of a sports facility entered into, 17976  
assigned, or assumed under this section shall provide that all 17977  
laborers and mechanics employed in the acquisition, construction, 17978  
renovation, or equipping of the sports facility shall be paid at 17979  
the prevailing rates of wages of laborers and mechanics for the 17980  
class of work called for, as those wages are determined in 17981  
accordance with Chapter 4115. of the Revised Code. 17982

<b>Sec. 307.674.</b> (A) As used in this section:	17983
(1) "Bonds" means:	17984
(a) Revenue bonds of the port authority described in division	17985
(B)(2)(a) of this section;	17986
(b) Securities as defined in division (KK) of section 133.01	17987
of the Revised Code issued by the host municipal corporation,	17988
described in division (B)(3)(a) of this section;	17989
(c) Any bonds issued to refund any of those revenue bonds or	17990
securities.	17991
(2) "Corporation" means a nonprofit corporation that is	17992
organized under the laws of this state and that includes within	17993
the purposes for which it is incorporated the authorization to	17994
lease and operate facilities such as a port authority educational	17995
and cultural performing arts facility.	17996
(3) "Cost," as applied to a port authority educational and	17997
cultural performing arts facility, means the cost of acquiring,	17998
constructing, renovating, rehabilitating, equipping, or improving	17999
the facility, or any combination of those purposes, collectively	18000
referred to in this section as "construction," and the cost of	18001
acquisition of all land, rights of way, property rights,	18002
easements, franchise rights, and interests required for those	18003
purposes, the cost of demolishing or removing any buildings or	18004
structures on land so acquired, including the cost of acquiring	18005
any land to which those buildings or structures may be moved, the	18006
cost of public utility and common carrier relocation or	18007
duplication, the cost of all machinery, furnishings, and	18008
equipment, financing charges, interest prior to and during	18009
construction and for not more than three years after completion of	18010
construction, costs arising under guaranty agreements,	18011
reimbursement agreements, or other credit enhancement agreements	18012

relating to bonds, engineering, expenses of research and 18013  
development with respect to such facility, legal expenses, plans, 18014  
specifications, surveys, studies, estimates of costs and revenues, 18015  
other expenses necessary or incident to determining the 18016  
feasibility or practicability of acquiring or constructing the 18017  
facility, administrative expense, and other expenses as may be 18018  
necessary or incident to that acquisition or construction and the 18019  
financing of such acquisition or construction, including, with 18020  
respect to the revenue bonds of a port authority, amounts to be 18021  
paid into any special funds from the proceeds of those bonds, and 18022  
repayments to the port authority, host county, host municipal 18023  
corporation, or corporation of any amounts advanced for the 18024  
foregoing purposes. 18025

(4) "Debt service charges" means, for any period or payable 18026  
at any time, the principal of and interest and any premium due on 18027  
bonds for that period or payable at that time whether due at 18028  
maturity or upon mandatory redemption, together with any required 18029  
deposits to reserves for the payment of principal of and interest 18030  
on those bonds, and includes any payments required by the port 18031  
authority to satisfy any of its obligations under or arising from 18032  
any guaranty agreements, reimbursement agreements, or other credit 18033  
enhancement agreements described in division (C) of this section. 18034

(5) "Host county" means the county within the boundaries of 18035  
which the port authority educational and cultural performing arts 18036  
facility is or will be located. 18037

(6) "Host municipal corporation" means the municipal 18038  
corporation within the boundaries of which the port authority 18039  
educational and cultural performing arts facility is or will be 18040  
located. 18041

(7) "Port authority" means a port authority created pursuant 18042  
to section 4582.22 of the Revised Code. 18043

(8) "Port authority educational and cultural performing arts facility" means a facility that consists of a center for music or other performing arts, a theater or other facilities to provide programs of an educational, recreational, or cultural nature, or any combination of those purposes as determined by the parties to the cooperative agreement for which provision is made in division (B) of this section to fulfill the public educational, recreational, and cultural purposes set forth therein, together with all parking facilities, walkways, and other auxiliary facilities, real and personal property, property rights, easements, and interests that may be appropriate for, or used in connection with, the operation of the facility.

(B) A host county, a host municipal corporation, and a port authority may enter into a cooperative agreement with a corporation under which, as further provided for in that agreement:

(1) The host county may agree to do any or all of the following:

(a) Levy and collect a tax under division (E) and division (F) of section 5739.09 of the Revised Code for the purposes, and in an amount sufficient for those purposes, described in divisions (B)(1)(b) and (c) of this section;

(b) Pay to the port authority all or such portion as provided for in the cooperative agreement of the revenue from the tax, together with any investment earnings on that revenue, to be used to pay a portion of the costs of acquiring, constructing, renovating, rehabilitating, equipping, or improving the port authority educational and cultural performing arts facility;

(c) Pledge and pay to the corporation all or such portion as provided for in the cooperative agreement of the revenue from the tax, together with any investment earnings on that revenue, to be

used to pay a portion of the costs to the corporation of leasing 18075  
the port authority educational and cultural performing arts 18076  
facility from the port authority. 18077

(2) The port authority may agree to do any or all of the 18078  
following: 18079

(a) Issue its revenue bonds pursuant to section 4582.48 of 18080  
the Revised Code for the purpose of paying all or a portion of the 18081  
costs of the port authority educational and cultural performing 18082  
arts facility; 18083

(b) Acquire, construct, renovate, rehabilitate, equip, and 18084  
improve the port authority educational and cultural performing 18085  
arts facility; 18086

(c) Lease the port authority educational and cultural 18087  
performing arts facility to the corporation; 18088

(d) To the extent provided for in the cooperative agreement 18089  
or the lease to the corporation, authorize the corporation to 18090  
administer on behalf of the port authority the contracts for 18091  
acquiring, constructing, renovating, rehabilitating, or equipping 18092  
the port authority educational and cultural performing arts 18093  
facility; 18094

(e) Use the revenue derived from the lease of the port 18095  
authority educational and cultural performing arts facility to the 18096  
corporation solely to pay debt service charges on revenue bonds of 18097  
the port authority issued pursuant to division (B)(2)(a) of this 18098  
section and to pay its obligations under or arising from any 18099  
guaranty agreements, reimbursement agreements, or other credit 18100  
enhancement agreements provided for in this section. 18101

(3) The host municipal corporation may agree to do either or 18102  
both of the following: 18103

(a) Issue its bonds for the purpose of paying all or a 18104



portion of the costs of the port authority educational and 18105  
cultural performing arts facility, and pay the proceeds from the 18106  
issuance to the port authority for that purpose; 18107

(b) Enter into a guaranty agreement, a reimbursement 18108  
agreement, or other credit enhancement agreement with the port 18109  
authority to provide a guaranty or other credit enhancement of the 18110  
port authority revenue bonds referred to in division (B)(2)(a) of 18111  
this section pledging taxes, other than ad valorem property taxes, 18112  
or other revenues for the purpose of providing the funds required 18113  
to satisfy the host municipal corporation's obligations under that 18114  
agreement. 18115

The cooperative agreement may provide that the proceeds of 18116  
such securities or of such guaranty agreement, reimbursement 18117  
agreement, or other credit enhancement agreement be deposited with 18118  
and administered by the trustee pursuant to the trust agreement 18119  
authorized in division (C) of this section. 18120

(4) The corporation may agree to do any or all of the 18121  
following: 18122

(a) Lease the port authority educational and cultural 18123  
performing arts facility from the port authority; 18124

(b) Operate and maintain the port authority educational and 18125  
cultural performing arts facility pursuant to the lease; 18126

(c) To the extent provided for in the cooperative agreement 18127  
or the lease from the port authority, administer on behalf of the 18128  
port authority the contracts for acquiring, constructing, 18129  
renovating, rehabilitating, or equipping the port authority 18130  
educational and cultural performing arts facility. 18131

(C) The pledge and payments referred to in divisions 18132  
(B)(1)(b) and (c) of this section and provided for in the 18133  
cooperative agreement shall be for the period stated in the 18134  
cooperative agreement but shall not extend longer than the period 18135

necessary to provide for the final retirement of the port 18136  
authority revenue bonds referred to in division (B)(2)(a) of this 18137  
section, and for the satisfaction by the port authority of any of 18138  
its obligations under or arising from any guaranty agreements, 18139  
reimbursement agreements, or other credit enhancement agreements 18140  
relating to those bonds or to the revenues pledged to them. The 18141  
cooperative agreement shall provide for the termination of the 18142  
cooperative agreement, including the pledge and payment referred 18143  
to in division (B)(1)(c) of this section, if the port authority 18144  
revenue bonds referred to in division (B)(2)(a) of this section 18145  
have not been issued, sold, and delivered within five years of the 18146  
effective date of the cooperative agreement. 18147

The cooperative agreement shall provide that any port 18148  
authority revenue bonds shall be secured by a trust agreement 18149  
between the port authority and a corporate trustee that is a trust 18150  
company or bank having the powers of a trust company within or 18151  
outside the state but authorized to exercise trust powers within 18152  
the state. The host county may be a party to that trust agreement 18153  
for the purpose of better securing the pledge by the host county 18154  
of its payment to the corporation pursuant to division (B)(1)(c) 18155  
of this section. A tax levied pursuant to section 5739.09 of the 18156  
Revised Code for the purposes specified in division (B)(1)(b) or 18157  
(c) of this section is not subject to diminution by initiative or 18158  
referendum or diminution by statute, unless provision is made for 18159  
an adequate substitute reasonably satisfactory to the trustee 18160  
under the trust agreement that secures the port authority revenue 18161  
bonds. 18162

(D) A pledge of money by a host county under this section 18163  
shall not be net indebtedness of the host county for purposes of 18164  
section 133.07 of the Revised Code. A guaranty or other credit 18165  
enhancement by a host municipal corporation under this section 18166  
shall not be net indebtedness of the host municipal corporation 18167

for purposes of section 133.05 of the Revised Code. 18168

(E) If the terms of the cooperative agreement so provide, any 18169  
contract for the acquisition, construction, renovation, 18170  
rehabilitation, equipping, or improving of a port authority 18171  
educational and cultural performing arts facility shall be made in 18172  
such manner as is determined by the board of directors of the port 18173  
authority, and unless the cooperative agreement provides 18174  
otherwise, such a contract is not subject to division (R)(2) of 18175  
section 4582.31 of the Revised Code. The port authority may take 18176  
the assignment of and assume any contracts for the acquisition, 18177  
construction, renovation, rehabilitation, equipping, or improving 18178  
of a port authority educational and cultural performing arts 18179  
facility that had previously been authorized by any of the host 18180  
county, the host municipality, or the corporation. Such contracts 18181  
are not subject to division (R)(2) of section 4582.31 of the 18182  
Revised Code. 18183

Any contract for the acquisition, construction, renovation, 18184  
rehabilitation, equipping, or improving of a port authority 18185  
educational and cultural performing arts facility entered into, 18186  
assigned, or assumed pursuant to this division shall provide that 18187  
all laborers and mechanics employed for the acquisition, 18188  
construction, renovation, rehabilitation, equipping, or improving 18189  
of that facility shall be paid at the prevailing rates of wages of 18190  
laborers and mechanics for the class of work called for by the 18191  
port authority educational and cultural performing arts facility, 18192  
which wages shall be determined in accordance with the 18193  
requirements of Chapter 4115. of the Revised Code for the 18194  
determination of prevailing wage rates. 18195

Notwithstanding any provisions to the contrary in section 18196  
~~3383.07~~ 123.281 of the Revised Code, construction services and 18197  
general building services for a port authority educational and 18198  
cultural performing arts facility funded completely or in part 18199

with money appropriated by the state to the Ohio ~~cultural~~ 18200  
facilities construction commission may be provided by a port 18201  
authority or a corporation that occupies, will occupy, or is 18202  
responsible for that facility, as determined by the commission. 18203  
The construction services and general building services to be 18204  
provided by the port authority or the corporation shall be 18205  
specified in an agreement between the commission and the port 18206  
authority or corporation. That agreement, or any actions taken 18207  
under it, are not subject to Chapters 123. or 153. of the Revised 18208  
Code, but are subject to Chapter 4115. of the Revised Code. 18209

**Sec. 307.86.** Anything to be purchased, leased, leased with an 18210  
option or agreement to purchase, or constructed, including, but 18211  
not limited to, any product, structure, construction, 18212  
reconstruction, improvement, maintenance, repair, or service, 18213  
except the services of an accountant, architect, attorney at law, 18214  
physician, professional engineer, construction project manager, 18215  
consultant, surveyor, or appraiser, by or on behalf of the county 18216  
or contracting authority, as defined in section 307.92 of the 18217  
Revised Code, at a cost in excess of fifty thousand dollars, 18218  
except as otherwise provided in division (D) of section 713.23 and 18219  
in sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 18220  
307.861, 339.05, 340.03, ~~340.033~~, 4115.31 to 4115.35, ~~5119.16~~ 18221  
5119.44, 5513.01, 5543.19, 5713.01, and 6137.05 of the Revised 18222  
Code, shall be obtained through competitive bidding. However, 18223  
competitive bidding is not required when any of the following 18224  
applies: 18225

(A) The board of county commissioners, by a unanimous vote of 18226  
its members, makes a determination that a real and present 18227  
emergency exists, and that determination and the reasons for it 18228  
are entered in the minutes of the proceedings of the board, when 18229  
either of the following applies: 18230

(1) The estimated cost is less than one hundred thousand 18231  
dollars. 18232

(2) There is actual physical disaster to structures, radio 18233  
communications equipment, or computers. 18234

For purposes of this division, "unanimous vote" means all 18235  
three members of a board of county commissioners when all three 18236  
members are present, or two members of the board if only two 18237  
members, constituting a quorum, are present. 18238

Whenever a contract of purchase, lease, or construction is 18239  
exempted from competitive bidding under division (A)(1) of this 18240  
section because the estimated cost is less than one hundred 18241  
thousand dollars, but the estimated cost is fifty thousand dollars 18242  
or more, the county or contracting authority shall solicit 18243  
informal estimates from no fewer than three persons who could 18244  
perform the contract, before awarding the contract. With regard to 18245  
each such contract, the county or contracting authority shall 18246  
maintain a record of such estimates, including the name of each 18247  
person from whom an estimate is solicited. The county or 18248  
contracting authority shall maintain the record for the longer of 18249  
at least one year after the contract is awarded or the amount of 18250  
time the federal government requires. 18251

(B)(1) The purchase consists of supplies or a replacement or 18252  
supplemental part or parts for a product or equipment owned or 18253  
leased by the county, and the only source of supply for the 18254  
supplies, part, or parts is limited to a single supplier. 18255

(2) The purchase consists of services related to information 18256  
technology, such as programming services, that are proprietary or 18257  
limited to a single source. 18258

(C) The purchase is from the federal government, the state, 18259  
another county or contracting authority of another county, or a 18260  
board of education, educational service center, township, or 18261

municipal corporation. 18262

(D) The purchase is made by a county department of job and 18263  
family services under section 329.04 of the Revised Code and 18264  
consists of family services duties or workforce development 18265  
activities or is made by a county board of developmental 18266  
disabilities under section 5126.05 of the Revised Code and 18267  
consists of program services, such as direct and ancillary client 18268  
services, child care, case management services, residential 18269  
services, and family resource services. 18270

(E) The purchase consists of criminal justice services, 18271  
social services programs, family services, or workforce 18272  
development activities by the board of county commissioners from 18273  
nonprofit corporations or associations under programs funded by 18274  
the federal government or by state grants. 18275

(F) The purchase consists of any form of an insurance policy 18276  
or contract authorized to be issued under Title XXXIX of the 18277  
Revised Code or any form of health care plan authorized to be 18278  
issued under Chapter 1751. of the Revised Code, or any combination 18279  
of such policies, contracts, plans, or services that the 18280  
contracting authority is authorized to purchase, and the 18281  
contracting authority does all of the following: 18282

(1) Determines that compliance with the requirements of this 18283  
section would increase, rather than decrease, the cost of the 18284  
purchase; 18285

(2) Requests issuers of the policies, contracts, plans, or 18286  
services to submit proposals to the contracting authority, in a 18287  
form prescribed by the contracting authority, setting forth the 18288  
coverage and cost of the policies, contracts, plans, or services 18289  
as the contracting authority desires to purchase; 18290

(3) Negotiates with the issuers for the purpose of purchasing 18291  
the policies, contracts, plans, or services at the best and lowest 18292

price reasonably possible.	18293
(G) The purchase consists of computer hardware, software, or consulting services that are necessary to implement a computerized case management automation project administered by the Ohio prosecuting attorneys association and funded by a grant from the federal government.	18294 18295 18296 18297 18298
(H) Child care services are purchased for provision to county employees.	18299 18300
(I)(1) Property, including land, buildings, and other real property, is leased for offices, storage, parking, or other purposes, and all of the following apply:	18301 18302 18303
(a) The contracting authority is authorized by the Revised Code to lease the property.	18304 18305
(b) The contracting authority develops requests for proposals for leasing the property, specifying the criteria that will be considered prior to leasing the property, including the desired size and geographic location of the property.	18306 18307 18308 18309
(c) The contracting authority receives responses from prospective lessors with property meeting the criteria specified in the requests for proposals by giving notice in a manner substantially similar to the procedures established for giving notice under section 307.87 of the Revised Code.	18310 18311 18312 18313 18314
(d) The contracting authority negotiates with the prospective lessors to obtain a lease at the best and lowest price reasonably possible considering the fair market value of the property and any relocation and operational costs that may be incurred during the period the lease is in effect.	18315 18316 18317 18318 18319
(2) The contracting authority may use the services of a real estate appraiser to obtain advice, consultations, or other recommendations regarding the lease of property under this	18320 18321 18322

division. 18323

(J) The purchase is made pursuant to section 5139.34 or 18324  
sections 5139.41 to 5139.46 of the Revised Code and is of programs 18325  
or services that provide case management, treatment, or prevention 18326  
services to any felony or misdemeanor delinquent, unruly youth, 18327  
or status offender under the supervision of the juvenile court, 18328  
including, but not limited to, community residential care, day 18329  
treatment, services to children in their home, or electronic 18330  
monitoring. 18331

(K) The purchase is made by a public children services agency 18332  
pursuant to section 307.92 or 5153.16 of the Revised Code and 18333  
consists of family services, programs, or ancillary services that 18334  
provide case management, prevention, or treatment services for 18335  
children at risk of being or alleged to be abused, neglected, or 18336  
dependent children. 18337

(L) The purchase is to obtain the services of emergency 18338  
medical service organizations under a contract made by the board 18339  
of county commissioners pursuant to section 307.05 of the Revised 18340  
Code with a joint emergency medical services district. 18341

(M) The county contracting authority determines that the use 18342  
of competitive sealed proposals would be advantageous to the 18343  
county and the contracting authority complies with section 307.862 18344  
of the Revised Code. 18345

Any issuer of policies, contracts, plans, or services listed 18346  
in division (F) of this section and any prospective lessor under 18347  
division (I) of this section may have the issuer's or prospective 18348  
lessor's name and address, or the name and address of an agent, 18349  
placed on a special notification list to be kept by the 18350  
contracting authority, by sending the contracting authority that 18351  
name and address. The contracting authority shall send notice to 18352  
all persons listed on the special notification list. Notices shall 18353



state the deadline and place for submitting proposals. The 18354  
contracting authority shall mail the notices at least six weeks 18355  
prior to the deadline set by the contracting authority for 18356  
submitting proposals. Every five years the contracting authority 18357  
may review this list and remove any person from the list after 18358  
mailing the person notification of that action. 18359

Any contracting authority that negotiates a contract under 18360  
division (F) of this section shall request proposals and negotiate 18361  
with issuers in accordance with that division at least every three 18362  
years from the date of the signing of such a contract, unless the 18363  
parties agree upon terms for extensions or renewals of the 18364  
contract. Such extension or renewal periods shall not exceed six 18365  
years from the date the initial contract is signed. 18366

Any real estate appraiser employed pursuant to division (I) 18367  
of this section shall disclose any fees or compensation received 18368  
from any source in connection with that employment. 18369

**Sec. 317.08.** (A) Except as provided in divisions (C), (D), 18370  
and (E) of this section, the county recorder shall keep six 18371  
separate sets of records as follows: 18372

(1) A record of deeds, in which shall be recorded all deeds 18373  
and other instruments of writing for the absolute and 18374  
unconditional sale or conveyance of lands, tenements, and 18375  
hereditaments; all notices as provided in sections 5301.47 to 18376  
5301.56 of the Revised Code; all judgments or decrees in actions 18377  
brought under section 5303.01 of the Revised Code; all 18378  
declarations and bylaws, and all amendments to declarations and 18379  
bylaws, as provided in Chapter 5311. of the Revised Code; 18380  
affidavits as provided in sections 5301.252 and 5301.56 of the 18381  
Revised Code; all certificates as provided in section 5311.17 of 18382  
the Revised Code; all articles dedicating archaeological preserves 18383  
accepted by the director of the Ohio historical society under 18384

section 149.52 of the Revised Code; all articles dedicating nature preserves accepted by the director of natural resources under section 1517.05 of the Revised Code; all agreements for the registration of lands as archaeological or historic landmarks under section 149.51 or 149.55 of the Revised Code; all conveyances of conservation easements and agricultural easements under section 5301.68 of the Revised Code; all instruments extinguishing agricultural easements under section 901.21 or 5301.691 of the Revised Code or pursuant to terms of such an easement granted to a charitable organization under section 5301.68 of the Revised Code; all instruments or orders described in division (B)(2)(b) of section 5301.56 of the Revised Code; all no further action letters issued under section 122.654 or 3746.11 of the Revised Code; all covenants not to sue issued under section 3746.12 of the Revised Code, including all covenants not to sue issued pursuant to section 122.654 of the Revised Code; any restrictions on the use of property contained in a no further action letter issued under section 122.654 of the Revised Code, any restrictions on the use of property identified pursuant to division (C)(3)(a) of section 3746.10 of the Revised Code, and any restrictions on the use of property contained in a deed or other instrument as provided in division (E) or (F) of section 3737.882 of the Revised Code; any easement executed or granted under section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code; any environmental covenant entered into in accordance with sections 5301.80 to 5301.92 of the Revised Code; all memoranda of trust, as described in division (A) of section 5301.255 of the Revised Code, that describe specific real property; and all agreements entered into under division (A) of section 1506.44 of the Revised Code;	18385 18386 18387 18388 18389 18390 18391 18392 18393 18394 18395 18396 18397 18398 18399 18400 18401 18402 18403 18404 18405 18406 18407 18408 18409 18410 18411 18412 18413 18414
(2) A record of mortgages, in which shall be recorded all of the following:	18415 18416

(a) All mortgages, including amendments, supplements,	18417
modifications, and extensions of mortgages, or other instruments	18418
of writing by which lands, tenements, or hereditaments are or may	18419
be mortgaged or otherwise conditionally sold, conveyed, affected,	18420
or encumbered;	18421
(b) All executory installment contracts for the sale of land	18422
executed after September 29, 1961, that by their terms are not	18423
required to be fully performed by one or more of the parties to	18424
them within one year of the date of the contracts;	18425
(c) All options to purchase real estate, including	18426
supplements, modifications, and amendments of the options, but no	18427
option of that nature shall be recorded if it does not state a	18428
specific day and year of expiration of its validity;	18429
(d) Any tax certificate sold under section 5721.33 of the	18430
Revised Code, or memorandum of it, that is presented for filing of	18431
record.	18432
(3) A record of powers of attorney, including all memoranda	18433
of trust, as described in division (A) of section 5301.255 of the	18434
Revised Code, that do not describe specific real property;	18435
(4) A record of plats, in which shall be recorded all plats	18436
and maps of town lots, of the subdivision of town lots, and of	18437
other divisions or surveys of lands, any center line survey of a	18438
highway located within the county, the plat of which shall be	18439
furnished by the director of transportation or county engineer,	18440
and all drawings and amendments to drawings, as provided in	18441
Chapter 5311. of the Revised Code;	18442
(5) A record of leases, in which shall be recorded all	18443
leases, memoranda of leases, and supplements, modifications, and	18444
amendments of leases and memoranda of leases;	18445
(6) A record of declarations executed pursuant to section	18446
2133.02 of the Revised Code and durable powers of attorney for	18447

health care executed pursuant to section 1337.12 of the Revised Code. 18448  
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(B) All instruments or memoranda of instruments entitled to record shall be recorded in the proper record in the order in which they are presented for record. The recorder may index, keep, and record in one volume unemployment compensation liens, internal revenue tax liens and other liens in favor of the United States as described in division (A) of section 317.09 of the Revised Code, personal tax liens, mechanic's liens, agricultural product liens, notices of liens, certificates of satisfaction or partial release of estate tax liens, discharges of recognizances, excise and franchise tax liens on corporations, broker's liens, and liens provided for in sections 1513.33, 1513.37, 3752.13, ~~5111.022~~ 5164.56, and 5311.18 of the Revised Code. 18450  
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The recording of an option to purchase real estate, including any supplement, modification, and amendment of the option, under this section shall serve as notice to any purchaser of an interest in the real estate covered by the option only during the period of the validity of the option as stated in the option. 18462  
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(C) In lieu of keeping the six separate sets of records required in divisions (A)(1) to (6) of this section and the records required in divisions (D) and (E) of this section, a county recorder may record all the instruments required to be recorded by this section in two separate sets of record books. One set shall be called the "official records" and shall contain the instruments listed in divisions (A)(1), (2), (3), (5), and (6) and (D) and (E) of this section. The second set of records shall contain the instruments listed in division (A)(4) of this section. 18467  
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(D) Except as provided in division (C) of this section, the county recorder shall keep a separate set of records containing all corrupt activity lien notices filed with the recorder pursuant to section 2923.36 of the Revised Code and a separate set of 18476  
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records containing all medicaid fraud lien notices filed with the 18480  
recorder pursuant to section 2933.75 of the Revised Code. 18481

(E)(1) The county recorder shall keep a separate set of 18482  
records containing all transfers, conveyances, or assignments of 18483  
any type of tangible or intangible personal property or any rights 18484  
or interests in that property if and to the extent that any person 18485  
wishes to record that personal property transaction and if the 18486  
applicable instrument is acknowledged before a notary public. If 18487  
the transferor is a natural person, the notice of personal 18488  
property transfer shall be recorded in the county in this state in 18489  
which the transferor maintains the transferor's principal 18490  
residence. If the transferor is not a natural person, the notice 18491  
of personal property transfer shall be recorded in the county in 18492  
this state in which the transferor maintains its principal place 18493  
of business. If the transferor does not maintain a principal 18494  
residence or a principal place of business in this state and the 18495  
transfer is to a trustee of a legacy trust formed pursuant to 18496  
Chapter 5816. of the Revised Code, the notice of personal property 18497  
transfer shall be recorded in the county in this state where that 18498  
trustee maintains a principal residence or principal place of 18499  
business. In all other instances, the notice of personal property 18500  
transfer shall be recorded in the county in this state where the 18501  
property described in the notice is located. 18502

(2) The records described in division (E)(1) of this section 18503  
shall be maintained in or as part of the "official records" under 18504  
division (C) of this section. 18505

**Sec. 317.32.** The county recorder shall charge and collect the 18506  
following fees, to include, except as otherwise provided in 18507  
division (A)(2) of this section, base fees for the recorder's 18508  
services and housing trust fund fees collected pursuant to section 18509  
317.36 of the Revised Code: 18510

(A)(1) Except as otherwise provided in division (A)(2) of 18511  
this section, for recording and indexing an instrument if the 18512  
photocopy or any similar process is employed, a base fee of 18513  
fourteen dollars for the first two pages and a housing trust fund 18514  
fee of fourteen dollars, and a base fee of four dollars and a 18515  
housing trust fund fee of four dollars for each subsequent page, 18516  
size eight and one-half inches by fourteen inches, or fraction of 18517  
a page, including the caption page, of such instrument; 18518

(2) For recording and indexing an instrument described in 18519  
division (E)(1) of section 317.08 of the Revised Code if the 18520  
photocopy or any similar process is employed, a fee of 18521  
twenty-eight dollars for the first two pages to be deposited into 18522  
the county treasury to the credit of the special fund designated 18523  
as "general fund moneys to supplement the ~~equipment~~ technology 18524  
needs of the county recorder" under section 317.321 of the Revised 18525  
Code, and a fee of eight dollars to be deposited in the same 18526  
manner for each subsequent page, size eight and one-half inches by 18527  
fourteen inches, or fraction of a page, including the caption 18528  
page, of that instrument; 18529

(B) For certifying a photocopy from the record previously 18530  
recorded, a base fee of one dollar and a housing trust fund fee of 18531  
one dollar per page, size eight and one-half inches by fourteen 18532  
inches, or fraction of a page; for each certification if the 18533  
recorder's seal is required, except as to instruments issued by 18534  
the armed forces of the United States, a base fee of fifty cents 18535  
and a housing trust fund fee of fifty cents; 18536

(C) For manual or typewritten recording of assignment or 18537  
satisfaction of mortgage or lease or any other marginal entry, a 18538  
base fee of four dollars and a housing trust fund fee of four 18539  
dollars; 18540

(D) For entering any marginal reference by separate recorded 18541  
instrument, a base fee of two dollars and a housing trust fund fee 18542

of two dollars for each marginal reference set out in that 18543  
instrument, in addition to the fees set forth in division (A)(1) 18544  
of this section; 18545

(E) For indexing in the real estate mortgage records, 18546  
pursuant to section 1309.519 of the Revised Code, financing 18547  
statements covering crops growing or to be grown, timber to be 18548  
cut, minerals or the like, including oil and gas, accounts subject 18549  
to section 1309.301 of the Revised Code, or fixture filings made 18550  
pursuant to section 1309.334 of the Revised Code, a base fee of 18551  
two dollars and a housing trust fund fee of two dollars for each 18552  
name indexed; 18553

(F) For recording manually any plat not exceeding six lines, 18554  
a base fee of two dollars and a housing trust fund fee of two 18555  
dollars, and for each additional line, a base fee of ten cents and 18556  
a housing trust fund fee of ten cents; 18557

(G) For filing zoning resolutions, including text and maps, 18558  
in the office of the recorder as required under sections 303.11 18559  
and 519.11 of the Revised Code, a base fee of twenty-five dollars 18560  
and a housing trust fund fee of twenty-five dollars, regardless of 18561  
the size or length of the resolutions; 18562

(H) For filing zoning amendments, including text and maps, in 18563  
the office of the recorder as required under sections 303.12 and 18564  
519.12 of the Revised Code, a base fee of ten dollars and a 18565  
housing trust fund fee of ten dollars regardless of the size or 18566  
length of the amendments; 18567

(I) For photocopying a document, other than at the time of 18568  
recording and indexing as provided for in division (A)(1) or (2) 18569  
of this section, a base fee of one dollar and a housing trust fund 18570  
fee of one dollar per page, size eight and one-half inches by 18571  
fourteen inches, or fraction thereof; 18572

(J) For local facsimile transmission of a document, a base 18573

fee of one dollar and a housing trust fund fee of one dollar per 18574  
page, size eight and one-half inches by fourteen inches, or 18575  
fraction thereof; for long distance facsimile transmission of a 18576  
document, a base fee of two dollars and a housing trust fund fee 18577  
of two dollars per page, size eight and one-half inches by 18578  
fourteen inches, or fraction thereof; 18579

(K) For recording a declaration executed pursuant to section 18580  
2133.02 of the Revised Code or a durable power of attorney for 18581  
health care executed pursuant to section 1337.12 of the Revised 18582  
Code, or both a declaration and a durable power of attorney for 18583  
health care, a base fee of at least fourteen dollars but not more 18584  
than twenty dollars and a housing trust fund fee of at least 18585  
fourteen dollars but not more than twenty dollars. 18586

In any county in which the recorder employs the photostatic 18587  
or any similar process for recording maps, plats, or prints the 18588  
recorder shall determine, charge, and collect for the recording or 18589  
rerecording of any map, plat, or print, a base fee of five cents 18590  
and a housing trust fund fee of five cents per square inch, for 18591  
each square inch of the map, plat, or print filed for that 18592  
recording or rerecording, with a minimum base fee of twenty 18593  
dollars and a minimum housing trust fund fee of twenty dollars; 18594  
for certifying a copy from the record, a base fee of two cents and 18595  
a housing trust fund fee of two cents per square inch of the 18596  
record, with a minimum base fee of two dollars and a minimum 18597  
housing trust fund fee of two dollars. 18598

The fees provided in this section shall be paid upon the 18599  
presentation of the instruments for record or upon the application 18600  
for any certified copy of the record, except that the payment of 18601  
fees associated with the filing and recording of, or the copying 18602  
of, notices of internal revenue tax liens and notices of other 18603  
liens in favor of the United States as described in division (A) 18604  
of section 317.09 of the Revised Code and certificates of 18605



discharge or release of those liens, shall be governed by section 18606  
317.09 of the Revised Code, and the payment of fees for providing 18607  
copies of instruments conveying or extinguishing agricultural 18608  
easements to the office of farmland preservation in the department 18609  
of agriculture under division (H) of section 5301.691 of the 18610  
Revised Code shall be governed by that division. 18611

**Sec. 317.321.** (A) Not later than the first day of October of 18612  
~~any~~ each year, the county recorder may submit to the board of 18613  
county commissioners a proposal for ~~the~~ funding either or both of 18614  
the following: 18615

(1) The acquisition ~~or~~ and maintenance of micrographic ~~or~~ 18616  
imaging and other technological equipment ~~or for~~, and associated 18617  
expenses and contract services ~~or a proposal to~~ therefor; 18618

(2) To reserve funds for the office's future ~~equipment~~ 18619  
technology needs if the county recorder has no immediate plans for 18620  
the acquisition of imaging and other technological equipment or 18621  
services. ~~Either~~ 18622

(B) The proposal shall be in writing and shall include at 18623  
least the following: 18624

(1) A request that an amount not to exceed ~~seven~~ eight 18625  
dollars of the ~~fee~~ total base fees or total fees collected for 18626  
filing or recording a document for which a fee is charged as 18627  
required by division (A)(1) of section 317.32 ~~of the Revised Code~~ 18628  
or by section 1309.525 or 5310.15 of the Revised Code, and the 18629  
total amount of the fees collected under division (A)(2) of 18630  
section 317.32 of the Revised Code, be placed in the county 18631  
treasury ~~and~~ to the credit of the special fund designated as 18632  
"general fund moneys to supplement the ~~equipment~~ technology needs 18633  
of the county recorder" for a period of one year from the date the 18634  
proposal is approved; 18635

~~(2) The number of years, not to exceed five, for which the county recorder requests that the amount requested under division (A)(1) of this section be given the designation specified in that division;~~ 18636  
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~~(3) An estimate of the total amount of fees that will be generated for filing or recording a document for which a fee is charged as required by division (A)(1) or (2) of section 317.32 of the Revised Code or by section 1309.525 or 5310.15 of the Revised Code;~~ 18640  
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~~(4)(3) An estimate of the total amount of fees for filing or recording a document for which a fee is charged as required by division (A)(1) or (2) of section 317.32 of the Revised Code or by section 1309.525 or 5310.15 of the Revised Code that will be credited to the special fund designated as "general fund moneys to supplement the equipment technology needs of the county recorder," if the request submitted under division (A)(1) of this section is approved by the board of county commissioners.~~ 18645  
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~~A proposal for the acquisition or maintenance of micrographic or other equipment or for contract services may shall include a description or summary of the micrographic or imaging and other technological equipment, or maintenance of the micrographic or other equipment, that the county recorder proposes to acquire and maintain, and the associated expenses therefor, or the nature of the contract services that the county recorder proposes to utilize, if the proposal is for those purposes. A proposal to reserve funds for the office's future equipment technology needs if the county recorder has no immediate plans for the acquisition of imaging and other technological equipment or services shall explain the general needs of the office for equipment or services, if the proposal is for that purpose.~~ 18653  
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~~(B)(C) The board of county commissioners shall receive either the proposal and the clerk shall enter it on the journal. At the~~ 18666  
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same time, the board shall establish a date, not sooner than 18668  
fifteen or later than thirty days after the ~~board's receipt of~~ 18669  
board receives the proposal, on which to meet with the recorder to 18670  
review the proposal. 18671

~~(C)(1)(D)~~ Not later than the fifteenth day of December of any 18672  
year in which a proposal ~~for the acquisition or maintenance of~~ 18673  
~~micrographic or other equipment or for contract services is~~ 18674  
submitted under division (A) of this section, the board of county 18675  
commissioners shall approve, ~~reject, or modify~~ the proposal ~~and,~~ 18676  
if the proposal includes the estimates required by divisions 18677  
(B)(2) and (3) of this section. Once the board approves the 18678  
proposal, the board shall notify the county recorder of its action 18679  
~~on the proposal. If the board rejects or modifies the proposal, it~~ 18680  
~~shall make a written finding that the request is for a purpose~~ 18681  
~~other than for acquiring, leasing, or otherwise obtaining~~ 18682  
~~micrographic or other equipment or contracts for use by the county~~ 18683  
~~recorder or that the amount requested for the acquisition or~~ 18684  
~~maintenance of micrographic or other equipment or for contract~~ 18685  
~~services is excessive as determined by the board. If the board~~ 18686  
~~approves the proposal, it and~~ shall request the establishment of a 18687  
special fund under section 5705.12 of the Revised Code ~~for any~~ 18688  
~~fees~~ designated as "general fund moneys to supplement the 18689  
equipment technology needs of the county recorder," in which the 18690  
fees shall be deposited." 18691

~~(2)~~ Not later than the fifteenth day of December of any year 18692  
in which a proposal to reserve funds for the office's future 18693  
equipment needs is submitted under division (A) of this section, 18694  
the board of county commissioners shall approve the proposal, 18695  
notify the county recorder of its action on the proposal, and 18696  
request the establishment of a special fund under section 5705.12 18697  
of the Revised Code for any fees designated as "general fund 18698  
moneys to supplement the equipment needs of the county recorder." 18699

~~(D)~~(E) The acquisition ~~or~~ and maintenance of ~~micrographic or~~ 18700  
imaging and other technological equipment, ~~and the acquisition of~~ 18701  
associated expenses and contract services therefor, shall be 18702  
specifically governed by sections 307.80 to 307.806, 307.84 to 18703  
307.846, 307.86 to 307.92, and 5705.38, and by division (D) of 18704  
section 5705.41 of the Revised Code. 18705

(F) Funding provided under this section does not diminish the 18706  
duty of the board of county commissioners to provide funding for 18707  
the expenses incurred by, and the personnel necessary for, the 18708  
county recorder to perform the duties of office set forth in the 18709  
Revised Code. 18710

**Sec. 317.36.** (A) The county recorder shall collect the low- 18711  
and moderate-income housing trust fund fee as specified in 18712  
sections 317.114, 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 18713  
4509.60, ~~5111.022~~ 5164.56, 5310.15, 5719.07, 5727.56, 5733.18, 18714  
5733.22, 6101.09, and 6115.09 of the Revised Code. The amount of 18715  
any housing trust fund fee the recorder is authorized to collect 18716  
is equal to the amount of any base fee the recorder is authorized 18717  
to collect for services. The housing trust fund fee shall be 18718  
collected in addition to the base fee. 18719

(B) The recorder shall certify the amounts collected as 18720  
housing trust fund fees pursuant to division (A) of this section 18721  
into the county treasury as housing trust fund fees to be paid to 18722  
the treasurer of state pursuant to section 319.63 of the Revised 18723  
Code. 18724

**Sec. 321.35.** Upon demand of the treasurer of state while 18725  
holding a school district, county, township, or municipal 18726  
corporation obligation purchased under division (G)(1) of section 18727  
135.143 of the Revised Code, in making any payment under section 18728  
321.31 or 321.34 of the Revised Code, the county auditor shall 18729

withhold funds of the school district, county, township, or 18730  
municipal corporation in an amount sufficient to pay debt service 18731  
charges on that obligation and any of the fee for the agreement to 18732  
purchase that obligation, less any amount deposited for that 18733  
purpose under division (D) of section 3317.18 of the Revised Code. 18734  
The county auditor shall promptly pay to the treasurer of state 18735  
the amount withheld. 18736

**Sec. 321.44.** (A)(1) A county probation services fund shall be 18737  
established in the county treasury of each county. The fund a 18738  
county establishes under this division shall contain all moneys 18739  
paid to the treasurer of the county under section 2951.021 of the 18740  
Revised Code for deposit into the fund. The moneys paid into the 18741  
fund shall be deposited by the treasurer of the county into the 18742  
appropriate account established under divisions (A)(1)(a) to (d) 18743  
of this section. Separate accounts shall be maintained in 18744  
accordance with the following criteria in the fund a county 18745  
establishes under this division: 18746

(a) If a county department of probation is established in the 18747  
county, a separate account shall be maintained in the fund for the 18748  
county department of probation. 18749

(b) If the judges of the court of common pleas of the county 18750  
have affiliated with the judges of the court of common pleas of 18751  
one or more other counties and have established a multicounty 18752  
department of probation, a separate account shall be maintained in 18753  
the fund for the multicounty department of probation. 18754

(c) If a department of probation is established in a 18755  
county-operated municipal court that has jurisdiction within the 18756  
county, a separate account shall be maintained in the fund for the 18757  
municipal court department of probation. 18758

(d) If a county department of probation has not been 18759  
established in the county and if the court of common pleas of the 18760

county, pursuant to section 2301.32 of the Revised Code, has 18761  
entered into an agreement with the adult parole authority under 18762  
which the court may place defendants under a community control 18763  
sanction in charge of the authority, a separate account shall be 18764  
maintained in the fund for the court of common pleas. 18765

(2) For any county, if a county department of probation is 18766  
established in the county or if a department of probation is 18767  
established in a county-operated municipal court that has 18768  
jurisdiction within the county, the board of county commissioners 18769  
of the county shall appropriate to the county department of 18770  
probation or municipal court department of probation all money 18771  
that is contained in the department's account in the county 18772  
probation services fund established in the county for use only for 18773  
specialized staff, purchase of equipment, purchase of services, 18774  
reconciliation programs for offenders and victims, other treatment 18775  
programs, including ~~alcohol and drug~~ community addiction ~~programs~~ 18776  
services providers certified under section ~~3793.06~~ 5119.36 of the 18777  
Revised Code, determined to be appropriate by the chief probation 18778  
officer of the department of probation, and other similar expenses 18779  
related to placing offenders under a community control sanction. 18780

For any county, if the judges of the court of common pleas of 18781  
the county have affiliated with the judges of the court of common 18782  
pleas of one or more other counties and have established a 18783  
multicounty department of probation to serve the counties, the 18784  
board of county commissioners of the county shall appropriate and 18785  
the county treasurer shall transfer to the multicounty probation 18786  
services fund established for the multicounty department of 18787  
probation under division (B) of this section all money that is 18788  
contained in the multicounty department of probation account in 18789  
the county probation services fund established in the county for 18790  
use in accordance with that division. 18791

For any county, if a county department of probation has not 18792

been established in the county and if the court of common pleas of 18793  
the county, pursuant to section 2301.32 of the Revised Code, has 18794  
entered into an agreement with the adult parole authority under 18795  
which the court may place defendants under a community control 18796  
sanction in charge of the authority, the board of county 18797  
commissioners of the county shall appropriate to the court all 18798  
money that is contained in the court's account in the county 18799  
probation services fund established in the county for use only for 18800  
specialized staff, purchase of equipment, purchase of services, 18801  
reconciliation programs for offenders and victims, other treatment 18802  
and recovery support services, including properly credentialed 18803  
treatment and recovery support services program providers or those 18804  
certified under section ~~3793.06~~ 5119.36 of the Revised Code, 18805  
determined to be appropriate by the authority, and other similar 18806  
uses related to placing offenders under a community control 18807  
sanction. 18808

(B) If the judges of the courts of common pleas of two or 18809  
more counties have established a multicounty department of 18810  
probation, a multicounty probation services fund shall be 18811  
established in the county treasury of the county whose treasurer, 18812  
in accordance with section 2301.27 of the Revised Code, is 18813  
designated by the judges of the courts of common pleas as the 18814  
treasurer to whom monthly supervision fees are to be appropriated 18815  
and transferred under division (A)(2) of this section for deposit 18816  
into the fund. The fund shall contain all moneys that are paid to 18817  
the treasurer of any member county under section 2951.021 of the 18818  
Revised Code for deposit into the county's probation services fund 18819  
and that subsequently are appropriated and transferred to the 18820  
multicounty probation services fund under division (A)(2) of this 18821  
section. The board of county commissioners of the county in which 18822  
the multicounty probation services fund is established shall 18823  
appropriate the money contained in that fund to the multicounty 18824  
department of probation, for use only for specialized staff, 18825

purchase of equipment, purchase of services, reconciliation 18826  
programs for offenders and victims, other treatment programs, 18827  
including ~~alcohol and drug~~ community addiction ~~programs~~ services 18828  
providers certified under section ~~3793.06~~ 5119.36 of the Revised 18829  
Code, determined to be appropriate by the chief probation officer, 18830  
and for other similar expenses related to placing offenders under 18831  
a community control sanction. 18832

(C) Any money in a county or multicounty probation services 18833  
fund at the end of a fiscal year shall not revert to the general 18834  
fund of the county but shall be retained in the fund. 18835

(D) As used in this section: 18836

(1) "County-operated municipal court" has the same meaning as 18837  
in section 1901.03 of the Revised Code. 18838

(2) "Multicounty department of probation" means a probation 18839  
department established under section 2301.27 of the Revised Code 18840  
to serve more than one county. 18841

(3) "Community control sanction" has the same meaning as in 18842  
section 2929.01 of the Revised Code. 18843

**Sec. 329.04.** (A) The county department of job and family 18844  
services shall have, exercise, and perform the following powers 18845  
and duties: 18846

(1) Perform any duties assigned by the state department of 18847  
job and family services or department of medicaid regarding the 18848  
provision of public family services, including the provision of 18849  
the following services to prevent or reduce economic or personal 18850  
dependency and to strengthen family life: 18851

(a) Services authorized by a Title IV-A program, as defined 18852  
in section 5101.80 of the Revised Code; 18853

(b) Social services authorized by Title XX of the "Social 18854  
Security Act" and provided for by section 5101.46 or 5101.461 of 18855



the Revised Code; 18856

(c) If the county department is designated as the child 18857  
support enforcement agency, services authorized by Title IV-D of 18858  
the "Social Security Act" and provided for by Chapter 3125. of the 18859  
Revised Code. The county department may perform the services 18860  
itself or contract with other government entities, and, pursuant 18861  
to division (C) of section 2301.35 and section 2301.42 of the 18862  
Revised Code, private entities, to perform the Title IV-D 18863  
services. 18864

(d) Duties assigned under section ~~5111.98~~ 5162.031 of the 18865  
Revised Code. 18866

(2) Administer disability financial assistance, as required 18867  
by the state department of job and family services under section 18868  
5115.03 of the Revised Code; 18869

(3) Administer burials insofar as the administration of 18870  
burials was, prior to September 12, 1947, imposed upon the board 18871  
of county commissioners and if otherwise required by state law; 18872

(4) Cooperate with state and federal authorities in any 18873  
matter relating to family services and to act as the agent of such 18874  
authorities; 18875

(5) Submit an annual account of its work and expenses to the 18876  
board of county commissioners and to the state department of job 18877  
and family services and department of medicaid at the close of 18878  
each fiscal year; 18879

(6) Exercise any powers and duties relating to family 18880  
services duties or workforce development activities imposed upon 18881  
the county department of job and family services by law, by 18882  
resolution of the board of county commissioners, or by order of 18883  
the governor, when authorized by law, to meet emergencies during 18884  
war or peace; 18885

(7) ~~Determine the eligibility for medical assistance of recipients of aid under Title XVI of the "Social Security Act";~~ 18886  
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~~(8) If assigned by the state director of job and family services under section 5101.515 or 5101.525 of the Revised Code, determine applicants' eligibility for health assistance under the children's health insurance program part II or part III;~~ 18888  
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~~(9)~~ Enter into a plan of cooperation with the board of county commissioners under section 307.983, consult with the board in the development of the transportation work plan developed under section 307.985, establish with the board procedures under section 307.986 for providing services to children whose families relocate frequently, and comply with the contracts the board enters into under sections 307.981 and 307.982 of the Revised Code that affect the county department; 18892  
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~~(10)~~(8) For the purpose of complying with a grant agreement the board of county commissioners enters into under sections 307.98 and 5101.21 of the Revised Code, exercise the powers and perform the duties the grant agreement assigns to the county department; 18900  
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~~(11)~~(9) If the county department is designated as the workforce development agency, provide the workforce development activities specified in the contract required by section 330.05 of the Revised Code. 18905  
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(B) The powers and duties of a county department of job and family services are, and shall be exercised and performed, under the control and direction of the board of county commissioners. The board may assign to the county department any power or duty of the board regarding family services duties and workforce development activities. If the new power or duty necessitates the state department of job and family services or department of medicaid changing its federal cost allocation plan, the county 18909  
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department may not implement the power or duty unless the United States department of health and human services approves the changes.

**Sec. 329.051.** The county department of job and family services shall make voter registration applications as prescribed by the secretary of state under section 3503.10 of the Revised Code available to persons who are applying for, receiving assistance from, or participating in any of the following:

(A) The disability financial assistance program established under Chapter 5115. of the Revised Code;

(B) The ~~medical assistance~~ medicaid program established under ~~Chapter 5111. of the Revised Code;~~

(C) The Ohio works first program established under Chapter 5107. of the Revised Code;

(D) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code.

**Sec. 329.06.** (A) Except as provided in division (C) of this section and section 6301.08 of the Revised Code, the board of county commissioners shall establish a county family services planning committee. The board shall appoint a member to represent the county department of job and family services; an employee in the classified civil service of the county department of job and family services, if there are any such employees; and a member to represent the public. The board shall appoint other individuals to the committee in such a manner that the committee's membership is broadly representative of the groups of individuals and the public and private entities that have an interest in the family services provided in the county. The board shall make appointments in a manner that reflects the ethnic and racial composition of the county. The following groups and entities may be represented on

the committee:	18947
(1) Consumers of family services;	18948
(2) The public children services agency;	18949
(3) The child support enforcement agency;	18950
(4) The county family and children first council;	18951
(5) Public and private colleges and universities;	18952
(6) Public entities that provide family services, including boards of health, boards of education, the county board of developmental disabilities, and the board of alcohol, drug addiction, and mental health services that serves the county;	18953 18954 18955 18956
(7) Private nonprofit and for-profit entities that provide family services in the county or that advocate for consumers of family services in the county, including entities that provide services to or advocate for victims of domestic violence;	18957 18958 18959 18960
(8) Labor organizations;	18961
(9) Any other group or entity that has an interest in the family services provided in the county, including groups or entities that represent any of the county's business, urban, and rural sectors.	18962 18963 18964 18965
(B) The county family services planning committee shall do all of the following:	18966 18967
(1) Serve as an advisory body to the board of county commissioners with regard to the family services provided in the county, including assistance under Chapters 5107. and 5108. of the Revised Code, publicly funded child care under Chapter 5104. of the Revised Code, and social services provided under section 5101.46 of the Revised Code;	18968 18969 18970 18971 18972 18973
(2) At least once a year, review and analyze the county department of job and family services' implementation of the	18974 18975

programs established under Chapters 5107. and 5108. of the Revised Code. In its review, the committee shall use information available to it to examine all of the following:

(a) Return of assistance groups to participation in either program after ceasing to participate;

(b) Teen pregnancy rates among the programs' participants;

(c) The other types of assistance the programs' participants receive, including medicaid ~~under Chapter 5111. of the Revised Code~~, publicly funded child care under Chapter 5104. of the Revised Code, supplemental nutrition assistance program benefits under section 5101.54 of the Revised Code, and energy assistance under Chapter 5117. of the Revised Code;

(d) Other issues the committee considers appropriate.

The committee shall make recommendations to the board of county commissioners and county department of job and family services regarding the committee's findings.

(3) Conduct public hearings on proposed county profiles for the provision of social services under section 5101.46 of the Revised Code;

(4) At the request of the board, make recommendations and provide assistance regarding the family services provided in the county;

(5) At any other time the committee considers appropriate, consult with the board and make recommendations regarding the family services provided in the county. The committee's recommendations may address the following:

(a) Implementation and administration of family service programs;

(b) Use of federal, state, and local funds available for family service programs;

(c) Establishment of goals to be achieved by family service programs; 19006  
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(d) Evaluation of the outcomes of family service programs; 19008

(e) Any other matter the board considers relevant to the provision of family services. 19009  
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(C) If there is a committee in existence in a county on October 1, 1997, that the board of county commissioners determines is capable of fulfilling the responsibilities of a county family services planning committee, the board may designate the committee as the county's family services planning committee and the committee shall serve in that capacity. 19011  
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**Sec. 329.14.** (A) An individual whose household income does not exceed two hundred per cent of the federal poverty line is eligible to participate in an individual development account program established by the county department of job and family services of the county in which the individual resides. An eligible individual seeking to be a participant in the program shall enter into an agreement with the fiduciary organization administering the program. The agreement shall specify the terms and conditions of uses of funds deposited, financial documentation required to be maintained by the participant, expectations and responsibilities of the participant, and services to be provided by the fiduciary organization. 19017  
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(B) A participant may deposit earned income, as defined in 26 U.S.C. 911(d)(2), as amended, into the account. The fiduciary organization may deposit into the account an amount not exceeding four times the amount deposited by the participant except that a fiduciary organization may not, pursuant to an agreement with an employer, deposit an amount into an account held by a participant who is employed by the employer. An account may have no more than ten thousand dollars in it at any time. 19029  
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(C) Notwithstanding eligibility requirements established in 19037  
or pursuant to Chapter 5107.7, or 5108.7, ~~or 5111.~~ of the Revised 19038  
Code, to the extent permitted by federal statutes and regulations, 19039  
money in an individual development account, including interest, is 19040  
exempt from consideration in determining whether the participant 19041  
or a member of the participant's assistance group is eligible for 19042  
assistance under Chapter 5107.7 or 5108.7, ~~or 5111.~~ of the Revised 19043  
Code and the amount of assistance the participant or assistance 19044  
group is eligible to receive. 19045

(D)(1) Except as provided in division (D)(2) of this section, 19046  
an individual development account program participant may use 19047  
money in the account only for the following purposes: 19048

(a) Postsecondary educational expenses paid directly from the 19049  
account to an eligible education institution or vendor; 19050

(b) Qualified acquisition expenses of a principal residence, 19051  
as defined in 26 U.S.C. 1034, as amended, paid directly from the 19052  
account to the person or government entity to which the expenses 19053  
are due; 19054

(c) Qualified business capitalization expenses made in 19055  
accordance with a qualified business plan that has been approved 19056  
by a financial institution or by a nonprofit microenterprise 19057  
program having demonstrated business expertise and paid directly 19058  
from the account to the person to whom the expenses are due. 19059

(2) A fiduciary organization shall permit a participant to 19060  
withdraw money deposited by the participant if it is needed to 19061  
deal with a personal emergency of the participant or a member of 19062  
the participant's family or household. Withdrawal shall result in 19063  
the loss of any matching funds in an amount equal to the amount of 19064  
the withdrawal. 19065

(3) Regardless of the reason for the withdrawal, a withdrawal 19066  
from an individual development account may be made only with the 19067

approval of the fiduciary organization. 19068

**Sec. 339.02.** (A) As used in this section, "area served by the 19069  
hospital" means the geographic area, whether or not included 19070  
within the county, from which a county hospital regularly draws 19071  
patients. 19072

(B) Unless a board of county hospital trustees for the county 19073  
is in existence in accordance with this section, such board shall 19074  
be created pursuant to this section after the board of county 19075  
commissioners first determines by resolution to establish a county 19076  
hospital. Copies of such resolution shall be certified to the 19077  
probate judge of the county senior in point of service and to the 19078  
judge, other than a probate judge, of the court of common pleas of 19079  
the county senior in point of service. The board of county 19080  
commissioners together with the probate judge of the county senior 19081  
in point of service and the judge of the court of common pleas of 19082  
the county senior in point of service shall, within ten days after 19083  
such certification, appoint a board of county hospital trustees. 19084

(C) In making appointments to a board of county hospital 19085  
trustees, ~~all~~ both of the following apply with respect to the 19086  
individuals who may be appointed: 19087

(1) Members shall be electors and representative of the area 19088  
served by the hospital, except that not more than two members may 19089  
be electors of the area served by the hospital that is outside the 19090  
county in which the hospital is located. 19091

(2) ~~In no case shall more than one half of the members be 19092  
independents or be members of any one political party.~~ 19093

~~(3)~~ A physician may serve as a member, including a physician 19094  
who is authorized to admit and treat patients at the hospital, 19095  
except as follows: 19096

(a) Not more than two physicians may serve as members at the 19097



same time; 19098

(b) No physician who is employed by the hospital may serve as 19099  
a member. 19100

(D) A board of county hospital trustees shall be composed of 19101  
six members, unless the board of county commissioners determines 19102  
that the board of trustees can more effectively function with 19103  
eight or ten members in which case there may be eight or ten 19104  
members, as designated by the board of county commissioners. 19105

(E) With respect to the initial appointment of members to a 19106  
board of county hospital trustees, all of the following apply: 19107

(1) When the board is composed of six members, their terms of 19108  
office shall be one for one year, one for two years, one for three 19109  
years, one for four years, one for five years, and one for six 19110  
years from the first Monday of March thereafter. 19111

(2) When the board is composed of eight members, their terms 19112  
of office shall be one for one year, one for two years, two for 19113  
three years, one for four years, one for five years, and two for 19114  
six years from the first Monday of March thereafter. 19115

(3) When the board is composed of ten members, their terms of 19116  
office shall be two for one year, one for two years, two for three 19117  
years, two for four years, one for five years, and two for six 19118  
years from the first Monday of March thereafter. 19119

(F) Except as provided in division (G)(2) of this section, 19120  
all of the following apply with respect to vacancies on a board of 19121  
county hospital trustees: 19122

(1) Annually, on the first Monday of March, the board of 19123  
county commissioners together with the probate judge of the county 19124  
senior in point of service and the judge of the court of common 19125  
pleas of the county senior in point of service shall appoint or 19126  
reappoint for a term of six years a sufficient number of members 19127

to replace those members whose terms have expired. 19128

(2) The appointing authority shall fill a vacancy not later 19129  
than six months after the vacancy occurs. If the vacancy remains 19130  
unfilled on that date, the remaining members of the board, by 19131  
majority vote, shall appoint an individual to fill the vacancy. 19132

(3) The appointing authority may fill a vacancy by seeking 19133  
nominations from a selection committee consisting of one county 19134  
commissioner designated by the board of county commissioners, the 19135  
chair of the board of county hospital trustees, and the county 19136  
hospital administrator. If nominations for filling a vacancy are 19137  
sought from a selection committee, the committee shall nominate at 19138  
least three individuals for the vacancy. The appointing authority 19139  
may fill the vacancy by appointing one of the nominated 19140  
individuals or by appointing another individual selected by the 19141  
appointing authority. 19142

(4) Any member appointed to fill a vacancy occurring prior to 19143  
the expiration date of the term for which the member's predecessor 19144  
was appointed shall hold office as a member for the remainder of 19145  
that term. 19146

(G)(1) The board of county commissioners together with the 19147  
probate judge senior in point of service and the judge of the 19148  
court of common pleas senior in point of service in any county in 19149  
which a board of county hospital trustees has been appointed may 19150  
expand the number of members to eight or to ten. When the number 19151  
of members is increased to eight, one shall be appointed for a 19152  
three-year and one for a six-year term from the first Monday of 19153  
March thereafter. When the number of members is increased from six 19154  
to ten, the term for additional members shall be: one for one 19155  
year, one for three years, one for four years, and one for six 19156  
years from the first Monday of March thereafter. When the number 19157  
of members is increased from eight to ten, the term for additional 19158  
members shall be: one for one year and one for four years from the 19159

first Monday of March thereafter. Thereafter except as provided in 19160  
division (G)(2) of this section, upon the expiration of the term 19161  
of office of each member, the vacancy shall be filled in the 19162  
manner specified in division (F) of this section. 19163

(2) The board of county commissioners together with the 19164  
probate judge senior in point of service and the judge of the 19165  
court of common pleas senior in point of service may reduce the 19166  
number of members of a board of county hospital trustees to eight 19167  
or to six. The reduction shall occur on expiration of a member's 19168  
term of office, at which time no appointment shall be made. While 19169  
the board of county commissioners and the judges are in the 19170  
process of reducing the number of members, the board of county 19171  
hospital trustees may consist of nine or seven members for one 19172  
year. 19173

(H) Any member of a board of county hospital trustees may be 19174  
removed from office by the appointing authority for neglect of 19175  
duty, misconduct, or malfeasance in office. The member shall be 19176  
informed in writing of the charges and afforded an opportunity for 19177  
a hearing before the appointing authority. The appointing 19178  
authority shall not remove a member from office for political 19179  
reasons. 19180

(I) The board of county commissioners may provide members of 19181  
a board of county hospital trustees shall a stipend for their 19182  
service or require the members to serve without compensation, but, 19183  
The members shall be allowed their necessary and reasonable 19184  
expenses incurred in the performance of their duties, including 19185  
the cost of their participation in any continuing education 19186  
programs or developmental programs that the members consider 19187  
necessary. Allowable stipends and expenses shall be paid out of 19188  
the funds provided for the county hospital. 19189

(J) The persons selected to be members of a board of county 19190  
hospital trustees shall forthwith be notified, by mail, of their 19191

appointment. When a board is initially appointed, the notice shall 19192  
state a time, not more than ten days later, when such board shall 19193  
meet at the county seat of such county to organize. On the date 19194  
stated, the board shall meet and organize. 19195

(K) A board of county hospital trustees shall organize by 19196  
electing one of its number as chairperson and such other officers 19197  
as specified in the board's rules. Four members of a six-member 19198  
board constitute a quorum, five members constitute a quorum of an 19199  
eight-member board, and six members constitute a quorum of a 19200  
ten-member board. 19201

A board of county hospital trustees shall hold meetings at 19202  
least ~~once a month~~ quarterly, shall adopt necessary rules of 19203  
procedure, and shall keep a record of its proceedings and a strict 19204  
account of all its receipts, disbursements, and expenditures. On 19205  
completion of the construction and equipping of a county hospital, 19206  
the board shall file such account with the board of county 19207  
commissioners and make final settlement with the board of county 19208  
commissioners for the construction and equipping of the hospital. 19209

**Sec. 339.05.** (A) A board of county hospital trustees may 19210  
adopt, annually, bidding procedures and purchasing or leasing 19211  
policies ~~for services~~ provided through a joint purchasing 19212  
arrangement sponsored by a nonprofit organization, ~~and~~ for 19213  
services, supplies, and equipment, that are routinely used in the 19214  
operation of the hospital and that cost in excess of the amount 19215  
specified in section 307.86 of the Revised Code as the amount 19216  
above which purchases must be competitively bid. If a board of 19217  
county hospital trustees adopts those policies and procedures, and 19218  
if the board of county commissioners approves them, the board of 19219  
county hospital trustees may follow those policies and procedures 19220  
in lieu of following the competitive bidding procedures of 19221  
sections 307.86 to 307.92 of the Revised Code. 19222

(B) Notwithstanding section 307.86 of the Revised Code, the board of county hospital trustees is exempt from competitive bidding as required under that section if the board, by a unanimous vote of its members, makes a determination that a real and present emergency exists, and either of the following applies: 19223  
19224  
19225  
19226  
19227

(1) The estimated cost is less than one hundred thousand dollars. 19228  
19229

(2) There is actual physical damage to structures or equipment. 19230  
19231

The board shall enter the determination of emergency and the reasons for it in the minutes of its proceedings. 19232  
19233

For purposes of this section, a vote is unanimous if all members of a board of county hospital trustees are present, or a lesser number of members of the board if not all members are present, provided that the number of members present constitutes a quorum. 19234  
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Whenever a contract of purchase, lease, or construction is exempted from competitive bidding because the estimated cost is less than one hundred thousand dollars, but the estimated cost is fifty thousand dollars or more, the board shall solicit informal estimates from not fewer than three persons who could perform the contract, before awarding the contract. With regard to each such contract, the board shall maintain a record of the informal estimates, including the name of each person from whom an informal estimate was solicited. The board shall maintain the record for the longer of at least one year after the contract is awarded or an amount of time required by the federal government. 19239  
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**Sec. 339.06.** (A) The board of county hospital trustees, upon completion of construction or leasing and equipping of a county hospital, shall assume and continue the operation of the hospital. 19250  
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(B) The board of county hospital trustees shall have the entire management and control of the county hospital. The board may in writing delegate its management and control of the county hospital to the administrator of the county hospital employed under section 339.07 of the Revised Code. The board shall establish such rules for the hospital's government, management, control, and the admission of persons as are expedient.

(C) The board of county hospital trustees has control of the property of the county hospital, including management and disposal of surplus property other than real estate or an interest in real estate.

(D) With respect to the use of funds by the board of county hospital trustees and its accounting for the use of funds, all of the following apply:

(1) The board of county hospital trustees has control of all funds used in the county hospital's operation, including moneys received from the operation of the hospital, moneys appropriated for its operation by the board of county commissioners, and moneys resulting from special levies submitted by the board of county commissioners as provided for in section 5705.22 of the Revised Code.

(2) Of the funds used in the county hospital's operation, all or part of any amount determined not to be necessary to meet current demands on the hospital may be invested by the board of county hospital trustees or its designee in any classifications of securities and obligations eligible for deposit or investment of county moneys pursuant to section 135.35 of the Revised Code, subject to the approval of the board's written investment policy by the county investment advisory committee established pursuant to section 135.341 of the Revised Code.

(3) Annually, not later than sixty days before the end of the

fiscal year used by the county hospital, the board of county hospital trustees shall submit its proposed budget for the ensuing fiscal year to the board of county commissioners for that board's review. The board of county commissioners shall review and approve the proposed budget by the first day of the fiscal year to which the budget applies. If the board of county commissioners has not approved the budget by the first day of the fiscal year to which the budget applies, the budget is deemed to have been approved by the board on the first day of that fiscal year.

(4) The board of county hospital trustees shall not expend funds received from taxes collected pursuant to any tax levied under section 5705.22 of the Revised Code or the amount appropriated to the county hospital by the board of county commissioners in the annual appropriation measure for the county until its budget for the applicable fiscal year is approved in accordance with division (C)(3) of this section. At any time the amount received from those sources differs from the amount shown in the approved budget, the board of county commissioners may require the board of county hospital trustees to revise the county hospital budget accordingly.

(5) Funds under the control of the board of county hospital trustees may be disbursed by the board, consistent with the approved budget, for the uses and purposes of the county hospital; for the replacement of necessary equipment; for the acquisition, leasing, or construction of permanent improvements to county hospital property; or for making a donation authorized by division (E) of this section. Each disbursement of funds shall be made on a voucher signed by signatories designated and approved by the board of county hospital trustees.

(6) The head of a board of county hospital trustees is not required to file an estimate of contemplated revenue and expenditures for the ensuing fiscal year under section 5705.28 of

the Revised Code unless the board of county commissioners levies a tax for the county hospital, or such a tax is proposed, or the board of county hospital trustees desires that the board of county commissioners make an appropriation to the county hospital for the ensuing fiscal year.

(7) All moneys appropriated by the board of county commissioners or from special levies by the board of county commissioners for the operation of the hospital, when collected shall be paid to the board of county hospital trustees on a warrant of the county auditor and approved by the board of county commissioners.

(8) The board of county hospital trustees shall provide for the conduct of an annual financial audit of the county hospital. Not later than thirty days after it receives the final report of an annual financial audit, the board shall file a copy of the report with the board of county commissioners.

(E) For the public purpose of improving the health, safety, and general welfare of the community, the board of county hospital trustees may donate to a nonprofit entity any of the following:

(1) Moneys and other financial assets determined not to be necessary to meet current demands on the hospital;

(2) Surplus hospital property, including supplies, equipment, office facilities, and other property that is not real estate or an interest in real estate;

(3) Services rendered by the hospital.

(F)(1) For purposes of division (F)(2) of this section:

(a) "Bank" has the same meaning as in section 1101.01 of the Revised Code.

(b) "Savings and loan association" has the same meaning as in section 1151.01 of the Revised Code.



(c) "Savings bank" has the same meaning as in section 1161.01 19346  
of the Revised Code. 19347

(2) The board of county hospital trustees may enter into a 19348  
contract for a secured line of credit with a bank, savings and 19349  
loan association, or savings bank if the contract meets all of the 19350  
following requirements: 19351

(a) The term of the contract does not exceed one year, except 19352  
that the contract may provide for the automatic renewal of the 19353  
contract for up to four additional one-year periods if, on the 19354  
date of automatic renewal, the aggregate outstanding draws 19355  
remaining unpaid under the secured line of credit do not exceed 19356  
fifty per cent of the maximum amount that can be drawn under the 19357  
secured line of credit. 19358

(b) The contract provides that the bank, savings and loan 19359  
association, or savings bank shall not commence a civil action 19360  
against the board of county commissioners, any member of the 19361  
board, or the county to recover the principal, interest, or any 19362  
charges or other amounts that remain outstanding on the secured 19363  
line of credit at the time of any default by the board of county 19364  
hospital trustees. 19365

(c) The contract provides that no assets other than those of 19366  
the county hospital can be used to secure the line of credit. 19367

(d) The terms and conditions of the contract comply with all 19368  
state and federal statutes and rules governing the extension of a 19369  
secured line of credit. 19370

(3) Any obligation incurred by a board of county hospital 19371  
trustees under division (F)(2) of this section is an obligation of 19372  
that board only and not a general obligation of the board of 19373  
county commissioners or the county within the meaning of division 19374  
(Q) of section 133.01 of the Revised Code. 19375

(4) Notwithstanding anything to the contrary in the Revised 19376

Code, the board of county hospital trustees may secure the line of 19377  
credit authorized under division (F)(2) of this section by the 19378  
grant of a security interest in any part or all of its tangible 19379  
personal property and intangible personal property, including its 19380  
deposit accounts, accounts receivable, or both. 19381

(5) No board of county hospital trustees shall at any time 19382  
have more than one secured line of credit under division (F)(2) of 19383  
this section. 19384

(G) The board of county hospital trustees shall establish a 19385  
schedule of charges for all services and treatment rendered by the 19386  
county hospital. It may provide for the free treatment in the 19387  
hospital of soldiers, sailors, and marines of the county, under 19388  
such conditions and rules as it prescribes. 19389

(H) The board of county hospital trustees may designate the 19390  
amounts and forms of insurance protection to be provided, and the 19391  
board of county commissioners shall assist in obtaining such 19392  
protection. The expense of providing the protection shall be paid 19393  
from hospital operating funds. 19394

(I) The board of county hospital trustees may authorize a 19395  
county hospital and each of its units, hospital board members, 19396  
designated hospital employees, and medical staff members to be a 19397  
member of and maintain membership in any local, state, or national 19398  
group or association organized and operated for the promotion of 19399  
the public health and welfare or advancement of the efficiency of 19400  
hospital administration and in connection therewith to use tax 19401  
funds for the payment of dues and fees and related expenses but 19402  
nothing in this section prohibits the board from using receipts 19403  
from hospital operation, other than tax funds, for the payment of 19404  
such dues and fees. 19405

(J) The following apply to the board of county hospital 19406  
trustees in relation to its employees and the employees of the 19407

county hospital: 19408

(1) The board shall adopt the wage and salary schedule for 19409  
employees. 19410

(2) The board may employ the hospital's administrator 19411  
pursuant to section 339.07 of the Revised Code, and the 19412  
administrator may employ individuals for the hospital in 19413  
accordance with that section. 19414

(3) The board may employ assistants as necessary to perform 19415  
its clerical work, superintend properly the construction of the 19416  
county hospital, and pay the hospital's expenses. Such employees 19417  
may be paid from funds provided for the county hospital. 19418

(4) The board may hire, by contract or as salaried employees, 19419  
such management consultants, accountants, attorneys, engineers, 19420  
architects, construction managers, and other professional advisors 19421  
as it determines are necessary and desirable to assist in the 19422  
management of the programs and operation of the county hospital. 19423  
Such professional advisors may be paid from county hospital 19424  
operating funds. 19425

(5) Notwithstanding section 325.19 of the Revised Code, the 19426  
board may grant to employees any fringe benefits the board 19427  
determines to be customary and usual in the nonprofit hospital 19428  
field in its community, including, but not limited to: 19429

(a) Additional vacation leave with full pay for full-time 19430  
employees, including full-time hourly rate employees, after 19431  
service of one year; 19432

(b) Vacation leave and holiday pay for part-time employees on 19433  
a pro rata basis; 19434

(c) Leave with full pay due to death in the employee's 19435  
immediate family, which shall not be deducted from the employee's 19436  
accumulated sick leave; 19437

(d) Premium pay for working on holidays listed in section 325.19 of the Revised Code;	19438 19439
(e) Moving expenses for new employees;	19440
(f) Discounts on hospital supplies and services.	19441
(6) The board may provide holiday leave by observing Martin Luther King day, Washington-Lincoln day, Columbus day, and Veterans' day on days other than those specified in section 1.14 of the Revised Code.	19442 19443 19444 19445
(7) The board may grant to employees the insurance benefits authorized by section 339.16 of the Revised Code.	19446 19447
(8) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees, including hourly rate employees, such personal holidays as the board determines to be customary and usual in the hospital field in its community.	19448 19449 19450 19451
(9) The board may provide employee recognition awards and hold employee recognition dinners.	19452 19453
(10) The board may grant to employees the recruitment and retention benefits specified under division (K) of this section.	19454 19455
(K) Notwithstanding sections 325.191 and 325.20 of the Revised Code, the board of county hospital trustees may provide, without the prior authorization of the board of county commissioners, scholarships for education in the health care professions, tuition reimbursement, and other staff development programs to enhance the skills of health care professionals for the purpose of recruiting or retaining qualified employees.	19456 19457 19458 19459 19460 19461 19462
The board of county hospital trustees may pay reasonable expenses for recruiting or retaining physicians and other appropriate health care practitioners.	19463 19464 19465
(L) The board of county hospital trustees may retain counsel and institute legal action in its own name for the collection of	19466 19467

delinquent accounts. The board may also employ any other lawful 19468  
means for the collection of delinquent accounts. 19469

**Sec. 339.07.** (A) The board of county hospital trustees shall 19470  
provide for the administration of the county hospital by directly 19471  
employing a hospital administrator or by entering into a contract 19472  
for the management of the hospital under which an administrator is 19473  
provided. When an administrator is employed directly, the board 19474  
shall adopt a job description delineating the administrator's 19475  
powers and duties and the board may pay the administrator's salary 19476  
and other benefits from funds provided for the hospital. 19477

(B) During the construction and equipping of the hospital, 19478  
the administrator shall act in an advisory capacity to the board 19479  
of county hospital trustees. After the hospital is completed, the 19480  
administrator shall serve as the chief executive officer and shall 19481  
carry out the administration of the county hospital according to 19482  
the policies set forth by the board and any written delegation. 19483

The administrator shall administer the county hospital, make 19484  
reports, and take any other action that the administrator 19485  
determines is necessary for the operation of the hospital. 19486

At the end of each fiscal year, the administrator shall 19487  
submit to the board a complete financial statement showing the 19488  
receipts, revenues, and expenditures in detail for the entire 19489  
fiscal year. 19490

The administrator shall ensure that the hospital has such 19491  
physicians, nurses, and other employees as are necessary for the 19492  
proper care, control, and management of the county hospital and 19493  
its patients. The physicians, nurses, and other employees may be 19494  
suspended or removed by the administrator at any time the welfare 19495  
of the hospital warrants suspension or removal. The administrator 19496  
may obtain physicians, nurses, and other employees by direct 19497  
employment, entering into contracts, or granting authority to 19498

practice in the hospital. Persons employed directly shall be in 19499  
the unclassified civil service, pursuant to section 124.11 of the 19500  
Revised Code. 19501

**Sec. 340.01.** (A) As used in this chapter, "addiction," 19502  
"addiction services," "alcohol and drug addiction services," ~~and~~ 19503  
"community addiction services provider," "community mental health 19504  
services provider," "~~alcohol and drug addiction programs gambling~~ 19505  
addiction services," "mental health services," and "mental 19506  
illness" have the same meanings as in section ~~3793.01~~ 5119.01 of 19507  
the Revised Code. 19508

(B) An alcohol, drug addiction, and mental health service 19509  
district shall be established in any county or combination of 19510  
counties having a population of at least fifty thousand to provide 19511  
~~alcohol and drug~~ addiction services and mental health services. 19512  
With the approval of the ~~directors~~ director of ~~mental health and~~ 19513  
~~alcohol and drug addiction services~~ mental health and addiction 19514  
services, any county or combination of counties having a 19515  
population of less than fifty thousand may establish such a 19516  
district. Districts comprising more than one county shall be known 19517  
as joint-county districts. 19518

The board of county commissioners of any county participating 19519  
in a joint-county district may submit a resolution requesting 19520  
withdrawal from the district together with a comprehensive plan or 19521  
plans that are in compliance with rules adopted by the director of 19522  
~~mental health~~ mental health and addiction services under ~~section~~ 19523  
~~5119.61~~ section 5119.22 of the Revised Code ~~and rules adopted by~~ 19524  
~~the department of alcohol and drug addiction services under~~ 19525  
~~section 3793.05 of the Revised Code~~, and that provide for the 19526  
equitable adjustment and division of all services, assets, 19527  
property, debts, and obligations, if any, of the joint-county 19528  
district to the board of alcohol, drug addiction, and mental 19529

health services, to the boards of county commissioners of each 19530  
county in the district, and to the directors. No county 19531  
participating in a joint-county service district may withdraw from 19532  
the district without the consent of the ~~directors~~ director of 19533  
~~mental health and alcohol and drug addiction services~~ mental 19534  
health and addiction services nor earlier than one year after the 19535  
submission of such resolution unless all of the participating 19536  
counties agree to an earlier withdrawal. Any county withdrawing 19537  
from a joint-county district shall continue to have levied against 19538  
its tax list and duplicate any tax levied by the district during 19539  
the period in which the county was a member of the district until 19540  
such time as the levy expires or is renewed or replaced. 19541

**Sec. 340.011.** (A) This chapter shall be interpreted to 19542  
accomplish all of the following: 19543

(1) Establish a unified system of treatment for mentally ill 19544  
persons and persons with addictions; 19545

(2) Establish a community support system available for every 19546  
alcohol, drug addiction, and mental health service district; 19547

(3) Protect the personal liberty of mentally ill persons so 19548  
that they may be treated in the least restrictive environment; 19549

(4) Encourage the development of high quality, cost 19550  
effective, and comprehensive services, including culturally 19551  
sensitive services; 19552

(5) Foster the development of comprehensive community mental 19553  
health services, based on recognized local needs, especially for 19554  
severely mentally disabled children, adolescents, and adults; 19555

(6) Ensure that services provided meet minimum standards 19556  
established by the director of ~~mental health or the department of~~ 19557  
~~alcohol and drug addiction services~~ mental health and addiction 19558  
services; 19559

(7) Promote the delivery of high quality and cost-effective 19560  
~~alcohol and drug~~ addiction and mental health services; 19561

(8) Promote the participation of ~~consumers of persons~~ 19562  
receiving mental health services and ~~alcohol and drug~~ addiction 19563  
services in the planning, delivery, and evaluation of these 19564  
services. 19565

(B) Nothing in Chapter 340., ~~3793.~~, 5119., or 5122. of the 19566  
Revised Code shall be construed as requiring a board of county 19567  
commissioners to provide resources beyond the total amount set 19568  
forth in a ~~community~~ budget and statement of services to be 19569  
provided by the alcohol, drug addiction, and mental health ~~plan~~ 19570  
services board, as developed and submitted under section ~~340.03~~ 19571  
340.08 of the Revised Code, ~~to provide the services listed in~~ 19572  
~~section 340.09 of the Revised Code, and nothing in those chapters~~ 19573  
~~shall be construed as requiring a board of county commissioners to~~ 19574  
~~provide resources beyond the total amount set forth in a plan for~~ 19575  
~~alcohol and drug addiction services, prepared and submitted in~~ 19576  
~~accordance with sections 340.033 and 3793.05 of the Revised Code,~~ 19577  
~~to provide alcohol and drug addiction services.~~ 19578

**Sec. 340.02.** ~~As used in this section, "mental health~~ 19579  
~~professional" means a person who is qualified to work with~~ 19580  
~~mentally ill persons, pursuant to standards established by the~~ 19581  
~~director of mental health under section 5119.611 of the Revised~~ 19582  
~~Code.~~ 19583

(A) For each alcohol, drug addiction, and mental health 19584  
service district, there shall be appointed a board of alcohol, 19585  
drug addiction, and mental health services consisting of eighteen 19586  
members or fourteen members, at the election of the board. Not 19587  
later than January 1, 2014, each board of alcohol, drug addiction, 19588  
and mental health services shall notify the department of mental 19589  
health and addiction services of its election to continue to 19590



operate as an eighteen-member board or to transition to operation 19591  
as a fourteen-member board. The election shall be final. Failure 19592  
to provide notice of its election to the department on or before 19593  
January 1, 2014, shall constitute an election to continue to 19594  
operate as an eighteen-member board. If an existing board provides 19595  
timely notice of its election to transition to operate as a 19596  
fourteen-member board, the number of board members may decline 19597  
from eighteen to fourteen by attrition as current members' terms 19598  
expire. However, the composition of the board must reflect the 19599  
requirements set forth in this section for fourteen-member boards. 19600  
~~Nine~~ For all boards, half of the members shall be interested in 19601  
mental health ~~programs and facilities~~ services and ~~nine other half~~ 19602  
of the members shall be interested in alcohol ~~or~~, drug, or 19603  
gambling addiction ~~programs~~ services. All members shall be 19604  
residents of the service district. The membership shall, as nearly 19605  
as possible, reflect the composition of the population of the 19606  
service district as to race and sex. 19607

~~The (B)~~ For boards operating as eighteen-member boards, the 19608  
director of ~~mental health~~ mental health and addiction services 19609  
shall appoint ~~four~~ eight members of the board, ~~the director of~~ 19610  
~~alcohol and drug addiction services shall appoint four members,~~ 19611  
and the board of county commissioners shall appoint ten members. 19612  
For boards operating as fourteen-member boards, the director of 19613  
mental health and addiction services shall appoint six members of 19614  
the board and the board of county commissioners shall appoint 19615  
eight members. In a joint-county district, the county 19616  
commissioners of each participating county shall appoint members 19617  
in as nearly as possible the same proportion as that county's 19618  
population bears to the total population of the district, except 19619  
that at least one member shall be appointed from each 19620  
participating county. 19621

(C) The director of ~~mental health~~ mental health and addiction 19622

~~services shall ensure that at least one member of the board is a psychiatrist and one member of the board is a mental health professional. If the appointment of a psychiatrist is not possible, as determined under rules adopted by the director, a licensed physician may be appointed in place of the psychiatrist. If the appointment of a licensed physician is not possible, the director of mental health may waive the requirement that the psychiatrist or licensed physician be a resident of the service district and appoint a psychiatrist or licensed physician from a contiguous county. The director of mental health shall ensure that~~  
clinician with experience in the delivery of mental health services, at least one member of the board is a person who has received or is receiving mental health services paid for by public funds ~~and,~~ at least one member of the board is a parent or other relative of such a person-

~~The director of alcohol and drug addiction services shall ensure that at least one member of the board is a professional in the field of alcohol or drug addiction services and one member of the board is an advocate for persons receiving treatment for alcohol or drug addiction. Of the members appointed by the director of alcohol and drug addiction services, at least one member of the board is a clinician with experience in the delivery of addiction services,~~ at least one ~~shall be~~ member of the board ~~is~~ a person who has received or is receiving ~~services for alcohol or drug addiction~~ services paid for by public funds, and at least one ~~shall be~~ member of the board ~~is~~ a parent or other relative of such a person. A single member who meets both qualifications may fulfill the requirement for a clinician with experience in the delivery of mental health services and a clinician with experience in the delivery of addiction services.

(D) No member or employee of a board of alcohol, drug addiction, and mental health services shall serve as a member of

the board of any ~~agency provider~~ with which the board of alcohol, 19655  
drug addiction, and mental health services has entered into a 19656  
contract for the provision of services or facilities. No member of 19657  
a board of alcohol, drug addiction, and mental health services 19658  
shall be an employee of any ~~agency provider~~ with which the board 19659  
has entered into a contract for the provision of services or 19660  
facilities, ~~unless the board member's employment duties with the~~ 19661  
~~agency consist of providing, only outside the district the board~~ 19662  
~~serves, services for which the medicaid program pays.~~ No person 19663  
shall be an employee of a board and such ~~an agency a provider~~ 19664  
unless the board and ~~agency provider~~ both agree in writing. 19665

(E) No person shall serve as a member of the board of 19666  
alcohol, drug addiction, and mental health services whose spouse, 19667  
child, parent, brother, sister, grandchild, stepparent, stepchild, 19668  
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 19669  
daughter-in-law, brother-in-law, or sister-in-law serves as a 19670  
member of the board of any ~~agency provider~~ with which the board of 19671  
alcohol, drug addiction, and mental health services has entered 19672  
into a contract for the provision of services or facilities. No 19673  
person shall serve as a member or employee of the board whose 19674  
spouse, child, parent, brother, sister, stepparent, stepchild, 19675  
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 19676  
daughter-in-law, brother-in-law, or sister-in-law serves as a 19677  
county commissioner of a county or counties in the alcohol, drug 19678  
addiction, and mental health service district. 19679

(F) Each year each board member shall attend at least one 19680  
inservice training session provided or approved by the department 19681  
of ~~mental health or the department of alcohol and drug addiction~~ 19682  
~~services~~ mental health and addiction services. ~~Such training~~ 19683  
~~sessions shall not be considered to be regularly scheduled~~ 19684  
~~meetings of the board.~~ 19685

~~Each~~ (G) For boards operating as eighteen-member boards, each 19686

member shall be appointed for a term of four years, commencing the 19687  
first day of July, except that one-third of initial appointments 19688  
to a newly established board, and to the extent possible to 19689  
expanded boards, shall be for terms of two years, one-third of 19690  
initial appointments shall be for terms of three years, and 19691  
one-third of initial appointments shall be for terms of four 19692  
years. For boards operating as fourteen-member boards, each member 19693  
shall be appointed for a term of four years, commencing the first 19694  
day of July, except that four of the initial appointments to a 19695  
newly established board, and to the extent possible to expanded 19696  
boards, shall be for terms of two years, five initial appointments 19697  
shall be for terms of three years, and five initial appointments 19698  
shall be for terms of four years. No member shall serve more than 19699  
two consecutive four-year terms under the same appointing 19700  
authority. A member may serve for three consecutive terms under 19701  
the same appointing authority only if one of the terms is for less 19702  
than two years. A member who has served two consecutive four-year 19703  
terms or three consecutive terms totaling less than ten years is 19704  
eligible for reappointment by the same appointing authority one 19705  
year following the end of the second or third term, respectively. 19706

When a vacancy occurs, appointment for the expired or 19707  
unexpired term shall be made in the same manner as an original 19708  
appointment. The appointing authority shall be notified by 19709  
certified mail of any vacancy and shall fill the vacancy within 19710  
sixty days following that notice. 19711

Any member of the board may be removed from office by the 19712  
appointing authority for neglect of duty, misconduct, or 19713  
malfeasance in office, and shall be removed by the appointing 19714  
authority if the member is barred by this section from serving as 19715  
a board member. The member shall be informed in writing of the 19716  
charges and afforded an opportunity for a hearing. Upon the 19717  
absence of a member within one year from either four board 19718

meetings or from two board meetings without prior notice, the 19719  
board shall notify the appointing authority, which may vacate the 19720  
appointment and appoint another person to complete the member's 19721  
term. 19722

Members of the board shall serve without compensation, but 19723  
shall be reimbursed for actual and necessary expenses incurred in 19724  
the performance of their official duties, as defined by rules of 19725  
the ~~departments~~ department of ~~mental health and alcohol and drug~~ 19726  
~~addiction services~~ mental health and addiction services. 19727

**Sec. 340.021.** (A) In an alcohol, drug addiction, and mental 19728  
health service district ~~comprised of a county with a population of~~ 19729  
~~two hundred fifty thousand or more on October 10, 1989, the board~~ 19730  
~~of county commissioners shall, within thirty days of October 10,~~ 19731  
~~1989, establish an alcohol and drug addiction services board as~~ 19732  
~~the entity responsible for providing alcohol and drug addiction~~ 19733  
~~services in the county, unless, prior to that date, the board~~ 19734  
~~adopts a resolution providing that the entity responsible for~~ 19735  
~~providing the services is a board of alcohol, drug addiction, and~~ 19736  
~~mental health services. If where the board of county commissioners~~ 19737  
~~establishes has established an alcohol and drug addiction services~~ 19738  
board, the community mental health board established under former 19739  
section 340.02 of the Revised Code shall serve as the entity 19740  
responsible for providing mental health services in the county. A 19741  
community mental health board has all the powers, duties, and 19742  
obligations of a board of alcohol, drug addiction, and mental 19743  
health services with regard to mental health services. An alcohol 19744  
and drug addiction services board has all the powers, duties, and 19745  
obligations of a board of alcohol, drug addiction, and mental 19746  
health services with regard to ~~alcohol and drug~~ addiction 19747  
services. Any provision of the Revised Code that refers to a board 19748  
of alcohol, drug addiction, and mental health services with regard 19749  
to mental health services also refers to a community mental health 19750

board and any provision that refers to a board of alcohol, drug 19751  
addiction, and mental health services with regard to alcohol and 19752  
drug addiction services also refers to an alcohol and drug 19753  
addiction services board. 19754

An alcohol and drug addiction services board shall consist of 19755  
eighteen members or fourteen members, six of whom at the election 19756  
of the board. Not later than January 1, 2014, each alcohol and 19757  
drug addiction services board shall notify the department of 19758  
mental health and addiction services of its election to operate as 19759  
an eighteen-member board or to operate as a fourteen-member board. 19760  
The election shall be final. Failure to provide notice of its 19761  
election to the department on or before January 1, 2014, shall 19762  
constitute an election to continue to operate as an 19763  
eighteen-member board. If an existing board provides timely notice 19764  
of its election to operate as a fourteen-member board, the number 19765  
of board members may decline from eighteen to fourteen by 19766  
attrition as current members' terms expire. However, the 19767  
composition of the board must reflect the requirements set forth 19768  
in this section and in applicable provisions of section 340.02 of 19769  
the Revised Code for fourteen-member boards. For boards operating 19770  
as eighteen-member boards, eight members shall be appointed by the 19771  
director of alcohol and drug addiction services mental health and 19772  
addiction services and twelve of whom ten members shall be 19773  
appointed by the board of county commissioners. Of the members 19774  
appointed by the The director, one shall be of mental health and 19775  
addiction services shall ensure that at least one member of the 19776  
board is a person who has received or is receiving services for 19777  
alcohol or, drug, or gambling addiction, at least one shall be 19778  
member is a parent or relative of such a person, and at least one 19779  
shall be member is a professional in the field of alcohol or drug 19780  
clinician with experience in the delivery of addiction services, 19781  
and one shall be an advocate for persons receiving treatment for 19782  
alcohol or drug addiction. The membership of the board shall, as 19783

nearly as possible, reflect the composition of the population of 19784  
the service district as to race and sex. Members shall be 19785  
residents of the service district and shall be interested in 19786  
alcohol ~~and~~, drug, or gambling addiction services. Requirements 19787  
for membership, including prohibitions against certain family and 19788  
business relationships, and terms of office shall be the same as 19789  
those for members of boards of alcohol, drug addiction, and mental 19790  
health services. 19791

A community mental health board shall consist of eighteen 19792  
members or fourteen members, at the election of the board. Not 19793  
later than January 1, 2014, each community mental health board 19794  
shall notify the department of mental health and addiction 19795  
services of its election to operate as an eighteen-member board or 19796  
to operate as a fourteen-member board. The election shall be 19797  
final. Failure to provide notice of its election to the department 19798  
on or before January 1, 2014, shall constitute an election to 19799  
continue to operate as an eighteen-member board. If an existing 19800  
board provides timely notice of its election to operate as a 19801  
fourteen-member board, the number of board members may decline 19802  
from eighteen to fourteen by attrition as current members' terms 19803  
expire. However, the composition of the board must reflect the 19804  
requirements set forth in this section and in applicable 19805  
provisions of section 340.02 of the Revised Code for 19806  
fourteen-member boards. For boards operating as eighteen-member 19807  
boards, ~~six of whom~~ eight members shall be appointed by the 19808  
director of ~~mental health~~ mental health and addiction services and 19809  
~~twelve of whom~~ ten members shall be appointed by the board of 19810  
county commissioners. ~~Of the members appointed by the~~ The 19811  
~~director, one shall be~~ of mental health and addiction services 19812  
shall ensure that at least one member of the board is a person who 19813  
has received or is receiving mental health services, at least one 19814  
~~shall be member is~~ a parent or relative of such a person, and at 19815  
least one shall be member is a psychiatrist or a physician, and 19816

~~one shall be a clinician with experience in the delivery of mental health professional services. The membership of the board as nearly as possible shall reflect the composition of the population of the service district as to race and sex. Members shall be residents of the service district and shall be interested in mental health services. Requirements for membership, including prohibitions against certain family and business relationships, and terms of office shall be the same as those for members of boards of alcohol, drug addiction, and mental health services.~~

~~(B) If a board of county commissioners subject to division (A) of this section did not adopt a resolution providing for a board of alcohol, drug addiction, and mental health services, the board of county commissioners may establish such a board in accordance with the following procedures:~~

~~(1) Not later than January 1, 2007, the board of county commissioners shall adopt a resolution expressing its intent to establish a board of alcohol, drug addiction, and mental health services.~~

~~(2) After adopting a resolution under division (B)(1) of this section, the board of county commissioners shall instruct the county's community mental health board and alcohol and drug addiction services board to prepare a report on the feasibility, process, and proposed plan to establish a board of alcohol, drug addiction, and mental health services. The board of county commissioners shall specify the date by which the report must be submitted to the board for its review.~~

~~(3) After reviewing the report prepared under division (B)(2) of this section, the board may adopt a final resolution establishing a board of alcohol, drug addiction, and mental health services. A final resolution establishing such a board shall be adopted not later than July 1, 2007.~~



~~(C)~~(1) If a board of county commissioners subject to division 19848  
(A) of this section did not adopt a final resolution providing for 19849  
a board of alcohol, drug addiction, and mental health services ~~and~~ 19850  
~~did not establish such a board under division (B) of this section~~ 19851  
~~on or before July 1, 2007~~, the board of county commissioners may 19852  
establish a board of alcohol, drug addiction, and mental health 19853  
services on or after the effective date of this amendment. To 19854  
establish the board, the board of county commissioners shall adopt 19855  
a resolution providing for the board's establishment. The 19856  
composition of the board, the procedures for appointing members, 19857  
and all other matters related to the board and its members are 19858  
subject to section 340.02 of the Revised Code, with the following 19859  
exceptions: 19860

(a) For initial appointments to the board, the county's 19861  
community mental health board and alcohol and drug addiction 19862  
services board shall jointly recommend members of those boards for 19863  
reappointment and shall submit the recommendations to the board of 19864  
county commissioners, ~~director of mental health~~, and the director 19865  
of ~~alcohol and drug addiction services~~ mental health and addiction 19866  
services. 19867

(b) To the greatest extent possible, the appointing 19868  
authorities shall appoint the initial members from among the 19869  
members jointly recommended under division ~~(C)~~(B)(1)(a) of this 19870  
section. 19871

(2) If a board of alcohol, drug addiction, and mental health 19872  
services is established pursuant to division ~~(C)~~(B)(1) of this 19873  
section, the board has the same rights, privileges, immunities, 19874  
powers, and duties that were possessed by the county's community 19875  
mental health board and alcohol and drug addiction services board. 19876  
When the board is established, all property and obligations of the 19877  
community mental health board and alcohol and drug addiction 19878  
services board shall be transferred to the board of alcohol, drug 19879

addiction, and mental health services. 19880

**Sec. 340.03.** (A) Subject to rules issued by the director of 19881  
~~mental health~~ mental health and addiction services after 19882  
consultation with relevant constituencies as required by division 19883  
~~(L)(A)(10)~~ of section ~~5119.06~~ 5119.21 of the Revised Code, with 19884  
~~regard to mental health services,~~ the board of alcohol, drug 19885  
addiction, and mental health services shall: 19886

(1) Serve as the community addiction and mental health 19887  
services planning agency for the county or counties under its 19888  
jurisdiction, and in so doing it shall: 19889

(a) Evaluate the need for facilities and community addiction 19890  
and mental health services; 19891

(b) In cooperation with other local and regional planning and 19892  
funding bodies and with relevant ethnic organizations, assess the 19893  
community addiction and mental health needs, evaluate strengths 19894  
and challenges, and set priorities, ~~and develop plans for the~~ 19895  
~~operation of facilities and~~ community addiction and mental health 19896  
services, including treatment and prevention. When the board sets 19897  
priorities for the operation of addiction services, the board 19898  
shall consult with the county commissioners of the counties in the 19899  
board's service district regarding the services described in 19900  
section 340.15 of the Revised Code and shall give priority to 19901  
those services, except that those services shall not have a 19902  
priority over services provided to pregnant women under programs 19903  
developed in relation to the mandate established in section 19904  
5119.17 of the Revised Code; 19905

(c) In accordance with guidelines issued by the director of 19906  
~~mental health~~ mental health and addiction services after 19907  
consultation with board representatives, annually develop and 19908  
submit to the department of ~~mental health~~ mental health and 19909  
addiction services a community addiction and mental health 19910

services plan listing community addiction and mental health 19911  
services needs, including the needs of all residents of the 19912  
district now residing in state mental institutions and severely 19913  
mentally disabled adults, children, and adolescents; currently 19914  
receiving inpatient services in state-operated hospitals, the 19915  
needs of other populations as required by state or federal law or 19916  
programs, the needs of all children subject to a determination 19917  
made pursuant to section 121.38 of the Revised Code, and all the 19918  
priorities for facilities and community addiction and mental 19919  
health services that are or will be in operation or provided 19920  
during the period for which the plan will be in operation in the 19921  
service district to meet such needs effect. 19922

In alcohol, drug addiction, and mental health service 19923  
districts that have separate alcohol and drug addiction services 19924  
and community mental health boards, the alcohol and drug addiction 19925  
services board shall submit a community addiction services plan 19926  
and the community mental health board shall submit a community 19927  
mental health services plan. Each board shall consult with its 19928  
counterpart in developing its plan and address the interaction 19929  
between the local addiction services and mental health services 19930  
systems and populations with regard to needs and priorities in 19931  
developing its plan. 19932

The plan shall include, but not be limited to, a statement of 19933  
which of the services listed in section 340.09 of the Revised Code 19934  
the board intends to make available. The board must include crisis 19935  
intervention services for individuals in an emergency situation in 19936  
the plan and explain how the board intends to make such services 19937  
available. The plan must also include a statement of the inpatient 19938  
and community based services the board proposes that the 19939  
department operate, an assessment of the number and types of 19940  
residential facilities needed, such other information as the 19941  
department requests, and a budget for moneys the board expects to 19942

~~receive.~~ The department shall approve or disapprove the plan, in 19943  
whole or in part, according to the criteria developed pursuant to 19944  
section ~~5119.61~~ 5119.22 of the Revised Code. ~~The department's~~ 19945  
~~statement of approval or disapproval shall specify the inpatient~~ 19946  
~~and the community based services that the department will operate~~ 19947  
~~for the board.~~ Eligibility for state and federal funding shall be 19948  
contingent upon an approved plan or relevant part of a plan. 19949

If a board determines that it is necessary to amend a plan ~~or~~ 19950  
~~an allocation request~~ that has been approved under this division 19951  
~~(A)(1)(c) of this section~~, the board shall submit a proposed 19952  
amendment to the director. The director may approve or disapprove 19953  
all or part of the amendment. The director shall inform the board 19954  
of the reasons for disapproval of all or part of an amendment and 19955  
of the criteria that must be met before the amendment may be 19956  
approved. The director shall provide the board an opportunity to 19957  
present its case on behalf of the amendment. The director shall 19958  
give the board a reasonable time in which to meet the criteria, 19959  
and shall offer the board technical assistance to help it meet the 19960  
criteria. 19961

The board shall ~~implement~~ operate in accordance with the plan 19962  
approved by the department. 19963

(d) Promote, arrange, and implement working agreements with 19964  
social agencies, both public and private, and with judicial 19965  
agencies. 19966

(2) Investigate, or request another agency to investigate, 19967  
any complaint alleging abuse or neglect of any person receiving 19968  
services from a community addiction or mental health ~~agency as~~ 19969  
~~defined in section 5122.01 of the Revised Code~~ services provider 19970  
certified under section 5119.36 of the Revised Code or alleging 19971  
abuse or neglect of a ~~person~~ resident receiving addiction services 19972  
or with mental illness or severe mental disability residing in a 19973  
residential facility licensed under section ~~5119.22~~ 5119.34 of the 19974

Revised Code. If the investigation substantiates the charge of 19975  
abuse or neglect, the board shall take whatever action it 19976  
determines is necessary to correct the situation, including 19977  
notification of the appropriate authorities. Upon request, the 19978  
board shall provide information about such investigations to the 19979  
department. 19980

(3) For the purpose of section ~~5119.61~~ 5119.36 of the 19981  
Revised Code, cooperate with the director of ~~mental health~~ mental 19982  
health and addiction services in visiting and evaluating whether 19983  
the services of a community addiction or mental health ~~agency~~ 19984  
services provider satisfy the certification standards established 19985  
by rules adopted under that section; 19986

(4) In accordance with criteria established under division 19987  
(E) of section ~~5119.61~~ 5119.22 of the Revised Code, conduct 19988  
program audits that review and evaluate the quality, 19989  
effectiveness, and efficiency of services provided through its 19990  
community addiction and mental health ~~plan~~ contracted services and 19991  
submit its findings and recommendations to the department of 19992  
~~mental health~~ mental health and addiction services; 19993

(5) In accordance with section ~~5119.22~~ 5119.34 of the Revised 19994  
Code, review an application for a residential facility license and 19995  
provide to the department of ~~mental health~~ mental health and 19996  
addiction services any information about the applicant or facility 19997  
that the board would like the department to consider in reviewing 19998  
the application; 19999

(6) Audit, in accordance with rules adopted by the auditor of 20000  
state pursuant to section 117.20 of the Revised Code, at least 20001  
annually all ~~programs and~~ services provided under contract with 20002  
the board. In so doing, the board may contract for or employ the 20003  
services of private auditors. A copy of the fiscal audit report 20004  
shall be provided to the director of ~~mental health~~ mental health 20005  
and addiction services, the auditor of state, and the county 20006

auditor of each county in the board's district. 20007

(7) Recruit and promote local financial support for addiction 20008  
and mental health ~~programs~~ services from private and public 20009  
sources; 20010

(8)(a) Enter into contracts with public and private 20011  
facilities for the operation of facility services ~~included in the~~ 20012  
~~board's community mental health plan~~ and enter into contracts with 20013  
public and private community addiction and mental health ~~agencies~~ 20014  
service providers for the provision of community addiction and 20015  
mental health services ~~that are listed in section 340.09 of the~~ 20016  
~~Revised Code and included in the board's community mental health~~ 20017  
~~plan~~. The board may not contract with a residential facility 20018  
subject to section 5119.34 of the Revised Code unless the facility 20019  
is licensed by the director of mental health and addiction 20020  
services and may not contract with a community addiction or mental 20021  
health agency services provider to provide community addiction or 20022  
mental health services ~~included in the board's community mental~~ 20023  
~~health plan~~ unless the services are certified by the director of 20024  
~~mental health~~ mental health and addiction services under section 20025  
~~5119.611~~ 5119.36 of the Revised Code. Section 307.86 of the 20026  
Revised Code does not apply to contracts entered into under this 20027  
division. In contracting with a community addiction or mental 20028  
health ~~agency~~ services provider, a board shall consider the cost 20029  
effectiveness of services provided by that agency provider and the 20030  
quality and continuity of care, and may review cost elements, 20031  
including salary costs, of the services to be provided. A 20032  
utilization review process ~~shall~~ may be established as part of the 20033  
contract for services entered into between a board and a community 20034  
addiction or mental health ~~agency~~ services provider. The board may 20035  
establish this process in a way that is most effective and 20036  
efficient in meeting local needs. ~~Until July 1, 2012, a contract~~ 20037  
~~with a community mental health agency or facility, as defined in~~ 20038

~~section 5111.023 of the Revised Code, to provide services listed 20039  
in division (B) of that section shall provide for the agency or 20040  
facility to be paid in accordance with the contract entered into 20041  
between the departments of job and family services and mental 20042  
health under section 5111.91 of the Revised Code and any rules 20043  
adopted under division (A) of section 5119.61 of the Revised Code. 20044~~

If either the board or a facility or community addiction or 20045  
mental health ~~agency~~ services provider with which the board 20046  
contracts under this division ~~(A)(8)(a) of this section~~ proposes 20047  
not to renew the contract or proposes substantial changes in 20048  
contract terms, the other party shall be given written notice at 20049  
least one hundred twenty days before the expiration date of the 20050  
contract. During the first sixty days of this one hundred 20051  
twenty-day period, both parties shall attempt to resolve any 20052  
dispute through good faith collaboration and negotiation in order 20053  
to continue to provide services to persons in need. If the dispute 20054  
has not been resolved sixty days before the expiration date of the 20055  
contract, either party may notify the department of ~~mental health~~ 20056  
mental health and addiction services of the unresolved dispute. 20057  
The director may require both parties to submit the dispute to a 20058  
third party with the cost to be shared by the board and the 20059  
facility or ~~community mental health agency~~ provider. The third 20060  
party shall issue to the board, the facility or ~~agency~~ provider, 20061  
and the department recommendations on how the dispute may be 20062  
resolved twenty days prior to the expiration date of the contract, 20063  
unless both parties agree to a time extension. The director shall 20064  
adopt rules establishing the procedures of this dispute resolution 20065  
process. 20066

(b) With the prior approval of the director of ~~mental health~~ 20067  
mental health and addiction services, a board may operate a 20068  
facility or provide a community addiction or mental health service 20069  
as follows, if there is no other qualified private or public 20070

facility or community addiction or mental health ~~agency~~ services 20071  
provider that is immediately available and willing to operate such 20072  
a facility or provide the service: 20073

(i) In an emergency situation, any board may operate a 20074  
facility or provide a community addiction or mental health service 20075  
in order to provide essential services for the duration of the 20076  
emergency; 20077

(ii) In a service district with a population of at least one 20078  
hundred thousand but less than five hundred thousand, a board may 20079  
operate a facility or provide a community addiction or mental 20080  
health service for no longer than one year; 20081

(iii) In a service district with a population of less than 20082  
one hundred thousand, a board may operate a facility or provide a 20083  
community addiction or mental health service for no longer than 20084  
one year, except that such a board may operate a facility or 20085  
provide a community addiction or mental health service for more 20086  
than one year with the prior approval of the director and the 20087  
prior approval of the board of county commissioners, or of a 20088  
majority of the boards of county commissioners if the district is 20089  
a joint-county district. 20090

The director shall not give a board approval to operate a 20091  
facility or provide a community addiction or mental health service 20092  
under division (A)(8)(b)(ii) or (iii) of this section unless the 20093  
director determines that it is not feasible to have the department 20094  
operate the facility or provide the service. 20095

The director shall not give a board approval to operate a 20096  
facility or provide a community addiction or mental health service 20097  
under division (A)(8)(b)(iii) of this section unless the director 20098  
determines that the board will provide greater administrative 20099  
efficiency and more or better services than would be available if 20100  
the board contracted with a private or public facility or 20101



community addiction or mental health agency services provider. 20102

The director shall not give a board approval to operate a 20103  
facility previously operated by a person or other government 20104  
entity unless the board has established to the director's 20105  
satisfaction that the person or other government entity cannot 20106  
effectively operate the facility or that the person or other 20107  
government entity has requested the board to take over operation 20108  
of the facility. The director shall not give a board approval to 20109  
provide a community addiction or mental health service previously 20110  
provided by a community addiction or mental health agency services 20111  
provider unless the board has established to the director's 20112  
satisfaction that the agency provider cannot effectively provide 20113  
the service or that the agency provider has requested the board 20114  
take over providing the service. 20115

The director shall review and evaluate a board's operation of 20116  
a facility and provision of community addiction or mental health 20117  
service under division (A)(8)(b) of this section. 20118

Nothing in division (A)(8)(b) of this section authorizes a 20119  
board to administer or direct the daily operation of any facility 20120  
or community addiction or mental health agency services provider, 20121  
but a facility or agency provider may contract with a board to 20122  
receive administrative services or staff direction from the board 20123  
under the direction of the governing body of the facility or 20124  
agency provider. 20125

(9) Approve fee schedules and related charges or adopt a unit 20126  
cost schedule or other methods of payment for contract services 20127  
provided by community addiction or mental health agencies services 20128  
providers in accordance with guidelines issued by the department 20129  
as necessary to comply with state and federal laws pertaining to 20130  
financial assistance; 20131

(10) Submit to the director and the county commissioners of 20132

the county or counties served by the board, and make available to 20133  
the public, an annual report of the ~~programs~~ services under the 20134  
jurisdiction of the board, including a fiscal accounting; 20135

(11) Establish, to the extent resources are available, a 20136  
~~community support system~~ continuum of care, which provides for 20137  
prevention, treatment, support, and rehabilitation services and 20138  
opportunities. The essential elements of the ~~system~~ continuum 20139  
include, but are not limited to, the following components in 20140  
accordance with section ~~5119.06~~ 5119.21 of the Revised Code: 20141

(a) To locate persons in need of addiction or mental health 20142  
services to inform them of available services and benefits 20143  
~~mechanisms~~; 20144

(b) Assistance for ~~clients~~ persons receiving services to 20145  
obtain services necessary to meet basic human needs for food, 20146  
clothing, shelter, medical care, personal safety, and income; 20147

(c) ~~Mental~~ Addiction and mental health ~~care~~ services, 20148  
including, but not limited to, outpatient, residential, partial 20149  
hospitalization, and, where appropriate, inpatient care; 20150

(d) Emergency services and crisis intervention; 20151

(e) Assistance for ~~clients~~ persons receiving services to 20152  
obtain vocational services and opportunities for jobs; 20153

(f) The provision of services designed to develop social, 20154  
community, and personal living skills; 20155

(g) Access to a wide range of housing and the provision of 20156  
residential treatment and support; 20157

(h) Support, assistance, consultation, and education for 20158  
families, friends, ~~consumers of~~ persons receiving addiction or 20159  
mental health services, and others; 20160

(i) Recognition and encouragement of families, friends, 20161  
neighborhood networks, especially networks that include racial and 20162

ethnic minorities, churches, community organizations, and 20163  
meaningful community employment as natural supports for ~~consumers~~ 20164  
~~of persons receiving addiction or~~ mental health services; 20165

(j) Grievance procedures and protection of the rights of 20166  
~~consumers of persons receiving addiction or~~ mental health 20167  
services; 20168

(k) ~~Case management~~ Community psychiatric supportive 20169  
treatment services, which includes continual individualized 20170  
assistance and advocacy to ensure that needed services are offered 20171  
and procured. 20172

(12) Establish a method for evaluating referrals for 20173  
involuntary commitment and affidavits filed pursuant to section 20174  
5122.11 of the Revised Code in order to assist the probate 20175  
division of the court of common pleas in determining whether there 20176  
is probable cause that a respondent is subject to involuntary 20177  
hospitalization and what alternative treatment is available and 20178  
appropriate, if any; 20179

(13) Designate the treatment ~~program~~ services, agency 20180  
provider, or facility, or other placement for each person 20181  
involuntarily committed to the board pursuant to Chapter 5122. of 20182  
the Revised Code ~~and authorize payment for such treatment~~. The 20183  
board shall provide the least restrictive and most appropriate 20184  
alternative that is available for any person involuntarily 20185  
committed to it and shall assure that the listed services ~~listed~~ 20186  
~~in~~ submitted and approved in accordance with division (B) of 20187  
section ~~340.09~~ 340.08 of the Revised Code are available to 20188  
severely mentally disabled persons residing within its service 20189  
district. The board shall establish the procedure for authorizing 20190  
payment for services, which may include prior authorization in 20191  
appropriate circumstances. The board may provide for services 20192  
directly to a severely mentally disabled person when life or 20193  
safety is endangered and when no community mental health ~~agency~~ 20194

services provider is available to provide the service. 20195

~~(13) Establish a method for evaluating referrals for 20196  
involuntary commitment and affidavits filed pursuant to section 20197  
5122.11 of the Revised Code in order to assist the probate 20198  
division of the court of common pleas in determining whether there 20199  
is probable cause that a respondent is subject to involuntary 20200  
hospitalization and what alternative treatment is available and 20201  
appropriate, if any;~~ 20202

(14) Ensure that apartments or rooms built, subsidized, 20203  
renovated, rented, owned, or leased by the board or a community 20204  
addiction or mental health agency services provider have been 20205  
approved as meeting minimum fire safety standards and that persons 20206  
residing in the rooms or apartments are receiving appropriate and 20207  
necessary services, including culturally relevant services, from a 20208  
community addiction or mental health agency services provider. 20209  
This division does not apply to residential facilities licensed 20210  
pursuant to section ~~5119.22~~ 5119.34 of the Revised Code. 20211

(15) Establish a mechanism for obtaining advice and 20212  
involvement of ~~consumer recommendation and advice persons~~ 20213  
receiving publicly funded addiction or mental health services on 20214  
matters pertaining to addiction and mental health services in the 20215  
alcohol, drug addiction, and mental health service district; 20216

(16) Perform the duties required by rules adopted under 20217  
section ~~5119.61~~ 5119.22 of the Revised Code regarding referrals by 20218  
the board or mental health ~~agencies~~ services providers under 20219  
contract with the board of individuals with mental illness or 20220  
severe mental disability to residential facilities as defined in 20221  
division (A)(9)(b)(iii) of section ~~5119.22~~ 5119.34 of the Revised 20222  
Code and effective arrangements for ongoing mental health services 20223  
for the individuals. The board is accountable in the manner 20224  
specified in the rules for ensuring that the ongoing mental health 20225  
services are effectively arranged for the individuals. 20226

(B) The board shall establish such rules, operating 20227  
procedures, standards, and bylaws, and perform such other duties 20228  
as may be necessary or proper to carry out the purposes of this 20229  
chapter. 20230

(C) A board of alcohol, drug addiction, and mental health 20231  
services may receive by gift, grant, devise, or bequest any 20232  
moneys, lands, or property for the benefit of the purposes for 20233  
which the board is established, and may hold and apply it 20234  
according to the terms of the gift, grant, or bequest. All money 20235  
received, including accrued interest, by gift, grant, or bequest 20236  
shall be deposited in the treasury of the county, the treasurer of 20237  
which is custodian of the alcohol, drug addiction, and mental 20238  
health services funds to the credit of the board and shall be 20239  
available for use by the board for purposes stated by the donor or 20240  
grantor. 20241

(D) No board member or employee of a board of alcohol, drug 20242  
addiction, and mental health services shall be liable for injury 20243  
or damages caused by any action or inaction taken within the scope 20244  
of the board member's official duties or the employee's 20245  
employment, whether or not such action or inaction is expressly 20246  
authorized by this section, ~~section 340.033~~, or any other section 20247  
of the Revised Code, unless such action or inaction constitutes 20248  
willful or wanton misconduct. Chapter 2744. of the Revised Code 20249  
applies to any action or inaction by a board member or employee of 20250  
a board taken within the scope of the board member's official 20251  
duties or employee's employment. For the purposes of this 20252  
division, the conduct of a board member or employee shall not be 20253  
considered willful or wanton misconduct if the board member or 20254  
employee acted in good faith and in a manner that the board member 20255  
or employee reasonably believed was in or was not opposed to the 20256  
best interests of the board and, with respect to any criminal 20257  
action or proceeding, had no reasonable cause to believe the 20258

conduct was unlawful. 20259

(E) The meetings held by any committee established by a board 20260  
of alcohol, drug addiction, and mental health services shall be 20261  
considered to be meetings of a public body subject to section 20262  
121.22 of the Revised Code. 20263

**Sec. 340.031.** A board of alcohol, drug addiction, and mental 20264  
health services may: 20265

(A) Inspect any residential facility licensed under section 20266  
~~5119.22~~ 5119.34 of the Revised Code and located in its district, 20267  
~~pursuant to a contract with the department of mental health;~~ 20268

(B) Acquire, convey, lease, or enter into a contract to 20269  
purchase, lease, or sell property for community addiction and 20270  
mental health ~~and alcohol and drug addiction~~ services and related 20271  
purposes, and enter into loan agreements, including mortgages, for 20272  
the acquisition of such property. 20273

**Sec. 340.032.** The board of alcohol, drug addiction, and 20274  
mental health services shall employ a qualified mental health or 20275  
~~alcohol or drug~~ addiction services professional with experience in 20276  
administration or a professional administrator with experience in 20277  
mental health or ~~alcohol or drug~~ addiction services to serve as 20278  
executive director of the board and shall prescribe the director's 20279  
duties. 20280

The board shall fix the compensation of the executive 20281  
director. In addition to such compensation, the director shall be 20282  
reimbursed for actual and necessary expenses incurred in the 20283  
performance of ~~his~~ the director's official duties. The board, by 20284  
majority vote of the full membership, may remove the director for 20285  
cause, upon written charges, after an opportunity has been 20286  
afforded ~~him~~ the director for a hearing before the board on 20287  
request. 20288

The board may delegate to its executive director the authority to act in its behalf in the performance of its administrative duties.

As used in this section, "mental health professional" and "addiction services professional" mean an individual who is qualified to work with mentally ill persons or persons receiving addiction services, pursuant to standards established by the director of mental health and addiction services under Chapter 5119. of the Revised Code.

**Sec. 340.04.** In addition to such other duties as may be lawfully imposed, the executive director of a board of alcohol, drug addiction, and mental health services shall:

(A) Serve as executive officer of the board and subject to the prior approval of the board for each contract, execute contracts on its behalf;

(B) Supervise services and facilities provided, operated, contracted, or supported by the board to the extent of determining that ~~programs~~ services and facilities are being administered in conformity with this chapter and rules of the director of ~~mental health and the department of alcohol and drug addiction services~~ mental health and addiction services;

(C) Provide consultation to ~~agencies, associations, or individuals~~ addiction and mental health services providers providing services supported by the board;

(D) Recommend to the board the changes necessary to increase the effectiveness of addiction and mental health services ~~and alcohol and drug addiction services~~ and other matters necessary or desirable to carry out this chapter;

(E) Employ and remove from office such employees and consultants in the classified civil service and, subject to the

approval of the board, employ and remove from office such other 20319  
employees and consultants as may be necessary for the work of the 20320  
board, and fix their compensation and reimbursement within the 20321  
limits set by the salary schedule and the budget approved by the 20322  
board; 20323

(F) Encourage the development and expansion of preventive, 20324  
treatment, rehabilitative, and consultative ~~programs~~ services in 20325  
the field of addiction and mental health services with emphasis on 20326  
continuity of care; 20327

(G) Prepare for board approval an annual report of the 20328  
~~programs services and facilities~~ under the jurisdiction of the 20329  
board, including a fiscal accounting of all services; 20330

(H) Conduct such studies as may be necessary and practicable 20331  
for the promotion of mental health, promotion of addiction 20332  
services, and the prevention of mental illness, emotional 20333  
disorders, and addiction ~~to alcohol and drugs~~; 20334

(I) Authorize the county auditor, or in a joint-county 20335  
district the county auditor designated as the auditor for the 20336  
district, to issue warrants for the payment of board obligations 20337  
approved by the board, provided that all payments are in 20338  
accordance with the ~~comprehensive community mental health plan~~ 20339  
budget submitted pursuant to section 340.08 of the Revised Code, 20340  
as approved by the department of ~~mental health, or with the~~ 20341  
~~alcohol and drug addiction services plan as approved by the~~ 20342  
~~department of alcohol and drug addiction services~~ mental health 20343  
and addiction services. 20344

**Sec. 340.05.** A community addiction or mental health ~~agency~~ 20345  
services provider that receives a complaint alleging abuse or 20346  
neglect of an individual with mental illness or severe mental 20347  
disability, or an individual receiving addiction services, who 20348  
resides in a residential facility as defined in division (A)(9)(b) 20349



of section ~~5119.22~~ 5119.34 of the Revised Code shall report the 20350  
complaint to the board of alcohol, drug addiction, and mental 20351  
health services serving the alcohol, drug addiction, and mental 20352  
health service district in which the residential facility is 20353  
located. A board of alcohol, drug addiction, and mental health 20354  
services that receives such a complaint or a report from a 20355  
community addiction or mental health ~~agency~~ services provider of 20356  
such a complaint shall report the complaint to the director of 20357  
~~mental health~~ mental health and addiction services for the purpose 20358  
of the director conducting an investigation under section ~~5119.22~~ 20359  
5119.34 of the Revised Code. The board may enter the facility with 20360  
or without the director and, if the health and safety of a 20361  
resident is in immediate danger, take any necessary action to 20362  
protect the resident. The board's action shall not violate any 20363  
resident's rights specified in rules adopted by the department of 20364  
~~mental health~~ mental health and addiction services under section 20365  
~~5119.22~~ 5119.34 of the Revised Code. The board shall immediately 20366  
report to the director regarding the board's actions under this 20367  
section. 20368

**Sec. 340.07.** The board of county commissioners of any county 20369  
participating in an alcohol, drug addiction, and mental health 20370  
service district or joint-county district, upon receipt from the 20371  
board of alcohol, drug addition, and mental health services of a 20372  
resolution so requesting, may appropriate money to such board for 20373  
the operation, lease, acquisition, construction, renovation, and 20374  
maintenance of addiction or mental health services, ~~programs,~~ 20375  
providers and facilities ~~for mentally ill and emotionally~~ 20376  
~~disturbed persons~~ in accordance with the comprehensive community 20377  
addiction and mental health ~~plan or for alcohol and drug addiction~~ 20378  
~~programs in accordance with the alcohol and drug addiction~~ 20379  
~~services plan~~ services budget approved by the department of mental 20380  
health and addiction services pursuant to section 340.08 of the 20381

Revised Code. 20382

Sec. 340.08. In accordance with rules or guidelines issued by 20383  
the director of mental health and addiction services, each board 20384  
of alcohol, drug addiction, and mental health services shall do 20385  
all of the following: 20386

(A) Submit to the department a report of receipts and 20387  
expenditures for all federal, state, and local moneys the board 20388  
expects to receive; 20389

(1) The report shall identify funds the board and public 20390  
children services agencies in the board's service district have 20391  
available to fund jointly the services described in section 340.15 20392  
of the Revised Code. 20393

(2) The board's proposed budget for expenditures of state and 20394  
federal funds distributed to the board by the department shall be 20395  
deemed an application for funds, and the department shall approve 20396  
or disapprove the budget for these expenditures. The department 20397  
shall inform the board of the reasons for disapproval of the 20398  
budget for the expenditure of state and federal funds and of the 20399  
criteria that must be met before the budget may be approved. The 20400  
director shall provide the board an opportunity to present its 20401  
case on behalf of the submitted budget. The director shall give 20402  
the board a reasonable time in which to meet the criteria and 20403  
shall offer the board technical assistance to help it meet the 20404  
criteria. 20405

If a board determines that it is necessary to amend a budget 20406  
that has been approved under this section, the board shall submit 20407  
a proposed amendment to the director. The director may approve or 20408  
disapprove all or part of the amendment. The director shall inform 20409  
the board of the reasons for disapproval of all or part of the 20410  
amendment and of the criteria that must be met before the 20411  
amendment may be approved. The director shall provide the board an 20412

opportunity to present its case on behalf of the amendment. The 20413  
director shall give the board a reasonable time in which to meet 20414  
the criteria and shall offer the board technical assistance to 20415  
help it meet the criteria. 20416

(3) The director of mental health and addiction services, in 20417  
whole or in part, may withhold funds otherwise to be allocated to 20418  
a board of alcohol, drug addiction, and mental health services 20419  
under Chapter 5119. of the Revised Code if the board's use of 20420  
state and federal funds fails to comply with the approved budget, 20421  
as it may be amended with the approval of the department. 20422

(B) Submit to the department a statement identifying the 20423  
services described in section 340.09 of the Revised Code the board 20424  
intends to make available. The board shall include crisis 20425  
intervention services for individuals in emergency situations and 20426  
services required pursuant to section 340.15 of the Revised Code, 20427  
and the board shall explain the manner in which the board intends 20428  
to make such services available. The list of services shall be 20429  
compatible with the budget submitted pursuant to division (A) of 20430  
this section. The department shall approve or disapprove the 20431  
proposed listing of services to be made available. The department 20432  
shall inform the board of the reasons for disapproval of the 20433  
listing of proposed services and of the criteria that must be met 20434  
before listing of proposed services may be approved. The director 20435  
shall provide the board an opportunity to present its case on 20436  
behalf of the submitted listing of proposed services. The director 20437  
shall give the board a reasonable time in which to meet the 20438  
criteria and shall offer the board technical assistance to help it 20439  
meet the criteria. 20440

(C) Enter into a continuity of care agreement with the state 20441  
institution operated by the department of mental health and 20442  
addiction services and designated as the institution serving the 20443  
district encompassing the board's service district. The continuity 20444

of care agreement shall outline the department's and the board's 20445  
responsibilities to plan for and coordinate with each other to 20446  
address the needs of board residents who are patients in the 20447  
institution, with an emphasis on managing appropriate hospital bed 20448  
day use and discharge planning. 20449

(D) In conjunction with the department of mental health and 20450  
addiction services, operate a coordinated system for tracking and 20451  
monitoring persons found not guilty by reason of insanity and 20452  
committed pursuant to section 2945.40 of the Revised Code who have 20453  
been granted a conditional release and persons found incompetent 20454  
to stand trial and committed pursuant to section 2945.39 of the 20455  
Revised Code who have been granted a conditional release. The 20456  
system shall do all of the following: 20457

(1) Centralize responsibility for the tracking of those 20458  
persons; 20459

(2) Provide for uniformity in monitoring those persons; 20460

(3) Provide a mechanism to allow prompt rehospitalization, 20461  
reinstitutionalization, or detention when a violation of the 20462  
conditional release or decompensation occurs. 20463

(E) Submit to the department a report summarizing complaints 20464  
and grievances received by the board concerning the rights of 20465  
persons seeking or receiving services, investigations of 20466  
complaints and grievances, and outcomes of the investigations. 20467

(F) Provide to the department information to be submitted to 20468  
the community addiction and mental health information system or 20469  
systems established by the department under Chapter 5119. of the 20470  
Revised Code. 20471

(G) Annually, and upon any change in membership, submit to 20472  
the department a list of all current members of the board of 20473  
alcohol, drug addiction, and mental health services, including the 20474  
appointing authority for each member, and the member's specific 20475

qualification for appointment pursuant to section 340.02 or 20476  
340.021 of the Revised Code, if applicable. 20477

(H) Submit to the department other information as is 20478  
reasonably required for purposes of the department's operations, 20479  
service evaluation, reporting activities, research, system 20480  
administration, and oversight. 20481

**Sec. 340.09.** (A) The department of ~~mental health~~ mental 20482  
health and addiction services shall provide assistance to any 20483  
county for the operation of boards of alcohol, drug addiction, and 20484  
mental health services and, the provision of ~~the following~~ 20485  
services approved by the department within the continuum of care, 20486  
and the provision of approved support functions from funds 20487  
appropriated for that purpose by the general assembly+. 20488

~~(A) Outpatient;~~ 20489

(B) Categories in the continuum of care may include all of 20490  
the following: 20491

(1) Inpatient; 20492

~~(C) Partial hospitalization~~ (2) Residential; 20493

~~(D) Rehabilitation~~ (3) Outpatient treatment; 20494

~~(E)~~ (4) Intensive and other supports; 20495

(5) Recovery support; 20496

(6) Prevention and wellness management. 20497

(C) Support functions may include all of the following: 20498

(1) Consultation; 20499

~~(F) Mental health education and other preventive services;~~ 20500

~~(G) Emergency;~~ 20501

~~(H) Crisis intervention;~~ 20502

<del>(I)</del> (2) Research;	20503
<del>(J)</del> (3) Administrative;	20504
<del>(K)</del> (4) Referral and information;	20505
<del>(L) Residential;</del>	20506
<del>(M)</del> (5) Training;	20507
<del>(N) Substance abuse;</del>	20508
<del>(O)</del> (6) Service and program evaluation;	20509
<del>(P) Community support system;</del>	20510
<del>(Q) Case management;</del>	20511
<del>(R) Residential housing;</del>	20512
<del>(S) Other services approved by the board and the director of mental health.</del>	20513 20514

**Sec. 340.091.** Each board of alcohol, drug addiction, and 20515  
mental health services shall contract with a community mental 20516  
health ~~agency~~ services provider under division (A)~~(7)~~(8)(a) of 20517  
section 340.03 of the Revised Code for the ~~agency~~ provider to do 20518  
all of the following in accordance with rules adopted under 20519  
section ~~5119.61~~ 5119.22 of the Revised Code for an individual 20520  
referred to the ~~agency~~ provider under division (D)(2) of section 20521  
~~5119.69~~ 5119.41 of the Revised Code: 20522

(A) Assess the individual and, if the ~~agency~~ provider 20523  
determines that the environment in which the individual will be 20524  
living while receiving residential state supplement payments is 20525  
appropriate for the individual's needs, issue a recommendation to 20526  
the referring residential state supplement administrative agency 20527  
that the referring agency should conclude that the living 20528  
environment is appropriate when it makes its determination 20529  
regarding the appropriateness of the environment; 20530

(B) Provide ongoing monitoring to ensure that listed services 20531  
~~provided under~~ submitted and approved under division (B) of 20532  
section ~~340.09~~ 340.08 of the Revised Code are available to the 20533  
individual; 20534

(C) Provide discharge planning to ensure the individual's 20535  
earliest possible transition to a less restrictive environment. 20536

**Sec. 340.10.** The county auditor or, in a joint-county 20537  
alcohol, drug addiction, and mental health service district, the 20538  
auditor of the county, the treasurer of which has been designated 20539  
in the agreement between the counties of the district as custodian 20540  
of the community addiction and mental health services funds ~~and~~ 20541  
~~alcohol and drug addiction services funds~~, is hereby designated as 20542  
the auditor and fiscal officer of an alcohol, drug addiction, and 20543  
mental health service district or joint-county district. State 20544  
funds allocated for the support of a service district shall be 20545  
paid to the county treasurer or, in a joint-county district, to 20546  
the treasurer of that county designated in the agreement as 20547  
custodian of the community addiction and mental health services 20548  
funds and authorized to make payments from such funds on order of 20549  
the county auditor and on recommendation of the board of alcohol, 20550  
drug addiction, and mental health services, or the executive 20551  
director of the board when authorized by the board. The auditor 20552  
shall submit to the board a detailed monthly statement of all 20553  
receipts, disbursements, and ending balances for the community 20554  
addiction and mental health services funds. 20555

**Sec. 340.11.** A board of alcohol, drug addiction, and mental 20556  
health services may procure a policy or policies of insurance 20557  
insuring board members or employees of the board or ~~agencies~~ 20558  
providers with which the board contracts against liability arising 20559  
from the performance of their official duties. If the liability 20560  
insurance is unavailable or the amount a board has procured or is 20561

able to procure is insufficient to cover the amount of a claim, 20562  
the board may indemnify a board member or employee as follows: 20563

(A) For any action or inaction in the capacity of board 20564  
member or employee or at the request of the board, whether or not 20565  
the action or inaction is expressly authorized by this or any 20566  
other section of the Revised Code, if both of the following apply: 20567

(1) The board member or employee acted in good faith and in a 20568  
manner that the board member or employee reasonably believed was 20569  
in or was not opposed to the best interests of the board; ~~and~~ 20570

(2) With respect to any criminal action or proceeding, the 20571  
board member or employee had no reason to believe the board 20572  
member's or employee's conduct was unlawful. 20573

(B) Against any expenses, including attorneys' fees, the 20574  
board member or employee actually and reasonably incurs as a 20575  
result of a suit or other proceeding involving the defense of any 20576  
action or inaction in the capacity of board member or employee or 20577  
at the request of the board, or in defense of any claim, issue, or 20578  
matter raised in connection with the defense of such an action or 20579  
inaction, to the extent that the board member or employee is 20580  
successful on the merits or otherwise. 20581

**Sec. 340.12.** No board of alcohol, drug addiction, and mental 20582  
health services or any ~~agency, corporation, or association~~ 20583  
addiction or mental health services provider under contract with 20584  
such a board shall discriminate in the provision of services under 20585  
its authority, in employment, or contract on the basis of race, 20586  
color, religion, sex, ~~ereed~~ age, ancestry, national origin, 20587  
disability, ~~or national origin~~ sexual orientation, military 20588  
status, or genetic information. 20589

Each board, ~~and~~ each community addiction or mental health 20590  
~~agency, and each alcohol and drug addiction program~~ services 20591



provider shall have a written affirmative action program. The 20592  
affirmative action program shall include goals for the employment 20593  
and effective utilization of, including contracts with, members of 20594  
economically disadvantaged groups as defined in division (E)(1) of 20595  
section 122.71 of the Revised Code in percentages reflecting as 20596  
nearly as possible the composition of the alcohol, drug addiction, 20597  
and mental health service district served by the board. Each 20598  
board, ~~agency,~~ and ~~program~~ provider shall file a description of 20599  
the affirmative action program and a progress report on its 20600  
implementation with the department of ~~mental health or the~~ 20601  
~~department of alcohol and drug addiction services~~ mental health 20602  
and addiction services. 20603

**Sec. 340.13.** (A) As used in this section, ~~"minority:~~ 20604

(1) "Minority business enterprise" has the same meaning as in 20605  
~~division (E)(1) of~~ section 122.71 of the Revised Code. 20606

(2) "EDGE business enterprise" has the same meaning as in 20607  
section 123.152 of the Revised Code. 20608

(B) Any minority business enterprise that desires to bid on a 20609  
contract under division (C) ~~or (D)~~ of this section shall first 20610  
apply to the equal employment opportunity coordinator in the 20611  
department of administrative services for certification as a 20612  
minority business enterprise. Any EDGE business enterprise that 20613  
desires to bid on a contract under division (D) of this section 20614  
shall first apply to the equal employment opportunity coordinator 20615  
of the department of administrative services for certification as 20616  
an EDGE business enterprise. The coordinator shall approve the 20617  
application of any minority business enterprise or EDGE business 20618  
enterprise that complies with the rules adopted under section 20619  
122.71 or 123.152 of the Revised Code, respectively. The 20620  
coordinator shall prepare and maintain a list of minority business 20621  
enterprises and EDGE business enterprises certified under ~~this~~ 20622

~~section~~ those sections. 20623

(C) From the contracts to be awarded for the purchases of 20624  
equipment, materials, supplies, or services, other than contracts 20625  
entered into under section 340.03 ~~or 340.033~~ of the Revised Code, 20626  
each board of alcohol, drug addiction, and mental health services 20627  
shall select a number of contracts with an aggregate value of 20628  
approximately fifteen per cent of the total estimated value of 20629  
contracts to be awarded in the current fiscal year. The board 20630  
shall set aside the contracts so selected for bidding by minority 20631  
business enterprises only. The bidding procedures for such 20632  
contracts shall be the same as for all other contracts awarded 20633  
under section 307.86 of the Revised Code, except that only 20634  
minority business enterprises certified and listed ~~under~~ pursuant 20635  
to division (B) of this section shall be qualified to submit bids. 20636

(D) To the extent that a board is authorized to enter into 20637  
contracts for construction, the board shall ~~set aside a number of~~ 20638  
~~contracts~~ strive to attain a yearly contract dollar procurement 20639  
goal the aggregate value of which equals approximately five per 20640  
cent of the aggregate value of construction contracts for the 20641  
current fiscal year for ~~bidding by minority~~ EDGE business 20642  
enterprises only. ~~The bidding procedures for the contracts set~~ 20643  
~~aside for minority business enterprises shall be the same as for~~ 20644  
~~all other contracts awarded by the board, except that only~~ 20645  
~~minority business enterprises certified and listed under division~~ 20646  
~~(B) of this section shall be qualified to submit bids.~~ 20647

(E)(1) In the case of contracts set aside under ~~divisions~~ 20648  
division (C) ~~and (D)~~ of this section, if no bid is submitted by a 20649  
minority business enterprise, the contract shall be awarded 20650  
according to normal bidding procedures. The board shall from time 20651  
to time set aside such additional contracts as are necessary to 20652  
replace those contracts previously set aside on which no minority 20653  
business enterprise bid. 20654

(2) If a board, after having made a good faith effort, is unable to comply with the goal of procurement for contracting with EDGE business enterprises pursuant to division (D) of this section, the board may apply in writing, on a form prescribed by the department of administrative services, to the director of mental health and addiction services for a waiver or modification of the goal. 20655  
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(F) This section does not preclude any minority business enterprise or EDGE business enterprise from bidding on any other contract not specifically set aside for minority business enterprises or subject to procurement goals for EDGE business enterprises. 20662  
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(G) Within ninety days after the beginning of each fiscal year, each board shall file a report with the department of ~~mental health~~ mental health and addiction services that shows for that fiscal year the name of each minority business enterprise and EDGE business enterprise with which the board entered into a contract, the value and type of each such contract, the total value of contracts awarded under divisions (C) and (D) of this section, the total value of contracts awarded for the purchases of equipment, materials, supplies, or services, other than contracts entered into under section 340.03 of the Revised Code, and the total value of contracts entered into for construction. 20667  
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(H) Any person who intentionally misrepresents ~~himself~~ self as owning, controlling, operating, or participating in a minority business enterprise or an EDGE business enterprise for the purpose of obtaining contracts or any other benefits under this section shall be guilty of theft by deception as provided for in section 2913.02 of the Revised Code. 20678  
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**Sec. 340.15.** (A) A public children services agency that identifies a child by a risk assessment conducted pursuant to 20684  
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section 5153.16 of the Revised Code as being at imminent risk of 20686  
being abused or neglected because of an addiction of a parent, 20687  
guardian, or custodian of the child to a drug of abuse or alcohol 20688  
shall refer the child's addicted parent, guardian, or custodian 20689  
and, if the agency determines that the child needs alcohol or 20690  
other drug addiction services, the child to ~~an alcohol and drug a~~ 20691  
community addiction program services provider certified by the 20692  
department of ~~alcohol and drug addiction services~~ mental health 20693  
and addiction services under section ~~3793.06~~ 5119.36 of the 20694  
Revised Code. A public children services agency that is sent a 20695  
court order issued pursuant to division (B) of section 2151.3514 20696  
of the Revised Code shall refer the addicted parent or other 20697  
caregiver of the child identified in the court order to ~~an alcohol~~ 20698  
~~and drug a~~ community addiction program services provider certified 20699  
by the department of ~~alcohol and drug addiction services~~ mental 20700  
health and addiction services under section ~~3793.06~~ 5119.36 of the 20701  
Revised Code. On receipt of a referral under this division and to 20702  
the extent funding identified under division (A)(1) of section 20703  
~~340.033~~ 340.08 of the Revised Code is available, the ~~program~~ 20704  
provider shall provide the following services to the addicted 20705  
parent, guardian, custodian, or caregiver and child in need of 20706  
~~alcohol or other drug~~ addiction services: 20707

(1) If it is determined pursuant to an initial screening to 20708  
be needed, assessment and appropriate treatment; 20709

(2) Documentation of progress in accordance with a treatment 20710  
plan developed for the addicted parent, guardian, custodian, 20711  
caregiver, or child; 20712

(3) If the referral is based on a court order issued pursuant 20713  
to division (B) of section 2151.3514 of the Revised Code and the 20714  
order requires the specified parent or other caregiver of the 20715  
child to submit to alcohol or other drug testing during, after, or 20716  
both during and after, treatment, testing in accordance with the 20717

court order. 20718

(B) The services described in division (A) of this section 20719  
shall have a priority as provided in the ~~alcohol and drug~~ 20720  
addiction and mental health services plan and budget established 20721  
pursuant to ~~section 340.033~~ sections 340.03 and 340.08 of the 20722  
Revised Code. Once a referral has been received pursuant to this 20723  
section, the public children services agency and the ~~alcohol or~~ 20724  
~~drug~~ addiction program services provider shall, in accordance with 20725  
42 C.F.R. Part 2, share with each other any information concerning 20726  
the persons and services described in that division that the 20727  
agency and program provider determine are necessary to share. If 20728  
the referral is based on a court order issued pursuant to division 20729  
(B) of section 2151.3514 of the Revised Code, the results and 20730  
recommendations of the ~~alcohol and drug~~ addiction program services 20731  
provider also shall be provided and used as described in division 20732  
(D) of that section. Information obtained or maintained by the 20733  
agency or ~~program~~ provider pursuant to this section that could 20734  
enable the identification of any person described in division (A) 20735  
of this section is not a public record subject to inspection or 20736  
copying under section 149.43 of the Revised Code. 20737

**Sec. 340.16.** ~~Not later than ninety days after September 5,~~ 20738  
~~2001, the~~ The department of ~~mental health~~ mental health and 20739  
addiction services and the department of ~~job and family services~~ 20740  
medicaid shall adopt rules that establish requirements and 20741  
procedures for prior notification and service coordination between 20742  
public children services agencies and boards of alcohol, drug 20743  
addiction, and mental health services when a public children 20744  
services agency refers a child in its custody to a board for 20745  
services funded by the board. The rules shall be adopted in 20746  
accordance with Chapter 119. of the Revised Code. 20747

~~The department of mental health and department of job and~~ 20748

~~family services shall collaborate in formulating a plan that 20749  
delineates the funding responsibilities of public children 20750  
services agencies and boards of alcohol, drug addiction, and 20751  
mental health services for services provided under section 20752  
5111.023 of the Revised Code to children in the custody of public 20753  
children services agencies. The departments shall complete the 20754  
plan not later than ninety days after September 5, 2001. 20755~~

**Sec. 341.192.** (A) As used in this section: 20756

(1) "Jail" means a county jail, or a multicounty, 20757  
municipal-county, or multicounty-municipal correctional center. 20758

~~(2) "Medical assistance program" has the same meaning as in 20759  
section 2913.40 of the Revised Code. 20760~~

~~(3) "Medical provider" means a physician, hospital, 20761  
laboratory, pharmacy, or other health care provider that is not 20762  
employed by or under contract to a county, municipal corporation, 20763  
township, the department of youth services, or the department of 20764  
rehabilitation and correction to provide medical services to 20765  
persons confined in a jail or state correctional institution, or 20766  
is in the custody of a law enforcement officer. 20767~~

~~(4)(3) "Necessary care" means medical care of a nonelective 20768  
nature that cannot be postponed until after the period of 20769  
confinement of a person who is confined in a jail or state 20770  
correctional institution, or is in the custody of a law 20771  
enforcement officer without endangering the life or health of the 20772  
person. 20773~~

(B) If a physician employed by or under contract to a county, 20774  
municipal corporation, township, the department of youth services, 20775  
or the department of rehabilitation and correction to provide 20776  
medical services to persons confined in a jail or state 20777  
correctional institution determines that a person who is confined 20778

in the jail or state correctional institution or who is in the 20779  
custody of a law enforcement officer prior to the person's 20780  
confinement in a jail or state correctional institution requires 20781  
necessary care that the physician cannot provide, the necessary 20782  
care shall be provided by a medical provider. The county, 20783  
municipal corporation, township, the department of youth services, 20784  
or the department of rehabilitation and correction shall pay a 20785  
medical provider for necessary care an amount not exceeding the 20786  
authorized reimbursement rate for the same service established by 20787  
the department of ~~job and family services~~ medicaid under the 20788  
~~medical assistance~~ medicaid program. 20789

**Sec. 351.021.** (A) The resolution of the county commissioners 20790  
creating a convention facilities authority, or any amendment or 20791  
supplement to that resolution, may authorize the authority to levy 20792  
one or both of the excise taxes authorized by division (B) of this 20793  
section to pay the cost of one or more facilities; to pay 20794  
principal, interest, and premium on convention facilities 20795  
authority tax anticipation bonds issued to pay those costs; to pay 20796  
the operating costs of the authority; to pay operating and 20797  
maintenance costs of those facilities; and to pay the costs of 20798  
administering the excise tax. 20799

(B) The board of directors of a convention facilities 20800  
authority that has been authorized pursuant to resolution adopted, 20801  
amended, or supplemented by the board of county commissioners 20802  
pursuant to division (A) of this section may levy, by resolution 20803  
adopted on or before December 31, 1988, either or both of the 20804  
following: 20805

(1) Within the territory of the authority, an additional 20806  
excise tax not to exceed four per cent on each transaction. The 20807  
excise tax authorized by division (B)(1) of this section shall be 20808  
in addition to any excise tax levied pursuant to section 5739.08 20809

or 5739.09 of the Revised Code, or division (B)(2) of this 20810  
section. 20811

(2) Within that portion of any municipal corporation that is 20812  
located within the territory of the authority or within the 20813  
boundaries of any township that is located within the territory of 20814  
the authority, which municipal corporation or township is levying 20815  
any portion of the excise tax authorized by division (A) of 20816  
section 5739.08 of the Revised Code, and with the approval, by 20817  
ordinance or resolution, of the legislative authority of that 20818  
municipal corporation or township, an additional excise tax not to 20819  
exceed nine-tenths of one per cent on each transaction. The excise 20820  
tax authorized by division (B)(2) of this section may be levied 20821  
only if, on the effective date of the levy specified in the 20822  
resolution making the levy, the amount being levied pursuant to 20823  
division (A) of section 5739.08 of the Revised Code by each 20824  
municipal corporation or township in which the tax authorized by 20825  
division (B)(2) of this section will be levied, when added to the 20826  
amount levied under division (B)(2) of this section, does not 20827  
exceed three per cent on each transaction. The excise tax 20828  
authorized by division (B)(2) of this section shall be in addition 20829  
to any excise tax that is levied pursuant to section 5739.08 or 20830  
5739.09 of the Revised Code, or division (B)(1) of this section. 20831

(C)(1) The board of directors of a convention facilities 20832  
authority that is located in an eligible Appalachian county; that 20833  
has been authorized pursuant to resolution adopted, amended, or 20834  
supplemented by the board of county commissioners pursuant to 20835  
division (A) of this section; and that is not levying a tax under 20836  
division (B)(1) or (2) of this section may levy within the 20837  
territory of the authority, by resolution adopted on or before 20838  
December 31, 2005, an additional excise tax not to exceed three 20839  
per cent on each transaction. The excise tax authorized under 20840  
division (C)(1) of this section shall be in addition to any excise 20841



tax levied pursuant to section 5739.08 or 5739.09 of the Revised Code. 20842  
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As used in division (C)(1) of this section, "eligible Appalachian county" means a county in this state designated as being in the "Appalachian region" under the "Appalachian Regional Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 403, and having a population less than eighty thousand according to the most recent federal decennial census. 20844  
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(2) Division ~~(B)~~(C)(2) of this section applies only to a convention facilities authority located in a county with a population, according to the 2000 federal decennial census, of at least one hundred thirty-five thousand and not more than one hundred fifty thousand and containing entirely within its boundaries the territory of a municipal corporation with a population according to that census of more than fifty thousand. The board of directors of such a convention facilities authority, by resolution adopted on or before November 1, 2009, may levy within the territory of the authority an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests at a rate not to exceed three per cent on such transactions for the same purposes for which a tax may be levied under division (B) of this section. The resolution may be adopted only if the board of county commissioners of the county, by resolution, authorizes the levy of the tax. The resolution of the board of county commissioners is subject to referendum as prescribed by sections 305.31 to 305.41 of the Revised Code. If, pursuant to those procedures, a referendum is to be held, the board's resolution does not take effect until approved by a majority of electors voting on the question. The convention facilities authority may adopt the resolution authorized by division (C)(2) of this section before the election, but the authority's resolution shall not take effect if the board of 20850  
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commissioners' resolution is not approved at the election. A tax 20874  
levied under division (C)(2) of this section is in addition to any 20875  
tax levied under section 5739.09 of the Revised Code. 20876

(D) The authority shall provide for the administration and 20877  
allocation of an excise tax levied pursuant to division (B) or (C) 20878  
of this section. All receipts arising from those excise taxes 20879  
shall be expended for the purposes provided in, and in accordance 20880  
with this section and section 351.141 of the Revised Code. An 20881  
excise tax levied under division (B) or (C) of this section shall 20882  
remain in effect at the rate at which it is levied for at least 20883  
the duration of the period for which the receipts from the tax 20884  
have been anticipated and pledged pursuant to section 351.141 of 20885  
the Revised Code. 20886

(E) Except as provided in division (B)(2) of this section, 20887  
the levy of an excise tax on each transaction pursuant to sections 20888  
5739.08 and 5739.09 of the Revised Code does not prevent a 20889  
convention facilities authority from levying an excise tax 20890  
pursuant to division (B) or (C) of this section. 20891

(F) A convention facilities authority located in a county 20892  
with a population of less than two hundred fifty thousand 20893  
according to the 2010 federal decennial census that levies a tax 20894  
under division (B) of this section may amend the resolution 20895  
levying the tax to allocate a portion of the revenue from the tax 20896  
for support of tourism-related sites or facilities and programs 20897  
operated by the county or a municipal corporation within the 20898  
county in which the authority is located or for the purpose of 20899  
leasing lands for county fairs, erecting buildings for county fair 20900  
purposes, making improvements on a county fairground, or for any 20901  
purpose connected with the use of a county fairground or with the 20902  
management thereof by the county in which the authority is 20903  
located. The revenue allocated by the authority for such purposes 20904  
in a calendar year shall not exceed fifteen per cent of the total 20905

revenue from the tax in the preceding calendar year. 20906

Sec. 511.261. If a township park district enters into an 20907  
agreement for the sale or lease of mineral rights regarding a park 20908  
within the district, any royalties or other moneys resulting from 20909  
the sale or lease shall be deposited into a special fund that the 20910  
board of park commissioners shall establish under division (F) of 20911  
section 5705.09 of the Revised Code. The fund shall be used 20912  
exclusively for maintenance of parks within the district and for 20913  
the acquisition of new park lands. 20914

Sec. 517.271. Notwithstanding section 517.22 of the Revised 20915  
Code, the company, association, or religious society that most 20916  
recently owned and operated a cemetery currently owned by a board 20917  
of township trustees may petition the probate court of the county 20918  
in which the cemetery is located to transfer the ownership of the 20919  
cemetery to the petitioner. 20920

If the court determines that the petitioner has met all of 20921  
the following conditions, the court shall transfer the ownership 20922  
of the cemetery to the petitioner and shall order the board to 20923  
give the petitioner all necessary records and documents concerning 20924  
the cemetery, including records of the board's sale of any lots 20925  
pursuant to section 517.07 of the Revised Code: 20926

(A) The petitioner has the financial resources necessary to 20927  
operate and maintain the cemetery; 20928

(B) The petitioner is in compliance with all applicable laws 20929  
and administrative rules concerning the owners and operators of 20930  
cemeteries, including registration under section 4767.02 of the 20931  
Revised Code; and 20932

(C) The petitioner owes no delinquent taxes. 20933

**Sec. 715.691. (A) As used in this section:** 20934

(1) "Contracting party" means a municipal corporation that 20935  
has entered into a joint economic development zone contract or any 20936  
party succeeding to the municipal corporation, or a township that 20937  
entered into a joint economic development zone contract with a 20938  
municipal corporation. 20939

(2) "Zone" means a joint economic development zone designated 20940  
under this section. 20941

(B) This section provides alternative procedures and 20942  
requirements for creating and operating a joint economic 20943  
development zone to those set forth in section 715.69 of the 20944  
Revised Code. This section applies only if one of the contracting 20945  
parties to the zone does not levy a municipal income tax under 20946  
Chapter 718. of the Revised Code. A municipal corporation that 20947  
does not levy a municipal income tax may enter into an agreement 20948  
to create and operate a joint economic development zone under this 20949  
section or under section 715.69 of the Revised Code. 20950

Two or more municipal corporations or one or more townships 20951  
and one or more municipal corporations may enter into a contract 20952  
whereby they agree to share in the costs of improvements for an 20953  
area or areas located in one or more of the contracting parties 20954  
that they designate as a joint economic development zone for the 20955  
purpose of facilitating new or expanded growth for commercial or 20956  
economic development in the state. The contract and zone shall 20957  
meet the requirements of divisions (B) to (J) of this section. 20958

(C) The contract shall set forth each contracting party's 20959  
contribution to the joint economic development zone. The 20960  
contributions may be in any form that the contracting parties 20961  
agree to, and may include, but are not limited to, the provision 20962  
of services, money, or equipment. The contract may be amended, 20963  
renewed, or terminated with the consent of the contracting 20964  
parties. The contract shall continue in existence throughout the 20965  
term it specifies and shall be binding on the contracting parties 20966

and on any entities succeeding to the contracting parties. 20967

(D) Before the legislative authority of any of the 20968  
contracting parties enacts an ordinance or resolution approving a 20969  
contract to designate a joint economic development zone, the 20970  
legislative authority of each of the contracting parties shall 20971  
hold a public hearing concerning the contract and zone. Each 20972  
legislative authority shall provide at least thirty days' public 20973  
notice of the time and place of the public hearing in a newspaper 20974  
of general circulation in the municipal corporation or township. 20975  
During the thirty-day period prior to the public hearing, all of 20976  
the following documents shall be available for public inspection 20977  
in the office of the clerk of the legislative authority of a 20978  
municipal corporation that is a contracting party and in the 20979  
office of the fiscal officer of a township that is a contracting 20980  
party: 20981

(1) A copy of the contract designating the zone; 20982

(2) A description of the area or areas to be included in the 20983  
zone, including a map in sufficient detail to denote the specific 20984  
boundaries of the area or areas; 20985

(3) An economic development plan for the zone that includes a 20986  
schedule for the provision of any new, expanded, or additional 20987  
services, facilities, or improvements. 20988

A public hearing held under division (D) of this section 20989  
shall allow for public comment and recommendations on the contract 20990  
and zone. The contracting parties may include in the contract any 20991  
of those recommendations prior to approval of the contract. 20992

(E) After the public hearings required under division (D) of 20993  
this section have been held, each contracting party may enact an 20994  
ordinance or resolution approving the contract to designate a 20995  
joint economic development zone. After each contracting party has 20996  
enacted an ordinance or resolution, the clerk of the legislative 20997

authority of a municipal corporation that is a contracting party 20998  
and the fiscal officer of a township that is a contracting party 20999  
shall file with the board of elections of each county within which 21000  
a contracting party is located a copy of the ordinance or 21001  
resolution approving the contract and shall direct the board of 21002  
elections to submit the ordinance or resolution to the electors of 21003  
the contracting party on the day of the next general, primary, or 21004  
special election occurring at least ninety days after the 21005  
ordinance or resolution is filed with the board of elections. If 21006  
any of the contracting parties is a township, however, then only 21007  
the township or townships shall submit the resolution to the 21008  
electors. 21009

(F)(1) If a vote is required to approve a municipal 21010  
corporation as a contracting party to a joint economic development 21011  
zone under this section, the ballot shall be in the following 21012  
form: 21013

"Shall the ordinance of the legislative authority of the 21014  
(city or village) of (name of contracting party) approving the 21015  
contract with (name of each other contracting party) for the 21016  
designation of a joint economic development zone be approved? 21017

	FOR THE ORDINANCE AND CONTRACT
	AGAINST THE ORDINANCE AND CONTRACT

"

(2) If a vote is required to approve a township as a 21022  
contracting party to a joint economic development zone under this 21023  
section, the ballot shall be in the following form: 21024

"Shall the resolution of the board of township trustees of 21025  
the township of (name of contracting party) approving the contract 21026  
with (name of each other contracting party) for the designation of 21027  
a joint economic development zone be approved? 21028

21029

	FOR THE RESOLUTION AND CONTRACT
	AGAINST THE RESOLUTION AND CONTRACT

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If a majority of the electors of each contracting party voting on the issue vote for the ordinance or resolution and contract, the ordinance or resolution shall become effective immediately and the contract shall go into effect immediately or in accordance with its terms.

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(G)(1) A board of directors shall govern each joint economic development zone created under section 715.691 of the Revised Code. The members of the board shall be appointed as provided in the contract. Each of the contracting parties shall appoint three members to the board. Terms for each member shall be for two years, each term ending on the same day of the month of the year as did the term that it succeeds. A member may be reappointed to the board.

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(2) Membership on the board is not the holding of a public office or employment within the meaning of any section of the Revised Code or any charter provision prohibiting the holding of other public office or employment. Membership on the board is not a direct or indirect interest in a contract or expenditure of money by a municipal corporation, township, county, or other political subdivision with which a member may be affiliated. Notwithstanding any provision of law or a charter to the contrary, no member of the board shall forfeit or be disqualified from holding any public office or employment by reason of membership on the board.

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(3) The board is a public body for the purposes of section 121.22 of the Revised Code. Chapter 2744. of the Revised Code applies to the board and the zone.

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(H) The contract may grant to the board of directors 21060  
appointed under division (G) of this section the power to adopt a 21061  
resolution to levy an income tax within the zone. The income tax 21062  
shall be used for the purposes of the zone and for the purposes of 21063  
the contracting ~~municipal corporations~~ parties pursuant to the 21064  
contract. The income tax may be levied in the zone based on income 21065  
earned by persons working within the zone and on the net profits 21066  
of businesses located in the zone. The income tax is subject to 21067  
Chapter 718. of the Revised Code, except that a vote shall be 21068  
required by the electors residing in the zone to approve the rate 21069  
of income tax unless a majority of the electors residing within 21070  
the zone, as determined by the total number of votes cast in the 21071  
zone for the office of governor at the most recent general 21072  
election for that office, submit a petition to the board 21073  
requesting that the election provided for in division (H)(1) of 21074  
this section not be held. If no electors reside within the zone, 21075  
then division (H)(3) of this section applies. The rate of the 21076  
income tax shall be no higher than the highest rate being levied 21077  
by a municipal corporation that is a party to the contract. 21078

(1) The board of directors may levy an income tax at a rate 21079  
that is not higher than the highest rate being levied by a 21080  
municipal corporation that is a party to the contract, provided 21081  
that the rate of the income tax is first submitted to and approved 21082  
by the electors of the zone at the succeeding regular or primary 21083  
election, or a special election called by the board, occurring 21084  
subsequent to ninety days after a certified copy of the resolution 21085  
levying the income tax and calling for the election is filed with 21086  
the board of elections. If the voters approve the levy of the 21087  
income tax, the income tax shall be in force for the full period 21088  
of the contract establishing the zone. No election shall be held 21089  
under this section if a majority of the electors residing within 21090  
the zone, determined as specified in division (H) of this section, 21091  
submit a petition to that effect to the board of directors. Any 21092



increase in the rate of an income tax by the board of directors 21093  
shall be approved by a vote of the electors of the zone and shall 21094  
be in force for the remaining period of the contract establishing 21095  
the zone. 21096

(2) Whenever a zone is located in the territory of more than 21097  
one contracting party, a majority vote of the electors in each of 21098  
the several portions of the territory of the contracting parties 21099  
constituting the zone approving the levy of the tax is required 21100  
before it may be imposed under division (H) of this section. 21101

(3) If no electors reside in the zone, no election for the 21102  
approval or rejection of an income tax shall be held under this 21103  
section, provided that where no electors reside in the zone, the 21104  
rate of the income tax shall be no higher than the highest rate 21105  
being levied by a municipal corporation that is a party to the 21106  
contract. 21107

(4) The board of directors of a zone levying an income tax 21108  
shall enter into an agreement with one of the municipal 21109  
corporations that is a party to the contract to administer, 21110  
collect, and enforce the income tax on behalf of the zone. 21111

(5) The board of directors of a zone shall publish or post 21112  
public notice within the zone of any resolution adopted levying an 21113  
income tax in the same manner required of municipal corporations 21114  
under sections 731.21 and 731.25 of the Revised Code. 21115

(I)(1) If for any reason a contracting party reverts to or 21116  
has its boundaries changed so that it is classified as a township 21117  
that is the entity succeeding to that contracting party, the 21118  
township is considered to be a municipal corporation for the 21119  
purposes of the contract for the full period of the contract 21120  
establishing the joint economic development zone, except that if 21121  
that contracting party is administering, collecting, and enforcing 21122  
the income tax on behalf of the district as provided in division 21123

(H)(4) of this section, the contract shall be amended to allow one 21124  
of the other contracting parties to administer, collect, and 21125  
enforce that tax. 21126

(2) Notwithstanding any other section of the Revised Code, if 21127  
there is any change in the boundaries of a township so that a 21128  
municipal corporation once located within the township is no 21129  
longer so located, the township shall remain in existence even 21130  
though its remaining unincorporated area contains less than 21131  
twenty-two square miles, if the township has been or becomes a 21132  
party to a contract creating a joint economic development zone 21133  
under this section or the contract creating that joint economic 21134  
development zone under this section is terminated or repudiated 21135  
for any reason by any party or person. The township shall continue 21136  
its existing status in all respects, including having the same 21137  
form of government and the same elected board of trustees as its 21138  
governing body. The township shall continue to receive all of its 21139  
tax levies and sources of income as a township in accordance with 21140  
any section of the Revised Code, whether the levies and sources of 21141  
income generate millage within the ten-mill limitation or in 21142  
excess of the ten-mill limitation. The name of the township may be 21143  
changed to the name of the contracting party appearing in the 21144  
contract creating a joint economic development zone under this 21145  
section, so long as the name does not conflict with any other name 21146  
in the state that has been certified by the secretary of state. 21147  
The township shall have all of the powers set out in sections 21148  
715.79, 715.80, and 715.81 of the Revised Code. 21149

(J) If, after creating and operating a joint economic 21150  
development zone under this section, a contracting party that did 21151  
not levy a municipal income tax under Chapter 718. of the Revised 21152  
Code levies such a tax, the tax shall not apply to the zone for 21153  
the full period of the contract establishing the zone, if the 21154  
board of directors of the zone has levied an income tax as 21155

provided in division (H) of this section. 21156

**Sec. 731.091.** (A) The legislative authority of a village may, 21157  
by the adoption of an ordinance or resolution to eliminate 21158  
staggered terms of office, determine that all members of the 21159  
legislative authority shall be elected at the same municipal 21160  
election as provided for in this section. 21161

(B) At the regular municipal election occurring not less than 21162  
ninety days after the certification of the ordinance or resolution 21163  
to the board of elections eliminating staggered terms of office, 21164  
the following apply: 21165

(1) If there are six members of the legislative authority, 21166  
~~three~~ the number of members eligible for election at that regular 21167  
municipal election shall be elected ~~at the next regular municipal~~ 21168  
~~election for~~ to two-year nonstaggered terms, and all members of 21169  
the legislative authority shall be elected to four-year 21170  
nonstaggered terms at all following municipal elections. 21171

(2) If there are five members of the legislative authority, 21172  
~~three~~ a number of members that is one less than the number of 21173  
members that would otherwise be eligible for election at that 21174  
regular municipal election but for the first-time implementation 21175  
of the new membership of five, or, in the case of a village that 21176  
has previously reduced its number of members to five, then the 21177  
number of members eligible for election at that regular municipal 21178  
election shall be elected ~~at the next municipal election for~~ to 21179  
two-year nonstaggered terms, and all members shall be elected to 21180  
four-year nonstaggered terms at all following municipal elections. 21181

**Sec. 737.41.** (A) The legislative authority of a municipal 21182  
corporation in which is established a municipal court, other than 21183  
a county-operated municipal court, that has a department of 21184  
probation shall establish in the municipal treasury a municipal 21185

probation services fund. The fund shall contain all moneys paid to 21186  
the treasurer of the municipal corporation under section 2951.021 21187  
of the Revised Code for deposit into the fund. The treasurer of 21188  
the municipal corporation shall disburse the money contained in 21189  
the fund at the request of the municipal court department of 21190  
probation, for use only by that department for specialized staff, 21191  
purchase of equipment, purchase of services, reconciliation 21192  
programs for offenders and victims, other treatment programs, 21193  
including ~~alcohol and drug~~ community addiction ~~programs~~ services 21194  
providers certified under section ~~3793.06~~ 5119.36 of the Revised 21195  
Code, determined to be appropriate by the chief probation officer, 21196  
and other similar expenses related to placing offenders under a 21197  
community control sanction. 21198

(B) Any money in a municipal probation services fund at the 21199  
end of a fiscal year shall not revert to the treasury of the 21200  
municipal corporation but shall be retained in the fund. 21201

(C) As used in this section: 21202

(1) "County-operated municipal court" has the same meaning as 21203  
in section 1901.03 of the Revised Code. 21204

(2) "Community control sanction" has the same meaning as in 21205  
section 2929.01 of the Revised Code. 21206

**Sec. 742.14.** (A) The board of trustees of the Ohio police and 21207  
fire pension fund shall have prepared triennially by or under the 21208  
supervision of an actuary an actuarial valuation of the pension 21209  
assets, liabilities, and funding requirements of the Ohio police 21210  
and fire pension fund as established pursuant to sections 742.01 21211  
to 742.61 of the Revised Code. The actuary shall complete the 21212  
valuation in accordance with actuarial standards of practice 21213  
promulgated by the actuarial standards board of the American 21214  
academy of actuaries and prepare a report of the valuation. The 21215  
report shall include all of the following: 21216

(1) A summary of the benefit provisions evaluated;	21217
(2) A summary of the census data and financial information used in the valuation;	21218 21219
(3) A description of the actuarial assumptions, actuarial cost method, and asset valuation method used in the valuation, including a statement of the assumed rate of payroll growth and assumed rate of growth or decline in the number of members of the fund contributing to the pension fund;	21220 21221 21222 21223 21224
(4) A summary of findings that includes a statement of the actuarial accrued pension liabilities and unfunded actuarial accrued pension liabilities;	21225 21226 21227
(5) A schedule showing the effect of any changes in the benefit provisions, actuarial assumptions, or cost methods since the last triennial actuarial valuation;	21228 21229 21230
(6) A statement of whether employee and employer contributions to the pension fund are expected to be sufficient to satisfy the funding objectives established by the board.	21231 21232 21233
The first triennial report shall be made not later than November 1, 2013, to the Ohio retirement study council, <u>the director of budget and management</u> , and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation <u>immediately upon its availability</u> and thereafter triennially, not later than the first day of November.	21234 21235 21236 21237 21238 21239 21240
(B) At such times as the board determines, and at least once in each quinquennial period, the board shall have prepared by or under the supervision of an actuary an actuarial investigation of the mortality, service, and other experience of the members of the fund and of other system retirants, as defined in section 742.26 of the Revised Code, who are members of a police department or a fire department to update the actuarial assumptions used in the	21241 21242 21243 21244 21245 21246 21247

actuarial valuation required by division (A) of this section. The 21248  
actuary shall prepare a report of the actuarial investigation. The 21249  
report shall be prepared and any recommended changes in actuarial 21250  
assumptions shall be made in accordance with the actuarial 21251  
standards of practice promulgated by the actuarial standards board 21252  
of the American academy of actuaries. The report shall include all 21253  
of the following: 21254

(1) A summary of relevant decrement and economic assumption 21255  
experience observed over the period of the investigation; 21256

(2) Recommended changes in actuarial assumptions to be used 21257  
in subsequent actuarial valuations required by division (A) of 21258  
this section; 21259

(3) A measurement of the financial effect of the recommended 21260  
changes in actuarial assumptions; 21261

(4) If the investigation required by this division includes 21262  
the investigation required by division (E) of this section, a 21263  
report of the result of that investigation. 21264

The board shall submit the report to the Ohio retirement 21265  
study council and the standing committees of the house of 21266  
representatives and the senate with primary responsibility for 21267  
retirement legislation not later than the first day of November 21268  
following the last fiscal year of the period the report covers. 21269

(C) The board shall have prepared by or under the supervision 21270  
of an actuary an actuarial analysis of any introduced legislation 21271  
expected to have a measurable financial impact on the pension 21272  
fund. The actuarial analysis shall be completed in accordance with 21273  
the actuarial standards of practice promulgated by the actuarial 21274  
standards board of the American academy of actuaries. The actuary 21275  
shall prepare a report of the actuarial analysis, which shall 21276  
include all of the following: 21277

(1) A summary of the statutory changes that are being 21278

evaluated;	21279
(2) A description of or reference to the actuarial assumptions and actuarial cost method used in the report;	21280 21281
(3) A description of the participant group or groups included in the report;	21282 21283
(4) A statement of the financial impact of the legislation, including the resulting increase, if any, in the employer normal cost percentage; the increase, if any, in actuarial accrued liabilities; and the per cent of payroll that would be required to amortize the increase in actuarial accrued liabilities as a level per cent of covered payroll for all active members of the fund over a period not to exceed thirty years;	21284 21285 21286 21287 21288 21289 21290
(5) A statement of whether the scheduled contributions to the system after the proposed change is enacted are expected to be sufficient to satisfy the funding objectives established by the board.	21291 21292 21293 21294
Not later than sixty days from the date of introduction of the legislation, the board shall submit a copy of the actuarial analysis to the legislative service commission, the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation, and the Ohio retirement study council.	21295 21296 21297 21298 21299 21300
(D) The board shall have prepared triennially a report giving a full accounting of the revenues and costs relating to the provision of benefits under section 742.45 of the Revised Code. The first triennial report shall be made as of December 31, 2013, and the thirty-first day of December triennially thereafter. The report shall include the following:	21301 21302 21303 21304 21305 21306
(1) A description of the statutory authority for the benefits provided;	21307 21308

(2) A summary of the benefits;	21309
(3) A summary of the eligibility requirements for the benefits;	21310 21311
(4) A statement of the number of participants eligible for the benefits;	21312 21313
(5) A description of the accounting, asset valuation, and funding method used to provide the benefits;	21314 21315
(6) A statement of the net assets available for the provision of the benefits as of the last day of the fiscal year;	21316 21317
(7) A statement of any changes in the net assets available for the provision of benefits, including participant and employer contributions, net investment income, administrative expenses, and benefits provided to participants, as of the last day of the fiscal year;	21318 21319 21320 21321 21322
(8) For the last six consecutive fiscal years, a schedule of the net assets available for the benefits, the annual cost of benefits, administrative expenses incurred, and annual employer contributions allocated for the provision of benefits;	21323 21324 21325 21326
(9) A description of any significant changes that affect the comparability of the report required under this division;	21327 21328
(10) A statement of the amount paid under division (B) of section 742.45 of the Revised Code.	21329 21330
The board shall submit the report to the Ohio retirement study council, <u>the director of budget and management</u> , and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation <u>immediately upon its availability and</u> not later than the thirtieth day of June following the year for which the report was made.	21331 21332 21333 21334 21335 21336
(E) At least once in each quinquennial period, the board shall have prepared by or under the supervision of an actuary an	21337 21338



actuarial investigation of the deferred retirement option plan 21339  
established under section 742.43 of the Revised Code. The 21340  
investigation shall include an examination of the financial 21341  
impact, if any, on the fund of offering the plan to members. 21342

The actuary shall prepare a report of the actuarial 21343  
investigation. The report shall include a determination of whether 21344  
the plan, as established or modified, has a negative financial 21345  
impact on the fund and, if so, recommendations on how to modify 21346  
the plan to eliminate the negative financial impact. If the 21347  
actuarial report indicates that the plan has a negative financial 21348  
impact on the fund, the board may modify the plan or cease to 21349  
allow members who have not already done so to elect to participate 21350  
in the plan. The firefighter and police officers employers' 21351  
contributions shall not be increased to offset any negative 21352  
financial impact of the plan. 21353

If the board ceases to allow members to elect to participate 21354  
in the plan, the rights and obligations of members who have 21355  
already elected to participate shall not be altered. 21356

The board may include the actuarial investigation required 21357  
under this division as part of the actuarial investigation 21358  
required under division (B) of this section. If the report of the 21359  
actuarial investigation required by this division is not included 21360  
in the report required by division (B) of this section, the board 21361  
shall submit the report required by this division to the Ohio 21362  
retirement study council and the standing committees of the house 21363  
of representatives and the senate with primary responsibility for 21364  
retirement legislation not later than the first day of November 21365  
following the last fiscal year of the period the report covers. 21366

**Sec. 755.06. (A)** The board of park commissioners shall have 21367  
the expenditures of all moneys appropriated by the legislative 21368  
authority of the city or received from any other source for the 21369

purchase, acquisition, improvement, maintenance, equipment, or 21370  
enjoyment of all property mentioned in section 755.05 of the 21371  
Revised Code, but no liability shall be incurred or expenditure 21372  
made unless the money required therefor is in the treasury to the 21373  
credit of the park fund and not appropriated for any other 21374  
purpose. 21375

(B) Notwithstanding division (A) of this section, if the 21376  
legislative authority of a municipal corporation enters into an 21377  
agreement for the sale or lease of mineral rights regarding lands 21378  
that the board of park commissioners manages or controls, any 21379  
royalties or other moneys resulting from the sale or lease shall 21380  
be deposited into a special fund that the legislative authority 21381  
shall establish under division (F) of section 5705.09 of the 21382  
Revised Code. The board of park commissioners shall use the fund 21383  
exclusively for maintenance of lands that the board manages or 21384  
controls and for the acquisition of new park lands. 21385

**Sec. 901.21.** (A) As used in this section and section 901.22 21386  
of the Revised Code: 21387

(1) "Agricultural easement" has the same meaning as in 21388  
section 5301.67 of the Revised Code. 21389

(2) "Agriculture" means those activities occurring on land 21390  
devoted exclusively to agricultural use, as defined in section 21391  
5713.30 of the Revised Code, or on land that constitutes a 21392  
homestead. 21393

(3) "Homestead" means the portion of a farm on which is 21394  
located a dwelling house, yard, or outbuildings such as a barn or 21395  
garage. 21396

(B) The director of agriculture may acquire real property 21397  
used predominantly in agriculture and agricultural easements by 21398  
gift, devise, or bequest if, at the time an easement is granted, 21399

such an easement is on land that is valued for purposes of real 21400  
property taxation at its current value for agricultural use under 21401  
section 5713.31 of the Revised Code or that constitutes a 21402  
homestead. Any terms may be included in an agricultural easement 21403  
so acquired that are necessary or appropriate to preserve on 21404  
behalf of the grantor of the easement the favorable tax 21405  
consequences of the gift, devise, or bequest under the "Internal 21406  
Revenue Act of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 21407  
The director, by any such means or by purchase or lease, may 21408  
acquire, or acquire the use of, stationary personal property or 21409  
equipment that is located on land acquired in fee by the director 21410  
under this section and that is necessary or appropriate for the 21411  
use of the land predominantly in agriculture. 21412

(C) The director may include, in an agricultural easement 21413  
acquired under division (B) of this section, a provision to 21414  
preserve a unique natural or physical feature on the land so long 21415  
as the use of the land remains predominantly agricultural. 21416

(D) The director may do all things necessary or appropriate 21417  
to retain the use of real property acquired in fee under division 21418  
(B) of this section predominantly in agriculture, including, 21419  
without limitation, performing any of the activities described in 21420  
division (A)(1) or (2) of section 5713.30 of the Revised Code or 21421  
entering into contracts to lease or rent the real property so 21422  
acquired to persons or governmental entities that will use the 21423  
land predominantly in agriculture. 21424

~~(D)~~(E)(1) When the director considers it to be necessary or 21425  
appropriate, the director may sell real property acquired in fee, 21426  
and stationary personal property or equipment acquired by gift, 21427  
devise, bequest, or purchase, under division (B) of this section 21428  
on such terms as the director considers to be advantageous to this 21429  
state. 21430

(2) An agricultural easement acquired under division (B) of 21431

this section may be extinguished under the circumstances 21432  
prescribed, and in accordance with the terms and conditions set 21433  
forth, in the instrument conveying the agricultural easement. 21434

~~(E)~~(F) There is hereby created in the state treasury the 21435  
agricultural easement purchase fund. The fund shall consist of the 21436  
proceeds received from the sale of real and personal property 21437  
under division ~~(D)~~(E) of this section; moneys received due to the 21438  
extinguishment of agricultural easements acquired by the director 21439  
under division (B) of this section or section 5301.691 of the 21440  
Revised Code; moneys received due to the extinguishment of 21441  
agricultural easements purchased with the assistance of matching 21442  
grants made under section 901.22 of the Revised Code; gifts, 21443  
bequests, devises, and contributions received by the director for 21444  
the purpose of acquiring agricultural easements; and grants 21445  
received from public or private sources for the purpose of 21446  
purchasing agricultural easements. The fund shall be administered 21447  
by the director, and moneys in the fund shall be used by the 21448  
director exclusively to purchase agricultural easements under 21449  
division (A) of section 5301.691 of the Revised Code and provide 21450  
matching grants under section 901.22 of the Revised Code to 21451  
municipal corporations, counties, townships, soil and water 21452  
conservation districts established under Chapter 1515. of the 21453  
Revised Code, and charitable organizations described in division 21454  
(B) of section 5301.69 of the Revised Code for the purchase of 21455  
agricultural easements. Money in the fund shall be used only to 21456  
purchase agricultural easements on land that is valued for 21457  
purposes of real property taxation at its current value for 21458  
agricultural use under section 5713.31 of the Revised Code or that 21459  
constitutes a homestead when the easement is purchased. 21460

~~(F)~~(G) There is hereby created in the state treasury the 21461  
clean Ohio agricultural easement fund. Twelve and one-half per 21462  
cent of net proceeds of obligations issued and sold pursuant to 21463

sections 151.01 and 151.09 of the Revised Code shall be deposited 21464  
into the fund. The fund also shall consist of money credited to it 21465  
under section 151.50 of the Revised Code. The fund shall be used 21466  
by the director for the purposes of this section, section 901.22 21467  
of the Revised Code, and the provisions of sections 5301.67 to 21468  
5301.70 of the Revised Code governing agricultural easements. 21469  
Investment earnings of the fund shall be credited to the fund and 21470  
may be used to pay costs incurred by the director in administering 21471  
those sections and provisions. 21472

~~(G)~~(H) The term of an agricultural easement purchased wholly 21473  
or in part with money from the clean Ohio agricultural easement 21474  
fund or the agricultural easement purchase fund shall be perpetual 21475  
and shall run with the land. 21476

**Sec. 901.22.** (A) The director of agriculture, in accordance 21477  
with Chapter 119. of the Revised Code, shall adopt rules that do 21478  
all of the following: 21479

(1) Establish procedures and eligibility criteria for making 21480  
matching grants to municipal corporations, counties, townships, 21481  
soil and water conservation districts established under Chapter 21482  
1515. of the Revised Code, and charitable organizations described 21483  
in division (B) of section 5301.69 of the Revised Code for the 21484  
purchase of agricultural easements. With respect to agricultural 21485  
easements that are purchased or proposed to be purchased with such 21486  
matching grants that consist in whole or in part of moneys from 21487  
the clean Ohio agricultural easement fund created in section 21488  
901.21 of the Revised Code, the rules shall establish all of the 21489  
following: 21490

(a) Procedures for all of the following: 21491

(i) Soliciting and accepting applications for matching 21492  
grants; 21493

(ii) Participation by local governments and by the public in the process of making matching grants to charitable organizations;	21494 21495
(iii) Notifying local governments, charitable organizations, and organizations that represent the interests of farmers of the ranking system established in rules adopted under division (A)(1)(b) of this section.	21496 21497 21498 21499
(b) A ranking system for applications for the matching grants that is based on the soil type, proximity of the land or other land that is conducive to agriculture as defined by rules adopted under this section and that is the subject of an application to other agricultural land or other land that is conducive to agriculture as defined by rules adopted under this section and that is already or is in the process of becoming permanently protected from development, farm stewardship, development pressure, and, if applicable, a local comprehensive land use plan involved with a proposed agricultural easement. The rules shall require that preference be given to proposed agricultural easements that involve the greatest proportion of all of the following:	21500 21501 21502 21503 21504 21505 21506 21507 21508 21509 21510 21511 21512
(i) Prime soils, unique or locally important soils, microclimates, or similar features;	21513 21514
(ii) Land that is adjacent to or that is in close proximity to other agricultural land or other land that is conducive to agriculture as defined by rules adopted under this section and that is already or is in the process of becoming permanently protected from development, by agricultural easement or otherwise, so that a buffer would exist between the land involving the proposed agricultural easement and areas that have been developed or likely will be developed for purposes other than agriculture;	21515 21516 21517 21518 21519 21520 21521 21522
(iii) The use of best management practices, including federally or state approved conservation plans, and a history of	21523 21524

substantial compliance with applicable federal and state laws;	21525
(iv) Development pressure that is imminent, but not a result of current location in the direct path of urban development;	21526
(v) Areas identified for agricultural protection in local comprehensive land use plans.	21528
(c) Any other criteria that the director determines are necessary for selecting applications for matching grants;	21530
(d) Requirements regarding the information that must be included in the annual monitoring report that must be prepared for an agricultural easement under division (E)(2) of section 5301.691 of the Revised Code, procedures for submitting a copy of the report to the office of farmland preservation in the department of agriculture, and requirements and procedures governing corrective actions that may be necessary to enforce the terms of the agricultural easement.	21532
(2) Establish provisions that shall be included in the instrument conveying to a municipal corporation, county, township, soil and water conservation district, or charitable organization any agricultural easement purchased with matching grant funds provided by the director under this section, including, without limitation, all of the following provisions:	21533
(a) A provision stating that an easement so purchased may be extinguished only if an unexpected change in the conditions of or surrounding the land that is subject to the easement makes impossible or impractical the continued use of the land for the purposes described in the easement, or if the requirements of the easement are extinguished by judicial proceedings;	21534
(b) A provision requiring that, upon the sale, exchange, or involuntary conversion of the land subject to the easement, the holder of the easement shall be paid an amount of money that is at least equal to the proportionate value of the easement compared to	21535
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the total value of the land at the time the easement was acquired; 21556

(c) A provision requiring that, upon receipt of the portion 21557  
of the proceeds of a sale, exchange, or involuntary conversion 21558  
described in division (A)(2)(b) of this section, the municipal 21559  
corporation, county, township, soil and water conservation 21560  
district, or charitable organization remit to the director an 21561  
amount of money equal to the percentage of the cost of purchasing 21562  
the easement it received as a matching grant under this section. 21563

Moneys received by the director pursuant to rules adopted 21564  
under division (A)(2)(c) of this section shall be credited to the 21565  
agricultural easement purchase fund created in section 901.21 of 21566  
the Revised Code. 21567

(3) Establish a provision that provides a charitable 21568  
organization, municipal corporation, township, county, or soil and 21569  
water conservation district with the option of purchasing 21570  
agricultural easements either in installments or with a lump sum 21571  
payment. The rules shall include a requirement that a charitable 21572  
organization, municipal corporation, township, county, or soil and 21573  
water conservation district negotiate with the seller of the 21574  
agricultural easement concerning any installment payment terms, 21575  
including the dates and amounts of payments and the interest rate 21576  
on the outstanding balance. The rules also shall require the 21577  
director to approve any method of payment that is undertaken in 21578  
accordance with the rules adopted under division (A)(3) of this 21579  
section. 21580

(4) Establish any other requirements that the director 21581  
considers to be necessary or appropriate to implement or 21582  
administer a program to make matching grants under this section 21583  
and monitor those grants. 21584

(B) The director may develop guidelines regarding the 21585  
acquisition of agricultural easements by the department of 21586



agriculture and the provisions of instruments conveying those 21587  
easements. The director may make the guidelines available to 21588  
public and private entities authorized to acquire and hold 21589  
agricultural easements. 21590

(C) The director may provide technical assistance in 21591  
developing a program for the acquisition and monitoring of 21592  
agricultural easements to public and private entities authorized 21593  
to hold agricultural easements. The technical assistance may 21594  
include, without limitation, reviewing and providing advisory 21595  
recommendations regarding draft instruments conveying agricultural 21596  
easements. 21597

(D)(1) The director may make matching grants from the 21598  
agricultural easement purchase fund and the clean Ohio 21599  
agricultural easement fund to municipal corporations, counties, 21600  
townships, soil and water conservation districts, and charitable 21601  
organizations to assist those political subdivisions and 21602  
charitable organizations in purchasing agricultural easements. 21603  
Application for a matching grant shall be made on forms prescribed 21604  
and provided by the director. The matching grants shall be made in 21605  
compliance with the criteria and procedures established in rules 21606  
adopted under this section. Instruments conveying agricultural 21607  
easements purchased with matching grant funds provided under this 21608  
section, at a minimum, shall include the mandatory provisions set 21609  
forth in those rules. 21610

Matching grants made under this division using moneys from 21611  
the clean Ohio agricultural easement fund created in section 21612  
901.21 of the Revised Code may provide up to seventy-five per cent 21613  
of the value of an agricultural easement as determined by a 21614  
general real estate appraiser who is certified under Chapter 4763. 21615  
of the Revised Code or as determined through a points-based 21616  
appraisal system established under division (D)(2) of this 21617  
section. Not less than twenty-five per cent of the value of the 21618

agricultural easement shall be provided by the recipient of the 21619  
matching grant or donated by the person who is transferring the 21620  
easement to the grant recipient. The amount of such a matching 21621  
grant used for the purchase of a single agricultural easement 21622  
shall not exceed one million dollars. 21623

(2) The director shall establish a points-based appraisal 21624  
system for the purposes of division (D)(1) of this section. The 21625  
director may include any or all of the following factors in the 21626  
system: 21627

(a) Whether the applicable county auditor has determined that 21628  
the land is land that is devoted exclusively to agriculture for 21629  
the purposes of sections 5713.30 to 5713.38 of the Revised Code; 21630

(b) Changes in land values following the completion of the 21631  
applicable county auditor's reappraisal or triennial update; 21632

(c) Soil types and productivity; 21633

(d) Proximity of the land to land that is already subject to 21634  
an agricultural easement, conservation easement created under 21635  
sections 5301.67 to 5301.70 of the Revised Code, or similar 21636  
land-use limitation; 21637

(e) Proximity of the land to water and sewer lines, road 21638  
interchanges, and nonagricultural development; 21639

(f) Parcel size and roadway frontage of the land; 21640

(g) Existence of an agreement entered into under division (D) 21641  
of section 1515.08 of the Revised Code or of an operation and 21642  
management plan developed under division (A) of section 1511.021 21643  
of the Revised Code; 21644

(h) Existence of a comprehensive plan that is adopted under 21645  
section 303.02 or 519.02 of the Revised Code or that is adopted by 21646  
the planning commission of a municipal corporation under section 21647  
713.06 of the Revised Code; 21648

(i) Any other factors that the director determines are necessary for inclusion in the system. 21649  
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(E) An agricultural easement acquired as a result of a matching grant awarded under division (D) of this section may include a provision to preserve a unique natural or physical feature on the land so long as the use of the land remains predominantly agricultural. 21651  
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(F) For any agricultural easement purchased with a matching grant that consists in whole or in part of moneys from the clean Ohio agricultural easement fund, the director shall be named as a grantee on the instrument conveying the easement, as shall the municipal corporation, county, township, soil and water conservation district, or charitable organization that receives the grant. 21656  
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~~(F)~~(G)(1) The director shall monitor and evaluate the effectiveness and efficiency of the agricultural easement program as a farmland preservation tool. On or before July 1, 1999, and the first day of July of each year thereafter, the director shall prepare and submit a report to the chairpersons of the standing committees of the senate and the house of representatives that consider legislation regarding agriculture. The report shall consider and address the following criteria to determine the program's effectiveness: 21663  
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(a) The number of agricultural easements purchased during the preceding year; 21672  
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(b) The location of those easements; 21674

(c) The number of acres of land preserved for agricultural use; 21675  
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(d) The amount of money used by a municipal corporation, township, county, or soil and water conservation district from any fund to purchase the agricultural easements; 21677  
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(e) The number of state matching grants given to purchase the agricultural easements;	21680 21681
(f) The amount of state matching grant moneys used to purchase the agricultural easements.	21682 21683
(2) The report also shall consider and include, at a minimum, the following information for each county to determine the program's efficiency:	21684 21685 21686
(a) The total number of acres in the county;	21687
(b) The total number of acres in current agricultural use;	21688
(c) The total number of acres preserved for agricultural use in the preceding year;	21689 21690
(d) The average cost, per acre, of land preserved for agricultural use in the preceding year.	21691 21692
<b>Sec. 901.23.</b> (A) There is hereby created the farmland preservation advisory board consisting of twelve voting members appointed by the director of agriculture as follows:	21693 21694 21695
(1) One member who is a county commissioner or a representative of a statewide organization that represents county commissioners;	21696 21697 21698
(2) One member who is a township trustee or a representative of a statewide organization that represents township trustees;	21699 21700
(3) One representative of the Ohio state university;	21701
(4) One representative of a <del>national</del> nonprofit organization dedicated to the preservation of farmland;	21702 21703
(5) One representative each of development, environmental, planning, and soil and water conservation interests;	21704 21705
(6) One farmer from each of the state's four quadrants.	21706
Terms of office shall be staggered and shall be for three	21707

years, with each term ending on the same day of the same month as 21708  
did the term that it succeeds. Each member shall hold office from 21709  
the date of appointment until the end of the term for which the 21710  
member was appointed, except that the term of any member who is a 21711  
county commissioner or township trustee shall end when the member 21712  
ceases to serve as a county commissioner or township trustee. 21713

Members may be reappointed. Vacancies shall be filled in the 21714  
manner provided for original appointments. Any member appointed to 21715  
fill a vacancy occurring prior to the expiration date of the term 21716  
for which the member was appointed shall serve for the remainder 21717  
of that term. A member shall continue to serve subsequent to the 21718  
expiration date of the member's term until the member's successor 21719  
takes office or until a period of sixty days has elapsed, 21720  
whichever occurs first. Members shall serve at the pleasure of the 21721  
director. 21722

The executive director of the office of farmland preservation 21723  
in the department of agriculture or another employee of the 21724  
department who is designated by the director shall serve as the 21725  
nonvoting chairperson of the board. The director annually shall 21726  
designate one member of the board to serve as its 21727  
vice-chairperson. The board may adopt bylaws governing its 21728  
operation and shall meet at a time when the director, or the 21729  
director's designee, considers it appropriate in order for the 21730  
board to provide advice as required under division (B) of this 21731  
section. 21732

(B) The board shall provide advice to the director regarding 21733  
all of the following: 21734

(1) The design and implementation of an agricultural easement 21735  
purchase program; 21736

(2) The selection of applications that will be awarded 21737  
matching grants under division (D) of section 901.22 of the 21738

Revised Code for the purchase of agricultural easements; 21739

(3) The design and implementation of any other statewide 21740  
farmland protection measures that the director considers 21741  
appropriate. 21742

(C) Serving as a member of the board does not constitute 21743  
holding a public office or position of employment under the laws 21744  
of this state and does not constitute grounds for removal of 21745  
public officers or employees from their offices or positions of 21746  
employment. 21747

(D) A board member shall be reimbursed for actual and 21748  
necessary expenses incurred in the discharge of duties as a board 21749  
member. 21750

**Sec. 903.11.** (A) The director of agriculture may enter into 21751  
contracts or agreements to carry out the purposes of this chapter 21752  
with any public or private person, including ~~the Ohio state~~ 21753  
~~university~~ OSU extension ~~service~~, the natural resources 21754  
conservation service in the United States department of 21755  
agriculture, the environmental protection agency, the division of 21756  
soil and water resources in the department of natural resources, 21757  
and soil and water conservation districts established under 21758  
Chapter 1515. of the Revised Code. However, the director shall not 21759  
enter into a contract or agreement with a private person for the 21760  
review of applications for permits to install, permits to operate, 21761  
NPDES permits, or review compliance certificates that are issued 21762  
under this chapter or for the inspection of a facility regulated 21763  
under this chapter or with any person for the issuance of any of 21764  
those permits or certificates or for the enforcement of this 21765  
chapter and rules adopted under it. 21766

(B) The director may administer grants and loans using moneys 21767  
from the federal government and other sources, public or private, 21768  
for carrying out any of the director's functions. Nothing in this 21769

chapter shall be construed to limit the eligibility of owners or 21770  
operators of animal feeding facilities or other agricultural 21771  
enterprises to receive moneys from the water pollution control 21772  
loan fund established under section 6111.036 of the Revised Code 21773  
and the nonpoint source pollution management fund established 21774  
under section 6111.037 of the Revised Code. 21775

The director of agriculture shall provide the director of 21776  
environmental protection with written recommendations for 21777  
providing financial assistance from those funds to agricultural 21778  
enterprises. The director of environmental protection shall 21779  
consider the recommendations in developing priorities for 21780  
providing financial assistance from the funds. 21781

**Sec. 903.99.** (A) Whoever violates division (A)(2) of section 21782  
903.02 or division (A)(2) of section 903.03 of the Revised Code is 21783  
guilty of a misdemeanor of the third degree on a first offense, a 21784  
misdemeanor of the second degree on a second offense, and a 21785  
misdemeanor of the first degree on a third or subsequent offense. 21786  
Each ten-day period that the offense continues constitutes a 21787  
separate offense. 21788

(B) Whoever violates the terms and conditions of a permit to 21789  
install issued under section 903.02 of the Revised Code or of a 21790  
permit to operate issued under section 903.03 of the Revised Code,  ~~21791  
division (B)(1), (C)(1), or (M)(1) or (2) of section 903.08 of the 21792  
Revised Code, or the NPDES provisions of a permit to operate shall 21793  
be fined not more than twenty-five thousand dollars. Each day of 21794  
violation constitutes a separate offense. 21795~~

(C) Whoever negligently violates division (B)(1), (C)(1), 21796  
(K), or (M)(1) or (2) of section 903.08 of the Revised Code or the 21797  
NPDES provisions of a permit to operate shall be fined not more 21798  
than ten thousand dollars or imprisoned for not more than ninety 21799  
days, or both. Each day of violation constitutes a separate 21800

offense. For purposes of this division, notwithstanding division (D) of section 2901.22 of the Revised Code, a person acts negligently when, because of a lapse from due care, the person fails to perceive or avoid a risk that the person's conduct may cause a certain result or may be of a certain nature. A person is negligent with respect to circumstances when, because of a lapse from due care, the person fails to perceive or avoid a risk that such circumstances may exist. 21801  
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(D) Whoever recklessly violates division (B)(1), (C)(1), (K), or (M)(1) or (2) of section 903.08 of the Revised Code or the NPDES provisions of a permit to operate shall be fined not more than ten thousand dollars or imprisoned for not more than one year, or both. Each day of violation constitutes a separate offense. 21809  
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(E) Whoever knowingly violates division ~~(K)~~(B)(1), (C)(1), (K), or (M)(1) or (2) of section 903.08 of the Revised Code or the NPDES provisions of a permit to operate shall be fined not more than twenty-five thousand dollars or imprisoned for not more than three years, or both. Each day of violation constitutes a separate offense. 21815  
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**Sec. 905.06.** The director of agriculture shall: 21821

(A) Gather information on the performance of various agricultural additives, including distributors' and manufacturers' claims, the results of investigation or research on additives, and the conditions when they are useful, and make the information available to the public; 21822  
21823  
21824  
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(B) Provide and distribute, in cooperation with ~~the~~ agricultural OSU extension ~~service~~, information on the use of agricultural additives; 21827  
21828  
21829

(C) Provide for the prompt and thorough investigation of 21830



written complaints received concerning agricultural additives. 21831

**Sec. 909.15.** All moneys from registration fees and from fines 21832  
imposed and recovered under sections 909.01 to 909.18 of the 21833  
Revised Code, shall be paid to the director of agriculture, who 21834  
shall deposit such moneys in the state treasury to the credit of 21835  
the ~~general revenue~~ plant pest program fund created in section 21836  
927.54 of the Revised Code. 21837

**Sec. 924.06.** (A) ~~Within ninety days after he has approved a~~ 21838  
~~proposed amendment to an agricultural commodity marketing program~~ 21839  
~~established before April 10, 1985, the director of agriculture~~ 21840  
~~shall determine by a referendum whether the eligible producers~~ 21841  
~~favor the proposed amendment to the program. Any proposed~~ 21842  
~~amendment to a marketing program established before April 10,~~ 21843  
~~1985, is favored by the producers of the agricultural commodity~~ 21844  
~~which would be affected by the proposed amendment if either of the~~ 21845  
~~following occurs:~~ 21846

(1) ~~Sixty six and two thirds per cent or more, by number, of~~ 21847  
~~the producers who vote in the referendum, vote in favor of the~~ 21848  
~~amendment, and represent a majority of the volume of the affected~~ 21849  
~~commodity that was produced in the preceding marketing year by all~~ 21850  
~~producers who voted in the referendum;~~ 21851

(2) ~~A majority of the producers who vote in the referendum,~~ 21852  
~~vote in favor of the amendment and represent sixty six and~~ 21853  
~~two thirds per cent, or more, of the volume of the affected~~ 21854  
~~commodity that was produced in the preceding marketing year by all~~ 21855  
~~the producers who voted in the referendum.~~ 21856

(B) ~~Within ninety days after he has approved~~ approving an 21857  
agricultural commodity marketing program proposed on or after 21858  
~~April 10, 1985~~ the effective date of this amendment, or a proposed 21859  
amendment to ~~such a~~ an agricultural commodity marketing program, 21860

the director of agriculture shall determine by a referendum 21861  
whether the eligible producers favor the proposed marketing 21862  
program or amendment. Any such marketing program or amendment to 21863  
~~such~~ a marketing program is favored by the producers of the 21864  
agricultural commodity that would be affected by the proposed 21865  
program or amendment if a majority of the producers who vote in 21866  
the referendum vote in favor of the program or amendment. 21867

~~(C)~~(B) If the producers who vote in any referendum held 21868  
pursuant to this section do not favor a proposed marketing 21869  
program, or proposed amendment to a program, the director shall 21870  
hold no additional referendum on that proposed program or proposed 21871  
amendment during the ten months following the close of the 21872  
referendum at which the producers did not favor that proposed 21873  
program or amendment. 21874

~~(D)~~(C) In any referendum held pursuant to this section, each 21875  
eligible producer of the ~~Ohio~~ agricultural commodity ~~which~~ that 21876  
would be affected by the proposed marketing program, or amendment 21877  
to a program, is entitled to one vote. 21878

~~(E)~~(D) In any referendum held on an agricultural commodity 21879  
marketing program, or a proposed amendment to such a program, 21880  
votes may be cast in person or by mailing a ballot to a polling 21881  
place designated by the director. The director shall establish a 21882  
three-day period during which eligible producers may vote in 21883  
person during normal business hours at polling places designated 21884  
by the director. The director or other appropriate person shall 21885  
send a mail-in ballot by ordinary first-class mail to any eligible 21886  
producer who requests one by calling the toll-free telephone 21887  
number or sending in the ballot request form provided for in 21888  
division ~~(F)~~(E) of this section, by calling one of the polling 21889  
places designated by the director, or by any additional method 21890  
that the director or operating committee may provide. No ballot 21891  
returned by mail shall be valid if it is postmarked later than the 21892

third day of the election period established by the director. 21893

~~(F)~~(E) For any referendum held on an agricultural commodity 21894  
marketing program, or a proposed amendment to such a program, the 21895  
director or operating committee shall cause a ballot request form 21896  
to be published at least thirty days before the beginning of the 21897  
election period established under division ~~(F)~~(D) of this section 21898  
in at least two appropriate periodicals designated by the 21899  
director, and shall make the form available for reproduction to 21900  
any interested group or association. The director shall provide a 21901  
toll-free telephone number that producers may call to request a 21902  
ballot. 21903

**Sec. 927.54.** The plant pest program fund is hereby created in 21904  
the state treasury. The fund shall consist of money credited to it 21905  
under section 909.15 of the Revised Code and under this chapter 21906  
and any rules adopted under it. The director of agriculture shall 21907  
use money in the fund to administer this chapter and Chapter 909. 21908  
of the Revised Code. 21909

The director shall keep accurate records of all receipts into 21910  
and disbursements from the fund and shall prepare, and provide 21911  
upon request, an annual report classifying the receipts and 21912  
disbursements that pertain to plant pests. 21913

**Sec. 955.201.** (A) As used in this section and in section 21914  
955.202 of the Revised Code, "Ohio pet fund" means a nonprofit 21915  
corporation organized by that name under Chapter 1702. of the 21916  
Revised Code that consists of humane societies, veterinarians, 21917  
animal shelters, companion animal breeders, dog wardens, or 21918  
similar individuals and entities. 21919

(B) The Ohio pet fund shall do all of the following: 21920

(1) Establish eligibility criteria for organizations that may 21921  
receive financial assistance from the Ohio pet fund. Those 21922

organizations may include any of the following: 21923

(a) An animal shelter as defined in section 4729.01 of the Revised Code; 21924  
21925

(b) A local nonprofit veterinary association that operates a program for the sterilization of dogs and cats; 21926  
21927

(c) A charitable organization that is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code and a purpose of which is to support programs for the sterilization of dogs and cats and educational programs concerning the proper veterinary care of those animals. 21928  
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(2) Establish procedures for applying for financial assistance from the Ohio pet fund. Application procedures shall require eligible organizations to submit detailed proposals that outline the intended uses of the moneys sought. 21933  
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(3) Establish eligibility criteria for sterilization and educational programs for which moneys from the Ohio pet fund may be used and, consistent with division (C) of this section, establish eligibility criteria for individuals who seek sterilization for their dogs and cats from eligible organizations; 21937  
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(4) Establish procedures for the disbursement of moneys the Ohio pet fund receives from license plate contributions pursuant to division (C) of section 4503.551 of the Revised Code; 21942  
21943  
21944

(5) Advertise or otherwise provide notification of the availability of financial assistance from the Ohio pet fund for eligible organizations; 21945  
21946  
21947

(6) Design markings to be inscribed on "pets" license plates under section 4503.551 of the Revised Code. 21948  
21949

(C)(1) The owner of a dog or cat is eligible for dog or cat sterilization services from an eligible organization when those services are subsidized in whole or in part by money from the Ohio 21950  
21951  
21952

pet fund if any of the following applies:	21953
(a) The income of the owner's family does not exceed one hundred fifty per cent of the federal poverty guideline.	21954 21955
(b) The owner, or any member of the owner's family who resides with the owner, is a recipient or beneficiary of one of the following government assistance programs:	21956 21957 21958
(i) Low-income housing assistance under the "United States Housing Act of 1937," 42 U.S.C.A. 1437f, as amended, known as the federal section 8 housing program;	21959 21960 21961
(ii) The Ohio works first program established by Chapter 5107. of the Revised Code;	21962 21963
(iii) <del>Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, known as the medical assistance</del> <u>The medicaid</u> program <del>or medicaid, provided by the department of job and family services under Chapter 5111. of the Revised Code;</del>	21964 21965 21966 21967 21968
(iv) A program or law administered by the United States department of veterans' affairs or veterans' administration for any service-connected disability;	21969 21970 21971
(v) The supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), administered by the department of job and family services under section 5101.54 of the Revised Code;	21972 21973 21974 21975
(vi) The "special supplemental nutrition program for women, infants, and children" established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, administered by the department of health under section 3701.132 of the Revised Code;	21976 21977 21978 21979 21980
(vii) Supplemental security income under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as	21981 21982

amended;	21983
(viii) Social security disability insurance benefits provided under Title II of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 401, as amended.	21984 21985 21986
(c) The owner of the dog or cat submits to the eligible organization operating the sterilization program either of the following:	21987 21988 21989
(i) A certificate of adoption showing that the dog or cat was adopted from a licensed animal shelter, a municipal, county, or regional pound, or a holding and impoundment facility that contracts with a municipal corporation;	21990 21991 21992 21993
(ii) A certificate of adoption showing that the dog or cat was adopted through a nonprofit corporation operating an animal adoption referral service whose holding facility, if any, is licensed in accordance with state law or a municipal ordinance.	21994 21995 21996 21997
(2) The Ohio pet fund shall determine the type of documentary evidence that must be presented by the owner of a dog or cat to show that the income of the owner's family does not exceed one hundred fifty per cent of the federal poverty guideline or that the owner is eligible under division (C)(1)(b) of this section.	21998 21999 22000 22001 22002
(D) As used in division (C) of this section, "federal poverty guideline" means the official poverty guideline as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	22003 22004 22005 22006 22007 22008 22009
<b>Sec. 956.07.</b> (A) A person who is applying for a license to operate a high volume breeder or to act as or perform the functions of a dog retailer under section 956.04 or 956.05 of the	22010 22011 22012

Revised Code, as applicable, shall include with the application 22013  
for a license a nonrefundable license application fee. For the 22014  
purpose of calculating the application fee for a high volume 22015  
breeder, the sale of one dog from a litter constitutes the sale of 22016  
a litter. The application fees are as follows: 22017

(1) For a high volume breeder: 22018

(a) One hundred fifty dollars if the high volume breeder 22019  
annually sells at least nine, but not more than fifteen litters; 22020

(b) Two hundred fifty dollars if the high volume breeder 22021  
annually sells at least sixteen, but not more than twenty-five 22022  
litters; 22023

(c) Three hundred fifty dollars if the high volume breeder 22024  
annually sells at least twenty-six, but not more than thirty-five 22025  
litters; 22026

(d) Five hundred dollars if the high volume breeder annually 22027  
sells at least thirty-six, but not more than forty-five litters; 22028

(e) Seven hundred fifty dollars if the high volume breeder 22029  
annually sells forty-six or more litters. 22030

(2) For a dog retailer, five hundred dollars. 22031

(B) Money collected by the director of agriculture from each 22032  
application fee submitted under this section shall be ~~transmitted~~ 22033  
~~by the director to the treasurer of~~ deposited in the state 22034  
treasury to be credited to the credit of the high volume breeder 22035  
kennel control license fund created in section 956.18 of the 22036  
Revised Code. The ~~treasurer of state shall transfer to the county~~ 22037  
~~auditor of the county in which a high volume breeder is located or~~ 22038  
~~will be located~~ director shall use fifty dollars of the 22039  
application fee submitted by ~~the~~ a high volume breeder under this 22040  
section or an amount equal to the fee charged ~~in that county~~ for 22041  
the registration of a kennel under section 955.14 of the Revised 22042

Code in the county in which the high volume breeder is located or 22043  
will be located, whichever is greater, to reimburse that county. 22044  
The county auditor shall deposit the transferred money into that 22045  
county's dog and kennel fund created under section 955.20 of the 22046  
Revised Code. 22047

**Sec. 956.18.** (A) All money collected by the director of 22048  
agriculture from license fees under section ~~956.08~~ 956.07 and 22049  
civil penalties assessed under section 956.13 of the Revised Code 22050  
shall be deposited in the state treasury to the credit of the high 22051  
volume breeder kennel control license fund, which is hereby 22052  
created. The fund shall also consist of money appropriated to it. 22053

(B) No money may be released from the fund without 22054  
controlling board approval. The director shall request the 22055  
controlling board to release money in an amount not to exceed two 22056  
million five hundred thousand dollars per biennium. 22057

(C) The director shall use the money in the fund for the 22058  
purpose of administering this chapter and rules adopted under it. 22059

**Sec. 991.03.** (A) The Ohio expositions commission shall: 22060

(1) Conduct at least one fair or exposition annually; 22061

(2) Maintain and manage property held by the state for the 22062  
purpose of conducting fairs, expositions, and exhibits; 22063

(3) As provided in section 109.122 of the Revised Code, 22064  
provide notice of or copies of any proposed entertainment or 22065  
sponsorship contracts to the attorney general. 22066

(B) The commission may: 22067

(1) Conduct such additional fairs, expositions, or 22068  
exhibitions as the commission determines are in the general public 22069  
interest; 22070

(2) Accept on behalf of the state conveyances of property for 22071



the purposes of conducting fairs, expositions, and exhibits, 22072  
subject to any terms and conditions agreed to by the commission 22073  
and approved by the controlling board; 22074

(3) Accept gifts, devises, and bequests of money, lands, and 22075  
other property and apply the money, lands, or other property 22076  
according to the terms of the gift, devise, or bequest. A 22077  
political subdivision as authorized by law may make gifts and 22078  
devises to the commission, and the commission shall apply such a 22079  
gift or devise according to the terms of the gift or devise. All 22080  
gifts and bequests of money accepted under this division shall be 22081  
deposited into the state treasury to the credit of the Ohio 22082  
expositions support fund. 22083

(4) Enter into contracts that the commission considers 22084  
necessary or worthwhile in the conduct of its purposes, provided 22085  
that contracts made for a term exceeding two years, other than 22086  
those described in division (B)(4) of this section, shall be 22087  
subject to the approval of the controlling board and provided that 22088  
the attorney general, pursuant to the attorney general's authority 22089  
under section 109.122 of the Revised Code, has not disapproved the 22090  
proposed contract; 22091

~~(4)~~(5) Enter into contracts for the mutual exchange of goods 22092  
or services; 22093

~~(5)~~(6) Sell or convey all or a portion of the property, land, 22094  
or buildings under its management subject to the approval of the 22095  
legislature; 22096

~~(6)~~(7) Grant leases on all or any part of the property, land, 22097  
or buildings under the management of the commission to private or 22098  
public organizations, which appear to be in the best interests of 22099  
the state, with the approval of the controlling board and director 22100  
of administrative services, subject to the following conditions: 22101

(a) The lessees shall make or construct improvements on such 22102

lands or buildings at no cost to the commission or to the state, 22103  
subject to prior approval by the director of administrative 22104  
services of detailed plans and specifications of such 22105  
improvements. 22106

(b) No person, firm, or corporation shall cause a lien to be 22107  
filed against any funds or property of the state or of the 22108  
commission as a result of a lessee's activities pursuant to 22109  
division (B)~~(6)~~(7)(a) of this section. 22110

(c) Leases shall be entered into subject to the sale of such 22111  
property, lands, or buildings during the term of the lease. 22112

(d) No leases shall be made which interfere with a fair, 22113  
exposition, or exhibition on such lands. 22114

~~(7)~~(8) Encumber appropriations for the entire amount of a 22115  
contract at the time the contract is made, even though the 22116  
contract will not be performed in the fiscal year for which the 22117  
appropriations were made. 22118

~~(8)~~(9) Implement a credit card payment program permitting 22119  
payment by means of a credit card of any fees, charges, and 22120  
rentals associated with conducting fairs, expositions, and 22121  
exhibits. The commission may open an account outside the state 22122  
treasury in a financial institution for the purpose of depositing 22123  
credit card receipts. By the end of the business day following the 22124  
deposit of the receipts, the financial institution shall make 22125  
available to the commission funds in the amount of the receipts. 22126  
The commission shall then pay these funds into the state treasury 22127  
to the credit of the Ohio expositions fund. 22128

The commission shall adopt rules as necessary to carry out 22129  
the purposes of division (B)~~(8)~~(9) of this section. The rules 22130  
shall include standards for determining eligible financial 22131  
institutions and the manner in which funds shall be made available 22132  
and shall be consistent with the standards contained in sections 22133

135.03, 135.18, and 135.181 of the Revised Code. 22134

The commission shall not adopt or enforce any rules which 22135  
will prohibit livestock exhibited at the Ohio state fair from 22136  
participating in county and independent fairs in the state. 22137

**Sec. 991.04.** There is hereby established in the state 22138  
treasury the Ohio expositions fund. ~~All~~ Except for gifts and 22139  
bequests of money accepted under division (B)(3) of section 991.03 22140  
of the Revised Code, all moneys collected by the Ohio expositions 22141  
commission pursuant to sections 991.01 to 991.07 of the Revised 22142  
Code and any income generated from the investment of those moneys 22143  
shall be paid into the fund and may be used to defray the costs of 22144  
administration and carrying out the purposes of sections 991.01 to 22145  
991.07 of the Revised Code. 22146

With the approval of the director of budget and management, 22147  
provisions may be made for a cash fund to be established on the 22148  
state fairgrounds during the period of activities related to the 22149  
holding of the annual state fair. The purpose of such fund is to 22150  
provide for payment of premiums and entertainers and for immediate 22151  
payment of small amounts for obligations, including ticket 22152  
refunds, of such nature as to require immediate payment. 22153

The expositions commission shall cause to be kept an accurate 22154  
record of all transactions, contracts, and proceedings. The 22155  
director of budget and management shall prescribe a system of 22156  
accounting and reporting. Such system shall include methods and 22157  
forms showing the sources from which all revenues of the 22158  
expositions commission are received, the amount collected from 22159  
each source, and the amount expended for each purpose. 22160

**Sec. 991.041.** There is in the state treasury the Ohio 22161  
expositions support fund. All gifts and bequests of money accepted 22162  
under division (B)(3) of section 991.03 of the Revised Code shall 22163

be deposited into the state treasury to the credit of the fund. 22164  
Investment earnings of the fund shall be deposited into the fund. 22165  
The Ohio expositions commission may use the fund, consistent with 22166  
the terms of the gift or bequest, to defray the cost of 22167  
administration and of carrying out the purposes of sections 991.01 22168  
to 991.07 of the Revised Code. 22169

**Sec. 991.06.** Annually on or before the thirtieth day of 22170  
September the Ohio expositions commission, through its general 22171  
manager, shall prepare and file with the auditor of state a 22172  
statement showing the total amount received from each source of 22173  
revenue, the total amount disbursed for each class of 22174  
expenditures, and the aggregate of all receipts and expenditures 22175  
of the commission. This statement shall also include a summary of 22176  
each contract for the mutual exchange of goods or services entered 22177  
into by the commission under ~~division (B)(4)~~ of section 991.03 of 22178  
the Revised Code. Upon receipt of such statement, the auditor of 22179  
state shall have it verified and make a report of ~~his~~ the auditor 22180  
of state's findings thereon to the governor. 22181

Assistant auditors of state shall conduct an audit of 22182  
activities of the annual Ohio state fair on the Ohio exposition 22183  
center during the period when the fair is in progress. 22184

The cost of such audit shall be included in the annual 22185  
expenses of the Ohio expositions commission. 22186

**Sec. 1321.46.** (A) ~~If more than four hundred persons are~~ 22187  
~~licensed under sections 1321.35 to 1321.48 of the Revised Code at~~ 22188  
~~any point after September 1, 2009~~ Not later than ninety days after 22189  
the effective date of this amendment, the superintendent of 22190  
financial institutions shall develop and make a statewide common 22191  
database, as implemented by the superintendent, accessible at all 22192  
times to persons licensed or registered under sections 1321.01 to 22193

1321.19, 1321.35 to 1321.48, 1321.51 to 1321.60, or 4712.01 to 22194  
4712.14 of the Revised Code and to the superintendent through an 22195  
internet connection. ~~Licenseses~~ 22196

(1) Licensees under sections 1321.35 to 1321.48 of the 22197  
Revised Code shall use the database to determine if a ~~borrower~~ 22198  
consumer is eligible for a loan. Licensees shall submit the 22199  
required data in a format as the superintendent prescribes by 22200  
rule, and verify eligibility before entering into each loan 22201  
transaction. 22202

(2) Licensees or registrants under sections 1321.01 to 22203  
1321.19, 1321.51 to 1321.60, or 4712.01 to 4712.14 of the Revised 22204  
Code shall, with respect to any loan or brokered extension of 22205  
credit that is in an amount less than one thousand five hundred 22206  
dollars and has a duration of less than sixty days, submit the 22207  
required data in a format as the superintendent prescribes by 22208  
rule. 22209

~~(B) If a statewide common database is developed pursuant to~~ 22210  
~~division (A) of this section, the~~ The superintendent shall adopt 22211  
rules to administer and enforce this section and to ensure that 22212  
the database is used ~~by licensees~~ in accordance with this section, 22213  
including: 22214

(1) A rule requiring that data are retained in the database 22215  
only as required to ensure ~~licensee~~ compliance with this section; 22216

(2) A rule requiring that identifying ~~borrower~~ consumer 22217  
information is deleted from the database on a regular and routine 22218  
basis, twelve months after the transaction is closed; 22219

(3) A rule authorizing the archiving of deleted data, should 22220  
the superintendent determine that archiving is necessary for the 22221  
enforcement of this section; 22222

(4) A rule prohibiting the database from ranking the credit 22223

worthiness of a ~~borrower~~ consumer and limiting the database so 22224  
that, with respect to licensees under sections 1321.35 to 1321.48 22225  
of the Revised Code, it may only be used to determine a ~~borrower's~~ 22226  
consumer's eligibility or ineligibility for a loan based on the 22227  
provisions of this chapter; 22228

(5) A rule requiring that data collected pursuant to this 22229  
section be used only as prescribed in this section and for no 22230  
other purpose; 22231

(6) A rule authorizing the database operator to impose a per 22232  
transaction fee to be paid by the licensee or registrant for data 22233  
required to be submitted; 22234

(7) A rule prohibiting the database operator from including, 22235  
in the database, the social security number of any ~~borrower~~ 22236  
consumer. 22237

(C) The database operator, whether the superintendent or a 22238  
third party selected by the superintendent pursuant to Chapter 22239  
125. of the Revised Code, shall do all of the following: 22240

(1) Establish and maintain a process for responding to 22241  
transaction verification requests due to technical difficulties 22242  
with the database that prevent the licensee or registrant from 22243  
accessing the database through the internet; 22244

(2) Provide accurate and secure receipt, transmission, and 22245  
storage of ~~borrower~~ consumer data; 22246

(3) Designate a transaction as closed within one business day 22247  
of receiving notification from a licensee or registrant; 22248

(4) Take all reasonable measures to ensure the 22249  
confidentiality of the database and to prevent identity theft. 22250

(D) A licensee under sections 1321.35 to 1321.48 of the 22251  
Revised Code may rely on the information contained in the database 22252  
as accurate and is not subject to any administrative penalty or 22253

civil liability as a result of relying on inaccurate information 22254  
contained in the database. 22255

(E) With respect to the database prescribed in division (A) 22256  
of this section, any information submitted for incorporation into 22257  
the database, information in the database itself, or archived 22258  
information as maintained by the superintendent pursuant to this 22259  
section is not a public record under section 149.43 of the Revised 22260  
Code. 22261

(F) If approved by the superintendent, the database operator 22262  
may impose a per transaction fee for the actual costs of entering, 22263  
accessing, and maintaining data in the database. The fee shall be 22264  
payable to the database operator in a manner prescribed by the 22265  
superintendent. ~~A licensee may not charge a customer all or part~~ 22266  
~~of the fee.~~ 22267

**Sec. 1337.11.** As used in sections 1337.11 to 1337.17 of the 22268  
Revised Code: 22269

(A) "Adult" means a person who is eighteen years of age or 22270  
older. 22271

(B) "Attending physician" means the physician to whom a 22272  
principal or the family of a principal has assigned primary 22273  
responsibility for the treatment or care of the principal or, if 22274  
the responsibility has not been assigned, the physician who has 22275  
accepted that responsibility. 22276

(C) "Comfort care" means any of the following: 22277

(1) Nutrition when administered to diminish the pain or 22278  
discomfort of a principal, but not to postpone death; 22279

(2) Hydration when administered to diminish the pain or 22280  
discomfort of a principal, but not to postpone death; 22281

(3) Any other medical or nursing procedure, treatment, 22282  
intervention, or other measure that is taken to diminish the pain 22283

or discomfort of a principal, but not to postpone death. 22284

(D) "Consulting physician" means a physician who, in 22285  
conjunction with the attending physician of a principal, makes one 22286  
or more determinations that are required to be made by the 22287  
attending physician, or to be made by the attending physician and 22288  
one other physician, by an applicable provision of sections 22289  
1337.11 to 1337.17 of the Revised Code, to a reasonable degree of 22290  
medical certainty and in accordance with reasonable medical 22291  
standards. 22292

(E) "Declaration for mental health treatment" has the same 22293  
meaning as in section 2135.01 of the Revised Code. 22294

(F) "Guardian" means a person appointed by a probate court 22295  
pursuant to Chapter 2111. of the Revised Code to have the care and 22296  
management of the person of an incompetent. 22297

(G) "Health care" means any care, treatment, service, or 22298  
procedure to maintain, diagnose, or treat an individual's physical 22299  
or mental condition or physical or mental health. 22300

(H) "Health care decision" means informed consent, refusal to 22301  
give informed consent, or withdrawal of informed consent to health 22302  
care. 22303

(I) "Health care facility" means any of the following: 22304

(1) A hospital; 22305

(2) A hospice care program, pediatric respite care program, 22306  
or other institution that specializes in comfort care of patients 22307  
in a terminal condition or in a permanently unconscious state; 22308

(3) A nursing home; 22309

(4) A home health agency; 22310

(5) An intermediate care facility for the mentally retarded; 22311

(6) A regulated community mental health organization. 22312



(J) "Health care personnel" means physicians, nurses, 22313  
physician assistants, emergency medical technicians-basic, 22314  
emergency medical technicians-intermediate, emergency medical 22315  
technicians-paramedic, medical technicians, dietitians, other 22316  
authorized persons acting under the direction of an attending 22317  
physician, and administrators of health care facilities. 22318

(K) "Home health agency" has the same meaning as in section 22319  
3701.881 of the Revised Code. 22320

(L) "Hospice care program" and "pediatric respite care 22321  
program" have the same meanings as in section 3712.01 of the 22322  
Revised Code. 22323

(M) "Hospital" has the same meanings as in sections 3701.01, 22324  
3727.01, and 5122.01 of the Revised Code. 22325

(N) "Hydration" means fluids that are artificially or 22326  
technologically administered. 22327

(O) "Incompetent" has the same meaning as in section 2111.01 22328  
of the Revised Code. 22329

(P) "Intermediate care facility for the mentally retarded" 22330  
has the same meaning as in section ~~5111.20~~ 5124.01 of the Revised 22331  
Code. 22332

(Q) "Life-sustaining treatment" means any medical procedure, 22333  
treatment, intervention, or other measure that, when administered 22334  
to a principal, will serve principally to prolong the process of 22335  
dying. 22336

(R) "Medical claim" has the same meaning as in section 22337  
2305.113 of the Revised Code. 22338

(S) "Mental health treatment" has the same meaning as in 22339  
section 2135.01 of the Revised Code. 22340

(T) "Nursing home" has the same meaning as in section 3721.01 22341  
of the Revised Code. 22342

(U) "Nutrition" means sustenance that is artificially or technologically administered.	22343 22344
(V) "Permanently unconscious state" means a state of permanent unconsciousness in a principal that, to a reasonable degree of medical certainty as determined in accordance with reasonable medical standards by the principal's attending physician and one other physician who has examined the principal, is characterized by both of the following:	22345 22346 22347 22348 22349 22350
(1) Irreversible unawareness of one's being and environment.	22351
(2) Total loss of cerebral cortical functioning, resulting in the principal having no capacity to experience pain or suffering.	22352 22353
(W) "Person" has the same meaning as in section 1.59 of the Revised Code and additionally includes political subdivisions and governmental agencies, boards, commissions, departments, institutions, offices, and other instrumentalities.	22354 22355 22356 22357
(X) "Physician" means a person who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	22358 22359 22360
(Y) "Political subdivision" and "state" have the same meanings as in section 2744.01 of the Revised Code.	22361 22362
(Z) "Professional disciplinary action" means action taken by the board or other entity that regulates the professional conduct of health care personnel, including the state medical board and the board of nursing.	22363 22364 22365 22366
(AA) "Regulated community mental health organization" means a residential facility as defined and licensed under section <del>5119.22</del> <u>5119.34</u> of the Revised Code or a community mental health <del>agency</del> <u>services provider</u> as defined in section 5122.01 of the Revised Code.	22367 22368 22369 22370 22371
(BB) "Terminal condition" means an irreversible, incurable,	22372

and untreatable condition caused by disease, illness, or injury 22373  
from which, to a reasonable degree of medical certainty as 22374  
determined in accordance with reasonable medical standards by a 22375  
principal's attending physician and one other physician who has 22376  
examined the principal, both of the following apply: 22377

(1) There can be no recovery. 22378

(2) Death is likely to occur within a relatively short time 22379  
if life-sustaining treatment is not administered. 22380

(CC) "Tort action" means a civil action for damages for 22381  
injury, death, or loss to person or property, other than a civil 22382  
action for damages for a breach of contract or another agreement 22383  
between persons. 22384

**Sec. 1347.08.** (A) Every state or local agency that maintains 22385  
a personal information system, upon the request and the proper 22386  
identification of any person who is the subject of personal 22387  
information in the system, shall: 22388

(1) Inform the person of the existence of any personal 22389  
information in the system of which the person is the subject; 22390

(2) Except as provided in divisions (C) and (E)(2) of this 22391  
section, permit the person, the person's legal guardian, or an 22392  
attorney who presents a signed written authorization made by the 22393  
person, to inspect all personal information in the system of which 22394  
the person is the subject; 22395

(3) Inform the person about the types of uses made of the 22396  
personal information, including the identity of any users usually 22397  
granted access to the system. 22398

(B) Any person who wishes to exercise a right provided by 22399  
this section may be accompanied by another individual of the 22400  
person's choice. 22401

(C)(1) A state or local agency, upon request, shall disclose 22402

medical, psychiatric, or psychological information to a person who 22403  
is the subject of the information or to the person's legal 22404  
guardian, unless a physician, psychiatrist, or psychologist 22405  
determines for the agency that the disclosure of the information 22406  
is likely to have an adverse effect on the person, in which case 22407  
the information shall be released to a physician, psychiatrist, or 22408  
psychologist who is designated by the person or by the person's 22409  
legal guardian. 22410

(2) Upon the signed written request of either a licensed 22411  
attorney at law or a licensed physician designated by the inmate, 22412  
together with the signed written request of an inmate of a 22413  
correctional institution under the administration of the 22414  
department of rehabilitation and correction, the department shall 22415  
disclose medical information to the designated attorney or 22416  
physician as provided in division (C) of section 5120.21 of the 22417  
Revised Code. 22418

(D) If an individual who is authorized to inspect personal 22419  
information that is maintained in a personal information system 22420  
requests the state or local agency that maintains the system to 22421  
provide a copy of any personal information that the individual is 22422  
authorized to inspect, the agency shall provide a copy of the 22423  
personal information to the individual. Each state and local 22424  
agency may establish reasonable fees for the service of copying, 22425  
upon request, personal information that is maintained by the 22426  
agency. 22427

(E)(1) This section regulates access to personal information 22428  
that is maintained in a personal information system by persons who 22429  
are the subject of the information, but does not limit the 22430  
authority of any person, including a person who is the subject of 22431  
personal information maintained in a personal information system, 22432  
to inspect or have copied, pursuant to section 149.43 of the 22433  
Revised Code, a public record as defined in that section. 22434

(2) This section does not provide a person who is the subject of personal information maintained in a personal information system, the person's legal guardian, or an attorney authorized by the person, with a right to inspect or have copied, or require an agency that maintains a personal information system to permit the inspection of or to copy, a confidential law enforcement investigatory record or trial preparation record, as defined in divisions (A)(2) and (4) of section 149.43 of the Revised Code.

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

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(1) The contents of an adoption file maintained by the department of health under section 3705.12 of the Revised Code;

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(2) Information contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;

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(3) Papers, records, and books that pertain to an adoption and that are subject to inspection in accordance with section 3107.17 of the Revised Code;

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(4) Records listed in division (A) of section 3107.42 of the Revised Code or specified in division (A) of section 3107.52 of the Revised Code;

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(5) Records that identify an individual described in division (A)(1) of section 3721.031 of the Revised Code, or that would tend to identify such an individual;

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(6) Files and records that have been expunged under division (D)(1) or (2) of section 3721.23 of the Revised Code;

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(7) Records that identify an individual described in division (A)(1) of section 3721.25 of the Revised Code, or that would tend

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to identify such an individual; 22465

(8) Records that identify an individual described in division 22466  
(A)(1) of section ~~5111.61~~ 5165.88 of the Revised Code, or that 22467  
would tend to identify such an individual; 22468

(9) Test materials, examinations, or evaluation tools used in 22469  
an examination for licensure as a nursing home administrator that 22470  
the board of ~~examiners~~ executives of ~~nursing home administrators~~ 22471  
long-term services and supports administers under section 4751.04 22472  
of the Revised Code or contracts under that section with a private 22473  
or government entity to administer; 22474

(10) Information contained in a database established and 22475  
maintained pursuant to section 5101.13 of the Revised Code. 22476

**Sec. 1501.011.** (A) The ~~Except as provided in divisions (B),~~ 22477  
(C), and (D) of this section, the Ohio facilities construction 22478  
commission shall supervise the design and construction of, and 22479  
make contracts for the construction, reconstruction, improvement, 22480  
enlargement, alteration, repair, or decoration of, any projects or 22481  
improvements for the department of natural resources ~~has the~~ 22482  
~~following powers in addition to its other powers: to prepare, or~~ 22483  
~~contract to be prepared, surveys, general and detailed plans,~~ 22484  
~~specifications, bills of materials, and estimates of cost for, to~~ 22485  
~~enter into contracts for, and to supervise the performance of~~ 22486  
~~labor, the furnishing of materials, or the construction, repair,~~ 22487  
~~or maintenance of any projects, improvements, or buildings, on~~ 22488  
~~lands and waters under the control of the department, as that may~~ 22489  
be authorized by legislative appropriations or any other funds 22490  
available therefor, the estimated cost of which amounts to two 22491  
hundred thousand dollars or more or the amount determined pursuant 22492  
to section 153.53 of the Revised Code or more. 22493

(B) ~~Except as provided in division (E) of this section, the~~ 22494  
~~director of natural resources shall publish notice in a newspaper~~ 22495

~~of general circulation in the region where the activity for which~~ 22496  
~~bids are submitted is to occur and in any other newspapers that~~ 22497  
~~the director determines are appropriate, at least once each week~~ 22498  
~~for four consecutive weeks, the last publication to be at least~~ 22499  
~~eight days preceding the day for opening bids, seeking proposals~~ 22500  
~~on each contract for the performance of labor, the furnishing of~~ 22501  
~~materials, or the construction, repair, or maintenance of~~ 22502  
~~projects, improvements, or buildings, as necessary for compliance~~ 22503  
~~with provisions of the act to make appropriations for capital~~ 22504  
~~improvements or the act to make general appropriations, and the~~ 22505  
~~director may also advertise in such trade journals as will afford~~ 22506  
~~adequate information to the public of the terms of the contract~~ 22507  
~~and the nature of the work to be performed, together with the time~~ 22508  
~~of the letting and place and manner of receiving proposals, and~~ 22509  
~~the places where plans and specifications are on file. A proposal~~ 22510  
~~is invalid and shall not be considered by the department unless~~ 22511  
~~the form for proposals specified by the department is used without~~ 22512  
~~change, alteration, or addition The department of natural~~ 22513  
~~resources shall administer the construction of improvements under~~ 22514  
~~an agreement with the supervisors of a soil and water conservation~~ 22515  
~~district pursuant to division (I) of section 1515.08 of the~~ 22516  
~~Revised Code.~~ 22517

(C) ~~Each bidder for a contract for the performance of labor,~~ 22518  
~~the furnishing of materials, or the maintenance, construction,~~ 22519  
~~demolition, alteration, repair, or reconstruction of an~~ 22520  
~~improvement shall meet the requirements of section 153.54 of the~~ 22521  
~~Revised Code. The director may require each bidder to furnish~~ 22522  
~~under oath, upon such printed forms as the director may prescribe,~~ 22523  
~~detailed information with respect to the bidder's financial~~ 22524  
~~resources, equipment, past performance record, organization~~ 22525  
~~personnel, and experience, together with such other information as~~ 22526  
~~the director considers necessary.~~ 22527

~~(D) The director shall award the contract to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code. The award shall be made within a reasonable time after the date on which the bids were opened, and the successful bidder shall enter into a contract within ten days from the date the successful bidder is notified that the contract has been awarded, or within any longer period that the director considers necessary. Nothing in this section shall preclude the rejection of any bid the acceptance of which is not in the best interests of the state. No contract shall be entered into until the bureau of workers' compensation has certified that the corporation, partnership, or person awarded the contract has complied with Chapter 4123. of the Revised Code and until, if the bidder awarded the contract is a foreign corporation, the secretary of state has certified that the corporation is authorized to do business in this state, and until, if the bidder so awarded the contract is a person or partnership nonresident of this state, the person or partnership has filed with the secretary of state a power of attorney designating the secretary of state as its agency for the purpose of accepting service of process.~~

~~(E) With respect to the director's entering into a contract for the performance of labor, the furnishing of materials, or the construction, repair, or maintenance of any projects, improvements, or buildings on lands and waters under the control of the department, both of the following apply:~~

~~(1) The director is not required to advertise for and receive bids if the total estimated cost of the contract is less than twenty five thousand dollars.~~

~~(2) The director is not required to advertise for bids, regardless of the cost of the contract, if the (1) The department of natural resources shall supervise the design and construction of, and make contracts for the construction, reconstruction,~~



<u>improvement, enlargement, alteration, repair, or decoration of,</u>	22560
<u>any of the following activities, projects, or improvements:</u>	22561
<u>(a) Dam repairs administered by the division of engineering</u>	22562
<u>under Chapter 1507. of the Revised Code;</u>	22563
<u>(b) Projects or improvements administered by the division of</u>	22564
<u>watercraft and funded through the waterways safety fund</u>	22565
<u>established in section 1547.75 of the Revised Code;</u>	22566
<u>(c) Projects or improvements administered by the division of</u>	22567
<u>wildlife under Chapter 1531. or 1533. of the Revised Code;</u>	22568
<u>(d) Activities conducted by the department pursuant to</u>	22569
<u>section 5511.05 of the Revised Code in order to maintain the</u>	22570
<u>department's roadway inventory.</u>	22571
<u>(2) If a contract to be let under division (C)(1) of this</u>	22572
<u>section involves an exigency that concerns the public health,</u>	22573
<u>safety, or welfare or addresses an emergency situation in which</u>	22574
<u>timeliness is crucial in preventing the cost of the contract from</u>	22575
<u>increasing significantly. Regarding such a contract, the director</u>	22576
<u>may solicit bids by sending a letter to a minimum of three</u>	22577
<u>contractors in the region where the contract is to be let or by</u>	22578
<u>any other means that the director considers appropriate.</u>	22579
<del>(F) The director may insert in any contract awarded under</del>	22580
<del>this section a clause providing for value engineering change</del>	22581
<del>proposals, under which a contractor who has been awarded a</del>	22582
<del>contract may propose a change in the plans and specifications of</del>	22583
<del>the project that saves the department time or money on the project</del>	22584
<del>without impairing any of the essential functions and</del>	22585
<del>characteristics of the project such as service life, reliability,</del>	22586
<del>economy of operation, ease of maintenance, safety, and necessary</del>	22587
<del>standardized features. If the director adopts the value</del>	22588
<del>engineering proposal, the savings from the proposal shall be</del>	22589
<del>divided between the department and the contractor according to</del>	22590

~~guidelines established by the director, provided that the contractor shall receive at least fifty per cent of the savings from the proposal. The adoption of a value engineering proposal does not invalidate the award of the contract or require the director to rebid the project.~~

~~(G) When in the opinion of the department the work under any contract made under this section or any law of the state is neglected by the contractor, the work completed is deficient in quality or materials, or the work is not prosecuted with the diligence and force specified or intended in the contract, the department may require the contractor to provide, at no additional expense to the department, any additional labor and materials that are necessary to complete the improvements at the level of quality and within the time of performance specified in the contract. Procedures concerning such a requirement together with its format shall be specified in the contract. If the contractor fails to comply with the requirement within the period specified in the contract, the department may take action to complete the work through other means, up to and including termination of the contract.~~

~~(H) When an exigency occurs or there is immediate danger of an exigency that would materially impair the successful bidding, construction, or completion of a project, improvement, or building, the director may revise related plans and specifications as necessary to address the exigency through the issuance of an addendum prior to the opening of bids or, in accordance with procedures established in section 153.62 of the Revised Code, through the issuance of a change order after the contract has been awarded, pursuant to the declaration of a public exigency, the department may award the contract without competitive bidding or selection as otherwise required by Chapter 153. of the Revised Code.~~

(D) The executive director of the Ohio facilities 22623  
construction commission may authorize the department of natural 22624  
resources to administer any other project or improvement, the 22625  
estimated cost of which, including design fees, construction, 22626  
equipment, and contingency amounts, is not more than one million 22627  
five hundred thousand dollars. 22628

**Sec. 1501.45.** (A) As used in this section: 22629

(1) "Forfeiture laws" means provisions that are established 22630  
in Title XXIX of the Revised Code and that govern the forfeiture 22631  
and disposition of certain property that is seized pursuant to a 22632  
law enforcement investigation. 22633

(2) "Law enforcement division" means the division of 22634  
forestry, the division of natural areas and preserves, the 22635  
division of wildlife, the division of parks and recreation, or the 22636  
division of watercraft in the department of natural resources. 22637

(3) "Law enforcement fund" means a fund created in this 22638  
section. 22639

(B) Except as otherwise provided in this section and 22640  
notwithstanding any provision of the Revised Code that is not in 22641  
Title XV of the Revised Code to the contrary, the forfeiture laws 22642  
apply to a law enforcement division that substantially conducts an 22643  
investigation that results in the ordered forfeiture of property 22644  
and also apply to the involved forfeiture of property, and the law 22645  
enforcement division shall comply with those forfeiture laws. 22646  
Accordingly, the portion of the forfeiture laws that authorizes 22647  
certain proceeds from forfeited property to be distributed to the 22648  
law enforcement agency that substantially conducted the 22649  
investigation that resulted in the seizure of the subsequently 22650  
forfeited property apply to the law enforcement divisions except 22651  
as provided in division (C)(2)(a) of this section. If a law 22652  
enforcement division is eligible to receive such proceeds, the 22653

proceeds shall be deposited into the state treasury to the credit 22654  
of the applicable law enforcement fund. 22655

(C)(1) There are hereby created in the state treasury ~~the~~ 22656  
~~division of forestry law enforcement fund, the division of natural~~ 22657  
~~areas and preserves law enforcement fund,~~ the division of wildlife 22658  
law enforcement fund, the division of parks and recreation law 22659  
enforcement fund, and the division of watercraft law enforcement 22660  
fund. ~~The~~ 22661

(2) ~~The~~ funds shall consist of proceeds from forfeited 22662  
property that are deposited ~~in accordance with this section. The~~ 22663  
as follows: 22664

(a) Proceeds from forfeited property resulting from an 22665  
investigation conducted by the division of forestry, the division 22666  
of natural areas and preserves, or the division of parks and 22667  
recreation shall be deposited in the division of parks and 22668  
recreation law enforcement fund. 22669

(b) Proceeds from forfeited property resulting from an 22670  
investigation conducted by the division of wildlife shall be 22671  
deposited in the division of wildlife law enforcement fund. 22672

(c) Proceeds from forfeited property resulting from an 22673  
investigation conducted by the division of watercraft shall be 22674  
deposited in the division of watercraft law enforcement fund. 22675

(3) ~~The~~ funds shall be used ~~by the applicable law enforcement~~ 22676  
~~division~~ for law enforcement purposes specified in the forfeiture 22677  
laws; ~~however,~~ as follows: 22678

(a) Money in the division of parks and recreation law 22679  
enforcement fund shall be used by the division of parks and 22680  
recreation. 22681

(b) Money in the division of wildlife law enforcement fund 22682  
shall be used by the division of wildlife. 22683

(c) Money in the division of watercraft law enforcement fund 22684  
shall be used by the division of watercraft. 22685

(4) A law enforcement division shall not use ~~such funds~~ its 22686  
fund to pay the salaries of its employees or to provide for any 22687  
other remuneration of personnel. 22688

(D) If the forfeiture laws conflict with any provisions that 22689  
govern forfeitures and that are established in another section of 22690  
Title XV of the Revised Code, the provisions established in the 22691  
other section of Title XV apply. 22692

**Sec. 1509.01.** As used in this chapter: 22693

(A) "Well" means any borehole, whether drilled or bored, 22694  
within the state for production, extraction, or injection of any 22695  
gas or liquid mineral, excluding potable water to be used as such, 22696  
but including natural or artificial brines and oil field waters. 22697

(B) "Oil" means crude petroleum oil and all other 22698  
hydrocarbons, regardless of gravity, that are produced in liquid 22699  
form by ordinary production methods, but does not include 22700  
hydrocarbons that were originally in a gaseous phase in the 22701  
reservoir. 22702

(C) "Gas" means all ~~natural gas and all other fluid~~ 22703  
hydrocarbons that are ~~not oil, including condensate~~ in a gaseous 22704  
state at standard temperature and pressure. 22705

(D) "Condensate" means liquid hydrocarbons separated at or 22706  
near the well pad or along the gas production or gathering system 22707  
prior to gas processing. 22708

(E) "Pool" means an underground reservoir containing a common 22709  
accumulation of oil or gas, or both, but does not include a gas 22710  
storage reservoir. Each zone of a geological structure that is 22711  
completely separated from any other zone in the same structure may 22712  
contain a separate pool. 22713

(F) "Field" means the general area underlaid by one or more pools.	22714 22715
(G) "Drilling unit" means the minimum acreage on which one well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.	22716 22717 22718
(H) "Waste" includes all of the following:	22719
(1) Physical waste, as that term generally is understood in the oil and gas industry;	22720 22721
(2) Inefficient, excessive, or improper use, or the unnecessary dissipation, of reservoir energy;	22722 22723
(3) Inefficient storing of oil or gas;	22724
(4) Locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas;	22725 22726 22727 22728 22729 22730
(5) Other underground or surface waste in the production or storage of oil, gas, or condensate, however caused.	22731 22732
(I) "Correlative rights" means the reasonable opportunity to every person entitled thereto to recover and receive the oil and gas in and under the person's tract or tracts, or the equivalent thereof, without having to drill unnecessary wells or incur other unnecessary expense.	22733 22734 22735 22736 22737
(J) "Tract" means a single, individually taxed parcel of land appearing on the tax list.	22738 22739
(K) "Owner," unless referring to a mine, means the person who has the right to drill on a tract or drilling unit, to drill into and produce from a pool, and to appropriate the oil or gas produced therefrom either for the person or for others, except	22740 22741 22742 22743

that a person ceases to be an owner with respect to a well when 22744  
the well has been plugged in accordance with applicable rules 22745  
adopted and orders issued under this chapter. "Owner" does not 22746  
include a person who obtains a lease of the mineral rights for oil 22747  
and gas on a parcel of land if the person does not attempt to 22748  
produce or produce oil or gas from a well or obtain a permit under 22749  
this chapter for a well or if the entire interest of a well is 22750  
transferred to the person in accordance with division (B) of 22751  
section 1509.31 of the Revised Code. 22752

(L) "Royalty interest" means the fee holder's share in the 22753  
production from a well. 22754

(M) "Discovery well" means the first well capable of 22755  
producing oil or gas in commercial quantities from a pool. 22756

(N) "Prepared clay" means a clay that is plastic and is 22757  
thoroughly saturated with fresh water to a weight and consistency 22758  
great enough to settle through saltwater in the well in which it 22759  
is to be used, except as otherwise approved by the chief of the 22760  
division of oil and gas resources management. 22761

(O) "Rock sediment" means the combined cutting and residue 22762  
from drilling sedimentary rocks and formation. 22763

(P) "Excavations and workings," "mine," and "pillar" have the 22764  
same meanings as in section 1561.01 of the Revised Code. 22765

(Q) "Coal bearing township" means a township designated as 22766  
such by the chief of the division of mineral resources management 22767  
under section 1561.06 of the Revised Code. 22768

(R) "Gas storage reservoir" means a continuous area of a 22769  
subterranean porous sand or rock stratum or strata into which gas 22770  
is or may be injected for the purpose of storing it therein and 22771  
removing it therefrom and includes a gas storage reservoir as 22772  
defined in section 1571.01 of the Revised Code. 22773

(S) "Safe Drinking Water Act" means the "Safe Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the "Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and regulations adopted under those acts.

(T) "Person" includes any political subdivision, department, agency, or instrumentality of this state; the United States and any department, agency, or instrumentality thereof; and any legal entity defined as a person under section 1.59 of the Revised Code.

(U) "Brine" means all saline geological formation water resulting from, obtained from, or produced in connection with exploration, drilling, well stimulation, production of oil or gas, or plugging of a well.

(V) "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, springs, irrigation systems, drainage systems, and other bodies of water, surface or underground, natural or artificial, that are situated wholly or partially within this state or within its jurisdiction, except those private waters that do not combine or effect a junction with natural surface or underground waters.

(W) "Exempt Mississippian well" means a well that meets all of the following criteria:

(1) Was drilled and completed before January 1, 1980;

(2) Is located in an unglaciated part of the state;

(3) Was completed in a reservoir no deeper than the Mississippian Big Injun sandstone in areas underlain by Pennsylvanian or Permian stratigraphy, or the Mississippian Berea sandstone in areas directly underlain by Permian stratigraphy;



(4) Is used primarily to provide oil or gas for domestic use.	22804
(X) "Exempt domestic well" means a well that meets all of the following criteria:	22805
	22806
(1) Is owned by the owner of the surface estate of the tract on which the well is located;	22807
	22808
(2) Is used primarily to provide gas for the owner's domestic use;	22809
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(3) Is located more than two hundred feet horizontal distance from any inhabited private dwelling house other than an inhabited private dwelling house located on the tract on which the well is located;	22811
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(4) Is located more than two hundred feet horizontal distance from any public building that may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public.	22815
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(Y) "Urbanized area" means an area where a well or production facilities of a well are located within a municipal corporation or within a township that has an unincorporated population of more than five thousand in the most recent federal decennial census prior to the issuance of the permit for the well or production facilities.	22819
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(Z) "Well stimulation" or "stimulation of a well" means the process of enhancing well productivity, including hydraulic fracturing operations.	22825
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(AA) "Production operation" means all operations and activities and all related equipment, facilities, and other structures that may be used in or associated with the exploration and production of oil, gas, or other mineral resources that are regulated under this chapter, including operations and activities associated with site preparation, site construction, access road	22828
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construction, well drilling, well completion, well stimulation, 22834  
well site activities, reclamation, and plugging. "Production 22835  
operation" also includes all of the following: 22836

(1) The piping, equipment, and facilities used for the 22837  
production and preparation of hydrocarbon gas or liquids for 22838  
transportation or delivery; 22839

(2) The processes of extraction and recovery, lifting, 22840  
stabilization, treatment, separation, production processing, 22841  
storage, waste disposal, and measurement of hydrocarbon gas and 22842  
liquids, including related equipment and facilities; 22843

(3) The processes and related equipment and facilities 22844  
associated with production compression, gas lift, gas injection, 22845  
fuel gas supply, well drilling, well stimulation, and well 22846  
completion activities, including dikes, pits, and earthen and 22847  
other impoundments used for the temporary storage of fluids and 22848  
waste substances associated with well drilling, well stimulation, 22849  
and well completion activities. 22850

(BB) "Annular overpressurization" means the accumulation of 22851  
fluids within an annulus with sufficient pressure to allow 22852  
migration of annular fluids into underground sources of drinking 22853  
water. 22854

(CC) "Idle and orphaned well" means a well for which a bond 22855  
has been forfeited or an abandoned well for which no money is 22856  
available to plug the well in accordance with this chapter and 22857  
rules adopted under it. 22858

(DD) "Temporarily inactive well" means a well that has been 22859  
granted temporary inactive status under section 1509.062 of the 22860  
Revised Code. 22861

(EE) "Material and substantial violation" means any of the 22862  
following: 22863

(1) Failure to obtain a permit to drill, reopen, convert, plugback, or plug a well under this chapter;	22864 22865
(2) Failure to obtain, maintain, update, or submit proof of insurance coverage that is required under this chapter;	22866 22867
(3) Failure to obtain, maintain, update, or submit proof of a surety bond that is required under this chapter;	22868 22869
(4) Failure to plug an abandoned well or idle and orphaned well unless the well has been granted temporary inactive status under section 1509.062 of the Revised Code or the chief of the division of oil and gas resources management has approved another option concerning the abandoned well or idle and orphaned well;	22870 22871 22872 22873 22874
(5) Failure to restore a disturbed land surface as required by section 1509.072 of the Revised Code;	22875 22876
(6) Failure to reimburse the oil and gas well fund pursuant to a final order issued under section 1509.071 of the Revised Code;	22877 22878 22879
(7) Failure to comply with a final nonappealable order of the chief issued under section 1509.04 of the Revised Code;	22880 22881
(8) Failure to submit a report, test result, fee, or document that is required in this chapter or rules adopted under it.	22882 22883
(FF) "Severer" has the same meaning as in section 5749.01 of the Revised Code.	22884 22885
(GG) "Horizontal well" means a well that is drilled for the production of oil or gas in which the wellbore reaches a horizontal or near horizontal position in the Point Pleasant, Utica, or Marcellus formation and the well is stimulated.	22886 22887 22888 22889
(HH) "Well pad" means the area that is cleared or prepared for the drilling of one or more horizontal wells.	22890 22891
<u>(II) "British thermal unit" means the measure of heat energy required to raise the temperature of one pound of water by one</u>	22892 22893

degree fahrenheit at a specified temperature. 22894

**Sec. 1509.02.** There is hereby created in the department of 22895  
natural resources the division of oil and gas resources 22896  
management, which shall be administered by the chief of the 22897  
division of oil and gas resources management. The division has 22898  
sole and exclusive authority to regulate the permitting, location, 22899  
and spacing of oil and gas wells and production operations within 22900  
the state, excepting only those activities regulated under federal 22901  
laws for which oversight has been delegated to the environmental 22902  
protection agency and activities regulated under sections 6111.02 22903  
to ~~6111.029~~ 6111.028 of the Revised Code. The regulation of oil 22904  
and gas activities is a matter of general statewide interest that 22905  
requires uniform statewide regulation, and this chapter and rules 22906  
adopted under it constitute a comprehensive plan with respect to 22907  
all aspects of the locating, drilling, well stimulation, 22908  
completing, and operating of oil and gas wells within this state, 22909  
including site construction and restoration, permitting related to 22910  
those activities, and the disposal of wastes from those wells. In 22911  
order to assist the division in the furtherance of its sole and 22912  
exclusive authority as established in this section, the chief may 22913  
enter into cooperative agreements with other state agencies for 22914  
advice and consultation, including visitations at the surface 22915  
location of a well on behalf of the division. Such cooperative 22916  
agreements do not confer on other state agencies any authority to 22917  
administer or enforce this chapter and rules adopted under it. In 22918  
addition, such cooperative agreements shall not be construed to 22919  
dilute or diminish the division's sole and exclusive authority as 22920  
established in this section. Nothing in this section affects the 22921  
authority granted to the director of transportation and local 22922  
authorities in section 723.01 or 4513.34 of the Revised Code, 22923  
provided that the authority granted under those sections shall not 22924  
be exercised in a manner that discriminates against, unfairly 22925

impedes, or obstructs oil and gas activities and operations 22926  
regulated under this chapter. 22927

The chief shall not hold any other public office, nor shall 22928  
the chief be engaged in any occupation or business that might 22929  
interfere with or be inconsistent with the duties as chief. 22930

All moneys collected by the chief pursuant to sections 22931  
1509.06, 1509.061, 1509.062, 1509.071, 1509.13, 1509.22, 1509.222, 22932  
1509.28, 1509.34, and 1509.50 of the Revised Code, ninety per cent 22933  
of moneys received by the treasurer of state from the tax levied 22934  
in divisions (A)(5) and (6) of section 5749.02 of the Revised 22935  
Code, all civil penalties paid under section 1509.33 of the 22936  
Revised Code, and, notwithstanding any section of the Revised Code 22937  
relating to the distribution or crediting of fines for violations 22938  
of the Revised Code, all fines imposed under divisions (A) and (B) 22939  
of section 1509.99 of the Revised Code and fines imposed under 22940  
divisions (C) and (D) of section 1509.99 of the Revised Code for 22941  
all violations prosecuted by the attorney general and for 22942  
violations prosecuted by prosecuting attorneys that do not involve 22943  
the transportation of brine by vehicle shall be deposited into the 22944  
state treasury to the credit of the oil and gas well fund, which 22945  
is hereby created. Fines imposed under divisions (C) and (D) of 22946  
section 1509.99 of the Revised Code for violations prosecuted by 22947  
prosecuting attorneys that involve the transportation of brine by 22948  
vehicle and penalties associated with a compliance agreement 22949  
entered into pursuant to this chapter shall be paid to the county 22950  
treasury of the county where the violation occurred. 22951

The fund shall be used solely and exclusively for the 22952  
purposes enumerated in division (B) of section 1509.071 of the 22953  
Revised Code, for the expenses of the division associated with the 22954  
administration of this chapter and Chapter 1571. of the Revised 22955  
Code and rules adopted under them, and for expenses that are 22956  
critical and necessary for the protection of human health and 22957

safety and the environment related to oil and gas production in 22958  
this state. The expenses of the division in excess of the moneys 22959  
available in the fund shall be paid from general revenue fund 22960  
appropriations to the department. 22961

**Sec. 1509.062.** (A)(1) The owner of a well that has not been 22962  
completed, a well that has not produced within one year after 22963  
completion, ~~or~~ an existing well that is not a horizontal well and 22964  
that has no reported production for two consecutive reporting 22965  
periods as reported in accordance with section 1509.11 of the 22966  
Revised Code, or an existing horizontal well that has no reported 22967  
production for eight consecutive reporting periods as reported in 22968  
accordance with section 1509.11 of the Revised Code shall plug the 22969  
well in accordance with section 1509.12 of the Revised Code, 22970  
obtain temporary inactive well status for the well in accordance 22971  
with this section, or perform another activity regarding the well 22972  
that is approved by the chief of the division of oil and gas 22973  
resources management. 22974

(2) If a well has a reported annual production that is less 22975  
than one hundred thousand cubic feet of natural gas or fifteen 22976  
barrels of crude oil, or a combination thereof, the chief may 22977  
require the owner of the well to submit an application for 22978  
temporary inactive well status under this section for the well. 22979

(B) In order for the owner of a well to submit an application 22980  
for temporary inactive well status for the well under this 22981  
division, the owner and the well shall be in compliance with this 22982  
chapter and rules adopted under it, any terms and conditions of 22983  
the permit for the well, and applicable orders issued by the 22984  
chief. An application for temporary inactive status for a well 22985  
shall be submitted to the chief on a form prescribed and provided 22986  
by the chief and shall contain all of the following: 22987

(1) The owner's name and address and, if the owner is a 22988

corporation, the name and address of the corporation's statutory agent; 22989  
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(2) The signature of the owner or of the owner's authorized agent. When an authorized agent signs an application, the application shall be accompanied by a certified copy of the appointment as such agent. 22991  
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(3) The permit number assigned to the well. If the well has not been assigned a permit number, the chief shall assign a permit number to the well. 22995  
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(4) A map, on a scale not smaller than four hundred feet to the inch, that shows the location of the well and the tank battery, that includes the latitude and longitude of the well, and that contains all other data that are required by the chief; 22998  
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(5) A demonstration that the well is of future utility and that the applicant has a viable plan to utilize the well within a reasonable period of time; 23002  
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(6) A demonstration that the well poses no threat to the health or safety of persons, property, or the environment; 23005  
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(7) Any other relevant information that the chief prescribes by rule. 23007  
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The chief may waive any of the requirements established in divisions (B)(1) to (6) of this section if the division of oil and gas resources management possesses a current copy of the information or document that is required in the applicable division. 23009  
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(C) Upon receipt of an application for temporary inactive well status, the chief shall review the application and shall either deny the application by issuing an order or approve the application. The chief shall approve the application only if the chief determines that the well that is the subject of the 23014  
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application poses no threat to the health or safety of persons, 23019  
property, or the environment. If the chief approves the 23020  
application, the chief shall notify the applicant of the chief's 23021  
approval. Upon receipt of the chief's approval, the owner shall 23022  
shut in the well and empty all liquids and gases from all storage 23023  
tanks, pipelines, and other equipment associated with the well. In 23024  
addition, the owner shall maintain the well, other equipment 23025  
associated with the well, and the surface location of the well in 23026  
a manner that prevents hazards to the health and safety of people 23027  
and the environment. The owner shall inspect the well at least 23028  
every six months and submit to the chief within fourteen days 23029  
after the inspection a record of inspection on a form prescribed 23030  
and provided by the chief. 23031

(D) Not later than thirty days prior to the expiration of 23032  
temporary inactive well status or a renewal of temporary inactive 23033  
well status approved by the chief for a well, the owner of the 23034  
well may submit to the chief an application for renewal of the 23035  
temporary inactive well status on a form prescribed and provided 23036  
by the chief. The application shall include a detailed plan that 23037  
describes the ultimate disposition of the well, the time frames 23038  
for that disposition, and any other information that the chief 23039  
determines is necessary. The chief shall either deny an 23040  
application by order or approve the application. If the chief 23041  
approves the application, the chief shall notify the owner of the 23042  
well of the chief's approval. 23043

(E) An application for temporary inactive well status shall 23044  
be accompanied by a nonrefundable fee of one hundred dollars. An 23045  
application for a renewal of temporary inactive well status shall 23046  
be accompanied by a nonrefundable fee of two hundred fifty dollars 23047  
for the first renewal and five hundred dollars for each subsequent 23048  
renewal. 23049

(F) After a third renewal, the chief may require an owner to 23050



provide a surety bond in an amount not to exceed ten thousand 23051  
dollars for each of the owner's wells that has been approved by 23052  
the chief for temporary inactive well status. 23053

(G) Temporary inactive well status approved by the chief 23054  
expires one year after the date of approval of the application for 23055  
temporary inactive well status or production from the well 23056  
commences, whichever occurs sooner. In addition, a renewal of a 23057  
temporary inactive well status expires one year after the 23058  
expiration date of the initial temporary inactive well status or 23059  
one year after the expiration date of the previous renewal of the 23060  
temporary inactive well status, as applicable, or production from 23061  
the well commences, whichever occurs sooner. 23062

(H) The owner of a well that has been approved by the chief 23063  
for temporary inactive well status may commence production from 23064  
the well at any time. Not later than sixty days after the 23065  
commencement of production from such a well, the owner shall 23066  
notify the chief of the commencement of production. 23067

(I) This chapter and rules adopted under it, any terms and 23068  
conditions of the permit for a well, and applicable orders issued 23069  
by the chief apply to a well that has been approved by the chief 23070  
for temporary inactive well status or renewal of that status. 23071

**Sec. 1509.10.** (A) Any person drilling within the state shall, 23072  
within sixty days after the completion of drilling operations to 23073  
the proposed total depth or after a determination that a well is a 23074  
dry or lost hole, file with the division of oil and gas resources 23075  
management all wireline electric logs and an accurate well 23076  
completion record on a form that is prescribed by the chief of the 23077  
division of oil and gas resources management that designates: 23078

(1) The purpose for which the well was drilled; 23080

(2) The character, depth, and thickness of geological units encountered, including coal seams, mineral beds, associated fluids such as fresh water, brine, and crude oil, natural gas, and sour gas, if such seams, beds, fluids, or gases are known;	23081 23082 23083 23084
(3) The dates on which drilling operations were commenced and completed;	23085 23086
(4) The types of drilling tools used and the name of the person that drilled the well;	23087 23088
(5) The length in feet of the various sizes of casing and tubing used in drilling the well, the amount removed after completion, the type and setting depth of each packer, all other data relating to cementing in the annular space behind such casing or tubing, and data indicating completion as a dry, gas, oil, combination oil and gas, brine injection, or artificial brine well or a stratigraphic test;	23089 23090 23091 23092 23093 23094 23095
(6) The number of perforations in the casing and the intervals of the perforations;	23096 23097
(7) The elevation above mean sea level of the point from which the depth measurements were made, stating also the height of the point above ground level at the well, the total depth of the well, and the deepest geological unit that was penetrated in the drilling of the well;	23098 23099 23100 23101 23102
(8) If applicable, the type, volume, and concentration of acid, and the date on which acid was used in acidizing the well;	23103 23104
(9)(a) If applicable, the trade name and the total amount of all products, fluids, and substances, and the supplier of each product, fluid, or substance, not including cement and its constituents and lost circulation materials, intentionally added to facilitate the drilling of any portion of the well until the surface casing is set and properly sealed. The owner shall identify each additive used and provide a brief description of the	23105 23106 23107 23108 23109 23110 23111

purpose for which the additive is used. In addition, the owner 23112  
shall include a list of all chemicals, not including any 23113  
information that is designated as a trade secret pursuant to 23114  
division (I)(1) of this section, intentionally added to all 23115  
products, fluids, or substances and include each chemical's 23116  
corresponding chemical abstracts service number and the maximum 23117  
concentration of each chemical. The owner shall obtain the 23118  
chemical information, not including any information that is 23119  
designated as a trade secret pursuant to division (I)(1) of this 23120  
section, from the company that drilled the well, provided service 23121  
at the well, or supplied the chemicals. If the company that 23122  
drilled the well, provided service at the well, or supplied the 23123  
chemicals provides incomplete or inaccurate chemical information, 23124  
the owner shall make reasonable efforts to obtain the required 23125  
information from the company or supplier. 23126

(b) For purposes of division (A)(9)(a) of this section, if 23127  
recycled fluid was used, the total volume of recycled fluid and 23128  
the well that is the source of the recycled fluid or the 23129  
centralized facility that is the source of the recycled fluid. 23130

(10)(a) If applicable, the type and volume of fluid, not 23131  
including cement and its constituents or information that is 23132  
designated as a trade secret pursuant to division (I)(1) of this 23133  
section, used to stimulate the reservoir of the well, the 23134  
reservoir breakdown pressure, the method used for the containment 23135  
of fluids recovered from the fracturing of the well, the methods 23136  
used for the containment of fluids when pulled from the wellbore 23137  
from swabbing the well, the average pumping rate of the well, and 23138  
the name of the person that performed the well stimulation. In 23139  
addition, the owner shall include a copy of the log from the 23140  
stimulation of the well, a copy of the invoice for each of the 23141  
procedures and methods described in division (A)(10) of this 23142  
section that were used on a well, and a copy of the pumping 23143

pressure and rate graphs. However, the owner may redact from the 23144  
copy of each invoice that is required to be included under 23145  
division (A)(10) of this section the costs of and charges for the 23146  
procedures and methods described in division (A)(10) of this 23147  
section that were used on a well. 23148

(b) If applicable, the trade name and the total volume of all 23149  
products, fluids, and substances, and the supplier of each 23150  
product, fluid, or substance used to stimulate the well. The owner 23151  
shall identify each additive used, provide a brief description of 23152  
the purpose for which the additive is used, and include the 23153  
maximum concentration of the additive used. In addition, the owner 23154  
shall include a list of all chemicals, not including any 23155  
information that is designated as a trade secret pursuant to 23156  
division (I)(1) of this section, intentionally added to all 23157  
products, fluids, or substances and include each chemical's 23158  
corresponding chemical abstracts service number and the maximum 23159  
concentration of each chemical. The owner shall obtain the 23160  
chemical information, not including any information that is 23161  
designated as a trade secret pursuant to division (I)(1) of this 23162  
section, from the company that stimulated the well or supplied the 23163  
chemicals. If the company that stimulated the well or supplied the 23164  
chemicals provides incomplete or inaccurate chemical information, 23165  
the owner shall make reasonable efforts to obtain the required 23166  
information from the company or supplier. 23167

(c) For purposes of division (A)(10)(b) of this section, if 23168  
recycled fluid was used, the total volume of recycled fluid and 23169  
the well that is the source of the recycled fluid or the 23170  
centralized facility that is the source of the recycled fluid. 23171

(11) The name of the company that performed the logging of 23172  
the well and the types of wireline electric logs performed on the 23173  
well. 23174

The well completion record shall be submitted in duplicate. 23175

The first copy shall be retained as a permanent record in the files of the division, and the second copy shall be transmitted by the chief to the division of geological survey.

(B)(1) Not later than sixty days after the completion of the drilling operations to the proposed total depth, the owner shall file all wireline electric logs with the division of oil and gas resources management and the chief shall transmit such logs electronically, if available, to the division of geological survey. Such logs may be retained by the owner for a period of not more than six months, or such additional time as may be granted by the chief in writing, after the completion of the well substantially to the depth shown in the application required by section 1509.06 of the Revised Code.

(2) If a well is not completed within sixty days after the completion of drilling operations, the owner shall file with the division of oil and gas resources management a supplemental well completion record that includes all of the information required under this section within sixty days after the completion of the well.

(3) After a well is initially completed and stimulated and until the well is plugged, the owner shall report, on a form prescribed by the chief, all materials placed into the formation to refracture, restimulate, or newly complete the well. The owner shall submit the information within sixty days after completing the refracturing, restimulation, or new completion. In addition, the owner shall report the information required in divisions (A)(10)(a) to (c) of this section, as applicable, in a manner consistent with the requirements established in this section.

(C) Upon request in writing by the chief of the division of geological survey prior to the beginning of drilling of the well, the person drilling the well shall make available a complete set of cuttings accurately identified as to depth.

(D) The form of the well completion record required by this section shall be one that has been prescribed by the chief of the division of oil and gas resources management and the chief of the division of geological survey. The filing of a log as required by this section fulfills the requirement of filing a log with the chief of the division of geological survey in section 1505.04 of the Revised Code.

(E) If a material listed or designated under division (A)(9) or (10) or (B)(3) of this section is a material for which the division of oil and gas resources management does not have a material safety data sheet, the owner shall provide a copy of the material safety data sheet for the material to the chief.

(F) An owner shall submit to the chief the information that is required in divisions (A)(10)(b) and (c) and (B)(3) of this section consistent with the requirements established in this section using one of the following methods:

(1) On a form prescribed by the chief;

(2) Through the chemical disclosure registry that is maintained by the ground water protection council and the interstate oil and gas compact commission;

(3) Any other means approved by the chief.

(G) The chief shall post on the division's web site each material safety data sheet obtained under division (E) of this section. In addition, the chief shall make available through the division's web site the chemical information that is required by divisions (A)(9) and (10) and (B)(3) of this section.

(H)(1) If a medical professional, in order to assist in the diagnosis or treatment of an individual who was affected by an incident associated with the production operations of a well, requests the exact chemical composition of each product, fluid, or substance and of each chemical component in a product, fluid, or

substance that is designated as a trade secret pursuant to 23239  
division (I) of this section, the person claiming the trade secret 23240  
protection pursuant to that division shall provide to the medical 23241  
professional the exact chemical composition of the product, fluid, 23242  
or substance and of the chemical component in a product, fluid, or 23243  
substance that is requested. 23244

(2) A medical professional who receives information pursuant 23245  
to division (H)(1) of this section shall keep the information 23246  
confidential and shall not disclose the information for any 23247  
purpose that is not related to the diagnosis or treatment of an 23248  
individual who was affected by an incident associated with the 23249  
production operations of a well. Nothing in division (H)(2) of 23250  
this section precludes a medical professional from making any 23251  
report required by law or professional ethical standards. 23252

(I)(1) The owner of a well who is required to submit a well 23253  
completion record under division (A) of this section or a report 23254  
under division (B)(3) of this section or a person that provides 23255  
information to the owner as described in and for purposes of 23256  
division (A)(9) or (10) or (B)(3) of this section may designate 23257  
without disclosing on a form prescribed by the chief and withhold 23258  
from disclosure to the chief the identity, amount, concentration, 23259  
or purpose of a product, fluid, or substance or of a chemical 23260  
component in a product, fluid, or substance as a trade secret. The 23261  
owner or person may pursue enforcement of any rights or remedies 23262  
established in sections 1333.61 to 1333.69 of the Revised Code for 23263  
misappropriation, as defined in section 1333.61 of the Revised 23264  
Code, with respect to the identity, amount, concentration, or 23265  
purpose of a product, fluid, or substance or a chemical component 23266  
in a product, fluid, or substance designated as a trade secret 23267  
pursuant to division (I)(1) of this section. The division shall 23268  
not disclose information regarding the identity, amount, 23269  
concentration, or purpose of any product, fluid, or substance or 23270

of any chemical component in a product, fluid, or substance 23271  
designated as a trade secret pursuant to division (I)(1) of this 23272  
section. 23273

(2) A property owner, an adjacent property owner, or any 23274  
person or agency of this state having an interest that is or may 23275  
be adversely affected by a product, fluid, or substance or by a 23276  
chemical component in a product, fluid, or substance may commence 23277  
a civil action in the court of common pleas of Franklin county 23278  
against an owner or person described in division (I)(1) of this 23279  
section challenging the owner's or person's claim to entitlement 23280  
to trade secret protection for the specific identity, amount, 23281  
concentration, or purpose of a product, fluid, or substance or of 23282  
a chemical component in a product, fluid, or substance pursuant to 23283  
division (I)(1) of this section. A person who commences a civil 23284  
action pursuant to division (I)(2) of this section shall provide 23285  
notice to the chief in a manner prescribed by the chief. In the 23286  
civil action, the court shall conduct an in camera review of 23287  
information submitted by an owner or person described in division 23288  
(I)(1) of this section to determine if the identity, amount, 23289  
concentration, or purpose of a product, fluid, or substance or of 23290  
a chemical component in a product, fluid, or substance pursuant to 23291  
division (I)(1) of this section is entitled to trade secret 23292  
protection. 23293

(J)(1) Except for any information that is designated as a 23294  
trade secret pursuant to division (I)(1) of this section and 23295  
except as provided in division (J)(2) of this section, the owner 23296  
of a well shall maintain records of all chemicals placed in a well 23297  
for a period of not less than two years after the date on which 23298  
each such chemical was placed in the well. The chief may inspect 23299  
the records at any time concerning any such chemical. 23300

(2) An owner or person who has designated the identity, 23301  
amount, concentration, or purpose of a product, fluid, or 23302



substance or of a chemical component in a product, fluid, or 23303  
substance as a trade secret pursuant to division (I)(1) of this 23304  
section shall maintain the records for such a product, fluid, or 23305  
substance or for a chemical component in a product, fluid, or 23306  
substance for a period of not less than two years after the date 23307  
on which each such product, fluid, or substance or each such 23308  
chemical component in a product, fluid, or substance was placed in 23309  
the well. Upon the request of the chief, the owner or person, as 23310  
applicable, shall disclose the records to the chief if the 23311  
information is necessary to respond to a spill, release, or 23312  
investigation. However, the chief shall not disclose the 23313  
information that is designated as a trade secret. 23314

(K)(1) For purposes of correcting inaccuracies and 23315  
incompleteness in chemical information required by divisions 23316  
(A)(9) and (10) and (B)(3) of this section, an owner shall be 23317  
considered in substantial compliance if the owner has made 23318  
reasonable efforts to obtain the required information from the 23319  
supplier. 23320

(2) For purposes of reporting under this section, an owner is 23321  
not required to report chemicals that occur incidentally or in 23322  
trace amounts. 23323

(L) As used in this section, the term "material safety data 23324  
sheet" shall conform to any revision of or change in the term by 23325  
the occupational safety and health administration in the United 23326  
States department of labor. 23327

**Sec. 1509.11.** (A)(1) The owner of any well, ~~including~~ except 23328  
a horizontal well, that is producing or capable of producing oil 23329  
or gas shall file with the chief of the division of oil and gas 23330  
resources management, on or before the thirty-first day of March, 23331  
a statement of production of oil, gas, and brine for the last 23332  
preceding calendar year in such form as the chief may prescribe. 23333

An owner that has more than one hundred such wells in this state 23334  
shall submit electronically the statement of production in a 23335  
format that is approved by the chief. The chief shall include on 23336  
the form, at the minimum, a request for the submittal of the 23337  
information that a person who is regulated under this chapter is 23338  
required to submit under the "Emergency Planning and Community 23339  
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C.A. 11001, and 23340  
regulations adopted under it, and that the division of oil and gas  
resources management does not obtain through other reporting 23341  
mechanisms. 23342  
23343

(2) The owner of any horizontal well that is producing or 23344  
capable of producing oil or gas shall file with the chief, on or 23345  
before the fifteenth day of the month following the close of each 23346  
calendar quarter, a statement of production of oil, gas, 23347  
condensate, and brine for the preceding calendar quarter in a form 23348  
that the chief prescribes. In addition, the statement of 23349  
production shall include the api gravity of the oil according to 23350  
the standards for determining density of oil as established by the 23351  
American petroleum institute in the *Manual of Petroleum* 23352  
*Measurement Standards* and the British thermal unit measurement of 23353  
the gas. An owner that has more than one hundred horizontal wells 23354  
in this state shall submit electronically the statement of 23355  
production in a format that is approved by the chief. The chief 23356  
shall include on the form, at a minimum, a request for the 23357  
submittal of the information that a person who is regulated under 23358  
this chapter is required to submit under the "Emergency Planning 23359  
and Community Right-To-Know Act of 1986," 100 Stat. 1728, 42 23360  
U.S.C. 11001, and regulations adopted under it, and that the 23361  
division does not obtain through other reporting mechanisms. 23362

(B) The chief shall not disclose information received from 23363  
the department of taxation under division (C)(12) of section 23364  
5703.21 of the Revised Code until the related statement of 23365

production required by division (A) of this section is filed with 23366  
the chief. 23367

**Sec. 1509.50.** (A) An oil and gas regulatory cost recovery 23368  
assessment is hereby imposed by this section on an owner. An owner 23369  
shall pay the assessment in the same manner as a severer who is 23370  
required to file a return under section 5749.06 of the Revised 23371  
Code. However, an owner may designate a severer who shall pay the 23372  
owner's assessment on behalf of the owner on the return that the 23373  
severer is required to file under that section. If a severer so 23374  
pays an owner's assessment, the severer may recoup from the owner 23375  
the amount of the assessment. Except for an exempt domestic well, 23376  
the assessment imposed shall be in addition to the taxes levied on 23377  
the severance of oil and gas under section 5749.02 of the Revised 23378  
Code. 23379

(B)(1) Except for an exempt domestic well, the oil and gas 23380  
regulatory cost recovery assessment shall be calculated on a 23381  
quarterly basis and shall be one of the following: 23382

(a) If the sum of ten cents per barrel of oil for all of the 23383  
wells of the owner, one-half of one cent per one thousand cubic 23384  
feet of natural gas for all of the wells of the owner, and the 23385  
amount of the severance tax levied on each severer for all of the 23386  
wells of the owner under divisions (A)(5) and (6) of section 23387  
5749.02 of the Revised Code, as applicable, is greater than the 23388  
sum of fifteen dollars for each well owned by the owner, the 23389  
amount of the assessment is the sum of ten cents per barrel of oil 23390  
for all of the wells of the owner and one-half of one cent per one 23391  
thousand cubic feet of natural gas for all of the wells of the 23392  
owner. 23393

(b) If the sum of ten cents per barrel of oil for all of the 23394  
wells of the owner, one-half of one cent per one thousand cubic 23395  
feet of natural gas for all of the wells of the owner, and the 23396

amount of the severance tax levied on each severer for all of the wells of the owner under divisions (A)(5) and (6) of section 5749.02 of the Revised Code, as applicable, is less than the sum of fifteen dollars for each well owned by the owner, the amount of the assessment is the sum of fifteen dollars for each well owned by the owner less the amount of the tax levied on each severer for all of the wells of the owner under divisions (A)(5) and (6) of section 5749.02 of the Revised Code, as applicable.

(2) The oil and gas regulatory cost recovery assessment for a well that becomes an exempt domestic well on and after June 30, 2010, shall be sixty dollars to be paid to the division of oil and gas resources management on the first day of July of each year.

(C) All money collected pursuant to this section shall be ~~deposited in the state treasury to the credit of~~ credited to the severance tax receipts fund. After the director of budget and management transfers money from the severance tax receipts fund as required in division (H) of section 5749.06 of the Revised Code, money in the severance tax receipts fund from amounts collected pursuant to this section shall be credited to the oil and gas well fund created in section 1509.02 of the Revised Code.

(D) Except for purposes of revenue distribution as specified in division (B) of section 5749.02 of the Revised Code, the oil and gas regulatory cost recovery assessment imposed by this section shall be treated the same and equivalent for all purposes as the taxes levied on the severance of oil and gas under that section. However, the assessment imposed by this section is not a tax under Chapter 5749. of the Revised Code.

**Sec. 1509.73.** (A)(1) Beginning on ~~the effective date of this section~~ September 30, 2011, and ending on the effective date of the rules adopted under section 1509.74 of the Revised Code, a state agency, in consultation with the oil and gas leasing

commission, may lease a formation within a parcel of land that is 23428  
owned or controlled by the state agency for the exploration for 23429  
and development and production of oil or natural gas. The state 23430  
agency shall establish bid fees, signing fees, rentals, and at 23431  
least a one-eighth landowner royalty. On and after the effective 23432  
date of the rules adopted under section 1509.74 of the Revised 23433  
Code, a formation within a parcel of land that is owned or 23434  
controlled by a state agency may be leased for the exploration for 23435  
and development and production of oil or natural gas only in 23436  
accordance with divisions (A)(2) to (H) of this section and those 23437  
rules. 23438

(2) Not earlier than two hundred seventy days after ~~the~~ 23439  
~~effective date of this section~~ September 30, 2011, a person that 23440  
is an owner and that is interested in leasing a formation within a 23441  
parcel of land that is owned or controlled by a state agency for 23442  
the exploration for and the development and production of oil or 23443  
natural gas may submit to the oil and gas leasing commission a 23444  
nomination that identifies the parcel of land. A person submitting 23445  
a nomination shall submit it in the manner and form established in 23446  
rules adopted under section 1509.74 of the Revised Code and shall 23447  
include with the nomination both of the following: 23448

(a) The information required by those rules; 23449

(b) The nomination fee established in those rules. 23450

(B)(1) Not less than thirty days, but not more than one 23451  
hundred twenty days following the receipt of a nomination of a 23452  
parcel of land, the commission shall conduct a meeting for the 23453  
purpose of determining whether to approve or disapprove the 23454  
nomination for the purpose of leasing a formation within the 23455  
parcel of land that is identified in the nomination. The 23456  
commission also shall review the nomination of the parcel of land 23457  
and determine if the parcel of land has been classified under 23458

section 1509.72 of the Revised Code. If the parcel of land that is 23459  
the subject of the nomination has not been classified, the 23460  
commission immediately shall send a copy of the nomination to the 23461  
state agency that owns or controls the parcel that is the subject 23462  
of the nomination. Not later than fifteen days after receipt of a 23463  
copy of the nomination, the state agency shall classify the parcel 23464  
of land as a class 1, class 2, class 3, or class 4 property and 23465  
submit the classification to the commission. On receipt of the 23466  
state agency's classification of the parcel of land, the 23467  
commission shall provide the department of natural resources the 23468  
information necessary for the department to comply with divisions 23469  
(C) and (D) of section 1509.72 of the Revised Code. 23470

After a parcel of land that is the subject of a nomination 23471  
has been classified under section 1509.72 of the Revised Code or 23472  
division (B)(1) of this section, as applicable, the commission 23473  
shall approve or disapprove the nomination. In making its decision 23474  
to approve or disapprove the nomination of the parcel of land, the 23475  
commission shall consider all of the following: 23476

(a) The economic benefits, including the potential income 23477  
from an oil or natural gas operation, that would result if the 23478  
lease of a formation that is the subject of the nomination were 23479  
approved; 23480

(b) Whether the proposed oil or gas operation is compatible 23481  
with the current uses of the parcel of land that is the subject of 23482  
the nomination; 23483

(c) The environmental impact that would result if the lease 23484  
of a formation that is the subject of the nomination were 23485  
approved; 23486

(d) Any potential adverse geological impact that would result 23487  
if the lease of a formation that is the subject of the nomination 23488  
were approved; 23489

(e) Any potential impact to visitors or users of a parcel of land that is the subject of the nomination;	23490 23491
(f) Any potential impact to the operations or equipment of a state agency that is a state university or college if the lease of a formation within a parcel of land owned or controlled by the university or college that is the subject of the nomination were executed;	23492 23493 23494 23495 23496
(g) Any objections to the nomination submitted to the commission by the state agency that owns or controls the land on which the proposed oil or natural gas operation would take place;	23497 23498 23499
(h) Any comments or objections to the nomination submitted to the commission by residents of this state or other users of the parcel of land that is the subject of the nomination;	23500 23501 23502
(i) Any other factors that the commission establishes in rules adopted under section 1509.74 of the Revised Code.	23503 23504
(2) The commission shall disapprove a nomination of a parcel of land that is a class 3 property. The commission shall send notice of the disapproval by certified mail to the person that submitted the nomination.	23505 23506 23507 23508
(3) Prior to making its decision to approve or disapprove a nomination, the commission shall notify the state agency that owns or controls the land on which the oil or gas operation would take place.	23509 23510 23511 23512
(4) The commission shall approve or disapprove a nomination not later than two calendar quarters following the receipt of the nomination. Notice of the decision of the commission shall be sent by certified mail to the person that submitted the nomination.	23513 23514 23515 23516
(5) If the commission approves a nomination, the commission shall notify the state agency that owns or controls the parcel of land that is the subject of a nomination of the commission's	23517 23518 23519

approval of the nomination. The notification shall request the 23520  
state agency to submit to the commission special terms and 23521  
conditions that will apply to the lease of a formation within the 23522  
parcel of land because of specific conditions related to the 23523  
parcel of land. The state agency shall submit the special terms 23524  
and conditions not later than sixty days after receipt of a notice 23525  
from the commission. 23526

(6) If the commission approves a nomination for a parcel of 23527  
land that is a class 1 property, the commission shall offer for 23528  
lease each formation that is within the parcel of land. If the 23529  
commission approves a nomination for a parcel of land that is a 23530  
class 2 or class 4 property, the commission shall not offer for 23531  
lease any formation that is within the parcel of land unless the 23532  
state agency that owns or controls the parcel of land notifies the 23533  
commission that a formation or formations that are within the 23534  
parcel of land may be offered for lease. 23535

(C) Each calendar quarter, the commission shall proceed to 23536  
advertise for bids for a lease for a formation within a parcel of 23537  
land that was the subject of a nomination approved during the 23538  
previous calendar quarter that is a class 1 property or that is a 23539  
class 2 or class 4 property for which the commission has received 23540  
notice from the state agency that owns or controls the parcel of 23541  
land under division (B)(6) of this section that a formation or 23542  
formations that are within the parcel of land may be offered for 23543  
lease. The advertisement shall be provided to the department of 23544  
natural resources, and the department shall publish the 23545  
advertisement on its web site for a period of time established by 23546  
the commission. The advertisement shall include all of the 23547  
following: 23548

(1) The procedure for the submission of a bid to enter into a 23549  
lease for a formation within a parcel of land; 23550

(2) A statement that a standard lease form that is consistent 23551



with the practices of the oil and natural gas industries will be 23552  
used for the lease of a formation within the parcel of land; 23553

(3) A copy of the standard lease form that will be used for 23554  
the lease of a formation within the parcel of land; 23555

(4) Special terms and conditions, if applicable, that apply 23556  
to the lease because of specific conditions related to the parcel 23557  
of land; 23558

(5) The amount of the bid fee that is required to be 23559  
submitted with a bid; 23560

(6) Any other information that the commission considers 23561  
pertinent to the advertisement for bids. 23562

(D) A person submitting a bid to enter into a lease under 23563  
this section shall pay a bid fee established in rules adopted 23564  
under section 1509.74 of the Revised Code. 23565

(E) In order to encourage the submission of bids and the 23566  
responsible and reasonable development of the state's natural 23567  
resources, the information that is contained in a bid submitted to 23568  
the commission under this section shall be confidential and shall 23569  
not be disclosed before a person is selected under division (F) of 23570  
this section unless the commission determines otherwise. 23571

(F) The commission shall establish a deadline for the 23572  
submission of bids for each lease regarding a particular parcel of 23573  
land and shall notify the department of the deadline. The 23574  
department shall post the deadline for the submission of bids for 23575  
each lease on the department's web site. A person shall submit a 23576  
bid in accordance with the procedures and requirements established 23577  
by the commission in rules adopted under section 1509.74 of the 23578  
Revised Code. 23579

The commission shall select the person who submits the 23580  
highest and best bid for each formation within that parcel of 23581

land, taking into account the financial responsibility of the 23582  
prospective lessee and the ability of the prospective lessee to 23583  
perform its obligations under the lease. After the commission 23584  
selects a person, the commission shall notify the applicable state 23585  
agency and send the person's bid to the agency. The state agency 23586  
shall enter into a lease with the person selected by the 23587  
commission. 23588

(G)(1) Except as otherwise provided in ~~division~~ divisions 23589  
(G)(2) and (3) of this section, all money received by a state 23590  
agency from signing fees, rentals, and royalty payments for leases 23591  
entered into under this section shall be paid by the state agency 23592  
into the state treasury to the credit of the state land royalty 23593  
fund created in section 131.50 of the Revised Code. 23594

(2) Money received by a state agency from signing fees, 23595  
rentals, and royalty payments for leases entered into under this 23596  
section on land owned or controlled by the division of forestry, 23597  
or wildlife, or parks and recreation in the department of natural 23598  
resources shall be deposited into one of the following funds, as 23599  
applicable: 23600

(a) The forestry mineral royalties fund created in section 23601  
1503.012 of the Revised Code if the lease pertains to land owned 23602  
or controlled by the division of forestry; 23603

(b) The wildlife habitat fund created in section 1531.33 of 23604  
the Revised Code if the lease pertains to land owned or controlled 23605  
by the division of wildlife; 23606

~~(c) The parks mineral royalties fund created in section 23607  
1541.26 of the Revised Code if the lease pertains to land owned or 23608  
controlled by the division of parks and recreation. 23609~~

(3) Money received by a state agency from signing fees, 23610  
rentals, and royalty payments for leases entered into under this 23611  
section on land owned or controlled by the division of parks and 23612

recreation in the department of natural resources shall be 23613  
deposited in the state treasury and credited as follows: 23614

(a) Fifty per cent of the money shall be credited to the 23615  
parks mineral royalties fund created in section 1541.26 of the 23616  
Revised Code. 23617

(b) Fifty per cent of the money shall be credited to the 23618  
clean Ohio distribution fund created in section 151.50 of the 23619  
Revised Code. 23620

(H) All money received from nomination fees and bid fees 23621  
shall be paid into the state treasury to the credit of the oil and 23622  
gas leasing commission administration fund created in section 23623  
1509.75 of the Revised Code. 23624

(I) Notwithstanding any other provision of this section to 23625  
the contrary, a nature preserve as defined in section 1517.01 of 23626  
the Revised Code that is owned or controlled by a state agency 23627  
shall not be nominated or leased under this section for the 23628  
purpose of exploring for and developing and producing oil and 23629  
natural gas resources. 23630

**Sec. 1511.02.** The chief of the division of soil and water 23631  
resources, subject to the approval of the director of natural 23632  
resources, shall do all of the following: 23633

(A) Provide administrative leadership to local soil and water 23634  
conservation districts in planning, budgeting, staffing, and 23635  
administering district programs and the training of district 23636  
supervisors and personnel in their duties, responsibilities, and 23637  
authorities as prescribed in this chapter and Chapter 1515. of the 23638  
Revised Code; 23639

(B) Administer this chapter and Chapter 1515. of the Revised 23640  
Code pertaining to state responsibilities and provide staff 23641  
assistance to the Ohio soil and water conservation commission in 23642

exercising its statutory responsibilities; 23643

(C) Assist in expediting state responsibilities for watershed 23644  
development and other natural resource conservation works of 23645  
improvement; 23646

(D) Coordinate the development and implementation of 23647  
cooperative programs and working agreements between local soil and 23648  
water conservation districts and divisions or sections of the 23649  
department of natural resources, or other agencies of local, 23650  
state, and federal government; 23651

(E) Subject to the approval of the Ohio soil and water 23652  
conservation commission, adopt, amend, or rescind rules pursuant 23653  
to Chapter 119. of the Revised Code. Rules adopted pursuant to 23654  
this section: 23655

(1) Shall establish technically feasible and economically 23656  
reasonable standards to achieve a level of management and 23657  
conservation practices in farming or silvicultural operations that 23658  
will abate wind or water erosion of the soil or abate the 23659  
degradation of the waters of the state by animal waste or by soil 23660  
sediment including substances attached thereto, and establish 23661  
criteria for determination of the acceptability of such management 23662  
and conservation practices; 23663

(2) Shall establish technically feasible and economically 23664  
reasonable standards to achieve a level of management and 23665  
conservation practices that will abate wind or water erosion of 23666  
the soil or abate the degradation of the waters of the state by 23667  
soil sediment in conjunction with land grading, excavating, 23668  
filling, or other soil-disturbing activities on land used or being 23669  
developed for nonfarm commercial, industrial, residential, or 23670  
other nonfarm purposes, and establish criteria for determination 23671  
of the acceptability of such management and conservation 23672  
practices. The standards shall be designed to implement applicable 23673

areawide waste treatment management plans prepared under section 23674  
208 of the "Federal Water Pollution Control Act," 86 Stat. 816 23675  
(1972), 33 U.S.C.A. 1288, as amended. The standards and criteria 23676  
shall not apply in any municipal corporation or county that adopts 23677  
ordinances or rules pertaining to sediment control, nor to lands 23678  
being used in a strip mine operation as defined in section 1513.01 23679  
of the Revised Code, nor to lands being used in a surface mining 23680  
operation as defined in section 1514.01 of the Revised Code. 23681

(3) May recommend criteria and procedures for the approval of 23682  
urban sediment pollution abatement plans and issuance of permits 23683  
prior to any grading, excavating, filling, or other whole or 23684  
partial disturbance of five or more contiguous acres of land owned 23685  
by one person or operated as one development unit and require 23686  
implementation of such a plan. Areas of less than five contiguous 23687  
acres are not exempt from compliance with other provisions of this 23688  
chapter and rules adopted under them. 23689

(4) Shall establish procedures for administration of rules 23690  
for agricultural pollution abatement and urban sediment pollution 23691  
abatement and for enforcement of rules for agricultural pollution 23692  
abatement; 23693

(5) Shall specify the pollution abatement practices eligible 23694  
for state cost sharing and determine the conditions for 23695  
eligibility, the construction standards and specifications, the 23696  
useful life, the maintenance requirements, and the limits of cost 23697  
sharing for those practices. Eligible practices shall be limited 23698  
to practices that address agricultural or silvicultural operations 23699  
and that require expenditures that are likely to exceed the 23700  
economic returns to the owner or operator and that abate soil 23701  
erosion or degradation of the waters of the state by animal waste 23702  
or soil sediment including pollutants attached thereto. 23703

(6) Shall establish procedures for administering grants to 23704  
owners or operators of agricultural land or concentrated animal 23705

feeding operations for the implementation of operation and 23706  
management plans; 23707

(7) Shall establish procedures for administering grants to 23708  
soil and water conservation districts for urban sediment pollution 23709  
abatement programs, specify the types of projects eligible for 23710  
grants, establish limits on the availability of grants, and 23711  
establish requirements governing the execution of projects to 23712  
encourage the reduction of erosion and sedimentation associated 23713  
with soil-disturbing activities; 23714

(8) Shall do all of the following with regard to composting 23715  
conducted in conjunction with agricultural operations: 23716

(a) Provide for the distribution of educational material 23717  
concerning composting to the offices of ~~the Ohio cooperative~~ OSU 23718  
extension ~~service~~ for the purposes of section 1511.022 of the 23719  
Revised Code; 23720

(b) Establish methods, techniques, or practices for 23721  
composting dead animals, or particular types of dead animals, that 23722  
are to be used at such operations, as the chief considers to be 23723  
necessary or appropriate; 23724

(c) Establish requirements and procedures governing the 23725  
review and approval or disapproval of composting plans by the 23726  
supervisors of soil and water conservation districts under 23727  
division (Q) of section 1515.08 of the Revised Code. 23728

(9) Shall be adopted, amended, or rescinded after the chief 23729  
does all of the following: 23730

(a) Mails notice to each statewide organization that the 23731  
chief determines represents persons or local governmental agencies 23732  
who would be affected by the proposed rule, amendment thereto, or 23733  
rescission thereof at least thirty-five days before any public 23734  
hearing thereon; 23735

(b) Mails a copy of each proposed rule, amendment thereto, or  
rescission thereof to any person who requests a copy, within five  
days after receipt of the request;

(c) Consults with appropriate state and local governmental  
agencies or their representatives, including statewide  
organizations of local governmental officials, industrial  
representatives, and other interested persons;

(d) If the rule relates to agricultural pollution abatement,  
develops an economic impact statement concerning the effect of the  
proposed rule or amendment.

(10) Shall not conflict with air or water quality standards  
adopted pursuant to section 3704.03 or 6111.041 of the Revised  
Code. Compliance with rules adopted pursuant to this section does  
not affect liability for noncompliance with air or water quality  
standards adopted pursuant to section 3704.03 or 6111.041 of the  
Revised Code. The application of a level of management and  
conservation practices recommended under this section to control  
windblown soil from farming operations creates a presumption of  
compliance with section 3704.03 of the Revised Code as that  
section applies to windblown soil.

(11) Insofar as the rules relate to urban sediment pollution,  
shall not be applicable in a municipal corporation or county that  
adopts ordinances or rules for urban sediment control, except that  
a municipal corporation or county that adopts such ordinances or  
rules may receive moneys for urban sediment control that are  
disbursed by the board of supervisors of the applicable soil and  
water conservation district under division (N) of section 1515.08  
of the Revised Code. The rules shall not exempt any person from  
compliance with municipal ordinances enacted pursuant to Section 3  
of Article XVIII, Ohio Constitution.

(F) Cost share with landowners on practices established

pursuant to division (E)(5) of this section as moneys are 23767  
appropriated and available for that purpose. Any practice for 23768  
which cost share is provided shall be maintained for its useful 23769  
life. Failure to maintain a cost share practice for its useful 23770  
life shall subject the landowner to full repayment to the 23771  
division. 23772

(G) Issue orders requiring compliance with any rule adopted 23773  
under division (E)(1) of this section or with section 1511.022 of 23774  
the Revised Code. Before the chief issues an order, the chief 23775  
shall afford each person allegedly liable an adjudication hearing 23776  
under Chapter 119. of the Revised Code. The chief may require in 23777  
an order that a person who has caused agricultural pollution by 23778  
failure to comply with the standards established under division 23779  
(E)(1) of this section operate under an operation and management 23780  
plan approved by the chief under this section. The chief shall 23781  
require in an order that a person who has failed to comply with 23782  
division (A) of section 1511.022 of the Revised Code prepare a 23783  
composting plan in accordance with rules adopted under division 23784  
(E)(10)(c) of this section and operate in accordance with that 23785  
plan or that a person who has failed to operate in accordance with 23786  
such a plan begin to operate in accordance with it. Each order 23787  
shall be issued in writing and contain a finding by the chief of 23788  
the facts upon which the order is based and the standard that is 23789  
not being met. 23790

(H) Employ field assistants and such other employees as are 23791  
necessary for the performance of the work prescribed by Chapter 23792  
1515. of the Revised Code, for performance of work of the 23793  
division, and as agreed to under working agreements or contractual 23794  
arrangements with local soil and water conservation districts, 23795  
prescribe their duties, and fix their compensation in accordance 23796  
with such schedules as are provided by law for the compensation of 23797  
state employees. 23798



All employees of the division, unless specifically exempted 23799  
by law, shall be employed subject to the classified civil service 23800  
laws in force at the time of employment. 23801

(I) In connection with new or relocated projects involving 23802  
highways, underground cables, pipelines, railroads, and other 23803  
improvements affecting soil and water resources, including surface 23804  
and subsurface drainage: 23805

(1) Provide engineering service as is mutually agreeable to 23806  
the Ohio soil and water conservation commission and the director 23807  
to aid in the design and installation of soil and water 23808  
conservation practices as a necessary component of such projects; 23809

(2) Maintain close liaison between the owners of lands on 23810  
which the projects are executed, local soil and water conservation 23811  
districts, and authorities responsible for such projects; 23812

(3) Review plans for such projects to ensure their compliance 23813  
with standards developed under division (E) of this section in 23814  
cooperation with the department of transportation or with any 23815  
other interested agency that is engaged in soil or water 23816  
conservation projects in the state in order to minimize adverse 23817  
impacts on soil and water resources adjacent to or otherwise 23818  
affected by these projects; 23819

(4) Recommend measures to retard erosion and protect soil and 23820  
water resources through the installation of water impoundment or 23821  
other soil and water conservation practices; 23822

(5) Cooperate with other agencies and subdivisions of the 23823  
state to protect the agricultural status of rural lands adjacent 23824  
to such projects and control adverse impacts on soil and water 23825  
resources. 23826

(J) Collect, analyze, inventory, and interpret all available 23827  
information pertaining to the origin, distribution, extent, use, 23828  
and conservation of the soil resources of the state; 23829

(K) Prepare and maintain up-to-date reports, maps, and other materials pertaining to the soil resources of the state and their use and make that information available to governmental agencies, public officials, conservation entities, and the public;

(L) Provide soil and water conservation districts with technical assistance including on-site soil investigations and soil interpretation reports on the suitability or limitations of soil to support a particular use or to plan soil conservation measures. The assistance shall be upon such terms as are mutually agreeable to the districts and the department of natural resources.

(M) Assist local government officials in utilizing land use planning and zoning, current agricultural use value assessment, development reviews, and land management activities;

(N) When necessary for the purposes of this chapter or Chapter 1515. of the Revised Code, develop or approve operation and management plans.

This section does not restrict the excrement of domestic or farm animals defecated on land outside a concentrated animal feeding operation or runoff therefrom into the waters of the state.

**Sec. 1511.022.** (A) Any person who owns or operates an agricultural operation, or owns the animals raised by the owner or operator of an agricultural operation, and who wishes to conduct composting of dead animals resulting from the agricultural operation shall do both of the following:

(1) Participate in an educational course concerning composting conducted by ~~the Ohio cooperative~~ OSU extension service and obtain a certificate of completion for the course;

(2) Use the appropriate method, technique, or practice of

composting established in rules adopted under division (E)(8) of 23860  
section 1511.02 of the Revised Code. 23861

(B) Any person who fails to comply with division (A) of this 23862  
section shall prepare and operate under a composting plan in 23863  
accordance with an order issued by the chief of the division of 23864  
soil and water resources under division (G) of section 1511.02 of 23865  
the Revised Code. If the person's proposed composting plan is 23866  
disapproved by the board of supervisors of the appropriate soil 23867  
and water conservation district under division (Q)(3) of section 23868  
1515.08 of the Revised Code, the person may appeal the plan 23869  
disapproval to the chief, who shall afford the person a hearing. 23870  
Following the hearing, the chief shall uphold the plan disapproval 23871  
or reverse it. If the chief reverses the disapproval, the plan 23872  
shall be deemed approved. 23873

**Sec. 1519.05.** (A) As used in this section, "local political 23874  
subdivision" and "nonprofit organization" have the same meanings 23875  
as in section 164.20 of the Revised Code. 23876

(B) There is hereby created in the state treasury the clean 23877  
Ohio trail fund. Twelve and one-half per cent of the net proceeds 23878  
of obligations issued and sold pursuant to sections 151.01 and 23879  
151.09 of the Revised Code shall be deposited into the fund. The 23880  
fund also shall consist of money credited to it under section 23881  
151.50 of the Revised Code. 23882

Investment earnings of the fund shall be credited to the fund 23883  
and may be used to pay costs incurred by the director of natural 23884  
resources in administering this section. 23885

Money in the clean Ohio trail fund shall not be used for the 23886  
appropriation of land, rights, rights-of-way, franchises, 23887  
easements, or other property through the exercise of the right of 23888  
eminent domain. 23889

The director shall use moneys in the fund exclusively to 23890  
provide matching grants to nonprofit organizations and to local 23891  
political subdivisions for the purposes of purchasing land or 23892  
interests in land for recreational trails and for the construction 23893  
of such trails. A matching grant may provide up to seventy-five 23894  
per cent of the cost of a recreational trail project, and the 23895  
recipient of the matching grant shall provide not less than 23896  
twenty-five per cent of that cost. 23897

(C) The director shall establish policies for the purposes of 23898  
this section. The policies shall establish all of the following: 23899

(1) Procedures for providing matching grants to nonprofit 23900  
organizations and local political subdivisions for the purposes of 23901  
purchasing land or interests in land for recreational trails and 23902  
for the construction of such trails, including, without 23903  
limitation, procedures for both of the following: 23904

(a) Developing a grant application form and soliciting, 23905  
accepting, and approving grant applications; 23906

(b) Participation by nonprofit organizations and local 23907  
political subdivisions in the application process. 23908

(2) A requirement that an application for a matching grant 23909  
for a recreational trail project include a copy of a resolution 23910  
supporting the project from each county in which the proposed 23911  
project is to be conducted and whichever of the following is 23912  
applicable: 23913

(a) If the proposed project is to be conducted wholly within 23914  
the geographical boundaries of one township, a copy of a 23915  
resolution supporting the project from the township; 23916

(b) If the proposed project is to be conducted wholly within 23917  
the geographical boundaries of one municipal corporation, a copy 23918  
of a resolution supporting the project from the municipal 23919  
corporation; 23920

(c) If the proposed project is to be conducted in more than one, but fewer than five townships or municipal corporations, a copy of a resolution supporting the project from at least one-half of the total number of townships and municipal corporations in which the proposed project is to be conducted;

(d) If the proposed project is to be conducted in five or more municipal corporations, a copy of a resolution supporting the project from at least three-fifths of the total number of townships and municipal corporations in which the proposed project is to be conducted.

(3) Eligibility criteria that must be satisfied by an applicant in order to receive a matching grant and that emphasize the following:

(a) Synchronization with the statewide trail plan;

(b) Complete regional systems and links to the statewide trail system;

(c) A combination of funds from various state agencies;

(d) The provision of links in urban areas that support commuter access and show economic impact on local communities;

(e) The linkage of population centers with public outdoor recreation areas and facilities;

(f) The purchase of rail lines that are linked to the statewide trail plan;

(g) The preservation of natural corridors.

(4) Items of value, such as in-kind contributions of land, easements or other interests in land, labor, or materials, that may be considered as contributing toward the percentage of the cost of a recreational trails project that must be provided by a matching grant recipient.

**Sec. 1531.06.** (A) The chief of the division of wildlife, with 23950  
the approval of the director of natural resources, may acquire by 23951  
gift, lease, purchase, or otherwise lands or surface rights upon 23952  
lands and waters or surface rights upon waters for wild animals, 23953  
fish or game management, preservation, propagation, and 23954  
protection, outdoor and nature activities, public fishing and 23955  
hunting grounds, and flora and fauna preservation. The chief, with 23956  
the approval of the director, may receive by grant, devise, 23957  
bequest, donation, or assignment evidences of indebtedness, the 23958  
proceeds of which are to be used for the purchase of such lands or 23959  
surface rights upon lands and waters or surface rights upon 23960  
waters. 23961

(B)(1) The chief shall adopt rules for the protection of 23962  
state-owned or leased lands and waters and property under the 23963  
control of the division of wildlife against wrongful use or 23964  
occupancy that will ensure the carrying out of the intent of this 23965  
section, protect those lands, waters, and property from 23966  
depredations, and preserve them from molestation, spoilation, 23967  
destruction, or any improper use or occupancy thereof, including 23968  
rules with respect to recreational activities and for the 23969  
government and use of such lands, waters, and property. 23970

(2) The chief may adopt rules benefiting wild animals, fish 23971  
or game management, preservation, propagation, and protection, 23972  
outdoor and nature activities, public fishing and hunting grounds, 23973  
and flora and fauna preservation, and regulating the taking and 23974  
possession of wild animals on any lands or waters owned or leased 23975  
or under the division's supervision and control and, for a 23976  
specified period of years, may prohibit or recall the taking and 23977  
possession of any wild animal on any portion of such lands or 23978  
waters. The division clearly shall define and mark the boundaries 23979  
of the lands and waters owned or leased or under its supervision 23980  
and control upon which the taking of any wild animal is 23981

prohibited. 23982

(C) The chief, with the approval of the director, may acquire 23983  
by gift, lease, or purchase land for the purpose of establishing 23984  
state fish hatcheries and game farms and may erect on it buildings 23985  
or structures that are necessary. 23986

The title to or lease of such lands and waters shall be taken 23987  
by the chief in the name of the state. The lease or purchase price 23988  
of all such lands and waters may be paid from hunting and trapping 23989  
and fishing licenses and any other funds. 23990

(D) To provide more public recreation, stream and lake 23991  
agreements for public fishing only may be obtained under rules 23992  
adopted by the chief. 23993

(E) The chief, with the approval of the director, may 23994  
establish user fees for the use of special public facilities or 23995  
participation in special activities on lands and waters 23996  
administered by the division. The special facilities and 23997  
activities may include hunting or fishing on special designated 23998  
public lands and waters intensively managed or stocked with 23999  
artificially propagated game birds or fish, field trial 24000  
facilities, wildlife nature centers, firearm ranges, boat mooring 24001  
facilities, camping sites, and other similar special facilities 24002  
and activities. The chief shall determine whether the user fees 24003  
are refundable and shall ensure that that information is provided 24004  
at the time the user fees are paid. 24005

(F) The chief, with the approval of the director, may enter 24006  
into lease agreements for rental of concessions or other special 24007  
projects situated on state-owned or leased lands or waters or 24008  
other property under the division's control. The chief shall set 24009  
and collect the fees for concession rentals or other special 24010  
projects; regulate through contracts between the division and 24011  
concessionaires the sale of tangible objects at concessions or 24012

other special projects; and keep a record of all such fee payments 24013  
showing the amount received, from whom received, and for what 24014  
purpose the fee was collected. 24015

(G) The chief may sell or donate conservation-related items 24016  
or items that promote wildlife conservation, including, but not 24017  
limited to, stamps, pins, badges, books, bulletins, maps, 24018  
publications, calendars, and any other educational article or 24019  
artifact pertaining to wild animals; sell confiscated or forfeited 24020  
items; and sell surplus structures and equipment, and timber or 24021  
crops from lands owned, administered, leased, or controlled by the 24022  
division. The chief, with the approval of the director, also may 24023  
engage in campaigns and special events that promote wildlife 24024  
conservation by selling or donating wildlife-related materials, 24025  
memberships, and other items of promotional value. 24026

(H) The chief may sell, lease, or transfer minerals or 24027  
mineral rights, with the approval of the director, when the chief 24028  
and the director determine it to be in the best interest of the 24029  
state. Upon approval of the director, the chief may make, execute, 24030  
and deliver contracts, including leases, to mine, drill, or 24031  
excavate iron ore, stone, coal, salt, and other minerals, other 24032  
than oil or gas, upon and under lands owned by the state and 24033  
administered by the division to any person who complies with the 24034  
terms of such a contract. No such contract shall be valid for more 24035  
than fifty years from its effective date. Consideration for 24036  
minerals and mineral rights shall be by rental or royalty basis as 24037  
prescribed by the chief and payable as prescribed by contract. 24038  
Moneys collected under this division shall be paid into the state 24039  
treasury to the credit of the wildlife habitat fund created in 24040  
section 1531.33 of the Revised Code. Contracts entered into under 24041  
this division also may provide for consideration for minerals or 24042  
mineral rights in the form of acquisition of lands as provided 24043  
under divisions (A) and (C) of this section. 24044



(I) All moneys received under divisions (E), (F), and (G) of this section shall be paid into the state treasury to the credit of a fund that shall be used for the purposes outlined in section 1533.15 of the Revised Code and for the management of other wild animals for their ecological and nonconsumptive recreational value or benefit.

(J) The chief, with the approval of the director, may barter or sell wild animals to other states, state or federal agencies, and conservation or zoological organizations. Moneys received from the sale of wild animals shall be deposited into the ~~wild animal~~ wildlife fund created in section ~~1531.34~~ 1531.17 of the Revised Code.

(K) The chief shall adopt rules establishing standards and guidelines for the administration of contraceptive chemicals to noncaptive wild animals. The rules may specify chemical delivery methods and devices and monitoring requirements.

The chief shall establish criteria for the issuance of and shall issue permits for the administration of contraceptive chemicals to noncaptive wild animals. No person shall administer contraceptive chemicals to noncaptive wild animals without a permit issued by the chief.

(L) All fees set by the chief under this section shall be approved by the wildlife council.

(M) Information contained in the wildlife diversity database that is established pursuant to division (B)(2) of this section and section 1531.25 of the Revised Code may be made available to any individual or public or private agency for research, educational, environmental, land management, or other similar purposes that are not detrimental to the conservation of a species or feature. Information regarding sensitive site locations of species that are listed pursuant to section 1531.25 of the Revised

Code and of features that are included in the wildlife diversity 24076  
database is not subject to section 149.43 of the Revised Code if 24077  
the chief determines that the release of the information could be 24078  
detrimental to the conservation of a species or feature. 24079

**Sec. 1531.17.** All fines, penalties, and forfeitures arising 24080  
from prosecutions, convictions, confiscations, or otherwise under 24081  
this chapter and Chapters 1517. and 1533. of the Revised Code, 24082  
unless otherwise directed by the director of natural resources, 24083  
shall be paid by the officer by whom collected to the director and 24084  
by ~~him~~ the director paid into the state treasury to the credit of 24085  
the wildlife fund, which is hereby created, for the use of the 24086  
division of wildlife. All moneys received from the sale of wild 24087  
animals under division (J) of section 1531.06 shall be paid into 24088  
the state treasury to the credit of the wildlife fund for the use 24089  
of the division. All moneys collected as license fees on nets in 24090  
the Lake Erie fishing district shall be paid by the director into 24091  
the state treasury to the credit of the wildlife fund for use only 24092  
in the betterment and the propagation of fish therein or in 24093  
otherwise propagating fish in such district. All investment 24094  
earnings of the fund shall be credited to the fund. The wildlife 24095  
fund shall not be used for compensation of personnel employed by 24096  
other divisions of the department of natural resources who are 24097  
assigned to law enforcement duties in aid of the division of 24098  
wildlife or for compensation of division of wildlife personnel for 24099  
activities related to the instruction of personnel of other 24100  
divisions. 24101

**Sec. 1545.071.** ~~The following applies until the department of 24102  
administrative services implements for park districts the health 24103  
care plans under section 9.901 of the Revised Code. If those plans 24104  
do not include or address any benefits listed in this section, the 24105  
following provisions continue in effect for those benefits. 24106~~

The board of park commissioners of any park district may 24107  
procure and pay all or any part of the cost of group insurance 24108  
policies that may provide benefits for hospitalization, surgical 24109  
care, major medical care, disability, dental care, eye care, 24110  
medical care, hearing aids, or prescription drugs, or sickness and 24111  
accident insurance or a combination of any of the foregoing types 24112  
of insurance or coverage for park district officers and employees 24113  
and their immediate dependents issued by an insurance company duly 24114  
authorized to do business in this state. 24115

The board may procure and pay all or any part of the cost of 24116  
group life insurance to insure the lives of park district 24117  
employees. 24118

The board also may contract for group health care services 24119  
with health insuring corporations holding a certificate of 24120  
authority under Chapter 1751. of the Revised Code provided that 24121  
each officer or employee is permitted to: 24122

(A) Choose between a plan offered by an insurance company and 24123  
a plan offered by a health insuring corporation and provided 24124  
further that the officer or employee pays any amount by which the 24125  
cost of the plan chosen by the officer or employee exceeds the 24126  
cost of the plan offered by the board under this section; 24127

(B) Change the choice made under division (A) of this section 24128  
at a time each year as determined in advance by the board. 24129

Any appointed member of the board of park commissioners and 24130  
the spouse and dependent children of the member may be covered, at 24131  
the option and expense of the member, as a noncompensated employee 24132  
of the park district under any benefit plan described in division 24133  
(A) of this section. The member shall pay to the park district the 24134  
amount certified to it by the benefit provider as the provider's 24135  
charge for the coverage the member has chosen under division (A) 24136  
of this section. Payments for coverage shall be made, in advance, 24137

in a manner prescribed by the board. The member's exercise of an 24138  
option to be covered under this section shall be in writing, 24139  
announced at a regular public meeting of the board, and recorded 24140  
as a public record in the minutes of the board. 24141

The board may provide the benefits authorized in this section 24142  
by contributing to a health and welfare trust fund administered 24143  
through or in conjunction with a collective bargaining 24144  
representative of the park district employees. 24145

The board may provide the benefits described in this section 24146  
through an individual self-insurance program or a joint 24147  
self-insurance program as provided in section 9.833 of the Revised 24148  
Code. 24149

Sec. 1545.23. If a park district enters into an agreement for 24150  
the sale or lease of mineral rights regarding a park within the 24151  
district, any royalties or other moneys resulting from the sale or 24152  
lease shall be deposited into a special fund that the board of 24153  
park commissioners shall create. The fund shall be used 24154  
exclusively for maintenance of parks within the district and for 24155  
the acquisition of new park lands. 24156

**Sec. 1547.99.** (A) Whoever violates section 1547.91 of the 24157  
Revised Code is guilty of a felony of the fourth degree. 24158

(B) Whoever violates division (F) of section 1547.08, section 24159  
1547.10, division (I) of section 1547.111, section 1547.13, or 24160  
section 1547.66 of the Revised Code is guilty of a misdemeanor of 24161  
the first degree. 24162

(C) Whoever violates a provision of this chapter or a rule 24163  
adopted thereunder, for which no penalty is otherwise provided, is 24164  
guilty of a minor misdemeanor. 24165

(D) Whoever violates section 1547.07, 1547.132, or 1547.12 of 24166  
the Revised Code without causing injury to persons or damage to 24167

property is guilty of a misdemeanor of the fourth degree. 24168

(E) Whoever violates section 1547.07, 1547.132, or 1547.12 of 24169  
the Revised Code causing injury to persons or damage to property 24170  
is guilty of a misdemeanor of the third degree. 24171

(F) Whoever violates division (N) of section 1547.54, 24172  
division (G) of section 1547.30, or section 1547.131, 1547.25, 24173  
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 24174  
of the Revised Code or a rule adopted under division (A)(2) of 24175  
section 1547.52 of the Revised Code is guilty of a misdemeanor of 24176  
the fourth degree. 24177

(G) Whoever violates section 1547.11 of the Revised Code is 24178  
guilty of a misdemeanor of the first degree and shall be punished 24179  
as provided in division (G)(1), (2), or (3) of this section. 24180

(1) Except as otherwise provided in division (G)(2) or (3) of 24181  
this section, the court shall sentence the offender to a jail term 24182  
of three consecutive days and may sentence the offender pursuant 24183  
to section 2929.24 of the Revised Code to a longer jail term. In 24184  
addition, the court shall impose upon the offender a fine of not 24185  
less than one hundred fifty nor more than one thousand dollars. 24186

The court may suspend the execution of the mandatory jail 24187  
term of three consecutive days that it is required to impose by 24188  
division (G)(1) of this section if the court, in lieu of the 24189  
suspended jail term, places the offender under a community control 24190  
sanction pursuant to section 2929.25 of the Revised Code and 24191  
requires the offender to attend, for three consecutive days, a 24192  
drivers' intervention program that is certified pursuant to 24193  
section ~~3793.10~~ 5119.38 of the Revised Code. The court also may 24194  
suspend the execution of any part of the mandatory jail term of 24195  
three consecutive days that it is required to impose by division 24196  
(G)(1) of this section if the court places the offender under a 24197  
community control sanction pursuant to section 2929.25 of the 24198

Revised Code for part of the three consecutive days; requires the 24199  
offender to attend, for that part of the three consecutive days, a 24200  
drivers' intervention program that is certified pursuant to 24201  
section ~~3793.10~~ 5119.38 of the Revised Code; and sentences the 24202  
offender to a jail term equal to the remainder of the three 24203  
consecutive days that the offender does not spend attending the 24204  
drivers' intervention program. The court may require the offender, 24205  
as a condition of community control, to attend and satisfactorily 24206  
complete any treatment or education programs, in addition to the 24207  
required attendance at a drivers' intervention program, that the 24208  
operators of the drivers' intervention program determine that the 24209  
offender should attend and to report periodically to the court on 24210  
the offender's progress in the programs. The court also may impose 24211  
any other conditions of community control on the offender that it 24212  
considers necessary. 24213

(2) If, within six years of the offense, the offender has 24214  
been convicted of or pleaded guilty to one violation of section 24215  
1547.11 of the Revised Code or one other equivalent offense, the 24216  
court shall sentence the offender to a jail term of ten 24217  
consecutive days and may sentence the offender pursuant to section 24218  
2929.24 of the Revised Code to a longer jail term. In addition, 24219  
the court shall impose upon the offender a fine of not less than 24220  
one hundred fifty nor more than one thousand dollars. 24221

In addition to any other sentence that it imposes upon the 24222  
offender, the court may require the offender to attend a drivers' 24223  
intervention program that is certified pursuant to section ~~3793.10~~ 24224  
5119.38 of the Revised Code. 24225

(3) If, within six years of the offense, the offender has 24226  
been convicted of or pleaded guilty to more than one violation or 24227  
offense identified in division (G)(2) of this section, the court 24228  
shall sentence the offender to a jail term of thirty consecutive 24229  
days and may sentence the offender to a longer jail term of not 24230

more than one year. In addition, the court shall impose upon the 24231  
offender a fine of not less than one hundred fifty nor more than 24232  
one thousand dollars. 24233

In addition to any other sentence that it imposes upon the 24234  
offender, the court may require the offender to attend a drivers' 24235  
intervention program that is certified pursuant to section ~~3793.10~~ 24236  
5119.38 of the Revised Code. 24237

(4) Upon a showing that serving a jail term would seriously 24238  
affect the ability of an offender sentenced pursuant to division 24239  
(G)(1), (2), or (3) of this section to continue the offender's 24240  
employment, the court may authorize that the offender be granted 24241  
work release after the offender has served the mandatory jail term 24242  
of three, ten, or thirty consecutive days that the court is 24243  
required by division (G)(1), (2), or (3) of this section to 24244  
impose. No court shall authorize work release during the mandatory 24245  
jail term of three, ten, or thirty consecutive days that the court 24246  
is required by division (G)(1), (2), or (3) of this section to 24247  
impose. The duration of the work release shall not exceed the time 24248  
necessary each day for the offender to commute to and from the 24249  
place of employment and the place in which the jail term is served 24250  
and the time actually spent under employment. 24251

(5) Notwithstanding any section of the Revised Code that 24252  
authorizes the suspension of the imposition or execution of a 24253  
sentence or the placement of an offender in any treatment program 24254  
in lieu of being imprisoned or serving a jail term, no court shall 24255  
suspend the mandatory jail term of ten or thirty consecutive days 24256  
required to be imposed by division (G)(2) or (3) of this section 24257  
or place an offender who is sentenced pursuant to division (G)(2) 24258  
or (3) of this section in any treatment program in lieu of being 24259  
imprisoned or serving a jail term until after the offender has 24260  
served the mandatory jail term of ten or thirty consecutive days 24261  
required to be imposed pursuant to division (G)(2) or (3) of this 24262

section. Notwithstanding any section of the Revised Code that 24263  
authorizes the suspension of the imposition or execution of a 24264  
sentence or the placement of an offender in any treatment program 24265  
in lieu of being imprisoned or serving a jail term, no court, 24266  
except as specifically authorized by division (G)(1) of this 24267  
section, shall suspend the mandatory jail term of three 24268  
consecutive days required to be imposed by division (G)(1) of this 24269  
section or place an offender who is sentenced pursuant to division 24270  
(G)(1) of this section in any treatment program in lieu of 24271  
imprisonment until after the offender has served the mandatory 24272  
jail term of three consecutive days required to be imposed 24273  
pursuant to division (G)(1) of this section. 24274

(6) As used in division (G) of this section: 24275

(a) "Equivalent offense" has the same meaning as in section 24276  
4511.181 of the Revised Code. 24277

(b) "Jail term" and "mandatory jail term" have the same 24278  
meanings as in section 2929.01 of the Revised Code. 24279

(H) Whoever violates section 1547.304 of the Revised Code is 24280  
guilty of a misdemeanor of the fourth degree and also shall be 24281  
assessed any costs incurred by the state or a county, township, 24282  
municipal corporation, or other political subdivision in disposing 24283  
of an abandoned junk vessel or outboard motor, less any money 24284  
accruing to the state, county, township, municipal corporation, or 24285  
other political subdivision from that disposal. 24286

(I) Whoever violates division (B) or (C) of section 1547.49 24287  
of the Revised Code is guilty of a minor misdemeanor. 24288

(J) Whoever violates section 1547.31 of the Revised Code is 24289  
guilty of a misdemeanor of the fourth degree on a first offense. 24290  
On each subsequent offense, the person is guilty of a misdemeanor 24291  
of the third degree. 24292

(K) Whoever violates section 1547.05 or 1547.051 of the 24293



Revised Code is guilty of a misdemeanor of the fourth degree if 24294  
the violation is not related to a collision, injury to a person, 24295  
or damage to property and a misdemeanor of the third degree if the 24296  
violation is related to a collision, injury to a person, or damage 24297  
to property. 24298

(L) The sentencing court, in addition to the penalty provided 24299  
under this section for a violation of this chapter or a rule 24300  
adopted under it that involves a powercraft powered by more than 24301  
ten horsepower and that, in the opinion of the court, involves a 24302  
threat to the safety of persons or property, shall order the 24303  
offender to complete successfully a boating course approved by the 24304  
national association of state boating law administrators before 24305  
the offender is allowed to operate a powercraft powered by more 24306  
than ten horsepower on the waters in this state. Violation of a 24307  
court order entered under this division is punishable as contempt 24308  
under Chapter 2705. of the Revised Code. 24309

**Sec. 1551.33.** (A) The director of development services shall 24310  
appoint and fix the compensation of the director of the Ohio coal 24311  
development office. The director shall serve at the pleasure of 24312  
the director of development services. 24313

(B) The director of the office shall do all of the following: 24314

(1) Biennially prepare and maintain the Ohio coal development 24315  
agenda required under section 1551.34 of the Revised Code; 24316

(2) Propose and support policies for the office consistent 24317  
with the Ohio coal development agenda and develop means to 24318  
implement the agenda; 24319

(3) Initiate, undertake, and support projects to carry out 24320  
the office's purposes and ensure that the projects are consistent 24321  
with and meet the selection criteria established by the Ohio coal 24322  
development agenda; 24323

(4) Actively encourage joint participation in and, when 24324  
feasible, joint funding of the office's projects with governmental 24325  
agencies, electric utilities, universities and colleges, other 24326  
public or private interests, or any other person; 24327

(5) Establish a table of organization for and employ such 24328  
employees and agents as are necessary for the administration and 24329  
operation of the office. Any such employees shall be in the 24330  
unclassified service and shall serve at the pleasure of the 24331  
director of development services. 24332

(6) ~~Appoint specified members of and convene~~ Convene the 24333  
technical advisory committee established under section 1551.35 of 24334  
the Revised Code; 24335

(7) Review, with the assistance of the technical advisory 24336  
committee, proposed coal research and development projects as 24337  
defined in section 1555.01 of the Revised Code, and coal 24338  
development projects, submitted to the office by public utilities 24339  
for the purpose of section 4905.304 of the Revised Code. If the 24340  
director and the advisory committee determine that any such 24341  
facility or project has as its purpose the enhanced use of Ohio 24342  
coal in an environmentally acceptable, cost effective manner, 24343  
promotes energy conservation, is cost effective, and is 24344  
environmentally sound, the director shall submit to the public 24345  
utilities commission a report recommending that the commission 24346  
allow the recovery of costs associated with the facility or 24347  
project under section 4905.304 of the Revised Code and including 24348  
the reasons for the recommendation. 24349

(8) Establish such policies, procedures, and guidelines as 24350  
are necessary to achieve the office's purposes. 24351

(C) With the approval of the director of development 24352  
services, the director of the office may exercise any of the 24353  
powers and duties that the director of development services 24354

considers appropriate or desirable to achieve the office's 24355  
purposes, including, but not limited to, the powers and duties 24356  
enumerated in sections 1551.11, 1551.12, and 1551.15 of the 24357  
Revised Code. 24358

Additionally, the director of the office may make loans to 24359  
governmental agencies or persons for projects to carry out the 24360  
office's purposes. Fees, charges, rates of interest, times of 24361  
payment of interest and principal, and other terms, conditions, 24362  
and provisions of the loans shall be such as the director of the 24363  
office determines to be appropriate and in furtherance of the 24364  
purposes for which the loans are made. The mortgage lien securing 24365  
any moneys lent by the director of the office may be subordinate 24366  
to the mortgage lien securing any moneys lent or invested by a 24367  
financial institution, but shall be superior to that securing any 24368  
moneys lent or expended by any other person. The moneys used in 24369  
making the loans shall be disbursed upon order of the director of 24370  
the office. 24371

**Sec. 1551.35.** (A) There is hereby established a technical 24372  
advisory committee to assist the director of the Ohio coal 24373  
development office in achieving the office's purposes. The 24374  
director of development services shall appoint to the committee 24375  
one member of the public utilities commission and one 24376  
representative each of coal production companies, the united mine 24377  
workers of America, electric utilities, manufacturers that use 24378  
Ohio coal, and environmental organizations, as well as two people 24379  
with a background in coal research and development technology, one 24380  
of whom is employed at the time of the member's appointment by a 24381  
state university, as defined in section 3345.011 of the Revised 24382  
Code. In addition, the committee shall include four legislative 24383  
members. The speaker and minority leader of the house of 24384  
representatives each shall appoint one member of the house of 24385  
representatives, and the president and minority leader of the 24386

senate each shall appoint one member of the senate, to the 24387  
committee. The director of environmental protection shall serve on 24388  
the committee as an ex officio member. Any member of the committee 24389  
may designate in writing a substitute to serve in the member's 24390  
absence on the committee. The director of environmental protection 24391  
may designate in writing the chief of the air pollution control 24392  
division of the agency to represent the agency. Members shall 24393  
serve on the committee at the pleasure of their appointing 24394  
authority. Members of the committee appointed by the director of 24395  
~~the office~~ development services and, notwithstanding section 24396  
101.26 of the Revised Code, legislative members of the committee, 24397  
when engaged in their official duties as members of the committee, 24398  
shall be compensated on a per diem basis in accordance with 24399  
division (J) of section 124.15 of the Revised Code, except that 24400  
the member of the public utilities commission and, while employed 24401  
by a state university, the member with a background in coal 24402  
research, shall not be so compensated. Members shall receive their 24403  
actual and necessary expenses incurred in the performance of their 24404  
duties. 24405

(B) The technical advisory committee shall review and make 24406  
recommendations concerning the Ohio coal development agenda 24407  
required under section 1551.34 of the Revised Code, project 24408  
proposals, research and development projects submitted to the 24409  
office by public utilities for the purpose of section 4905.304 of 24410  
the Revised Code, proposals for grants, loans, and loan guarantees 24411  
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 24412  
and such other topics as the director of the office considers 24413  
appropriate. 24414

(C) The technical advisory committee may hold an executive 24415  
session at any regular or special meeting for the purpose of 24416  
considering research and development project proposals or 24417  
applications for assistance submitted to the Ohio coal development 24418

office under section 1551.33, or sections 1555.01 to 1555.06, of 24419  
the Revised Code, to the extent that the proposals or applications 24420  
consist of trade secrets or other proprietary information. 24421

Any materials or data submitted to, made available to, or 24422  
received by the ~~department of development~~ services agency or the 24423  
director of the Ohio coal development office in connection with 24424  
agreements for assistance entered into under this chapter or 24425  
Chapter 1555. of the Revised Code, or any information taken from 24426  
those materials or data for any purpose, to the extent that the 24427  
materials or data consist of trade secrets or other proprietary 24428  
information, are not public records for the purposes of section 24429  
149.43 of the Revised Code. 24430

As used in this division, "trade secrets" has the same 24431  
meaning as in section 1333.61 of the Revised Code. 24432

**Sec. 1555.15.** There is hereby created in the state treasury 24433  
the coal research and development fund. Moneys obtained for coal 24434  
research and development projects from federal grants or loans, 24435  
private grants, and other sources, and moneys paid into the fund 24436  
pursuant to section 151.07 or 1555.08 of the Revised Code, shall 24437  
be expended for the purpose of making grants and making or 24438  
guaranteeing loans for coal research and development projects that 24439  
will encourage the use of Ohio coal, to any individual, 24440  
association, or corporation doing business in this state, or to 24441  
any educational or scientific institution located in this state as 24442  
provided for in Section 15 of Article VIII, Ohio Constitution and 24443  
section 1555.08 of the Revised Code, when appropriated for such 24444  
purposes by the general assembly. All investment earnings on the 24445  
cash balance in the fund shall be credited to the fund. 24446

The director of budget and management shall establish and 24447  
maintain records or accounts for or within the coal research and 24448  
development fund in such manner as to show the amounts credited to 24449

such fund pursuant to section 1555.08 of the Revised Code and that 24450  
the amounts so credited have been expended for the purposes set 24451  
forth in Section 15 of Article VIII, Ohio Constitution, and 24452  
section 151.07 of the Revised Code. The director of budget and 24453  
management may otherwise manage the fund to comply with any 24454  
requirements established by federal grants or loans, private 24455  
grants, or moneys from other sources. 24456

**Sec. 1711.07.** The board of directors of a county or 24457  
independent agricultural society shall consist of at least eight 24458  
members. An employee of the ~~Ohio state university~~ OSU extension 24459  
~~service~~ and the county school superintendent shall be members ex 24460  
officio. Their terms of office shall be determined by the rules of 24461  
the department of agriculture. Any vacancy in the board caused by 24462  
death, resignation, refusal to qualify, removal from county, or 24463  
other cause may be filled by the board until the society's next 24464  
annual election, when a director shall be elected for the 24465  
unexpired term. There shall be an annual election of directors by 24466  
ballot at a time and a place fixed by the board, but this election 24467  
shall not be held later than the first Saturday in December 1994, 24468  
and not later than the fifteenth day of November each year 24469  
thereafter, beginning in 1995. The secretary of the society shall 24470  
give notice of ~~such~~ the election, for three weeks prior to the 24471  
holding thereof, in a newspaper of general circulation in the 24472  
county or as provided in section 7.16 of the Revised Code, or by 24473  
letter mailed to each member of the society. Only persons holding 24474  
membership certificates at the close of the annual county fair, or 24475  
at least fifteen calendar days before the date of election, as may 24476  
be fixed by the board, may vote, unless ~~such~~ the election is held 24477  
on the fairground during the fair, in which case all persons 24478  
holding membership certificates on the date and hour of the 24479  
election may vote. When the election is to be held during the 24480  
fair, notice of ~~such~~ the election ~~must~~ shall be prominently 24481

mentioned in the premium list, in addition to the notice required 24482  
in a newspaper. The terms of office of the retiring directors 24483  
shall expire, and those of the directors-elect shall begin, not 24484  
later than the first Saturday in January 1995, and not later than 24485  
the thirtieth day of November each year thereafter, beginning in 24486  
1995. 24487

The secretary of ~~such~~ the society shall send the name and 24488  
address of each member of its board to the director of agriculture 24489  
within ten days after the election. 24490

**Sec. 1724.03.** (A) After the articles of incorporation have 24491  
been filed, and at the first meeting of the board of directors of 24492  
a county land reutilization corporation, the board shall adopt 24493  
regulations for the government of the corporation, the conduct of 24494  
its affairs, and the management of its property, consistent with 24495  
law and the articles. The content of the regulations shall be 24496  
governed by section 1702.11 of the Revised Code to the extent not 24497  
inconsistent with this chapter. 24498

(B) The board of directors of a county land reutilization 24499  
corporation shall be composed of five, seven, or nine members, 24500  
including the county treasurer, at least two of the members of the 24501  
board of county commissioners, one representative of the largest 24502  
municipal corporation, based on the population according to the 24503  
most recent federal decennial census, that is located in the 24504  
county, one representative of a township with a population of at 24505  
least ten thousand in the unincorporated area of the township 24506  
according to the most recent federal decennial census, if at least 24507  
two such townships exist in the county, and any remaining members 24508  
selected by the treasurer and the county commissioners who are 24509  
members of the corporation's board. The township representative 24510  
shall be chosen by a majority of the boards of township trustees 24511  
of townships with a population of at least ten thousand in the 24512

unincorporated area of the township according to the most recent 24513  
federal decennial census. At least one board member shall have 24514  
private sector or nonprofit experience in rehabilitation or real 24515  
estate acquisitions. A county treasurer and the county 24516  
commissioners each may appoint a representative, as a director of 24517  
the corporation, to act for the officer at any of the meetings of 24518  
the corporation. Except as may otherwise be authorized by the 24519  
regulations of the corporation, all members of the board of 24520  
directors shall serve without compensation, but shall be 24521  
reimbursed for actual and necessary expenses. 24522

**Sec. 1739.061.** (A)(1) This section applies to both of the 24523  
following: 24524

(a) A multiple employer welfare arrangement that issues or 24525  
requires the use of a standardized identification card or an 24526  
electronic technology for submission and routing of prescription 24527  
drug claims; 24528

(b) A person or entity that a multiple employer welfare 24529  
arrangement contracts with to issue a standardized identification 24530  
card or an electronic technology described in division (A)(1)(a) 24531  
of this section. 24532

(2) Notwithstanding division (A)(1) of this section, this 24533  
section does not apply to the issuance or required use of a 24534  
standardized identification card or an electronic technology for 24535  
the submission and routing of prescription drug claims in 24536  
connection with any of the following: 24537

(a) Any program or arrangement covering only accident, 24538  
credit, dental, disability income, long-term care, hospital 24539  
indemnity, medicare supplement, medicare, tricare, specified 24540  
disease, or vision care; coverage under a 24541  
one-time-limited-duration policy of not longer than six months; 24542  
coverage issued as a supplement to liability insurance; insurance 24543



arising out of workers' compensation or similar law; automobile 24544  
medical payment insurance; or insurance under which benefits are 24545  
payable with or without regard to fault and which is statutorily 24546  
required to be contained in any liability insurance policy or 24547  
equivalent self-insurance. 24548

(b) Coverage provided under the medicaid, ~~as defined in~~ 24549  
~~section 5111.01 of the Revised Code~~ program. 24550

(c) Coverage provided under an employer's self-insurance plan 24551  
or by any of its administrators, as defined in section 3959.01 of 24552  
the Revised Code, to the extent that federal law supersedes, 24553  
preempts, prohibits, or otherwise precludes the application of 24554  
this section to the plan and its administrators. 24555

(B) A standardized identification card or an electronic 24556  
technology issued or required to be used as provided in division 24557  
(A)(1) of this section shall contain uniform prescription drug 24558  
information in accordance with either division (B)(1) or (2) of 24559  
this section. 24560

(1) The standardized identification card or the electronic 24561  
technology shall be in a format and contain information fields 24562  
approved by the national council for prescription drug programs or 24563  
a successor organization, as specified in the council's or 24564  
successor organization's pharmacy identification card 24565  
implementation guide in effect on the first day of October most 24566  
immediately preceding the issuance or required use of the 24567  
standardized identification card or the electronic technology. 24568

(2) If the multiple employer welfare arrangement or person 24569  
under contract with it to issue a standardized identification card 24570  
or an electronic technology requires the information for the 24571  
submission and routing of a claim, the standardized identification 24572  
card or the electronic technology shall contain any of the 24573  
following information: 24574

(a) The name of the multiple employer welfare arrangement;	24575
(b) The individual's name, group number, and identification number;	24576 24577
(c) A telephone number to inquire about pharmacy-related issues;	24578 24579
(d) The issuer's international identification number, labeled as "ANSI BIN" or "RxBIN";	24580 24581
(e) The processor's control number, labeled as "RxPCN";	24582
(f) The individual's pharmacy benefits group number if different from the insured's medical group number, labeled as "RxGrp. "	24583 24584 24585
(C) If the standardized identification card or the electronic technology issued or required to be used as provided in division (A)(1) of this section is also used for submission and routing of nonpharmacy claims, the designation "Rx" is required to be included as part of the labels identified in divisions (B)(2)(d) and (e) of this section if the issuer's international identification number or the processor's control number is different for medical and pharmacy claims.	24586 24587 24588 24589 24590 24591 24592 24593
(D) Each multiple employer welfare arrangement described in division (A) of this section shall annually file a certificate with the superintendent of insurance certifying that it or any person it contracts with to issue a standardized identification card or electronic technology for submission and routing of prescription drug claims complies with this section.	24594 24595 24596 24597 24598 24599
(E)(1) Except as provided in division (E)(2) of this section, if there is a change in the information contained in the standardized identification card or the electronic technology issued to an individual, the multiple employer welfare arrangement or person under contract with it to issue a standardized	24600 24601 24602 24603 24604

identification card or an electronic technology shall issue a new 24605  
card or electronic technology to the individual. 24606

(2) A multiple employer welfare arrangement or person under 24607  
contract with it is not required under division (E)(1) of this 24608  
section to issue a new card or electronic technology to an 24609  
individual more than once during a twelve-month period. 24610

(F) Nothing in this section shall be construed as requiring a 24611  
multiple employer welfare arrangement to produce more than one 24612  
standardized identification card or one electronic technology for 24613  
use by individuals accessing health care benefits provided under a 24614  
multiple employer welfare arrangement. 24615

**Sec. 1751.01.** As used in this chapter: 24616

(A)(1) "Basic health care services" means the following 24617  
services when medically necessary: 24618

(a) Physician's services, except when such services are 24619  
supplemental under division (B) of this section; 24620

(b) Inpatient hospital services; 24621

(c) Outpatient medical services; 24622

(d) Emergency health services; 24623

(e) Urgent care services; 24624

(f) Diagnostic laboratory services and diagnostic and 24625  
therapeutic radiologic services; 24626

(g) Diagnostic and treatment services, other than 24627  
prescription drug services, for biologically based mental 24628  
illnesses; 24629

(h) Preventive health care services, including, but not 24630  
limited to, voluntary family planning services, infertility 24631  
services, periodic physical examinations, prenatal obstetrical 24632  
care, and well-child care; 24633

(i) Routine patient care for patients enrolled in an eligible cancer clinical trial pursuant to section 3923.80 of the Revised Code. 24634  
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"Basic health care services" does not include experimental procedures. 24637  
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Except as provided by divisions (A)(2) and (3) of this section in connection with the offering of coverage for diagnostic and treatment services for biologically based mental illnesses, a health insuring corporation shall not offer coverage for a health care service, defined as a basic health care service by this division, unless it offers coverage for all listed basic health care services. However, this requirement does not apply to the coverage of beneficiaries enrolled in medicare pursuant to a medicare contract, or to the coverage of beneficiaries enrolled in the federal employee health benefits program pursuant to 5 U.S.C.A. 8905, or to the coverage of medicaid recipients, or to the coverage of beneficiaries under any federal health care program regulated by a federal regulatory body, or to the coverage of beneficiaries under any contract covering officers or employees of the state that has been entered into by the department of administrative services. 24639  
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(2) A health insuring corporation may offer coverage for diagnostic and treatment services for biologically based mental illnesses without offering coverage for all other basic health care services. A health insuring corporation may offer coverage for diagnostic and treatment services for biologically based mental illnesses alone or in combination with one or more supplemental health care services. However, a health insuring corporation that offers coverage for any other basic health care service shall offer coverage for diagnostic and treatment services for biologically based mental illnesses in combination with the offer of coverage for all other listed basic health care services. 24655  
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(3) A health insuring corporation that offers coverage for 24666  
basic health care services is not required to offer coverage for 24667  
diagnostic and treatment services for biologically based mental 24668  
illnesses in combination with the offer of coverage for all other 24669  
listed basic health care services if all of the following apply: 24670

(a) The health insuring corporation submits documentation 24671  
certified by an independent member of the American academy of 24672  
actuaries to the superintendent of insurance showing that incurred 24673  
claims for diagnostic and treatment services for biologically 24674  
based mental illnesses for a period of at least six months 24675  
independently caused the health insuring corporation's costs for 24676  
claims and administrative expenses for the coverage of basic 24677  
health care services to increase by more than one per cent per 24678  
year. 24679

(b) The health insuring corporation submits a signed letter 24680  
from an independent member of the American academy of actuaries to 24681  
the superintendent of insurance opining that the increase in costs 24682  
described in division (A)(3)(a) of this section could reasonably 24683  
justify an increase of more than one per cent in the annual 24684  
premiums or rates charged by the health insuring corporation for 24685  
the coverage of basic health care services. 24686

(c) The superintendent of insurance makes the following 24687  
determinations from the documentation and opinion submitted 24688  
pursuant to divisions (A)(3)(a) and (b) of this section: 24689

(i) Incurred claims for diagnostic and treatment services for 24690  
biologically based mental illnesses for a period of at least six 24691  
months independently caused the health insuring corporation's 24692  
costs for claims and administrative expenses for the coverage of 24693  
basic health care services to increase by more than one per cent 24694  
per year. 24695

(ii) The increase in costs reasonably justifies an increase 24696

of more than one per cent in the annual premiums or rates charged 24697  
by the health insuring corporation for the coverage of basic 24698  
health care services. 24699

Any determination made by the superintendent under this 24700  
division is subject to Chapter 119. of the Revised Code. 24701

(B)(1) "Supplemental health care services" means any health 24702  
care services other than basic health care services that a health 24703  
insuring corporation may offer, alone or in combination with 24704  
either basic health care services or other supplemental health 24705  
care services, and includes: 24706

(a) Services of facilities for intermediate or long-term 24707  
care, or both; 24708

(b) Dental care services; 24709

(c) Vision care and optometric services including lenses and 24710  
frames; 24711

(d) Podiatric care or foot care services; 24712

(e) Mental health services, excluding diagnostic and 24713  
treatment services for biologically based mental illnesses; 24714

(f) Short-term outpatient evaluative and crisis-intervention 24715  
mental health services; 24716

(g) Medical or psychological treatment and referral services 24717  
for alcohol and drug abuse or addiction; 24718

(h) Home health services; 24719

(i) Prescription drug services; 24720

(j) Nursing services; 24721

(k) Services of a dietitian licensed under Chapter 4759. of 24722  
the Revised Code; 24723

(l) Physical therapy services; 24724

(m) Chiropractic services;	24725
(n) Any other category of services approved by the superintendent of insurance.	24726 24727
(2) If a health insuring corporation offers prescription drug services under this division, the coverage shall include prescription drug services for the treatment of biologically based mental illnesses on the same terms and conditions as other physical diseases and disorders.	24728 24729 24730 24731 24732
(C) "Specialty health care services" means one of the supplemental health care services listed in division (B) of this section, when provided by a health insuring corporation on an outpatient-only basis and not in combination with other supplemental health care services.	24733 24734 24735 24736 24737
(D) "Biologically based mental illnesses" means schizophrenia, schizoaffective disorder, major depressive disorder, bipolar disorder, paranoia and other psychotic disorders, obsessive-compulsive disorder, and panic disorder, as these terms are defined in the most recent edition of the diagnostic and statistical manual of mental disorders published by the American psychiatric association.	24738 24739 24740 24741 24742 24743 24744
(E) "Closed panel plan" means a health care plan that requires enrollees to use participating providers.	24745 24746
(F) "Compensation" means remuneration for the provision of health care services, determined on other than a fee-for-service or discounted-fee-for-service basis.	24747 24748 24749
(G) "Contractual periodic prepayment" means the formula for determining the premium rate for all subscribers of a health insuring corporation.	24750 24751 24752
(H) "Corporation" means a corporation formed under Chapter 1701. or 1702. of the Revised Code or the similar laws of another	24753 24754

state. 24755

(I) "Emergency health services" means those health care 24756  
services that must be available on a seven-days-per-week, 24757  
twenty-four-hours-per-day basis in order to prevent jeopardy to an 24758  
enrollee's health status that would occur if such services were 24759  
not received as soon as possible, and includes, where appropriate, 24760  
provisions for transportation and indemnity payments or service 24761  
agreements for out-of-area coverage. 24762

(J) "Enrollee" means any natural person who is entitled to 24763  
receive health care benefits provided by a health insuring 24764  
corporation. 24765

(K) "Evidence of coverage" means any certificate, agreement, 24766  
policy, or contract issued to a subscriber that sets out the 24767  
coverage and other rights to which such person is entitled under a 24768  
health care plan. 24769

(L) "Health care facility" means any facility, except a 24770  
health care practitioner's office, that provides preventive, 24771  
diagnostic, therapeutic, acute convalescent, rehabilitation, 24772  
mental health, mental retardation, intermediate care, or skilled 24773  
nursing services. 24774

(M) "Health care services" means basic, supplemental, and 24775  
specialty health care services. 24776

(N) "Health delivery network" means any group of providers or 24777  
health care facilities, or both, or any representative thereof, 24778  
that have entered into an agreement to offer health care services 24779  
in a panel rather than on an individual basis. 24780

(O) "Health insuring corporation" means a corporation, as 24781  
defined in division (H) of this section, that, pursuant to a 24782  
policy, contract, certificate, or agreement, pays for, reimburses, 24783  
or provides, delivers, arranges for, or otherwise makes available, 24784  
basic health care services, supplemental health care services, or 24785



specialty health care services, or a combination of basic health 24786  
care services and either supplemental health care services or 24787  
specialty health care services, through either an open panel plan 24788  
or a closed panel plan. 24789

"Health insuring corporation" does not include a limited 24790  
liability company formed pursuant to Chapter 1705. of the Revised 24791  
Code, an insurer licensed under Title XXXIX of the Revised Code if 24792  
that insurer offers only open panel plans under which all 24793  
providers and health care facilities participating receive their 24794  
compensation directly from the insurer, a corporation formed by or 24795  
on behalf of a political subdivision or a department, office, or 24796  
institution of the state, or a public entity formed by or on 24797  
behalf of a board of county commissioners, a county board of 24798  
developmental disabilities, an alcohol and drug addiction services 24799  
board, a board of alcohol, drug addiction, and mental health 24800  
services, or a community mental health board, as those terms are 24801  
used in Chapters 340. and 5126. of the Revised Code. Except as 24802  
provided by division (D) of section 1751.02 of the Revised Code, 24803  
or as otherwise provided by law, no board, commission, agency, or 24804  
other entity under the control of a political subdivision may 24805  
accept insurance risk in providing for health care services. 24806  
However, nothing in this division shall be construed as 24807  
prohibiting such entities from purchasing the services of a health 24808  
insuring corporation or a third-party administrator licensed under 24809  
Chapter 3959. of the Revised Code. 24810

(P) "Intermediary organization" means a health delivery 24811  
network or other entity that contracts with licensed health 24812  
insuring corporations or self-insured employers, or both, to 24813  
provide health care services, and that enters into contractual 24814  
arrangements with other entities for the provision of health care 24815  
services for the purpose of fulfilling the terms of its contracts 24816  
with the health insuring corporations and self-insured employers. 24817

(Q) "Intermediate care" means residential care above the level of room and board for patients who require personal assistance and health-related services, but who do not require skilled nursing care.

~~(R) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.~~

~~(S)~~ "Medical record" means the personal information that relates to an individual's physical or mental condition, medical history, or medical treatment.

~~(T) "Medicare" means the program established under Title XVIII of the "Social Security Act" 49 Stat. 620 (1935), 42 U.S.C. 1395, as amended.~~

~~(U)~~(S)(1) "Open panel plan" means a health care plan that provides incentives for enrollees to use participating providers and that also allows enrollees to use providers that are not participating providers.

(2) No health insuring corporation may offer an open panel plan, unless the health insuring corporation is also licensed as an insurer under Title XXXIX of the Revised Code, the health insuring corporation, on June 4, 1997, holds a certificate of authority or license to operate under Chapter 1736. or 1740. of the Revised Code, or an insurer licensed under Title XXXIX of the Revised Code is responsible for the out-of-network risk as evidenced by both an evidence of coverage filing under section 1751.11 of the Revised Code and a policy and certificate filing under section 3923.02 of the Revised Code.

~~(V)~~(T) "Osteopathic hospital" means a hospital registered under section 3701.07 of the Revised Code that advocates osteopathic principles and the practice and perpetuation of osteopathic medicine by doing any of the following:

(1) Maintaining a department or service of osteopathic

medicine or a committee on the utilization of osteopathic 24849  
principles and methods, under the supervision of an osteopathic 24850  
physician; 24851

(2) Maintaining an active medical staff, the majority of 24852  
which is comprised of osteopathic physicians; 24853

(3) Maintaining a medical staff executive committee that has 24854  
osteopathic physicians as a majority of its members. 24855

~~(W)~~(U) "Panel" means a group of providers or health care 24856  
facilities that have joined together to deliver health care 24857  
services through a contractual arrangement with a health insuring 24858  
corporation, employer group, or other payor. 24859

~~(X)~~(V) "Person" has the same meaning as in section 1.59 of 24860  
the Revised Code, and, unless the context otherwise requires, 24861  
includes any insurance company holding a certificate of authority 24862  
under Title XXXIX of the Revised Code, any subsidiary and 24863  
affiliate of an insurance company, and any government agency. 24864

~~(Y)~~(W) "Premium rate" means any set fee regularly paid by a 24865  
subscriber to a health insuring corporation. A "premium rate" does 24866  
not include a one-time membership fee, an annual administrative 24867  
fee, or a nominal access fee, paid to a managed health care system 24868  
under which the recipient of health care services remains solely 24869  
responsible for any charges accessed for those services by the 24870  
provider or health care facility. 24871

~~(Z)~~(X) "Primary care provider" means a provider that is 24872  
designated by a health insuring corporation to supervise, 24873  
coordinate, or provide initial care or continuing care to an 24874  
enrollee, and that may be required by the health insuring 24875  
corporation to initiate a referral for specialty care and to 24876  
maintain supervision of the health care services rendered to the 24877  
enrollee. 24878

~~(AA)~~(Y) "Provider" means any natural person or partnership of 24879

natural persons who are licensed, certified, accredited, or 24880  
otherwise authorized in this state to furnish health care 24881  
services, or any professional association organized under Chapter 24882  
1785. of the Revised Code, provided that nothing in this chapter 24883  
or other provisions of law shall be construed to preclude a health 24884  
insuring corporation, health care practitioner, or organized 24885  
health care group associated with a health insuring corporation 24886  
from employing certified nurse practitioners, certified nurse 24887  
anesthetists, clinical nurse specialists, certified nurse 24888  
midwives, dietitians, physician assistants, dental assistants, 24889  
dental hygienists, optometric technicians, or other allied health 24890  
personnel who are licensed, certified, accredited, or otherwise 24891  
authorized in this state to furnish health care services. 24892

~~(BB)~~(Z) "Provider sponsored organization" means a 24893  
corporation, as defined in division (H) of this section, that is 24894  
at least eighty per cent owned or controlled by one or more 24895  
hospitals, as defined in section 3727.01 of the Revised Code, or 24896  
one or more physicians licensed to practice medicine or surgery or 24897  
osteopathic medicine and surgery under Chapter 4731. of the 24898  
Revised Code, or any combination of such physicians and hospitals. 24899  
Such control is presumed to exist if at least eighty per cent of 24900  
the voting rights or governance rights of a provider sponsored 24901  
organization are directly or indirectly owned, controlled, or 24902  
otherwise held by any combination of the physicians and hospitals 24903  
described in this division. 24904

~~(CC)~~(AA) "Solicitation document" means the written materials 24905  
provided to prospective subscribers or enrollees, or both, and 24906  
used for advertising and marketing to induce enrollment in the 24907  
health care plans of a health insuring corporation. 24908

~~(DD)~~(BB) "Subscriber" means a person who is responsible for 24909  
making payments to a health insuring corporation for participation 24910  
in a health care plan, or an enrollee whose employment or other 24911

status is the basis of eligibility for enrollment in a health 24912  
insuring corporation. 24913

~~(EE)~~(CC) "Urgent care services" means those health care 24914  
services that are appropriately provided for an unforeseen 24915  
condition of a kind that usually requires medical attention 24916  
without delay but that does not pose a threat to the life, limb, 24917  
or permanent health of the injured or ill person, and may include 24918  
such health care services provided out of the health insuring 24919  
corporation's approved service area pursuant to indemnity payments 24920  
or service agreements. 24921

**Sec. 1751.11.** (A) Every subscriber of a health insuring 24922  
corporation is entitled to an evidence of coverage for the health 24923  
care plan under which health care benefits are provided. 24924

(B) Every subscriber of a health insuring corporation that 24925  
offers basic health care services is entitled to an identification 24926  
card or similar document that specifies the health insuring 24927  
corporation's name as stated in its articles of incorporation, and 24928  
any trade or fictitious names used by the health insuring 24929  
corporation. The identification card or document shall list at 24930  
least one toll-free telephone number that provides the subscriber 24931  
with access, to information on a twenty-four-hours-per-day, 24932  
seven-days-per-week basis, as to how health care services may be 24933  
obtained. The identification card or document shall also list at 24934  
least one toll-free number that, during normal business hours, 24935  
provides the subscriber with access to information on the coverage 24936  
available under the subscriber's health care plan and information 24937  
on the health care plan's internal and external review processes. 24938

(C) No evidence of coverage, or amendment to the evidence of 24939  
coverage, shall be delivered, issued for delivery, renewed, or 24940  
used, until the form of the evidence of coverage or amendment has 24941  
been filed by the health insuring corporation with the 24942

superintendent of insurance. If the superintendent does not 24943  
disapprove the evidence of coverage or amendment within sixty days 24944  
after it is filed it shall be deemed approved, unless the 24945  
superintendent sooner gives approval for the evidence of coverage 24946  
or amendment. With respect to an amendment to an approved evidence 24947  
of coverage, the superintendent only may disapprove provisions 24948  
amended or added to the evidence of coverage. If the 24949  
superintendent determines within the sixty-day period that any 24950  
evidence of coverage or amendment fails to meet the requirements 24951  
of this section, the superintendent shall so notify the health 24952  
insuring corporation and it shall be unlawful for the health 24953  
insuring corporation to use such evidence of coverage or 24954  
amendment. At any time, the superintendent, upon at least thirty 24955  
days' written notice to a health insuring corporation, may 24956  
withdraw an approval, deemed or actual, of any evidence of 24957  
coverage or amendment on any of the grounds stated in this 24958  
section. Such disapproval shall be effected by a written order, 24959  
which shall state the grounds for disapproval and shall be issued 24960  
in accordance with Chapter 119. of the Revised Code. 24961

(D) No evidence of coverage or amendment shall be delivered, 24962  
issued for delivery, renewed, or used: 24963

(1) If it contains provisions or statements that are 24964  
inequitable, untrue, misleading, or deceptive; 24965

(2) Unless it contains a clear, concise, and complete 24966  
statement of the following: 24967

(a) The health care services and insurance or other benefits, 24968  
if any, to which an enrollee is entitled under the health care 24969  
plan; 24970

(b) Any exclusions or limitations on the health care 24971  
services, type of health care services, benefits, or type of 24972  
benefits to be provided, including copayments and deductibles; 24973

(c) An enrollee's personal financial obligation for noncovered services;	24974 24975
(d) Where and in what manner general information and information as to how health care services may be obtained is available, including a toll-free telephone number;	24976 24977 24978
(e) The premium rate with respect to individual and conversion contracts, and relevant copayment and deductible provisions with respect to all contracts. The statement of the premium rate, however, may be contained in a separate insert.	24979 24980 24981 24982
(f) The method utilized by the health insuring corporation for resolving enrollee complaints;	24983 24984
(g) The utilization review, internal review, and external review procedures established under sections 1751.77 to 1751.83 and Chapter 3922. of the Revised Code.	24985 24986 24987
(3) Unless it provides for the continuation of an enrollee's coverage, in the event that the enrollee's coverage under the group policy, contract, certificate, or agreement terminates while the enrollee is receiving inpatient care in a hospital. This continuation of coverage shall terminate at the earliest occurrence of any of the following:	24988 24989 24990 24991 24992 24993
(a) The enrollee's discharge from the hospital;	24994
(b) The determination by the enrollee's attending physician that inpatient care is no longer medically indicated for the enrollee; however, nothing in division (D)(3)(b) of this section precludes a health insuring corporation from engaging in utilization review as described in the evidence of coverage.	24995 24996 24997 24998 24999
(c) The enrollee's reaching the limit for contractual benefits;	25000 25001
(d) The effective date of any new coverage.	25002
(4) Unless it contains a provision that states, in substance,	25003

that the health insuring corporation is not a member of any 25004  
guaranty fund, and that in the event of the health insuring 25005  
corporation's insolvency, an enrollee is protected only to the 25006  
extent that the hold harmless provision required by section 25007  
1751.13 of the Revised Code applies to the health care services 25008  
rendered; 25009

(5) Unless it contains a provision that states, in substance, 25010  
that in the event of the insolvency of the health insuring 25011  
corporation, an enrollee may be financially responsible for health 25012  
care services rendered by a provider or health care facility that 25013  
is not under contract to the health insuring corporation, whether 25014  
or not the health insuring corporation authorized the use of the 25015  
provider or health care facility. 25016

(E) Notwithstanding divisions (C) and (D) of this section, a 25017  
health insuring corporation may use an evidence of coverage that 25018  
provides for the coverage of beneficiaries enrolled in medicare 25019  
pursuant to a medicare contract, or an evidence of coverage that 25020  
provides for the coverage of beneficiaries enrolled in the federal 25021  
employees health benefits program pursuant to 5 U.S.C.A. 8905, or 25022  
an evidence of coverage that provides for the coverage of medicaid 25023  
recipients, or an evidence of coverage that provides for the 25024  
coverage of beneficiaries under any other federal health care 25025  
program regulated by a federal regulatory body, or an evidence of 25026  
coverage that provides for the coverage of beneficiaries under any 25027  
contract covering officers or employees of the state that has been 25028  
entered into by the department of administrative services, if both 25029  
of the following apply: 25030

(1) The evidence of coverage has been approved by the United 25031  
States department of health and human services, the United States 25032  
office of personnel management, the ~~Ohio~~ department of ~~job and~~ 25033  
~~family services~~ medicaid, or the department of administrative 25034  
services. 25035



(2) The evidence of coverage is filed with the superintendent 25036  
of insurance prior to use and is accompanied by documentation of 25037  
approval from the United States department of health and human 25038  
services, the United States office of personnel management, the 25039  
~~Ohio~~ department of ~~job and family services~~ medicaid, or the 25040  
department of administrative services. 25041

**Sec. 1751.12.** (A)(1) No contractual periodic prepayment and 25042  
no premium rate for nongroup and conversion policies for health 25043  
care services, or any amendment to them, may be used by any health 25044  
insuring corporation at any time until the contractual periodic 25045  
prepayment and premium rate, or amendment, have been filed with 25046  
the superintendent of insurance, and shall not be effective until 25047  
the expiration of sixty days after their filing unless the 25048  
superintendent sooner gives approval. The filing shall be 25049  
accompanied by an actuarial certification in the form prescribed 25050  
by the superintendent. The superintendent shall disapprove the 25051  
filing, if the superintendent determines within the sixty-day 25052  
period that the contractual periodic prepayment or premium rate, 25053  
or amendment, is not in accordance with sound actuarial principles 25054  
or is not reasonably related to the applicable coverage and 25055  
characteristics of the applicable class of enrollees. The 25056  
superintendent shall notify the health insuring corporation of the 25057  
disapproval, and it shall thereafter be unlawful for the health 25058  
insuring corporation to use the contractual periodic prepayment or 25059  
premium rate, or amendment. 25060

(2) No contractual periodic prepayment for group policies for 25061  
health care services shall be used until the contractual periodic 25062  
prepayment has been filed with the superintendent. The filing 25063  
shall be accompanied by an actuarial certification in the form 25064  
prescribed by the superintendent. The superintendent may reject a 25065  
filing made under division (A)(2) of this section at any time, 25066  
with at least thirty days' written notice to a health insuring 25067

corporation, if the contractual periodic prepayment is not in 25068  
accordance with sound actuarial principles or is not reasonably 25069  
related to the applicable coverage and characteristics of the 25070  
applicable class of enrollees. 25071

(3) At any time, the superintendent, upon at least thirty 25072  
days' written notice to a health insuring corporation, may 25073  
withdraw the approval given under division (A)(1) of this section, 25074  
deemed or actual, of any contractual periodic prepayment or 25075  
premium rate, or amendment, based on information that either of 25076  
the following applies: 25077

(a) The contractual periodic prepayment or premium rate, or 25078  
amendment, is not in accordance with sound actuarial principles. 25079

(b) The contractual periodic prepayment or premium rate, or 25080  
amendment, is not reasonably related to the applicable coverage 25081  
and characteristics of the applicable class of enrollees. 25082

(4) Any disapproval under division (A)(1) of this section, 25083  
any rejection of a filing made under division (A)(2) of this 25084  
section, or any withdrawal of approval under division (A)(3) of 25085  
this section, shall be effected by a written notice, which shall 25086  
state the specific basis for the disapproval, rejection, or 25087  
withdrawal and shall be issued in accordance with Chapter 119. of 25088  
the Revised Code. 25089

(B) Notwithstanding division (A) of this section, a health 25090  
insuring corporation may use a contractual periodic prepayment or 25091  
premium rate for policies used for the coverage of beneficiaries 25092  
enrolled in medicare pursuant to a medicare risk contract or 25093  
medicare cost contract, or for policies used for the coverage of 25094  
beneficiaries enrolled in the federal employees health benefits 25095  
program pursuant to 5 U.S.C.A. 8905, or for policies used for the 25096  
coverage of medicaid recipients, or for policies used for the 25097  
coverage of beneficiaries under any other federal health care 25098

program regulated by a federal regulatory body, or for policies 25099  
used for the coverage of beneficiaries under any contract covering 25100  
officers or employees of the state that has been entered into by 25101  
the department of administrative services, if both of the 25102  
following apply: 25103

(1) The contractual periodic prepayment or premium rate has 25104  
been approved by the United States department of health and human 25105  
services, the United States office of personnel management, the 25106  
department of ~~job and family services~~ medicaid, or the department 25107  
of administrative services. 25108

(2) The contractual periodic prepayment or premium rate is 25109  
filed with the superintendent prior to use and is accompanied by 25110  
documentation of approval from the United States department of 25111  
health and human services, the United States office of personnel 25112  
management, the department of ~~job and family services~~ medicaid, or 25113  
the department of administrative services. 25114

(C) The administrative expense portion of all contractual 25115  
periodic prepayment or premium rate filings submitted to the 25116  
superintendent for review must reflect the actual cost of 25117  
administering the product. The superintendent may require that the 25118  
administrative expense portion of the filings be itemized and 25119  
supported. 25120

(D)(1) Copayments must be reasonable and must not be a 25121  
barrier to the necessary utilization of services by enrollees. 25122

(2) A health insuring corporation, in order to ensure that 25123  
copayments are reasonable and not a barrier to the necessary 25124  
utilization of basic health care services by enrollees, may do one 25125  
of the following: 25126

(a) Impose copayment charges on any single covered basic 25127  
health care service that does not exceed forty per cent of the 25128  
average cost to the health insuring corporation of providing the 25129

service; 25130

(b) Impose copayment charges that annually do not exceed 25131  
twenty per cent of the total annual cost to the health insuring 25132  
corporation of providing all covered basic health care services, 25133  
including physician office visits, urgent care services, and 25134  
emergency health services, when aggregated as to all persons 25135  
covered under the filed product in question. In addition, annual 25136  
copayment charges as to each enrollee shall not exceed twenty per 25137  
cent of the total annual cost to the health insuring corporation 25138  
of providing all covered basic health care services, including 25139  
physician office visits, urgent care services, and emergency 25140  
health services, as to such enrollee. The total annual cost of 25141  
providing a health care service is the cost to the health insuring 25142  
corporation of providing the health care service to its enrollees 25143  
as reduced by any applicable provider discount. 25144

(3) To ensure that copayments are reasonable and not a 25145  
barrier to the utilization of basic health care services, a health 25146  
insuring corporation may not impose, in any contract year, on any 25147  
subscriber or enrollee, copayments that exceed two hundred per 25148  
cent of the average annual premium rate to subscribers or 25149  
enrollees. 25150

(4) For purposes of division (D) of this section, both of the 25151  
following apply: 25152

(a) Copayments imposed by health insuring corporations in 25153  
connection with a high deductible health plan that is linked to a 25154  
health savings account are reasonable and are not a barrier to the 25155  
necessary utilization of services by enrollees. 25156

(b) Divisions (D)(2) and (3) of this section do not apply to 25157  
a high deductible health plan that is linked to a health savings 25158  
account. 25159

(E) A health insuring corporation shall not impose lifetime 25160

maximums on basic health care services. However, a health insuring 25161  
corporation may establish a benefit limit for inpatient hospital 25162  
services that are provided pursuant to a policy, contract, 25163  
certificate, or agreement for supplemental health care services. 25164

(F) A health insuring corporation may require that an 25165  
enrollee pay an annual deductible that does not exceed one 25166  
thousand dollars per enrollee or two thousand dollars per family, 25167  
except that: 25168

(1) A health insuring corporation may impose higher 25169  
deductibles for high deductible health plans that are linked to 25170  
health savings accounts; 25171

(2) The superintendent may adopt rules allowing different 25172  
annual deductible amounts for plans with a medical savings 25173  
account, health reimbursement arrangement, flexible spending 25174  
account, or similar account; 25175

(3) A health insuring corporation may impose higher 25176  
deductibles under health plans if requested by the group contract, 25177  
policy, certificate, or agreement holder, or an individual seeking 25178  
coverage under an individual health plan. This shall not be 25179  
construed as requiring the health insuring corporation to create 25180  
customized health plans for group contract holders or individuals. 25181

(G) As used in this section, "health savings account" and 25182  
"high deductible health plan" have the same meanings as in the 25183  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 223, as 25184  
amended. 25185

**Sec. 1751.14.** (A) Notwithstanding section 3901.71 of the 25186  
Revised Code, any policy, contract, or agreement for health care 25187  
services authorized by this chapter that is issued, delivered, or 25188  
renewed in this state and that provides that coverage of an 25189  
unmarried dependent child will terminate upon attainment of the 25190

limiting age for dependent children specified in the policy, 25191  
contract, or agreement, shall also provide in substance both of 25192  
the following: 25193

(1) Once an unmarried child has attained the limiting age for 25194  
dependent children, as provided in the policy, contract, or 25195  
agreement, upon the request of the subscriber, the health insuring 25196  
corporation shall offer to cover the unmarried child until the 25197  
child attains twenty-eight years of age if all of the following 25198  
are true: 25199

(a) The child is the natural child, stepchild, or adopted 25200  
child of the subscriber. 25201

(b) The child is a resident of this state or a full-time 25202  
student at an accredited public or private institution of higher 25203  
education. 25204

(c) The child is not employed by an employer that offers any 25205  
health benefit plan under which the child is eligible for 25206  
coverage. 25207

(d) The child is not eligible for coverage under the medicaid 25208  
~~program established under Chapter 5111. of the Revised Code~~ or the 25209  
~~medicare program established under Title XVIII of the "Social~~ 25210  
~~Security Act," 42 U.S.C. 1395.~~ 25211

(2) That attainment of the limiting age for dependent 25212  
children shall not operate to terminate the coverage of a 25213  
dependent child if the child is and continues to be both of the 25214  
following: 25215

(a) Incapable of self-sustaining employment by reason of 25216  
mental retardation or physical handicap; 25217

(b) Primarily dependent upon the subscriber for support and 25218  
maintenance. 25219

(B) Proof of incapacity and dependence for purposes of 25220

division (A)(2) of this section shall be furnished to the health 25221  
insuring corporation within thirty-one days of the child's 25222  
attainment of the limiting age. Upon request, but not more 25223  
frequently than annually, the health insuring corporation may 25224  
require proof satisfactory to it of the continuance of such 25225  
incapacity and dependency. 25226

(C) Nothing in this section shall do any of the following: 25227

(1) Require that any policy, contract, or agreement offer 25228  
coverage for dependent children or provide coverage for an 25229  
unmarried dependent child's children as dependents on the policy, 25230  
contract, or agreement; 25231

(2) Require an employer to pay for any part of the premium 25232  
for an unmarried dependent child that has attained the limiting 25233  
age for dependents, as provided in the policy, contract, or 25234  
agreement; 25235

(3) Require an employer to offer health insurance coverage to 25236  
the dependents of any employee. 25237

(D) This section does not apply to any health insuring 25238  
corporation policy, contract, or agreement offering only 25239  
supplemental health care services or specialty health care 25240  
services. 25241

(E) As used in this section, "health benefit plan" has the 25242  
same meaning as in section 3924.01 of the Revised Code and also 25243  
includes both of the following: 25244

(1) A public employee benefit plan; 25245

(2) A health benefit plan as regulated under the "Employee 25246  
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 25247

**Sec. 1751.271.** (A) Each health insuring corporation that 25248  
provides coverage to medicaid recipients shall post a performance 25249  
bond in the amount of three million dollars as security to fulfill 25250

the obligations of the health insuring corporation to pay claims 25251  
of contracted providers for covered health care services provided 25252  
to medicaid recipients. The bond shall be payable to the 25253  
department of insurance in the event that the health insuring 25254  
corporation is placed in rehabilitation or liquidation proceedings 25255  
under Chapter 3903. of the Revised Code, and shall become a 25256  
special deposit subject to section 3903.14 or 3903.421 of the 25257  
Revised Code, as applicable. In lieu of the performance bond, a 25258  
medicaid health insuring corporation may deposit securities with 25259  
the superintendent of insurance, acceptable to the superintendent, 25260  
in the amount of three million dollars, to satisfy the bonding 25261  
requirements of this section. Upon rehabilitation or liquidation, 25262  
the securities shall become a special deposit subject to sections 25263  
3903.14 and 3903.421 of the Revised Code, as applicable. The 25264  
health insuring corporation shall receive the interest on the 25265  
deposited securities as long as the health insuring corporation 25266  
remains solvent. 25267

(B) The bond shall be issued by a surety company licensed 25268  
with the department of insurance. The bond or deposit, or any 25269  
replacement bond or deposit, shall be in a form acceptable to the 25270  
superintendent, and shall remain in effect during the duration of 25271  
the medicaid health insuring corporation's license and thereafter 25272  
until all claims against the medicaid health insuring corporation 25273  
have been paid in full. 25274

(C) Documentation of the bond acceptable to the 25275  
superintendent of insurance shall be filed with the superintendent 25276  
prior to the issuance of a certificate of authority. Annually, 25277  
thirty days prior to the renewal of its certificate of authority, 25278  
every medicaid health insuring corporation shall furnish the 25279  
superintendent of insurance with evidence that the required bond 25280  
is still in effect. 25281

(D) As used in this section: 25282



(1) "Contracted provider" means a provider that has a 25283  
contract with a medicaid health insuring corporation to provide 25284  
covered health care services to medicaid recipients. 25285

(2) "Medicaid health insuring corporation" means a health 25286  
insuring corporation that provides health insurance coverage or 25287  
otherwise assumes claims liabilities for medicaid recipients. 25288

(3) "Medicaid recipient" means a person ~~eligible for~~ 25289  
~~assistance under~~ enrolled in the medicaid program ~~operated~~ 25290  
~~pursuant to Chapter 5111. of the Revised Code.~~ 25291

**Sec. 1751.31.** (A) Any changes in a health insuring 25292  
corporation's solicitation document shall be filed with the 25293  
superintendent of insurance. The superintendent, within sixty days 25294  
of filing, may disapprove any solicitation document or amendment 25295  
to it on any of the grounds stated in this section. Such 25296  
disapproval shall be effected by written notice to the health 25297  
insuring corporation. The notice shall state the grounds for 25298  
disapproval and shall be issued in accordance with Chapter 119. of 25299  
the Revised Code. 25300

(B) The solicitation document shall contain all information 25301  
necessary to enable a consumer to make an informed choice as to 25302  
whether or not to enroll in the health insuring corporation. The 25303  
information shall include a specific description of the health 25304  
care services to be available and the approximate number and type 25305  
of full-time equivalent medical practitioners. The information 25306  
shall be presented in the solicitation document in a manner that 25307  
is clear, concise, and intelligible to prospective applicants in 25308  
the proposed service area. 25309

(C) Every potential applicant whose subscription to a health 25310  
care plan is solicited shall receive, at or before the time of 25311  
solicitation, a solicitation document approved by the 25312  
superintendent. 25313

(D) Notwithstanding division (A) of this section, a health insuring corporation may use a solicitation document that the corporation uses in connection with policies for medicare beneficiaries pursuant to a medicare risk contract or medicare cost contract, or for policies for beneficiaries of the federal employees health benefits program pursuant to 5 U.S.C.A. 8905, or for policies for medicaid recipients, or for policies for beneficiaries of any other federal health care program regulated by a federal regulatory body, or for policies for beneficiaries of contracts covering officers or employees of the state entered into by the department of administrative services, if both of the following apply:

(1) The solicitation document has been approved by the United States department of health and human services, the United States office of personnel management, the department of ~~job and family services~~ medicaid, or the department of administrative services.

(2) The solicitation document is filed with the superintendent of insurance prior to use and is accompanied by documentation of approval from the United States department of health and human services, the United States office of personnel management, the department of ~~job and family services~~ medicaid, or the department of administrative services.

(E) No health insuring corporation, or its agents or representatives, shall use monetary or other valuable consideration, engage in misleading or deceptive practices, or make untrue, misleading, or deceptive representations to induce enrollment. Nothing in this division shall prohibit incentive forms of remuneration such as commission sales programs for the health insuring corporation's employees and agents.

(F) Any person obligated for any part of a premium rate in connection with an enrollment agreement, in addition to any right otherwise available to revoke an offer, may cancel such agreement

within seventy-two hours after having signed the agreement or 25346  
offer to enroll. Cancellation occurs when written notice of the 25347  
cancellation is given to the health insuring corporation or its 25348  
agents or other representatives. A notice of cancellation mailed 25349  
to the health insuring corporation shall be considered to have 25350  
been filed on its postmark date. 25351

(G) Nothing in this section shall prohibit healthy lifestyle 25352  
programs. 25353

**Sec. 1751.60.** (A) Except as provided for in divisions (E) and 25354  
(F) of this section, every provider or health care facility that 25355  
contracts with a health insuring corporation to provide health 25356  
care services to the health insuring corporation's enrollees or 25357  
subscribers shall seek compensation for covered services solely 25358  
from the health insuring corporation and not, under any 25359  
circumstances, from the enrollees or subscribers, except for 25360  
approved copayments and deductibles. 25361

(B) No subscriber or enrollee of a health insuring 25362  
corporation is liable to any contracting provider or health care 25363  
facility for the cost of any covered health care services, if the 25364  
subscriber or enrollee has acted in accordance with the evidence 25365  
of coverage. 25366

(C) Except as provided for in divisions (E) and (F) of this 25367  
section, every contract between a health insuring corporation and 25368  
provider or health care facility shall contain a provision 25369  
approved by the superintendent of insurance requiring the provider 25370  
or health care facility to seek compensation solely from the 25371  
health insuring corporation and not, under any circumstances, from 25372  
the subscriber or enrollee, except for approved copayments and 25373  
deductibles. 25374

(D) Nothing in this section shall be construed as preventing 25375  
a provider or health care facility from billing the enrollee or 25376

subscriber of a health insuring corporation for noncovered 25377  
services. 25378

(E) Upon application by a health insuring corporation and a 25379  
provider or health care facility, the superintendent may waive the 25380  
requirements of divisions (A) and (C) of this section when, in 25381  
addition to the reserve requirements contained in section 1751.28 25382  
of the Revised Code, the health insuring corporation provides 25383  
sufficient assurances to the superintendent that the provider or 25384  
health care facility has been provided with financial guarantees. 25385  
No waiver of the requirements of divisions (A) and (C) of this 25386  
section is effective as to enrollees or subscribers for whom the 25387  
health insuring corporation is compensated under a provider 25388  
agreement or risk contract entered into ~~pursuant to Chapter 5111-~~ 25389  
~~or 5115. of the Revised Code~~ under the medicaid program. 25390

(F) The requirements of divisions (A) to (C) of this section 25391  
apply only to health care services provided to an enrollee or 25392  
subscriber prior to the effective date of a termination of a 25393  
contract between the health insuring corporation and the provider 25394  
or health care facility. 25395

**Sec. 1923.14.** (A) Except as otherwise provided in this 25396  
section, within ten days after receiving a writ of execution 25397  
described in division (A) or (B) of section 1923.13 of the Revised 25398  
Code, the sheriff, police officer, constable, or bailiff shall 25399  
execute it by restoring the plaintiff to the possession of the 25400  
premises, and shall levy and collect the costs and make return, as 25401  
upon other executions. If an appeal from the judgment of 25402  
restitution is filed and if, following the filing of the appeal, a 25403  
stay of execution is obtained and any required bond is filed with 25404  
the court of common pleas, municipal court, or county court, the 25405  
judge of that court immediately shall issue an order to the 25406  
sheriff, police officer, constable, or bailiff commanding the 25407

delay of all further proceedings upon the execution. If the 25408  
premises have been restored to the plaintiff, the sheriff, police 25409  
officer, constable, or bailiff shall forthwith place the defendant 25410  
in possession of them, and return the writ with the sheriff's, 25411  
police officer's, constable's, or bailiff's proceedings and the 25412  
costs taxed on it. 25413

(B)(1) After a court of common pleas, municipal court, or 25414  
county court issues a writ of execution described in division (B) 25415  
of section 1923.13 of the Revised Code, the clerk of the court 25416  
shall send by regular mail, to the last known address of the 25417  
titled owner of the manufactured home, mobile home, or 25418  
recreational vehicle that is the subject of the writ and to the 25419  
last known address of each other person who is listed on the writ 25420  
as having any outstanding right, title, or interest in the home, 25421  
vehicle, or personal property and to the auditor and treasurer of 25422  
the county in which the court is located, a written notice that 25423  
the home or vehicle potentially may be sold, destroyed, or have 25424  
its title transferred under the circumstances described in 25425  
division (B)(3) or (4) of this section. 25426

(2) Except as otherwise provided in this division, after 25427  
receiving a writ of execution described in division (B) of section 25428  
1923.13 of the Revised Code, and after causing the defendant to be 25429  
removed from the residential premises of the manufactured home 25430  
park, if necessary, in accordance with the writ, the sheriff, 25431  
police officer, constable, or bailiff may cause the manufactured 25432  
home, mobile home, or recreational vehicle that is the subject of 25433  
the writ, and all personal property on the residential premises, 25434  
at the sheriff's, police officer's, constable's, or bailiff's 25435  
option, either to be removed from the manufactured home park and, 25436  
if necessary, moved to a storage facility of the sheriff's, police 25437  
officer's, constable's, or bailiff's choice, or to be retained at 25438  
their current location on the residential premises, until they are 25439

claimed by the defendant or they are disposed of in a manner 25440  
authorized by division (B)(3), (4), or (6) of this section or by 25441  
another section of the Revised Code. The sheriff, police officer, 25442  
constable, or bailiff shall not cause the manufactured home, 25443  
mobile home, or recreational vehicle that is the subject of the 25444  
writ, or the personal property, to be removed from the 25445  
manufactured home park or moved to a storage facility if the 25446  
holder of any outstanding lien, right, title, or interest in the 25447  
home or vehicle, other than the titled owner of the home or 25448  
vehicle, meets the conditions set forth in division (B)(6) or (7) 25449  
of this section. 25450

The sheriff, police officer, constable, or bailiff who 25451  
removes the manufactured home, mobile home, or recreational 25452  
vehicle, or the abandoned personal property, from the residential 25453  
premises shall be immune from civil liability pursuant to section 25454  
2744.03 of the Revised Code for any damage caused to the home, 25455  
vehicle, or any personal property during the removal. The park 25456  
operator shall not be liable for any damage caused by the park 25457  
operator's removal of the manufactured home, mobile home, or 25458  
recreational vehicle or the removal of the personal property from 25459  
the residential premises, or for any damage to the home, vehicle, 25460  
or personal property during the time the home, vehicle, or 25461  
property remains abandoned or stored in the manufactured home 25462  
park, unless the damage is the result of acts that the park 25463  
operator or the park operator's agents or employees performed with 25464  
malicious purpose, in bad faith, or in a wanton or reckless 25465  
manner. The reasonable costs for a removal of the manufactured 25466  
home, mobile home, or recreational vehicle and personal property 25467  
and, as applicable, the reasonable costs for its storage shall 25468  
constitute a lien upon the home or vehicle payable by the titled 25469  
owner of the home or vehicle or payable pursuant to division 25470  
(B)(3) of this section. 25471

(3) Except as provided in divisions (B)(4), (5), and (6) of 25472  
this section and division (D) of section 1923.12 of the Revised 25473  
Code, within sixty days after receiving a writ of execution 25474  
described in division (B) of section 1923.13 of the Revised Code, 25475  
the sheriff, police officer, constable, or bailiff shall commence 25476  
proceedings for the sale of the manufactured home, mobile home, or 25477  
recreational vehicle that is the subject of the writ, and the 25478  
abandoned personal property on the residential premises, if the 25479  
home or vehicle is determined to be abandoned in accordance with 25480  
the procedures for the sale of goods on execution under Chapter 25481  
2329. of the Revised Code. In addition to all notices required to 25482  
be given under section 2329.13 of the Revised Code, the sheriff, 25483  
police officer, constable, or bailiff shall serve at their 25484  
respective last known addresses a written notice of the date, 25485  
time, and place of the sale upon all persons who are listed on the 25486  
writ of execution as having any outstanding right, title, or 25487  
interest in the abandoned manufactured home, mobile home, or 25488  
recreational vehicle and the personal property and shall provide 25489  
written notice to the auditor and the treasurer of the county in 25490  
which the court issuing the writ is located. 25491

Unless the proceedings are governed by division (D) of 25492  
section 1923.12 of the Revised Code, notwithstanding any statutory 25493  
provision to the contrary, including, but not limited to, section 25494  
2329.66 of the Revised Code, there shall be no stay of execution 25495  
or exemption from levy or sale on execution available to the 25496  
titled owner of the abandoned manufactured home, mobile home, or 25497  
recreational vehicle in relation to a sale under this division. 25498  
Except as otherwise provided in sections 2113.031, 2117.25, and 25499  
~~5111.11~~ 5162.21 of the Revised Code in a case involving a deceased 25500  
resident or resident's estate, the sheriff, police officer, 25501  
constable, or bailiff shall distribute the proceeds from the sale 25502  
of an abandoned manufactured home, mobile home, or recreational 25503  
vehicle and any personal property under this division in the 25504

following manner: 25505

(a) The sheriff, police officer, constable, or bailiff shall 25506  
first pay the costs for any moving of and any storage outside the 25507  
manufactured home park of the home or vehicle and any personal 25508  
property pursuant to division (B)(2) of this section, the costs of 25509  
the sale, including reimbursing the park operator for the deposit 25510  
that the park operator paid to the clerk of court under division 25511  
(C) of section 1923.12 of the Revised Code, and any unpaid court 25512  
costs assessed against the defendant in the underlying action. 25513

(b) Following the payment required by division (B)(3)(a) of 25514  
this section, the sheriff, police officer, constable, or bailiff 25515  
shall pay all outstanding tax liens on the home or vehicle. 25516

(c) Following the payment required by division (B)(3)(b) of 25517  
this section, the sheriff, police officer, constable, or bailiff 25518  
shall pay all other outstanding security interests, liens, or 25519  
encumbrances on the home or vehicle by priority of filing or other 25520  
priority. 25521

(d) Following the payment required by division (B)(3)(c) of 25522  
this section, the sheriff, police officer, constable, or bailiff 25523  
shall pay any outstanding monetary judgment rendered under section 25524  
1923.09 or 1923.11 of the Revised Code in favor of the plaintiff 25525  
and any costs associated with retaining the home or vehicle prior 25526  
to the sale at its location on the residential premises within the 25527  
manufactured home park pursuant to division (B)(2) of this 25528  
section. 25529

(e) After complying with divisions (B)(3)(a) to (d) of this 25530  
section, the sheriff, police officer, constable, or bailiff shall 25531  
report any remaining money as unclaimed funds pursuant to Chapter 25532  
169. of the Revised Code. 25533

Upon the return of any writ of execution for the satisfaction 25534  
of which an abandoned manufactured home, mobile home, or 25535



recreational vehicle has been sold under this division, on careful 25536  
examination of the proceedings of the sheriff, police officer, 25537  
constable, or bailiff conducting the sale, if the court that 25538  
issued the writ finds that the sale was made, in all respects, in 25539  
conformity with the relevant provisions of Chapter 2329. of the 25540  
Revised Code and with this division, it shall direct the clerk of 25541  
the court to make an entry on the journal that the court is 25542  
satisfied with the legality of the sale and the court shall direct 25543  
the clerk of the court of common pleas of the county in which the 25544  
writ was issued to issue a certificate of title, free and clear of 25545  
all security interests, liens, and encumbrances, to the purchaser 25546  
of the home or vehicle. The clerk of the court of common pleas 25547  
shall issue the new certificate of title to the purchaser of the 25548  
home or vehicle regardless of whether the writ was issued by the 25549  
court of common pleas or another court duly authorized to issue 25550  
the writ. If the manufactured home, mobile home, or recreational 25551  
vehicle sold under this division is located in a manufactured home 25552  
park, the purchaser of the home or vehicle shall have no right to 25553  
maintain the home or vehicle in the manufactured home park without 25554  
the park operator's consent and the sheriff, police officer, 25555  
constable, or bailiff conducting the sale shall notify all 25556  
prospective purchasers of this fact prior to the commencement of 25557  
the sale. 25558

If, after it is offered for sale on two occasions under this 25559  
division, the abandoned manufactured home, mobile home, or 25560  
recreational vehicle cannot be sold due to a want of bidders, the 25561  
sheriff, police officer, constable, or bailiff shall present the 25562  
writ of execution unsatisfied to the clerk of the court of common 25563  
pleas of the county in which the writ was issued for the issuance 25564  
by the clerk in the manner prescribed in section 4505.10 of the 25565  
Revised Code of a certificate of title transferring the title of 25566  
the home or vehicle to the plaintiff, free and clear of all 25567  
security interests, liens, and encumbrances. The clerk of the 25568

court of common pleas shall issue the new certificate of title 25569  
transferring the title of the manufactured home, mobile home, or 25570  
recreational vehicle to the plaintiff regardless of whether the 25571  
writ was issued by the court of common pleas or another court duly 25572  
authorized to issue the writ. If any taxes are owed on the home or 25573  
vehicle at this time, the county auditor shall remove the 25574  
delinquent taxes from the manufactured home tax list and the 25575  
delinquent manufactured home tax list and remit any penalties for 25576  
late payment of manufactured home taxes. Acceptance of the 25577  
certificate of title by the plaintiff terminates all further 25578  
proceedings under this section. 25579

(4) Except as provided in division (B)(5) or (6) of this 25580  
section and division (D) of section 1923.12 of the Revised Code, 25581  
within sixty days after receiving a writ of execution described in 25582  
division (B) of section 1923.13 of the Revised Code, if the 25583  
manufactured home, mobile home, or recreational vehicle is 25584  
determined to be abandoned and to have a value of less than three 25585  
thousand dollars, the sheriff, police officer, constable, or 25586  
bailiff shall serve at their respective last known addresses a 25587  
written notice of potential action as described in this division 25588  
upon all persons who are listed on the writ as having any 25589  
outstanding right, title, or interest in the home or vehicle. This 25590  
notice shall be in addition to all notices required to be given 25591  
under section 2329.13 of the Revised Code. Subject to the 25592  
fulfillment of these notice requirements, the sheriff, police 25593  
officer, constable, or bailiff shall take one of the following 25594  
actions with respect to the abandoned manufactured home, mobile 25595  
home, or recreational vehicle: 25596

(a) Cause its destruction if there is no person having an 25597  
outstanding right, title, or interest in the home or vehicle, 25598  
other than the titled owner of the home or vehicle; 25599

(b) Proceed with its sale under division (B)(3) of this 25600

section; 25601

(c) If there is no person having an outstanding right, title, 25602  
or interest in the home or vehicle other than the titled owner of 25603  
the home or vehicle, or if there is an outstanding right, title, 25604  
or interest in the home or vehicle and the lienholder consents in 25605  
writing, present the writ of execution to the clerk of the court 25606  
of common pleas of the county in which the writ was issued for the 25607  
issuance by the clerk in the manner prescribed in section 4505.10 25608  
of the Revised Code of a certificate of title transferring the 25609  
title of the home or vehicle to the plaintiff, free and clear of 25610  
all security interests, liens, and encumbrances. The clerk of the 25611  
court of common pleas shall issue the new certificate of title 25612  
transferring the title of the home or vehicle regardless of 25613  
whether the writ was issued by the court of common pleas or 25614  
another court duly authorized to issue the writ. If any taxes are 25615  
owed on the home or vehicle at this time, the county auditor shall 25616  
remove the delinquent taxes from the manufactured home tax list 25617  
and the delinquent manufactured home tax list and remit any 25618  
penalties for late payment of manufactured home taxes. Acceptance 25619  
of the certificate of title by the plaintiff terminates all 25620  
further proceedings under this section. 25621

(5) At any time prior to the issuance of the writ of 25622  
execution described in division (B) of section 1923.13 of the 25623  
Revised Code, the titled owner of the manufactured home, mobile 25624  
home, or recreational vehicle that would be the subject of the 25625  
writ may remove the abandoned home or vehicle from the 25626  
manufactured home park or other place of storage upon payment to 25627  
the county auditor of all outstanding tax liens on the home or 25628  
vehicle and, unless the owner is indigent, payment to the clerk of 25629  
court of all unpaid court costs assessed against the defendant in 25630  
the underlying action. After the issuance of the writ of 25631  
execution, the titled owner of the home or vehicle may remove the 25632

abandoned home or vehicle from the manufactured home park or other 25633  
place of storage at any time up to the day before the scheduled 25634  
sale, destruction, or transfer of the home or vehicle pursuant to 25635  
division (B)(3) or (4) of this section upon payment of all of the 25636  
following: 25637

(a) All costs for moving and storage of the home or vehicle 25638  
pursuant to division (B)(2) of this section and all costs incurred 25639  
by the sheriff, police officer, constable, or bailiff up to and 25640  
including the date of the removal of the home or vehicle; 25641

(b) All outstanding tax liens on the home or vehicle; 25642

(c) Unless the owner is indigent, all unpaid court costs 25643  
assessed against the defendant in the underlying action. 25644

(6) At any time after the issuance of the writ of execution 25645  
described in division (B) of section 1923.13 of the Revised Code, 25646  
the holder of any outstanding lien, right, title, or interest in 25647  
the manufactured home, mobile home, or recreational vehicle, other 25648  
than the titled owner of the home or vehicle, may stop the 25649  
sheriff, police officer, constable, or bailiff from proceeding 25650  
with the sale under this division by doing both of the following: 25651

(a) Commencing a proceeding to repossess the home or vehicle 25652  
pursuant to Chapters 1309. and 1317. of the Revised Code; 25653

(b) Paying to the park operator all monthly rental payments 25654  
for the lot on which the home or vehicle is located from the time 25655  
of the issuance of the writ of execution until the time that the 25656  
home or vehicle is sold pursuant to Chapters 1309. and 1317. of 25657  
the Revised Code. 25658

(7)(a) At any time prior to the day before the scheduled sale 25659  
of the property pursuant to division (B)(3) of this section, the 25660  
defendant may remove any personal property of the defendant from 25661  
the abandoned home or vehicle or other place of storage. 25662

(b) If personal property owned by a person other than the defendant is abandoned on the residential premises and has not previously been removed, the owner of the personal property may remove the personal property from the abandoned home or vehicle or other place of storage up to the day before the scheduled sale of the property pursuant to division (B)(3) of this section upon presentation of proof of ownership of the property that is satisfactory to the sheriff, police officer, constable, or bailiff conducting the sale.

**Sec. 2101.24.** (A)(1) Except as otherwise provided by law, the probate court has exclusive jurisdiction:

(a) To take the proof of wills and to admit to record authenticated copies of wills executed, proved, and allowed in the courts of any other state, territory, or country. If the probate judge is unavoidably absent, any judge of the court of common pleas may take proof of wills and approve bonds to be given, but the record of these acts shall be preserved in the usual records of the probate court.

(b) To grant and revoke letters testamentary and of administration;

(c) To direct and control the conduct and settle the accounts of executors and administrators and order the distribution of estates;

(d) To appoint the attorney general to serve as the administrator of an estate pursuant to section 2113.06 of the Revised Code;

(e) To appoint and remove guardians, conservators, and testamentary trustees, direct and control their conduct, and settle their accounts;

(f) To grant marriage licenses;

(g) To make inquests respecting persons who are so mentally impaired as a result of a mental or physical illness or disability, or mental retardation, or as a result of chronic substance abuse, that they are unable to manage their property and affairs effectively, subject to guardianship;	25693 25694 25695 25696 25697
(h) To qualify assignees, appoint and qualify trustees and commissioners of insolvents, control their conduct, and settle their accounts;	25698 25699 25700
(i) To authorize the sale of lands, equitable estates, or interests in lands or equitable estates, and the assignments of inchoate dower in such cases of sale, on petition by executors, administrators, and guardians;	25701 25702 25703 25704
(j) To authorize the completion of real property contracts on petition of executors and administrators;	25705 25706
(k) To construe wills;	25707
(l) To render declaratory judgments, including, but not limited to, those rendered pursuant to section 2107.084 of the Revised Code;	25708 25709 25710
(m) To direct and control the conduct of fiduciaries and settle their accounts;	25711 25712
(n) To authorize the sale or lease of any estate created by will if the estate is held in trust, on petition by the trustee;	25713 25714
(o) To terminate a testamentary trust in any case in which a court of equity may do so;	25715 25716
(p) To hear and determine actions to contest the validity of wills;	25717 25718
(q) To make a determination of the presumption of death of missing persons and to adjudicate the property rights and obligations of all parties affected by the presumption;	25719 25720 25721
(r) To hear and determine an action commenced pursuant to	25722

section 3107.41 of the Revised Code to obtain the release of 25723  
information pertaining to the birth name of the adopted person and 25724  
the identity of the adopted person's biological parents and 25725  
biological siblings; 25726

(s) To act for and issue orders regarding wards pursuant to 25727  
section 2111.50 of the Revised Code; 25728

(t) To hear and determine actions against sureties on the 25729  
bonds of fiduciaries appointed by the probate court; 25730

(u) To hear and determine actions involving informed consent 25731  
for medication of persons hospitalized pursuant to section 25732  
5122.141 or 5122.15 of the Revised Code; 25733

(v) To hear and determine actions relating to durable powers 25734  
of attorney for health care as described in division (D) of 25735  
section 1337.16 of the Revised Code; 25736

(w) To hear and determine actions commenced by objecting 25737  
individuals, in accordance with section 2133.05 of the Revised 25738  
Code; 25739

(x) To hear and determine complaints that pertain to the use 25740  
or continuation, or the withholding or withdrawal, of 25741  
life-sustaining treatment in connection with certain patients 25742  
allegedly in a terminal condition or in a permanently unconscious 25743  
state pursuant to division (E) of section 2133.08 of the Revised 25744  
Code, in accordance with that division; 25745

(y) To hear and determine applications that pertain to the 25746  
withholding or withdrawal of nutrition and hydration from certain 25747  
patients allegedly in a permanently unconscious state pursuant to 25748  
section 2133.09 of the Revised Code, in accordance with that 25749  
section; 25750

(z) To hear and determine applications of attending 25751  
physicians in accordance with division (B) of section 2133.15 of 25752

the Revised Code; 25753

(aa) To hear and determine actions relative to the use or 25754  
continuation of comfort care in connection with certain principals 25755  
under durable powers of attorney for health care, declarants under 25756  
declarations, or patients in accordance with division (E) of 25757  
either section 1337.16 or 2133.12 of the Revised Code; 25758

(bb) To hear and determine applications for an order 25759  
relieving an estate from administration under section 2113.03 of 25760  
the Revised Code; 25761

(cc) To hear and determine applications for an order granting 25762  
a summary release from administration under section 2113.031 of 25763  
the Revised Code; 25764

(dd) To hear and determine actions relating to the exercise 25765  
of the right of disposition, in accordance with section 2108.90 of 25766  
the Revised Code; 25767

(ee) To hear and determine actions relating to the 25768  
disinterment and reinterment of human remains under section 517.23 25769  
of the Revised Code; 25770

(ff) To hear and determine petitions for an order for 25771  
treatment of a person suffering from alcohol and other drug abuse 25772  
filed under section ~~3793.34~~ 5119.93 of the Revised Code and to 25773  
order treatment of that nature in accordance with, and take other 25774  
actions afforded to the court under, sections ~~3793.31~~ 5119.90 to 25775  
~~3793.39~~ 5119.98 of the Revised Code. 25776

(2) In addition to the exclusive jurisdiction conferred upon 25777  
the probate court by division (A)(1) of this section, the probate 25778  
court shall have exclusive jurisdiction over a particular subject 25779  
matter if both of the following apply: 25780

(a) Another section of the Revised Code expressly confers 25781  
jurisdiction over that subject matter upon the probate court. 25782



(b) No section of the Revised Code expressly confers jurisdiction over that subject matter upon any other court or agency.	25783 25784 25785
(B)(1) The probate court has concurrent jurisdiction with, and the same powers at law and in equity as, the general division of the court of common pleas to issue writs and orders, and to hear and determine actions as follows:	25786 25787 25788 25789
(a) If jurisdiction relative to a particular subject matter is stated to be concurrent in a section of the Revised Code or has been construed by judicial decision to be concurrent, any action that involves that subject matter;	25790 25791 25792 25793
(b) Any action that involves an inter vivos trust; a trust created pursuant to section 5815.28 of the Revised Code; a charitable trust or foundation; subject to divisions (A)(1)(u) and (z) of this section, a power of attorney, including, but not limited to, a durable power of attorney; the medical treatment of a competent adult; or a writ of habeas corpus;	25794 25795 25796 25797 25798 25799
(c) Subject to section 2101.31 of the Revised Code, any action with respect to a probate estate, guardianship, trust, or post-death dispute that involves any of the following:	25800 25801 25802
(i) A designation or removal of a beneficiary of a life insurance policy, annuity contract, retirement plan, brokerage account, security account, bank account, real property, or tangible personal property;	25803 25804 25805 25806
(ii) A designation or removal of a payable-on-death beneficiary or transfer-on-death beneficiary;	25807 25808
(iii) A change in the title to any asset involving a joint and survivorship interest;	25809 25810
(iv) An alleged gift;	25811
(v) The passing of assets upon the death of an individual	25812

otherwise than by will, intestate succession, or trust.	25813
(2) Any action that involves a concurrent jurisdiction	25814
subject matter and that is before the probate court may be	25815
transferred by the probate court, on its order, to the general	25816
division of the court of common pleas.	25817
(C) The probate court has plenary power at law and in equity	25818
to dispose fully of any matter that is properly before the court,	25819
unless the power is expressly otherwise limited or denied by a	25820
section of the Revised Code.	25821
(D) The jurisdiction acquired by a probate court over a	25822
matter or proceeding is exclusive of that of any other probate	25823
court, except when otherwise provided by law.	25824
<b>Sec. 2108.05.</b> (A) A donor may make an anatomical gift by	25825
doing any of the following:	25826
(1) Authorizing a statement or symbol to be imprinted on the	25827
donor's driver's license or identification card indicating that	25828
the donor has certified a willingness to make an anatomical gift;	25829
(2) Specifying in the donor's will an intent to make an	25830
anatomical gift;	25831
(3) Specifying an intent to make an anatomical gift in the	25832
donor's declaration as described in section 2133.16 of the Revised	25833
Code;	25834
(4) During a terminal illness or injury of the donor,	25835
communicating in any manner to a minimum of two adults, at least	25836
one of whom is a disinterested witness, that the donor intends to	25837
make an anatomical gift;	25838
(5) Following the procedure in division (B) of this section.	25839
(B) A donor or other person authorized to make an anatomical	25840
gift under section 2108.04 of the Revised Code may make a gift by	25841

a donor card or other record signed by the donor or other person 25842  
making the gift or by authorizing that a statement or symbol 25843  
indicating that the donor has certified a willingness to make an 25844  
anatomical gift be included in a donor registry. If the donor or 25845  
other person is physically unable to sign a record, the record may 25846  
be signed by another individual at the direction of the donor or 25847  
other person and shall do both of the following: 25848

(1) Be witnessed by at least two adults, at least one of whom 25849  
is a disinterested witness, who have signed at the request of the 25850  
donor or the other person; 25851

(2) State that it has been signed and witnessed as provided 25852  
in division (B)(1) of this section. 25853

(C) Once a donor has authorized a statement or symbol to be 25854  
imprinted on the donor's driver's license or identification card 25855  
indicating that the donor has certified a willingness to make an 25856  
anatomical gift, the donor does not need to recertify the donor's 25857  
willingness to make an anatomical gift upon renewal of the 25858  
driver's license or identification card. The authorization shall 25859  
remain in effect until the donor withdraws that authorization. 25860

(D) Revocation, suspension, expiration, or cancellation of a 25861  
driver's license or identification card upon which an anatomical 25862  
gift is indicated does not invalidate the gift. 25863

~~(D)~~(E) An anatomical gift made by will takes effect on the 25864  
donor's death whether or not the will is probated. Invalidation of 25865  
the will after the donor's death does not invalidate the gift. 25866

**Sec. 2113.041.** (A) The administrator of the medicaid estate 25867  
recovery program established pursuant to section ~~5111.11~~ 5162.21 25868  
of the Revised Code may present an affidavit to a financial 25869  
institution requesting that the financial institution release 25870  
account proceeds to recover the cost of services correctly 25871

provided to a medicaid recipient who is subject to the medicaid 25872  
estate recovery program. The affidavit shall include all of the 25873  
following information: 25874

(1) The name of the decedent; 25875

(2) The name of any person who gave notice that the decedent 25876  
was a medicaid recipient and that person's relationship to the 25877  
decedent; 25878

(3) The name of the financial institution; 25879

(4) The account number; 25880

(5) A description of the claim for estate recovery; 25881

(6) The amount of funds to be recovered. 25882

(B) A financial institution may release account proceeds to 25883  
the administrator of the medicaid estate recovery program if all 25884  
of the following apply: 25885

(1) The decedent held an account at the financial institution 25886  
that was in the decedent's name only. 25887

(2) No estate has been, and it is reasonable to assume that 25888  
no estate will be, opened for the decedent. 25889

(3) The decedent has no outstanding debts known to the 25890  
administrator of the medicaid estate recovery program. 25891

(4) The financial institution has received no objections or 25892  
has determined that no valid objections to release of proceeds 25893  
have been received. 25894

(C) If proceeds have been released pursuant to division (B) 25895  
of this section and the department of ~~job and family services~~ 25896  
medicaid receives notice of a valid claim to the proceeds that has 25897  
a higher priority under section 2117.25 of the Revised Code than 25898  
the claim of the medicaid estate recovery program, the department 25899  
may refund the proceeds to the financial institution or pay them 25900

to the person or government entity with the claim. 25901

**Sec. 2113.06.** (A) Administration of the estate of an 25902  
intestate shall be granted to persons mentioned in this division, 25903  
in the following order: 25904

(1) To the surviving spouse of the deceased, if resident of 25905  
the state; 25906

(2) To one of the next of kin of the deceased, resident of 25907  
the state. 25908

(B) If the persons entitled to administer the estate under 25909  
division (A) of this section fail to take or renounce 25910  
administration voluntarily, the matter shall be set for hearing 25911  
and notice given to the persons. 25912

(C) If there are no persons entitled to administration, if 25913  
they are for any reason unsuitable for the discharge of the trust, 25914  
or if without sufficient cause they neglect to apply within a 25915  
reasonable time for the administration of the estate, their right 25916  
to priority shall be lost, and the court shall commit the 25917  
administration to some suitable person who is a resident of the 25918  
state, or to the attorney general or the attorney general's 25919  
designee, if the department of ~~job and family services~~ medicaid is 25920  
seeking to recover ~~medical assistance~~ the costs of medicaid 25921  
services from the deceased pursuant to section ~~5111.11~~ 5162.21 or 25922  
~~5111.111~~ 5162.211 of the Revised Code. The person granted 25923  
administration may be a creditor of the estate. 25924

(D) This section applies to the appointment of an 25925  
administrator de bonis non. 25926

**Sec. 2117.061.** (A) As used in this section: 25927

(1) "Medicaid estate recovery program" means the program 25928  
instituted under section ~~5111.11~~ 5162.21 of the Revised Code. 25929

(2) "Person responsible for the estate" means the executor, administrator, commissioner, or person who filed pursuant to section 2113.03 of the Revised Code for release from administration of an estate.

(B) The person responsible for the estate of a decedent subject to the medicaid estate recovery program or the estate of a decedent who was the spouse of a decedent subject to the medicaid estate recovery program shall submit a properly completed medicaid estate recovery notice form to the administrator of the medicaid estate recovery program not later than thirty days after the occurrence of any of the following:

(1) The granting of letters of administration or letters testamentary;

(2) The filing of an application for release from administration or summary release from administration.

(C) The person responsible for the estate shall mark the appropriate box on the appropriate probate form that gives notice to the administrator of the medicaid estate recovery program to indicate compliance with the requirements of division (B) of this section.

(D) The administrator of the medicaid estate recovery program shall present a claim for estate recovery to the person responsible for the estate of the decedent or the person's legal representative not later than ninety days after the date on which the medicaid estate recovery notice form is received under division (B) of this section or one year after the decedent's death, whichever is later.

**Sec. 2117.25.** (A) Every executor or administrator shall proceed with diligence to pay the debts of the decedent and shall apply the assets in the following order:

(1) Costs and expenses of administration;	25960
(2) An amount, not exceeding four thousand dollars, for funeral expenses that are included in the bill of a funeral director, funeral expenses other than those in the bill of a funeral director that are approved by the probate court, and an amount, not exceeding three thousand dollars, for burial and cemetery expenses, including that portion of the funeral director's bill allocated to cemetery expenses that have been paid to the cemetery by the funeral director.	25961 25962 25963 25964 25965 25966 25967 25968
For purposes of division (A)(2) of this section, burial and cemetery expenses shall be limited to the following:	25969 25970
(a) The purchase of a right of interment;	25971
(b) Monuments or other markers;	25972
(c) The outer burial container;	25973
(d) The cost of opening and closing the place of interment;	25974
(e) The urn.	25975
(3) The allowance for support made to the surviving spouse, minor children, or both under section 2106.13 of the Revised Code;	25976 25977
(4) Debts entitled to a preference under the laws of the United States;	25978 25979
(5) Expenses of the last sickness of the decedent;	25980
(6) If the total bill of a funeral director for funeral expenses exceeds four thousand dollars, then, in addition to the amount described in division (A)(2) of this section, an amount, not exceeding two thousand dollars, for funeral expenses that are included in the bill and that exceed four thousand dollars;	25981 25982 25983 25984 25985
(7) Expenses of the decedent's last continuous stay in a nursing home as defined in section 3721.01 of the Revised Code, residential facility as defined in section 5123.19 of the Revised	25986 25987 25988

Code, or hospital long-term care unit as defined in section 25989  
~~3721.50~~ 5168.40 of the Revised Code. 25990

For purposes of division (A)(7) of this section, a decedent's 25991  
last ~~continuance~~ continuous stay includes up to thirty consecutive 25992  
days during which the decedent was temporarily absent from the 25993  
nursing home, residential facility, or hospital long-term care 25994  
unit. 25995

(8) Personal property taxes, claims made under the medicaid 25996  
estate recovery program instituted pursuant to section ~~5111.11~~ 25997  
5162.21 of the Revised Code, and obligations for which the 25998  
decedent was personally liable to the state or any of its 25999  
subdivisions; 26000

(9) Debts for manual labor performed for the decedent within 26001  
twelve months preceding the decedent's death, not exceeding three 26002  
hundred dollars to any one person; 26003

(10) Other debts for which claims have been presented and 26004  
finally allowed. 26005

(B) The part of the bill of a funeral director that exceeds 26006  
the total of six thousand dollars as described in divisions (A)(2) 26007  
and (6) of this section, and the part of a claim included in 26008  
division (A)(9) of this section that exceeds three hundred dollars 26009  
shall be included as a debt under division (A)(10) of this 26010  
section, depending upon the time when the claim for the additional 26011  
amount is presented. 26012

(C) Any natural person or fiduciary who pays a claim of any 26013  
creditor described in division (A) of this section shall be 26014  
subrogated to the rights of that creditor proportionate to the 26015  
amount of the payment and shall be entitled to reimbursement for 26016  
that amount in accordance with the priority of payments set forth 26017  
in that division. 26018

(D)(1) Chapters 2113. to 2125. of the Revised Code, relating 26019



to the manner in which and the time within which claims shall be 26020  
presented, shall apply to claims set forth in divisions (A)(2), 26021  
(6), and (9) of this section. Claims for an expense of 26022  
administration or for the allowance for support need not be 26023  
presented. The executor or administrator shall pay debts included 26024  
in divisions (A)(4) and (8) of this section, of which the executor 26025  
or administrator has knowledge, regardless of presentation. 26026

(2) The giving of written notice to an executor or 26027  
administrator of a motion or application to revive an action 26028  
pending against the decedent at the date of death shall be 26029  
equivalent to the presentation of a claim to the executor or 26030  
administrator for the purpose of determining the order of payment 26031  
of any judgment rendered or decree entered in such an action. 26032

(E) No payments shall be made to creditors of one class until 26033  
all those of the preceding class are fully paid or provided for. 26034  
If the assets are insufficient to pay all the claims of one class, 26035  
the creditors of that class shall be paid ratably. 26036

(F) If it appears at any time that the assets have been 26037  
exhausted in paying prior or preferred charges, allowances, or 26038  
claims, those payments shall be a bar to an action on any claim 26039  
not entitled to that priority or preference. 26040

**Sec. 2133.01.** Unless the context otherwise requires, as used 26041  
in sections 2133.01 to 2133.15 of the Revised Code: 26042

(A) "Adult" means an individual who is eighteen years of age 26043  
or older. 26044

(B) "Attending physician" means the physician to whom a 26045  
declarant or other patient, or the family of a declarant or other 26046  
patient, has assigned primary responsibility for the treatment or 26047  
care of the declarant or other patient, or, if the responsibility 26048  
has not been assigned, the physician who has accepted that 26049

responsibility. 26050

(C) "Comfort care" means any of the following: 26051

(1) Nutrition when administered to diminish the pain or 26052  
discomfort of a declarant or other patient, but not to postpone 26053  
the declarant's or other patient's death; 26054

(2) Hydration when administered to diminish the pain or 26055  
discomfort of a declarant or other patient, but not to postpone 26056  
the declarant's or other patient's death; 26057

(3) Any other medical or nursing procedure, treatment, 26058  
intervention, or other measure that is taken to diminish the pain 26059  
or discomfort of a declarant or other patient, but not to postpone 26060  
the declarant's or other patient's death. 26061

(D) "Consulting physician" means a physician who, in 26062  
conjunction with the attending physician of a declarant or other 26063  
patient, makes one or more determinations that are required to be 26064  
made by the attending physician, or to be made by the attending 26065  
physician and one other physician, by an applicable provision of 26066  
this chapter, to a reasonable degree of medical certainty and in 26067  
accordance with reasonable medical standards. 26068

(E) "Declarant" means any adult who has executed a 26069  
declaration in accordance with section 2133.02 of the Revised 26070  
Code. 26071

(F) "Declaration" means a written document executed in 26072  
accordance with section 2133.02 of the Revised Code. 26073

(G) "Durable power of attorney for health care" means a 26074  
document created pursuant to sections 1337.11 to 1337.17 of the 26075  
Revised Code. 26076

(H) "Guardian" means a person appointed by a probate court 26077  
pursuant to Chapter 2111. of the Revised Code to have the care and 26078  
management of the person of an incompetent. 26079

(I) "Health care facility" means any of the following:	26080
(1) A hospital;	26081
(2) A hospice care program, pediatric respite care program, or other institution that specializes in comfort care of patients in a terminal condition or in a permanently unconscious state;	26082 26083 26084
(3) A nursing home or residential care facility, as defined in section 3721.01 of the Revised Code;	26085 26086
(4) A home health agency and any residential facility where a person is receiving care under the direction of a home health agency;	26087 26088 26089
(5) An intermediate care facility for the mentally retarded.	26090
(J) "Health care personnel" means physicians, nurses, physician assistants, emergency medical technicians-basic, emergency medical technicians-intermediate, emergency medical technicians-paramedic, medical technicians, dietitians, other authorized persons acting under the direction of an attending physician, and administrators of health care facilities.	26091 26092 26093 26094 26095 26096
(K) "Home health agency" has the same meaning as in section 3701.881 of the Revised Code.	26097 26098
(L) "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.	26099 26100 26101
(M) "Hospital" has the same meanings as in sections 3701.01, 3727.01, and 5122.01 of the Revised Code.	26102 26103
(N) "Hydration" means fluids that are artificially or technologically administered.	26104 26105
(O) "Incompetent" has the same meaning as in section 2111.01 of the Revised Code.	26106 26107
(P) "Intermediate care facility for the mentally retarded"	26108

has the same meaning as in section ~~5111.20~~ 5124.01 of the Revised Code. 261109  
261110

(Q) "Life-sustaining treatment" means any medical procedure, 261111  
treatment, intervention, or other measure that, when administered 261112  
to a qualified patient or other patient, will serve principally to 261113  
prolong the process of dying. 261114

(R) "Nurse" means a person who is licensed to practice 261115  
nursing as a registered nurse or to practice practical nursing as 261116  
a licensed practical nurse pursuant to Chapter 4723. of the 261117  
Revised Code. 261118

(S) "Nursing home" has the same meaning as in section 3721.01 261119  
of the Revised Code. 261120

(T) "Nutrition" means sustenance that is artificially or 261121  
technologically administered. 261122

(U) "Permanently unconscious state" means a state of 261123  
permanent unconsciousness in a declarant or other patient that, to 261124  
a reasonable degree of medical certainty as determined in 261125  
accordance with reasonable medical standards by the declarant's or 261126  
other patient's attending physician and one other physician who 261127  
has examined the declarant or other patient, is characterized by 261128  
both of the following: 261129

(1) Irreversible unawareness of one's being and environment. 261130

(2) Total loss of cerebral cortical functioning, resulting in 261131  
the declarant or other patient having no capacity to experience 261132  
pain or suffering. 261133

(V) "Person" has the same meaning as in section 1.59 of the 261134  
Revised Code and additionally includes political subdivisions and 261135  
governmental agencies, boards, commissions, departments, 261136  
institutions, offices, and other instrumentalities. 261137

(W) "Physician" means a person who is authorized under 261138

Chapter 4731. of the Revised Code to practice medicine and surgery 26139  
or osteopathic medicine and surgery. 26140

(X) "Political subdivision" and "state" have the same 26141  
meanings as in section 2744.01 of the Revised Code. 26142

(Y) "Professional disciplinary action" means action taken by 26143  
the board or other entity that regulates the professional conduct 26144  
of health care personnel, including the state medical board and 26145  
the board of nursing. 26146

(Z) "Qualified patient" means an adult who has executed a 26147  
declaration and has been determined to be in a terminal condition 26148  
or in a permanently unconscious state. 26149

(AA) "Terminal condition" means an irreversible, incurable, 26150  
and untreatable condition caused by disease, illness, or injury 26151  
from which, to a reasonable degree of medical certainty as 26152  
determined in accordance with reasonable medical standards by a 26153  
declarant's or other patient's attending physician and one other 26154  
physician who has examined the declarant or other patient, both of 26155  
the following apply: 26156

(1) There can be no recovery. 26157

(2) Death is likely to occur within a relatively short time 26158  
if life-sustaining treatment is not administered. 26159

(BB) "Tort action" means a civil action for damages for 26160  
injury, death, or loss to person or property, other than a civil 26161  
action for damages for breach of a contract or another agreement 26162  
between persons. 26163

**Sec. 2133.25.** (A) The department of health, by rule adopted 26164  
pursuant to Chapter 119. of the Revised Code, shall adopt a 26165  
standardized method of procedure for the withholding of CPR by 26166  
physicians, emergency medical services personnel, and health care 26167  
facilities in accordance with sections 2133.21 to 2133.26 of the 26168

Revised Code. The standardized method shall specify criteria for 26169  
determining when a do-not-resuscitate order issued by a physician 26170  
is current. The standardized method so adopted shall be the 26171  
"do-not-resuscitate protocol" for purposes of sections 2133.21 to 26172  
2133.26 of the Revised Code. The department also shall approve one 26173  
or more standard forms of DNR identification to be used throughout 26174  
this state. 26175

(B) The department of health shall adopt rules in accordance 26176  
with Chapter 119. of the Revised Code for the administration of 26177  
sections 2133.21 to 2133.26 of the Revised Code. 26178

(C) The department of health shall appoint an advisory 26179  
committee to advise the department in the development of rules 26180  
under this section. The advisory committee shall include, but 26181  
shall not be limited to, representatives of each of the following 26182  
organizations: 26183

- (1) The association for hospitals and health systems (OHA); 26184
- (2) The Ohio state medical association; 26185
- (3) The Ohio chapter of the American college of emergency 26186  
physicians; 26187
- (4) The Ohio hospice organization; 26188
- (5) The Ohio council for home care; 26189
- (6) The Ohio health care association; 26190
- (7) The Ohio ambulance association; 26191
- (8) The Ohio medical directors association; 26192
- (9) The Ohio association of emergency medical services; 26193
- (10) The bioethics network of Ohio; 26194
- (11) The Ohio nurses association; 26195
- (12) The Ohio academy of nursing homes; 26196

(13) The Ohio association of professional firefighters;	26197
(14) The department of developmental disabilities;	26198
(15) The Ohio osteopathic association;	26199
(16) The association of Ohio philanthropic homes, housing and services for the aging;	26200 26201
(17) The catholic conference of Ohio;	26202
(18) The department of aging;	26203
(19) The department of <del>mental health</del> <u>mental health and addiction services</u> ;	26204 26205
(20) The Ohio private residential association;	26206
(21) The northern Ohio fire fighters association.	26207
<b>Sec. 2151.011.</b> (A) As used in the Revised Code:	26208
(1) "Juvenile court" means whichever of the following is applicable that has jurisdiction under this chapter and Chapter 2152. of the Revised Code:	26209 26210 26211
(a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juveniledivision or the juvenile division combined with one or more other divisions;	26212 26213 26214 26215 26216
(b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code;	26217 26218 26219 26220
(c) If division (A)(1)(a) or (b) of this section does not apply, the probate division of the court of common pleas.	26221 26222
(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.	26223 26224

(3) "Private child placing agency" means any association, as 26225  
defined in section 5103.02 of the Revised Code, that is certified 26226  
under section 5103.03 of the Revised Code to accept temporary, 26227  
permanent, or legal custody of children and place the children for 26228  
either foster care or adoption. 26229

(4) "Private noncustodial agency" means any person, 26230  
organization, association, or society certified by the department 26231  
of job and family services that does not accept temporary or 26232  
permanent legal custody of children, that is privately operated in 26233  
this state, and that does one or more of the following: 26234

(a) Receives and cares for children for two or more 26235  
consecutive weeks; 26236

(b) Participates in the placement of children in certified 26237  
foster homes; 26238

(c) Provides adoption services in conjunction with a public 26239  
children services agency or private child placing agency. 26240

(B) As used in this chapter: 26241

(1) "Adequate parental care" means the provision by a child's 26242  
parent or parents, guardian, or custodian of adequate food, 26243  
clothing, and shelter to ensure the child's health and physical 26244  
safety and the provision by a child's parent or parents of 26245  
specialized services warranted by the child's physical or mental 26246  
needs. 26247

(2) "Adult" means an individual who is eighteen years of age 26248  
or older. 26249

(3) "Agreement for temporary custody" means a voluntary 26250  
agreement authorized by section 5103.15 of the Revised Code that 26251  
transfers the temporary custody of a child to a public children 26252  
services agency or a private child placing agency. 26253

(4) "Alternative response" means the public children services 26254



agency's response to a report of child abuse or neglect that 26255  
engages the family in a comprehensive evaluation of child safety, 26256  
risk of subsequent harm, and family strengths and needs and that 26257  
does not include a determination as to whether child abuse or 26258  
neglect occurred. 26259

(5) "Certified foster home" means a foster home, as defined 26260  
in section 5103.02 of the Revised Code, certified under section 26261  
5103.03 of the Revised Code. 26262

(6) "Child" means a person who is under eighteen years of 26263  
age, except that the juvenile court has jurisdiction over any 26264  
person who is adjudicated an unruly child prior to attaining 26265  
eighteen years of age until the person attains twenty-one years of 26266  
age, and, for purposes of that jurisdiction related to that 26267  
adjudication, a person who is so adjudicated an unruly child shall 26268  
be deemed a "child" until the person attains twenty-one years of 26269  
age. 26270

(7) "Child day camp," "child care," "child day-care center," 26271  
"part-time child day-care center," "type A family day-care home," 26272  
"certified type B family day-care home," "type B home," 26273  
"administrator of a child day-care center," "administrator of a 26274  
type A family day-care home," "in-home aide," and "authorized 26275  
provider" have the same meanings as in section 5104.01 of the 26276  
Revised Code. 26277

(8) "Child care provider" means an individual who is a 26278  
child-care staff member or administrator of a child day-care 26279  
center, a type A family day-care home, or a type B family day-care 26280  
home, or an in-home aide or an individual who is licensed, is 26281  
regulated, is approved, operates under the direction of, or 26282  
otherwise is certified by the department of job and family 26283  
services, department of developmental disabilities, or the early 26284  
childhood programs of the department of education. 26285

(9) "Chronic truant" has the same meaning as in section 2152.02 of the Revised Code.	26286 26287
(10) "Commit" means to vest custody as ordered by the court.	26288
(11) "Counseling" includes both of the following:	26289
(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child.	26290 26291 26292 26293 26294
(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling.	26295 26296 26297 26298 26299 26300
(12) "Custodian" means a person who has legal custody of a child or a public children services agency or private child placing agency that has permanent, temporary, or legal custody of a child.	26301 26302 26303 26304
(13) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code.	26305 26306
(14) "Detention" means the temporary care of children pending court adjudication or disposition, or execution of a court order, in a public or private facility designed to physically restrict the movement and activities of children.	26307 26308 26309 26310
(15) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.	26311 26312
(16) "Differential response approach" means an approach that a public children services agency may use to respond to accepted reports of child abuse or neglect with either an alternative	26313 26314 26315

response or a traditional response. 26316

(17) "Foster caregiver" has the same meaning as in section 26317  
5103.02 of the Revised Code. 26318

(18) "Guardian" means a person, association, or corporation 26319  
that is granted authority by a probate court pursuant to Chapter 26320  
2111. of the Revised Code to exercise parental rights over a child 26321  
to the extent provided in the court's order and subject to the 26322  
residual parental rights of the child's parents. 26323

(19) "Habitual truant" means any child of compulsory school 26324  
age who is absent without legitimate excuse for absence from the 26325  
public school the child is supposed to attend for five or more 26326  
consecutive school days, seven or more school days in one school 26327  
month, or twelve or more school days in a school year. 26328

(20) "Juvenile traffic offender" has the same meaning as in 26329  
section 2152.02 of the Revised Code. 26330

(21) "Legal custody" means a legal status that vests in the 26331  
custodian the right to have physical care and control of the child 26332  
and to determine where and with whom the child shall live, and the 26333  
right and duty to protect, train, and discipline the child and to 26334  
provide the child with food, shelter, education, and medical care, 26335  
all subject to any residual parental rights, privileges, and 26336  
responsibilities. An individual granted legal custody shall 26337  
exercise the rights and responsibilities personally unless 26338  
otherwise authorized by any section of the Revised Code or by the 26339  
court. 26340

(22) A "legitimate excuse for absence from the public school 26341  
the child is supposed to attend" includes, but is not limited to, 26342  
any of the following: 26343

(a) The fact that the child in question has enrolled in and 26344  
is attending another public or nonpublic school in this or another 26345  
state; 26346

(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code;	26347 26348 26349
(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code.	26350 26351 26352
(23) "Mental illness" and "mentally ill person subject to hospitalization by court order" have the same meanings as in section 5122.01 of the Revised Code.	26353 26354 26355
(24) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.	26356 26357 26358 26359 26360
(25) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code.	26361 26362
(26) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.	26363 26364 26365 26366
(27) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.	26367 26368
(28) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere.	26369 26370 26371 26372 26373 26374
(29) "Out-of-home care" means detention facilities, shelter facilities, certified children's crisis care facilities, certified	26375 26376

foster homes, placement in a prospective adoptive home prior to 26377  
the issuance of a final decree of adoption, organizations, 26378  
certified organizations, child day-care centers, type A family 26379  
day-care homes, child care provided by type B family day-care home 26380  
providers and by in-home aides, group home providers, group homes, 26381  
institutions, state institutions, residential facilities, 26382  
residential care facilities, residential camps, day camps, public 26383  
schools, chartered nonpublic schools, educational service centers, 26384  
hospitals, and medical clinics that are responsible for the care, 26385  
physical custody, or control of children. 26386

(30) "Out-of-home care child abuse" means any of the 26387  
following when committed by a person responsible for the care of a 26388  
child in out-of-home care: 26389

(a) Engaging in sexual activity with a child in the person's 26390  
care; 26391

(b) Denial to a child, as a means of punishment, of proper or 26392  
necessary subsistence, education, medical care, or other care 26393  
necessary for a child's health; 26394

(c) Use of restraint procedures on a child that cause injury 26395  
or pain; 26396

(d) Administration of prescription drugs or psychotropic 26397  
medication to the child without the written approval and ongoing 26398  
supervision of a licensed physician; 26399

(e) Commission of any act, other than by accidental means, 26400  
that results in any injury to or death of the child in out-of-home 26401  
care or commission of any act by accidental means that results in 26402  
an injury to or death of a child in out-of-home care and that is 26403  
at variance with the history given of the injury or death. 26404

(31) "Out-of-home care child neglect" means any of the 26405  
following when committed by a person responsible for the care of a 26406  
child in out-of-home care: 26407

(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;	26408 26409 26410
(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	26411 26412 26413 26414
(c) Failure to develop a process for all of the following:	26415
(i) Administration of prescription drugs or psychotropic drugs for the child;	26416 26417
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	26418 26419
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	26420 26421 26422
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;	26423 26424 26425
(e) Confinement of the child to a locked room without monitoring by staff;	26426 26427
(f) Failure to provide ongoing security for all prescription and nonprescription medication;	26428 26429
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	26430 26431 26432
(32) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and	26433 26434 26435 26436 26437

obligations, including all residual rights and obligations. 26438

(33) "Permanent surrender" means the act of the parents or, 26439  
if a child has only one parent, of the parent of a child, by a 26440  
voluntary agreement authorized by section 5103.15 of the Revised 26441  
Code, to transfer the permanent custody of the child to a public 26442  
children services agency or a private child placing agency. 26443

(34) "Person" means an individual, association, corporation, 26444  
or partnership and the state or any of its political subdivisions, 26445  
departments, or agencies. 26446

(35) "Person responsible for a child's care in out-of-home 26447  
care" means any of the following: 26448

(a) Any foster caregiver, in-home aide, or provider; 26449

(b) Any administrator, employee, or agent of any of the 26450  
following: a public or private detention facility; shelter 26451  
facility; certified children's crisis care facility; organization; 26452  
certified organization; child day-care center; type A family 26453  
day-care home; certified type B family day-care home; group home; 26454  
institution; state institution; residential facility; residential 26455  
care facility; residential camp; day camp; school district; 26456  
community school; chartered nonpublic school; educational service 26457  
center; hospital; or medical clinic; 26458

(c) Any person who supervises or coaches children as part of 26459  
an extracurricular activity sponsored by a school district, public 26460  
school, or chartered nonpublic school; 26461

(d) Any other person who performs a similar function with 26462  
respect to, or has a similar relationship to, children. 26463

(36) "Physically impaired" means having one or more of the 26464  
following conditions that substantially limit one or more of an 26465  
individual's major life activities, including self-care, receptive 26466  
and expressive language, learning, mobility, and self-direction: 26467

(a) A substantial impairment of vision, speech, or hearing;	26468
(b) A congenital orthopedic impairment;	26469
(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.	26470 26471 26472
(37) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.	26473 26474 26475 26476
(38) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.	26477 26478 26479 26480
(39) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:	26481 26482
(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.	26483 26484 26485
(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.	26486 26487 26488 26489
(40) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.	26490 26491 26492
(41) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code.	26493 26494 26495 26496
(42) "Protective supervision" means an order of disposition	26497



pursuant to which the court permits an abused, neglected, 26498  
dependent, or unruly child to remain in the custody of the child's 26499  
parents, guardian, or custodian and stay in the child's home, 26500  
subject to any conditions and limitations upon the child, the 26501  
child's parents, guardian, or custodian, or any other person that 26502  
the court prescribes, including supervision as directed by the 26503  
court for the protection of the child. 26504

(43) "Psychiatrist" has the same meaning as in section 26505  
5122.01 of the Revised Code. 26506

(44) "Psychologist" has the same meaning as in section 26507  
4732.01 of the Revised Code. 26508

(45) "Residential camp" means a program in which the care, 26509  
physical custody, or control of children is accepted overnight for 26510  
recreational or recreational and educational purposes. 26511

(46) "Residential care facility" means an institution, 26512  
residence, or facility that is licensed by the department of 26513  
~~mental health~~ mental health and addiction services under section 26514  
~~5119.22~~ 5119.34 of the Revised Code and that provides care for a 26515  
child. 26516

(47) "Residential facility" means a home or facility that is 26517  
licensed by the department of developmental disabilities under 26518  
section 5123.19 of the Revised Code and in which a child with a 26519  
developmental disability resides. 26520

(48) "Residual parental rights, privileges, and 26521  
responsibilities" means those rights, privileges, and 26522  
responsibilities remaining with the natural parent after the 26523  
transfer of legal custody of the child, including, but not 26524  
necessarily limited to, the privilege of reasonable visitation, 26525  
consent to adoption, the privilege to determine the child's 26526  
religious affiliation, and the responsibility for support. 26527

(49) "School day" means the school day established by the 26528

state board of education pursuant to section 3313.48 of the Revised Code.

(50) "School month" and "school year" have the same meanings as in section 3313.62 of the Revised Code.

(51) "Secure correctional facility" means a facility under the direction of the department of youth services that is designed to physically restrict the movement and activities of children and used for the placement of children after adjudication and disposition.

(52) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.

(53) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.

(54) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.

(55) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement.

(56) "Traditional response" means a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm.

(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety

days, regardless of whether the parents resume contact with the 26559  
child after that period of ninety days. 26560

**Sec. 2151.3514.** (A) As used in this section: 26561

(1) "~~Alcohol and drug~~ Community addiction program services  
provider" has the same meaning as in section ~~3793.01~~ 5119.01 of 26562  
the Revised Code; 26563  
26564

(2) "Chemical dependency" means either of the following: 26565

(a) The chronic and habitual use of alcoholic beverages to 26566  
the extent that the user no longer can control the use of alcohol 26567  
or endangers the user's health, safety, or welfare or that of 26568  
others; 26569

(b) The use of a drug of abuse to the extent that the user 26570  
becomes physically or psychologically dependent on the drug or 26571  
endangers the user's health, safety, or welfare or that of others. 26572

(3) "Drug of abuse" has the same meaning as in section 26573  
3719.011 of the Revised Code. 26574

~~(4) "Medicaid" means the program established under Chapter~~ 26575  
~~5111. of the Revised Code.~~ 26576

(B) If the juvenile court issues an order of temporary 26577  
custody or protective supervision under division (A) of section 26578  
2151.353 of the Revised Code with respect to a child adjudicated 26579  
to be an abused, neglected, or dependent child and the alcohol or 26580  
other drug addiction of a parent or other caregiver of the child 26581  
was the basis for the adjudication of abuse, neglect, or 26582  
dependency, the court shall issue an order requiring the parent or 26583  
other caregiver to submit to an assessment and, if needed, 26584  
treatment from ~~an alcohol and drug~~ a community addiction program  
services provider certified by the department of ~~alcohol and drug~~ 26585  
~~addiction services~~ mental health and addiction services. The court 26586  
may order the parent or other caregiver to submit to alcohol or 26587  
26588

other drug testing during, after, or both during and after, the 26589  
treatment. The court shall send any order issued pursuant to this 26590  
division to the public children services agency that serves the 26591  
county in which the court is located for use as described in 26592  
section 340.15 of the Revised Code. 26593

(C) Any order requiring alcohol or other drug testing that is 26594  
issued pursuant to division (B) of this section shall require one 26595  
alcohol or other drug test to be conducted each month during a 26596  
period of twelve consecutive months beginning the month 26597  
immediately following the month in which the order for alcohol or 26598  
other drug testing is issued. Arrangements for administering the 26599  
alcohol or other drug tests, as well as funding the costs of the 26600  
tests, shall be locally determined in accordance with sections 26601  
~~340.033~~ 340.03 and 340.15 of the Revised Code. If a parent or 26602  
other caregiver required to submit to alcohol or other drug tests 26603  
under this section is not a recipient of medicaid, the agency that 26604  
refers the parent or caregiver for the tests may require the 26605  
parent or caregiver to reimburse the agency for the cost of 26606  
conducting the tests. 26607

(D) The certified ~~alcohol and drug~~ community addiction 26608  
~~program~~ services provider that conducts any alcohol or other drug 26609  
tests ordered in accordance with divisions (B) and (C) of this 26610  
section shall send the results of the tests, along with the 26611  
~~program's~~ provider's recommendations as to the benefits of 26612  
continued treatment, to the court and to the public children 26613  
services agency providing services to the involved family, 26614  
according to federal regulations set forth in 42 C.F.R. Part 2, 26615  
and division (B) of section 340.15 of the Revised Code. The court 26616  
shall consider the results and the recommendations sent to it 26617  
under this division in any adjudication or review by the court, 26618  
according to section 2151.353, 2151.414, or 2151.419 of the 26619  
Revised Code. 26620

**Sec. 2151.362.** (A)(1) In the manner prescribed by division 26621  
(C)(1) or (2) of section 3313.64 of the Revised Code, as 26622  
applicable, the court, at the time of making any order that 26623  
removes a child from the child's own home or that vests legal or 26624  
permanent custody of the child in a person other than the child's 26625  
parent or a government agency, shall determine the school district 26626  
that is to bear the cost of educating the child. The court shall 26627  
make the determination a part of the order that provides for the 26628  
child's placement or commitment. That school district shall bear 26629  
the cost of educating the child unless and until the department of 26630  
education determines that a different district shall be 26631  
responsible for bearing that cost pursuant to division (A)(2) of 26632  
this section. The court's order shall state that the determination 26633  
of which school district is responsible to bear the cost of 26634  
educating the child is subject to re-determination by the 26635  
department pursuant to that division. 26636

(2) If, while the child is in the custody of a person other 26637  
than the child's parent or a government agency, the department of 26638  
education determines that the place of residence of the child's 26639  
parent has changed since the court issued its initial order, the 26640  
department may name a different school district to bear the cost 26641  
of educating the child. The department shall make this new 26642  
determination, and any future determinations, based on evidence 26643  
received from the school district currently responsible to bear 26644  
the cost of educating the child. If the department finds that the 26645  
evidence demonstrates to its satisfaction that the residence of 26646  
the child's parent has changed since the court issued its initial 26647  
order under division (A)(1) of this section, or since the 26648  
department last made a determination under division (A)(2) of this 26649  
section, the department shall name the district in which the 26650  
child's parent currently resides or, if the parent's residence is 26651  
not known, the district in which the parent's last known residence 26652

is located. If the department cannot determine any Ohio district 26653  
in which the parent currently resides or has resided, the school 26654  
district designated in the initial court order under division 26655  
(A)(1) of this section, or in the most recent determination made 26656  
by the department under division (A)(2) of this section, shall 26657  
continue to bear the cost of educating the child. 26658

(B) Whenever a child is placed in a detention facility 26659  
established under section 2152.41 of the Revised Code or a 26660  
juvenile facility established under section 2151.65 of the Revised 26661  
Code, the facility shall be responsible for coordinating the 26662  
education of the child. The facility may take any of the following 26663  
measures in coordinating the education of the child: 26664

(1) If applicable, use the chartered nonpublic school that 26665  
the facility operates; 26666

(2) Arrange with the school district responsible for bearing 26667  
the cost of educating the child determined under division (A) of 26668  
this section, for the facility to educate the child on its own; 26669

(3) Contract with an educational service center for the 26670  
service center to educate the child; 26671

(4) Contract with the school district in which the facility 26672  
is located for that school district to educate the child; 26673

(5) If the child is enrolled in an internet- or 26674  
computer-based community school established under Chapter 3314. of 26675  
the Revised Code, and provided that the facility possesses the 26676  
necessary hardware, software, and internet connectivity, permit 26677  
continued instruction of the child by the internet- or 26678  
computer-based community school. 26679

If the facility coordinates the education of the child 26680  
pursuant to division (B)(1), (2), (3), or (4) of this section, 26681  
child's school district as determined by the court or the 26682  
department, in the same manner as prescribed in division (A) of 26683

this section, shall pay the cost of educating the child based on 26684  
the per capita cost of the educational facility within the 26685  
detention home or juvenile facility. 26686

If the facility coordinates the education of the child 26687  
pursuant to division (B)(5) of this section, payment for the cost 26688  
of educating the child shall be made only as provided in division 26689  
(C) of section 3314.08 of the Revised Code. 26690

(C) Whenever a child is placed by the court in a private 26691  
institution, school, or residential treatment center or any other 26692  
private facility, the state shall pay to the court a subsidy to 26693  
help defray the expense of educating the child in an amount equal 26694  
to the product of the daily per capita educational cost of the 26695  
private facility, as determined pursuant to this section, and the 26696  
number of days the child resides at the private facility, provided 26697  
that the subsidy shall not exceed twenty-five hundred dollars per 26698  
year per child. The daily per capita educational cost of a private 26699  
facility shall be determined by dividing the actual program cost 26700  
of the private facility or twenty-five hundred dollars, whichever 26701  
is less, by three hundred sixty-five days or by three hundred 26702  
sixty-six days for years that include February twenty-ninth. The 26703  
state shall pay seventy-five per cent of the total subsidy for 26704  
each year quarterly to the court. The state may adjust the 26705  
remaining twenty-five per cent of the total subsidy to be paid to 26706  
the court for each year to an amount that is less than twenty-five 26707  
per cent of the total subsidy for that year based upon the 26708  
availability of funds appropriated to the department of education 26709  
for the purpose of subsidizing courts that place a child in a 26710  
private institution, school, or residential treatment center or 26711  
any other private facility and shall pay that adjusted amount to 26712  
the court at the end of the year. 26713

**Sec. 2151.86.** (A)(1) The appointing or hiring officer of any 26714

entity that appoints or employs any person responsible for a 26715  
child's care in out-of-home care shall request the superintendent 26716  
of BCII to conduct a criminal records check with respect to any 26717  
person who is under final consideration for appointment or 26718  
employment as a person responsible for a child's care in 26719  
out-of-home care, except that section 3319.39 of the Revised Code 26720  
shall apply instead of this section if the out-of-home care entity 26721  
is a public school, educational service center, or chartered 26722  
nonpublic school. 26723

(2) At the times specified in this division, the 26724  
administrative director of an agency, or attorney, who arranges an 26725  
adoption for a prospective adoptive parent shall request the 26726  
superintendent of BCII to conduct a criminal records check with 26727  
respect to that prospective adoptive parent and a criminal records 26728  
check with respect to all persons eighteen years of age or older 26729  
who reside with the prospective adoptive parent. The 26730  
administrative director or attorney shall request a criminal 26731  
records check pursuant to this division at the time of the initial 26732  
home study, every four years after the initial home study at the 26733  
time of an update, and at the time that an adoptive home study is 26734  
completed as a new home study. 26735

(3) Before a recommending agency submits a recommendation to 26736  
the department of job and family services on whether the 26737  
department should issue a certificate to a foster home under 26738  
section 5103.03 of the Revised Code, and every four years 26739  
thereafter prior to a recertification under that section, the 26740  
administrative director of the agency shall request that the 26741  
superintendent of BCII conduct a criminal records check with 26742  
respect to the prospective foster caregiver and a criminal records 26743  
check with respect to all other persons eighteen years of age or 26744  
older who reside with the foster caregiver. 26745

(B)(1) If a person subject to a criminal records check under 26746



division (A)(1) of this section does not present proof that the 26747  
person has been a resident of this state for the five-year period 26748  
immediately prior to the date upon which the criminal records 26749  
check is requested or does not provide evidence that within that 26750  
five-year period the superintendent of BCII has requested 26751  
information about the person from the federal bureau of 26752  
investigation in a criminal records check, the appointing or 26753  
hiring officer shall request that the superintendent of BCII 26754  
obtain information from the federal bureau of investigation as a 26755  
part of the criminal records check, including fingerprint-based 26756  
checks of national crime information databases as described in 42 26757  
U.S.C. 671. If a person subject to a criminal records check under 26758  
division (A)(1) of this section presents proof that the person has 26759  
been a resident of this state for that five-year period, the 26760  
appointing or hiring officer or attorney may request that the 26761  
superintendent of BCII include information from the federal bureau 26762  
of investigation in the criminal records check, including 26763  
fingerprint-based checks of national crime information databases 26764  
as described in 42 U.S.C. 671. 26765

When the administrative director of an agency, or attorney, 26766  
who arranges an adoption for a prospective parent requests, at the 26767  
time of the initial home study, a criminal records check for a 26768  
person pursuant to division (A)(2) of this section, the 26769  
administrative director or attorney shall request that the 26770  
superintendent of BCII obtain information from the federal bureau 26771  
of investigation as part of the criminal records check, including 26772  
fingerprint-based checks of national crime information databases 26773  
as described in 42 U.S.C. 671, for the person subject to the 26774  
criminal records check. In all other cases in which the 26775  
administrative director of an agency, or attorney, who arranges an 26776  
adoption for a prospective parent requests a criminal records 26777  
check for a person pursuant to division (A)(2) of this section, 26778  
the administrative director or attorney may request that the 26779

superintendent of BCII include information from the federal bureau 26780  
of investigation in the criminal records check, including 26781  
fingerprint-based checks of national crime information databases 26782  
as described in 42 U.S.C. 671. 26783

When the administrative director of a recommending agency 26784  
requests, before submitting a recommendation to the department of 26785  
job and family services on whether the department should issue a 26786  
certificate to a foster home under section 5103.03 of the Revised 26787  
Code, a criminal records check for a person pursuant to division 26788  
(A)(3) of this section, the administrative director shall request 26789  
that the superintendent of BCII obtain information from the 26790  
federal bureau of investigation as part of a criminal records 26791  
check, including fingerprint-based checks of national crime 26792  
information databases as described in 42 U.S.C. 671, for the 26793  
person subject to the criminal records check. In all other cases 26794  
in which the administrative director of a recommending agency 26795  
requests a criminal records check for a person pursuant to 26796  
division (A)(3) of this section, the administrative director may 26797  
request that the superintendent of BCII include information from 26798  
the federal bureau of investigation in the criminal records check, 26799  
including fingerprint-based checks of national crime information 26800  
databases as described in 42 U.S.C. 671. 26801

Prior to a hearing on a final decree of adoption or 26802  
interlocutory order of adoption by a probate court, the 26803  
administrative director of an agency, or an attorney, who arranges 26804  
an adoption for a prospective parent shall provide to the clerk of 26805  
the probate court either of the following: 26806

(a) Any information received pursuant to a request made under 26807  
this division from the superintendent of BCII or the federal 26808  
bureau of investigation as part of the criminal records check, 26809  
including fingerprint-based checks of national crime information 26810  
databases as described in 42 U.S.C. 671, for the person subject to 26811

the criminal records check; 26812

(b) Written notification that the person subject to a 26813  
criminal records check pursuant to this division failed upon 26814  
request to provide the information necessary to complete the form 26815  
or failed to provide impressions of the person's fingerprints as 26816  
required under division (B)(2) of this section. 26817

(2) An appointing or hiring officer, administrative director, 26818  
or attorney required by division (A) of this section to request a 26819  
criminal records check shall provide to each person subject to a 26820  
criminal records check a copy of the form prescribed pursuant to 26821  
division (C)(1) of section 109.572 of the Revised Code and a 26822  
standard impression sheet to obtain fingerprint impressions 26823  
prescribed pursuant to division (C)(2) of section 109.572 of the 26824  
Revised Code, obtain the completed form and impression sheet from 26825  
the person, and forward the completed form and impression sheet to 26826  
the superintendent of BCII at the time the criminal records check 26827  
is requested. 26828

Any person subject to a criminal records check who receives 26829  
pursuant to this division a copy of the form prescribed pursuant 26830  
to division (C)(1) of section 109.572 of the Revised Code and a 26831  
copy of an impression sheet prescribed pursuant to division (C)(2) 26832  
of that section and who is requested to complete the form and 26833  
provide a set of fingerprint impressions shall complete the form 26834  
or provide all the information necessary to complete the form and 26835  
shall provide the impression sheet with the impressions of the 26836  
person's fingerprints. If a person subject to a criminal records 26837  
check, upon request, fails to provide the information necessary to 26838  
complete the form or fails to provide impressions of the person's 26839  
fingerprints, the appointing or hiring officer shall not appoint 26840  
or employ the person as a person responsible for a child's care in 26841  
out-of-home care, a probate court may not issue a final decree of 26842  
adoption or an interlocutory order of adoption making the person 26843

an adoptive parent, and the department of job and family services 26844  
shall not issue a certificate authorizing the prospective foster 26845  
caregiver to operate a foster home. 26846

(C)(1) No appointing or hiring officer shall appoint or 26847  
employ a person as a person responsible for a child's care in 26848  
out-of-home care, the department of job and family services shall 26849  
not issue a certificate under section 5103.03 of the Revised Code 26850  
authorizing a prospective foster caregiver to operate a foster 26851  
home, and no probate court shall issue a final decree of adoption 26852  
or an interlocutory order of adoption making a person an adoptive 26853  
parent if the person or, in the case of a prospective foster 26854  
caregiver or prospective adoptive parent, any person eighteen 26855  
years of age or older who resides with the prospective foster 26856  
caregiver or prospective adoptive parent previously has been 26857  
convicted of or pleaded guilty to any of the violations described 26858  
in division (A)(4) of section 109.572 of the Revised Code, unless 26859  
the person meets rehabilitation standards established in rules 26860  
adopted under division (F) of this section. 26861

(2) The appointing or hiring officer may appoint or employ a 26862  
person as a person responsible for a child's care in out-of-home 26863  
care conditionally until the criminal records check required by 26864  
this section is completed and the officer receives the results of 26865  
the criminal records check. If the results of the criminal records 26866  
check indicate that, pursuant to division (C)(1) of this section, 26867  
the person subject to the criminal records check does not qualify 26868  
for appointment or employment, the officer shall release the 26869  
person from appointment or employment. 26870

(3) Prior to certification or recertification under section 26871  
5103.03 of the Revised Code, the prospective foster caregiver 26872  
subject to a criminal records check under division (A)(3) of this 26873  
section shall notify the recommending agency of the revocation of 26874  
any foster home license, certificate, or other similar 26875

authorization in another state occurring within the five years 26876  
prior to the date of application to become a foster caregiver in 26877  
this state. The failure of a prospective foster caregiver to 26878  
notify the recommending agency of any revocation of that type in 26879  
another state that occurred within that five-year period shall be 26880  
grounds for denial of the person's foster home application or the 26881  
revocation of the person's foster home certification, whichever is 26882  
applicable. If a person has had a revocation in another state 26883  
within the five years prior to the date of the application, the 26884  
department of job and family services shall not issue a foster 26885  
home certificate to the prospective foster caregiver. 26886

(D) The appointing or hiring officer, administrative 26887  
director, or attorney shall pay to the bureau of criminal 26888  
identification and investigation the fee prescribed pursuant to 26889  
division (C)(3) of section 109.572 of the Revised Code for each 26890  
criminal records check conducted in accordance with that section 26891  
upon a request pursuant to division (A) of this section. The 26892  
officer, director, or attorney may charge the person subject to 26893  
the criminal records check a fee for the costs the officer, 26894  
director, or attorney incurs in obtaining the criminal records 26895  
check. A fee charged under this division shall not exceed the 26896  
amount of fees the officer, director, or attorney pays for the 26897  
criminal records check. If a fee is charged under this division, 26898  
the officer, director, or attorney shall notify the person who is 26899  
the applicant at the time of the person's initial application for 26900  
appointment or employment, an adoption to be arranged, or a 26901  
certificate to operate a foster home of the amount of the fee and 26902  
that, unless the fee is paid, the person who is the applicant will 26903  
not be considered for appointment or employment or as an adoptive 26904  
parent or foster caregiver. 26905

(E) The report of any criminal records check conducted by the 26906  
bureau of criminal identification and investigation in accordance 26907

with section 109.572 of the Revised Code and pursuant to a request 26908  
made under division (A) of this section is not a public record for 26909  
the purposes of section 149.43 of the Revised Code and shall not 26910  
be made available to any person other than the following: 26911

(1) The person who is the subject of the criminal records 26912  
check or the person's representative; 26913

(2) The appointing or hiring officer, administrative 26914  
director, or attorney requesting the criminal records check or the 26915  
officer's, director's, or attorney's representative; 26916

(3) The department of job and family services, a county 26917  
department of job and family services, or a public children 26918  
services agency; 26919

(4) Any court, hearing officer, or other necessary individual 26920  
involved in a case dealing with the denial of employment, a final 26921  
decree of adoption or interlocutory order of adoption, or a foster 26922  
home certificate. 26923

(F) The director of job and family services shall adopt rules 26924  
in accordance with Chapter 119. of the Revised Code to implement 26925  
this section. The rules shall include rehabilitation standards a 26926  
person who has been convicted of or pleaded guilty to an offense 26927  
listed in division (A)(4) of section 109.572 of the Revised Code 26928  
must meet for an appointing or hiring officer to appoint or employ 26929  
the person as a person responsible for a child's care in 26930  
out-of-home care, a probate court to issue a final decree of 26931  
adoption or interlocutory order of adoption making the person an 26932  
adoptive parent, or the department to issue a certificate 26933  
authorizing the prospective foster caregiver to operate a foster 26934  
home or not revoke a foster home certificate for a violation 26935  
specified in section 5103.0328 of the Revised Code. 26936

(G) An appointing or hiring officer, administrative director, 26937  
or attorney required by division (A) of this section to request a 26938

criminal records check shall inform each person who is the 26939  
applicant, at the time of the person's initial application for 26940  
appointment or employment, an adoption to be arranged, or a foster 26941  
home certificate, that the person subject to the criminal records 26942  
check is required to provide a set of impressions of the person's 26943  
fingerprints and that a criminal records check is required to be 26944  
conducted and satisfactorily completed in accordance with section 26945  
109.572 of the Revised Code. 26946

~~(H) The department of job and family services may waive the 26947  
requirement that a criminal records check based on fingerprints be 26948  
conducted for an adult resident of a prospective adoptive or 26949  
foster home or the home of a foster caregiver if the recommending 26950  
agency documents to the department's satisfaction that the adult 26951  
resident is physically unable to comply with the fingerprinting 26952  
requirement and poses no danger to foster children or adoptive 26953  
children who may be placed in the home. In such cases, the 26954  
recommending or approving agency shall request that the bureau of 26955  
criminal identification and investigation conduct a criminal 26956  
records check using the person's name and social security number. 26957~~

~~(I) As used in this section: 26958~~

~~(1) "Children's hospital" means any of the following: 26959~~

~~(a) A hospital registered under section 3701.07 of the 26960  
Revised Code that provides general pediatric medical and surgical 26961  
care, and in which at least seventy-five per cent of annual 26962  
inpatient discharges for the preceding two calendar years were 26963  
individuals less than eighteen years of age; 26964~~

~~(b) A distinct portion of a hospital registered under section 26965  
3701.07 of the Revised Code that provides general pediatric 26966  
medical and surgical care, has a total of at least one hundred 26967  
fifty registered pediatric special care and pediatric acute care 26968  
beds, and in which at least seventy-five per cent of annual 26969~~

inpatient discharges for the preceding two calendar years were 26970  
individuals less than eighteen years of age; 26971

(c) A distinct portion of a hospital, if the hospital is 26972  
registered under section 3701.07 of the Revised Code as a 26973  
children's hospital and the children's hospital meets all the 26974  
requirements of division ~~(I)~~(H)(1)(a) of this section. 26975

(2) "Criminal records check" has the same meaning as in 26976  
section 109.572 of the Revised Code. 26977

(3) "Person responsible for a child's care in out-of-home 26978  
care" has the same meaning as in section 2151.011 of the Revised 26979  
Code, except that it does not include a prospective employee of 26980  
the department of youth services or a person responsible for a 26981  
child's care in a hospital or medical clinic other than a 26982  
children's hospital. 26983

(4) "Person subject to a criminal records check" means the 26984  
following: 26985

(a) A person who is under final consideration for appointment 26986  
or employment as a person responsible for a child's care in 26987  
out-of-home care; 26988

(b) A prospective adoptive parent; 26989

(c) A prospective foster caregiver; 26990

(d) A person eighteen years old or older who resides with a 26991  
prospective foster caregiver or a prospective adoptive parent. 26992

(5) "Recommending agency" means a public children services 26993  
agency, private child placing agency, or private noncustodial 26994  
agency to which the department of job and family services has 26995  
delegated a duty to inspect and approve foster homes. 26996

(6) "Superintendent of BCII" means the superintendent of the 26997  
bureau of criminal identification and investigation. 26998



**Sec. 2152.54.** (A) An evaluation of a child who does not 26999  
appear to the court to be a person who is at least moderately 27000  
intellectually disabled shall be made by an evaluator who is one 27001  
of the following: 27002

(1) A professional employed by a psychiatric facility or 27003  
center certified by the department of ~~mental health~~ mental health 27004  
and addiction services to provide forensic services and appointed 27005  
by the director of the facility or center to conduct the 27006  
evaluation; 27007

(2) A psychiatrist or a licensed clinical psychologist who 27008  
satisfies the criteria of division (I)(1) of section 5122.01 of 27009  
the Revised Code and has specialized education, training, or 27010  
experience in forensic evaluations of children or adolescents. 27011

(B) An evaluation of a child who appears to the court to be a 27012  
person who is at least moderately intellectually disabled shall be 27013  
made by a psychiatrist or licensed clinical psychologist who 27014  
satisfies the criteria of division (I)(1) of section 5122.01 of 27015  
the Revised Code and has specialized education, training, or 27016  
experience in forensic evaluations of children or adolescents who 27017  
have intellectual disability. 27018

(C) If an evaluation is conducted by an evaluator of the type 27019  
described in division (A)(1) or (2) of this section and the 27020  
evaluator concludes that the child is a person who is at least 27021  
moderately intellectually disabled, the evaluator shall 27022  
discontinue the evaluation and notify the court within one 27023  
business day after reaching the conclusion. Within two business 27024  
days after receiving notification, the court shall order the child 27025  
to undergo an evaluation by an evaluator of the type described in 27026  
division (B) of this section. Within two business days after the 27027  
appointment of the new evaluator, the original evaluator shall 27028  
deliver to the new evaluator all information relating to the child 27029

obtained during the original evaluation. 27030

**Sec. 2152.59.** (A) If after a hearing held pursuant to section 27031  
2152.58 of the Revised Code the court determines that a child is 27032  
competent, the court shall proceed with the delinquent child's 27033  
proceeding as provided by law. No statement that a child makes 27034  
during an evaluation or hearing conducted under sections 2152.51 27035  
through 2152.59 of the Revised Code shall be used against the 27036  
child on the issue of responsibility or guilt in any child or 27037  
adult proceeding. 27038

(B) If after a hearing held pursuant to section 2152.58 of 27039  
the Revised Code the court determines that the child is not 27040  
competent and cannot attain competency within the period of time 27041  
applicable under division (D)(2) of this section, the court shall 27042  
dismiss the charges without prejudice, except that the court may 27043  
delay dismissal for up to ninety calendar days and do either of 27044  
the following: 27045

(1) Refer the matter to a public children services agency and 27046  
request that agency determine whether to file an action in 27047  
accordance with section 2151.27 of the Revised Code alleging that 27048  
the child is a dependent, neglected, or abused child; 27049

(2) Assign court staff to refer the child or the child's 27050  
family to the local family and children first council or an agency 27051  
funded by the department of ~~mental health~~ mental health and 27052  
addiction services or department of developmental disabilities or 27053  
otherwise secure services to reduce the potential that the child 27054  
would engage in behavior that could result in delinquent child or 27055  
other criminal charges. 27056

(C) If after a hearing held pursuant to section 2152.58 of 27057  
the Revised Code the court determines that a child is not 27058  
competent but could likely attain competency by participating in 27059  
services specifically designed to help the child develop 27060

competency, the court may order the child to participate in 27061  
services specifically designed to help the child develop 27062  
competency at county expense. The court shall name a reliable 27063  
provider to deliver the competency attainment services and shall 27064  
order the child's parent, guardian, or custodian to contact that 27065  
provider by a specified date to arrange for services. 27066

(D) The competency attainment services provided to a child 27067  
shall be based on a competency attainment plan described in 27068  
division (E)(2) of this section and approved by the court. 27069  
Services are subject to the following conditions and time periods 27070  
measured from the date the court approves the plan: 27071

(1) Services shall be provided in the least restrictive 27072  
setting that is consistent with the child's ability to attain 27073  
competency and the safety of both the child and the community. If 27074  
the child has been released on temporary or interim orders and 27075  
refuses or fails to cooperate with the service provider, the court 27076  
may reassess the orders and amend them to require a more 27077  
appropriate setting. 27078

(2) No child shall be required to participate in competency 27079  
attainment services for longer than is required for the child to 27080  
attain competency. The following maximum periods of participation 27081  
apply: 27082

(a) If a child is ordered to participate in competency 27083  
attainment services that are provided outside of a residential 27084  
setting, the child shall not participate in those services for a 27085  
period exceeding three months if the child is charged with an act 27086  
that would be a misdemeanor if committed by an adult, six months 27087  
if the child is charged with an act that would be a felony of the 27088  
third, fourth, or fifth degree if committed by an adult, or one 27089  
year if the child is charged with an act that would be a felony of 27090  
the first or second degree, aggravated murder, or murder if 27091  
committed by an adult. 27092

(b) If a child is ordered to receive competency attainment services that are provided in a residential setting that is operated solely or in part for the purpose of providing competency attainment services, the child shall not participate in those services for a period exceeding forty-five calendar days if the child is charged with an act that would be a misdemeanor if committed by an adult, three months if the child is charged with an act that would be a felony of the third, fourth, or fifth degree if committed by an adult, six months if the child is charged with an act that would be a felony of the first or second degree if committed by an adult, or one year if the child is charged with an act that would be aggravated murder or murder if committed by an adult.

(c) If a child is ordered into a residential, detention, or other secured setting for reasons other than to participate in competency attainment services and is also ordered to participate in competency attainment services concurrently, the child shall participate in the competency attainment services for not longer than the relevant period set forth in division (D)(2)(a) of this section.

(d) If a child is ordered to participate in competency attainment services that require the child to live for some but not all of the duration of the services in a residential setting that is operated solely or in part for the purpose of providing competency attainment services, the child shall participate in the competency attainment services for not longer than the relevant period set forth in division (D)(2)(b) of this section. For the purpose of calculating a time period under division (D)(2)(d) of this section, two days of participation in a nonresidential setting shall equal one day of participation in a residential setting.

(3) A child who receives competency attainment services in a

residential setting that is operated solely or partly for the 27125  
purpose of providing competency attainment services is in 27126  
detention for purposes of section 2921.34 and division (B) of 27127  
section 2152.18 of the Revised Code during the time that the child 27128  
resides in the residential setting. 27129

(E)(1) Within ten business days after the court names the 27130  
provider responsible for the child's competency attainment 27131  
services under division (D) of this section, the court shall 27132  
deliver to that provider a copy of each competency assessment 27133  
report it has received for review. The provider shall return the 27134  
copies of the reports to the court upon the termination of the 27135  
services. 27136

(2) Not later than thirty calendar days after the child 27137  
contacts the competency attainment services provider under 27138  
division (C) of this section, the provider shall submit to the 27139  
court a plan for the child to attain competency. The court shall 27140  
provide copies of the plan to the prosecuting attorney, the 27141  
child's attorney, the child's guardian ad litem, if any, and the 27142  
child's parents, guardian, or custodian. 27143

(F) The provider that provides the child's competency 27144  
attainment services pursuant to the competency attainment plan 27145  
shall submit reports to the court on the following schedule: 27146

(1) A report on the child's progress every thirty calendar 27147  
days and on the termination of services. The report shall not 27148  
include any details of the alleged offense as reported by the 27149  
child. 27150

(2) If the provider determines that the child is not 27151  
cooperating to a degree that would allow the services to be 27152  
effective to help the child attain competency, a report informing 27153  
the court of the determination within three business days after 27154  
making the determination; 27155

(3) If the provider determines that the current setting is no longer the least restrictive setting that is consistent with the child's ability to attain competency and the safety of both the child and the community, a report informing the court of the determination within three business days after making the determination;

(4) If the provider determines that the child has achieved the goals of the plan and would be able to understand the nature and objectives of the proceeding against the child and to assist in the child's defense, with or without reasonable accommodations to meet the criteria set forth in division (B) of section 2152.56 of the Revised Code, a report informing the court of that determination within three business days after making the determination. If the provider believes that accommodations would be necessary or desirable, the report shall include recommendations for accommodations.

(5) If the provider determines that the child will not achieve the goals of the plan within the applicable period of time under division (D)(2) of this section, a report informing the court of the determination within three business days after making the determination. The report shall include recommendations for services for the child that would support the safety of the child or the community.

(G) The court shall provide copies of any report made under division (F) of this section to the prosecuting attorney, the child's attorney, and the child's guardian ad litem, if any. The court shall provide copies of any report made under division (F) of this section to the child's parents, guardian, or custodian unless the court finds that doing so is not in the best interest of the child.

(H)(1) Within fifteen business days after receiving a report under division (F) of this section, the court may hold a hearing

to determine if a new order is necessary. To assist in making a 27188  
determination under division (H) of this section, the court may 27189  
order a new competency evaluation in accordance with section 27190  
2152.53 of the Revised Code. Until a new order is issued or the 27191  
required period of participation expires, the child shall continue 27192  
to participate in competency attainment services. 27193

(2) If after a hearing held under division (H)(1) of this 27194  
section the court determines that the child is not making progress 27195  
toward competency or is so uncooperative that attainment services 27196  
cannot be effective, the court may order a change in setting or 27197  
services that would help the child attain competency within the 27198  
relevant period of time under division (D)(2) of this section. 27199

(3) If after a hearing held under division (H)(1) of this 27200  
section the court determines that the child has not or will not 27201  
attain competency within the relevant period of time under 27202  
division (D)(2) of this section, the court shall dismiss the 27203  
delinquency complaint without prejudice, except that the court may 27204  
delay dismissal for up to ninety calendar days and do either of 27205  
the following: 27206

(a) Refer the matter to a public children services agency and 27207  
request that agency determine whether to file an action in 27208  
accordance with section 2151.27 of the Revised Code alleging that 27209  
the child is a dependent, neglected, or abused child; 27210

(b) Assign court staff to refer the child or the child's 27211  
family to the local family and children first council or an agency 27212  
funded by the department of ~~mental health~~ mental health and 27213  
addiction services or department of developmental disabilities or 27214  
otherwise secure services to reduce the potential that the child 27215  
would engage in behavior that could result in delinquency or other 27216  
criminal charges. 27217

(4) A dismissal under division (H)(3) of this section does 27218

not preclude a future delinquent child proceeding or criminal prosecution as provided under section 2151.23 of the Revised Code if the child eventually attains competency.

(5) If after a hearing held under division (H)(1) of this section the court determines that the child has attained competency, the court shall proceed with the delinquent child's proceeding in accordance with division (A) of this section.

(6) A dismissal under this section does not bar a civil action based on the acts or omissions that formed the basis of the complaint.

**Sec. 2303.201.** (A)(1) The court of common pleas of any county may determine that for the efficient operation of the court additional funds are required to computerize the court, to make available computerized legal research services, or to do both. Upon making a determination that additional funds are required for either or both of those purposes, the court shall authorize and direct the clerk of the court of common pleas to charge one additional fee, not to exceed six dollars, on the filing of each cause of action or appeal under divisions (A), (Q), and (U) of section 2303.20 of the Revised Code.

(2) All fees collected under division (A)(1) of this section shall be paid to the county treasurer. The treasurer shall place the funds from the fees in a separate fund to be disbursed either upon an order of the court, subject to an appropriation by the board of county commissioners, or upon an order of the court, subject to the court making an annual report available to the public listing the use of all such funds, in an amount not greater than the actual cost to the court of procuring and maintaining computerization of the court, computerized legal research services, or both.

(3) If the court determines that the funds in the fund



described in division (A)(2) of this section are more than 27250  
sufficient to satisfy the purpose for which the additional fee 27251  
described in division (A)(1) of this section was imposed, the 27252  
court may declare a surplus in the fund and, subject to an 27253  
appropriation by the board of county commissioners, expend those 27254  
surplus funds, or upon an order of the court, subject to the court 27255  
making an annual report available to the public listing the use of 27256  
all such funds, expend those surplus funds, for other appropriate 27257  
technological expenses of the court. 27258

(B)(1) The court of common pleas of any county may determine 27259  
that, for the efficient operation of the court, additional funds 27260  
are required to make technological advances in or to computerize 27261  
the office of the clerk of the court of common pleas and, upon 27262  
that determination, authorize and direct the clerk of the court of 27263  
common pleas to charge an additional fee, not to exceed twenty 27264  
dollars, on the filing of each cause of action or appeal, on the 27265  
filing, docketing, and endorsing of each certificate of judgment, 27266  
or on the docketing and indexing of each aid in execution or 27267  
petition to vacate, revive, or modify a judgment under divisions 27268  
(A), (P), (Q), (T), and (U) of section 2303.20 of the Revised Code 27269  
and not to exceed one dollar each for the services described in 27270  
divisions (B), (C), (D), (F), (H), and (L) of section 2303.20 of 27271  
the Revised Code. Subject to division (B)(2) of this section, all 27272  
moneys collected under division (B)(1) of this section shall be 27273  
paid to the county treasurer to be disbursed, upon an order of the 27274  
court of common pleas and subject to appropriation by the board of 27275  
county commissioners, in an amount no greater than the actual cost 27276  
to the court of procuring and maintaining technology and computer 27277  
systems for the office of the clerk of the court of common pleas. 27278

(2) If the court of common pleas of a county makes the 27279  
determination described in division (B)(1) of this section, the 27280  
board of county commissioners of that county may issue one or more 27281

general obligation bonds for the purpose of procuring and 27282  
maintaining the technology and computer systems for the office of 27283  
the clerk of the court of common pleas. In addition to the 27284  
purposes stated in division (B)(1) of this section for which the 27285  
moneys collected under that division may be expended, the moneys 27286  
additionally may be expended to pay debt charges on and financing 27287  
costs related to any general obligation bonds issued pursuant to 27288  
division (B)(2) of this section as they become due. General 27289  
obligation bonds issued pursuant to division (B)(2) of this 27290  
section are Chapter 133. securities. 27291

(C) The court of common pleas shall collect the sum of 27292  
twenty-six dollars as additional filing fees in each new civil 27293  
action or proceeding for the charitable public purpose of 27294  
providing financial assistance to legal aid societies that operate 27295  
within the state and to support the office of the state public 27296  
defender. This division does not apply to proceedings concerning 27297  
annulments, dissolutions of marriage, divorces, legal separation, 27298  
spousal support, marital property or separate property 27299  
distribution, support, or other domestic relations matters; to a 27300  
juvenile division of a court of common pleas; to a probate 27301  
division of a court of common pleas, except that the additional 27302  
filing fees shall apply to name change, guardianship, adoption, 27303  
and decedents' estate proceedings; or to an execution on a 27304  
judgment, proceeding in aid of execution, or other post-judgment 27305  
proceeding arising out of a civil action. The filing fees required 27306  
to be collected under this division shall be in addition to any 27307  
other filing fees imposed in the action or proceeding and shall be 27308  
collected at the time of the filing of the action or proceeding. 27309  
The court shall not waive the payment of the additional filing 27310  
fees in a new civil action or proceeding unless the court waives 27311  
the advanced payment of all filing fees in the action or 27312  
proceeding. All such moneys collected during a month except for an 27313  
amount equal to up to one per cent of those moneys retained to 27314

cover administrative costs shall be transmitted on or before the 27315  
twentieth day of the following month by the clerk of the court to 27316  
the treasurer of state in a manner prescribed by the treasurer of 27317  
state or by the Ohio legal assistance foundation. The treasurer of 27318  
state shall deposit four per cent of the funds collected under 27319  
this division to the credit of the civil case filing fee fund 27320  
established under section 120.07 of the Revised Code and 27321  
ninety-six per cent of the funds collected under this division to 27322  
the credit of the legal aid fund established under section 120.52 27323  
of the Revised Code. 27324

The court may retain up to one per cent of the moneys it 27325  
collects under this division to cover administrative costs, 27326  
including the hiring of any additional personnel necessary to 27327  
implement this division. If the court fails to transmit to the 27328  
treasurer of state the moneys the court collects under this 27329  
division in a manner prescribed by the treasurer of state or by 27330  
the Ohio legal assistance foundation, the court shall forfeit the 27331  
moneys the court retains under this division to cover 27332  
administrative costs, including the hiring of any additional 27333  
personnel necessary to implement this division, and shall transmit 27334  
to the treasurer of state all moneys collected under this 27335  
division, including the forfeited amount retained for 27336  
administrative costs, for deposit in the legal aid fund. 27337

(D) On and after the thirtieth day after December 9, 1994, 27338  
the court of common pleas shall collect the sum of thirty-two 27339  
dollars as additional filing fees in each new action or proceeding 27340  
for annulment, divorce, or dissolution of marriage for the purpose 27341  
of funding shelters for victims of domestic violence pursuant to 27342  
sections 3113.35 to 3113.39 of the Revised Code. The filing fees 27343  
required to be collected under this division shall be in addition 27344  
to any other filing fees imposed in the action or proceeding and 27345  
shall be collected at the time of the filing of the action or 27346

proceeding. The court shall not waive the payment of the 27347  
additional filing fees in a new action or proceeding for 27348  
annulment, divorce, or dissolution of marriage unless the court 27349  
waives the advanced payment of all filing fees in the action or 27350  
proceeding. On or before the twentieth day of each month, all 27351  
moneys collected during the immediately preceding month pursuant 27352  
to this division shall be deposited by the clerk of the court into 27353  
the county treasury in the special fund used for deposit of 27354  
additional marriage license fees as described in section 3113.34 27355  
of the Revised Code. Upon their deposit into the fund, the moneys 27356  
shall be retained in the fund and expended only as described in 27357  
section 3113.34 of the Revised Code. 27358

(E)(1) The court of common pleas may determine that, for the 27359  
efficient operation of the court, additional funds are necessary 27360  
to acquire and pay for special projects of the court, including, 27361  
but not limited to, the acquisition of additional facilities or 27362  
the rehabilitation of existing facilities, the acquisition of 27363  
equipment, the hiring and training of staff, community service 27364  
programs, mediation or dispute resolution services, the employment 27365  
of magistrates, the training and education of judges, acting 27366  
judges, and magistrates, and other related services. Upon that 27367  
determination, the court by rule may charge a fee, in addition to 27368  
all other court costs, on the filing of each criminal cause, civil 27369  
action or proceeding, or judgment by confession. 27370

If the court of common pleas offers or requires a special 27371  
program or ~~service~~ additional services in cases of a specific 27372  
type, the court by rule may assess an additional charge in a case 27373  
of that type, over and above court costs, to cover the special 27374  
program or service. The court shall adjust the special assessment 27375  
periodically, but not retroactively, so that the amount assessed 27376  
in those cases does not exceed the actual cost of providing the 27377  
service or program. 27378

All moneys collected under division (E) of this section shall 27379  
be paid to the county treasurer for deposit into either a general 27380  
special projects fund or a fund established for a specific special 27381  
project. Moneys from a fund of that nature shall be disbursed upon 27382  
an order of the court, subject to an appropriation by the board of 27383  
county commissioners, in an amount no greater than the actual cost 27384  
to the court of a project. If a specific fund is terminated 27385  
because of the discontinuance of a program or service established 27386  
under division (E) of this section, the court may order, subject 27387  
to an appropriation by the board of county commissioners, that 27388  
moneys remaining in the fund be transferred to an account 27389  
established under this division for a similar purpose. 27390

(2) As used in division (E) of this section: 27391

(a) "Criminal cause" means a charge alleging the violation of 27392  
a statute or ordinance, or subsection of a statute or ordinance, 27393  
that requires a separate finding of fact or a separate plea before 27394  
disposition and of which the defendant may be found guilty, 27395  
whether filed as part of a multiple charge on a single summons, 27396  
citation, or complaint or as a separate charge on a single 27397  
summons, citation, or complaint. "Criminal cause" does not include 27398  
separate violations of the same statute or ordinance, or 27399  
subsection of the same statute or ordinance, unless each charge is 27400  
filed on a separate summons, citation, or complaint. 27401

(b) "Civil action or proceeding" means any civil litigation 27402  
that must be determined by judgment entry. 27403

**Sec. 2305.234.** (A) As used in this section: 27404

(1) "Chiropractic claim," "medical claim," and "optometric 27405  
claim" have the same meanings as in section 2305.113 of the 27406  
Revised Code. 27407

(2) "Dental claim" has the same meaning as in section 27408

2305.113 of the Revised Code, except that it does not include any 27409  
claim arising out of a dental operation or any derivative claim 27410  
for relief that arises out of a dental operation. 27411

(3) "Governmental health care program" has the same meaning 27412  
as in section 4731.65 of the Revised Code. 27413

(4) "Health care facility or location" means a hospital, 27414  
clinic, ambulatory surgical facility, office of a health care 27415  
professional or associated group of health care professionals, 27416  
training institution for health care professionals, or any other 27417  
place where medical, dental, or other health-related diagnosis, 27418  
care, or treatment is provided to a person. 27419

(5) "Health care professional" means any of the following who 27420  
provide medical, dental, or other health-related diagnosis, care, 27421  
or treatment: 27422

(a) Physicians authorized under Chapter 4731. of the Revised 27423  
Code to practice medicine and surgery or osteopathic medicine and 27424  
surgery; 27425

(b) Registered nurses and licensed practical nurses licensed 27426  
under Chapter 4723. of the Revised Code and individuals who hold a 27427  
certificate of authority issued under that chapter that authorizes 27428  
the practice of nursing as a certified registered nurse 27429  
anesthetist, clinical nurse specialist, certified nurse-midwife, 27430  
or certified nurse practitioner; 27431

(c) Physician assistants authorized to practice under Chapter 27432  
4730. of the Revised Code; 27433

(d) Dentists and dental hygienists licensed under Chapter 27434  
4715. of the Revised Code; 27435

(e) Physical therapists, physical therapist assistants, 27436  
occupational therapists, and occupational therapy assistants 27437  
licensed under Chapter 4755. of the Revised Code; 27438

(f) Chiropractors licensed under Chapter 4734. of the Revised Code;	27439 27440
(g) Optometrists licensed under Chapter 4725. of the Revised Code;	27441 27442
(h) Podiatrists authorized under Chapter 4731. of the Revised Code to practice podiatry;	27443 27444
(i) Dietitians licensed under Chapter 4759. of the Revised Code;	27445 27446
(j) Pharmacists licensed under Chapter 4729. of the Revised Code;	27447 27448
(k) Emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic, certified under Chapter 4765. of the Revised Code;	27449 27450 27451 27452
(l) Respiratory care professionals licensed under Chapter 4761. of the Revised Code;	27453 27454
(m) Speech-language pathologists and audiologists licensed under Chapter 4753. of the Revised Code;	27455 27456
(n) Professional clinical counselors, professional counselors, independent social workers, social workers, independent marriage and family therapists, and marriage and family therapists, licensed under Chapter 4757. of the Revised Code;	27457 27458 27459 27460 27461
(o) Psychologists licensed under Chapter 4732. of the Revised Code;	27462 27463
(p) Independent chemical dependency counselors, chemical dependency counselors III, chemical dependency counselors II, and chemical dependency counselors I, licensed under Chapter 4758. of the Revised Code.	27464 27465 27466 27467
(6) "Health care worker" means a person other than a health	27468

care professional who provides medical, dental, or other 27469  
health-related care or treatment under the direction of a health 27470  
care professional with the authority to direct that individual's 27471  
activities, including medical technicians, medical assistants, 27472  
dental assistants, orderlies, aides, and individuals acting in 27473  
similar capacities. 27474

(7) "Indigent and uninsured person" means a person who meets 27475  
all of the following requirements: 27476

(a) The person's income is not greater than two hundred per 27477  
cent of the current poverty line as defined by the United States 27478  
office of management and budget and revised in accordance with 27479  
section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 27480  
95 Stat. 511, 42 U.S.C. 9902, as amended. 27481

(b) The person is not eligible ~~to receive medical assistance~~ 27482  
~~under Chapter 5111. of the Revised Code or assistance under~~ for 27483  
the medicaid program or any other governmental health care 27484  
program. 27485

(c) Either of the following applies: 27486

(i) The person is not a policyholder, certificate holder, 27487  
insured, contract holder, subscriber, enrollee, member, 27488  
beneficiary, or other covered individual under a health insurance 27489  
or health care policy, contract, or plan. 27490

(ii) The person is a policyholder, certificate holder, 27491  
insured, contract holder, subscriber, enrollee, member, 27492  
beneficiary, or other covered individual under a health insurance 27493  
or health care policy, contract, or plan, but the insurer, policy, 27494  
contract, or plan denies coverage or is the subject of insolvency 27495  
or bankruptcy proceedings in any jurisdiction. 27496

(8) "Nonprofit health care referral organization" means an 27497  
entity that is not operated for profit and refers patients to, or 27498  
arranges for the provision of, health-related diagnosis, care, or 27499



treatment by a health care professional or health care worker. 27500

(9) "Operation" means any procedure that involves cutting or 27501  
otherwise infiltrating human tissue by mechanical means, including 27502  
surgery, laser surgery, ionizing radiation, therapeutic 27503  
ultrasound, or the removal of intraocular foreign bodies. 27504

"Operation" does not include the administration of medication by 27505  
injection, unless the injection is administered in conjunction 27506  
with a procedure infiltrating human tissue by mechanical means 27507  
other than the administration of medicine by injection. 27508

"Operation" does not include routine dental restorative 27509  
procedures, the scaling of teeth, or extractions of teeth that are 27510  
not impacted. 27511

(10) "Tort action" means a civil action for damages for 27512  
injury, death, or loss to person or property other than a civil 27513  
action for damages for a breach of contract or another agreement 27514  
between persons or government entities. 27515

(11) "Volunteer" means an individual who provides any 27516  
medical, dental, or other health-care related diagnosis, care, or 27517  
treatment without the expectation of receiving and without receipt 27518  
of any compensation or other form of remuneration from an indigent 27519  
and uninsured person, another person on behalf of an indigent and 27520  
uninsured person, any health care facility or location, any 27521  
nonprofit health care referral organization, or any other person 27522  
or government entity. 27523

(12) "Community control sanction" has the same meaning as in 27524  
section 2929.01 of the Revised Code. 27525

(13) "Deep sedation" means a drug-induced depression of 27526  
consciousness during which a patient cannot be easily aroused but 27527  
responds purposefully following repeated or painful stimulation, a 27528  
patient's ability to independently maintain ventilatory function 27529  
may be impaired, a patient may require assistance in maintaining a 27530

patent airway and spontaneous ventilation may be inadequate, and 27531  
cardiovascular function is usually maintained. 27532

(14) "General anesthesia" means a drug-induced loss of 27533  
consciousness during which a patient is not arousable, even by 27534  
painful stimulation, the ability to independently maintain 27535  
ventilatory function is often impaired, a patient often requires 27536  
assistance in maintaining a patent airway, positive pressure 27537  
ventilation may be required because of depressed spontaneous 27538  
ventilation or drug-induced depression of neuromuscular function, 27539  
and cardiovascular function may be impaired. 27540

(B)(1) Subject to divisions (F) and (G)(3) of this section, a 27541  
health care professional who is a volunteer and complies with 27542  
division (B)(2) of this section is not liable in damages to any 27543  
person or government entity in a tort or other civil action, 27544  
including an action on a medical, dental, chiropractic, 27545  
optometric, or other health-related claim, for injury, death, or 27546  
loss to person or property that allegedly arises from an action or 27547  
omission of the volunteer in the provision to an indigent and 27548  
uninsured person of medical, dental, or other health-related 27549  
diagnosis, care, or treatment, including the provision of samples 27550  
of medicine and other medical products, unless the action or 27551  
omission constitutes willful or wanton misconduct. 27552

(2) To qualify for the immunity described in division (B)(1) 27553  
of this section, a health care professional shall do all of the 27554  
following prior to providing diagnosis, care, or treatment: 27555

(a) Determine, in good faith, that the indigent and uninsured 27556  
person is mentally capable of giving informed consent to the 27557  
provision of the diagnosis, care, or treatment and is not subject 27558  
to duress or under undue influence; 27559

(b) Inform the person of the provisions of this section, 27560  
including notifying the person that, by giving informed consent to 27561

the provision of the diagnosis, care, or treatment, the person 27562  
cannot hold the health care professional liable for damages in a 27563  
tort or other civil action, including an action on a medical, 27564  
dental, chiropractic, optometric, or other health-related claim, 27565  
unless the action or omission of the health care professional 27566  
constitutes willful or wanton misconduct; 27567

(c) Obtain the informed consent of the person and a written 27568  
waiver, signed by the person or by another individual on behalf of 27569  
and in the presence of the person, that states that the person is 27570  
mentally competent to give informed consent and, without being 27571  
subject to duress or under undue influence, gives informed consent 27572  
to the provision of the diagnosis, care, or treatment subject to 27573  
the provisions of this section. A written waiver under division 27574  
(B)(2)(c) of this section shall state clearly and in conspicuous 27575  
type that the person or other individual who signs the waiver is 27576  
signing it with full knowledge that, by giving informed consent to 27577  
the provision of the diagnosis, care, or treatment, the person 27578  
cannot bring a tort or other civil action, including an action on 27579  
a medical, dental, chiropractic, optometric, or other 27580  
health-related claim, against the health care professional unless 27581  
the action or omission of the health care professional constitutes 27582  
willful or wanton misconduct. 27583

(3) A physician or podiatrist who is not covered by medical 27584  
malpractice insurance, but complies with division (B)(2) of this 27585  
section, is not required to comply with division (A) of section 27586  
4731.143 of the Revised Code. 27587

(C) Subject to divisions (F) and (G)(3) of this section, 27588  
health care workers who are volunteers are not liable in damages 27589  
to any person or government entity in a tort or other civil 27590  
action, including an action upon a medical, dental, chiropractic, 27591  
optometric, or other health-related claim, for injury, death, or 27592  
loss to person or property that allegedly arises from an action or 27593

omission of the health care worker in the provision to an indigent 27594  
and uninsured person of medical, dental, or other health-related 27595  
diagnosis, care, or treatment, unless the action or omission 27596  
constitutes willful or wanton misconduct. 27597

(D) Subject to divisions (F) and (G)(3) of this section, a 27598  
nonprofit health care referral organization is not liable in 27599  
damages to any person or government entity in a tort or other 27600  
civil action, including an action on a medical, dental, 27601  
chiropractic, optometric, or other health-related claim, for 27602  
injury, death, or loss to person or property that allegedly arises 27603  
from an action or omission of the nonprofit health care referral 27604  
organization in referring indigent and uninsured persons to, or 27605  
arranging for the provision of, medical, dental, or other 27606  
health-related diagnosis, care, or treatment by a health care 27607  
professional described in division (B)(1) of this section or a 27608  
health care worker described in division (C) of this section, 27609  
unless the action or omission constitutes willful or wanton 27610  
misconduct. 27611

(E) Subject to divisions (F) and (G)(3) of this section and 27612  
to the extent that the registration requirements of section 27613  
3701.071 of the Revised Code apply, a health care facility or 27614  
location associated with a health care professional described in 27615  
division (B)(1) of this section, a health care worker described in 27616  
division (C) of this section, or a nonprofit health care referral 27617  
organization described in division (D) of this section is not 27618  
liable in damages to any person or government entity in a tort or 27619  
other civil action, including an action on a medical, dental, 27620  
chiropractic, optometric, or other health-related claim, for 27621  
injury, death, or loss to person or property that allegedly arises 27622  
from an action or omission of the health care professional or 27623  
worker or nonprofit health care referral organization relative to 27624  
the medical, dental, or other health-related diagnosis, care, or 27625

treatment provided to an indigent and uninsured person on behalf 27626  
of or at the health care facility or location, unless the action 27627  
or omission constitutes willful or wanton misconduct. 27628

(F)(1) Except as provided in division (F)(2) of this section, 27629  
the immunities provided by divisions (B), (C), (D), and (E) of 27630  
this section are not available to a health care professional, 27631  
health care worker, nonprofit health care referral organization, 27632  
or health care facility or location if, at the time of an alleged 27633  
injury, death, or loss to person or property, the health care 27634  
professionals or health care workers involved are providing one of 27635  
the following: 27636

(a) Any medical, dental, or other health-related diagnosis, 27637  
care, or treatment pursuant to a community service work order 27638  
entered by a court under division (B) of section 2951.02 of the 27639  
Revised Code or imposed by a court as a community control 27640  
sanction; 27641

(b) Performance of an operation to which any one of the 27642  
following applies: 27643

(i) The operation requires the administration of deep 27644  
sedation or general anesthesia. 27645

(ii) The operation is a procedure that is not typically 27646  
performed in an office. 27647

(iii) The individual involved is a health care professional, 27648  
and the operation is beyond the scope of practice or the 27649  
education, training, and competence, as applicable, of the health 27650  
care professional. 27651

(c) Delivery of a baby or any other purposeful termination of 27652  
a human pregnancy. 27653

(2) Division (F)(1) of this section does not apply when a 27654  
health care professional or health care worker provides medical, 27655

dental, or other health-related diagnosis, care, or treatment that 27656  
is necessary to preserve the life of a person in a medical 27657  
emergency. 27658

(G)(1) This section does not create a new cause of action or 27659  
substantive legal right against a health care professional, health 27660  
care worker, nonprofit health care referral organization, or 27661  
health care facility or location. 27662

(2) This section does not affect any immunities from civil 27663  
liability or defenses established by another section of the 27664  
Revised Code or available at common law to which a health care 27665  
professional, health care worker, nonprofit health care referral 27666  
organization, or health care facility or location may be entitled 27667  
in connection with the provision of emergency or other medical, 27668  
dental, or other health-related diagnosis, care, or treatment. 27669

(3) This section does not grant an immunity from tort or 27670  
other civil liability to a health care professional, health care 27671  
worker, nonprofit health care referral organization, or health 27672  
care facility or location for actions that are outside the scope 27673  
of authority of health care professionals or health care workers. 27674

(4) This section does not affect any legal responsibility of 27675  
a health care professional, health care worker, or nonprofit 27676  
health care referral organization to comply with any applicable 27677  
law of this state or rule of an agency of this state. 27678

(5) This section does not affect any legal responsibility of 27679  
a health care facility or location to comply with any applicable 27680  
law of this state, rule of an agency of this state, or local code, 27681  
ordinance, or regulation that pertains to or regulates building, 27682  
housing, air pollution, water pollution, sanitation, health, fire, 27683  
zoning, or safety. 27684

**Sec. 2307.65.** (A) The attorney general may bring a civil 27685

action in the Franklin county court of common pleas on behalf of 27686  
the department of ~~job and family services~~ medicaid, and the 27687  
prosecuting attorney of the county in which a violation of 27688  
division (B) of section 2913.401 of the Revised Code occurs may 27689  
bring a civil action in the court of common pleas of that county 27690  
on behalf of the county department of job and family services, 27691  
against a person who violates division (B) of section 2913.401 of 27692  
the Revised Code for the recovery of the amount of benefits paid 27693  
on behalf of a person that either department would not have paid 27694  
but for the violation minus any amounts paid in restitution under 27695  
division (C)(2) of section 2913.401 of the Revised Code and for 27696  
reasonable attorney's fees and all other fees and costs of 27697  
litigation. 27698

(B) In a civil action brought under division (A) of this 27699  
section, if the defendant failed to disclose a transfer of 27700  
property in violation of division (B)(3) of section 2913.401 of 27701  
the Revised Code, the court may also grant any of the following 27702  
relief to the extent permitted by the "Social Security Act," 27703  
section 1917, 42 U.S.C. 1396p: 27704

(1) Avoidance of the transfer of property that was not 27705  
disclosed in violation of division (B)(3) of section 2913.401 of 27706  
the Revised Code to the extent of the amount of benefits the 27707  
department would not have paid but for the violation; 27708

(2) An order of attachment or garnishment against the 27709  
property in accordance with Chapter 2715. or 2716. of the Revised 27710  
Code; 27711

(3) An injunction against any further disposition by the 27712  
transferor or transferee, or both, of the property the transfer of 27713  
which was not disclosed in violation of division (B)(3) of section 27714  
2913.401 of the Revised Code or against the disposition of other 27715  
property by the transferor or transferee; 27716

(4) Appointment of a receiver to take charge of the property transferred or of other property of the transferee;	27717 27718
(5) Any other relief that the court considers just and equitable.	27719 27720
(C) To the extent permitted by <u>the "Social Security Act," section 1917,</u> 42 U.S.C. 1396p, the department of <del>job and family services</del> <u>medicaid</u> or the county department of job and family services may enforce a judgment obtained under this section by levying on property the transfer of which was not disclosed in violation of division (B)(3) of section 2913.401 of the Revised Code or on the proceeds of the transfer of that property in accordance with Chapter 2329. of the Revised Code.	27721 27722 27723 27724 27725 27726 27727 27728
(D) The remedies provided in divisions (B) and (C) of this section do not apply if the transferee of the property the transfer of which was not disclosed in violation of division (B)(3) of section 2913.401 of the Revised Code acquired the property in good faith and for fair market value.	27729 27730 27731 27732 27733
(E) The remedies provided in this section are not exclusive and do not preclude the use of any other criminal or civil remedy for any act that is in violation of section 2913.401 of the Revised Code.	27734 27735 27736 27737
(F) Amounts of medicaid <del>benefits</del> <u>services</u> paid and recovered in an action brought under this section shall be credited to the general revenue fund, and any applicable federal share shall be returned to the appropriate agency or department of the United States.	27738 27739 27740 27741 27742
<b>Sec. 2317.02.</b> The following persons shall not testify in certain respects:	27743 27744
(A)(1) An attorney, concerning a communication made to the attorney by a client in that relation or concerning the attorney's	27745 27746



advice to a client, except that the attorney may testify by 27747  
express consent of the client or, if the client is deceased, by 27748  
the express consent of the surviving spouse or the executor or 27749  
administrator of the estate of the deceased client. However, if 27750  
the client voluntarily reveals the substance of attorney-client 27751  
communications in a nonprivileged context or is deemed by section 27752  
2151.421 of the Revised Code to have waived any testimonial 27753  
privilege under this division, the attorney may be compelled to 27754  
testify on the same subject. 27755

The testimonial privilege established under this division 27756  
does not apply concerning a communication between a client who has 27757  
since died and the deceased client's attorney if the communication 27758  
is relevant to a dispute between parties who claim through that 27759  
deceased client, regardless of whether the claims are by testate 27760  
or intestate succession or by inter vivos transaction, and the 27761  
dispute addresses the competency of the deceased client when the 27762  
deceased client executed a document that is the basis of the 27763  
dispute or whether the deceased client was a victim of fraud, 27764  
undue influence, or duress when the deceased client executed a 27765  
document that is the basis of the dispute. 27766

(2) An attorney, concerning a communication made to the 27767  
attorney by a client in that relationship or the attorney's advice 27768  
to a client, except that if the client is an insurance company, 27769  
the attorney may be compelled to testify, subject to an in camera 27770  
inspection by a court, about communications made by the client to 27771  
the attorney or by the attorney to the client that are related to 27772  
the attorney's aiding or furthering an ongoing or future 27773  
commission of bad faith by the client, if the party seeking 27774  
disclosure of the communications has made a prima-facie showing of 27775  
bad faith, fraud, or criminal misconduct by the client. 27776

(B)(1) A physician or a dentist concerning a communication 27777  
made to the physician or dentist by a patient in that relation or 27778

the physician's or dentist's advice to a patient, except as 27779  
otherwise provided in this division, division (B)(2), and division 27780  
(B)(3) of this section, and except that, if the patient is deemed 27781  
by section 2151.421 of the Revised Code to have waived any 27782  
testimonial privilege under this division, the physician may be 27783  
compelled to testify on the same subject. 27784

The testimonial privilege established under this division 27785  
does not apply, and a physician or dentist may testify or may be 27786  
compelled to testify, in any of the following circumstances: 27787

(a) In any civil action, in accordance with the discovery 27788  
provisions of the Rules of Civil Procedure in connection with a 27789  
civil action, or in connection with a claim under Chapter 4123. of 27790  
the Revised Code, under any of the following circumstances: 27791

(i) If the patient or the guardian or other legal 27792  
representative of the patient gives express consent; 27793

(ii) If the patient is deceased, the spouse of the patient or 27794  
the executor or administrator of the patient's estate gives 27795  
express consent; 27796

(iii) If a medical claim, dental claim, chiropractic claim, 27797  
or optometric claim, as defined in section 2305.113 of the Revised 27798  
Code, an action for wrongful death, any other type of civil 27799  
action, or a claim under Chapter 4123. of the Revised Code is 27800  
filed by the patient, the personal representative of the estate of 27801  
the patient if deceased, or the patient's guardian or other legal 27802  
representative. 27803

(b) In any civil action concerning court-ordered treatment or 27804  
services received by a patient, if the court-ordered treatment or 27805  
services were ordered as part of a case plan journalized under 27806  
section 2151.412 of the Revised Code or the court-ordered 27807  
treatment or services are necessary or relevant to dependency, 27808  
neglect, or abuse or temporary or permanent custody proceedings 27809

under Chapter 2151. of the Revised Code. 27810

(c) In any criminal action concerning any test or the results 27811  
of any test that determines the presence or concentration of 27812  
alcohol, a drug of abuse, a combination of them, a controlled 27813  
substance, or a metabolite of a controlled substance in the 27814  
patient's whole blood, blood serum or plasma, breath, urine, or 27815  
other bodily substance at any time relevant to the criminal 27816  
offense in question. 27817

(d) In any criminal action against a physician or dentist. In 27818  
such an action, the testimonial privilege established under this 27819  
division does not prohibit the admission into evidence, in 27820  
accordance with the Rules of Evidence, of a patient's medical or 27821  
dental records or other communications between a patient and the 27822  
physician or dentist that are related to the action and obtained 27823  
by subpoena, search warrant, or other lawful means. A court that 27824  
permits or compels a physician or dentist to testify in such an 27825  
action or permits the introduction into evidence of patient 27826  
records or other communications in such an action shall require 27827  
that appropriate measures be taken to ensure that the 27828  
confidentiality of any patient named or otherwise identified in 27829  
the records is maintained. Measures to ensure confidentiality that 27830  
may be taken by the court include sealing its records or deleting 27831  
specific information from its records. 27832

(e)(i) If the communication was between a patient who has 27833  
since died and the deceased patient's physician or dentist, the 27834  
communication is relevant to a dispute between parties who claim 27835  
through that deceased patient, regardless of whether the claims 27836  
are by testate or intestate succession or by inter vivos 27837  
transaction, and the dispute addresses the competency of the 27838  
deceased patient when the deceased patient executed a document 27839  
that is the basis of the dispute or whether the deceased patient 27840  
was a victim of fraud, undue influence, or duress when the 27841

deceased patient executed a document that is the basis of the 27842  
dispute. 27843

(ii) If neither the spouse of a patient nor the executor or 27844  
administrator of that patient's estate gives consent under 27845  
division (B)(1)(a)(ii) of this section, testimony or the 27846  
disclosure of the patient's medical records by a physician, 27847  
dentist, or other health care provider under division (B)(1)(e)(i) 27848  
of this section is a permitted use or disclosure of protected 27849  
health information, as defined in 45 C.F.R. 160.103, and an 27850  
authorization or opportunity to be heard shall not be required. 27851

(iii) Division (B)(1)(e)(i) of this section does not require 27852  
a mental health professional to disclose psychotherapy notes, as 27853  
defined in 45 C.F.R. 164.501. 27854

(iv) An interested person who objects to testimony or 27855  
disclosure under division (B)(1)(e)(i) of this section may seek a 27856  
protective order pursuant to Civil Rule 26. 27857

(v) A person to whom protected health information is 27858  
disclosed under division (B)(1)(e)(i) of this section shall not 27859  
use or disclose the protected health information for any purpose 27860  
other than the litigation or proceeding for which the information 27861  
was requested and shall return the protected health information to 27862  
the covered entity or destroy the protected health information, 27863  
including all copies made, at the conclusion of the litigation or 27864  
proceeding. 27865

(2)(a) If any law enforcement officer submits a written 27866  
statement to a health care provider that states that an official 27867  
criminal investigation has begun regarding a specified person or 27868  
that a criminal action or proceeding has been commenced against a 27869  
specified person, that requests the provider to supply to the 27870  
officer copies of any records the provider possesses that pertain 27871  
to any test or the results of any test administered to the 27872

specified person to determine the presence or concentration of 27873  
alcohol, a drug of abuse, a combination of them, a controlled 27874  
substance, or a metabolite of a controlled substance in the 27875  
person's whole blood, blood serum or plasma, breath, or urine at 27876  
any time relevant to the criminal offense in question, and that 27877  
conforms to section 2317.022 of the Revised Code, the provider, 27878  
except to the extent specifically prohibited by any law of this 27879  
state or of the United States, shall supply to the officer a copy 27880  
of any of the requested records the provider possesses. If the 27881  
health care provider does not possess any of the requested 27882  
records, the provider shall give the officer a written statement 27883  
that indicates that the provider does not possess any of the 27884  
requested records. 27885

(b) If a health care provider possesses any records of the 27886  
type described in division (B)(2)(a) of this section regarding the 27887  
person in question at any time relevant to the criminal offense in 27888  
question, in lieu of personally testifying as to the results of 27889  
the test in question, the custodian of the records may submit a 27890  
certified copy of the records, and, upon its submission, the 27891  
certified copy is qualified as authentic evidence and may be 27892  
admitted as evidence in accordance with the Rules of Evidence. 27893  
Division (A) of section 2317.422 of the Revised Code does not 27894  
apply to any certified copy of records submitted in accordance 27895  
with this division. Nothing in this division shall be construed to 27896  
limit the right of any party to call as a witness the person who 27897  
administered the test to which the records pertain, the person 27898  
under whose supervision the test was administered, the custodian 27899  
of the records, the person who made the records, or the person 27900  
under whose supervision the records were made. 27901

(3)(a) If the testimonial privilege described in division 27902  
(B)(1) of this section does not apply as provided in division 27903  
(B)(1)(a)(iii) of this section, a physician or dentist may be 27904

compelled to testify or to submit to discovery under the Rules of 27905  
Civil Procedure only as to a communication made to the physician 27906  
or dentist by the patient in question in that relation, or the 27907  
physician's or dentist's advice to the patient in question, that 27908  
related causally or historically to physical or mental injuries 27909  
that are relevant to issues in the medical claim, dental claim, 27910  
chiropractic claim, or optometric claim, action for wrongful 27911  
death, other civil action, or claim under Chapter 4123. of the 27912  
Revised Code. 27913

(b) If the testimonial privilege described in division (B)(1) 27914  
of this section does not apply to a physician or dentist as 27915  
provided in division (B)(1)(c) of this section, the physician or 27916  
dentist, in lieu of personally testifying as to the results of the 27917  
test in question, may submit a certified copy of those results, 27918  
and, upon its submission, the certified copy is qualified as 27919  
authentic evidence and may be admitted as evidence in accordance 27920  
with the Rules of Evidence. Division (A) of section 2317.422 of 27921  
the Revised Code does not apply to any certified copy of results 27922  
submitted in accordance with this division. Nothing in this 27923  
division shall be construed to limit the right of any party to 27924  
call as a witness the person who administered the test in 27925  
question, the person under whose supervision the test was 27926  
administered, the custodian of the results of the test, the person 27927  
who compiled the results, or the person under whose supervision 27928  
the results were compiled. 27929

(4) The testimonial privilege described in division (B)(1) of 27930  
this section is not waived when a communication is made by a 27931  
physician to a pharmacist or when there is communication between a 27932  
patient and a pharmacist in furtherance of the physician-patient 27933  
relation. 27934

(5)(a) As used in divisions (B)(1) to (4) of this section, 27935  
"communication" means acquiring, recording, or transmitting any 27936

information, in any manner, concerning any facts, opinions, or 27937  
statements necessary to enable a physician or dentist to diagnose, 27938  
treat, prescribe, or act for a patient. A "communication" may 27939  
include, but is not limited to, any medical or dental, office, or 27940  
hospital communication such as a record, chart, letter, 27941  
memorandum, laboratory test and results, x-ray, photograph, 27942  
financial statement, diagnosis, or prognosis. 27943

(b) As used in division (B)(2) of this section, "health care 27944  
provider" means a hospital, ambulatory care facility, long-term 27945  
care facility, pharmacy, emergency facility, or health care 27946  
practitioner. 27947

(c) As used in division (B)(5)(b) of this section: 27948

(i) "Ambulatory care facility" means a facility that provides 27949  
medical, diagnostic, or surgical treatment to patients who do not 27950  
require hospitalization, including a dialysis center, ambulatory 27951  
surgical facility, cardiac catheterization facility, diagnostic 27952  
imaging center, extracorporeal shock wave lithotripsy center, home 27953  
health agency, inpatient hospice, birthing center, radiation 27954  
therapy center, emergency facility, and an urgent care center. 27955  
"Ambulatory health care facility" does not include the private 27956  
office of a physician or dentist, whether the office is for an 27957  
individual or group practice. 27958

(ii) "Emergency facility" means a hospital emergency 27959  
department or any other facility that provides emergency medical 27960  
services. 27961

(iii) "Health care practitioner" has the same meaning as in 27962  
section 4769.01 of the Revised Code. 27963

(iv) "Hospital" has the same meaning as in section 3727.01 of 27964  
the Revised Code. 27965

(v) "Long-term care facility" means a nursing home, 27966  
residential care facility, or home for the aging, as those terms 27967

are defined in section 3721.01 of the Revised Code; a residential 27968  
facility licensed under section ~~5119.22~~ 5119.34 of the Revised 27969  
Code that provides accommodations, supervision, and personal care 27970  
services for three to sixteen unrelated adults; a nursing facility 27971  
~~or intermediate care facility for the mentally retarded, as those~~ 27972  
~~terms are~~ defined in section ~~5111.20~~ 5165.01 of the Revised Code; 27973  
a ~~facility or portion of a facility certified as a~~ skilled nursing 27974  
facility under Title XVIII of the "Social Security Act," ~~49 Stat.~~ 27975  
~~286 (1965), 42 U.S.C.A. 1395, as amended, as defined in section~~ 27976  
5165.01 of the Revised Code; and an intermediate care facility for 27977  
the mentally retarded, as defined in section 5124.01 of the 27978  
Revised Code. 27979

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 27980  
the Revised Code. 27981

(d) As used in divisions (B)(1) and (2) of this section, 27982  
"drug of abuse" has the same meaning as in section 4506.01 of the 27983  
Revised Code. 27984

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 27985  
apply to doctors of medicine, doctors of osteopathic medicine, 27986  
doctors of podiatry, and dentists. 27987

(7) Nothing in divisions (B)(1) to (6) of this section 27988  
affects, or shall be construed as affecting, the immunity from 27989  
civil liability conferred by section 307.628 of the Revised Code 27990  
or the immunity from civil liability conferred by section 2305.33 27991  
of the Revised Code upon physicians who report an employee's use 27992  
of a drug of abuse, or a condition of an employee other than one 27993  
involving the use of a drug of abuse, to the employer of the 27994  
employee in accordance with division (B) of that section. As used 27995  
in division (B)(7) of this section, "employee," "employer," and 27996  
"physician" have the same meanings as in section 2305.33 of the 27997  
Revised Code. 27998



(C)(1) A cleric, when the cleric remains accountable to the authority of that cleric's church, denomination, or sect, concerning a confession made, or any information confidentially communicated, to the cleric for a religious counseling purpose in the cleric's professional character. The cleric may testify by express consent of the person making the communication, except when the disclosure of the information is in violation of a sacred trust and except that, if the person voluntarily testifies or is deemed by division (A)(4)(c) of section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, the cleric may be compelled to testify on the same subject except when disclosure of the information is in violation of a sacred trust.

(2) As used in division (C) of this section:

(a) "Cleric" means a member of the clergy, rabbi, priest, Christian Science practitioner, or regularly ordained, accredited, or licensed minister of an established and legally cognizable church, denomination, or sect.

(b) "Sacred trust" means a confession or confidential communication made to a cleric in the cleric's ecclesiastical capacity in the course of discipline enjoined by the church to which the cleric belongs, including, but not limited to, the Catholic Church, if both of the following apply:

(i) The confession or confidential communication was made directly to the cleric.

(ii) The confession or confidential communication was made in the manner and context that places the cleric specifically and strictly under a level of confidentiality that is considered inviolate by canon law or church doctrine.

(D) Husband or wife, concerning any communication made by one to the other, or an act done by either in the presence of the

other, during coverture, unless the communication was made, or act 28030  
done, in the known presence or hearing of a third person competent 28031  
to be a witness; and such rule is the same if the marital relation 28032  
has ceased to exist; 28033

(E) A person who assigns a claim or interest, concerning any 28034  
matter in respect to which the person would not, if a party, be 28035  
permitted to testify; 28036

(F) A person who, if a party, would be restricted under 28037  
section 2317.03 of the Revised Code, when the property or thing is 28038  
sold or transferred by an executor, administrator, guardian, 28039  
trustee, heir, devisee, or legatee, shall be restricted in the 28040  
same manner in any action or proceeding concerning the property or 28041  
thing. 28042

(G)(1) A school guidance counselor who holds a valid educator 28043  
license from the state board of education as provided for in 28044  
section 3319.22 of the Revised Code, a person licensed under 28045  
Chapter 4757. of the Revised Code as a professional clinical 28046  
counselor, professional counselor, social worker, independent 28047  
social worker, marriage and family therapist or independent 28048  
marriage and family therapist, or registered under Chapter 4757. 28049  
of the Revised Code as a social work assistant concerning a 28050  
confidential communication received from a client in that relation 28051  
or the person's advice to a client unless any of the following 28052  
applies: 28053

(a) The communication or advice indicates clear and present 28054  
danger to the client or other persons. For the purposes of this 28055  
division, cases in which there are indications of present or past 28056  
child abuse or neglect of the client constitute a clear and 28057  
present danger. 28058

(b) The client gives express consent to the testimony. 28059

(c) If the client is deceased, the surviving spouse or the 28060

executor or administrator of the estate of the deceased client 28061  
gives express consent. 28062

(d) The client voluntarily testifies, in which case the 28063  
school guidance counselor or person licensed or registered under 28064  
Chapter 4757. of the Revised Code may be compelled to testify on 28065  
the same subject. 28066

(e) The court in camera determines that the information 28067  
communicated by the client is not germane to the counselor-client, 28068  
marriage and family therapist-client, or social worker-client 28069  
relationship. 28070

(f) A court, in an action brought against a school, its 28071  
administration, or any of its personnel by the client, rules after 28072  
an in-camera inspection that the testimony of the school guidance 28073  
counselor is relevant to that action. 28074

(g) The testimony is sought in a civil action and concerns 28075  
court-ordered treatment or services received by a patient as part 28076  
of a case plan journalized under section 2151.412 of the Revised 28077  
Code or the court-ordered treatment or services are necessary or 28078  
relevant to dependency, neglect, or abuse or temporary or 28079  
permanent custody proceedings under Chapter 2151. of the Revised 28080  
Code. 28081

(2) Nothing in division (G)(1) of this section shall relieve 28082  
a school guidance counselor or a person licensed or registered 28083  
under Chapter 4757. of the Revised Code from the requirement to 28084  
report information concerning child abuse or neglect under section 28085  
2151.421 of the Revised Code. 28086

(H) A mediator acting under a mediation order issued under 28087  
division (A) of section 3109.052 of the Revised Code or otherwise 28088  
issued in any proceeding for divorce, dissolution, legal 28089  
separation, annulment, or the allocation of parental rights and 28090  
responsibilities for the care of children, in any action or 28091

proceeding, other than a criminal, delinquency, child abuse, child  
neglect, or dependent child action or proceeding, that is brought  
by or against either parent who takes part in mediation in  
accordance with the order and that pertains to the mediation  
process, to any information discussed or presented in the  
mediation process, to the allocation of parental rights and  
responsibilities for the care of the parents' children, or to the  
awarding of parenting time rights in relation to their children;

(I) A communications assistant, acting within the scope of  
the communication assistant's authority, when providing  
telecommunications relay service pursuant to section 4931.06 of  
the Revised Code or Title II of the "Communications Act of 1934,"  
104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication  
made through a telecommunications relay service. Nothing in this  
section shall limit the obligation of a communications assistant  
to divulge information or testify when mandated by federal law or  
regulation or pursuant to subpoena in a criminal proceeding.

Nothing in this section shall limit any immunity or privilege  
granted under federal law or regulation.

(J)(1) A chiropractor in a civil proceeding concerning a  
communication made to the chiropractor by a patient in that  
relation or the chiropractor's advice to a patient, except as  
otherwise provided in this division. The testimonial privilege  
established under this division does not apply, and a chiropractor  
may testify or may be compelled to testify, in any civil action,  
in accordance with the discovery provisions of the Rules of Civil  
Procedure in connection with a civil action, or in connection with  
a claim under Chapter 4123. of the Revised Code, under any of the  
following circumstances:

(a) If the patient or the guardian or other legal  
representative of the patient gives express consent.

(b) If the patient is deceased, the spouse of the patient or 28123  
the executor or administrator of the patient's estate gives 28124  
express consent. 28125

(c) If a medical claim, dental claim, chiropractic claim, or 28126  
optometric claim, as defined in section 2305.113 of the Revised 28127  
Code, an action for wrongful death, any other type of civil 28128  
action, or a claim under Chapter 4123. of the Revised Code is 28129  
filed by the patient, the personal representative of the estate of 28130  
the patient if deceased, or the patient's guardian or other legal 28131  
representative. 28132

(2) If the testimonial privilege described in division (J)(1) 28133  
of this section does not apply as provided in division (J)(1)(c) 28134  
of this section, a chiropractor may be compelled to testify or to 28135  
submit to discovery under the Rules of Civil Procedure only as to 28136  
a communication made to the chiropractor by the patient in 28137  
question in that relation, or the chiropractor's advice to the 28138  
patient in question, that related causally or historically to 28139  
physical or mental injuries that are relevant to issues in the 28140  
medical claim, dental claim, chiropractic claim, or optometric 28141  
claim, action for wrongful death, other civil action, or claim 28142  
under Chapter 4123. of the Revised Code. 28143

(3) The testimonial privilege established under this division 28144  
does not apply, and a chiropractor may testify or be compelled to 28145  
testify, in any criminal action or administrative proceeding. 28146

(4) As used in this division, "communication" means 28147  
acquiring, recording, or transmitting any information, in any 28148  
manner, concerning any facts, opinions, or statements necessary to 28149  
enable a chiropractor to diagnose, treat, or act for a patient. A 28150  
communication may include, but is not limited to, any 28151  
chiropractic, office, or hospital communication such as a record, 28152  
chart, letter, memorandum, laboratory test and results, x-ray, 28153  
photograph, financial statement, diagnosis, or prognosis. 28154

(K)(1) Except as provided under division (K)(2) of this section, a critical incident stress management team member concerning a communication received from an individual who receives crisis response services from the team member, or the team member's advice to the individual, during a debriefing session. 28155  
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(2) The testimonial privilege established under division (K)(1) of this section does not apply if any of the following are true: 28161  
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(a) The communication or advice indicates clear and present danger to the individual who receives crisis response services or to other persons. For purposes of this division, cases in which there are indications of present or past child abuse or neglect of the individual constitute a clear and present danger. 28164  
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(b) The individual who received crisis response services gives express consent to the testimony. 28169  
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(c) If the individual who received crisis response services is deceased, the surviving spouse or the executor or administrator of the estate of the deceased individual gives express consent. 28171  
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(d) The individual who received crisis response services voluntarily testifies, in which case the team member may be compelled to testify on the same subject. 28174  
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(e) The court in camera determines that the information communicated by the individual who received crisis response services is not germane to the relationship between the individual and the team member. 28177  
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(f) The communication or advice pertains or is related to any criminal act. 28181  
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(3) As used in division (K) of this section: 28183

(a) "Crisis response services" means consultation, risk 28184

assessment, referral, and on-site crisis intervention services 28185  
provided by a critical incident stress management team to 28186  
individuals affected by crisis or disaster. 28187

(b) "Critical incident stress management team member" or 28188  
"team member" means an individual specially trained to provide 28189  
crisis response services as a member of an organized community or 28190  
local crisis response team that holds membership in the Ohio 28191  
critical incident stress management network. 28192

(c) "Debriefing session" means a session at which crisis 28193  
response services are rendered by a critical incident stress 28194  
management team member during or after a crisis or disaster. 28195

(L)(1) Subject to division (L)(2) of this section and except 28196  
as provided in division (L)(3) of this section, an employee 28197  
assistance professional, concerning a communication made to the 28198  
employee assistance professional by a client in the employee 28199  
assistance professional's official capacity as an employee 28200  
assistance professional. 28201

(2) Division (L)(1) of this section applies to an employee 28202  
assistance professional who meets either or both of the following 28203  
requirements: 28204

(a) Is certified by the employee assistance certification 28205  
commission to engage in the employee assistance profession; 28206

(b) Has education, training, and experience in all of the 28207  
following: 28208

(i) Providing workplace-based services designed to address 28209  
employer and employee productivity issues; 28210

(ii) Providing assistance to employees and employees' 28211  
dependents in identifying and finding the means to resolve 28212  
personal problems that affect the employees or the employees' 28213  
performance; 28214

(iii) Identifying and resolving productivity problems	28215
associated with an employee's concerns about any of the following	28216
matters: health, marriage, family, finances, substance abuse or	28217
other addiction, workplace, law, and emotional issues;	28218
(iv) Selecting and evaluating available community resources;	28219
(v) Making appropriate referrals;	28220
(vi) Local and national employee assistance agreements;	28221
(vii) Client confidentiality.	28222
(3) Division (L)(1) of this section does not apply to any of	28223
the following:	28224
(a) A criminal action or proceeding involving an offense	28225
under sections 2903.01 to 2903.06 of the Revised Code if the	28226
employee assistance professional's disclosure or testimony relates	28227
directly to the facts or immediate circumstances of the offense;	28228
(b) A communication made by a client to an employee	28229
assistance professional that reveals the contemplation or	28230
commission of a crime or serious, harmful act;	28231
(c) A communication that is made by a client who is an	28232
unemancipated minor or an adult adjudicated to be incompetent and	28233
indicates that the client was the victim of a crime or abuse;	28234
(d) A civil proceeding to determine an individual's mental	28235
competency or a criminal action in which a plea of not guilty by	28236
reason of insanity is entered;	28237
(e) A civil or criminal malpractice action brought against	28238
the employee assistance professional;	28239
(f) When the employee assistance professional has the express	28240
consent of the client or, if the client is deceased or disabled,	28241
the client's legal representative;	28242
(g) When the testimonial privilege otherwise provided by	28243



division (L)(1) of this section is abrogated under law. 28244

**Sec. 2317.422.** (A) Notwithstanding sections 2317.40 and 28245  
2317.41 of the Revised Code but subject to division (B) of this 28246  
section, the records, or copies or photographs of the records, of 28247  
a hospital, homes required to be licensed pursuant to section 28248  
3721.01 of the Revised Code, and residential facilities licensed 28249  
pursuant to section ~~5119.22~~ 5119.34 of the Revised Code that 28250  
provides accommodations, supervision, and personal care services 28251  
for three to sixteen unrelated adults, in lieu of the testimony in 28252  
open court of their custodian, person who made them, or person 28253  
under whose supervision they were made, may be qualified as 28254  
authentic evidence if any such person endorses thereon the 28255  
person's verified certification identifying such records, giving 28256  
the mode and time of their preparation, and stating that they were 28257  
prepared in the usual course of the business of the institution. 28258  
Such records, copies, or photographs may not be qualified by 28259  
certification as provided in this section unless the party 28260  
intending to offer them delivers a copy of them, or of their 28261  
relevant portions, to the attorney of record for each adverse 28262  
party not less than five days before trial. Nothing in this 28263  
section shall be construed to limit the right of any party to call 28264  
the custodian, person who made such records, or person under whose 28265  
supervision they were made, as a witness. 28266

(B) Division (A) of this section does not apply to any 28267  
certified copy of the results of any test given to determine the 28268  
presence or concentration of alcohol, a drug of abuse, a 28269  
combination of them, a controlled substance, or a metabolite of a 28270  
controlled substance in a patient's whole blood, blood serum or 28271  
plasma, breath, or urine at any time relevant to a criminal 28272  
offense that is submitted in a criminal action or proceeding in 28273  
accordance with division (B)(2)(b) or (B)(3)(b) of section 2317.02 28274  
of the Revised Code. 28275

<u>Sec. 2329.192. (A) As used in this section:</u>	28276
<u>(1) "State lien" means a lien upon real estate, including</u>	28277
<u>lands and tenements, of persons indebted to the state for debt,</u>	28278
<u>taxes, or in any other manner recorded by a state agency in any</u>	28279
<u>office of the clerk of a county court or the county recorder.</u>	28280
<u>(2) "State lienholder" means the department, agency, or other</u>	28281
<u>division of the state in whose name a state lien has been filed or</u>	28282
<u>recorded.</u>	28283
<u>(B) In every action seeking the judicial sale of real estate</u>	28284
<u>that is subject to a state lien, all of the following apply:</u>	28285
<u>(1) The party seeking a judicial sale shall include the state</u>	28286
<u>lienholder as a party defendant and shall serve that state</u>	28287
<u>lienholder with a copy of the preliminary judicial report or</u>	28288
<u>commitment for an owner's fee policy of title insurance filed in</u>	28289
<u>accordance with section 2329.191 of the Revised Code.</u>	28290
<u>(2) A state lienholder shall not be made a party defendant if</u>	28291
<u>no state lien has been recorded against the owner of the real</u>	28292
<u>estate for which the judicial sale is sought.</u>	28293
<u>(3) The appearance of the state lienholder shall be presumed</u>	28294
<u>for purposes of jurisdiction, and the court shall take judicial</u>	28295
<u>notice that the state has a lien against the real estate.</u>	28296
<u>(4) A state lienholder may, but is not required to, file an</u>	28297
<u>answer to the complaint or any other pleading in the action if the</u>	28298
<u>amount, validity, or priority of the state lien is not identified</u>	28299
<u>in the pleadings as disputed and shall file an answer to the</u>	28300
<u>complaint or any other pleading in the action if the amount,</u>	28301
<u>validity, or priority of the state lien is identified in the</u>	28302
<u>pleadings as disputed. If a state lien is not identified as</u>	28303
<u>disputed, unless the state files an answer or other responsive</u>	28304
<u>pleading, the party seeking the judicial sale is not required to</u>	28305

serve the state lienholder with any answer or subsequent pleadings 28306  
in the action for judicial sale. 28307

(5) As part of any order confirming the sale of the real 28308  
estate that is subject to any undisputed state lien or 28309  
distributing the proceeds of any judicial sale of real estate, the 28310  
undisputed state lien shall be protected as if the state had 28311  
appeared in the action and filed an answer asserting the validity 28312  
of the state lien as recorded in the office of the clerk of the 28313  
county court or the office of the county recorder. 28314

(6) Any party asserting a dispute as to the amount, validity, 28315  
or priority of the state lien or of any lien or other interest 28316  
that has priority over the state lien shall serve the state 28317  
lienholder and the attorney general with notice of the dispute, 28318  
and the state lienholder shall be permitted to file a responsive 28319  
pleading and participate in the proceedings as if the state 28320  
lienholder had been served with a summons on the date the state 28321  
lienholder received notice of the dispute. 28322

(C) Upon the judicial sale of the real estate that is the 28323  
subject of an action under division (B) of this section, the 28324  
interest of any undisputed state lien shall transfer to the 28325  
proceeds of the sale of the real estate, and the state lienholder 28326  
shall be entitled to payment from the proceeds of the sale of the 28327  
real estate in accordance with the state lienholder's priority as 28328  
set forth in the final judicial report or commitment for an 28329  
owner's fee policy of title insurance filed in accordance with 28330  
section 2329.191 of the Revised Code. 28331

**Sec. 2505.02.** (A) As used in this section: 28332

(1) "Substantial right" means a right that the United States 28333  
Constitution, the Ohio Constitution, a statute, the common law, or 28334  
a rule of procedure entitles a person to enforce or protect. 28335

(2) "Special proceeding" means an action or proceeding that is specially created by statute and that prior to 1853 was not denoted as an action at law or a suit in equity.

(3) "Provisional remedy" means a proceeding ancillary to an action, including, but not limited to, a proceeding for a preliminary injunction, attachment, discovery of privileged matter, suppression of evidence, a prima-facie showing pursuant to section 2307.85 or 2307.86 of the Revised Code, a prima-facie showing pursuant to section 2307.92 of the Revised Code, or a finding made pursuant to division (A)(3) of section 2307.93 of the Revised Code.

(B) An order is a final order that may be reviewed, affirmed, modified, or reversed, with or without retrial, when it is one of the following:

(1) An order that affects a substantial right in an action that in effect determines the action and prevents a judgment;

(2) An order that affects a substantial right made in a special proceeding or upon a summary application in an action after judgment;

(3) An order that vacates or sets aside a judgment or grants a new trial;

(4) An order that grants or denies a provisional remedy and to which both of the following apply:

(a) The order in effect determines the action with respect to the provisional remedy and prevents a judgment in the action in favor of the appealing party with respect to the provisional remedy.

(b) The appealing party would not be afforded a meaningful or effective remedy by an appeal following final judgment as to all proceedings, issues, claims, and parties in the action.

(5) An order that determines that an action may or may not be maintained as a class action; 28366  
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(6) An order determining the constitutionality of any changes to the Revised Code made by Am. Sub. S.B. 281 of the 124th general assembly, including the amendment of sections 1751.67, 2117.06, 2305.11, 2305.15, 2305.234, 2317.02, 2317.54, 2323.56, 2711.21, 2711.22, 2711.23, 2711.24, 2743.02, 2743.43, 2919.16, 3923.63, 3923.64, 4705.15, and 5111.018 (renumbered as 5164.07 by H.B. 59 of the 130th general assembly), and the enactment of sections 2305.113, 2323.41, 2323.43, and 2323.55 of the Revised Code or any changes made by Sub. S.B. 80 of the 125th general assembly, including the amendment of sections 2125.02, 2305.10, 2305.131, 2315.18, 2315.19, and 2315.21 of the Revised Code; 28368  
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(7) An order in an appropriation proceeding that may be appealed pursuant to division (B)(3) of section 163.09 of the Revised Code. 28379  
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(C) When a court issues an order that vacates or sets aside a judgment or grants a new trial, the court, upon the request of either party, shall state in the order the grounds upon which the new trial is granted or the judgment vacated or set aside. 28382  
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(D) This section applies to and governs any action, including an appeal, that is pending in any court on July 22, 1998, and all claims filed or actions commenced on or after July 22, 1998, notwithstanding any provision of any prior statute or rule of law of this state. 28386  
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**Sec. 2743.02.** (A)(1) The state hereby waives its immunity from liability, except as provided for the office of the state fire marshal in division (G)(1) of section 9.60 and division (B) of section 3737.221 of the Revised Code and subject to division (H) of this section, and consents to be sued, and have its liability determined, in the court of claims created in this 28391  
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chapter in accordance with the same rules of law applicable to 28397  
suits between private parties, except that the determination of 28398  
liability is subject to the limitations set forth in this chapter 28399  
and, in the case of state universities or colleges, in section 28400  
3345.40 of the Revised Code, and except as provided in division 28401  
(A)(2) or (3) of this section. To the extent that the state has 28402  
previously consented to be sued, this chapter has no 28403  
applicability. 28404

Except in the case of a civil action filed by the state, 28405  
filing a civil action in the court of claims results in a complete 28406  
waiver of any cause of action, based on the same act or omission, 28407  
that the filing party has against any officer or employee, as 28408  
defined in section 109.36 of the Revised Code. The waiver shall be 28409  
void if the court determines that the act or omission was 28410  
manifestly outside the scope of the officer's or employee's office 28411  
or employment or that the officer or employee acted with malicious 28412  
purpose, in bad faith, or in a wanton or reckless manner. 28413

(2) If a claimant proves in the court of claims that an 28414  
officer or employee, as defined in section 109.36 of the Revised 28415  
Code, would have personal liability for the officer's or 28416  
employee's acts or omissions but for the fact that the officer or 28417  
employee has personal immunity under section 9.86 of the Revised 28418  
Code, the state shall be held liable in the court of claims in any 28419  
action that is timely filed pursuant to section 2743.16 of the 28420  
Revised Code and that is based upon the acts or omissions. 28421

(3)(a) Except as provided in division (A)(3)(b) of this 28422  
section, the state is immune from liability in any civil action or 28423  
proceeding involving the performance or nonperformance of a public 28424  
duty, including the performance or nonperformance of a public duty 28425  
that is owed by the state in relation to any action of an 28426  
individual who is committed to the custody of the state. 28427

(b) The state immunity provided in division (A)(3)(a) of this 28428

section does not apply to any action of the state under 28429  
circumstances in which a special relationship can be established 28430  
between the state and an injured party. A special relationship 28431  
under this division is demonstrated if all of the following 28432  
elements exist: 28433

(i) An assumption by the state, by means of promises or 28434  
actions, of an affirmative duty to act on behalf of the party who 28435  
was allegedly injured; 28436

(ii) Knowledge on the part of the state's agents that 28437  
inaction of the state could lead to harm; 28438

(iii) Some form of direct contact between the state's agents 28439  
and the injured party; 28440

(iv) The injured party's justifiable reliance on the state's 28441  
affirmative undertaking. 28442

(B) The state hereby waives the immunity from liability of 28443  
all hospitals owned or operated by one or more political 28444  
subdivisions and consents for them to be sued, and to have their 28445  
liability determined, in the court of common pleas, in accordance 28446  
with the same rules of law applicable to suits between private 28447  
parties, subject to the limitations set forth in this chapter. 28448  
This division is also applicable to hospitals owned or operated by 28449  
political subdivisions that have been determined by the supreme 28450  
court to be subject to suit prior to July 28, 1975. 28451

(C) Any hospital, as defined in section 2305.113 of the 28452  
Revised Code, may purchase liability insurance covering its 28453  
operations and activities and its agents, employees, nurses, 28454  
interns, residents, staff, and members of the governing board and 28455  
committees, and, whether or not such insurance is purchased, may, 28456  
to the extent that its governing board considers appropriate, 28457  
indemnify or agree to indemnify and hold harmless any such person 28458  
against expense, including attorney's fees, damage, loss, or other 28459

liability arising out of, or claimed to have arisen out of, the death, disease, or injury of any person as a result of the negligence, malpractice, or other action or inaction of the indemnified person while acting within the scope of the indemnified person's duties or engaged in activities at the request or direction, or for the benefit, of the hospital. Any hospital electing to indemnify those persons, or to agree to so indemnify, shall reserve any funds that are necessary, in the exercise of sound and prudent actuarial judgment, to cover the potential expense, fees, damage, loss, or other liability. The superintendent of insurance may recommend, or, if the hospital requests the superintendent to do so, the superintendent shall recommend, a specific amount for any period that, in the superintendent's opinion, represents such a judgment. This authority is in addition to any authorization otherwise provided or permitted by law.

(D)(1) Notwithstanding any other provision of the Revised Code or rules of a court to the contrary, in an action against the state to recover damages for injury, death, or loss to person or property caused by an act or omission of the state itself, by an act or omission of any officer or employee of the state while acting within the scope of employment or official responsibilities, or by an act or omission of any other person authorized to act on behalf of the state that occurred while engaged in activities at the request or direction, or for the benefit, of the state, the following apply:

(a) Punitive or exemplary damages shall not be awarded.

(b)(i) Recoveries against the state shall be reduced by the aggregate of ~~insurance proceeds, disability award, benefits~~ or other collateral recovery received by the claimant for the injury, death, or loss allegedly incurred. This division If a claimant receives or is entitled to receive benefits or other collateral



recovery, the claimant or the claimant's attorney shall disclose 28492  
the benefits or other collateral recovery to the court, and the 28493  
court shall deduct the amount of the benefits or other collateral 28494  
recovery from any award against the state recovered by the 28495  
claimant. No insurer or other person is entitled to bring a civil 28496  
action under a subrogation provision in an insurance or other 28497  
contract against the state with respect to those benefits or other 28498  
collateral recovery. Nothing in this division affects or shall be 28499  
construed to limit the rights of a beneficiary under a life 28500  
insurance policy or the rights of sureties under fidelity or 28501  
surety bonds. 28502

(ii) Division (D)(1)(b)(i) of this section does not apply to 28503  
civil actions in the court of claims against a state university or 28504  
college under the circumstances described in section 3345.40 of 28505  
the Revised Code. The collateral benefits provisions of division 28506  
(B)(2) of that section apply under those circumstances. 28507

(c) There shall not be any limitation on compensatory damages 28508  
that represent the actual loss of the person who is awarded the 28509  
damages. However, except in wrongful death actions brought 28510  
pursuant to Chapter 2125. of the Revised Code, damages that arise 28511  
from the same cause of action, transaction or occurrence, or 28512  
series of transactions or occurrences and that do not represent 28513  
the actual loss of the person who is awarded the damages shall not 28514  
exceed two hundred fifty thousand dollars in favor of any one 28515  
person. The limitation on damages that do not represent the actual 28516  
loss of the person who is awarded the damages provided in this 28517  
division does not apply to court costs that are awarded to a 28518  
claimant, or to interest on a judgment rendered in favor of a 28519  
claimant, in an action against the state. 28520

(2) As used in division (D) of this section: 28521

(a) "Benefits" includes, but is not limited to, proceeds from 28522  
a policy or policies of insurance, social security benefits, 28523

veterans' benefits, unemployment compensation, workers' 28524  
compensation, medicaid benefits, medicare benefits, and disability 28525  
awards. 28526

(b) "Collateral recovery" includes, but is not limited to, 28527  
any settlements with and judgments against third parties that 28528  
arise out of the same operative facts involved in, and the injury, 28529  
death, or loss allegedly incurred, in the action against the 28530  
state, or any other source of recovery for any injury, death, or 28531  
loss allegedly incurred in that action. 28532

(c) Except as provided in division (D)(2)(d) of this section, 28533  
"the actual loss of the person who is awarded the damages" 28534  
includes all of the following: 28535

(i) All wages, salaries, or other compensation lost by the 28536  
person injured as a result of the injury, including wages, 28537  
salaries, or other compensation lost as of the date of a judgment 28538  
and future expected lost earnings of the injured person; 28539

(ii) All expenditures of the injured person or of another 28540  
person on behalf of the injured person for medical care or 28541  
treatment, rehabilitation services, or other care, treatment, 28542  
services, products, or accommodations that were necessary because 28543  
of the injury; 28544

(iii) All expenditures to be incurred in the future, as 28545  
determined by the court, by the injured person or by another 28546  
person on behalf of the injured person for medical care or 28547  
treatment, rehabilitation services, or other care, treatment, 28548  
services, products, or accommodations that will be necessary 28549  
because of the injury; 28550

(iv) All expenditures of a person whose property was injured 28551  
or destroyed or of another person on behalf of the person whose 28552  
property was injured or destroyed in order to repair or replace 28553  
the property that was injured or destroyed; 28554

(v) All expenditures of the injured person, of the person whose property was injured or destroyed, or of another person on behalf of the injured person or the person whose property was injured or destroyed in relation to the actual preparation or presentation of the claim involved; 28555  
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(vi) Any other expenditures of the injured person, of the person whose property was injured or destroyed, or of another person on behalf of the injured person or the person whose property was injured or destroyed that the court determines represent an actual loss experienced because of the personal or property injury or property loss. 28560  
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(d) "The actual loss of the person who is awarded the damages" does not include either of the following: 28566  
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(i) Any fees paid or owed to an attorney for any services rendered in relation to the personal or property injury or property loss; 28568  
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(ii) Any damages awarded for pain and suffering, for the loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education of the injured person, for mental anguish, or for any other intangible loss. 28571  
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(E) The only defendant in original actions in the court of claims is the state. The state may file a third-party complaint or counterclaim in any civil action, except a civil action for ten thousand dollars or less, that is filed in the court of claims. 28576  
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(F) A civil action against an officer or employee, as defined in section 109.36 of the Revised Code, that alleges that the officer's or employee's conduct was manifestly outside the scope of the officer's or employee's employment or official responsibilities, or that the officer or employee acted with malicious purpose, in bad faith, or in a wanton or reckless manner 28580  
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shall first be filed against the state in the court of claims that 28586  
has exclusive, original jurisdiction to determine, initially, 28587  
whether the officer or employee is entitled to personal immunity 28588  
under section 9.86 of the Revised Code and whether the courts of 28589  
common pleas have jurisdiction over the civil action. The officer 28590  
or employee may participate in the immunity determination 28591  
proceeding before the court of claims to determine whether the 28592  
officer or employee is entitled to personal immunity under section 28593  
9.86 of the Revised Code. 28594

The filing of a claim against an officer or employee under 28595  
this division tolls the running of the applicable statute of 28596  
limitations until the court of claims determines whether the 28597  
officer or employee is entitled to personal immunity under section 28598  
9.86 of the Revised Code. 28599

(G) If a claim lies against an officer or employee who is a 28600  
member of the Ohio national guard, and the officer or employee 28601  
was, at the time of the act or omission complained of, subject to 28602  
the "Federal Tort Claims Act," 60 Stat. 842 (1946), 28 U.S.C. 28603  
2671, et seq., the Federal Tort Claims Act is the exclusive remedy 28604  
of the claimant and the state has no liability under this section. 28605

(H) If an inmate of a state correctional institution has a 28606  
claim against the state for the loss of or damage to property and 28607  
the amount claimed does not exceed three hundred dollars, before 28608  
commencing an action against the state in the court of claims, the 28609  
inmate shall file a claim for the loss or damage under the rules 28610  
adopted by the director of rehabilitation and correction pursuant 28611  
to this division. The inmate shall file the claim within the time 28612  
allowed for commencement of a civil action under section 2743.16 28613  
of the Revised Code. If the state admits or compromises the claim, 28614  
the director shall make payment from a fund designated by the 28615  
director for that purpose. If the state denies the claim or does 28616  
not compromise the claim at least sixty days prior to expiration 28617

of the time allowed for commencement of a civil action based upon 28618  
the loss or damage under section 2743.16 of the Revised Code, the 28619  
inmate may commence an action in the court of claims under this 28620  
chapter to recover damages for the loss or damage. 28621

The director of rehabilitation and correction shall adopt 28622  
rules pursuant to Chapter 119. of the Revised Code to implement 28623  
this division. 28624

**Sec. 2744.05.** Notwithstanding any other provisions of the 28625  
Revised Code or rules of a court to the contrary, in an action 28626  
against a political subdivision to recover damages for injury, 28627  
death, or loss to person or property caused by an act or omission 28628  
in connection with a governmental or proprietary function: 28629

(A) Punitive or exemplary damages shall not be awarded. 28630

(B)(1) If a claimant receives or is entitled to receive 28631  
benefits for injuries or loss allegedly incurred from a policy or 28632  
policies of insurance or any other source, the benefits shall be 28633  
disclosed to the court, and the amount of the benefits shall be 28634  
deducted from any award against a political subdivision recovered 28635  
by that claimant. No insurer or other person is entitled to bring 28636  
an action under a subrogation provision in an insurance or other 28637  
contract against a political subdivision with respect to those 28638  
benefits. 28639

The amount of the benefits shall be deducted from an award 28640  
against a political subdivision under division (B)(1) of this 28641  
section regardless of whether the claimant may be under an 28642  
obligation to pay back the benefits upon recovery, in whole or in 28643  
part, for the claim. A claimant whose benefits have been deducted 28644  
from an award under division (B)(1) of this section is not 28645  
considered fully compensated and shall not be required to 28646  
reimburse a subrogated claim for benefits deducted from an award 28647  
pursuant to division (B)(1) of this section. 28648

(2) Nothing in division (B)(1) of this section shall be 28649  
construed to do either of the following: 28650

(a) Limit the rights of a beneficiary under a life insurance 28651  
policy or the rights of sureties under fidelity or surety bonds; 28652

(b) Prohibit the department of ~~job and family services~~ 28653  
medicaid from recovering from the political subdivision, pursuant 28654  
to section ~~5101.58~~ 5160.37 of the Revised Code, the cost of 28655  
medical assistance ~~benefits provided under Chapter 5107. or 5111.~~ 28656  
~~of the Revised Code~~ provided under a medical assistance program. 28657

(C)(1) There shall not be any limitation on compensatory 28658  
damages that represent the actual loss of the person who is 28659  
awarded the damages. However, except in wrongful death actions 28660  
brought pursuant to Chapter 2125. of the Revised Code, damages 28661  
that arise from the same cause of action, transaction or 28662  
occurrence, or series of transactions or occurrences and that do 28663  
not represent the actual loss of the person who is awarded the 28664  
damages shall not exceed two hundred fifty thousand dollars in 28665  
favor of any one person. The limitation on damages that do not 28666  
represent the actual loss of the person who is awarded the damages 28667  
provided in this division does not apply to court costs that are 28668  
awarded to a plaintiff, or to interest on a judgment rendered in 28669  
favor of a plaintiff, in an action against a political 28670  
subdivision. 28671

(2) As used in this division, "the actual loss of the person 28672  
who is awarded the damages" includes all of the following: 28673

(a) All wages, salaries, or other compensation lost by the 28674  
person injured as a result of the injury, including wages, 28675  
salaries, or other compensation lost as of the date of a judgment 28676  
and future expected lost earnings of the person injured; 28677

(b) All expenditures of the person injured or another person 28678  
on behalf of the person injured for medical care or treatment, for 28679

rehabilitation services, or for other care, treatment, services, 28680  
products, or accommodations that were necessary because of the 28681  
injury; 28682

(c) All expenditures to be incurred in the future, as 28683  
determined by the court, by the person injured or another person 28684  
on behalf of the person injured for medical care or treatment, for 28685  
rehabilitation services, or for other care, treatment, services, 28686  
products, or accommodations that will be necessary because of the 28687  
injury; 28688

(d) All expenditures of a person whose property was injured 28689  
or destroyed or of another person on behalf of the person whose 28690  
property was injured or destroyed in order to repair or replace 28691  
the property that was injured or destroyed; 28692

(e) All expenditures of the person injured or of the person 28693  
whose property was injured or destroyed or of another person on 28694  
behalf of the person injured or of the person whose property was 28695  
injured or destroyed in relation to the actual preparation or 28696  
presentation of the claim involved; 28697

(f) Any other expenditures of the person injured or of the 28698  
person whose property was injured or destroyed or of another 28699  
person on behalf of the person injured or of the person whose 28700  
property was injured or destroyed that the court determines 28701  
represent an actual loss experienced because of the personal or 28702  
property injury or property loss. 28703

"The actual loss of the person who is awarded the damages" 28704  
does not include any fees paid or owed to an attorney for any 28705  
services rendered in relation to a personal or property injury or 28706  
property loss, and does not include any damages awarded for pain 28707  
and suffering, for the loss of society, consortium, companionship, 28708  
care, assistance, attention, protection, advice, guidance, 28709  
counsel, instruction, training, or education of the person 28710

injured, for mental anguish, or for any other intangible loss. 28711

**Sec. 2901.13.** (A)(1) Except as provided in division (A)(2) or 28712  
(3) of this section or as otherwise provided in this section, a 28713  
prosecution shall be barred unless it is commenced within the 28714  
following periods after an offense is committed: 28715

(a) For a felony, six years; 28716

(b) For a misdemeanor other than a minor misdemeanor, two 28717  
years; 28718

(c) For a minor misdemeanor, six months. 28719

(2) There is no period of limitation for the prosecution of a 28720  
violation of section 2903.01 or 2903.02 of the Revised Code. 28721

(3) Except as otherwise provided in divisions (B) to (H) of 28722  
this section, a prosecution of any of the following offenses shall 28723  
be barred unless it is commenced within twenty years after the 28724  
offense is committed: 28725

(a) A violation of section 2903.03, 2903.04, 2905.01, 28726  
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.21, 2909.02, 28727  
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 28728  
2911.01, 2911.02, 2911.11, 2911.12, or 2917.02 of the Revised 28729  
Code, a violation of section 2903.11 or 2903.12 of the Revised 28730  
Code if the victim is a peace officer, a violation of section 28731  
2903.13 of the Revised Code that is a felony, or a violation of 28732  
former section 2907.12 of the Revised Code; 28733

(b) A conspiracy to commit, attempt to commit, or complicity 28734  
in committing a violation set forth in division (A)(3)(a) of this 28735  
section. 28736

(B)(1) Except as otherwise provided in division (B)(2) of 28737  
this section, if the period of limitation provided in division 28738  
(A)(1) or (3) of this section has expired, prosecution shall be 28739  
commenced for an offense of which an element is fraud or breach of 28740



a fiduciary duty, within one year after discovery of the offense 28741  
either by an aggrieved person, or by the aggrieved person's legal 28742  
representative who is not a party to the offense. 28743

(2) If the period of limitation provided in division (A)(1) 28744  
or (3) of this section has expired, prosecution for a violation of 28745  
section 2913.49 of the Revised Code shall be commenced within five 28746  
years after discovery of the offense either by an aggrieved person 28747  
or the aggrieved person's legal representative who is not a party 28748  
to the offense. 28749

(C)(1) If the period of limitation provided in division 28750  
(A)(1) or (3) of this section has expired, prosecution shall be 28751  
commenced for the following offenses during the following 28752  
specified periods of time: 28753

(a) For an offense involving misconduct in office by a public 28754  
servant, at any time while the accused remains a public servant, 28755  
or within two years thereafter; 28756

(b) For an offense by a person who is not a public servant 28757  
but whose offense is directly related to the misconduct in office 28758  
of a public servant, at any time while that public servant remains 28759  
a public servant, or within two years thereafter. 28760

(2) As used in this division: 28761

(a) An "offense is directly related to the misconduct in 28762  
office of a public servant" includes, but is not limited to, a 28763  
violation of section 101.71, 101.91, 121.61 or 2921.13, division 28764  
(F) or (H) of section 102.03, division (A) of section 2921.02, 28765  
division (A) or (B) of section 2921.43, or division (F) or (G) of 28766  
section 3517.13 of the Revised Code, that is directly related to 28767  
an offense involving misconduct in office of a public servant. 28768

(b) "Public servant" has the same meaning as in section 28769  
2921.01 of the Revised Code. 28770

(D) An offense is committed when every element of the offense 28771  
occurs. In the case of an offense of which an element is a 28772  
continuing course of conduct, the period of limitation does not 28773  
begin to run until such course of conduct or the accused's 28774  
accountability for it terminates, whichever occurs first. 28775

(E) A prosecution is commenced on the date an indictment is 28776  
returned or an information filed, or on the date a lawful arrest 28777  
without a warrant is made, or on the date a warrant, summons, 28778  
citation, or other process is issued, whichever occurs first. A 28779  
prosecution is not commenced by the return of an indictment or the 28780  
filing of an information unless reasonable diligence is exercised 28781  
to issue and execute process on the same. A prosecution is not 28782  
commenced upon issuance of a warrant, summons, citation, or other 28783  
process, unless reasonable diligence is exercised to execute the 28784  
same. 28785

(F) The period of limitation shall not run during any time 28786  
when the corpus delicti remains undiscovered. 28787

(G) The period of limitation shall not run during any time 28788  
when the accused purposely avoids prosecution. Proof that the 28789  
accused departed this state or concealed the accused's identity or 28790  
whereabouts is prima-facie evidence of the accused's purpose to 28791  
avoid prosecution. 28792

(H) The period of limitation shall not run during any time a 28793  
prosecution against the accused based on the same conduct is 28794  
pending in this state, even though the indictment, information, or 28795  
process that commenced the prosecution is quashed or the 28796  
proceedings on the indictment, information, or process are set 28797  
aside or reversed on appeal. 28798

(I) The period of limitation for a violation of any provision 28799  
of Title XXIX of the Revised Code that involves a physical or 28800  
mental wound, injury, disability, or condition of a nature that 28801

reasonably indicates abuse or neglect of a child under eighteen 28802  
years of age or of a mentally retarded, developmentally disabled, 28803  
or physically impaired child under twenty-one years of age shall 28804  
not begin to run until either of the following occurs: 28805

(1) The victim of the offense reaches the age of majority. 28806

(2) A public children services agency, or a municipal or 28807  
county peace officer that is not the parent or guardian of the 28808  
child, in the county in which the child resides or in which the 28809  
abuse or neglect is occurring or has occurred has been notified 28810  
that abuse or neglect is known, suspected, or believed to have 28811  
occurred. 28812

(J) As used in this section, "peace officer" has the same 28813  
meaning as in section 2935.01 of the Revised Code. 28814

**Sec. 2901.30.** (A) As used in sections 2901.30 to 2901.32 of 28815  
the Revised Code: 28816

(1) "Information" means information that can be integrated 28817  
into the computer system and that relates to the physical or 28818  
mental description of a minor including, but not limited to, 28819  
height, weight, color of hair and eyes, use of eyeglasses or 28820  
contact lenses, skin coloring, physical or mental handicaps, 28821  
special medical conditions or needs, abnormalities, problems, 28822  
scars and marks, and distinguishing characteristics, and other 28823  
information that could assist in identifying a minor including, 28824  
but not limited to, full name and nickname, date and place of 28825  
birth, age, names and addresses of parents and other relatives, 28826  
fingerprints, dental records, photographs, social security number, 28827  
driver's license number, credit card numbers, bank account 28828  
numbers, and clothing. 28829

(2) "Minor" means a person under eighteen years of age. 28830

(3) "Missing children" or "missing child" means either of the 28831

following: 28832

(a) A minor who has run away from or who otherwise is missing 28833  
from the home of, or the care, custody, and control of, the 28834  
minor's parents, parent who is the residential parent and legal 28835  
custodian, guardian, legal custodian, or other person having 28836  
responsibility for the care of the minor; 28837

(b) A minor who is missing and about whom there is reason to 28838  
believe the minor could be the victim of a violation of section 28839  
2905.01, 2905.02, 2905.03, or 2919.23 of the Revised Code or of a 28840  
violation of section 2905.04 of the Revised Code as it existed 28841  
prior to July 1, 1996. 28842

(B) When a law enforcement agency in this state that has 28843  
jurisdiction in the matter is informed that a minor is or may be a 28844  
missing child and that the person providing the information wishes 28845  
to file a missing child report, the law enforcement agency shall 28846  
take that report. Upon taking the report, the law enforcement 28847  
agency shall take prompt action upon it, including, but not 28848  
limited to, concerted efforts to locate the missing child. No law 28849  
enforcement agency in this state shall have a rule or policy that 28850  
prohibits or discourages the filing of or the taking of action 28851  
upon a missing child report, within a specified period following 28852  
the discovery or formulation of a belief that a minor is or could 28853  
be a missing child. 28854

(C) If a missing child report is made to a law enforcement 28855  
agency in this state that has jurisdiction in the matter, the law 28856  
enforcement agency shall gather readily available information 28857  
about the missing child and integrate it into the national crime 28858  
information center computer immediately following the making of 28859  
the report. The law enforcement agency shall make reasonable 28860  
efforts to acquire additional information about the missing child 28861  
following the transmittal of the initially available information, 28862  
and promptly integrate any additional information acquired into 28863

such computer systems. 28864

Whenever a law enforcement agency integrates information 28865  
about a missing child into the national crime information center 28866  
computer, the law enforcement agency promptly shall notify the 28867  
missing child's parents, parent who is the residential parent and 28868  
legal custodian, guardian, or legal custodian, or any other person 28869  
responsible for the care of the missing child, that it has so 28870  
integrated the information. 28871

The parents, parent who is the residential parent and legal 28872  
custodian, guardian, legal custodian, or other person responsible 28873  
for the care of the missing child shall provide available 28874  
information upon request, and may provide information voluntarily, 28875  
to the law enforcement agency during the information gathering 28876  
process. The law enforcement agency also may obtain available 28877  
information about the missing child from other persons, subject to 28878  
constitutional and statutory limitations. 28879

(D) Upon the filing of a missing child report, the law 28880  
enforcement agency involved may notify the public or nonpublic 28881  
school in which the missing child is or was most recently 28882  
enrolled, as ascertained by the agency, that the child is the 28883  
subject of a missing child report and that the child's school 28884  
records are to be marked in accordance with section 3313.672 of 28885  
the Revised Code. 28886

(E) Upon the filing of a missing child report, the law 28887  
enforcement agency involved promptly shall make a reasonable 28888  
attempt to notify other law enforcement agencies within its county 28889  
and, if the agency has jurisdiction in a municipal corporation or 28890  
township that borders another county, to notify the law 28891  
enforcement agency for the municipal corporation or township in 28892  
the other county with which it shares the border, that it has 28893  
taken a missing child report and may be requesting assistance or 28894  
cooperation in the case, and provide relevant information to the 28895

other law enforcement agencies. The agency may notify additional 28896  
law enforcement agencies, or appropriate public children services 28897  
agencies, about the case, request their assistance or cooperation 28898  
in the case, and provide them with relevant information. 28899

Upon request from a law enforcement agency, a public children 28900  
services agency shall grant the law enforcement agency access to 28901  
all information concerning a missing child that the agency 28902  
possesses that may be relevant to the law enforcement agency in 28903  
investigating a missing child report concerning that child. The 28904  
information obtained by the law enforcement agency shall be used 28905  
only to further the investigation to locate the missing child. 28906

(F) Upon request, law enforcement agencies in this state 28907  
shall provide assistance to, and cooperate with, other law 28908  
enforcement agencies in their investigation of missing child 28909  
cases. The assistance and cooperation under this paragraph shall 28910  
be pursuant to any terms agreed upon by the law enforcement 28911  
agencies, which may include the provision of law enforcement 28912  
services or the use of law enforcement equipment or the 28913  
interchange of services and equipment among the cooperating law 28914  
enforcement agencies. Chapter 2744. of the Revised Code, insofar 28915  
as it applies to the operation of law enforcement agencies, shall 28916  
apply to the cooperating political subdivisions and to the law 28917  
enforcement agency employees when they are rendering services 28918  
pursuant to this paragraph outside the territory of the political 28919  
subdivision by which they are employed. Law enforcement agency 28920  
employees rendering services outside the territory of the 28921  
political subdivision in which they are employed, pursuant to this 28922  
paragraph, shall be entitled to participate in any indemnity fund 28923  
established by their employer to the same extent as if they were 28924  
rendering service within the territory of their employing 28925  
political subdivision. Those law enforcement agency employees also 28926  
shall be entitled to all the rights and benefits of Chapter 4123. 28927

of the Revised Code to the same extent as if rendering services 28928  
within the territory of their employing political subdivision. 28929

The information in any missing child report made to a law 28930  
enforcement agency shall be made available, upon request, to law 28931  
enforcement personnel of this state, other states, and the federal 28932  
government when the law enforcement personnel indicate that the 28933  
request is to aid in identifying or locating a missing child or 28934  
the possible identification of a deceased minor who, upon 28935  
discovery, cannot be identified. 28936

(G) When a missing child has not been located within thirty 28937  
days after the date on which the missing child report pertaining 28938  
to the child was filed with a law enforcement agency, that law 28939  
enforcement agency shall request the missing child's parents, 28940  
parent who is the residential parent and legal custodian, 28941  
guardian, or legal custodian, or any other person responsible for 28942  
the care of the missing child, to provide written consent for the 28943  
law enforcement agency to contact the missing child's dentist and 28944  
request the missing child's dental records. Upon receipt of such 28945  
written consent, the dentist shall release a copy of the missing 28946  
child's dental records to the law enforcement agency and shall 28947  
provide and encode the records in such form as requested by the 28948  
law enforcement agency. The law enforcement agency then shall 28949  
integrate information in the records into the national crime 28950  
information center computer in order to compare the records to 28951  
those of unidentified deceased persons. This division does not 28952  
prevent a law enforcement agency from seeking consent to obtain 28953  
copies of a missing child's dental records, or prevent a missing 28954  
child's parents, parent who is the residential parent and legal 28955  
custodian, guardian, or legal custodian, or any other person 28956  
responsible for the care of the missing child, from granting 28957  
consent for the release of copies of the missing child's dental 28958  
records to a law enforcement agency, at any time. 28959

(H) A missing child's parents, parent who is the residential parent and legal custodian, guardian, or legal custodian, or any other persons responsible for the care of a missing child, immediately shall notify the law enforcement agency with which they filed the missing child report whenever the child has returned to their home or to their care, custody, and control, has been released if the missing child was the victim of an offense listed in division (A)(3)(b) of this section, or otherwise has been located. Upon such notification or upon otherwise learning that a missing child has returned to the home of, or to the care, custody, and control of the missing child's parents, parent who is the residential parent and legal custodian, guardian, legal custodian, or other person responsible for the missing child's care, has been released if the missing child was the victim of an offense listed in division (A)(3)(b) of this section, or otherwise has been located, the law enforcement agency involved promptly shall integrate the fact that the minor no longer is a missing child into the national crime information center computer and shall inform any school that was notified under division (D) of this section that the minor is no longer a missing child.

~~(I) Nothing contained in this section shall be construed to impair the confidentiality of services provided to runaway minors by shelters for runaway minors pursuant to sections 5119.64 to 5119.68 of the Revised Code.~~

**Sec. 2903.33.** As used in sections 2903.33 to 2903.36 of the Revised Code:

(A) "Care facility" means any of the following:

(1) Any "home" as defined in section 3721.10 ~~or 5111.20~~ of the Revised Code;

(2) Any "residential facility" as defined in section 5123.19 of the Revised Code;



(3) Any institution or facility operated or provided by the 28991  
department of ~~mental health~~ mental health and addiction services 28992  
or by the department of developmental disabilities pursuant to 28993  
sections ~~5119.02~~ 5119.14 and 5123.03 of the Revised Code; 28994

(4) Any "residential facility" as defined in section ~~5119.22~~ 28995  
5119.34 of the Revised Code; 28996

(5) Any unit of any hospital, as defined in section 3701.01 28997  
of the Revised Code, that provides the same services as a nursing 28998  
home, as defined in section 3721.01 of the Revised Code; 28999

(6) Any institution, residence, or facility that provides, 29000  
for a period of more than twenty-four hours, whether for a 29001  
consideration or not, accommodations to one individual or two 29002  
unrelated individuals who are dependent upon the services of 29003  
others. 29004

(B) "Abuse" means knowingly causing physical harm or 29005  
recklessly causing serious physical harm to a person by physical 29006  
contact with the person or by the inappropriate use of a physical 29007  
or chemical restraint, medication, or isolation on the person. 29008

(C)(1) "Gross neglect" means knowingly failing to provide a 29009  
person with any treatment, care, goods, or service that is 29010  
necessary to maintain the health or safety of the person when the 29011  
failure results in physical harm or serious physical harm to the 29012  
person. 29013

(2) "Neglect" means recklessly failing to provide a person 29014  
with any treatment, care, goods, or service that is necessary to 29015  
maintain the health or safety of the person when the failure 29016  
results in serious physical harm to the person. 29017

(D) "Inappropriate use of a physical or chemical restraint, 29018  
medication, or isolation" means the use of physical or chemical 29019  
restraint, medication, or isolation as punishment, for staff 29020  
convenience, excessively, as a substitute for treatment, or in 29021

quantities that preclude habilitation and treatment. 29022

**Sec. 2907.22.** (A) No person shall knowingly: 29023

(1) Establish, maintain, operate, manage, supervise, control, 29024  
or have an interest in a brothel or any other enterprise a purpose 29025  
of which is to facilitate engagement in sexual activity for hire; 29026

(2) Supervise, manage, or control the activities of a 29027  
prostitute in engaging in sexual activity for hire; 29028

(3) Transport another, or cause another to be transported 29029  
~~across the boundary of this state or of any county in this state,~~ 29030  
in order to facilitate the other person's engaging in sexual 29031  
activity for hire; 29032

(4) For the purpose of violating or facilitating a violation 29033  
of this section, induce or procure another to engage in sexual 29034  
activity for hire. 29035

(B) Whoever violates this section is guilty of promoting 29036  
prostitution. Except as otherwise provided in this division, 29037  
promoting prostitution is a felony of the fourth degree. If any 29038  
prostitute in the brothel involved in the offense, or the 29039  
prostitute whose activities are supervised, managed, or controlled 29040  
by the offender, or the person transported, induced, or procured 29041  
by the offender to engage in sexual activity for hire, is a minor, 29042  
whether or not the offender knows the age of the minor, then 29043  
promoting prostitution is a felony of the third degree. If the 29044  
offender in any case also is convicted of or pleads guilty to a 29045  
specification as described in section 2941.1422 of the Revised 29046  
Code that was included in the indictment, count in the indictment, 29047  
or information charging the offense, the court shall sentence the 29048  
offender to a mandatory prison term as provided in division (B)(7) 29049  
of section 2929.14 of the Revised Code and shall order the 29050  
offender to make restitution as provided in division (B)(8) of 29051

section 2929.18 of the Revised Code. 29052

**Sec. 2913.40.** (A) As used in this section: 29053

(1) "Statement or representation" means any oral, written, 29054  
electronic, electronic impulse, or magnetic communication that is 29055  
used to identify an item of goods or a service for which 29056  
reimbursement may be made under the ~~medical assistance~~ medicaid 29057  
program or that states income and expense and is or may be used to 29058  
determine a rate of reimbursement under the ~~medical assistance~~ 29059  
medicaid program. 29060

(2) ~~"Medical assistance program" means the program~~ 29061  
~~established by the department of job and family services to~~ 29062  
~~provide medical assistance under section 5111.01 of the Revised~~ 29063  
~~Code and the medicaid program of Title XIX of the "Social Security~~ 29064  
~~Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.~~ 29065

~~(3)~~ "Provider" means any person who has signed a provider 29066  
agreement with the department of ~~job and family services~~ medicaid 29067  
to provide goods or services pursuant to the ~~medical assistance~~ 29068  
medicaid program or any person who has signed an agreement with a 29069  
party to such a provider agreement under which the person agrees 29070  
to provide goods or services that are reimbursable under the 29071  
~~medical assistance~~ medicaid program. 29072

~~(4)~~(3) "Provider agreement" ~~means an oral or written~~ 29073  
~~agreement between the department of job and family services and a~~ 29074  
~~person in which the person agrees to provide goods or services~~ 29075  
~~under the medical assistance program~~ has the same meaning as in 29076  
section 5164.01 of the Revised Code. 29077

~~(5)~~(4) "Recipient" means any individual who receives goods or 29078  
services from a provider under the ~~medical assistance~~ medicaid 29079  
program. 29080

~~(6)~~(5) "Records" means any medical, professional, financial, 29081

or business records relating to the treatment or care of any 29082  
recipient, to goods or services provided to any recipient, or to 29083  
rates paid for goods or services provided to any recipient and any 29084  
records that are required by the rules of the medicaid director ~~of~~ 29085  
~~job and family services~~ to be kept for the ~~medical assistance~~  
medicaid program. 29086  
29087

(B) No person shall knowingly make or cause to be made a 29088  
false or misleading statement or representation for use in 29089  
obtaining reimbursement from the ~~medical assistance~~ medicaid 29090  
program. 29091

(C) No person, with purpose to commit fraud or knowing that 29092  
the person is facilitating a fraud, shall do either of the 29093  
following: 29094

(1) Contrary to the terms of the person's provider agreement, 29095  
charge, solicit, accept, or receive for goods or services that the 29096  
person provides under the ~~medical assistance~~ medicaid program any 29097  
property, money, or other consideration in addition to the amount 29098  
of reimbursement under the ~~medical assistance~~ medicaid program and 29099  
the person's provider agreement for the goods or services and any 29100  
cost-sharing expenses authorized by section ~~5111.0112~~ 5162.20 of 29101  
the Revised Code or rules adopted ~~pursuant to section 5111.01,~~ 29102  
~~5111.011, or 5111.02 of the Revised Code~~ by the medicaid director 29103  
regarding the medicaid program. 29104

(2) Solicit, offer, or receive any remuneration, other than 29105  
any cost-sharing expenses authorized by section ~~5111.0112~~ 5162.20 29106  
of the Revised Code or rules adopted ~~under section 5111.01,~~ 29107  
~~5111.011, or 5111.02 of the Revised Code~~ by the medicaid director 29108  
regarding the medicaid program, in cash or in kind, including, but 29109  
not limited to, a kickback or rebate, in connection with the 29110  
furnishing of goods or services for which whole or partial 29111  
reimbursement is or may be made under the ~~medical assistance~~ 29112  
medicaid program. 29113

(D) No person, having submitted a claim for or provided goods or services under the ~~medical assistance~~ medicaid program, shall do either of the following for a period of at least six years after a reimbursement pursuant to that claim, or a reimbursement for those goods or services, is received under the ~~medical assistance~~ medicaid program:

(1) Knowingly alter, falsify, destroy, conceal, or remove any records that are necessary to fully disclose the nature of all goods or services for which the claim was submitted, or for which reimbursement was received, by the person;

(2) Knowingly alter, falsify, destroy, conceal, or remove any records that are necessary to disclose fully all income and expenditures upon which rates of reimbursements were based for the person.

(E) Whoever violates this section is guilty of medicaid fraud. Except as otherwise provided in this division, medicaid fraud is a misdemeanor of the first degree. If the value of property, services, or funds obtained in violation of this section is one thousand dollars or more and is less than seven thousand five hundred dollars, medicaid fraud is a felony of the fifth degree. If the value of property, services, or funds obtained in violation of this section is seven thousand five hundred dollars or more and is less than one hundred fifty thousand dollars, medicaid fraud is a felony of the fourth degree. If the value of the property, services, or funds obtained in violation of this section is one hundred fifty thousand dollars or more, medicaid fraud is a felony of the third degree.

(F) Upon application of the governmental agency, office, or other entity that conducted the investigation and prosecution in a case under this section, the court shall order any person who is convicted of a violation of this section for receiving any reimbursement for furnishing goods or services under the ~~medical~~

~~assistance~~ medicaid program to which the person is not entitled to 29146  
pay to the applicant its cost of investigating and prosecuting the 29147  
case. The costs of investigation and prosecution that a defendant 29148  
is ordered to pay pursuant to this division shall be in addition 29149  
to any other penalties for the receipt of that reimbursement that 29150  
are provided in this section, section ~~5111.03~~ 5164.35 of the 29151  
Revised Code, or any other provision of law. 29152

(G) The provisions of this section are not intended to be 29153  
exclusive remedies and do not preclude the use of any other 29154  
criminal or civil remedy for any act that is in violation of this 29155  
section. 29156

**Sec. 2913.401.** (A) As used in this section: 29157

(1) "Medicaid ~~benefits~~ services" means ~~benefits under the~~ 29158  
~~medical assistance program established under Chapter 5111.~~ has the 29159  
same meaning as in section 5164.01 of the Revised Code. 29160

(2) "Property" means any real or personal property or other 29161  
asset in which a person has any legal title or interest. 29162

(B) No person shall knowingly do any of the following in an 29163  
application for enrollment in the medicaid ~~benefits~~ program or in 29164  
a document that requires a disclosure of assets for the purpose of 29165  
determining eligibility ~~to receive~~ for the medicaid ~~benefits~~ 29166  
program: 29167

(1) Make or cause to be made a false or misleading statement; 29168

(2) Conceal an interest in property; 29169

(3)(a) Except as provided in division (B)(3)(b) of this 29170  
section, fail to disclose a transfer of property that occurred 29171  
during the period beginning thirty-six months before submission of 29172  
the application or document and ending on the date the application 29173  
or document was submitted; 29174

(b) Fail to disclose a transfer of property that occurred 29175

during the period beginning sixty months before submission of the 29176  
application or document and ending on the date the application or 29177  
document was submitted and that was made to an irrevocable trust a 29178  
portion of which is not distributable to the applicant for 29179  
~~medicaid benefits~~ or the recipient of medicaid ~~benefits~~ or to a 29180  
revocable trust. 29181

(C)(1) Whoever violates this section is guilty of medicaid 29182  
eligibility fraud. Except as otherwise provided in this division, 29183  
a violation of this section is a misdemeanor of the first degree. 29184  
If the value of the medicaid ~~benefits~~ services paid as a result of 29185  
the violation is one thousand dollars or more and is less than 29186  
seven thousand five hundred dollars, a violation of this section 29187  
is a felony of the fifth degree. If the value of the medicaid 29188  
~~benefits~~ services paid as a result of the violation is seven 29189  
thousand five hundred dollars or more and is less than one hundred 29190  
fifty thousand dollars, a violation of this section is a felony of 29191  
the fourth degree. If the value of the medicaid ~~benefits~~ services 29192  
paid as a result of the violation is one hundred fifty thousand 29193  
dollars or more, a violation of this section is a felony of the 29194  
third degree. 29195

(2) In addition to imposing a sentence under division (C)(1) 29196  
of this section, the court shall order that a person who is guilty 29197  
of medicaid eligibility fraud make restitution in the full amount 29198  
of any medicaid ~~benefits~~ services paid on behalf of an applicant 29199  
for or recipient of medicaid ~~benefits~~ for which the applicant or 29200  
recipient was not eligible, plus interest at the rate applicable 29201  
to judgments on unreimbursed amounts from the date on which the 29202  
~~benefits~~ medicaid services were paid to the date on which 29203  
restitution is made. 29204

(3) The remedies and penalties provided in this section are 29205  
not exclusive and do not preclude the use of any other criminal or 29206  
civil remedy for any act that is in violation of this section. 29207

(D) This section does not apply to a person who fully 29208  
disclosed in an application for medicaid ~~benefits~~ or in a document 29209  
that requires a disclosure of assets for the purpose of 29210  
determining eligibility ~~to receive for~~ medicaid ~~benefits~~ all of 29211  
the interests in property of the applicant for or recipient of 29212  
medicaid ~~benefits~~, all transfers of property by the applicant for 29213  
or recipient of medicaid ~~benefits~~, and the circumstances of all 29214  
those transfers. 29215

(E) Any amounts of medicaid ~~benefits~~ services recovered as 29216  
restitution under this section and any interest on those amounts 29217  
shall be credited to the general revenue fund, and any applicable 29218  
federal share shall be returned to the appropriate agency or 29219  
department of the United States. 29220

**Sec. 2919.271.** (A)(1)(a) If a defendant is charged with a 29221  
violation of section 2919.27 of the Revised Code or of a municipal 29222  
ordinance that is substantially similar to that section, the court 29223  
may order an evaluation of the mental condition of the defendant 29224  
if the court determines that either of the following criteria 29225  
apply: 29226

(i) If the alleged violation is a violation of a protection 29227  
order issued or consent agreement approved pursuant to section 29228  
2919.26 or 3113.31 of the Revised Code, that the violation 29229  
allegedly involves conduct by the defendant that caused physical 29230  
harm to the person or property of a family or household member 29231  
covered by the order or agreement, or conduct by the defendant 29232  
that caused a family or household member to believe that the 29233  
defendant would cause physical harm to that member or that 29234  
member's property. 29235

(ii) If the alleged violation is a violation of a protection 29236  
order issued pursuant to section 2903.213 or 2903.214 of the 29237  
Revised Code or a protection order issued by a court of another 29238



state, that the violation allegedly involves conduct by the 29239  
defendant that caused physical harm to the person or property of 29240  
the person covered by the order, or conduct by the defendant that 29241  
caused the person covered by the order to believe that the 29242  
defendant would cause physical harm to that person or that 29243  
person's property. 29244

(b) If a defendant is charged with a violation of section 29245  
2903.211 of the Revised Code or of a municipal ordinance that is 29246  
substantially similar to that section, the court may order an 29247  
evaluation of the mental condition of the defendant. 29248

(2) An evaluation ordered under division (A)(1) of this 29249  
section shall be completed no later than thirty days from the date 29250  
the order is entered pursuant to that division. In that order, the 29251  
court shall do either of the following: 29252

(a) Order that the evaluation of the mental condition of the 29253  
defendant be preceded by an examination conducted either by a 29254  
forensic center that is designated by the department of ~~mental~~ 29255  
~~health~~ mental health and addiction services to conduct 29256  
examinations and make evaluations of defendants charged with 29257  
violations of section 2903.211 or 2919.27 of the Revised Code or 29258  
of substantially similar municipal ordinances in the area in which 29259  
the court is located, or by any other program or facility that is 29260  
designated by the department of ~~mental health~~ mental health and 29261  
addiction services or the department of developmental disabilities 29262  
to conduct examinations and make evaluations of defendants charged 29263  
with violations of section 2903.211 or 2919.27 of the Revised Code 29264  
or of substantially similar municipal ordinances, and that is 29265  
operated by either department or is certified by either department 29266  
as being in compliance with the standards established under 29267  
division ~~(H)~~(B)(7) of section ~~5119.01~~ 5119.10 of the Revised Code 29268  
or division (C) of section 5123.04 of the Revised Code. 29269

(b) Designate a center, program, or facility other than one 29270

designated by the department of ~~mental health~~ mental health and 29271  
addiction services or the department of developmental 29272  
disabilities, as described in division (A)(2)(a) of this section, 29273  
to conduct the evaluation and preceding examination of the mental 29274  
condition of the defendant. 29275

Whether the court acts pursuant to division (A)(2)(a) or (b) 29276  
of this section, the court may designate examiners other than the 29277  
personnel of the center, program, facility, or department involved 29278  
to make the evaluation and preceding examination of the mental 29279  
condition of the defendant. 29280

(B) If the court considers that additional evaluations of the 29281  
mental condition of a defendant are necessary following the 29282  
evaluation authorized by division (A) of this section, the court 29283  
may order up to two additional similar evaluations. These 29284  
evaluations shall be completed no later than thirty days from the 29285  
date the applicable court order is entered. If more than one 29286  
evaluation of the mental condition of the defendant is ordered 29287  
under this division, the prosecutor and the defendant may 29288  
recommend to the court an examiner whom each prefers to perform 29289  
one of the evaluations and preceding examinations. 29290

(C)(1) The court may order a defendant who has been released 29291  
on bail to submit to an examination under division (A) or (B) of 29292  
this section. The examination shall be conducted either at the 29293  
detention facility in which the defendant would have been confined 29294  
if the defendant had not been released on bail, or, if so 29295  
specified by the center, program, facility, or examiners involved, 29296  
at the premises of the center, program, or facility. Additionally, 29297  
the examination shall be conducted at the times established by the 29298  
examiners involved. If such a defendant refuses to submit to an 29299  
examination or a complete examination as required by the court or 29300  
the center, program, facility, or examiners involved, the court 29301  
may amend the conditions of the bail of the defendant and order 29302

the sheriff to take the defendant into custody and deliver the 29303  
defendant to the detention facility in which the defendant would 29304  
have been confined if the defendant had not been released on bail, 29305  
or, if so specified by the center, program, facility, or examiners 29306  
involved, to the premises of the center, program, or facility, for 29307  
purposes of the examination. 29308

(2) A defendant who has not been released on bail shall be 29309  
examined at the detention facility in which the defendant is 29310  
confined or, if so specified by the center, program, facility, or 29311  
examiners involved, at the premises of the center, program, or 29312  
facility. 29313

(D) The examiner of the mental condition of a defendant under 29314  
division (A) or (B) of this section shall file a written report 29315  
with the court within thirty days after the entry of an order for 29316  
the evaluation of the mental condition of the defendant. The 29317  
report shall contain the findings of the examiner; the facts in 29318  
reasonable detail on which the findings are based; the opinion of 29319  
the examiner as to the mental condition of the defendant; the 29320  
opinion of the examiner as to whether the defendant represents a 29321  
substantial risk of physical harm to other persons as manifested 29322  
by evidence of recent homicidal or other violent behavior, 29323  
evidence of recent threats that placed other persons in reasonable 29324  
fear of violent behavior and serious physical harm, or evidence of 29325  
present dangerousness; and the opinion of the examiner as to the 29326  
types of treatment or counseling that the defendant needs. The 29327  
court shall provide copies of the report to the prosecutor and 29328  
defense counsel. 29329

(E) The costs of any evaluation and preceding examination of 29330  
a defendant that is ordered pursuant to division (A) or (B) of 29331  
this section shall be taxed as court costs in the criminal case. 29332

(F) If the examiner considers it necessary in order to make 29333  
an accurate evaluation of the mental condition of a defendant, an 29334

examiner under division (A) or (B) of this section may request any family or household member of the defendant to provide the examiner with information. A family or household member may, but is not required to, provide information to the examiner upon receipt of the request.

(G) As used in this section:

(1) "Bail" includes a recognizance.

(2) "Examiner" means a psychiatrist, a licensed independent social worker who is employed by a forensic center that is certified as being in compliance with the standards established under division ~~(H)(B)(7)~~ of section ~~5119.01~~ 5119.10 or division (C) of section 5123.04 of the Revised Code, a licensed professional clinical counselor who is employed at a forensic center that is certified as being in compliance with such standards, or a licensed clinical psychologist, except that in order to be an examiner, a licensed clinical psychologist shall meet the criteria of division (I)(1) of section 5122.01 of the Revised Code or be employed to conduct examinations by the department of ~~mental health~~ mental health and addiction services or by a forensic center certified as being in compliance with the standards established under division ~~(H)(B)(7)~~ of section ~~5119.01~~ 5119.10 or division (C) of section 5123.04 of the Revised Code that is designated by the department of ~~mental health~~ mental health and addiction services.

(3) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code.

(4) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code.

(5) "Psychiatrist" and "licensed clinical psychologist" have the same meanings as in section 5122.01 of the Revised Code.

(6) "Protection order issued by a court of another state" has

the same meaning as in section 2919.27 of the Revised Code. 29366

**Sec. 2921.01.** As used in sections 2921.01 to 2921.45 of the 29367  
Revised Code: 29368

(A) "Public official" means any elected or appointed officer, 29369  
or employee, or agent of the state or any political subdivision, 29370  
whether in a temporary or permanent capacity, and includes, but is 29371  
not limited to, legislators, judges, and law enforcement officers. 29372  
"Public official" does not include an employee, officer, or 29373  
governor-appointed member of the board of directors of the 29374  
nonprofit corporation formed under section 187.01 of the Revised 29375  
Code. 29376

(B) "Public servant" means any of the following: 29377

(1) Any public official; 29378

(2) Any person performing ad hoc a governmental function, 29379  
including, but not limited to, a juror, member of a temporary 29380  
commission, master, arbitrator, advisor, or consultant; 29381

(3) A person who is a candidate for public office, whether or 29382  
not the person is elected or appointed to the office for which the 29383  
person is a candidate. A person is a candidate for purposes of 29384  
this division if the person has been nominated according to law 29385  
for election or appointment to public office, or if the person has 29386  
filed a petition or petitions as required by law to have the 29387  
person's name placed on the ballot in a primary, general, or 29388  
special election, or if the person campaigns as a write-in 29389  
candidate in any primary, general, or special election. 29390

"Public servant" does not include an employee, officer, or 29391  
governor-appointed member of the board of directors of the 29392  
nonprofit corporation formed under section 187.01 of the Revised 29393  
Code. 29394

(C) "Party official" means any person who holds an elective 29395

or appointive post in a political party in the United States or 29396  
this state, by virtue of which the person directs, conducts, or 29397  
participates in directing or conducting party affairs at any level 29398  
of responsibility. 29399

(D) "Official proceeding" means any proceeding before a 29400  
legislative, judicial, administrative, or other governmental 29401  
agency or official authorized to take evidence under oath, and 29402  
includes any proceeding before a referee, hearing examiner, 29403  
commissioner, notary, or other person taking testimony or a 29404  
deposition in connection with an official proceeding. 29405

(E) "Detention" means arrest; confinement in any vehicle 29406  
subsequent to an arrest; confinement in any public or private 29407  
facility for custody of persons charged with or convicted of crime 29408  
in this state or another state or under the laws of the United 29409  
States or alleged or found to be a delinquent child or unruly 29410  
child in this state or another state or under the laws of the 29411  
United States; hospitalization, institutionalization, or 29412  
confinement in any public or private facility that is ordered 29413  
pursuant to or under the authority of section 2945.37, 2945.371, 29414  
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 29415  
Code; confinement in any vehicle for transportation to or from any 29416  
facility of any of those natures; detention for extradition or 29417  
deportation; except as provided in this division, supervision by 29418  
any employee of any facility of any of those natures that is 29419  
incidental to hospitalization, institutionalization, or 29420  
confinement in the facility but that occurs outside the facility; 29421  
supervision by an employee of the department of rehabilitation and 29422  
correction of a person on any type of release from a state 29423  
correctional institution; or confinement in any vehicle, airplane, 29424  
or place while being returned from outside of this state into this 29425  
state by a private person or entity pursuant to a contract entered 29426  
into under division (E) of section 311.29 of the Revised Code or 29427

division (B) of section 5149.03 of the Revised Code. For a person 29428  
confined in a county jail who participates in a county jail 29429  
industry program pursuant to section 5147.30 of the Revised Code, 29430  
"detention" includes time spent at an assigned work site and going 29431  
to and from the work site. 29432

(F) "Detention facility" means any public or private place 29433  
used for the confinement of a person charged with or convicted of 29434  
any crime in this state or another state or under the laws of the 29435  
United States or alleged or found to be a delinquent child or 29436  
unruly child in this state or another state or under the laws of 29437  
the United States. 29438

(G) "Valuable thing or valuable benefit" includes, but is not 29439  
limited to, a contribution. This inclusion does not indicate or 29440  
imply that a contribution was not included in those terms before 29441  
September 17, 1986. 29442

(H) "Campaign committee," "contribution," "political action 29443  
committee," "legislative campaign fund," "political party," and 29444  
"political contributing entity" have the same meanings as in 29445  
section 3517.01 of the Revised Code. 29446

(I) "Provider agreement" ~~and "medical assistance program"~~ 29447  
~~have~~ has the same ~~meanings~~ meaning as in section ~~2913.40~~ 5164.01 29448  
of the Revised Code. 29449

**Sec. 2921.13.** (A) No person shall knowingly make a false 29450  
statement, or knowingly swear or affirm the truth of a false 29451  
statement previously made, when any of the following applies: 29452

(1) The statement is made in any official proceeding. 29453

(2) The statement is made with purpose to incriminate 29454  
another. 29455

(3) The statement is made with purpose to mislead a public 29456  
official in performing the public official's official function. 29457

(4) The statement is made with purpose to secure a grant 29458  
under Chapter 4143. of the Revised Code; the payment of 29459  
unemployment compensation; Ohio works first; prevention, 29460  
retention, and contingency benefits and services; disability 29461  
financial assistance; retirement benefits or health care coverage 29462  
from a state retirement system; economic development assistance, 29463  
as defined in section 9.66 of the Revised Code; or other benefits 29464  
administered by a governmental agency or paid out of a public 29465  
treasury. 29466

(5) The statement is made with purpose to secure the issuance 29467  
by a governmental agency of a license, permit, authorization, 29468  
certificate, registration, release, or provider agreement. 29469

(6) The statement is sworn or affirmed before a notary public 29470  
or another person empowered to administer oaths. 29471

(7) The statement is in writing on or in connection with a 29472  
report or return that is required or authorized by law. 29473

(8) The statement is in writing and is made with purpose to 29474  
induce another to extend credit to or employ the offender, to 29475  
confer any degree, diploma, certificate of attainment, award of 29476  
excellence, or honor on the offender, or to extend to or bestow 29477  
upon the offender any other valuable benefit or distinction, when 29478  
the person to whom the statement is directed relies upon it to 29479  
that person's detriment. 29480

(9) The statement is made with purpose to commit or 29481  
facilitate the commission of a theft offense. 29482

(10) The statement is knowingly made to a probate court in 29483  
connection with any action, proceeding, or other matter within its 29484  
jurisdiction, either orally or in a written document, including, 29485  
but not limited to, an application, petition, complaint, or other 29486  
pleading, or an inventory, account, or report. 29487

(11) The statement is made on an account, form, record, 29488



stamp, label, or other writing that is required by law. 29489

(12) The statement is made in connection with the purchase of 29490  
a firearm, as defined in section 2923.11 of the Revised Code, and 29491  
in conjunction with the furnishing to the seller of the firearm of 29492  
a fictitious or altered driver's or commercial driver's license or 29493  
permit, a fictitious or altered identification card, or any other 29494  
document that contains false information about the purchaser's 29495  
identity. 29496

(13) The statement is made in a document or instrument of 29497  
writing that purports to be a judgment, lien, or claim of 29498  
indebtedness and is filed or recorded with the secretary of state, 29499  
a county recorder, or the clerk of a court of record. 29500

(14) The statement is made in an application filed with a 29501  
county sheriff pursuant to section 2923.125 of the Revised Code in 29502  
order to obtain or renew a concealed handgun license or is made in 29503  
an affidavit submitted to a county sheriff to obtain a concealed 29504  
handgun license on a temporary emergency basis under section 29505  
2923.1213 of the Revised Code. 29506

(15) The statement is required under section 5743.71 of the 29507  
Revised Code in connection with the person's purchase of 29508  
cigarettes or tobacco products in a delivery sale. 29509

(B) No person, in connection with the purchase of a firearm, 29510  
as defined in section 2923.11 of the Revised Code, shall knowingly 29511  
furnish to the seller of the firearm a fictitious or altered 29512  
driver's or commercial driver's license or permit, a fictitious or 29513  
altered identification card, or any other document that contains 29514  
false information about the purchaser's identity. 29515

(C) No person, in an attempt to obtain a concealed handgun 29516  
license under section 2923.125 of the Revised Code, shall 29517  
knowingly present to a sheriff a fictitious or altered document 29518  
that purports to be certification of the person's competence in 29519

handling a handgun as described in division (B)(3) of that 29520  
section. 29521

(D) It is no defense to a charge under division (A)(6) of 29522  
this section that the oath or affirmation was administered or 29523  
taken in an irregular manner. 29524

(E) If contradictory statements relating to the same fact are 29525  
made by the offender within the period of the statute of 29526  
limitations for falsification, it is not necessary for the 29527  
prosecution to prove which statement was false but only that one 29528  
or the other was false. 29529

(F)(1) Whoever violates division (A)(1), (2), (3), (4), (5), 29530  
(6), (7), (8), (10), (11), (13), or (15) of this section is guilty 29531  
of falsification, a misdemeanor of the first degree. 29532

(2) Whoever violates division (A)(9) of this section is 29533  
guilty of falsification in a theft offense. Except as otherwise 29534  
provided in this division, falsification in a theft offense is a 29535  
misdemeanor of the first degree. If the value of the property or 29536  
services stolen is one thousand dollars or more and is less than 29537  
seven thousand five hundred dollars, falsification in a theft 29538  
offense is a felony of the fifth degree. If the value of the 29539  
property or services stolen is seven thousand five hundred dollars 29540  
or more and is less than one hundred fifty thousand dollars, 29541  
falsification in a theft offense is a felony of the fourth degree. 29542  
If the value of the property or services stolen is one hundred 29543  
fifty thousand dollars or more, falsification in a theft offense 29544  
is a felony of the third degree. 29545

(3) Whoever violates division (A)(12) or (B) of this section 29546  
is guilty of falsification to purchase a firearm, a felony of the 29547  
fifth degree. 29548

(4) Whoever violates division (A)(14) or (C) of this section 29549  
is guilty of falsification to obtain a concealed handgun license, 29550

a felony of the fourth degree. 29551

(G) A person who violates this section is liable in a civil 29552  
action to any person harmed by the violation for injury, death, or 29553  
loss to person or property incurred as a result of the commission 29554  
of the offense and for reasonable attorney's fees, court costs, 29555  
and other expenses incurred as a result of prosecuting the civil 29556  
action commenced under this division. A civil action under this 29557  
division is not the exclusive remedy of a person who incurs 29558  
injury, death, or loss to person or property as a result of a 29559  
violation of this section. 29560

**Sec. 2921.22.** (A)(1) Except as provided in division (A)(2) of 29561  
this section, no person, knowing that a felony has been or is 29562  
being committed, shall knowingly fail to report such information 29563  
to law enforcement authorities. 29564

(2) No person, knowing that a violation of division (B) of 29565  
section 2913.04 of the Revised Code has been, or is being 29566  
committed or that the person has received information derived from 29567  
such a violation, shall knowingly fail to report the violation to 29568  
law enforcement authorities. 29569

(B) Except for conditions that are within the scope of 29570  
division (E) of this section, no physician, limited practitioner, 29571  
nurse, or other person giving aid to a sick or injured person 29572  
shall negligently fail to report to law enforcement authorities 29573  
any gunshot or stab wound treated or observed by the physician, 29574  
limited practitioner, nurse, or person, or any serious physical 29575  
harm to persons that the physician, limited practitioner, nurse, 29576  
or person knows or has reasonable cause to believe resulted from 29577  
an offense of violence. 29578

(C) No person who discovers the body or acquires the first 29579  
knowledge of the death of a person shall fail to report the death 29580  
immediately to a physician whom the person knows to be treating 29581

the deceased for a condition from which death at such time would 29582  
not be unexpected, or to a law enforcement officer, an ambulance 29583  
service, an emergency squad, or the coroner in a political 29584  
subdivision in which the body is discovered, the death is believed 29585  
to have occurred, or knowledge concerning the death is obtained. 29586

(D) No person shall fail to provide upon request of the 29587  
person to whom a report required by division (C) of this section 29588  
was made, or to any law enforcement officer who has reasonable 29589  
cause to assert the authority to investigate the circumstances 29590  
surrounding the death, any facts within the person's knowledge 29591  
that may have a bearing on the investigation of the death. 29592

(E)(1) As used in this division, "burn injury" means any of 29593  
the following: 29594

(a) Second or third degree burns; 29595

(b) Any burns to the upper respiratory tract or laryngeal 29596  
edema due to the inhalation of superheated air; 29597

(c) Any burn injury or wound that may result in death; 29598

(d) Any physical harm to persons caused by or as the result 29599  
of the use of fireworks, novelties and trick noisemakers, and wire 29600  
sparklers, as each is defined by section 3743.01 of the Revised 29601  
Code. 29602

(2) No physician, nurse, or limited practitioner who, outside 29603  
a hospital, sanitarium, or other medical facility, attends or 29604  
treats a person who has sustained a burn injury that is inflicted 29605  
by an explosion or other incendiary device or that shows evidence 29606  
of having been inflicted in a violent, malicious, or criminal 29607  
manner shall fail to report the burn injury immediately to the 29608  
local arson, or fire and explosion investigation, bureau, if there 29609  
is a bureau of this type in the jurisdiction in which the person 29610  
is attended or treated, or otherwise to local law enforcement 29611  
authorities. 29612

(3) No manager, superintendent, or other person in charge of a hospital, sanitarium, or other medical facility in which a person is attended or treated for any burn injury that is inflicted by an explosion or other incendiary device or that shows evidence of having been inflicted in a violent, malicious, or criminal manner shall fail to report the burn injury immediately to the local arson, or fire and explosion investigation, bureau, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(4) No person who is required to report any burn injury under division (E)(2) or (3) of this section shall fail to file, within three working days after attending or treating the victim, a written report of the burn injury with the office of the state fire marshal. The report shall comply with the uniform standard developed by the state fire marshal pursuant to division (A)(15) of section 3737.22 of the Revised Code.

(5) Anyone participating in the making of reports under division (E) of this section or anyone participating in a judicial proceeding resulting from the reports is immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. Notwithstanding section 4731.22 of the Revised Code, the physician-patient relationship is not a ground for excluding evidence regarding a person's burn injury or the cause of the burn injury in any judicial proceeding resulting from a report submitted under division (E) of this section.

(F)(1) Any doctor of medicine or osteopathic medicine, hospital intern or resident, registered or licensed practical nurse, psychologist, social worker, independent social worker, social work assistant, professional clinical counselor, or professional counselor who knows or has reasonable cause to believe that a patient or client has been the victim of domestic

violence, as defined in section 3113.31 of the Revised Code, shall 29645  
note that knowledge or belief and the basis for it in the 29646  
patient's or client's records. 29647

(2) Notwithstanding section 4731.22 of the Revised Code, the 29648  
doctor-patient privilege shall not be a ground for excluding any 29649  
information regarding the report containing the knowledge or 29650  
belief noted under division (F)(1) of this section, and the 29651  
information may be admitted as evidence in accordance with the 29652  
Rules of Evidence. 29653

(G) Divisions (A) and (D) of this section do not require 29654  
disclosure of information, when any of the following applies: 29655

(1) The information is privileged by reason of the 29656  
relationship between attorney and client; doctor and patient; 29657  
licensed psychologist or licensed school psychologist and client; 29658  
member of the clergy, rabbi, minister, or priest and any person 29659  
communicating information confidentially to the member of the 29660  
clergy, rabbi, minister, or priest for a religious counseling 29661  
purpose of a professional character; husband and wife; or a 29662  
communications assistant and those who are a party to a 29663  
telecommunications relay service call. 29664

(2) The information would tend to incriminate a member of the 29665  
actor's immediate family. 29666

(3) Disclosure of the information would amount to revealing a 29667  
news source, privileged under section 2739.04 or 2739.12 of the 29668  
Revised Code. 29669

(4) Disclosure of the information would amount to disclosure 29670  
by a member of the ordained clergy of an organized religious body 29671  
of a confidential communication made to that member of the clergy 29672  
in that member's capacity as a member of the clergy by a person 29673  
seeking the aid or counsel of that member of the clergy. 29674

(5) Disclosure would amount to revealing information acquired 29675

by the actor in the course of the actor's duties in connection 29676  
with a bona fide program of treatment or services for drug 29677  
dependent persons or persons in danger of drug dependence, which 29678  
program is maintained or conducted by a hospital, clinic, person, 29679  
agency, or ~~organization~~ services provider certified pursuant to 29680  
section ~~3793.06~~ 5119.36 of the Revised Code. 29681

(6) Disclosure would amount to revealing information acquired 29682  
by the actor in the course of the actor's duties in connection 29683  
with a bona fide program for providing counseling services to 29684  
victims of crimes that are violations of section 2907.02 or 29685  
2907.05 of the Revised Code or to victims of felonious sexual 29686  
penetration in violation of former section 2907.12 of the Revised 29687  
Code. As used in this division, "counseling services" include 29688  
services provided in an informal setting by a person who, by 29689  
education or experience, is competent to provide those services. 29690

(H) No disclosure of information pursuant to this section 29691  
gives rise to any liability or recrimination for a breach of 29692  
privilege or confidence. 29693

(I) Whoever violates division (A) or (B) of this section is 29694  
guilty of failure to report a crime. Violation of division (A)(1) 29695  
of this section is a misdemeanor of the fourth degree. Violation 29696  
of division (A)(2) or (B) of this section is a misdemeanor of the 29697  
second degree. 29698

(J) Whoever violates division (C) or (D) of this section is 29699  
guilty of failure to report knowledge of a death, a misdemeanor of 29700  
the fourth degree. 29701

(K)(1) Whoever negligently violates division (E) of this 29702  
section is guilty of a minor misdemeanor. 29703

(2) Whoever knowingly violates division (E) of this section 29704  
is guilty of a misdemeanor of the second degree. 29705

**Sec. 2921.36.** (A) No person shall knowingly convey, or 29706  
attempt to convey, onto the grounds of a detention facility or of 29707  
an institution, office building, or other place that is under the 29708  
control of the department of ~~mental health~~ mental health and 29709  
addiction services, the department of developmental disabilities, 29710  
the department of youth services, or the department of 29711  
rehabilitation and correction any of the following items: 29712

(1) Any deadly weapon or dangerous ordnance, as defined in 29713  
section 2923.11 of the Revised Code, or any part of or ammunition 29714  
for use in such a deadly weapon or dangerous ordnance; 29715

(2) Any drug of abuse, as defined in section 3719.011 of the 29716  
Revised Code; 29717

(3) Any intoxicating liquor, as defined in section 4301.01 of 29718  
the Revised Code. 29719

(B) Division (A) of this section does not apply to any person 29720  
who conveys or attempts to convey an item onto the grounds of a 29721  
detention facility or of an institution, office building, or other 29722  
place under the control of the department of ~~mental health~~ mental 29723  
health and addiction services, the department of developmental 29724  
disabilities, the department of youth services, or the department 29725  
of rehabilitation and correction pursuant to the written 29726  
authorization of the person in charge of the detention facility or 29727  
the institution, office building, or other place and in accordance 29728  
with the written rules of the detention facility or the 29729  
institution, office building, or other place. 29730

(C) No person shall knowingly deliver, or attempt to deliver, 29731  
to any person who is confined in a detention facility, to a child 29732  
confined in a youth services facility, to a prisoner who is 29733  
temporarily released from confinement for a work assignment, or to 29734  
any patient in an institution under the control of the department 29735  
of ~~mental health~~ mental health and addiction services or the 29736



department of developmental disabilities any item listed in 29737  
division (A)(1), (2), or (3) of this section. 29738

(D) No person shall knowingly deliver, or attempt to deliver, 29739  
cash to any person who is confined in a detention facility, to a 29740  
child confined in a youth services facility, or to a prisoner who 29741  
is temporarily released from confinement for a work assignment. 29742

(E) No person shall knowingly deliver, or attempt to deliver, 29743  
to any person who is confined in a detention facility, to a child 29744  
confined in a youth services facility, or to a prisoner who is 29745  
temporarily released from confinement for a work assignment a 29746  
cellular telephone, two-way radio, or other electronic 29747  
communications device. 29748

(F)(1) It is an affirmative defense to a charge under 29749  
division (A)(1) of this section that the weapon or dangerous 29750  
ordnance in question was being transported in a motor vehicle for 29751  
any lawful purpose, that it was not on the actor's person, and, if 29752  
the weapon or dangerous ordnance in question was a firearm, that 29753  
it was unloaded and was being carried in a closed package, box, or 29754  
case or in a compartment that can be reached only by leaving the 29755  
vehicle. 29756

(2) It is an affirmative defense to a charge under division 29757  
(C) of this section that the actor was not otherwise prohibited by 29758  
law from delivering the item to the confined person, the child, 29759  
the prisoner, or the patient and that either of the following 29760  
applies: 29761

(a) The actor was permitted by the written rules of the 29762  
detention facility or the institution, office building, or other 29763  
place to deliver the item to the confined person or the patient. 29764

(b) The actor was given written authorization by the person 29765  
in charge of the detention facility or the institution, office 29766  
building, or other place to deliver the item to the confined 29767

person or the patient. 29768

(G)(1) Whoever violates division (A)(1) of this section or 29769  
commits a violation of division (C) of this section involving an 29770  
item listed in division (A)(1) of this section is guilty of 29771  
illegal conveyance of weapons onto the grounds of a specified 29772  
governmental facility, a felony of the third degree. If the 29773  
offender is an officer or employee of the department of 29774  
rehabilitation and correction, the court shall impose a mandatory 29775  
prison term. 29776

(2) Whoever violates division (A)(2) of this section or 29777  
commits a violation of division (C) of this section involving any 29778  
drug of abuse is guilty of illegal conveyance of drugs of abuse 29779  
onto the grounds of a specified governmental facility, a felony of 29780  
the third degree. If the offender is an officer or employee of the 29781  
department of rehabilitation and correction or of the department 29782  
of youth services, the court shall impose a mandatory prison term. 29783

(3) Whoever violates division (A)(3) of this section or 29784  
commits a violation of division (C) of this section involving any 29785  
intoxicating liquor is guilty of illegal conveyance of 29786  
intoxicating liquor onto the grounds of a specified governmental 29787  
facility, a misdemeanor of the second degree. 29788

(4) Whoever violates division (D) of this section is guilty 29789  
of illegal conveyance of cash onto the grounds of a detention 29790  
facility, a misdemeanor of the first degree. If the offender 29791  
previously has been convicted of or pleaded guilty to a violation 29792  
of division (D) of this section, illegal conveyance of cash onto 29793  
the grounds of a detention facility is a felony of the fifth 29794  
degree. 29795

(5) Whoever violates division (E) of this section is guilty 29796  
of illegal conveyance of a communications device onto the grounds 29797  
of a specified governmental facility, a misdemeanor of the first 29798

degree, or if the offender previously has been convicted of or 29799  
pleaded guilty to a violation of division (E) of this section, a 29800  
felony of the fifth degree. 29801

**Sec. 2921.38.** (A) No person who is confined in a detention 29802  
facility, with intent to harass, annoy, threaten, or alarm another 29803  
person, shall cause or attempt to cause the other person to come 29804  
into contact with blood, semen, urine, feces, or another bodily 29805  
substance by throwing the bodily substance at the other person, by 29806  
expelling the bodily substance upon the other person, or in any 29807  
other manner. 29808

(B) No person, with intent to harass, annoy, threaten, or 29809  
alarm a law enforcement officer, shall cause or attempt to cause 29810  
the law enforcement officer to come into contact with blood, 29811  
semen, urine, feces, or another bodily substance by throwing the 29812  
bodily substance at the law enforcement officer, by expelling the 29813  
bodily substance upon the law enforcement officer, or in any other 29814  
manner. 29815

(C) No person, with knowledge that the person is a carrier of 29816  
the virus that causes acquired immunodeficiency syndrome, is a 29817  
carrier of a hepatitis virus, or is infected with tuberculosis and 29818  
with intent to harass, annoy, threaten, or alarm another person, 29819  
shall cause or attempt to cause the other person to come into 29820  
contact with blood, semen, urine, feces, or another bodily 29821  
substance by throwing the bodily substance at the other person, by 29822  
expelling the bodily substance upon the other person, or in any 29823  
other manner. 29824

(D) Whoever violates this section is guilty of harassment 29825  
with a bodily substance. A violation of division (A) or (B) of 29826  
this section is a felony of the fifth degree. A violation of 29827  
division (C) of this section is a felony of the third degree. 29828

(E)(1) The court, on request of the prosecutor, or the law 29829

enforcement authority responsible for the investigation of the 29830  
violation, shall cause a person who allegedly has committed a 29831  
violation of this section to submit to one or more appropriate 29832  
tests to determine if the person is a carrier of the virus that 29833  
causes acquired immunodeficiency syndrome, is a carrier of a 29834  
hepatitis virus, or is infected with tuberculosis. 29835

(2) The court shall charge the offender with the costs of the 29836  
test or tests ordered under division (E)(1) of this section unless 29837  
the court determines that the accused is unable to pay, in which 29838  
case the costs shall be charged to the entity that operates the 29839  
detention facility in which the alleged offense occurred. 29840

(F) This section does not apply to a person who is 29841  
hospitalized, institutionalized, or confined in a facility 29842  
operated by the department of ~~mental health~~ mental health and 29843  
addiction services or the department of developmental 29844  
disabilities. 29845

**Sec. 2923.126.** (A) A concealed handgun license that is issued 29846  
under section 2923.125 of the Revised Code shall expire five years 29847  
after the date of issuance. A licensee who has been issued a 29848  
license under that section shall be granted a grace period of 29849  
thirty days after the licensee's license expires during which the 29850  
licensee's license remains valid. Except as provided in divisions 29851  
(B) and (C) of this section, a licensee who has been issued a 29852  
concealed handgun license under section 2923.125 or 2923.1213 of 29853  
the Revised Code may carry a concealed handgun anywhere in this 29854  
state if the licensee also carries a valid license and valid 29855  
identification when the licensee is in actual possession of a 29856  
concealed handgun. The licensee shall give notice of any change in 29857  
the licensee's residence address to the sheriff who issued the 29858  
license within forty-five days after that change. 29859

If a licensee is the driver or an occupant of a motor vehicle 29860

that is stopped as the result of a traffic stop or a stop for 29861  
another law enforcement purpose and if the licensee is 29862  
transporting or has a loaded handgun in the motor vehicle at that 29863  
time, the licensee shall promptly inform any law enforcement 29864  
officer who approaches the vehicle while stopped that the licensee 29865  
has been issued a concealed handgun license and that the licensee 29866  
currently possesses or has a loaded handgun; the licensee shall 29867  
not knowingly disregard or fail to comply with lawful orders of a 29868  
law enforcement officer given while the motor vehicle is stopped, 29869  
knowingly fail to remain in the motor vehicle while stopped, or 29870  
knowingly fail to keep the licensee's hands in plain sight after 29871  
any law enforcement officer begins approaching the licensee while 29872  
stopped and before the officer leaves, unless directed otherwise 29873  
by a law enforcement officer; and the licensee shall not knowingly 29874  
have contact with the loaded handgun by touching it with the 29875  
licensee's hands or fingers, in any manner in violation of 29876  
division (E) of section 2923.16 of the Revised Code, after any law 29877  
enforcement officer begins approaching the licensee while stopped 29878  
and before the officer leaves. Additionally, if a licensee is the 29879  
driver or an occupant of a commercial motor vehicle that is 29880  
stopped by an employee of the motor carrier enforcement unit for 29881  
the purposes defined in section 5503.04 of the Revised Code and if 29882  
the licensee is transporting or has a loaded handgun in the 29883  
commercial motor vehicle at that time, the licensee shall promptly 29884  
inform the employee of the unit who approaches the vehicle while 29885  
stopped that the licensee has been issued a concealed handgun 29886  
license and that the licensee currently possesses or has a loaded 29887  
handgun. 29888

If a licensee is stopped for a law enforcement purpose and if 29889  
the licensee is carrying a concealed handgun at the time the 29890  
officer approaches, the licensee shall promptly inform any law 29891  
enforcement officer who approaches the licensee while stopped that 29892  
the licensee has been issued a concealed handgun license and that 29893

the licensee currently is carrying a concealed handgun; the 29894  
licensee shall not knowingly disregard or fail to comply with 29895  
lawful orders of a law enforcement officer given while the 29896  
licensee is stopped or knowingly fail to keep the licensee's hands 29897  
in plain sight after any law enforcement officer begins 29898  
approaching the licensee while stopped and before the officer 29899  
leaves, unless directed otherwise by a law enforcement officer; 29900  
and the licensee shall not knowingly remove, attempt to remove, 29901  
grasp, or hold the loaded handgun or knowingly have contact with 29902  
the loaded handgun by touching it with the licensee's hands or 29903  
fingers, in any manner in violation of division (B) of section 29904  
2923.12 of the Revised Code, after any law enforcement officer 29905  
begins approaching the licensee while stopped and before the 29906  
officer leaves. 29907

(B) A valid concealed handgun license does not authorize the 29908  
licensee to carry a concealed handgun in any manner prohibited 29909  
under division (B) of section 2923.12 of the Revised Code or in 29910  
any manner prohibited under section 2923.16 of the Revised Code. A 29911  
valid license does not authorize the licensee to carry a concealed 29912  
handgun into any of the following places: 29913

(1) A police station, sheriff's office, or state highway 29914  
patrol station, premises controlled by the bureau of criminal 29915  
identification and investigation, a state correctional 29916  
institution, jail, workhouse, or other detention facility, an 29917  
airport passenger terminal, or an institution that is maintained, 29918  
operated, managed, and governed pursuant to division (A) of 29919  
section ~~5119.02~~ 5119.14 of the Revised Code or division (A)(1) of 29920  
section 5123.03 of the Revised Code; 29921

(2) A school safety zone if the licensee's carrying the 29922  
concealed handgun is in violation of section 2923.122 of the 29923  
Revised Code; 29924

(3) A courthouse or another building or structure in which a 29925

courtroom is located, in violation of section 2923.123 of the Revised Code;

(4) Any premises or open air arena for which a D permit has been issued under Chapter 4303. of the Revised Code if the licensee's carrying the concealed handgun is in violation of section 2923.121 of the Revised Code;

(5) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle;

(6) Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise;

(7) A child day-care center, a type A family day-care home, a type B family day-care home, or a type C family day-care home, except that this division does not prohibit a licensee who resides in a type A family day-care home, a type B family day-care home, or a type C family day-care home from carrying a concealed handgun at any time in any part of the home that is not dedicated or used for day-care purposes, or from carrying a concealed handgun in a part of the home that is dedicated or used for day-care purposes at any time during which no children, other than children of that licensee, are in the home;

(8) An aircraft that is in, or intended for operation in, foreign air transportation, interstate air transportation, intrastate air transportation, or the transportation of mail by aircraft;

(9) Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking

facility for motor vehicles, or rest facility and is not a 29957  
courthouse or other building or structure in which a courtroom is 29958  
located that is subject to division (B)(3) of this section; 29959

(10) A place in which federal law prohibits the carrying of 29960  
handguns. 29961

(C)(1) Nothing in this section shall negate or restrict a 29962  
rule, policy, or practice of a private employer that is not a 29963  
private college, university, or other institution of higher 29964  
education concerning or prohibiting the presence of firearms on 29965  
the private employer's premises or property, including motor 29966  
vehicles owned by the private employer. Nothing in this section 29967  
shall require a private employer of that nature to adopt a rule, 29968  
policy, or practice concerning or prohibiting the presence of 29969  
firearms on the private employer's premises or property, including 29970  
motor vehicles owned by the private employer. 29971

(2)(a) A private employer shall be immune from liability in a 29972  
civil action for any injury, death, or loss to person or property 29973  
that allegedly was caused by or related to a licensee bringing a 29974  
handgun onto the premises or property of the private employer, 29975  
including motor vehicles owned by the private employer, unless the 29976  
private employer acted with malicious purpose. A private employer 29977  
is immune from liability in a civil action for any injury, death, 29978  
or loss to person or property that allegedly was caused by or 29979  
related to the private employer's decision to permit a licensee to 29980  
bring, or prohibit a licensee from bringing, a handgun onto the 29981  
premises or property of the private employer. As used in this 29982  
division, "private employer" includes a private college, 29983  
university, or other institution of higher education. 29984

(b) A political subdivision shall be immune from liability in 29985  
a civil action, to the extent and in the manner provided in 29986  
Chapter 2744. of the Revised Code, for any injury, death, or loss 29987  
to person or property that allegedly was caused by or related to a 29988



licensee bringing a handgun onto any premises or property owned, 29989  
leased, or otherwise under the control of the political 29990  
subdivision. As used in this division, "political subdivision" has 29991  
the same meaning as in section 2744.01 of the Revised Code. 29992

(3)(a) Except as provided in division (C)(3)(b) of this 29993  
section, the owner or person in control of private land or 29994  
premises, and a private person or entity leasing land or premises 29995  
owned by the state, the United States, or a political subdivision 29996  
of the state or the United States, may post a sign in a 29997  
conspicuous location on that land or on those premises prohibiting 29998  
persons from carrying firearms or concealed firearms on or onto 29999  
that land or those premises. Except as otherwise provided in this 30000  
division, a person who knowingly violates a posted prohibition of 30001  
that nature is guilty of criminal trespass in violation of 30002  
division (A)(4) of section 2911.21 of the Revised Code and is 30003  
guilty of a misdemeanor of the fourth degree. If a person 30004  
knowingly violates a posted prohibition of that nature and the 30005  
posted land or premises primarily was a parking lot or other 30006  
parking facility, the person is not guilty of criminal trespass in 30007  
violation of division (A)(4) of section 2911.21 of the Revised 30008  
Code and instead is subject only to a civil cause of action for 30009  
trespass based on the violation. 30010

(b) A landlord may not prohibit or restrict a tenant who is a 30011  
licensee and who on or after September 9, 2008, enters into a 30012  
rental agreement with the landlord for the use of residential 30013  
premises, and the tenant's guest while the tenant is present, from 30014  
lawfully carrying or possessing a handgun on those residential 30015  
premises. 30016

(c) As used in division (C)(3) of this section: 30017

(i) "Residential premises" has the same meaning as in section 30018  
5321.01 of the Revised Code, except "residential premises" does 30019  
not include a dwelling unit that is owned or operated by a college 30020

or university. 30021

(ii) "Landlord," "tenant," and "rental agreement" have the 30022  
same meanings as in section 5321.01 of the Revised Code. 30023

(D) A person who holds a concealed handgun license issued by 30024  
another state that is recognized by the attorney general pursuant 30025  
to a reciprocity agreement entered into pursuant to section 109.69 30026  
of the Revised Code has the same right to carry a concealed 30027  
handgun in this state as a person who was issued a concealed 30028  
handgun license under section 2923.125 of the Revised Code and is 30029  
subject to the same restrictions that apply to a person who 30030  
carries a license issued under that section. 30031

(E) A peace officer has the same right to carry a concealed 30032  
handgun in this state as a person who was issued a concealed 30033  
handgun license under section 2923.125 of the Revised Code. For 30034  
purposes of reciprocity with other states, a peace officer shall 30035  
be considered to be a licensee in this state. 30036

(F)(1) A qualified retired peace officer who possesses a 30037  
retired peace officer identification card issued pursuant to 30038  
division (F)(2) of this section and a valid firearms 30039  
requalification certification issued pursuant to division (F)(3) 30040  
of this section has the same right to carry a concealed handgun in 30041  
this state as a person who was issued a concealed handgun license 30042  
under section 2923.125 of the Revised Code and is subject to the 30043  
same restrictions that apply to a person who carries a license 30044  
issued under that section. For purposes of reciprocity with other 30045  
states, a qualified retired peace officer who possesses a retired 30046  
peace officer identification card issued pursuant to division 30047  
(F)(2) of this section and a valid firearms requalification 30048  
certification issued pursuant to division (F)(3) of this section 30049  
shall be considered to be a licensee in this state. 30050

(2)(a) Each public agency of this state or of a political 30051

subdivision of this state that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:

(i) The person retired in good standing from service as a peace officer with the public agency, and the retirement was not for reasons of mental instability.

(ii) Before retiring from service as a peace officer with that agency, the person was authorized to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and the person had statutory powers of arrest.

(iii) At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.

(iv) Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of fifteen years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any applicable probationary period of that service, due to a service-connected disability, as determined by the agency.

(b) A retired peace officer identification card issued to a person under division (F)(2)(a) of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this state from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer

with the issuing public agency and satisfies the criteria set 30083  
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 30084  
addition to the required content specified in this division, a 30085  
retired peace officer identification card issued to a person under 30086  
division (F)(2)(a) of this section may include the firearms 30087  
requalification certification described in division (F)(3) of this 30088  
section, and if the identification card includes that 30089  
certification, the identification card shall serve as the firearms 30090  
requalification certification for the retired peace officer. If 30091  
the issuing public agency issues credentials to active law 30092  
enforcement officers who serve the agency, the agency may comply 30093  
with division (F)(2)(a) of this section by issuing the same 30094  
credentials to persons who retired from service as a peace officer 30095  
with the agency and who satisfy the criteria set forth in 30096  
divisions (F)(2)(a)(i) to (iv) of this section, provided that the 30097  
credentials so issued to retired peace officers are stamped with 30098  
the word "RETIRED." 30099

(c) A public agency of this state or of a political 30100  
subdivision of this state may charge persons who retired from 30101  
service as a peace officer with the agency a reasonable fee for 30102  
issuing to the person a retired peace officer identification card 30103  
pursuant to division (F)(2)(a) of this section. 30104

(3) If a person retired from service as a peace officer with 30105  
a public agency of this state or of a political subdivision of 30106  
this state and the person satisfies the criteria set forth in 30107  
divisions (F)(2)(a)(i) to (iv) of this section, the public agency 30108  
may provide the retired peace officer with the opportunity to 30109  
attend a firearms requalification program that is approved for 30110  
purposes of firearms requalification required under section 30111  
109.801 of the Revised Code. The retired peace officer may be 30112  
required to pay the cost of the course. 30113

If a retired peace officer who satisfies the criteria set 30114

forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 30115  
firearms requalification program that is approved for purposes of 30116  
firearms requalification required under section 109.801 of the 30117  
Revised Code, the retired peace officer's successful completion of 30118  
the firearms requalification program requalifies the retired peace 30119  
officer for purposes of division (F) of this section for five 30120  
years from the date on which the program was successfully 30121  
completed, and the requalification is valid during that five-year 30122  
period. If a retired peace officer who satisfies the criteria set 30123  
forth in divisions (F)(2)(a)(i) to (iv) of this section 30124  
satisfactorily completes such a firearms requalification program, 30125  
the retired peace officer shall be issued a firearms 30126  
requalification certification that identifies the retired peace 30127  
officer by name, identifies the entity that taught the program, 30128  
specifies that the retired peace officer successfully completed 30129  
the program, specifies the date on which the course was 30130  
successfully completed, and specifies that the requalification is 30131  
valid for five years from that date of successful completion. The 30132  
firearms requalification certification for a retired peace officer 30133  
may be included in the retired peace officer identification card 30134  
issued to the retired peace officer under division (F)(2) of this 30135  
section. 30136

A retired peace officer who attends a firearms 30137  
requalification program that is approved for purposes of firearms 30138  
requalification required under section 109.801 of the Revised Code 30139  
may be required to pay the cost of the program. 30140

(G) As used in this section: 30141

(1) "Qualified retired peace officer" means a person who 30142  
satisfies all of the following: 30143

(a) The person satisfies the criteria set forth in divisions 30144  
(F)(2)(a)(i) to (v) of this section. 30145

(b) The person is not under the influence of alcohol or 30146  
another intoxicating or hallucinatory drug or substance. 30147

(c) The person is not prohibited by federal law from 30148  
receiving firearms. 30149

(2) "Retired peace officer identification card" means an 30150  
identification card that is issued pursuant to division (F)(2) of 30151  
this section to a person who is a retired peace officer. 30152

(3) "Government facility of this state or a political 30153  
subdivision of this state" means any of the following: 30154

(a) A building or part of a building that is owned or leased 30155  
by the government of this state or a political subdivision of this 30156  
state and where employees of the government of this state or the 30157  
political subdivision regularly are present for the purpose of 30158  
performing their official duties as employees of the state or 30159  
political subdivision; 30160

(b) The office of a deputy registrar serving pursuant to 30161  
Chapter 4503. of the Revised Code that is used to perform deputy 30162  
registrar functions. 30163

**Sec. 2925.03.** (A) No person shall knowingly do any of the 30164  
following: 30165

(1) Sell or offer to sell a controlled substance or a 30166  
controlled substance analog; 30167

(2) Prepare for shipment, ship, transport, deliver, prepare 30168  
for distribution, or distribute a controlled substance or a 30169  
controlled substance analog, when the offender knows or has 30170  
reasonable cause to believe that the controlled substance or a 30171  
controlled substance analog is intended for sale or resale by the 30172  
offender or another person. 30173

(B) This section does not apply to any of the following: 30174

(1) Manufacturers, licensed health professionals authorized 30175  
to prescribe drugs, pharmacists, owners of pharmacies, and other 30176  
persons whose conduct is in accordance with Chapters 3719., 4715., 30177  
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 30178

(2) If the offense involves an anabolic steroid, any person 30179  
who is conducting or participating in a research project involving 30180  
the use of an anabolic steroid if the project has been approved by 30181  
the United States food and drug administration; 30182

(3) Any person who sells, offers for sale, prescribes, 30183  
dispenses, or administers for livestock or other nonhuman species 30184  
an anabolic steroid that is expressly intended for administration 30185  
through implants to livestock or other nonhuman species and 30186  
approved for that purpose under the "Federal Food, Drug, and 30187  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 30188  
and is sold, offered for sale, prescribed, dispensed, or 30189  
administered for that purpose in accordance with that act. 30190

(C) Whoever violates division (A) of this section is guilty 30191  
of one of the following: 30192

(1) If the drug involved in the violation is any compound, 30193  
mixture, preparation, or substance included in schedule I or 30194  
schedule II, with the exception of marihuana, cocaine, L.S.D., 30195  
heroin, hashish, and controlled substance analogs, whoever 30196  
violates division (A) of this section is guilty of aggravated 30197  
trafficking in drugs. The penalty for the offense shall be 30198  
determined as follows: 30199

(a) Except as otherwise provided in division (C)(1)(b), (c), 30200  
(d), (e), or (f) of this section, aggravated trafficking in drugs 30201  
is a felony of the fourth degree, and division (C) of section 30202  
2929.13 of the Revised Code applies in determining whether to 30203  
impose a prison term on the offender. 30204

(b) Except as otherwise provided in division (C)(1)(c), (d), 30205

(e), or (f) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, aggravated trafficking in drugs is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If aggravated trafficking in drugs is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, aggravated trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.



(e) If the amount of the drug involved equals or exceeds 30238  
fifty times the bulk amount but is less than one hundred times the 30239  
bulk amount and regardless of whether the offense was committed in 30240  
the vicinity of a school or in the vicinity of a juvenile, 30241  
aggravated trafficking in drugs is a felony of the first degree, 30242  
and the court shall impose as a mandatory prison term one of the 30243  
prison terms prescribed for a felony of the first degree. 30244

(f) If the amount of the drug involved equals or exceeds one 30245  
hundred times the bulk amount and regardless of whether the 30246  
offense was committed in the vicinity of a school or in the 30247  
vicinity of a juvenile, aggravated trafficking in drugs is a 30248  
felony of the first degree, the offender is a major drug offender, 30249  
and the court shall impose as a mandatory prison term the maximum 30250  
prison term prescribed for a felony of the first degree. 30251

(2) If the drug involved in the violation is any compound, 30252  
mixture, preparation, or substance included in schedule III, IV, 30253  
or V, whoever violates division (A) of this section is guilty of 30254  
trafficking in drugs. The penalty for the offense shall be 30255  
determined as follows: 30256

(a) Except as otherwise provided in division (C)(2)(b), (c), 30257  
(d), or (e) of this section, trafficking in drugs is a felony of 30258  
the fifth degree, and division (B) of section 2929.13 of the 30259  
Revised Code applies in determining whether to impose a prison 30260  
term on the offender. 30261

(b) Except as otherwise provided in division (C)(2)(c), (d), 30262  
or (e) of this section, if the offense was committed in the 30263  
vicinity of a school or in the vicinity of a juvenile, trafficking 30264  
in drugs is a felony of the fourth degree, and division (C) of 30265  
section 2929.13 of the Revised Code applies in determining whether 30266  
to impose a prison term on the offender. 30267

(c) Except as otherwise provided in this division, if the 30268

amount of the drug involved equals or exceeds the bulk amount but 30269  
is less than five times the bulk amount, trafficking in drugs is a 30270  
felony of the fourth degree, and division (B) of section 2929.13 30271  
of the Revised Code applies in determining whether to impose a 30272  
prison term for the offense. If the amount of the drug involved is 30273  
within that range and if the offense was committed in the vicinity 30274  
of a school or in the vicinity of a juvenile, trafficking in drugs 30275  
is a felony of the third degree, and there is a presumption for a 30276  
prison term for the offense. 30277

(d) Except as otherwise provided in this division, if the 30278  
amount of the drug involved equals or exceeds five times the bulk 30279  
amount but is less than fifty times the bulk amount, trafficking 30280  
in drugs is a felony of the third degree, and there is a 30281  
presumption for a prison term for the offense. If the amount of 30282  
the drug involved is within that range and if the offense was 30283  
committed in the vicinity of a school or in the vicinity of a 30284  
juvenile, trafficking in drugs is a felony of the second degree, 30285  
and there is a presumption for a prison term for the offense. 30286

(e) Except as otherwise provided in this division, if the 30287  
amount of the drug involved equals or exceeds fifty times the bulk 30288  
amount, trafficking in drugs is a felony of the second degree, and 30289  
the court shall impose as a mandatory prison term one of the 30290  
prison terms prescribed for a felony of the second degree. If the 30291  
amount of the drug involved equals or exceeds fifty times the bulk 30292  
amount and if the offense was committed in the vicinity of a 30293  
school or in the vicinity of a juvenile, trafficking in drugs is a 30294  
felony of the first degree, and the court shall impose as a 30295  
mandatory prison term one of the prison terms prescribed for a 30296  
felony of the first degree. 30297

(3) If the drug involved in the violation is marihuana or a 30298  
compound, mixture, preparation, or substance containing marihuana 30299  
other than hashish, whoever violates division (A) of this section 30300

is guilty of trafficking in marihuana. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(3)(b), (c), (d), (e), (f), (g), or (h) of this section, trafficking in marihuana is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(3)(c), (d), (e), (f), (g), or (h) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, trafficking in marihuana is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, trafficking in marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity

of a school or in the vicinity of a juvenile, trafficking in 30333  
marihuana is a felony of the second degree, and there is a 30334  
presumption that a prison term shall be imposed for the offense. 30335

(e) Except as otherwise provided in this division, if the 30336  
amount of the drug involved equals or exceeds five thousand grams 30337  
but is less than twenty thousand grams, trafficking in marihuana 30338  
is a felony of the third degree, and there is a presumption that a 30339  
prison term shall be imposed for the offense. If the amount of the 30340  
drug involved is within that range and if the offense was 30341  
committed in the vicinity of a school or in the vicinity of a 30342  
juvenile, trafficking in marihuana is a felony of the second 30343  
degree, and there is a presumption that a prison term shall be 30344  
imposed for the offense. 30345

(f) Except as otherwise provided in this division, if the 30346  
amount of the drug involved equals or exceeds twenty thousand 30347  
grams but is less than forty thousand grams, trafficking in 30348  
marihuana is a felony of the second degree, and the court shall 30349  
impose a mandatory prison term of five, six, seven, or eight 30350  
years. If the amount of the drug involved is within that range and 30351  
if the offense was committed in the vicinity of a school or in the 30352  
vicinity of a juvenile, trafficking in marihuana is a felony of 30353  
the first degree, and the court shall impose as a mandatory prison 30354  
term the maximum prison term prescribed for a felony of the first 30355  
degree. 30356

(g) Except as otherwise provided in this division, if the 30357  
amount of the drug involved equals or exceeds forty thousand 30358  
grams, trafficking in marihuana is a felony of the second degree, 30359  
and the court shall impose as a mandatory prison term the maximum 30360  
prison term prescribed for a felony of the second degree. If the 30361  
amount of the drug involved equals or exceeds forty thousand grams 30362  
and if the offense was committed in the vicinity of a school or in 30363  
the vicinity of a juvenile, trafficking in marihuana is a felony 30364

of the first degree, and the court shall impose as a mandatory 30365  
prison term the maximum prison term prescribed for a felony of the 30366  
first degree. 30367

(h) Except as otherwise provided in this division, if the 30368  
offense involves a gift of twenty grams or less of marihuana, 30369  
trafficking in marihuana is a minor misdemeanor upon a first 30370  
offense and a misdemeanor of the third degree upon a subsequent 30371  
offense. If the offense involves a gift of twenty grams or less of 30372  
marihuana and if the offense was committed in the vicinity of a 30373  
school or in the vicinity of a juvenile, trafficking in marihuana 30374  
is a misdemeanor of the third degree. 30375

(4) If the drug involved in the violation is cocaine or a 30376  
compound, mixture, preparation, or substance containing cocaine, 30377  
whoever violates division (A) of this section is guilty of 30378  
trafficking in cocaine. The penalty for the offense shall be 30379  
determined as follows: 30380

(a) Except as otherwise provided in division (C)(4)(b), (c), 30381  
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 30382  
felony of the fifth degree, and division (B) of section 2929.13 of 30383  
the Revised Code applies in determining whether to impose a prison 30384  
term on the offender. 30385

(b) Except as otherwise provided in division (C)(4)(c), (d), 30386  
(e), (f), or (g) of this section, if the offense was committed in 30387  
the vicinity of a school or in the vicinity of a juvenile, 30388  
trafficking in cocaine is a felony of the fourth degree, and 30389  
division (C) of section 2929.13 of the Revised Code applies in 30390  
determining whether to impose a prison term on the offender. 30391

(c) Except as otherwise provided in this division, if the 30392  
amount of the drug involved equals or exceeds five grams but is 30393  
less than ten grams of cocaine, trafficking in cocaine is a felony 30394  
of the fourth degree, and division (B) of section 2929.13 of the 30395

Revised Code applies in determining whether to impose a prison 30396  
term for the offense. If the amount of the drug involved is within 30397  
that range and if the offense was committed in the vicinity of a 30398  
school or in the vicinity of a juvenile, trafficking in cocaine is 30399  
a felony of the third degree, and there is a presumption for a 30400  
prison term for the offense. 30401

(d) Except as otherwise provided in this division, if the 30402  
amount of the drug involved equals or exceeds ten grams but is 30403  
less than twenty grams of cocaine, trafficking in cocaine is a 30404  
felony of the third degree, and, except as otherwise provided in 30405  
this division, there is a presumption for a prison term for the 30406  
offense. If trafficking in cocaine is a felony of the third degree 30407  
under this division and if the offender two or more times 30408  
previously has been convicted of or pleaded guilty to a felony 30409  
drug abuse offense, the court shall impose as a mandatory prison 30410  
term one of the prison terms prescribed for a felony of the third 30411  
degree. If the amount of the drug involved is within that range 30412  
and if the offense was committed in the vicinity of a school or in 30413  
the vicinity of a juvenile, trafficking in cocaine is a felony of 30414  
the second degree, and the court shall impose as a mandatory 30415  
prison term one of the prison terms prescribed for a felony of the 30416  
second degree. 30417

(e) Except as otherwise provided in this division, if the 30418  
amount of the drug involved equals or exceeds twenty grams but is 30419  
less than twenty-seven grams of cocaine, trafficking in cocaine is 30420  
a felony of the second degree, and the court shall impose as a 30421  
mandatory prison term one of the prison terms prescribed for a 30422  
felony of the second degree. If the amount of the drug involved is 30423  
within that range and if the offense was committed in the vicinity 30424  
of a school or in the vicinity of a juvenile, trafficking in 30425  
cocaine is a felony of the first degree, and the court shall 30426  
impose as a mandatory prison term one of the prison terms 30427

prescribed for a felony of the first degree. 30428

(f) If the amount of the drug involved equals or exceeds 30429  
twenty-seven grams but is less than one hundred grams of cocaine 30430  
and regardless of whether the offense was committed in the 30431  
vicinity of a school or in the vicinity of a juvenile, trafficking 30432  
in cocaine is a felony of the first degree, and the court shall 30433  
impose as a mandatory prison term one of the prison terms 30434  
prescribed for a felony of the first degree. 30435

(g) If the amount of the drug involved equals or exceeds one 30436  
hundred grams of cocaine and regardless of whether the offense was 30437  
committed in the vicinity of a school or in the vicinity of a 30438  
juvenile, trafficking in cocaine is a felony of the first degree, 30439  
the offender is a major drug offender, and the court shall impose 30440  
as a mandatory prison term the maximum prison term prescribed for 30441  
a felony of the first degree. 30442

(5) If the drug involved in the violation is L.S.D. or a 30443  
compound, mixture, preparation, or substance containing L.S.D., 30444  
whoever violates division (A) of this section is guilty of 30445  
trafficking in L.S.D. The penalty for the offense shall be 30446  
determined as follows: 30447

(a) Except as otherwise provided in division (C)(5)(b), (c), 30448  
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 30449  
felony of the fifth degree, and division (B) of section 2929.13 of 30450  
the Revised Code applies in determining whether to impose a prison 30451  
term on the offender. 30452

(b) Except as otherwise provided in division (C)(5)(c), (d), 30453  
(e), (f), or (g) of this section, if the offense was committed in 30454  
the vicinity of a school or in the vicinity of a juvenile, 30455  
trafficking in L.S.D. is a felony of the fourth degree, and 30456  
division (C) of section 2929.13 of the Revised Code applies in 30457  
determining whether to impose a prison term on the offender. 30458

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty-five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If trafficking in L.S.D. is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) Except as otherwise provided in this division, if the



amount of the drug involved equals or exceeds two hundred fifty 30491  
unit doses but is less than one thousand unit doses of L.S.D. in a 30492  
solid form or equals or exceeds twenty-five grams but is less than 30493  
one hundred grams of L.S.D. in a liquid concentrate, liquid 30494  
extract, or liquid distillate form, trafficking in L.S.D. is a 30495  
felony of the second degree, and the court shall impose as a 30496  
mandatory prison term one of the prison terms prescribed for a 30497  
felony of the second degree. If the amount of the drug involved is 30498  
within that range and if the offense was committed in the vicinity 30499  
of a school or in the vicinity of a juvenile, trafficking in 30500  
L.S.D. is a felony of the first degree, and the court shall impose 30501  
as a mandatory prison term one of the prison terms prescribed for 30502  
a felony of the first degree. 30503

(f) If the amount of the drug involved equals or exceeds one 30504  
thousand unit doses but is less than five thousand unit doses of 30505  
L.S.D. in a solid form or equals or exceeds one hundred grams but 30506  
is less than five hundred grams of L.S.D. in a liquid concentrate, 30507  
liquid extract, or liquid distillate form and regardless of 30508  
whether the offense was committed in the vicinity of a school or 30509  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 30510  
of the first degree, and the court shall impose as a mandatory 30511  
prison term one of the prison terms prescribed for a felony of the 30512  
first degree. 30513

(g) If the amount of the drug involved equals or exceeds five 30514  
thousand unit doses of L.S.D. in a solid form or equals or exceeds 30515  
five hundred grams of L.S.D. in a liquid concentrate, liquid 30516  
extract, or liquid distillate form and regardless of whether the 30517  
offense was committed in the vicinity of a school or in the 30518  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 30519  
first degree, the offender is a major drug offender, and the court 30520  
shall impose as a mandatory prison term the maximum prison term 30521  
prescribed for a felony of the first degree. 30522

(6) If the drug involved in the violation is heroin or a compound, mixture, preparation, or substance containing heroin, whoever violates division (A) of this section is guilty of trafficking in heroin. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(6)(b), (c), (d), (e), (f), or (g) of this section, trafficking in heroin is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(6)(c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in heroin is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in heroin is a felony of the third degree, and there is a presumption for a

prison term for the offense. If the amount of the drug involved is 30555  
within that range and if the offense was committed in the vicinity 30556  
of a school or in the vicinity of a juvenile, trafficking in 30557  
heroin is a felony of the second degree, and there is a 30558  
presumption for a prison term for the offense. 30559

(e) Except as otherwise provided in this division, if the 30560  
amount of the drug involved equals or exceeds one hundred unit 30561  
doses but is less than five hundred unit doses or equals or 30562  
exceeds ten grams but is less than fifty grams, trafficking in 30563  
heroin is a felony of the second degree, and the court shall 30564  
impose as a mandatory prison term one of the prison terms 30565  
prescribed for a felony of the second degree. If the amount of the 30566  
drug involved is within that range and if the offense was 30567  
committed in the vicinity of a school or in the vicinity of a 30568  
juvenile, trafficking in heroin is a felony of the first degree, 30569  
and the court shall impose as a mandatory prison term one of the 30570  
prison terms prescribed for a felony of the first degree. 30571

(f) If the amount of the drug involved equals or exceeds five 30572  
hundred unit doses but is less than two thousand five hundred unit 30573  
doses or equals or exceeds fifty grams but is less than two 30574  
hundred fifty grams and regardless of whether the offense was 30575  
committed in the vicinity of a school or in the vicinity of a 30576  
juvenile, trafficking in heroin is a felony of the first degree, 30577  
and the court shall impose as a mandatory prison term one of the 30578  
prison terms prescribed for a felony of the first degree. 30579

(g) If the amount of the drug involved equals or exceeds two 30580  
thousand five hundred unit doses or equals or exceeds two hundred 30581  
fifty grams and regardless of whether the offense was committed in 30582  
the vicinity of a school or in the vicinity of a juvenile, 30583  
trafficking in heroin is a felony of the first degree, the 30584  
offender is a major drug offender, and the court shall impose as a 30585  
mandatory prison term the maximum prison term prescribed for a 30586

felony of the first degree. 30587

(7) If the drug involved in the violation is hashish or a 30588  
compound, mixture, preparation, or substance containing hashish, 30589  
whoever violates division (A) of this section is guilty of 30590  
trafficking in hashish. The penalty for the offense shall be 30591  
determined as follows: 30592

(a) Except as otherwise provided in division (C)(7)(b), (c), 30593  
(d), (e), (f), or (g) of this section, trafficking in hashish is a 30594  
felony of the fifth degree, and division (B) of section 2929.13 of 30595  
the Revised Code applies in determining whether to impose a prison 30596  
term on the offender. 30597

(b) Except as otherwise provided in division (C)(7)(c), (d), 30598  
(e), (f), or (g) of this section, if the offense was committed in 30599  
the vicinity of a school or in the vicinity of a juvenile, 30600  
trafficking in hashish is a felony of the fourth degree, and 30601  
division (B) of section 2929.13 of the Revised Code applies in 30602  
determining whether to impose a prison term on the offender. 30603

(c) Except as otherwise provided in this division, if the 30604  
amount of the drug involved equals or exceeds ten grams but is 30605  
less than fifty grams of hashish in a solid form or equals or 30606  
exceeds two grams but is less than ten grams of hashish in a 30607  
liquid concentrate, liquid extract, or liquid distillate form, 30608  
trafficking in hashish is a felony of the fourth degree, and 30609  
division (B) of section 2929.13 of the Revised Code applies in 30610  
determining whether to impose a prison term on the offender. If 30611  
the amount of the drug involved is within that range and if the 30612  
offense was committed in the vicinity of a school or in the 30613  
vicinity of a juvenile, trafficking in hashish is a felony of the 30614  
third degree, and division (C) of section 2929.13 of the Revised 30615  
Code applies in determining whether to impose a prison term on the 30616  
offender. 30617

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred fifty grams but is less than one thousand grams of hashish in a solid form or equals or exceeds fifty grams but is less than two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than two thousand grams of hashish in a solid form or equals or exceeds two hundred grams but is less than four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the second degree, and the court shall impose a mandatory prison term

of five, six, seven, or eight years. If the amount of the drug 30650  
involved is within that range and if the offense was committed in 30651  
the vicinity of a school or in the vicinity of a juvenile, 30652  
trafficking in hashish is a felony of the first degree, and the 30653  
court shall impose as a mandatory prison term the maximum prison 30654  
term prescribed for a felony of the first degree. 30655

(g) Except as otherwise provided in this division, if the 30656  
amount of the drug involved equals or exceeds two thousand grams 30657  
of hashish in a solid form or equals or exceeds four hundred grams 30658  
of hashish in a liquid concentrate, liquid extract, or liquid 30659  
distillate form, trafficking in hashish is a felony of the second 30660  
degree, and the court shall impose as a mandatory prison term the 30661  
maximum prison term prescribed for a felony of the second degree. 30662  
If the amount of the drug involved equals or exceeds two thousand 30663  
grams of hashish in a solid form or equals or exceeds four hundred 30664  
grams of hashish in a liquid concentrate, liquid extract, or 30665  
liquid distillate form and if the offense was committed in the 30666  
vicinity of a school or in the vicinity of a juvenile, trafficking 30667  
in hashish is a felony of the first degree, and the court shall 30668  
impose as a mandatory prison term the maximum prison term 30669  
prescribed for a felony of the first degree. 30670

(8) If the drug involved in the violation is a controlled 30671  
substance analog or compound, mixture, preparation, or substance 30672  
that contains a controlled substance analog, whoever violates 30673  
division (A) of this section is guilty of trafficking in a 30674  
controlled substance analog. The penalty for the offense shall be 30675  
determined as follows: 30676

(a) Except as otherwise provided in division (C)(8)(b), (c), 30677  
(d), (e), (f), or (g) of this section, trafficking in a controlled 30678  
substance analog is a felony of the fifth degree, and division (C) 30679  
of section 2929.13 of the Revised Code applies in determining 30680  
whether to impose a prison term on the offender. 30681

(b) Except as otherwise provided in division (C)(8)(c), (d), 30682  
(e), (f), or (g) of this section, if the offense was committed in 30683  
the vicinity of a school or in the vicinity of a juvenile, 30684  
trafficking in a controlled substance analog is a felony of the 30685  
fourth degree, and division (C) of section 2929.13 of the Revised 30686  
Code applies in determining whether to impose a prison term on the 30687  
offender. 30688

(c) Except as otherwise provided in this division, if the 30689  
amount of the drug involved equals or exceeds ten grams but is 30690  
less than twenty grams, trafficking in a controlled substance 30691  
analog is a felony of the fourth degree, and division (B) of 30692  
section 2929.13 of the Revised Code applies in determining whether 30693  
to impose a prison term for the offense. If the amount of the drug 30694  
involved is within that range and if the offense was committed in 30695  
the vicinity of a school or in the vicinity of a juvenile, 30696  
trafficking in a controlled substance analog is a felony of the 30697  
third degree, and there is a presumption for a prison term for the 30698  
offense. 30699

(d) Except as otherwise provided in this division, if the 30700  
amount of the drug involved equals or exceeds twenty grams but is 30701  
less than thirty grams, trafficking in a controlled substance 30702  
analog is a felony of the third degree, and there is a presumption 30703  
for a prison term for the offense. If the amount of the drug 30704  
involved is within that range and if the offense was committed in 30705  
the vicinity of a school or in the vicinity of a juvenile, 30706  
trafficking in a controlled substance analog is a felony of the 30707  
second degree, and there is a presumption for a prison term for 30708  
the offense. 30709

(e) Except as otherwise provided in this division, if the 30710  
amount of the drug involved equals or exceeds thirty grams but is 30711  
less than forty grams, trafficking in a controlled substance 30712  
analog is a felony of the second degree, and the court shall 30713

impose as a mandatory prison term one of the prison terms 30714  
prescribed for a felony of the second degree. If the amount of the 30715  
drug involved is within that range and if the offense was 30716  
committed in the vicinity of a school or in the vicinity of a 30717  
juvenile, trafficking in a controlled substance analog is a felony 30718  
of the first degree, and the court shall impose as a mandatory 30719  
prison term one of the prison terms prescribed for a felony of the 30720  
first degree. 30721

(f) If the amount of the drug involved equals or exceeds 30722  
forty grams but is less than fifty grams and regardless of whether 30723  
the offense was committed in the vicinity of a school or in the 30724  
vicinity of a juvenile, trafficking in a controlled substance 30725  
analog is a felony of the first degree, and the court shall impose 30726  
as a mandatory prison term one of the prison terms prescribed for 30727  
a felony of the first degree. 30728

(g) If the amount of the drug involved equals or exceeds 30729  
fifty grams and regardless of whether the offense was committed in 30730  
the vicinity of a school or in the vicinity of a juvenile, 30731  
trafficking in a controlled substance analog is a felony of the 30732  
first degree, the offender is a major drug offender, and the court 30733  
shall impose as a mandatory prison term the maximum prison term 30734  
prescribed for a felony of the first degree. 30735

(D) In addition to any prison term authorized or required by 30736  
division (C) of this section and sections 2929.13 and 2929.14 of 30737  
the Revised Code, and in addition to any other sanction imposed 30738  
for the offense under this section or sections 2929.11 to 2929.18 30739  
of the Revised Code, the court that sentences an offender who is 30740  
convicted of or pleads guilty to a violation of division (A) of 30741  
this section shall do all of the following that are applicable 30742  
regarding the offender: 30743

(1) If the violation of division (A) of this section is a 30744  
felony of the first, second, or third degree, the court shall 30745



impose upon the offender the mandatory fine specified for the 30746  
offense under division (B)(1) of section 2929.18 of the Revised 30747  
Code unless, as specified in that division, the court determines 30748  
that the offender is indigent. Except as otherwise provided in 30749  
division (H)(1) of this section, a mandatory fine or any other 30750  
fine imposed for a violation of this section is subject to 30751  
division (F) of this section. If a person is charged with a 30752  
violation of this section that is a felony of the first, second, 30753  
or third degree, posts bail, and forfeits the bail, the clerk of 30754  
the court shall pay the forfeited bail pursuant to divisions 30755  
(D)(1) and (F) of this section, as if the forfeited bail was a 30756  
fine imposed for a violation of this section. If any amount of the 30757  
forfeited bail remains after that payment and if a fine is imposed 30758  
under division (H)(1) of this section, the clerk of the court 30759  
shall pay the remaining amount of the forfeited bail pursuant to 30760  
divisions (H)(2) and (3) of this section, as if that remaining 30761  
amount was a fine imposed under division (H)(1) of this section. 30762

(2) The court shall suspend the driver's or commercial 30763  
driver's license or permit of the offender in accordance with 30764  
division (G) of this section. 30765

(3) If the offender is a professionally licensed person, the 30766  
court immediately shall comply with section 2925.38 of the Revised 30767  
Code. 30768

(E) When a person is charged with the sale of or offer to 30769  
sell a bulk amount or a multiple of a bulk amount of a controlled 30770  
substance, the jury, or the court trying the accused, shall 30771  
determine the amount of the controlled substance involved at the 30772  
time of the offense and, if a guilty verdict is returned, shall 30773  
return the findings as part of the verdict. In any such case, it 30774  
is unnecessary to find and return the exact amount of the 30775  
controlled substance involved, and it is sufficient if the finding 30776  
and return is to the effect that the amount of the controlled 30777

substance involved is the requisite amount, or that the amount of 30778  
the controlled substance involved is less than the requisite 30779  
amount. 30780

(F)(1) Notwithstanding any contrary provision of section 30781  
3719.21 of the Revised Code and except as provided in division (H) 30782  
of this section, the clerk of the court shall pay any mandatory 30783  
fine imposed pursuant to division (D)(1) of this section and any 30784  
fine other than a mandatory fine that is imposed for a violation 30785  
of this section pursuant to division (A) or (B)(5) of section 30786  
2929.18 of the Revised Code to the county, township, municipal 30787  
corporation, park district, as created pursuant to section 511.18 30788  
or 1545.04 of the Revised Code, or state law enforcement agencies 30789  
in this state that primarily were responsible for or involved in 30790  
making the arrest of, and in prosecuting, the offender. However, 30791  
the clerk shall not pay a mandatory fine so imposed to a law 30792  
enforcement agency unless the agency has adopted a written 30793  
internal control policy under division (F)(2) of this section that 30794  
addresses the use of the fine moneys that it receives. Each agency 30795  
shall use the mandatory fines so paid to subsidize the agency's 30796  
law enforcement efforts that pertain to drug offenses, in 30797  
accordance with the written internal control policy adopted by the 30798  
recipient agency under division (F)(2) of this section. 30799

(2)~~(a)~~ Prior to receiving any fine moneys under division 30800  
(F)(1) of this section or division (B) of section 2925.42 of the 30801  
Revised Code, a law enforcement agency shall adopt a written 30802  
internal control policy that addresses the agency's use and 30803  
disposition of all fine moneys so received and that provides for 30804  
the keeping of detailed financial records of the receipts of those 30805  
fine moneys, the general types of expenditures made out of those 30806  
fine moneys, and the specific amount of each general type of 30807  
expenditure. The policy shall not provide for or permit the 30808  
identification of any specific expenditure that is made in an 30809

ongoing investigation. All financial records of the receipts of 30810  
those fine moneys, the general types of expenditures made out of 30811  
those fine moneys, and the specific amount of each general type of 30812  
expenditure by an agency are public records open for inspection 30813  
under section 149.43 of the Revised Code. Additionally, a written 30814  
internal control policy adopted under this division is such a 30815  
public record, and the agency that adopted it shall comply with 30816  
it. 30817

~~(b) Each law enforcement agency that receives in any calendar 30818  
year any fine moneys under division (F)(1) of this section or 30819  
division (B) of section 2925.42 of the Revised Code shall prepare 30820  
a report covering the calendar year that cumulates all of the 30821  
information contained in all of the public financial records kept 30822  
by the agency pursuant to division (F)(2)(a) of this section for 30823  
that calendar year, and shall send a copy of the cumulative 30824  
report, no later than the first day of March in the calendar year 30825  
following the calendar year covered by the report, to the attorney 30826  
general. Each report received by the attorney general is a public 30827  
record open for inspection under section 149.43 of the Revised 30828  
Code. Not later than the fifteenth day of April in the calendar 30829  
year in which the reports are received, the attorney general shall 30830  
send to the president of the senate and the speaker of the house 30831  
of representatives a written notification that does all of the 30832  
following:~~ 30833

~~(i) Indicates that the attorney general has received from law 30834  
enforcement agencies reports of the type described in this 30835  
division that cover the previous calendar year and indicates that 30836  
the reports were received under this division;~~ 30837

~~(ii) Indicates that the reports are open for inspection under 30838  
section 149.43 of the Revised Code;~~ 30839

~~(iii) Indicates that the attorney general will provide a copy 30840  
of any or all of the reports to the president of the senate or the 30841~~

~~speaker of the house of representatives upon request.~~ 30842

(3) As used in division (F) of this section: 30843

(a) "Law enforcement agencies" includes, but is not limited 30844  
to, the state board of pharmacy and the office of a prosecutor. 30845

(b) "Prosecutor" has the same meaning as in section 2935.01 30846  
of the Revised Code. 30847

(G) When required under division (D)(2) of this section or 30848  
any other provision of this chapter, the court shall suspend for 30849  
not less than six months or more than five years the driver's or 30850  
commercial driver's license or permit of any person who is 30851  
convicted of or pleads guilty to any violation of this section or 30852  
any other specified provision of this chapter. If an offender's 30853  
driver's or commercial driver's license or permit is suspended 30854  
pursuant to this division, the offender, at any time after the 30855  
expiration of two years from the day on which the offender's 30856  
sentence was imposed or from the day on which the offender finally 30857  
was released from a prison term under the sentence, whichever is 30858  
later, may file a motion with the sentencing court requesting 30859  
termination of the suspension; upon the filing of such a motion 30860  
and the court's finding of good cause for the termination, the 30861  
court may terminate the suspension. 30862

(H)(1) In addition to any prison term authorized or required 30863  
by division (C) of this section and sections 2929.13 and 2929.14 30864  
of the Revised Code, in addition to any other penalty or sanction 30865  
imposed for the offense under this section or sections 2929.11 to 30866  
2929.18 of the Revised Code, and in addition to the forfeiture of 30867  
property in connection with the offense as prescribed in Chapter 30868  
2981. of the Revised Code, the court that sentences an offender 30869  
who is convicted of or pleads guilty to a violation of division 30870  
(A) of this section may impose upon the offender an additional 30871  
fine specified for the offense in division (B)(4) of section 30872

2929.18 of the Revised Code. A fine imposed under division (H)(1) 30873  
of this section is not subject to division (F) of this section and 30874  
shall be used solely for the support of one or more eligible 30875  
~~alcohol and drug community~~ addiction ~~programs~~ services provider in 30876  
accordance with divisions (H)(2) and (3) of this section. 30877

(2) The court that imposes a fine under division (H)(1) of 30878  
this section shall specify in the judgment that imposes the fine 30879  
one or more eligible ~~alcohol and drug community~~ addiction ~~programs~~ 30880  
services provider for the support of which the fine money is to be 30881  
used. No ~~alcohol and drug community~~ addiction ~~program~~ services 30882  
provider shall receive or use money paid or collected in 30883  
satisfaction of a fine imposed under division (H)(1) of this 30884  
section unless the ~~program~~ services provider is specified in the 30885  
judgment that imposes the fine. No ~~alcohol and drug community~~ 30886  
addiction ~~program~~ services provider shall be specified in the 30887  
judgment unless the ~~program~~ services provider is an eligible 30888  
~~alcohol and drug community~~ addiction ~~program~~ services provider 30889  
and, except as otherwise provided in division (H)(2) of this 30890  
section, unless the ~~program~~ services provider is located in the 30891  
county in which the court that imposes the fine is located or in a 30892  
county that is immediately contiguous to the county in which that 30893  
court is located. If no eligible ~~alcohol and drug community~~ 30894  
addiction ~~program~~ services provider is located in any of those 30895  
counties, the judgment may specify an eligible ~~alcohol and drug~~ 30896  
community addiction ~~program~~ services provider that is located 30897  
anywhere within this state. 30898

(3) Notwithstanding any contrary provision of section 3719.21 30899  
of the Revised Code, the clerk of the court shall pay any fine 30900  
imposed under division (H)(1) of this section to the eligible 30901  
~~alcohol and drug community~~ addiction ~~program~~ services provider 30902  
specified pursuant to division (H)(2) of this section in the 30903  
judgment. The eligible ~~alcohol and drug community~~ addiction 30904

~~program services provider~~ that receives the fine moneys shall use 30905  
the moneys only for the alcohol and drug addiction services 30906  
identified in the application for certification under section 30907  
~~3793.06~~ 5119.36 of the Revised Code or in the application for a 30908  
license under section ~~3793.11~~ 5119.39 of the Revised Code filed 30909  
with the department of ~~alcohol and drug addiction services~~ mental  
health and addiction services by the ~~alcohol and drug~~ community  
addiction ~~program services provider~~ specified in the judgment. 30912

(4) Each ~~alcohol and drug~~ community addiction ~~program~~ 30913  
services provider that receives in a calendar year any fine moneys 30914  
under division (H)(3) of this section shall file an annual report 30915  
covering that calendar year with the court of common pleas and the 30916  
board of county commissioners of the county in which the ~~program~~ 30917  
services provider is located, with the court of common pleas and 30918  
the board of county commissioners of each county from which the 30919  
~~program services provider~~ received the moneys if that county is 30920  
different from the county in which the ~~program services provider~~ 30921  
is located, and with the attorney general. The ~~alcohol and drug~~ 30922  
community addiction ~~program services provider~~ shall file the 30923  
report no later than the first day of March in the calendar year 30924  
following the calendar year in which the ~~program services provider~~ 30925  
received the fine moneys. The report shall include statistics on 30926  
the number of persons served by the ~~alcohol and drug~~ community 30927  
addiction ~~program services provider~~, identify the types of alcohol 30928  
and drug addiction services provided to those persons, and include 30929  
a specific accounting of the purposes for which the fine moneys 30930  
received were used. No information contained in the report shall 30931  
identify, or enable a person to determine the identity of, any 30932  
person served by the ~~alcohol and drug~~ community addiction ~~program~~ 30933  
services provider. Each report received by a court of common 30934  
pleas, a board of county commissioners, or the attorney general is 30935  
a public record open for inspection under section 149.43 of the 30936  
Revised Code. 30937

(5) As used in divisions (H)(1) to (5) of this section: 30938

(a) "~~Alcohol and drug~~ Community addiction program services provider" and "alcohol and drug addiction services" have the same 30939  
meanings as in section ~~3793.01~~ 5119.01 of the Revised Code. 30940  
30941

(b) "Eligible ~~alcohol and drug~~ community addiction program services provider" means ~~an alcohol and drug~~ a community addiction 30942  
~~program services provider~~ that is certified under section ~~3793.06~~ 30943  
5119.36 of the Revised Code or licensed under section ~~3793.11~~ 30944  
5119.39 of the Revised Code by the department of ~~alcohol and drug~~ 30945  
~~addiction services~~ mental health and addiction services. 30946  
30947

(I) As used in this section, "drug" includes any substance 30948  
that is represented to be a drug. 30949

(J) It is an affirmative defense to a charge of trafficking 30950  
in a controlled substance analog under division (C)(8) of this 30951  
section that the person charged with violating that offense sold 30952  
or offered to sell, or prepared for shipment, shipped, 30953  
transported, delivered, prepared for distribution, or distributed 30954  
an item described in division (HH)(2)(a), (b), or (c) of section 30955  
3719.01 of the Revised Code. 30956

**Sec. 2929.13.** (A) Except as provided in division (E), (F), or 30957  
(G) of this section and unless a specific sanction is required to 30958  
be imposed or is precluded from being imposed pursuant to law, a 30959  
court that imposes a sentence upon an offender for a felony may 30960  
impose any sanction or combination of sanctions on the offender 30961  
that are provided in sections 2929.14 to 2929.18 of the Revised 30962  
Code. 30963

If the offender is eligible to be sentenced to community 30964  
control sanctions, the court shall consider the appropriateness of 30965  
imposing a financial sanction pursuant to section 2929.18 of the 30966  
Revised Code or a sanction of community service pursuant to 30967

section 2929.17 of the Revised Code as the sole sanction for the 30968  
offense. Except as otherwise provided in this division, if the 30969  
court is required to impose a mandatory prison term for the 30970  
offense for which sentence is being imposed, the court also shall 30971  
impose any financial sanction pursuant to section 2929.18 of the 30972  
Revised Code that is required for the offense and may impose any 30973  
other financial sanction pursuant to that section but may not 30974  
impose any additional sanction or combination of sanctions under 30975  
section 2929.16 or 2929.17 of the Revised Code. 30976

If the offender is being sentenced for a fourth degree felony 30977  
OVI offense or for a third degree felony OVI offense, in addition 30978  
to the mandatory term of local incarceration or the mandatory 30979  
prison term required for the offense by division (G)(1) or (2) of 30980  
this section, the court shall impose upon the offender a mandatory 30981  
fine in accordance with division (B)(3) of section 2929.18 of the 30982  
Revised Code and may impose whichever of the following is 30983  
applicable: 30984

(1) For a fourth degree felony OVI offense for which sentence 30985  
is imposed under division (G)(1) of this section, an additional 30986  
community control sanction or combination of community control 30987  
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 30988  
the court imposes upon the offender a community control sanction 30989  
and the offender violates any condition of the community control 30990  
sanction, the court may take any action prescribed in division (B) 30991  
of section 2929.15 of the Revised Code relative to the offender, 30992  
including imposing a prison term on the offender pursuant to that 30993  
division. 30994

(2) For a third or fourth degree felony OVI offense for which 30995  
sentence is imposed under division (G)(2) of this section, an 30996  
additional prison term as described in division (B)(4) of section 30997  
2929.14 of the Revised Code or a community control sanction as 30998  
described in division (G)(2) of this section. 30999



(B)(1)(a) Except as provided in division (B)(1)(b) of this section, if an offender is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense, the court shall sentence the offender to a community control sanction of at least one year's duration if all of the following apply:

(i) The offender previously has not been convicted of or pleaded guilty to a felony offense.

(ii) The most serious charge against the offender at the time of sentencing is a felony of the fourth or fifth degree.

(iii) If the court made a request of the department of rehabilitation and correction pursuant to division (B)(1)(c) of this section, the department, within the forty-five-day period specified in that division, provided the court with the names of, contact information for, and program details of one or more community control sanctions of at least one year's duration that are available for persons sentenced by the court.

(iv) The offender previously has not been convicted of or pleaded guilty to a misdemeanor offense of violence that the offender committed within two years prior to the offense for which sentence is being imposed.

(b) The court has discretion to impose a prison term upon an offender who is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense if any of the following apply:

(i) The offender committed the offense while having a firearm on or about the offender's person or under the offender's control.

(ii) If the offense is a qualifying assault offense, the offender caused serious physical harm to another person while committing the offense, and, if the offense is not a qualifying assault offense, the offender caused physical harm to another

person while committing the offense. 31031

(iii) The offender violated a term of the conditions of bond 31032  
as set by the court. 31033

(iv) The court made a request of the department of 31034  
rehabilitation and correction pursuant to division (B)(1)(c) of 31035  
this section, and the department, within the forty-five-day period 31036  
specified in that division, did not provide the court with the 31037  
name of, contact information for, and program details of any 31038  
community control sanction of at least one year's duration that is 31039  
available for persons sentenced by the court. 31040

(v) The offense is a sex offense that is a fourth or fifth 31041  
degree felony violation of any provision of Chapter 2907. of the 31042  
Revised Code. 31043

(vi) In committing the offense, the offender attempted to 31044  
cause or made an actual threat of physical harm to a person with a 31045  
deadly weapon. 31046

(vii) In committing the offense, the offender attempted to 31047  
cause or made an actual threat of physical harm to a person, and 31048  
the offender previously was convicted of an offense that caused 31049  
physical harm to a person. 31050

(viii) The offender held a public office or position of 31051  
trust, and the offense related to that office or position; the 31052  
offender's position obliged the offender to prevent the offense or 31053  
to bring those committing it to justice; or the offender's 31054  
professional reputation or position facilitated the offense or was 31055  
likely to influence the future conduct of others. 31056

(ix) The offender committed the offense for hire or as part 31057  
of an organized criminal activity. 31058

(x) The offender at the time of the offense was serving, or 31059  
the offender previously had served, a prison term. 31060

(xi) The offender committed the offense while under a 31061  
community control sanction, while on probation, or while released 31062  
from custody on a bond or personal recognizance. 31063

(c) If a court that is sentencing an offender who is 31064  
convicted of or pleads guilty to a felony of the fourth or fifth 31065  
degree that is not an offense of violence or that is a qualifying 31066  
assault offense believes that no community control sanctions are 31067  
available for its use that, if imposed on the offender, will 31068  
adequately fulfill the overriding principles and purposes of 31069  
sentencing, the court shall contact the department of 31070  
rehabilitation and correction and ask the department to provide 31071  
the court with the names of, contact information for, and program 31072  
details of one or more community control sanctions of at least one 31073  
year's duration that are available for persons sentenced by the 31074  
court. Not later than forty-five days after receipt of a request 31075  
from a court under this division, the department shall provide the 31076  
court with the names of, contact information for, and program 31077  
details of one or more community control sanctions of at least one 31078  
year's duration that are available for persons sentenced by the 31079  
court, if any. Upon making a request under this division that 31080  
relates to a particular offender, a court shall defer sentencing 31081  
of that offender until it receives from the department the names 31082  
of, contact information for, and program details of one or more 31083  
community control sanctions of at least one year's duration that 31084  
are available for persons sentenced by the court or for forty-five 31085  
days, whichever is the earlier. 31086

If the department provides the court with the names of, 31087  
contact information for, and program details of one or more 31088  
community control sanctions of at least one year's duration that 31089  
are available for persons sentenced by the court within the 31090  
forty-five-day period specified in this division, the court shall 31091  
impose upon the offender a community control sanction under 31092

division (B)(1)(a) of this section, except that the court may 31093  
impose a prison term under division (B)(1)(b) of this section if a 31094  
factor described in division (B)(1)(b)(i) or (ii) of this section 31095  
applies. If the department does not provide the court with the 31096  
names of, contact information for, and program details of one or 31097  
more community control sanctions of at least one year's duration 31098  
that are available for persons sentenced by the court within the 31099  
forty-five-day period specified in this division, the court may 31100  
impose upon the offender a prison term under division 31101  
(B)(1)(b)(iv) of this section. 31102

(d) A sentencing court may impose an additional penalty under 31103  
division (B) of section 2929.15 of the Revised Code upon an 31104  
offender sentenced to a community control sanction under division 31105  
(B)(1)(a) of this section if the offender violates the conditions 31106  
of the community control sanction, violates a law, or leaves the 31107  
state without the permission of the court or the offender's 31108  
probation officer. 31109

(2) If division (B)(1) of this section does not apply, except 31110  
as provided in division (E), (F), or (G) of this section, in 31111  
determining whether to impose a prison term as a sanction for a 31112  
felony of the fourth or fifth degree, the sentencing court shall 31113  
comply with the purposes and principles of sentencing under 31114  
section 2929.11 of the Revised Code and with section 2929.12 of 31115  
the Revised Code. 31116

(C) Except as provided in division (D), (E), (F), or (G) of 31117  
this section, in determining whether to impose a prison term as a 31118  
sanction for a felony of the third degree or a felony drug offense 31119  
that is a violation of a provision of Chapter 2925. of the Revised 31120  
Code and that is specified as being subject to this division for 31121  
purposes of sentencing, the sentencing court shall comply with the 31122  
purposes and principles of sentencing under section 2929.11 of the 31123  
Revised Code and with section 2929.12 of the Revised Code. 31124

(D)(1) Except as provided in division (E) or (F) of this section, for a felony of the first or second degree, for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption in favor of a prison term is specified as being applicable, and for a violation of division (A)(4) or (B) of section 2907.05 of the Revised Code for which a presumption in favor of a prison term is specified as being applicable, it is presumed that a prison term is necessary in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code. Division (D)(2) of this section does not apply to a presumption established under this division for a violation of division (A)(4) of section 2907.05 of the Revised Code.

(2) Notwithstanding the presumption established under division (D)(1) of this section for the offenses listed in that division other than a violation of division (A)(4) or (B) of section 2907.05 of the Revised Code, the sentencing court may impose a community control sanction or a combination of community control sanctions instead of a prison term on an offender for a felony of the first or second degree or for a felony drug offense that is a violation of any provision of Chapter 2925., 3719., or 4729. of the Revised Code for which a presumption in favor of a prison term is specified as being applicable if it makes both of the following findings:

(a) A community control sanction or a combination of community control sanctions would adequately punish the offender and protect the public from future crime, because the applicable factors under section 2929.12 of the Revised Code indicating a lesser likelihood of recidivism outweigh the applicable factors under that section indicating a greater likelihood of recidivism.

(b) A community control sanction or a combination of community control sanctions would not demean the seriousness of

the offense, because one or more factors under section 2929.12 of 31157  
the Revised Code that indicate that the offender's conduct was 31158  
less serious than conduct normally constituting the offense are 31159  
applicable, and they outweigh the applicable factors under that 31160  
section that indicate that the offender's conduct was more serious 31161  
than conduct normally constituting the offense. 31162

(E)(1) Except as provided in division (F) of this section, 31163  
for any drug offense that is a violation of any provision of 31164  
Chapter 2925. of the Revised Code and that is a felony of the 31165  
third, fourth, or fifth degree, the applicability of a presumption 31166  
under division (D) of this section in favor of a prison term or of 31167  
division (B) or (C) of this section in determining whether to 31168  
impose a prison term for the offense shall be determined as 31169  
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 31170  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 31171  
Revised Code, whichever is applicable regarding the violation. 31172

(2) If an offender who was convicted of or pleaded guilty to 31173  
a felony violates the conditions of a community control sanction 31174  
imposed for the offense solely by reason of producing positive 31175  
results on a drug test, the court, as punishment for the violation 31176  
of the sanction, shall not order that the offender be imprisoned 31177  
unless the court determines on the record either of the following: 31178

(a) The offender had been ordered as a sanction for the 31179  
felony to participate in a drug treatment program, in a drug 31180  
education program, or in narcotics anonymous or a similar program, 31181  
and the offender continued to use illegal drugs after a reasonable 31182  
period of participation in the program. 31183

(b) The imprisonment of the offender for the violation is 31184  
consistent with the purposes and principles of sentencing set 31185  
forth in section 2929.11 of the Revised Code. 31186

(3) A court that sentences an offender for a drug abuse 31187

offense that is a felony of the third, fourth, or fifth degree may 31188  
require that the offender be assessed by a properly credentialed 31189  
professional within a specified period of time. The court shall 31190  
require the professional to file a written assessment of the 31191  
offender with the court. If the offender is eligible for a 31192  
community control sanction and after considering the written 31193  
assessment, the court may impose a community control sanction that 31194  
includes treatment and recovery support services authorized by 31195  
section ~~3793.02~~ 5119.21 of the Revised Code. If the court imposes 31196  
treatment and recovery support services as a community control 31197  
sanction, the court shall direct the level and type of treatment 31198  
and recovery support services after considering the assessment and 31199  
recommendation of treatment and recovery support services 31200  
providers. 31201

(F) Notwithstanding divisions (A) to (E) of this section, the 31202  
court shall impose a prison term or terms under sections 2929.02 31203  
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 31204  
of the Revised Code and except as specifically provided in section 31205  
2929.20, divisions (C) to (I) of section 2967.19, or section 31206  
2967.191 of the Revised Code or when parole is authorized for the 31207  
offense under section 2967.13 of the Revised Code shall not reduce 31208  
the term or terms pursuant to section 2929.20, section 2967.19, 31209  
section 2967.193, or any other provision of Chapter 2967. or 31210  
Chapter 5120. of the Revised Code for any of the following 31211  
offenses: 31212

(1) Aggravated murder when death is not imposed or murder; 31213

(2) Any rape, regardless of whether force was involved and 31214  
regardless of the age of the victim, or an attempt to commit rape 31215  
if, had the offender completed the rape that was attempted, the 31216  
offender would have been guilty of a violation of division 31217  
(A)(1)(b) of section 2907.02 of the Revised Code and would be 31218  
sentenced under section 2971.03 of the Revised Code; 31219

(3) Gross sexual imposition or sexual battery, if the victim is less than thirteen years of age and if any of the following applies:

(a) Regarding gross sexual imposition, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, gross sexual imposition, or sexual battery, and the victim of the previous offense was less than thirteen years of age;

(b) Regarding gross sexual imposition, the offense was committed on or after August 3, 2006, and evidence other than the testimony of the victim was admitted in the case corroborating the violation.

(c) Regarding sexual battery, either of the following applies:

(i) The offense was committed prior to August 3, 2006, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of age.

(ii) The offense was committed on or after August 3, 2006.

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the Revised Code if the section requires the imposition of a prison term;

(5) A first, second, or third degree felony drug offense for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 4729.99 of the Revised Code, whichever is applicable regarding the violation, requires the imposition of a mandatory prison term;

(6) Any offense that is a first or second degree felony and that is not set forth in division (F)(1), (2), (3), or (4) of this



section, if the offender previously was convicted of or pleaded 31250  
guilty to aggravated murder, murder, any first or second degree 31251  
felony, or an offense under an existing or former law of this 31252  
state, another state, or the United States that is or was 31253  
substantially equivalent to one of those offenses; 31254

(7) Any offense that is a third degree felony and either is a 31255  
violation of section 2903.04 of the Revised Code or an attempt to 31256  
commit a felony of the second degree that is an offense of 31257  
violence and involved an attempt to cause serious physical harm to 31258  
a person or that resulted in serious physical harm to a person if 31259  
the offender previously was convicted of or pleaded guilty to any 31260  
of the following offenses: 31261

(a) Aggravated murder, murder, involuntary manslaughter, 31262  
rape, felonious sexual penetration as it existed under section 31263  
2907.12 of the Revised Code prior to September 3, 1996, a felony 31264  
of the first or second degree that resulted in the death of a 31265  
person or in physical harm to a person, or complicity in or an 31266  
attempt to commit any of those offenses; 31267

(b) An offense under an existing or former law of this state, 31268  
another state, or the United States that is or was substantially 31269  
equivalent to an offense listed in division (F)(7)(a) of this 31270  
section that resulted in the death of a person or in physical harm 31271  
to a person. 31272

(8) Any offense, other than a violation of section 2923.12 of 31273  
the Revised Code, that is a felony, if the offender had a firearm 31274  
on or about the offender's person or under the offender's control 31275  
while committing the felony, with respect to a portion of the 31276  
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 31277  
of the Revised Code for having the firearm; 31278

(9) Any offense of violence that is a felony, if the offender 31279  
wore or carried body armor while committing the felony offense of 31280

violence, with respect to the portion of the sentence imposed 31281  
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 31282  
Code for wearing or carrying the body armor; 31283

(10) Corrupt activity in violation of section 2923.32 of the 31284  
Revised Code when the most serious offense in the pattern of 31285  
corrupt activity that is the basis of the offense is a felony of 31286  
the first degree; 31287

(11) Any violent sex offense or designated homicide, assault, 31288  
or kidnapping offense if, in relation to that offense, the 31289  
offender is adjudicated a sexually violent predator; 31290

(12) A violation of division (A)(1) or (2) of section 2921.36 31291  
of the Revised Code, or a violation of division (C) of that 31292  
section involving an item listed in division (A)(1) or (2) of that 31293  
section, if the offender is an officer or employee of the 31294  
department of rehabilitation and correction; 31295

(13) A violation of division (A)(1) or (2) of section 2903.06 31296  
of the Revised Code if the victim of the offense is a peace 31297  
officer, as defined in section 2935.01 of the Revised Code, or an 31298  
investigator of the bureau of criminal identification and 31299  
investigation, as defined in section 2903.11 of the Revised Code, 31300  
with respect to the portion of the sentence imposed pursuant to 31301  
division (B)(5) of section 2929.14 of the Revised Code; 31302

(14) A violation of division (A)(1) or (2) of section 2903.06 31303  
of the Revised Code if the offender has been convicted of or 31304  
pleaded guilty to three or more violations of division (A) or (B) 31305  
of section 4511.19 of the Revised Code or an equivalent offense, 31306  
as defined in section 2941.1415 of the Revised Code, or three or 31307  
more violations of any combination of those divisions and 31308  
offenses, with respect to the portion of the sentence imposed 31309  
pursuant to division (B)(6) of section 2929.14 of the Revised 31310  
Code; 31311

(15) Kidnapping, in the circumstances specified in section 31312  
2971.03 of the Revised Code and when no other provision of 31313  
division (F) of this section applies; 31314

(16) Kidnapping, abduction, compelling prostitution, 31315  
promoting prostitution, engaging in a pattern of corrupt activity, 31316  
illegal use of a minor in a nudity-oriented material or 31317  
performance in violation of division (A)(1) or (2) of section 31318  
2907.323 of the Revised Code, or endangering children in violation 31319  
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 31320  
the Revised Code, if the offender is convicted of or pleads guilty 31321  
to a specification as described in section 2941.1422 of the 31322  
Revised Code that was included in the indictment, count in the 31323  
indictment, or information charging the offense; 31324

(17) A felony violation of division (A) or (B) of section 31325  
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 31326  
that section, and division (D)(6) of that section, require the 31327  
imposition of a prison term; 31328

(18) A felony violation of section 2903.11, 2903.12, or 31329  
2903.13 of the Revised Code, if the victim of the offense was a 31330  
woman that the offender knew was pregnant at the time of the 31331  
violation, with respect to a portion of the sentence imposed 31332  
pursuant to division (B)(8) of section 2929.14 of the Revised 31333  
Code. 31334

(G) Notwithstanding divisions (A) to (E) of this section, if 31335  
an offender is being sentenced for a fourth degree felony OVI 31336  
offense or for a third degree felony OVI offense, the court shall 31337  
impose upon the offender a mandatory term of local incarceration 31338  
or a mandatory prison term in accordance with the following: 31339

(1) If the offender is being sentenced for a fourth degree 31340  
felony OVI offense and if the offender has not been convicted of 31341  
and has not pleaded guilty to a specification of the type 31342

described in section 2941.1413 of the Revised Code, the court may 31343  
impose upon the offender a mandatory term of local incarceration 31344  
of sixty days or one hundred twenty days as specified in division 31345  
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 31346  
not reduce the term pursuant to section 2929.20, 2967.193, or any 31347  
other provision of the Revised Code. The court that imposes a 31348  
mandatory term of local incarceration under this division shall 31349  
specify whether the term is to be served in a jail, a 31350  
community-based correctional facility, a halfway house, or an 31351  
alternative residential facility, and the offender shall serve the 31352  
term in the type of facility specified by the court. A mandatory 31353  
term of local incarceration imposed under division (G)(1) of this 31354  
section is not subject to any other Revised Code provision that 31355  
pertains to a prison term except as provided in division (A)(1) of 31356  
this section. 31357

(2) If the offender is being sentenced for a third degree 31358  
felony OVI offense, or if the offender is being sentenced for a 31359  
fourth degree felony OVI offense and the court does not impose a 31360  
mandatory term of local incarceration under division (G)(1) of 31361  
this section, the court shall impose upon the offender a mandatory 31362  
prison term of one, two, three, four, or five years if the 31363  
offender also is convicted of or also pleads guilty to a 31364  
specification of the type described in section 2941.1413 of the 31365  
Revised Code or shall impose upon the offender a mandatory prison 31366  
term of sixty days or one hundred twenty days as specified in 31367  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 31368  
if the offender has not been convicted of and has not pleaded 31369  
guilty to a specification of that type. Subject to divisions (C) 31370  
to (I) of section 2967.19 of the Revised Code, the court shall not 31371  
reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or 31372  
any other provision of the Revised Code. The offender shall serve 31373  
the one-, two-, three-, four-, or five-year mandatory prison term 31374  
consecutively to and prior to the prison term imposed for the 31375

underlying offense and consecutively to any other mandatory prison 31376  
term imposed in relation to the offense. In no case shall an 31377  
offender who once has been sentenced to a mandatory term of local 31378  
incarceration pursuant to division (G)(1) of this section for a 31379  
fourth degree felony OVI offense be sentenced to another mandatory 31380  
term of local incarceration under that division for any violation 31381  
of division (A) of section 4511.19 of the Revised Code. In 31382  
addition to the mandatory prison term described in division (G)(2) 31383  
of this section, the court may sentence the offender to a 31384  
community control sanction under section 2929.16 or 2929.17 of the 31385  
Revised Code, but the offender shall serve the prison term prior 31386  
to serving the community control sanction. The department of 31387  
rehabilitation and correction may place an offender sentenced to a 31388  
mandatory prison term under this division in an intensive program 31389  
prison established pursuant to section 5120.033 of the Revised 31390  
Code if the department gave the sentencing judge prior notice of 31391  
its intent to place the offender in an intensive program prison 31392  
established under that section and if the judge did not notify the 31393  
department that the judge disapproved the placement. Upon the 31394  
establishment of the initial intensive program prison pursuant to 31395  
section 5120.033 of the Revised Code that is privately operated 31396  
and managed by a contractor pursuant to a contract entered into 31397  
under section 9.06 of the Revised Code, both of the following 31398  
apply: 31399

(a) The department of rehabilitation and correction shall 31400  
make a reasonable effort to ensure that a sufficient number of 31401  
offenders sentenced to a mandatory prison term under this division 31402  
are placed in the privately operated and managed prison so that 31403  
the privately operated and managed prison has full occupancy. 31404

(b) Unless the privately operated and managed prison has full 31405  
occupancy, the department of rehabilitation and correction shall 31406  
not place any offender sentenced to a mandatory prison term under 31407

this division in any intensive program prison established pursuant 31408  
to section 5120.033 of the Revised Code other than the privately 31409  
operated and managed prison. 31410

(H) If an offender is being sentenced for a sexually oriented 31411  
offense or child-victim oriented offense that is a felony 31412  
committed on or after January 1, 1997, the judge shall require the 31413  
offender to submit to a DNA specimen collection procedure pursuant 31414  
to section 2901.07 of the Revised Code. 31415

(I) If an offender is being sentenced for a sexually oriented 31416  
offense or a child-victim oriented offense committed on or after 31417  
January 1, 1997, the judge shall include in the sentence a summary 31418  
of the offender's duties imposed under sections 2950.04, 2950.041, 31419  
2950.05, and 2950.06 of the Revised Code and the duration of the 31420  
duties. The judge shall inform the offender, at the time of 31421  
sentencing, of those duties and of their duration. If required 31422  
under division (A)(2) of section 2950.03 of the Revised Code, the 31423  
judge shall perform the duties specified in that section, or, if 31424  
required under division (A)(6) of section 2950.03 of the Revised 31425  
Code, the judge shall perform the duties specified in that 31426  
division. 31427

(J)(1) Except as provided in division (J)(2) of this section, 31428  
when considering sentencing factors under this section in relation 31429  
to an offender who is convicted of or pleads guilty to an attempt 31430  
to commit an offense in violation of section 2923.02 of the 31431  
Revised Code, the sentencing court shall consider the factors 31432  
applicable to the felony category of the violation of section 31433  
2923.02 of the Revised Code instead of the factors applicable to 31434  
the felony category of the offense attempted. 31435

(2) When considering sentencing factors under this section in 31436  
relation to an offender who is convicted of or pleads guilty to an 31437  
attempt to commit a drug abuse offense for which the penalty is 31438  
determined by the amount or number of unit doses of the controlled 31439

substance involved in the drug abuse offense, the sentencing court 31440  
shall consider the factors applicable to the felony category that 31441  
the drug abuse offense attempted would be if that drug abuse 31442  
offense had been committed and had involved an amount or number of 31443  
unit doses of the controlled substance that is within the next 31444  
lower range of controlled substance amounts than was involved in 31445  
the attempt. 31446

(K) As used in this section: 31447

(1) "Drug abuse offense" has the same meaning as in section 31448  
2925.01 of the Revised Code. 31449

(2) "Qualifying assault offense" means a violation of section 31450  
2903.13 of the Revised Code for which the penalty provision in 31451  
division (C)(7)(b) or (C)(8)(b) of that section applies. 31452

(L) At the time of sentencing an offender for any sexually 31453  
oriented offense, if the offender is a tier III sex 31454  
offender/child-victim offender relative to that offense and the 31455  
offender does not serve a prison term or jail term, the court may 31456  
require that the offender be monitored by means of a global 31457  
positioning device. If the court requires such monitoring, the 31458  
cost of monitoring shall be borne by the offender. If the offender 31459  
is indigent, the cost of compliance shall be paid by the crime 31460  
victims reparations fund. 31461

**Sec. 2929.15.** (A)(1) If in sentencing an offender for a 31462  
felony the court is not required to impose a prison term, a 31463  
mandatory prison term, or a term of life imprisonment upon the 31464  
offender, the court may directly impose a sentence that consists 31465  
of one or more community control sanctions authorized pursuant to 31466  
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 31467  
court is sentencing an offender for a fourth degree felony OVI 31468  
offense under division (G)(1) of section 2929.13 of the Revised 31469  
Code, in addition to the mandatory term of local incarceration 31470

imposed under that division and the mandatory fine required by 31471  
division (B)(3) of section 2929.18 of the Revised Code, the court 31472  
may impose upon the offender a community control sanction or 31473  
combination of community control sanctions in accordance with 31474  
sections 2929.16 and 2929.17 of the Revised Code. If the court is 31475  
sentencing an offender for a third or fourth degree felony OVI 31476  
offense under division (G)(2) of section 2929.13 of the Revised 31477  
Code, in addition to the mandatory prison term or mandatory prison 31478  
term and additional prison term imposed under that division, the 31479  
court also may impose upon the offender a community control 31480  
sanction or combination of community control sanctions under 31481  
section 2929.16 or 2929.17 of the Revised Code, but the offender 31482  
shall serve all of the prison terms so imposed prior to serving 31483  
the community control sanction. 31484

The duration of all community control sanctions imposed upon 31485  
an offender under this division shall not exceed five years. If 31486  
the offender absconds or otherwise leaves the jurisdiction of the 31487  
court in which the offender resides without obtaining permission 31488  
from the court or the offender's probation officer to leave the 31489  
jurisdiction of the court, or if the offender is confined in any 31490  
institution for the commission of any offense while under a 31491  
community control sanction, the period of the community control 31492  
sanction ceases to run until the offender is brought before the 31493  
court for its further action. If the court sentences the offender 31494  
to one or more nonresidential sanctions under section 2929.17 of 31495  
the Revised Code, the court shall impose as a condition of the 31496  
nonresidential sanctions that, during the period of the sanctions, 31497  
the offender must abide by the law and must not leave the state 31498  
without the permission of the court or the offender's probation 31499  
officer. The court may impose any other conditions of release 31500  
under a community control sanction that the court considers 31501  
appropriate, including, but not limited to, requiring that the 31502  
offender not ingest or be injected with a drug of abuse and submit 31503



to random drug testing as provided in division (D) of this section 31504  
to determine whether the offender ingested or was injected with a 31505  
drug of abuse and requiring that the results of the drug test 31506  
indicate that the offender did not ingest or was not injected with 31507  
a drug of abuse. 31508

(2)(a) If a court sentences an offender to any community 31509  
control sanction or combination of community control sanctions 31510  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 31511  
Revised Code, the court shall place the offender under the general 31512  
control and supervision of a department of probation in the county 31513  
that serves the court for purposes of reporting to the court a 31514  
violation of any condition of the sanctions, any condition of 31515  
release under a community control sanction imposed by the court, a 31516  
violation of law, or the departure of the offender from this state 31517  
without the permission of the court or the offender's probation 31518  
officer. Alternatively, if the offender resides in another county 31519  
and a county department of probation has been established in that 31520  
county or that county is served by a multicounty probation 31521  
department established under section 2301.27 of the Revised Code, 31522  
the court may request the court of common pleas of that county to 31523  
receive the offender into the general control and supervision of 31524  
that county or multicounty department of probation for purposes of 31525  
reporting to the court a violation of any condition of the 31526  
sanctions, any condition of release under a community control 31527  
sanction imposed by the court, a violation of law, or the 31528  
departure of the offender from this state without the permission 31529  
of the court or the offender's probation officer, subject to the 31530  
jurisdiction of the trial judge over and with respect to the 31531  
person of the offender, and to the rules governing that department 31532  
of probation. 31533

If there is no department of probation in the county that 31534  
serves the court, the court shall place the offender, regardless 31535

of the offender's county of residence, under the general control 31536  
and supervision of the adult parole authority for purposes of 31537  
reporting to the court a violation of any of the sanctions, any 31538  
condition of release under a community control sanction imposed by 31539  
the court, a violation of law, or the departure of the offender 31540  
from this state without the permission of the court or the 31541  
offender's probation officer. 31542

(b) If the court imposing sentence upon an offender sentences 31543  
the offender to any community control sanction or combination of 31544  
community control sanctions authorized pursuant to section 31545  
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 31546  
offender violates any condition of the sanctions, any condition of 31547  
release under a community control sanction imposed by the court, 31548  
violates any law, or departs the state without the permission of 31549  
the court or the offender's probation officer, the public or 31550  
private person or entity that operates or administers the sanction 31551  
or the program or activity that comprises the sanction shall 31552  
report the violation or departure directly to the sentencing 31553  
court, or shall report the violation or departure to the county or 31554  
multicounty department of probation with general control and 31555  
supervision over the offender under division (A)(2)(a) of this 31556  
section or the officer of that department who supervises the 31557  
offender, or, if there is no such department with general control 31558  
and supervision over the offender under that division, to the 31559  
adult parole authority. If the public or private person or entity 31560  
that operates or administers the sanction or the program or 31561  
activity that comprises the sanction reports the violation or 31562  
departure to the county or multicounty department of probation or 31563  
the adult parole authority, the department's or authority's 31564  
officers may treat the offender as if the offender were on 31565  
probation and in violation of the probation, and shall report the 31566  
violation of the condition of the sanction, any condition of 31567  
release under a community control sanction imposed by the court, 31568

the violation of law, or the departure from the state without the 31569  
required permission to the sentencing court. 31570

(3) If an offender who is eligible for community control 31571  
sanctions under this section admits to being drug addicted or the 31572  
court has reason to believe that the offender is drug addicted, 31573  
and if the offense for which the offender is being sentenced was 31574  
related to the addiction, the court may require that the offender 31575  
be assessed by a properly credentialed professional within a 31576  
specified period of time and shall require the professional to 31577  
file a written assessment of the offender with the court. If a 31578  
court imposes treatment and recovery support services as a 31579  
community control sanction, the court shall direct the level and 31580  
type of treatment and recovery support services after 31581  
consideration of the written assessment, if available at the time 31582  
of sentencing, and recommendations of the professional and other 31583  
treatment and recovery support services providers. 31584

(4) If an assessment completed pursuant to division (A)(3) of 31585  
this section indicates that the offender is addicted to drugs or 31586  
alcohol, the court may include in any community control sanction 31587  
imposed for a violation of section 2925.02, 2925.03, 2925.04, 31588  
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 31589  
2925.37 of the Revised Code a requirement that the offender 31590  
participate in a treatment and recovery support services program 31591  
certified under section ~~3793.06~~ 5119.36 of the Revised Code or 31592  
offered by another properly credentialed ~~program~~ community 31593  
addiction services provider. 31594

(B)(1) If the conditions of a community control sanction are 31595  
violated or if the offender violates a law or leaves the state 31596  
without the permission of the court or the offender's probation 31597  
officer, the sentencing court may impose upon the violator one or 31598  
more of the following penalties: 31599

(a) A longer time under the same sanction if the total time 31600

under the sanctions does not exceed the five-year limit specified 31601  
in division (A) of this section; 31602

(b) A more restrictive sanction under section 2929.16, 31603  
2929.17, or 2929.18 of the Revised Code; 31604

(c) A prison term on the offender pursuant to section 2929.14 31605  
of the Revised Code. 31606

(2) The prison term, if any, imposed upon a violator pursuant 31607  
to this division shall be within the range of prison terms 31608  
available for the offense for which the sanction that was violated 31609  
was imposed and shall not exceed the prison term specified in the 31610  
notice provided to the offender at the sentencing hearing pursuant 31611  
to division (B)(2) of section 2929.19 of the Revised Code. The 31612  
court may reduce the longer period of time that the offender is 31613  
required to spend under the longer sanction, the more restrictive 31614  
sanction, or a prison term imposed pursuant to this division by 31615  
the time the offender successfully spent under the sanction that 31616  
was initially imposed. 31617

(C) If an offender, for a significant period of time, 31618  
fulfills the conditions of a sanction imposed pursuant to section 31619  
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 31620  
manner, the court may reduce the period of time under the sanction 31621  
or impose a less restrictive sanction, but the court shall not 31622  
permit the offender to violate any law or permit the offender to 31623  
leave the state without the permission of the court or the 31624  
offender's probation officer. 31625

(D)(1) If a court under division (A)(1) of this section 31626  
imposes a condition of release under a community control sanction 31627  
that requires the offender to submit to random drug testing, the 31628  
department of probation or the adult parole authority that has 31629  
general control and supervision of the offender under division 31630  
(A)(2)(a) of this section may cause the offender to submit to 31631

random drug testing performed by a laboratory or entity that has 31632  
entered into a contract with any of the governmental entities or 31633  
officers authorized to enter into a contract with that laboratory 31634  
or entity under section 341.26, 753.33, or 5120.63 of the Revised 31635  
Code. 31636

(2) If no laboratory or entity described in division (D)(1) 31637  
of this section has entered into a contract as specified in that 31638  
division, the department of probation or the adult parole 31639  
authority that has general control and supervision of the offender 31640  
under division (A)(2)(a) of this section shall cause the offender 31641  
to submit to random drug testing performed by a reputable public 31642  
laboratory to determine whether the individual who is the subject 31643  
of the drug test ingested or was injected with a drug of abuse. 31644

(3) A laboratory or entity that has entered into a contract 31645  
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 31646  
shall perform the random drug tests under division (D)(1) of this 31647  
section in accordance with the applicable standards that are 31648  
included in the terms of that contract. A public laboratory shall 31649  
perform the random drug tests under division (D)(2) of this 31650  
section in accordance with the standards set forth in the policies 31651  
and procedures established by the department of rehabilitation and 31652  
correction pursuant to section 5120.63 of the Revised Code. An 31653  
offender who is required under division (A)(1) of this section to 31654  
submit to random drug testing as a condition of release under a 31655  
community control sanction and whose test results indicate that 31656  
the offender ingested or was injected with a drug of abuse shall 31657  
pay the fee for the drug test if the department of probation or 31658  
the adult parole authority that has general control and 31659  
supervision of the offender requires payment of a fee. A 31660  
laboratory or entity that performs the random drug testing on an 31661  
offender under division (D)(1) or (2) of this section shall 31662  
transmit the results of the drug test to the appropriate 31663

department of probation or the adult parole authority that has 31664  
general control and supervision of the offender under division 31665  
(A)(2)(a) of this section. 31666

**Sec. 2930.01.** As used in this chapter: 31667

(A) "Crime" means any of the following: 31668

(1) A felony; 31669

(2) A violation of section 2903.05, 2903.06, 2903.13, 31670  
2903.21, 2903.211, 2903.22, 2907.06, 2919.25, or 2921.04 of the 31671  
Revised Code, a violation of section 2903.07 of the Revised Code 31672  
as it existed prior to March 23, 2000, or a violation of a 31673  
substantially equivalent municipal ordinance; 31674

(3) A violation of division (A) or (B) of section 4511.19, 31675  
division (A) or (B) of section 1547.11, or division (A)(3) of 31676  
section 4561.15 of the Revised Code or of a municipal ordinance 31677  
substantially similar to any of those divisions that is the 31678  
proximate cause of a vehicle, streetcar, trackless trolley, 31679  
aquatic device, or aircraft accident in which the victim receives 31680  
injuries for which the victim receives medical treatment either at 31681  
the scene of the accident by emergency medical services personnel 31682  
or at a hospital, ambulatory care facility, physician's office, 31683  
specialist's office, or other medical care facility. 31684

(4) A motor vehicle accident to which both of the following 31685  
apply: 31686

(a) The motor vehicle accident is caused by a violation of a 31687  
provision of the Revised Code that is a misdemeanor of the first 31688  
degree or higher. 31689

(b) As a result of the motor vehicle accident, the victim 31690  
receives injuries for which the victim receives medical treatment 31691  
either at the scene of the accident by emergency medical services 31692  
personnel or at a hospital, ambulatory care facility, physician's 31693

office, specialist's office, or other medical care facility. 31694

(B) "Custodial agency" means one of the following: 31695

(1) The entity that has custody of a defendant or an alleged 31696  
juvenile offender who is incarcerated for a crime, is under 31697  
detention for the commission of a specified delinquent act, or who 31698  
is detained after a finding of incompetence to stand trial or not 31699  
guilty by reason of insanity relative to a crime, including any of 31700  
the following: 31701

(a) The department of rehabilitation and correction or the 31702  
adult parole authority; 31703

(b) A county sheriff; 31704

(c) The entity that administers a jail, as defined in section 31705  
2929.01 of the Revised Code; 31706

(d) The entity that administers a community-based 31707  
correctional facility and program or a district community-based 31708  
correctional facility and program; 31709

(e) The department of ~~mental health~~ mental health and 31710  
addiction services or other entity to which a defendant found 31711  
incompetent to stand trial or not guilty by reason of insanity is 31712  
committed. 31713

(2) The entity that has custody of an alleged juvenile 31714  
offender pursuant to an order of disposition of a juvenile court, 31715  
including the department of youth services or a school, camp, 31716  
institution, or other facility operated for the care of delinquent 31717  
children. 31718

(C) "Defendant" means a person who is alleged to be the 31719  
perpetrator of a crime in a police report or in a complaint, 31720  
indictment, or information that charges the commission of a crime 31721  
and that provides the basis for the criminal prosecution and 31722  
subsequent proceedings to which this chapter makes reference. 31723

(D) "Member of the victim's family" means a spouse, child, 31724  
stepchild, sibling, parent, stepparent, grandparent, or other 31725  
relative of a victim but does not include a person who is charged 31726  
with, convicted of, or adjudicated to be a delinquent child for 31727  
the crime or specified delinquent act against the victim or 31728  
another crime or specified delinquent act arising from the same 31729  
conduct, criminal episode, or plan. 31730

(E) "Prosecutor" means one of the following: 31731

(1) With respect to a criminal case, it has the same meaning 31732  
as in section 2935.01 of the Revised Code and also includes the 31733  
attorney general and, when appropriate, the employees of any 31734  
person listed in section 2935.01 of the Revised Code or of the 31735  
attorney general. 31736

(2) With respect to a delinquency proceeding, it includes any 31737  
person listed in division (C) of section 2935.01 of the Revised 31738  
Code or an employee of a person listed in that division who 31739  
prosecutes a delinquency proceeding. 31740

(F) "Public agency" means an office, agency, department, 31741  
bureau, or other governmental entity of the state or of a 31742  
political subdivision of the state. 31743

(G) "Public official" has the same meaning as in section 31744  
2921.01 of the Revised Code. 31745

(H) "Victim" means either of the following: 31746

(1) A person who is identified as the victim of a crime or 31747  
specified delinquent act in a police report or in a complaint, 31748  
indictment, or information that charges the commission of a crime 31749  
and that provides the basis for the criminal prosecution or 31750  
delinquency proceeding and subsequent proceedings to which this 31751  
chapter makes reference. 31752

(2) A person who receives injuries as a result of a vehicle, 31753



streetcar, trackless trolley, aquatic device, or aircraft accident 31754  
that is proximately caused by a violation described in division 31755  
(A)(3) of this section or a motor vehicle accident that is 31756  
proximately caused by a violation described in division (A)(4) of 31757  
this section and who receives medical treatment as described in 31758  
division (A)(3) or (4) of this section, whichever is applicable. 31759

(I) "Victim's representative" means a member of the victim's 31760  
family or another person who pursuant to the authority of section 31761  
2930.02 of the Revised Code exercises the rights of a victim under 31762  
this chapter. 31763

(J) "Court" means a court of common pleas, juvenile court, 31764  
municipal court, or county court. 31765

(K) "Delinquency proceeding" means all proceedings in a 31766  
juvenile court that are related to a case in which a complaint has 31767  
been filed alleging that a child is a delinquent child. 31768

(L) "Case" means a delinquency proceeding and all related 31769  
activity or a criminal prosecution and all related activity. 31770

(M) The "defense" means the defense against criminal charges 31771  
in a criminal prosecution or the defense against a delinquent 31772  
child complaint in a delinquency proceeding. 31773

(N) The "prosecution" means the prosecution of criminal 31774  
charges in a criminal prosecution or the prosecution of a 31775  
delinquent child complaint in a delinquency proceeding. 31776

(O) "Specified delinquent act" means any of the following: 31777

(1) An act committed by a child that if committed by an adult 31778  
would be a felony; 31779

(2) An act committed by a child that is a violation of a 31780  
section listed in division (A)(1) or (2) of this section or is a 31781  
violation of a substantially equivalent municipal ordinance; 31782

(3) An act committed by a child that is described in division 31783

(A)(3) or (4) of this section.	31784
(P)(1) "Alleged juvenile offender" means a child who is	31785
alleged to have committed a specified delinquent act in a police	31786
report or in a complaint in juvenile court that charges the	31787
commission of a specified delinquent act and that provides the	31788
basis for the delinquency proceeding and all subsequent	31789
proceedings to which this chapter makes reference.	31790
(2) As used in divisions (O) and (P)(1) of this section,	31791
"child" has the same meaning as in section 2151.011 of the Revised	31792
Code.	31793
(Q) "Motor vehicle accident" means any accident involving a	31794
motor vehicle.	31795
(R) "Motor vehicle" has the same meaning as in section	31796
4509.01 of the Revised Code.	31797
(S) "Aircraft" has the same meaning as in section 4561.01 of	31798
the Revised Code.	31799
(T) "Aquatic device" means any vessel, or any water skis,	31800
aquaplane, or similar device.	31801
(U) "Vehicle," "streetcar," and "trackless trolley" have the	31802
same meanings as in section 4511.01 of the Revised Code.	31803
(V) "Vehicle, streetcar, trackless trolley, aquatic device,	31804
or aircraft accident" means any accident involving a vehicle,	31805
streetcar, trackless trolley, aquatic device, or aircraft.	31806
(W) "Vessel" has the same meaning as in section 1547.01 of	31807
the Revised Code.	31808
<b>Sec. 2935.03.</b> (A)(1) A sheriff, deputy sheriff, marshal,	31809
deputy marshal, municipal police officer, township constable,	31810
police officer of a township or joint police district, member of a	31811
police force employed by a metropolitan housing authority under	31812

division (D) of section 3735.31 of the Revised Code, member of a 31813  
police force employed by a regional transit authority under 31814  
division (Y) of section 306.35 of the Revised Code, state 31815  
university law enforcement officer appointed under section 3345.04 31816  
of the Revised Code, veterans' home police officer appointed under 31817  
section 5907.02 of the Revised Code, special police officer 31818  
employed by a port authority under section 4582.04 or 4582.28 of 31819  
the Revised Code, or a special police officer employed by a 31820  
municipal corporation at a municipal airport, or other municipal 31821  
air navigation facility, that has scheduled operations, as defined 31822  
in section 119.3 of Title 14 of the Code of Federal Regulations, 31823  
14 C.F.R. 119.3, as amended, and that is required to be under a 31824  
security program and is governed by aviation security rules of the 31825  
transportation security administration of the United States 31826  
department of transportation as provided in Parts 1542. and 1544. 31827  
of Title 49 of the Code of Federal Regulations, as amended, shall 31828  
arrest and detain, until a warrant can be obtained, a person found 31829  
violating, within the limits of the political subdivision, 31830  
metropolitan housing authority housing project, regional transit 31831  
authority facilities or areas of a municipal corporation that have 31832  
been agreed to by a regional transit authority and a municipal 31833  
corporation located within its territorial jurisdiction, college, 31834  
university, veterans' home operated under Chapter 5907. of the 31835  
Revised Code, port authority, or municipal airport or other 31836  
municipal air navigation facility, in which the peace officer is 31837  
appointed, employed, or elected, a law of this state, an ordinance 31838  
of a municipal corporation, or a resolution of a township. 31839

(2) A peace officer of the department of natural resources, a 31840  
state fire marshal law enforcement officer described in division 31841  
(A)(23) of section 109.71 of the Revised Code, or an individual 31842  
designated to perform law enforcement duties under section 31843  
511.232, 1545.13, or 6101.75 of the Revised Code shall arrest and 31844  
detain, until a warrant can be obtained, a person found violating, 31845

within the limits of the peace officer's, state fire marshal law 31846  
enforcement officer's, or individual's territorial jurisdiction, a 31847  
law of this state. 31848

(3) The house sergeant at arms, if the house sergeant at arms 31849  
has arrest authority pursuant to division (E)(1) of section 31850  
101.311 of the Revised Code, and an assistant house sergeant at 31851  
arms shall arrest and detain, until a warrant can be obtained, a 31852  
person found violating, within the limits of the sergeant at 31853  
arms's or assistant sergeant at arms's territorial jurisdiction 31854  
specified in division (D)(1)(a) of section 101.311 of the Revised 31855  
Code or while providing security pursuant to division (D)(1)(f) of 31856  
section 101.311 of the Revised Code, a law of this state, an 31857  
ordinance of a municipal corporation, or a resolution of a 31858  
township. 31859

(4) The senate sergeant at arms and an assistant senate 31860  
sergeant at arms shall arrest and detain, until a warrant can be 31861  
obtained, a person found violating, within the limits of the 31862  
sergeant at arms's or assistant sergeant at arms's territorial 31863  
jurisdiction specified in division (B) of section 101.312 of the 31864  
Revised Code, a law of this state, an ordinance of a municipal 31865  
corporation, or a resolution of a township. 31866

(B)(1) When there is reasonable ground to believe that an 31867  
offense of violence, the offense of criminal child enticement as 31868  
defined in section 2905.05 of the Revised Code, the offense of 31869  
public indecency as defined in section 2907.09 of the Revised 31870  
Code, the offense of domestic violence as defined in section 31871  
2919.25 of the Revised Code, the offense of violating a protection 31872  
order as defined in section 2919.27 of the Revised Code, the 31873  
offense of menacing by stalking as defined in section 2903.211 of 31874  
the Revised Code, the offense of aggravated trespass as defined in 31875  
section 2911.211 of the Revised Code, a theft offense as defined 31876  
in section 2913.01 of the Revised Code, or a felony drug abuse 31877

offense as defined in section 2925.01 of the Revised Code, has 31878  
been committed within the limits of the political subdivision, 31879  
metropolitan housing authority housing project, regional transit 31880  
authority facilities or those areas of a municipal corporation 31881  
that have been agreed to by a regional transit authority and a 31882  
municipal corporation located within its territorial jurisdiction, 31883  
college, university, veterans' home operated under Chapter 5907. 31884  
of the Revised Code, port authority, or municipal airport or other 31885  
municipal air navigation facility, in which the peace officer is 31886  
appointed, employed, or elected or within the limits of the 31887  
territorial jurisdiction of the peace officer, a peace officer 31888  
described in division (A) of this section may arrest and detain 31889  
until a warrant can be obtained any person who the peace officer 31890  
has reasonable cause to believe is guilty of the violation. 31891

(2) For purposes of division (B)(1) of this section, the 31892  
execution of any of the following constitutes reasonable ground to 31893  
believe that the offense alleged in the statement was committed 31894  
and reasonable cause to believe that the person alleged in the 31895  
statement to have committed the offense is guilty of the 31896  
violation: 31897

(a) A written statement by a person alleging that an alleged 31898  
offender has committed the offense of menacing by stalking or 31899  
aggravated trespass; 31900

(b) A written statement by the administrator of the 31901  
interstate compact on mental health appointed under section 31902  
~~5119.51~~ 5119.71 of the Revised Code alleging that a person who had 31903  
been hospitalized, institutionalized, or confined in any facility 31904  
under an order made pursuant to or under authority of section 31905  
2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 31906  
2945.402 of the Revised Code has escaped from the facility, from 31907  
confinement in a vehicle for transportation to or from the 31908  
facility, or from supervision by an employee of the facility that 31909

is incidental to hospitalization, institutionalization, or 31910  
confinement in the facility and that occurs outside of the 31911  
facility, in violation of section 2921.34 of the Revised Code; 31912

(c) A written statement by the administrator of any facility 31913  
in which a person has been hospitalized, institutionalized, or 31914  
confined under an order made pursuant to or under authority of 31915  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 31916  
2945.402 of the Revised Code alleging that the person has escaped 31917  
from the facility, from confinement in a vehicle for 31918  
transportation to or from the facility, or from supervision by an 31919  
employee of the facility that is incidental to hospitalization, 31920  
institutionalization, or confinement in the facility and that 31921  
occurs outside of the facility, in violation of section 2921.34 of 31922  
the Revised Code. 31923

(3)(a) For purposes of division (B)(1) of this section, a 31924  
peace officer described in division (A) of this section has 31925  
reasonable grounds to believe that the offense of domestic 31926  
violence or the offense of violating a protection order has been 31927  
committed and reasonable cause to believe that a particular person 31928  
is guilty of committing the offense if any of the following 31929  
occurs: 31930

(i) A person executes a written statement alleging that the 31931  
person in question has committed the offense of domestic violence 31932  
or the offense of violating a protection order against the person 31933  
who executes the statement or against a child of the person who 31934  
executes the statement. 31935

(ii) No written statement of the type described in division 31936  
(B)(3)(a)(i) of this section is executed, but the peace officer, 31937  
based upon the peace officer's own knowledge and observation of 31938  
the facts and circumstances of the alleged incident of the offense 31939  
of domestic violence or the alleged incident of the offense of 31940  
violating a protection order or based upon any other information, 31941

including, but not limited to, any reasonably trustworthy 31942  
information given to the peace officer by the alleged victim of 31943  
the alleged incident of the offense or any witness of the alleged 31944  
incident of the offense, concludes that there are reasonable 31945  
grounds to believe that the offense of domestic violence or the 31946  
offense of violating a protection order has been committed and 31947  
reasonable cause to believe that the person in question is guilty 31948  
of committing the offense. 31949

(iii) No written statement of the type described in division 31950  
(B)(3)(a)(i) of this section is executed, but the peace officer 31951  
witnessed the person in question commit the offense of domestic 31952  
violence or the offense of violating a protection order. 31953

(b) If pursuant to division (B)(3)(a) of this section a peace 31954  
officer has reasonable grounds to believe that the offense of 31955  
domestic violence or the offense of violating a protection order 31956  
has been committed and reasonable cause to believe that a 31957  
particular person is guilty of committing the offense, it is the 31958  
preferred course of action in this state that the officer arrest 31959  
and detain that person pursuant to division (B)(1) of this section 31960  
until a warrant can be obtained. 31961

If pursuant to division (B)(3)(a) of this section a peace 31962  
officer has reasonable grounds to believe that the offense of 31963  
domestic violence or the offense of violating a protection order 31964  
has been committed and reasonable cause to believe that family or 31965  
household members have committed the offense against each other, 31966  
it is the preferred course of action in this state that the 31967  
officer, pursuant to division (B)(1) of this section, arrest and 31968  
detain until a warrant can be obtained the family or household 31969  
member who committed the offense and whom the officer has 31970  
reasonable cause to believe is the primary physical aggressor. 31971  
There is no preferred course of action in this state regarding any 31972  
other family or household member who committed the offense and 31973

whom the officer does not have reasonable cause to believe is the 31974  
primary physical aggressor, but, pursuant to division (B)(1) of 31975  
this section, the peace officer may arrest and detain until a 31976  
warrant can be obtained any other family or household member who 31977  
committed the offense and whom the officer does not have 31978  
reasonable cause to believe is the primary physical aggressor. 31979

(c) If a peace officer described in division (A) of this 31980  
section does not arrest and detain a person whom the officer has 31981  
reasonable cause to believe committed the offense of domestic 31982  
violence or the offense of violating a protection order when it is 31983  
the preferred course of action in this state pursuant to division 31984  
(B)(3)(b) of this section that the officer arrest that person, the 31985  
officer shall articulate in the written report of the incident 31986  
required by section 2935.032 of the Revised Code a clear statement 31987  
of the officer's reasons for not arresting and detaining that 31988  
person until a warrant can be obtained. 31989

(d) In determining for purposes of division (B)(3)(b) of this 31990  
section which family or household member is the primary physical 31991  
aggressor in a situation in which family or household members have 31992  
committed the offense of domestic violence or the offense of 31993  
violating a protection order against each other, a peace officer 31994  
described in division (A) of this section, in addition to any 31995  
other relevant circumstances, should consider all of the 31996  
following: 31997

(i) Any history of domestic violence or of any other violent 31998  
acts by either person involved in the alleged offense that the 31999  
officer reasonably can ascertain; 32000

(ii) If violence is alleged, whether the alleged violence was 32001  
caused by a person acting in self-defense; 32002

(iii) Each person's fear of physical harm, if any, resulting 32003  
from the other person's threatened use of force against any person 32004



or resulting from the other person's use or history of the use of 32005  
force against any person, and the reasonableness of that fear; 32006

(iv) The comparative severity of any injuries suffered by the 32007  
persons involved in the alleged offense. 32008

(e)(i) A peace officer described in division (A) of this 32009  
section shall not require, as a prerequisite to arresting or 32010  
charging a person who has committed the offense of domestic 32011  
violence or the offense of violating a protection order, that the 32012  
victim of the offense specifically consent to the filing of 32013  
charges against the person who has committed the offense or sign a 32014  
complaint against the person who has committed the offense. 32015

(ii) If a person is arrested for or charged with committing 32016  
the offense of domestic violence or the offense of violating a 32017  
protection order and if the victim of the offense does not 32018  
cooperate with the involved law enforcement or prosecuting 32019  
authorities in the prosecution of the offense or, subsequent to 32020  
the arrest or the filing of the charges, informs the involved law 32021  
enforcement or prosecuting authorities that the victim does not 32022  
wish the prosecution of the offense to continue or wishes to drop 32023  
charges against the alleged offender relative to the offense, the 32024  
involved prosecuting authorities, in determining whether to 32025  
continue with the prosecution of the offense or whether to dismiss 32026  
charges against the alleged offender relative to the offense and 32027  
notwithstanding the victim's failure to cooperate or the victim's 32028  
wishes, shall consider all facts and circumstances that are 32029  
relevant to the offense, including, but not limited to, the 32030  
statements and observations of the peace officers who responded to 32031  
the incident that resulted in the arrest or filing of the charges 32032  
and of all witnesses to that incident. 32033

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 32034  
this section whether to arrest a person pursuant to division 32035  
(B)(1) of this section, a peace officer described in division (A) 32036

of this section shall not consider as a factor any possible 32037  
shortage of cell space at the detention facility to which the 32038  
person will be taken subsequent to the person's arrest or any 32039  
possibility that the person's arrest might cause, contribute to, 32040  
or exacerbate overcrowding at that detention facility or at any 32041  
other detention facility. 32042

(g) If a peace officer described in division (A) of this 32043  
section intends pursuant to divisions (B)(3)(a) to (g) of this 32044  
section to arrest a person pursuant to division (B)(1) of this 32045  
section and if the officer is unable to do so because the person 32046  
is not present, the officer promptly shall seek a warrant for the 32047  
arrest of the person. 32048

(h) If a peace officer described in division (A) of this 32049  
section responds to a report of an alleged incident of the offense 32050  
of domestic violence or an alleged incident of the offense of 32051  
violating a protection order and if the circumstances of the 32052  
incident involved the use or threatened use of a deadly weapon or 32053  
any person involved in the incident brandished a deadly weapon 32054  
during or in relation to the incident, the deadly weapon that was 32055  
used, threatened to be used, or brandished constitutes contraband, 32056  
and, to the extent possible, the officer shall seize the deadly 32057  
weapon as contraband pursuant to Chapter 2981. of the Revised 32058  
Code. Upon the seizure of a deadly weapon pursuant to division 32059  
(B)(3)(h) of this section, section 2981.12 of the Revised Code 32060  
shall apply regarding the treatment and disposition of the deadly 32061  
weapon. For purposes of that section, the "underlying criminal 32062  
offense" that was the basis of the seizure of a deadly weapon 32063  
under division (B)(3)(h) of this section and to which the deadly 32064  
weapon had a relationship is any of the following that is 32065  
applicable: 32066

(i) The alleged incident of the offense of domestic violence 32067  
or the alleged incident of the offense of violating a protection 32068

order to which the officer who seized the deadly weapon responded; 32069

(ii) Any offense that arose out of the same facts and 32070  
circumstances as the report of the alleged incident of the offense 32071  
of domestic violence or the alleged incident of the offense of 32072  
violating a protection order to which the officer who seized the 32073  
deadly weapon responded. 32074

(4) If, in the circumstances described in divisions (B)(3)(a) 32075  
to (g) of this section, a peace officer described in division (A) 32076  
of this section arrests and detains a person pursuant to division 32077  
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 32078  
this section, a peace officer described in division (A) of this 32079  
section seizes a deadly weapon, the officer, to the extent 32080  
described in and in accordance with section 9.86 or 2744.03 of the 32081  
Revised Code, is immune in any civil action for damages for 32082  
injury, death, or loss to person or property that arises from or 32083  
is related to the arrest and detention or the seizure. 32084

(C) When there is reasonable ground to believe that a 32085  
violation of division (A)(1), (2), (3), (4), or (5) of section 32086  
4506.15 or a violation of section 4511.19 of the Revised Code has 32087  
been committed by a person operating a motor vehicle subject to 32088  
regulation by the public utilities commission of Ohio under Title 32089  
XLIX of the Revised Code, a peace officer with authority to 32090  
enforce that provision of law may stop or detain the person whom 32091  
the officer has reasonable cause to believe was operating the 32092  
motor vehicle in violation of the division or section and, after 32093  
investigating the circumstances surrounding the operation of the 32094  
vehicle, may arrest and detain the person. 32095

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 32096  
municipal police officer, member of a police force employed by a 32097  
metropolitan housing authority under division (D) of section 32098  
3735.31 of the Revised Code, member of a police force employed by 32099  
a regional transit authority under division (Y) of section 306.35 32100

of the Revised Code, special police officer employed by a port 32101  
authority under section 4582.04 or 4582.28 of the Revised Code, 32102  
special police officer employed by a municipal corporation at a 32103  
municipal airport or other municipal air navigation facility 32104  
described in division (A) of this section, township constable, 32105  
police officer of a township or joint police district, state 32106  
university law enforcement officer appointed under section 3345.04 32107  
of the Revised Code, peace officer of the department of natural 32108  
resources, individual designated to perform law enforcement duties 32109  
under section 511.232, 1545.13, or 6101.75 of the Revised Code, 32110  
the house sergeant at arms if the house sergeant at arms has 32111  
arrest authority pursuant to division (E)(1) of section 101.311 of 32112  
the Revised Code, or an assistant house sergeant at arms is 32113  
authorized by division (A) or (B) of this section to arrest and 32114  
detain, within the limits of the political subdivision, 32115  
metropolitan housing authority housing project, regional transit 32116  
authority facilities or those areas of a municipal corporation 32117  
that have been agreed to by a regional transit authority and a 32118  
municipal corporation located within its territorial jurisdiction, 32119  
port authority, municipal airport or other municipal air 32120  
navigation facility, college, or university in which the officer 32121  
is appointed, employed, or elected or within the limits of the 32122  
territorial jurisdiction of the peace officer, a person until a 32123  
warrant can be obtained, the peace officer, outside the limits of 32124  
that territory, may pursue, arrest, and detain that person until a 32125  
warrant can be obtained if all of the following apply: 32126

(1) The pursuit takes place without unreasonable delay after 32127  
the offense is committed; 32128

(2) The pursuit is initiated within the limits of the 32129  
political subdivision, metropolitan housing authority housing 32130  
project, regional transit authority facilities or those areas of a 32131  
municipal corporation that have been agreed to by a regional 32132

transit authority and a municipal corporation located within its 32133  
territorial jurisdiction, port authority, municipal airport or 32134  
other municipal air navigation facility, college, or university in 32135  
which the peace officer is appointed, employed, or elected or 32136  
within the limits of the territorial jurisdiction of the peace 32137  
officer; 32138

(3) The offense involved is a felony, a misdemeanor of the 32139  
first degree or a substantially equivalent municipal ordinance, a 32140  
misdemeanor of the second degree or a substantially equivalent 32141  
municipal ordinance, or any offense for which points are 32142  
chargeable pursuant to section 4510.036 of the Revised Code. 32143

(E) In addition to the authority granted under division (A) 32144  
or (B) of this section: 32145

(1) A sheriff or deputy sheriff may arrest and detain, until 32146  
a warrant can be obtained, any person found violating section 32147  
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 32148  
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 32149  
portion of any street or highway that is located immediately 32150  
adjacent to the boundaries of the county in which the sheriff or 32151  
deputy sheriff is elected or appointed. 32152

(2) A member of the police force of a township police 32153  
district created under section 505.48 of the Revised Code, a 32154  
member of the police force of a joint police district created 32155  
under section 505.482 of the Revised Code, or a township constable 32156  
appointed in accordance with section 509.01 of the Revised Code, 32157  
who has received a certificate from the Ohio peace officer 32158  
training commission under section 109.75 of the Revised Code, may 32159  
arrest and detain, until a warrant can be obtained, any person 32160  
found violating any section or chapter of the Revised Code listed 32161  
in division (E)(1) of this section, other than sections 4513.33 32162  
and 4513.34 of the Revised Code, on the portion of any street or 32163  
highway that is located immediately adjacent to the boundaries of 32164

the township police district or joint police district, in the case 32165  
of a member of a township police district or joint police district 32166  
police force, or the unincorporated territory of the township, in 32167  
the case of a township constable. However, if the population of 32168  
the township that created the township police district served by 32169  
the member's police force, or the townships and municipal 32170  
corporations that created the joint police district served by the 32171  
member's police force, or the township that is served by the 32172  
township constable, is sixty thousand or less, the member of the 32173  
township police district or joint police district police force or 32174  
the township constable may not make an arrest under division 32175  
(E)(2) of this section on a state highway that is included as part 32176  
of the interstate system. 32177

(3) A police officer or village marshal appointed, elected, 32178  
or employed by a municipal corporation may arrest and detain, 32179  
until a warrant can be obtained, any person found violating any 32180  
section or chapter of the Revised Code listed in division (E)(1) 32181  
of this section on the portion of any street or highway that is 32182  
located immediately adjacent to the boundaries of the municipal 32183  
corporation in which the police officer or village marshal is 32184  
appointed, elected, or employed. 32185

(4) A peace officer of the department of natural resources, a 32186  
state fire marshal law enforcement officer described in division 32187  
(A)(23) of section 109.71 of the Revised Code, or an individual 32188  
designated to perform law enforcement duties under section 32189  
511.232, 1545.13, or 6101.75 of the Revised Code may arrest and 32190  
detain, until a warrant can be obtained, any person found 32191  
violating any section or chapter of the Revised Code listed in 32192  
division (E)(1) of this section, other than sections 4513.33 and 32193  
4513.34 of the Revised Code, on the portion of any street or 32194  
highway that is located immediately adjacent to the boundaries of 32195  
the lands and waters that constitute the territorial jurisdiction 32196

of the peace officer or state fire marshal law enforcement 32197  
officer. 32198

(F)(1) A department of ~~mental health~~ mental health and 32199  
addiction services special police officer or a department of 32200  
developmental disabilities special police officer may arrest 32201  
without a warrant and detain until a warrant can be obtained any 32202  
person found committing on the premises of any institution under 32203  
the jurisdiction of the particular department a misdemeanor under 32204  
a law of the state. 32205

A department of ~~mental health~~ mental health and addiction 32206  
services special police officer or a department of developmental 32207  
disabilities special police officer may arrest without a warrant 32208  
and detain until a warrant can be obtained any person who has been 32209  
hospitalized, institutionalized, or confined in an institution 32210  
under the jurisdiction of the particular department pursuant to or 32211  
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 32212  
2945.40, 2945.401, or 2945.402 of the Revised Code and who is 32213  
found committing on the premises of any institution under the 32214  
jurisdiction of the particular department a violation of section 32215  
2921.34 of the Revised Code that involves an escape from the 32216  
premises of the institution. 32217

(2)(a) If a department of ~~mental health~~ mental health and 32218  
addiction services special police officer or a department of 32219  
developmental disabilities special police officer finds any person 32220  
who has been hospitalized, institutionalized, or confined in an 32221  
institution under the jurisdiction of the particular department 32222  
pursuant to or under authority of section 2945.37, 2945.371, 32223  
2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 32224  
Code committing a violation of section 2921.34 of the Revised Code 32225  
that involves an escape from the premises of the institution, or 32226  
if there is reasonable ground to believe that a violation of 32227  
section 2921.34 of the Revised Code has been committed that 32228

involves an escape from the premises of an institution under the 32229  
jurisdiction of the department of ~~mental health~~ mental health and 32230  
addiction services or the department of developmental disabilities 32231  
and if a department of ~~mental health~~ mental health and addiction 32232  
services special police officer or a department of developmental 32233  
disabilities special police officer has reasonable cause to 32234  
believe that a particular person who has been hospitalized, 32235  
institutionalized, or confined in the institution pursuant to or 32236  
under authority of section 2945.37, 2945.371, 2945.38, 2945.39, 32237  
2945.40, 2945.401, or 2945.402 of the Revised Code is guilty of 32238  
the violation, the special police officer, outside of the premises 32239  
of the institution, may pursue, arrest, and detain that person for 32240  
that violation of section 2921.34 of the Revised Code, until a 32241  
warrant can be obtained, if both of the following apply: 32242

(i) The pursuit takes place without unreasonable delay after 32243  
the offense is committed; 32244

(ii) The pursuit is initiated within the premises of the 32245  
institution from which the violation of section 2921.34 of the 32246  
Revised Code occurred. 32247

(b) For purposes of division (F)(2)(a) of this section, the 32248  
execution of a written statement by the administrator of the 32249  
institution in which a person had been hospitalized, 32250  
institutionalized, or confined pursuant to or under authority of 32251  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 32252  
2945.402 of the Revised Code alleging that the person has escaped 32253  
from the premises of the institution in violation of section 32254  
2921.34 of the Revised Code constitutes reasonable ground to 32255  
believe that the violation was committed and reasonable cause to 32256  
believe that the person alleged in the statement to have committed 32257  
the offense is guilty of the violation. 32258

(G) As used in this section: 32259



- (1) A "department of ~~mental health~~ mental health and 32260  
addiction services special police officer" means a special police 32261  
officer of the department of ~~mental health~~ mental health and 32262  
addiction services designated under section ~~5119.14~~ 5119.08 of the 32263  
Revised Code who is certified by the Ohio peace officer training 32264  
commission under section 109.77 of the Revised Code as having 32265  
successfully completed an approved peace officer basic training 32266  
program. 32267
- (2) A "department of developmental disabilities special 32268  
police officer" means a special police officer of the department 32269  
of developmental disabilities designated under section 5123.13 of 32270  
the Revised Code who is certified by the Ohio peace officer 32271  
training council under section 109.77 of the Revised Code as 32272  
having successfully completed an approved peace officer basic 32273  
training program. 32274
- (3) "Deadly weapon" has the same meaning as in section 32275  
2923.11 of the Revised Code. 32276
- (4) "Family or household member" has the same meaning as in 32277  
section 2919.25 of the Revised Code. 32278
- (5) "Street" or "highway" has the same meaning as in section 32279  
4511.01 of the Revised Code. 32280
- (6) "Interstate system" has the same meaning as in section 32281  
5516.01 of the Revised Code. 32282
- (7) "Peace officer of the department of natural resources" 32283  
means an employee of the department of natural resources who is a 32284  
natural resources law enforcement staff officer designated 32285  
pursuant to section 1501.013 of the Revised Code, a forest officer 32286  
designated pursuant to section 1503.29 of the Revised Code, a 32287  
preserve officer designated pursuant to section 1517.10 of the 32288  
Revised Code, a wildlife officer designated pursuant to section 32289  
1531.13 of the Revised Code, a park officer designated pursuant to 32290

section 1541.10 of the Revised Code, or a state watercraft officer 32291  
designated pursuant to section 1547.521 of the Revised Code. 32292

(8) "Portion of any street or highway" means all lanes of the 32293  
street or highway irrespective of direction of travel, including 32294  
designated turn lanes, and any berm, median, or shoulder. 32295

**Sec. 2935.33.** (A) If a person charged with a misdemeanor is 32296  
taken before a judge of a court of record and if it appears to the 32297  
judge that the person is an alcoholic or is suffering from acute 32298  
alcohol intoxication and that the person would benefit from 32299  
services provided by ~~an alcohol and drug~~ a community addiction 32300  
~~program services provider~~ certified under Chapter ~~3793.~~ 5119. of 32301  
the Revised Code, the judge may place the person temporarily in a 32302  
~~program services provider~~ certified under that chapter in the area 32303  
in which the court has jurisdiction for inpatient care and 32304  
treatment for an indefinite period not exceeding five days. The 32305  
commitment does not limit the right to release on bail. The judge 32306  
may dismiss a charge of a violation of division (B) of section 32307  
2917.11 of the Revised Code or of a municipal ordinance 32308  
substantially equivalent to that division if the defendant 32309  
complies with all the conditions of treatment ordered by the 32310  
court. 32311

The court may order that any fines or court costs collected 32312  
by the court from defendants who have received inpatient care from 32313  
~~an alcohol and drug~~ a community addiction ~~program services~~ 32314  
provider be paid, for the benefit of the program, to the board of 32315  
alcohol, drug addiction, and mental health services of the 32316  
alcohol, drug addiction, and mental health service district in 32317  
which the ~~program services provider~~ is located or to the director 32318  
of ~~alcohol and drug addiction services~~ mental health and addiction 32319  
services. 32320

(B) If a person is being sentenced for a violation of 32321

division (B) of section 2917.11 or section 4511.19 of the Revised Code, a misdemeanor violation of section 2919.25 of the Revised Code, a misdemeanor violation of section 2919.27 of the Revised Code involving a protection order issued or consent agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code, or a violation of a municipal ordinance substantially equivalent to that division or any of those sections and if it appears to the judge at the time of sentencing that the person is an alcoholic or is suffering from acute alcohol intoxication and that, in lieu of imprisonment, the person would benefit from services provided by ~~an alcohol and drug~~ a community addiction program services provider certified under Chapter ~~3793.~~ 5119. of the Revised Code, the court may commit the person to close supervision in any facility in the area in which the court has jurisdiction that is, or is operated by, such a ~~program services provider~~. Such close supervision may include outpatient services and part-time release, except that a person convicted of a violation of division (A) of section 4511.19 of the Revised Code shall be confined to the facility for at least three days and except that a person convicted of a misdemeanor violation of section 2919.25 of the Revised Code, a misdemeanor violation of section 2919.27 of the Revised Code involving a protection order issued or consent agreement approved pursuant to section 2919.26 or 3113.31 of the Revised Code, or a violation of a substantially equivalent municipal ordinance shall be confined to the facility in accordance with the order of commitment. A commitment of a person to a facility for purposes of close supervision shall not exceed the maximum term for which the person could be imprisoned.

(C) A law enforcement officer who finds a person subject to prosecution for violation of division (B) of section 2917.11 of the Revised Code or a municipal ordinance substantially equivalent to that division and who has reasonable cause to believe that the person is an alcoholic or is suffering from acute alcohol

intoxication and would benefit from immediate treatment 32355  
immediately may place the person in ~~an alcohol and drug a~~ 32356  
community addiction ~~program~~ services provider certified under 32357  
Chapter ~~3793-~~ 5119. of the Revised Code in the area in which the 32358  
person is found, for emergency treatment, in lieu of other arrest 32359  
procedures, for a maximum period of forty-eight hours. During that 32360  
time, if the person desires to leave such custody, the person 32361  
shall be released forthwith. 32362

(D) As used in this section: 32363

(1) "Alcoholic" has the same meaning as in section ~~3793.01~~ 32364  
5119.01 of the Revised Code; 32365

(2) "Acute alcohol intoxication" means a heavy consumption of 32366  
alcohol over a relatively short period of time, resulting in 32367  
dysfunction of the brain centers controlling behavior, speech, and 32368  
memory and causing characteristic withdrawal symptoms. 32369

**Sec. 2945.37.** (A) As used in sections 2945.37 to 2945.402 of 32370  
the Revised Code: 32371

(1) "Prosecutor" means a prosecuting attorney or a city 32372  
director of law, village solicitor, or similar chief legal officer 32373  
of a municipal corporation who has authority to prosecute a 32374  
criminal case that is before the court or the criminal case in 32375  
which a defendant in a criminal case has been found incompetent to 32376  
stand trial or not guilty by reason of insanity. 32377

(2) "Examiner" means either of the following: 32378

(a) A psychiatrist or a licensed clinical psychologist who 32379  
satisfies the criteria of division (I)(1) of section 5122.01 of 32380  
the Revised Code or is employed by a certified forensic center 32381  
designated by the department of ~~mental health~~ mental health and 32382  
addiction services to conduct examinations or evaluations. 32383

(b) For purposes of a separate mental retardation evaluation 32384

that is ordered by a court pursuant to division (H) of section 32385  
2945.371 of the Revised Code, a psychologist designated by the 32386  
director of developmental disabilities pursuant to that section to 32387  
conduct that separate mental retardation evaluation. 32388

(3) "Nonsecured status" means any unsupervised, off-grounds 32389  
movement or trial visit from a hospital or institution, or any 32390  
conditional release, that is granted to a person who is found 32391  
incompetent to stand trial and is committed pursuant to section 32392  
2945.39 of the Revised Code or to a person who is found not guilty 32393  
by reason of insanity and is committed pursuant to section 2945.40 32394  
of the Revised Code. 32395

(4) "Unsupervised, off-grounds movement" includes only 32396  
off-grounds privileges that are unsupervised and that have an 32397  
expectation of return to the hospital or institution on a daily 32398  
basis. 32399

(5) "Trial visit" means a patient privilege of a longer 32400  
stated duration of unsupervised community contact with an 32401  
expectation of return to the hospital or institution at designated 32402  
times. 32403

(6) "Conditional release" means a commitment status under 32404  
which the trial court at any time may revoke a person's 32405  
conditional release and order the rehospitalization or 32406  
reinstitutionalization of the person as described in division (A) 32407  
of section 2945.402 of the Revised Code and pursuant to which a 32408  
person who is found incompetent to stand trial or a person who is 32409  
found not guilty by reason of insanity lives and receives 32410  
treatment in the community for a period of time that does not 32411  
exceed the maximum prison term or term of imprisonment that the 32412  
person could have received for the offense in question had the 32413  
person been convicted of the offense instead of being found 32414  
incompetent to stand trial on the charge of the offense or being 32415  
found not guilty by reason of insanity relative to the offense. 32416

(7) "Licensed clinical psychologist," "mentally ill person  
subject to hospitalization by court order," and "psychiatrist"  
have the same meanings as in section 5122.01 of the Revised Code.

(8) "Mentally retarded person subject to institutionalization  
by court order" has the same meaning as in section 5123.01 of the  
Revised Code.

(B) In a criminal action in a court of common pleas, a county  
court, or a municipal court, the court, prosecutor, or defense may  
raise the issue of the defendant's competence to stand trial. If  
the issue is raised before the trial has commenced, the court  
shall hold a hearing on the issue as provided in this section. If  
the issue is raised after the trial has commenced, the court shall  
hold a hearing on the issue only for good cause shown or on the  
court's own motion.

(C) The court shall conduct the hearing required or  
authorized under division (B) of this section within thirty days  
after the issue is raised, unless the defendant has been referred  
for evaluation in which case the court shall conduct the hearing  
within ten days after the filing of the report of the evaluation  
or, in the case of a defendant who is ordered by the court  
pursuant to division (H) of section 2945.371 of the Revised Code  
to undergo a separate mental retardation evaluation conducted by a  
psychologist designated by the director of developmental  
disabilities, within ten days after the filing of the report of  
the separate mental retardation evaluation under that division. A  
hearing may be continued for good cause.

(D) The defendant shall be represented by counsel at the  
hearing conducted under division (C) of this section. If the  
defendant is unable to obtain counsel, the court shall appoint  
counsel under Chapter 120. of the Revised Code or under the  
authority recognized in division (C) of section 120.06, division  
(E) of section 120.16, division (E) of section 120.26, or section

2941.51 of the Revised Code before proceeding with the hearing. 32449

(E) The prosecutor and defense counsel may submit evidence on 32450  
the issue of the defendant's competence to stand trial. A written 32451  
report of the evaluation of the defendant may be admitted into 32452  
evidence at the hearing by stipulation, but, if either the 32453  
prosecution or defense objects to its admission, the report may be 32454  
admitted under sections 2317.36 to 2317.38 of the Revised Code or 32455  
any other applicable statute or rule. 32456

(F) The court shall not find a defendant incompetent to stand 32457  
trial solely because the defendant is receiving or has received 32458  
treatment as a voluntary or involuntary mentally ill patient under 32459  
Chapter 5122. or a voluntary or involuntary mentally retarded 32460  
resident under Chapter 5123. of the Revised Code or because the 32461  
defendant is receiving or has received psychotropic drugs or other 32462  
medication, even if the defendant might become incompetent to 32463  
stand trial without the drugs or medication. 32464

(G) A defendant is presumed to be competent to stand trial. 32465  
If, after a hearing, the court finds by a preponderance of the 32466  
evidence that, because of the defendant's present mental 32467  
condition, the defendant is incapable of understanding the nature 32468  
and objective of the proceedings against the defendant or of 32469  
assisting in the defendant's defense, the court shall find the 32470  
defendant incompetent to stand trial and shall enter an order 32471  
authorized by section 2945.38 of the Revised Code. 32472

(H) Municipal courts shall follow the procedures set forth in 32473  
sections 2945.37 to 2945.402 of the Revised Code. Except as 32474  
provided in section 2945.371 of the Revised Code, a municipal 32475  
court shall not order an evaluation of the defendant's competence 32476  
to stand trial or the defendant's mental condition at the time of 32477  
the commission of the offense to be conducted at any hospital 32478  
operated by the department of ~~mental health~~ mental health and 32479  
addiction services. Those evaluations shall be performed through 32480

community resources including, but not limited to, certified 32481  
forensic centers, court probation departments, and community 32482  
mental health ~~agencies~~ services providers. All expenses of the 32483  
evaluations shall be borne by the legislative authority of the 32484  
municipal court, as defined in section 1901.03 of the Revised 32485  
Code, and shall be taxed as costs in the case. If a defendant is 32486  
found incompetent to stand trial or not guilty by reason of 32487  
insanity, a municipal court may commit the defendant as provided 32488  
in sections 2945.38 to 2945.402 of the Revised Code. 32489

**Sec. 2945.371.** (A) If the issue of a defendant's competence 32490  
to stand trial is raised or if a defendant enters a plea of not 32491  
guilty by reason of insanity, the court may order one or more 32492  
evaluations of the defendant's present mental condition or, in the 32493  
case of a plea of not guilty by reason of insanity, of the 32494  
defendant's mental condition at the time of the offense charged. 32495  
An examiner shall conduct the evaluation. 32496

(B) If the court orders more than one evaluation under 32497  
division (A) of this section, the prosecutor and the defendant may 32498  
recommend to the court an examiner whom each prefers to perform 32499  
one of the evaluations. If a defendant enters a plea of not guilty 32500  
by reason of insanity and if the court does not designate an 32501  
examiner recommended by the defendant, the court shall inform the 32502  
defendant that the defendant may have independent expert 32503  
evaluation and that, if the defendant is unable to obtain 32504  
independent expert evaluation, it will be obtained for the 32505  
defendant at public expense if the defendant is indigent. 32506

(C) If the court orders an evaluation under division (A) of 32507  
this section, the defendant shall be available at the times and 32508  
places established by the examiners who are to conduct the 32509  
evaluation. The court may order a defendant who has been released 32510  
on bail or recognizance to submit to an evaluation under this 32511



section. If a defendant who has been released on bail or 32512  
recognizance refuses to submit to a complete evaluation, the court 32513  
may amend the conditions of bail or recognizance and order the 32514  
sheriff to take the defendant into custody and deliver the 32515  
defendant to a center, program, or facility operated or certified 32516  
by the department of ~~mental health~~ mental health and addiction 32517  
services or the department of developmental disabilities where the 32518  
defendant may be held for evaluation for a reasonable period of 32519  
time not to exceed twenty days. 32520

(D) A defendant who has not been released on bail or 32521  
recognizance may be evaluated at the defendant's place of 32522  
detention. Upon the request of the examiner, the court may order 32523  
the sheriff to transport the defendant to a program or facility 32524  
operated or certified by the department of ~~mental health~~ mental 32525  
health and addiction services or the department of developmental 32526  
disabilities, where the defendant may be held for evaluation for a 32527  
reasonable period of time not to exceed twenty days, and to return 32528  
the defendant to the place of detention after the evaluation. A 32529  
municipal court may make an order under this division only upon 32530  
the request of a certified forensic center examiner. 32531

(E) If a court orders the evaluation to determine a 32532  
defendant's mental condition at the time of the offense charged, 32533  
the court shall inform the examiner of the offense with which the 32534  
defendant is charged. 32535

(F) In conducting an evaluation of a defendant's mental 32536  
condition at the time of the offense charged, the examiner shall 32537  
consider all relevant evidence. If the offense charged involves 32538  
the use of force against another person, the relevant evidence to 32539  
be considered includes, but is not limited to, any evidence that 32540  
the defendant suffered, at the time of the commission of the 32541  
offense, from the "battered woman syndrome." 32542

(G) The examiner shall file a written report with the court 32543

within thirty days after entry of a court order for evaluation, 32544  
and the court shall provide copies of the report to the prosecutor 32545  
and defense counsel. The report shall include all of the 32546  
following: 32547

(1) The examiner's findings; 32548

(2) The facts in reasonable detail on which the findings are 32549  
based; 32550

(3) If the evaluation was ordered to determine the 32551  
defendant's competence to stand trial, all of the following 32552  
findings or recommendations that are applicable: 32553

(a) Whether the defendant is capable of understanding the 32554  
nature and objective of the proceedings against the defendant or 32555  
of assisting in the defendant's defense; 32556

(b) If the examiner's opinion is that the defendant is 32557  
incapable of understanding the nature and objective of the 32558  
proceedings against the defendant or of assisting in the 32559  
defendant's defense, whether the defendant presently is mentally 32560  
ill or mentally retarded and, if the examiner's opinion is that 32561  
the defendant presently is mentally retarded, whether the 32562  
defendant appears to be a mentally retarded person subject to 32563  
institutionalization by court order; 32564

(c) If the examiner's opinion is that the defendant is 32565  
incapable of understanding the nature and objective of the 32566  
proceedings against the defendant or of assisting in the 32567  
defendant's defense, the examiner's opinion as to the likelihood 32568  
of the defendant becoming capable of understanding the nature and 32569  
objective of the proceedings against the defendant and of 32570  
assisting in the defendant's defense within one year if the 32571  
defendant is provided with a course of treatment; 32572

(d) If the examiner's opinion is that the defendant is 32573  
incapable of understanding the nature and objective of the 32574

proceedings against the defendant or of assisting in the 32575  
defendant's defense and that the defendant presently is mentally 32576  
ill or mentally retarded, the examiner's recommendation as to the 32577  
least restrictive placement or commitment alternative, consistent 32578  
with the defendant's treatment needs for restoration to competency 32579  
and with the safety of the community. 32580

(4) If the evaluation was ordered to determine the 32581  
defendant's mental condition at the time of the offense charged, 32582  
the examiner's findings as to whether the defendant, at the time 32583  
of the offense charged, did not know, as a result of a severe 32584  
mental disease or defect, the wrongfulness of the defendant's acts 32585  
charged. 32586

(H) If the examiner's report filed under division (G) of this 32587  
section indicates that in the examiner's opinion the defendant is 32588  
incapable of understanding the nature and objective of the 32589  
proceedings against the defendant or of assisting in the 32590  
defendant's defense and that in the examiner's opinion the 32591  
defendant appears to be a mentally retarded person subject to 32592  
institutionalization by court order, the court shall order the 32593  
defendant to undergo a separate mental retardation evaluation 32594  
conducted by a psychologist designated by the director of 32595  
developmental disabilities. Divisions (C) to (F) of this section 32596  
apply in relation to a separate mental retardation evaluation 32597  
conducted under this division. The psychologist appointed under 32598  
this division to conduct the separate mental retardation 32599  
evaluation shall file a written report with the court within 32600  
thirty days after the entry of the court order requiring the 32601  
separate mental retardation evaluation, and the court shall 32602  
provide copies of the report to the prosecutor and defense 32603  
counsel. The report shall include all of the information described 32604  
in divisions (G)(1) to (4) of this section. If the court orders a 32605  
separate mental retardation evaluation of a defendant under this 32606

division, the court shall not conduct a hearing under divisions 32607  
(B) to (H) of section 2945.37 of the Revised Code regarding that 32608  
defendant until a report of the separate mental retardation 32609  
evaluation conducted under this division has been filed. Upon the 32610  
filing of that report, the court shall conduct the hearing within 32611  
the period of time specified in division (C) of section 2945.37 of 32612  
the Revised Code. 32613

(I) An examiner appointed under divisions (A) and (B) of this 32614  
section or under division (H) of this section to evaluate a 32615  
defendant to determine the defendant's competence to stand trial 32616  
also may be appointed to evaluate a defendant who has entered a 32617  
plea of not guilty by reason of insanity, but an examiner of that 32618  
nature shall prepare separate reports on the issue of competence 32619  
to stand trial and the defense of not guilty by reason of 32620  
insanity. 32621

(J) No statement that a defendant makes in an evaluation or 32622  
hearing under divisions (A) to (H) of this section relating to the 32623  
defendant's competence to stand trial or to the defendant's mental 32624  
condition at the time of the offense charged shall be used against 32625  
the defendant on the issue of guilt in any criminal action or 32626  
proceeding, but, in a criminal action or proceeding, the 32627  
prosecutor or defense counsel may call as a witness any person who 32628  
evaluated the defendant or prepared a report pursuant to a 32629  
referral under this section. Neither the appointment nor the 32630  
testimony of an examiner appointed under this section precludes 32631  
the prosecutor or defense counsel from calling other witnesses or 32632  
presenting other evidence on competency or insanity issues. 32633

(K) Persons appointed as examiners under divisions (A) and 32634  
(B) of this section or under division (H) of this section shall be 32635  
paid a reasonable amount for their services and expenses, as 32636  
certified by the court. The certified amount shall be paid by the 32637  
county in the case of county courts and courts of common pleas and 32638

by the legislative authority, as defined in section 1901.03 of the Revised Code, in the case of municipal courts.

**Sec. 2945.38.** (A) If the issue of a defendant's competence to stand trial is raised and if the court, upon conducting the hearing provided for in section 2945.37 of the Revised Code, finds that the defendant is competent to stand trial, the defendant shall be proceeded against as provided by law. If the court finds the defendant competent to stand trial and the defendant is receiving psychotropic drugs or other medication, the court may authorize the continued administration of the drugs or medication or other appropriate treatment in order to maintain the defendant's competence to stand trial, unless the defendant's attending physician advises the court against continuation of the drugs, other medication, or treatment.

(B)(1)(a) If, after taking into consideration all relevant reports, information, and other evidence, the court finds that the defendant is incompetent to stand trial and that there is a substantial probability that the defendant will become competent to stand trial within one year if the defendant is provided with a course of treatment, the court shall order the defendant to undergo treatment. If the defendant has been charged with a felony offense and if, after taking into consideration all relevant reports, information, and other evidence, the court finds that the defendant is incompetent to stand trial, but the court is unable at that time to determine whether there is a substantial probability that the defendant will become competent to stand trial within one year if the defendant is provided with a course of treatment, the court shall order continuing evaluation and treatment of the defendant for a period not to exceed four months to determine whether there is a substantial probability that the defendant will become competent to stand trial within one year if the defendant is provided with a course of treatment.

(b) The court order for the defendant to undergo treatment or 32671  
continuing evaluation and treatment under division (B)(1)(a) of 32672  
this section shall specify that the defendant, if determined to 32673  
require mental health treatment or continuing evaluation and 32674  
treatment, either shall be committed to the department of ~~mental~~ 32675  
~~health~~ mental health and addiction services for treatment or 32676  
continuing evaluation and treatment at a hospital, facility, or 32677  
agency, as determined to be clinically appropriate by the 32678  
department of ~~mental health~~ mental health and addiction services 32679  
or shall be committed to a facility certified by the department of 32680  
~~mental health~~ mental health and addiction services as being 32681  
qualified to treat mental illness, to a public or community mental 32682  
health facility, or to a psychiatrist or another mental health 32683  
professional for treatment or continuing evaluation and treatment. 32684  
Prior to placing the defendant, the department of ~~mental health~~ 32685  
mental health and addiction services shall obtain court approval 32686  
for that placement following a hearing. The court order for the 32687  
defendant to undergo treatment or continuing evaluation and 32688  
treatment under division (B)(1)(a) of this section shall specify 32689  
that the defendant, if determined to require treatment or 32690  
continuing evaluation and treatment for mental retardation, shall 32691  
receive treatment or continuing evaluation and treatment at an 32692  
institution or facility operated by the department of 32693  
developmental disabilities, at a facility certified by the 32694  
department of developmental disabilities as being qualified to 32695  
treat mental retardation, at a public or private mental 32696  
retardation facility, or by a psychiatrist or another mental 32697  
retardation professional. In any case, the order may restrict the 32698  
defendant's freedom of movement as the court considers necessary. 32699  
The prosecutor in the defendant's case shall send to the chief 32700  
clinical officer of the hospital, facility, or agency where the 32701  
defendant is placed by the department of ~~mental health~~ mental 32702  
health and addiction services, or to the managing officer of the 32703

institution, the director of the program or facility, or the 32704  
person to which the defendant is committed, copies of relevant 32705  
police reports and other background information that pertains to 32706  
the defendant and is available to the prosecutor unless the 32707  
prosecutor determines that the release of any of the information 32708  
in the police reports or any of the other background information 32709  
to unauthorized persons would interfere with the effective 32710  
prosecution of any person or would create a substantial risk of 32711  
harm to any person. 32712

In determining the place of commitment, the court shall 32713  
consider the extent to which the person is a danger to the person 32714  
and to others, the need for security, and the type of crime 32715  
involved and shall order the least restrictive alternative 32716  
available that is consistent with public safety and treatment 32717  
goals. In weighing these factors, the court shall give preference 32718  
to protecting public safety. 32719

(c) If the defendant is found incompetent to stand trial, if 32720  
the chief clinical officer of the hospital, facility, or agency 32721  
where the defendant is placed, or the managing officer of the 32722  
institution, the director of the program or facility, or the 32723  
person to which the defendant is committed for treatment or 32724  
continuing evaluation and treatment under division (B)(1)(b) of 32725  
this section determines that medication is necessary to restore 32726  
the defendant's competency to stand trial, and if the defendant 32727  
lacks the capacity to give informed consent or refuses medication, 32728  
the chief clinical officer of the hospital, facility, or agency 32729  
where the defendant is placed, or the managing officer of the 32730  
institution, the director of the program or facility, or the 32731  
person to which the defendant is committed for treatment or 32732  
continuing evaluation and treatment may petition the court for 32733  
authorization for the involuntary administration of medication. 32734  
The court shall hold a hearing on the petition within five days of 32735

the filing of the petition if the petition was filed in a 32736  
municipal court or a county court regarding an incompetent 32737  
defendant charged with a misdemeanor or within ten days of the 32738  
filing of the petition if the petition was filed in a court of 32739  
common pleas regarding an incompetent defendant charged with a 32740  
felony offense. Following the hearing, the court may authorize the 32741  
involuntary administration of medication or may dismiss the 32742  
petition. 32743

(2) If the court finds that the defendant is incompetent to 32744  
stand trial and that, even if the defendant is provided with a 32745  
course of treatment, there is not a substantial probability that 32746  
the defendant will become competent to stand trial within one 32747  
year, the court shall order the discharge of the defendant, unless 32748  
upon motion of the prosecutor or on its own motion, the court 32749  
either seeks to retain jurisdiction over the defendant pursuant to 32750  
section 2945.39 of the Revised Code or files an affidavit in the 32751  
probate court for the civil commitment of the defendant pursuant 32752  
to Chapter 5122. or 5123. of the Revised Code alleging that the 32753  
defendant is a mentally ill person subject to hospitalization by 32754  
court order or a mentally retarded person subject to 32755  
institutionalization by court order. If an affidavit is filed in 32756  
the probate court, the trial court shall send to the probate court 32757  
copies of all written reports of the defendant's mental condition 32758  
that were prepared pursuant to section 2945.371 of the Revised 32759  
Code. 32760

The trial court may issue the temporary order of detention 32761  
that a probate court may issue under section 5122.11 or 5123.71 of 32762  
the Revised Code, to remain in effect until the probable cause or 32763  
initial hearing in the probate court. Further proceedings in the 32764  
probate court are civil proceedings governed by Chapter 5122. or 32765  
5123. of the Revised Code. 32766

(C) No defendant shall be required to undergo treatment, 32767



including any continuing evaluation and treatment, under division 32768  
(B)(1) of this section for longer than whichever of the following 32769  
periods is applicable: 32770

(1) One year, if the most serious offense with which the 32771  
defendant is charged is one of the following offenses: 32772

(a) Aggravated murder, murder, or an offense of violence for 32773  
which a sentence of death or life imprisonment may be imposed; 32774

(b) An offense of violence that is a felony of the first or 32775  
second degree; 32776

(c) A conspiracy to commit, an attempt to commit, or 32777  
complicity in the commission of an offense described in division 32778  
(C)(1)(a) or (b) of this section if the conspiracy, attempt, or 32779  
complicity is a felony of the first or second degree. 32780

(2) Six months, if the most serious offense with which the 32781  
defendant is charged is a felony other than a felony described in 32782  
division (C)(1) of this section; 32783

(3) Sixty days, if the most serious offense with which the 32784  
defendant is charged is a misdemeanor of the first or second 32785  
degree; 32786

(4) Thirty days, if the most serious offense with which the 32787  
defendant is charged is a misdemeanor of the third or fourth 32788  
degree, a minor misdemeanor, or an unclassified misdemeanor. 32789

(D) Any defendant who is committed pursuant to this section 32790  
shall not voluntarily admit the defendant or be voluntarily 32791  
admitted to a hospital or institution pursuant to section 5122.02, 32792  
5122.15, 5123.69, or 5123.76 of the Revised Code. 32793

(E) Except as otherwise provided in this division, a 32794  
defendant who is charged with an offense and is committed by the 32795  
court under this section to the department of ~~mental health~~ mental 32796  
health and addiction services or is committed to an institution or 32797

facility for the treatment of mental retardation shall not be 32798  
granted unsupervised on-grounds movement, supervised off-grounds 32799  
movement, or nonsecured status except in accordance with the court 32800  
order. The court may grant a defendant supervised off-grounds 32801  
movement to obtain medical treatment or specialized habilitation 32802  
treatment services if the person who supervises the treatment or 32803  
the continuing evaluation and treatment of the defendant ordered 32804  
under division (B)(1)(a) of this section informs the court that 32805  
the treatment or continuing evaluation and treatment cannot be 32806  
provided at the hospital or facility where the defendant is placed 32807  
by the department of ~~mental health~~ mental health and addiction 32808  
services or the institution or facility to which the defendant is 32809  
committed. The chief clinical officer of the hospital or facility 32810  
where the defendant is placed by the department of ~~mental health~~ 32811  
mental health and addiction services or the managing officer of 32812  
the institution or director of the facility to which the defendant 32813  
is committed, or a designee of any of those persons, may grant a 32814  
defendant movement to a medical facility for an emergency medical 32815  
situation with appropriate supervision to ensure the safety of the 32816  
defendant, staff, and community during that emergency medical 32817  
situation. The chief clinical officer of the hospital or facility 32818  
where the defendant is placed by the department of ~~mental health~~ 32819  
mental health and addiction services or the managing officer of 32820  
the institution or director of the facility to which the defendant 32821  
is committed shall notify the court within twenty-four hours of 32822  
the defendant's movement to the medical facility for an emergency 32823  
medical situation under this division. 32824

(F) The person who supervises the treatment or continuing 32825  
evaluation and treatment of a defendant ordered to undergo 32826  
treatment or continuing evaluation and treatment under division 32827  
(B)(1)(a) of this section shall file a written report with the 32828  
court at the following times: 32829

(1) Whenever the person believes the defendant is capable of understanding the nature and objective of the proceedings against the defendant and of assisting in the defendant's defense;

(2) For a felony offense, fourteen days before expiration of the maximum time for treatment as specified in division (C) of this section and fourteen days before the expiration of the maximum time for continuing evaluation and treatment as specified in division (B)(1)(a) of this section, and, for a misdemeanor offense, ten days before the expiration of the maximum time for treatment, as specified in division (C) of this section;

(3) At a minimum, after each six months of treatment;

(4) Whenever the person who supervises the treatment or continuing evaluation and treatment of a defendant ordered under division (B)(1)(a) of this section believes that there is not a substantial probability that the defendant will become capable of understanding the nature and objective of the proceedings against the defendant or of assisting in the defendant's defense even if the defendant is provided with a course of treatment.

(G) A report under division (F) of this section shall contain the examiner's findings, the facts in reasonable detail on which the findings are based, and the examiner's opinion as to the defendant's capability of understanding the nature and objective of the proceedings against the defendant and of assisting in the defendant's defense. If, in the examiner's opinion, the defendant remains incapable of understanding the nature and objective of the proceedings against the defendant and of assisting in the defendant's defense and there is a substantial probability that the defendant will become capable of understanding the nature and objective of the proceedings against the defendant and of assisting in the defendant's defense if the defendant is provided with a course of treatment, if in the examiner's opinion the defendant remains mentally ill or mentally retarded, and if the

maximum time for treatment as specified in division (C) of this 32862  
section has not expired, the report also shall contain the 32863  
examiner's recommendation as to the least restrictive placement or 32864  
commitment alternative that is consistent with the defendant's 32865  
treatment needs for restoration to competency and with the safety 32866  
of the community. The court shall provide copies of the report to 32867  
the prosecutor and defense counsel. 32868

(H) If a defendant is committed pursuant to division (B)(1) 32869  
of this section, within ten days after the treating physician of 32870  
the defendant or the examiner of the defendant who is employed or 32871  
retained by the treating facility advises that there is not a 32872  
substantial probability that the defendant will become capable of 32873  
understanding the nature and objective of the proceedings against 32874  
the defendant or of assisting in the defendant's defense even if 32875  
the defendant is provided with a course of treatment, within ten 32876  
days after the expiration of the maximum time for treatment as 32877  
specified in division (C) of this section, within ten days after 32878  
the expiration of the maximum time for continuing evaluation and 32879  
treatment as specified in division (B)(1)(a) of this section, 32880  
within thirty days after a defendant's request for a hearing that 32881  
is made after six months of treatment, or within thirty days after 32882  
being advised by the treating physician or examiner that the 32883  
defendant is competent to stand trial, whichever is the earliest, 32884  
the court shall conduct another hearing to determine if the 32885  
defendant is competent to stand trial and shall do whichever of 32886  
the following is applicable: 32887

(1) If the court finds that the defendant is competent to 32888  
stand trial, the defendant shall be proceeded against as provided 32889  
by law. 32890

(2) If the court finds that the defendant is incompetent to 32891  
stand trial, but that there is a substantial probability that the 32892  
defendant will become competent to stand trial if the defendant is 32893

provided with a course of treatment, and the maximum time for 32894  
treatment as specified in division (C) of this section has not 32895  
expired, the court, after consideration of the examiner's 32896  
recommendation, shall order that treatment be continued, may 32897  
change the facility or program at which the treatment is to be 32898  
continued, and shall specify whether the treatment is to be 32899  
continued at the same or a different facility or program. 32900

(3) If the court finds that the defendant is incompetent to 32901  
stand trial, if the defendant is charged with an offense listed in 32902  
division (C)(1) of this section, and if the court finds that there 32903  
is not a substantial probability that the defendant will become 32904  
competent to stand trial even if the defendant is provided with a 32905  
course of treatment, or if the maximum time for treatment relative 32906  
to that offense as specified in division (C) of this section has 32907  
expired, further proceedings shall be as provided in sections 32908  
2945.39, 2945.401, and 2945.402 of the Revised Code. 32909

(4) If the court finds that the defendant is incompetent to 32910  
stand trial, if the most serious offense with which the defendant 32911  
is charged is a misdemeanor or a felony other than a felony listed 32912  
in division (C)(1) of this section, and if the court finds that 32913  
there is not a substantial probability that the defendant will 32914  
become competent to stand trial even if the defendant is provided 32915  
with a course of treatment, or if the maximum time for treatment 32916  
relative to that offense as specified in division (C) of this 32917  
section has expired, the court shall dismiss the indictment, 32918  
information, or complaint against the defendant. A dismissal under 32919  
this division is not a bar to further prosecution based on the 32920  
same conduct. The court shall discharge the defendant unless the 32921  
court or prosecutor files an affidavit in probate court for civil 32922  
commitment pursuant to Chapter 5122. or 5123. of the Revised Code. 32923  
If an affidavit for civil commitment is filed, the court may 32924  
detain the defendant for ten days pending civil commitment. All of 32925

the following provisions apply to persons charged with a 32926  
misdemeanor or a felony other than a felony listed in division 32927  
(C)(1) of this section who are committed by the probate court 32928  
subsequent to the court's or prosecutor's filing of an affidavit 32929  
for civil commitment under authority of this division: 32930

(a) The chief clinical officer of the entity, hospital, or 32931  
facility, the managing officer of the institution, the director of 32932  
the program, or the person to which the defendant is committed or 32933  
admitted shall do all of the following: 32934

(i) Notify the prosecutor, in writing, of the discharge of 32935  
the defendant, send the notice at least ten days prior to the 32936  
discharge unless the discharge is by the probate court, and state 32937  
in the notice the date on which the defendant will be discharged; 32938

(ii) Notify the prosecutor, in writing, when the defendant is 32939  
absent without leave or is granted unsupervised, off-grounds 32940  
movement, and send this notice promptly after the discovery of the 32941  
absence without leave or prior to the granting of the 32942  
unsupervised, off-grounds movement, whichever is applicable; 32943

(iii) Notify the prosecutor, in writing, of the change of the 32944  
defendant's commitment or admission to voluntary status, send the 32945  
notice promptly upon learning of the change to voluntary status, 32946  
and state in the notice the date on which the defendant was 32947  
committed or admitted on a voluntary status. 32948

(b) Upon receiving notice that the defendant will be granted 32949  
unsupervised, off-grounds movement, the prosecutor either shall 32950  
re-indict the defendant or promptly notify the court that the 32951  
prosecutor does not intend to prosecute the charges against the 32952  
defendant. 32953

(I) If a defendant is convicted of a crime and sentenced to a 32954  
jail or workhouse, the defendant's sentence shall be reduced by 32955  
the total number of days the defendant is confined for evaluation 32956

to determine the defendant's competence to stand trial or 32957  
treatment under this section and sections 2945.37 and 2945.371 of 32958  
the Revised Code or by the total number of days the defendant is 32959  
confined for evaluation to determine the defendant's mental 32960  
condition at the time of the offense charged. 32961

**Sec. 2945.39.** (A) If a defendant who is charged with an 32962  
offense described in division (C)(1) of section 2945.38 of the 32963  
Revised Code is found incompetent to stand trial, after the 32964  
expiration of the maximum time for treatment as specified in 32965  
division (C) of that section or after the court finds that there 32966  
is not a substantial probability that the defendant will become 32967  
competent to stand trial even if the defendant is provided with a 32968  
course of treatment, one of the following applies: 32969

(1) The court or the prosecutor may file an affidavit in 32970  
probate court for civil commitment of the defendant in the manner 32971  
provided in Chapter 5122. or 5123. of the Revised Code. If the 32972  
court or prosecutor files an affidavit for civil commitment, the 32973  
court may detain the defendant for ten days pending civil 32974  
commitment. If the probate court commits the defendant subsequent 32975  
to the court's or prosecutor's filing of an affidavit for civil 32976  
commitment, the chief clinical officer of the entity, hospital, or 32977  
facility, the managing officer of the institution, the director of 32978  
the program, or the person to which the defendant is committed or 32979  
admitted shall send to the prosecutor the notices described in 32980  
divisions (H)(4)(a)(i) to (iii) of section 2945.38 of the Revised 32981  
Code within the periods of time and under the circumstances 32982  
specified in those divisions. 32983

(2) On the motion of the prosecutor or on its own motion, the 32984  
court may retain jurisdiction over the defendant if, at a hearing, 32985  
the court finds both of the following by clear and convincing 32986  
evidence: 32987

(a) The defendant committed the offense with which the defendant is charged. 32988  
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(b) The defendant is a mentally ill person subject to hospitalization by court order or a mentally retarded person subject to institutionalization by court order. 32990  
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(B) In making its determination under division (A)(2) of this section as to whether to retain jurisdiction over the defendant, the court may consider all relevant evidence, including, but not limited to, any relevant psychiatric, psychological, or medical testimony or reports, the acts constituting the offense charged, and any history of the defendant that is relevant to the defendant's ability to conform to the law. 32993  
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(C) If the court conducts a hearing as described in division (A)(2) of this section and if the court does not make both findings described in divisions (A)(2)(a) and (b) of this section by clear and convincing evidence, the court shall dismiss the indictment, information, or complaint against the defendant. Upon the dismissal, the court shall discharge the defendant unless the court or prosecutor files an affidavit in probate court for civil commitment of the defendant pursuant to Chapter 5122. or 5123. of the Revised Code. If the court or prosecutor files an affidavit for civil commitment, the court may order that the defendant be detained for up to ten days pending the civil commitment. If the probate court commits the defendant subsequent to the court's or prosecutor's filing of an affidavit for civil commitment, the chief clinical officer of the entity, hospital, or facility, the managing officer of the institution, the director of the program, or the person to which the defendant is committed or admitted shall send to the prosecutor the notices described in divisions (H)(4)(a)(i) to (iii) of section 2945.38 of the Revised Code within the periods of time and under the circumstances specified in those divisions. A dismissal of charges under this division is 33000  
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not a bar to further criminal proceedings based on the same 33020  
conduct. 33021

(D)(1) If the court conducts a hearing as described in 33022  
division (A)(2) of this section and if the court makes the 33023  
findings described in divisions (A)(2)(a) and (b) of this section 33024  
by clear and convincing evidence, the court shall commit the 33025  
defendant, if determined to require mental health treatment, 33026  
either to the department of ~~mental health~~ mental health and 33027  
addiction services for treatment at a hospital, facility, or 33028  
agency as determined clinically appropriate by the department of 33029  
~~mental health~~ mental health and addiction services or to another 33030  
medical or psychiatric facility, as appropriate. Prior to placing 33031  
the defendant, the department of ~~mental health~~ mental health and 33032  
addiction services shall obtain court approval for that placement. 33033  
If the court conducts such a hearing and if it makes those 33034  
findings by clear and convincing evidence, the court shall commit 33035  
the defendant, if determined to require treatment for mental 33036  
retardation, to a facility operated by the department of 33037  
developmental disabilities, or another facility, as appropriate. 33038  
In determining the place of commitment, the court shall consider 33039  
the extent to which the person is a danger to the person and to 33040  
others, the need for security, and the type of crime involved and 33041  
shall order the least restrictive alternative available that is 33042  
consistent with public safety and the welfare of the defendant. In 33043  
weighing these factors, the court shall give preference to 33044  
protecting public safety. 33045

(2) If a court makes a commitment of a defendant under 33046  
division (D)(1) of this section, the prosecutor shall send to the 33047  
hospital, facility, or agency where the defendant is placed by the 33048  
department of ~~mental health~~ mental health and addiction services 33049  
or to the defendant's place of commitment all reports of the 33050  
defendant's current mental condition and, except as otherwise 33051

provided in this division, any other relevant information, 33052  
including, but not limited to, a transcript of the hearing held 33053  
pursuant to division (A)(2) of this section, copies of relevant 33054  
police reports, and copies of any prior arrest and conviction 33055  
records that pertain to the defendant and that the prosecutor 33056  
possesses. The prosecutor shall send the reports of the 33057  
defendant's current mental condition in every case of commitment, 33058  
and, unless the prosecutor determines that the release of any of 33059  
the other relevant information to unauthorized persons would 33060  
interfere with the effective prosecution of any person or would 33061  
create a substantial risk of harm to any person, the prosecutor 33062  
also shall send the other relevant information. Upon admission of 33063  
a defendant committed under division (D)(1) of this section, the 33064  
place of commitment shall send to the board of alcohol, drug 33065  
addiction, and mental health services or the community mental 33066  
health board serving the county in which the charges against the 33067  
defendant were filed a copy of all reports of the defendant's 33068  
current mental condition and a copy of the other relevant 33069  
information provided by the prosecutor under this division, 33070  
including, if provided, a transcript of the hearing held pursuant 33071  
to division (A)(2) of this section, the relevant police reports, 33072  
and the prior arrest and conviction records that pertain to the 33073  
defendant and that the prosecutor possesses. 33074

(3) If a court makes a commitment under division (D)(1) of 33075  
this section, all further proceedings shall be in accordance with 33076  
sections 2945.401 and 2945.402 of the Revised Code. 33077

**Sec. 2945.40.** (A) If a person is found not guilty by reason 33078  
of insanity, the verdict shall state that finding, and the trial 33079  
court shall conduct a full hearing to determine whether the person 33080  
is a mentally ill person subject to hospitalization by court order 33081  
or a mentally retarded person subject to institutionalization by 33082  
court order. Prior to the hearing, if the trial judge believes 33083

that there is probable cause that the person found not guilty by 33084  
reason of insanity is a mentally ill person subject to 33085  
hospitalization by court order or mentally retarded person subject 33086  
to institutionalization by court order, the trial judge may issue 33087  
a temporary order of detention for that person to remain in effect 33088  
for ten court days or until the hearing, whichever occurs first. 33089

Any person detained pursuant to a temporary order of 33090  
detention issued under this division shall be held in a suitable 33091  
facility, taking into consideration the place and type of 33092  
confinement prior to and during trial. 33093

(B) The court shall hold the hearing under division (A) of 33094  
this section to determine whether the person found not guilty by 33095  
reason of insanity is a mentally ill person subject to 33096  
hospitalization by court order or a mentally retarded person 33097  
subject to institutionalization by court order within ten court 33098  
days after the finding of not guilty by reason of insanity. 33099  
Failure to conduct the hearing within the ten-day period shall 33100  
cause the immediate discharge of the respondent, unless the judge 33101  
grants a continuance for not longer than ten court days for good 33102  
cause shown or for any period of time upon motion of the 33103  
respondent. 33104

(C) If a person is found not guilty by reason of insanity, 33105  
the person has the right to attend all hearings conducted pursuant 33106  
to sections 2945.37 to 2945.402 of the Revised Code. At any 33107  
hearing conducted pursuant to one of those sections, the court 33108  
shall inform the person that the person has all of the following 33109  
rights: 33110

(1) The right to be represented by counsel and to have that 33111  
counsel provided at public expense if the person is indigent, with 33112  
the counsel to be appointed by the court under Chapter 120. of the 33113  
Revised Code or under the authority recognized in division (C) of 33114  
section 120.06, division (E) of section 120.16, division (E) of 33115

section 120.26, or section 2941.51 of the Revised Code; 33116

(2) The right to have independent expert evaluation and to 33117  
have that independent expert evaluation provided at public expense 33118  
if the person is indigent; 33119

(3) The right to subpoena witnesses and documents, to present 33120  
evidence on the person's behalf, and to cross-examine witnesses 33121  
against the person; 33122

(4) The right to testify in the person's own behalf and to 33123  
not be compelled to testify; 33124

(5) The right to have copies of any relevant medical or 33125  
mental health document in the custody of the state or of any place 33126  
of commitment other than a document for which the court finds that 33127  
the release to the person of information contained in the document 33128  
would create a substantial risk of harm to any person. 33129

(D) The hearing under division (A) of this section shall be 33130  
open to the public, and the court shall conduct the hearing in 33131  
accordance with the Rules of Civil Procedure. The court shall make 33132  
and maintain a full transcript and record of the hearing 33133  
proceedings. The court may consider all relevant evidence, 33134  
including, but not limited to, any relevant psychiatric, 33135  
psychological, or medical testimony or reports, the acts 33136  
constituting the offense in relation to which the person was found 33137  
not guilty by reason of insanity, and any history of the person 33138  
that is relevant to the person's ability to conform to the law. 33139

(E) Upon completion of the hearing under division (A) of this 33140  
section, if the court finds there is not clear and convincing 33141  
evidence that the person is a mentally ill person subject to 33142  
hospitalization by court order or a mentally retarded person 33143  
subject to institutionalization by court order, the court shall 33144  
discharge the person, unless a detainer has been placed upon the 33145  
person by the department of rehabilitation and correction, in 33146

which case the person shall be returned to that department. 33147

(F) If, at the hearing under division (A) of this section, 33148  
the court finds by clear and convincing evidence that the person 33149  
is a mentally ill person subject to hospitalization by court 33150  
order, the court shall commit the person either to the department 33151  
of ~~mental health~~ mental health and addiction services for 33152  
treatment in a hospital, facility, or agency as determined 33153  
clinically appropriate by the department of ~~mental health~~ mental 33154  
health and addiction services or to another medical or psychiatric 33155  
facility, as appropriate. Prior to placing the defendant, the 33156  
department of ~~mental health~~ mental health and addiction services 33157  
shall obtain court approval for that placement. If, at the hearing 33158  
under division (A) of this section, the court determines by clear 33159  
and convincing evidence that the person requires treatment for 33160  
mental retardation, it shall commit the person to a facility 33161  
operated by the department of developmental disabilities or 33162  
another facility, as appropriate. Further proceedings shall be in 33163  
accordance with sections 2945.401 and 2945.402 of the Revised 33164  
Code. In determining the place of commitment, the court shall 33165  
consider the extent to which the person is a danger to the person 33166  
and to others, the need for security, and the type of crime 33167  
involved and shall order the least restrictive alternative 33168  
available that is consistent with public safety and the welfare of 33169  
the person. In weighing these factors, the court shall give 33170  
preference to protecting public safety. 33171

(G) If a court makes a commitment of a person under division 33172  
(F) of this section, the prosecutor shall send to the hospital, 33173  
facility, or agency where the person is placed by the department 33174  
of ~~mental health~~ mental health and addiction services or to the 33175  
defendant's place of commitment all reports of the person's 33176  
current mental condition, and, except as otherwise provided in 33177  
this division, any other relevant information, including, but not 33178

limited to, a transcript of the hearing held pursuant to division 33179  
(A) of this section, copies of relevant police reports, and copies 33180  
of any prior arrest and conviction records that pertain to the 33181  
person and that the prosecutor possesses. The prosecutor shall 33182  
send the reports of the person's current mental condition in every 33183  
case of commitment, and, unless the prosecutor determines that the 33184  
release of any of the other relevant information to unauthorized 33185  
persons would interfere with the effective prosecution of any 33186  
person or would create a substantial risk of harm to any person, 33187  
the prosecutor also shall send the other relevant information. 33188  
Upon admission of a person committed under division (F) of this 33189  
section, the place of commitment shall send to the board of 33190  
alcohol, drug addiction, and mental health services or the 33191  
community mental health board serving the county in which the 33192  
charges against the person were filed a copy of all reports of the 33193  
person's current mental condition and a copy of the other relevant 33194  
information provided by the prosecutor under this division, 33195  
including, if provided, a transcript of the hearing held pursuant 33196  
to division (A) of this section, the relevant police reports, and 33197  
the prior arrest and conviction records that pertain to the person 33198  
and that the prosecutor possesses. 33199

(H) A person who is committed pursuant to this section shall 33200  
not voluntarily admit the person or be voluntarily admitted to a 33201  
hospital or institution pursuant to section 5122.02, 5122.15, 33202  
5123.69, or 5123.76 of the Revised Code. 33203

**Sec. 2945.401.** (A) A defendant found incompetent to stand 33204  
trial and committed pursuant to section 2945.39 of the Revised 33205  
Code or a person found not guilty by reason of insanity and 33206  
committed pursuant to section 2945.40 of the Revised Code shall 33207  
remain subject to the jurisdiction of the trial court pursuant to 33208  
that commitment, and to the provisions of this section, until the 33209  
final termination of the commitment as described in division 33210

(J)(1) of this section. If the jurisdiction is terminated under 33211  
this division because of the final termination of the commitment 33212  
resulting from the expiration of the maximum prison term or term 33213  
of imprisonment described in division (J)(1)(b) of this section, 33214  
the court or prosecutor may file an affidavit for the civil 33215  
commitment of the defendant or person pursuant to Chapter 5122. or 33216  
5123. of the Revised Code. 33217

(B) A hearing conducted under any provision of sections 33218  
2945.37 to 2945.402 of the Revised Code shall not be conducted in 33219  
accordance with Chapters 5122. and 5123. of the Revised Code. Any 33220  
person who is committed pursuant to section 2945.39 or 2945.40 of 33221  
the Revised Code shall not voluntarily admit the person or be 33222  
voluntarily admitted to a hospital or institution pursuant to 33223  
section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised Code. 33224  
All other provisions of Chapters 5122. and 5123. of the Revised 33225  
Code regarding hospitalization or institutionalization shall apply 33226  
to the extent they are not in conflict with this chapter. A 33227  
commitment under section 2945.39 or 2945.40 of the Revised Code 33228  
shall not be terminated and the conditions of the commitment shall 33229  
not be changed except as otherwise provided in division (D)(2) of 33230  
this section with respect to a mentally retarded person subject to 33231  
institutionalization by court order or except by order of the 33232  
trial court. 33233

(C) The department of ~~mental health~~ mental health and 33234  
addiction services or the institution, facility, or program to 33235  
which a defendant or person has been committed under section 33236  
2945.39 or 2945.40 of the Revised Code shall report in writing to 33237  
the trial court, at the times specified in this division, as to 33238  
whether the defendant or person remains a mentally ill person 33239  
subject to hospitalization by court order or a mentally retarded 33240  
person subject to institutionalization by court order and, in the 33241  
case of a defendant committed under section 2945.39 of the Revised 33242

Code, as to whether the defendant remains incompetent to stand 33243  
trial. The department, institution, facility, or program shall 33244  
make the reports after the initial six months of treatment and 33245  
every two years after the initial report is made. The trial court 33246  
shall provide copies of the reports to the prosecutor and to the 33247  
counsel for the defendant or person. Within thirty days after its 33248  
receipt pursuant to this division of a report from the department, 33249  
institution, facility, or program, the trial court shall hold a 33250  
hearing on the continued commitment of the defendant or person or 33251  
on any changes in the conditions of the commitment of the 33252  
defendant or person. The defendant or person may request a change 33253  
in the conditions of confinement, and the trial court shall 33254  
conduct a hearing on that request if six months or more have 33255  
elapsed since the most recent hearing was conducted under this 33256  
section. 33257

(D)(1) Except as otherwise provided in division (D)(2) of 33258  
this section, when a defendant or person has been committed under 33259  
section 2945.39 or 2945.40 of the Revised Code, at any time after 33260  
evaluating the risks to public safety and the welfare of the 33261  
defendant or person, the designee of the department of ~~mental~~ 33262  
~~health~~ mental health and addiction services or the managing 33263  
officer of the institution or director of the facility or program 33264  
to which the defendant or person is committed may recommend a 33265  
termination of the defendant's or person's commitment or a change 33266  
in the conditions of the defendant's or person's commitment. 33267

Except as otherwise provided in division (D)(2) of this 33268  
section, if the designee of the department of ~~mental health~~ mental 33269  
health and addiction services recommends on-grounds unsupervised 33270  
movement, off-grounds supervised movement, or nonsecured status 33271  
for the defendant or person or termination of the defendant's or 33272  
person's commitment, the following provisions apply: 33273

(a) If the department's designee recommends on-grounds 33274



unsupervised movement or off-grounds supervised movement, the 33275  
department's designee shall file with the trial court an 33276  
application for approval of the movement and shall send a copy of 33277  
the application to the prosecutor. Within fifteen days after 33278  
receiving the application, the prosecutor may request a hearing on 33279  
the application and, if a hearing is requested, shall so inform 33280  
the department's designee. If the prosecutor does not request a 33281  
hearing within the fifteen-day period, the trial court shall 33282  
approve the application by entering its order approving the 33283  
requested movement or, within five days after the expiration of 33284  
the fifteen-day period, shall set a date for a hearing on the 33285  
application. If the prosecutor requests a hearing on the 33286  
application within the fifteen-day period, the trial court shall 33287  
hold a hearing on the application within thirty days after the 33288  
hearing is requested. If the trial court, within five days after 33289  
the expiration of the fifteen-day period, sets a date for a 33290  
hearing on the application, the trial court shall hold the hearing 33291  
within thirty days after setting the hearing date. At least 33292  
fifteen days before any hearing is held under this division, the 33293  
trial court shall give the prosecutor written notice of the date, 33294  
time, and place of the hearing. At the conclusion of each hearing 33295  
conducted under this division, the trial court either shall 33296  
approve or disapprove the application and shall enter its order 33297  
accordingly. 33298

(b) If the department's designee recommends termination of 33299  
the defendant's or person's commitment at any time or if the 33300  
department's designee recommends the first of any nonsecured 33301  
status for the defendant or person, the department's designee 33302  
shall send written notice of this recommendation to the trial 33303  
court and to the local forensic center. The local forensic center 33304  
shall evaluate the committed defendant or person and, within 33305  
thirty days after its receipt of the written notice, shall submit 33306  
to the trial court and the department's designee a written report 33307

of the evaluation. The trial court shall provide a copy of the department's designee's written notice and of the local forensic center's written report to the prosecutor and to the counsel for the defendant or person. Upon the local forensic center's submission of the report to the trial court and the department's designee, all of the following apply:

(i) If the forensic center disagrees with the recommendation of the department's designee, it shall inform the department's designee and the trial court of its decision and the reasons for the decision. The department's designee, after consideration of the forensic center's decision, shall either withdraw, proceed with, or modify and proceed with the recommendation. If the department's designee proceeds with, or modifies and proceeds with, the recommendation, the department's designee shall proceed in accordance with division (D)(1)(b)(iii) of this section.

(ii) If the forensic center agrees with the recommendation of the department's designee, it shall inform the department's designee and the trial court of its decision and the reasons for the decision, and the department's designee shall proceed in accordance with division (D)(1)(b)(iii) of this section.

(iii) If the forensic center disagrees with the recommendation of the department's designee and the department's designee proceeds with, or modifies and proceeds with, the recommendation or if the forensic center agrees with the recommendation of the department's designee, the department's designee shall work with community mental health ~~agencies~~ services providers, programs, facilities, or boards of alcohol, drug addiction, and mental health services or community mental health boards to develop a plan to implement the recommendation. If the defendant or person is on medication, the plan shall include, but shall not be limited to, a system to monitor the defendant's or person's compliance with the prescribed medication treatment plan.

The system shall include a schedule that clearly states when the defendant or person shall report for a medication compliance check. The medication compliance checks shall be based upon the effective duration of the prescribed medication, taking into account the route by which it is taken, and shall be scheduled at intervals sufficiently close together to detect a potential increase in mental illness symptoms that the medication is intended to prevent.

The department's designee, after consultation with the board of alcohol, drug addiction, and mental health services or the community mental health board serving the area, shall send the recommendation and plan developed under division (D)(1)(b)(iii) of this section, in writing, to the trial court, the prosecutor, and the counsel for the committed defendant or person. The trial court shall conduct a hearing on the recommendation and plan developed under division (D)(1)(b)(iii) of this section. Divisions (D)(1)(c) and (d) and (E) to (J) of this section apply regarding the hearing.

(c) If the department's designee's recommendation is for nonsecured status or termination of commitment, the prosecutor may obtain an independent expert evaluation of the defendant's or person's mental condition, and the trial court may continue the hearing on the recommendation for a period of not more than thirty days to permit time for the evaluation.

The prosecutor may introduce the evaluation report or present other evidence at the hearing in accordance with the Rules of Evidence.

(d) The trial court shall schedule the hearing on a department's designee's recommendation for nonsecured status or termination of commitment and shall give reasonable notice to the prosecutor and the counsel for the defendant or person. Unless continued for independent evaluation at the prosecutor's request

or for other good cause, the hearing shall be held within thirty 33372  
days after the trial court's receipt of the recommendation and 33373  
plan. 33374

(2)(a) Division (D)(1) of this section does not apply to 33375  
on-grounds unsupervised movement of a defendant or person who has 33376  
been committed under section 2945.39 or 2945.40 of the Revised 33377  
Code, who is a mentally retarded person subject to 33378  
institutionalization by court order, and who is being provided 33379  
residential habilitation, care, and treatment in a facility 33380  
operated by the department of developmental disabilities. 33381

(b) If, pursuant to section 2945.39 of the Revised Code, the 33382  
trial court commits a defendant who is found incompetent to stand 33383  
trial and who is a mentally retarded person subject to 33384  
institutionalization by court order, if the defendant is being 33385  
provided residential habilitation, care, and treatment in a 33386  
facility operated by the department of developmental disabilities, 33387  
if an individual who is conducting a survey for the department of 33388  
health to determine the facility's compliance with the 33389  
certification requirements of the medicaid program ~~under Chapter~~ 33390  
~~5111. of the Revised Code and Title XIX of the "Social Security~~ 33391  
~~Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ cites the 33392  
defendant's receipt of the residential habilitation, care, and 33393  
treatment in the facility as being inappropriate under the 33394  
certification requirements, if the defendant's receipt of the 33395  
residential habilitation, care, and treatment in the facility 33396  
potentially jeopardizes the facility's continued receipt of 33397  
federal medicaid moneys, and if as a result of the citation the 33398  
chief clinical officer of the facility determines that the 33399  
conditions of the defendant's commitment should be changed, the 33400  
department of developmental disabilities may cause the defendant 33401  
to be removed from the particular facility and, after evaluating 33402  
the risks to public safety and the welfare of the defendant and 33403

after determining whether another type of placement is consistent 33404  
with the certification requirements, may place the defendant in 33405  
another facility that the department selects as an appropriate 33406  
facility for the defendant's continued receipt of residential 33407  
habilitation, care, and treatment and that is a no less secure 33408  
setting than the facility in which the defendant had been placed 33409  
at the time of the citation. Within three days after the 33410  
defendant's removal and alternative placement under the 33411  
circumstances described in division (D)(2)(b) of this section, the 33412  
department of developmental disabilities shall notify the trial 33413  
court and the prosecutor in writing of the removal and alternative 33414  
placement. 33415

The trial court shall set a date for a hearing on the removal 33416  
and alternative placement, and the hearing shall be held within 33417  
twenty-one days after the trial court's receipt of the notice from 33418  
the department of developmental disabilities. At least ten days 33419  
before the hearing is held, the trial court shall give the 33420  
prosecutor, the department of developmental disabilities, and the 33421  
counsel for the defendant written notice of the date, time, and 33422  
place of the hearing. At the hearing, the trial court shall 33423  
consider the citation issued by the individual who conducted the 33424  
survey for the department of health to be prima-facie evidence of 33425  
the fact that the defendant's commitment to the particular 33426  
facility was inappropriate under the certification requirements of 33427  
the medicaid program ~~under Chapter 5111. of the Revised Code and~~ 33428  
~~Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42~~ 33429  
~~U.S.C.A. 301, as amended,~~ and potentially jeopardizes the 33430  
particular facility's continued receipt of federal medicaid 33431  
moneys. At the conclusion of the hearing, the trial court may 33432  
approve or disapprove the defendant's removal and alternative 33433  
placement. If the trial court approves the defendant's removal and 33434  
alternative placement, the department of developmental 33435  
disabilities may continue the defendant's alternative placement. 33436

If the trial court disapproves the defendant's removal and 33437  
alternative placement, it shall enter an order modifying the 33438  
defendant's removal and alternative placement, but that order 33439  
shall not require the department of developmental disabilities to 33440  
replace the defendant for purposes of continued residential 33441  
habilitation, care, and treatment in the facility associated with 33442  
the citation issued by the individual who conducted the survey for 33443  
the department of health. 33444

(E) In making a determination under this section regarding 33445  
nonsecured status or termination of commitment, the trial court 33446  
shall consider all relevant factors, including, but not limited 33447  
to, all of the following: 33448

(1) Whether, in the trial court's view, the defendant or 33449  
person currently represents a substantial risk of physical harm to 33450  
the defendant or person or others; 33451

(2) Psychiatric and medical testimony as to the current 33452  
mental and physical condition of the defendant or person; 33453

(3) Whether the defendant or person has insight into the 33454  
defendant's or person's condition so that the defendant or person 33455  
will continue treatment as prescribed or seek professional 33456  
assistance as needed; 33457

(4) The grounds upon which the state relies for the proposed 33458  
commitment; 33459

(5) Any past history that is relevant to establish the 33460  
defendant's or person's degree of conformity to the laws, rules, 33461  
regulations, and values of society; 33462

(6) If there is evidence that the defendant's or person's 33463  
mental illness is in a state of remission, the medically suggested 33464  
cause and degree of the remission and the probability that the 33465  
defendant or person will continue treatment to maintain the 33466  
remissive state of the defendant's or person's illness should the 33467

defendant's or person's commitment conditions be altered. 33468

(F) At any hearing held pursuant to division (C) or (D)(1) or 33469  
(2) of this section, the defendant or the person shall have all 33470  
the rights of a defendant or person at a commitment hearing as 33471  
described in section 2945.40 of the Revised Code. 33472

(G) In a hearing held pursuant to division (C) or (D)(1) of 33473  
this section, the prosecutor has the burden of proof as follows: 33474

(1) For a recommendation of termination of commitment, to 33475  
show by clear and convincing evidence that the defendant or person 33476  
remains a mentally ill person subject to hospitalization by court 33477  
order or a mentally retarded person subject to 33478  
institutionalization by court order; 33479

(2) For a recommendation for a change in the conditions of 33480  
the commitment to a less restrictive status, to show by clear and 33481  
convincing evidence that the proposed change represents a threat 33482  
to public safety or a threat to the safety of any person. 33483

(H) In a hearing held pursuant to division (C) or (D)(1) or 33484  
(2) of this section, the prosecutor shall represent the state or 33485  
the public interest. 33486

(I) At the conclusion of a hearing conducted under division 33487  
(D)(1) of this section regarding a recommendation from the 33488  
designee of the department of ~~mental health~~ mental health and 33489  
addiction services, managing officer of the institution, or 33490  
director of a facility or program, the trial court may approve, 33491  
disapprove, or modify the recommendation and shall enter an order 33492  
accordingly. 33493

(J)(1) A defendant or person who has been committed pursuant 33494  
to section 2945.39 or 2945.40 of the Revised Code continues to be 33495  
under the jurisdiction of the trial court until the final 33496  
termination of the commitment. For purposes of division (J) of 33497  
this section, the final termination of a commitment occurs upon 33498

the earlier of one of the following: 33499

(a) The defendant or person no longer is a mentally ill 33500  
person subject to hospitalization by court order or a mentally 33501  
retarded person subject to institutionalization by court order, as 33502  
determined by the trial court; 33503

(b) The expiration of the maximum prison term or term of 33504  
imprisonment that the defendant or person could have received if 33505  
the defendant or person had been convicted of the most serious 33506  
offense with which the defendant or person is charged or in 33507  
relation to which the defendant or person was found not guilty by 33508  
reason of insanity; 33509

(c) The trial court enters an order terminating the 33510  
commitment under the circumstances described in division 33511  
(J)(2)(a)(ii) of this section. 33512

(2)(a) If a defendant is found incompetent to stand trial and 33513  
committed pursuant to section 2945.39 of the Revised Code, if 33514  
neither of the circumstances described in divisions (J)(1)(a) and 33515  
(b) of this section applies to that defendant, and if a report 33516  
filed with the trial court pursuant to division (C) of this 33517  
section indicates that the defendant presently is competent to 33518  
stand trial or if, at any other time during the period of the 33519  
defendant's commitment, the prosecutor, the counsel for the 33520  
defendant, or the designee of the department of ~~mental health~~ 33521  
mental health and addiction services or the managing officer of 33522  
the institution or director of the facility or program to which 33523  
the defendant is committed files an application with the trial 33524  
court alleging that the defendant presently is competent to stand 33525  
trial and requesting a hearing on the competency issue or the 33526  
trial court otherwise has reasonable cause to believe that the 33527  
defendant presently is competent to stand trial and determines on 33528  
its own motion to hold a hearing on the competency issue, the 33529  
trial court shall schedule a hearing on the competency of the 33530



defendant to stand trial, shall give the prosecutor, the counsel 33531  
for the defendant, and the department's designee or the managing 33532  
officer of the institution or the director of the facility to 33533  
which the defendant is committed notice of the date, time, and 33534  
place of the hearing at least fifteen days before the hearing, and 33535  
shall conduct the hearing within thirty days of the filing of the 33536  
application or of its own motion. If, at the conclusion of the 33537  
hearing, the trial court determines that the defendant presently 33538  
is capable of understanding the nature and objective of the 33539  
proceedings against the defendant and of assisting in the 33540  
defendant's defense, the trial court shall order that the 33541  
defendant is competent to stand trial and shall be proceeded 33542  
against as provided by law with respect to the applicable offenses 33543  
described in division (C)(1) of section 2945.38 of the Revised 33544  
Code and shall enter whichever of the following additional orders 33545  
is appropriate: 33546

(i) If the trial court determines that the defendant remains 33547  
a mentally ill person subject to hospitalization by court order or 33548  
a mentally retarded person subject to institutionalization by 33549  
court order, the trial court shall order that the defendant's 33550  
commitment to the department of ~~mental health~~ mental health and 33551  
addiction services or to an institution, facility, or program for 33552  
the treatment of mental retardation be continued during the 33553  
pendency of the trial on the applicable offenses described in 33554  
division (C)(1) of section 2945.38 of the Revised Code. 33555

(ii) If the trial court determines that the defendant no 33556  
longer is a mentally ill person subject to hospitalization by 33557  
court order or a mentally retarded person subject to 33558  
institutionalization by court order, the trial court shall order 33559  
that the defendant's commitment to the department of ~~mental health~~ 33560  
mental health and addiction services or to an institution, 33561  
facility, or program for the treatment of mental retardation shall 33562

not be continued during the pendency of the trial on the 33563  
applicable offenses described in division (C)(1) of section 33564  
2945.38 of the Revised Code. This order shall be a final 33565  
termination of the commitment for purposes of division (J)(1)(c) 33566  
of this section. 33567

(b) If, at the conclusion of the hearing described in 33568  
division (J)(2)(a) of this section, the trial court determines 33569  
that the defendant remains incapable of understanding the nature 33570  
and objective of the proceedings against the defendant or of 33571  
assisting in the defendant's defense, the trial court shall order 33572  
that the defendant continues to be incompetent to stand trial, 33573  
that the defendant's commitment to the department of ~~mental health~~ 33574  
mental health and addiction services or to an institution, 33575  
facility, or program for the treatment of mental retardation shall 33576  
be continued, and that the defendant remains subject to the 33577  
jurisdiction of the trial court pursuant to that commitment, and 33578  
to the provisions of this section, until the final termination of 33579  
the commitment as described in division (J)(1) of this section. 33580

**Sec. 2951.041.** (A)(1) If an offender is charged with a 33581  
criminal offense, including but not limited to a violation of 33582  
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of 33583  
the Revised Code, and the court has reason to believe that drug or 33584  
alcohol usage by the offender was a factor leading to the criminal 33585  
offense with which the offender is charged or that, at the time of 33586  
committing that offense, the offender had a mental illness or was 33587  
a person with intellectual disability and that the mental illness 33588  
or status as a person with intellectual disability was a factor 33589  
leading to the offender's criminal behavior, the court may accept, 33590  
prior to the entry of a guilty plea, the offender's request for 33591  
intervention in lieu of conviction. The request shall include a 33592  
statement from the offender as to whether the offender is alleging 33593  
that drug or alcohol usage by the offender was a factor leading to 33594

the criminal offense with which the offender is charged or is 33595  
alleging that, at the time of committing that offense, the 33596  
offender had a mental illness or was a person with intellectual 33597  
disability and that the mental illness or status as a person with 33598  
intellectual disability was a factor leading to the criminal 33599  
offense with which the offender is charged. The request also shall 33600  
include a waiver of the defendant's right to a speedy trial, the 33601  
preliminary hearing, the time period within which the grand jury 33602  
may consider an indictment against the offender, and arraignment, 33603  
unless the hearing, indictment, or arraignment has already 33604  
occurred. The court may reject an offender's request without a 33605  
hearing. If the court elects to consider an offender's request, 33606  
the court shall conduct a hearing to determine whether the 33607  
offender is eligible under this section for intervention in lieu 33608  
of conviction and shall stay all criminal proceedings pending the 33609  
outcome of the hearing. If the court schedules a hearing, the 33610  
court shall order an assessment of the offender for the purpose of 33611  
determining the offender's eligibility for intervention in lieu of 33612  
conviction and recommending an appropriate intervention plan. 33613

If the offender alleges that drug or alcohol usage by the 33614  
offender was a factor leading to the criminal offense with which 33615  
the offender is charged, the court may order that the offender be 33616  
assessed by ~~a program~~ an addiction services provider certified 33617  
pursuant to section ~~3793.06~~ 5119.36 of the Revised Code or a 33618  
properly credentialed professional for the purpose of determining 33619  
the offender's eligibility for intervention in lieu of conviction 33620  
and recommending an appropriate intervention plan. The ~~program~~ 33621  
addiction services provider or the properly credentialed 33622  
professional shall provide a written assessment of the offender to 33623  
the court. 33624

(2) The victim notification provisions of division (C) of 33625  
section 2930.08 of the Revised Code apply in relation to any 33626

hearing held under division (A)(1) of this section. 33627

(B) An offender is eligible for intervention in lieu of 33628  
conviction if the court finds all of the following: 33629

(1) The offender previously has not been convicted of or 33630  
pleaded guilty to a felony offense of violence or previously has 33631  
been convicted of or pleaded guilty to any felony that is not an 33632  
offense of violence and the prosecuting attorney recommends that 33633  
the offender be found eligible for participation in intervention 33634  
in lieu of treatment under this section, previously has not been 33635  
through intervention in lieu of conviction under this section or 33636  
any similar regimen, and is charged with a felony for which the 33637  
court, upon conviction, would impose a community control sanction 33638  
on the offender under division (B)(2) of section 2929.13 of the 33639  
Revised Code or with a misdemeanor. 33640

(2) The offense is not a felony of the first, second, or 33641  
third degree, is not an offense of violence, is not a violation of 33642  
division (A)(1) or (2) of section 2903.06 of the Revised Code, is 33643  
not a violation of division (A)(1) of section 2903.08 of the 33644  
Revised Code, is not a violation of division (A) of section 33645  
4511.19 of the Revised Code or a municipal ordinance that is 33646  
substantially similar to that division, and is not an offense for 33647  
which a sentencing court is required to impose a mandatory prison 33648  
term, a mandatory term of local incarceration, or a mandatory term 33649  
of imprisonment in a jail. 33650

(3) The offender is not charged with a violation of section 33651  
2925.02, 2925.04, or 2925.06 of the Revised Code, is not charged 33652  
with a violation of section 2925.03 of the Revised Code that is a 33653  
felony of the first, second, third, or fourth degree, and is not 33654  
charged with a violation of section 2925.11 of the Revised Code 33655  
that is a felony of the first, second, or third degree. 33656

(4) If an offender alleges that drug or alcohol usage by the 33657

offender was a factor leading to the criminal offense with which 33658  
the offender is charged, the court has ordered that the offender 33659  
be assessed by ~~a program~~ an addiction services provider certified 33660  
pursuant to section ~~3793.06~~ 5119.36 of the Revised Code or a 33661  
properly credentialed professional for the purpose of determining 33662  
the offender's eligibility for intervention in lieu of conviction 33663  
and recommending an appropriate intervention plan, the offender 33664  
has been assessed by ~~a program~~ an addiction services provider of 33665  
that nature or a properly credentialed professional in accordance 33666  
with the court's order, and the ~~program~~ addiction services 33667  
provider or properly credentialed professional has filed the 33668  
written assessment of the offender with the court. 33669

(5) If an offender alleges that, at the time of committing 33670  
the criminal offense with which the offender is charged, the 33671  
offender had a mental illness or was a person with intellectual 33672  
disability and that the mental illness or status as a person with 33673  
intellectual disability was a factor leading to that offense, the 33674  
offender has been assessed by a psychiatrist, psychologist, 33675  
independent social worker, or professional clinical counselor for 33676  
the purpose of determining the offender's eligibility for 33677  
intervention in lieu of conviction and recommending an appropriate 33678  
intervention plan. 33679

(6) The offender's drug usage, alcohol usage, mental illness, 33680  
or intellectual disability, whichever is applicable, was a factor 33681  
leading to the criminal offense with which the offender is 33682  
charged, intervention in lieu of conviction would not demean the 33683  
seriousness of the offense, and intervention would substantially 33684  
reduce the likelihood of any future criminal activity. 33685

(7) The alleged victim of the offense was not sixty-five 33686  
years of age or older, permanently and totally disabled, under 33687  
thirteen years of age, or a peace officer engaged in the officer's 33688  
official duties at the time of the alleged offense. 33689

(8) If the offender is charged with a violation of section 2925.24 of the Revised Code, the alleged violation did not result in physical harm to any person, and the offender previously has not been treated for drug abuse.

(9) The offender is willing to comply with all terms and conditions imposed by the court pursuant to division (D) of this section.

(10) The offender is not charged with an offense that would result in the offender being disqualified under Chapter 4506. of the Revised Code from operating a commercial motor vehicle or would subject the offender to any other sanction under that chapter.

(C) At the conclusion of a hearing held pursuant to division (A) of this section, the court shall enter its determination as to whether the offender is eligible for intervention in lieu of conviction and as to whether to grant the offender's request. If the court finds under division (B) of this section that the offender is eligible for intervention in lieu of conviction and grants the offender's request, the court shall accept the offender's plea of guilty and waiver of the defendant's right to a speedy trial, the preliminary hearing, the time period within which the grand jury may consider an indictment against the offender, and arraignment, unless the hearing, indictment, or arraignment has already occurred. In addition, the court then may stay all criminal proceedings and order the offender to comply with all terms and conditions imposed by the court pursuant to division (D) of this section. If the court finds that the offender is not eligible or does not grant the offender's request, the criminal proceedings against the offender shall proceed as if the offender's request for intervention in lieu of conviction had not been made.

(D) If the court grants an offender's request for

intervention in lieu of conviction, the court shall place the 33722  
offender under the general control and supervision of the county 33723  
probation department, the adult parole authority, or another 33724  
appropriate local probation or court services agency, if one 33725  
exists, as if the offender was subject to a community control 33726  
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 33727  
Revised Code. The court shall establish an intervention plan for 33728  
the offender. The terms and conditions of the intervention plan 33729  
shall require the offender, for at least one year from the date on 33730  
which the court grants the order of intervention in lieu of 33731  
conviction, to abstain from the use of illegal drugs and alcohol, 33732  
to participate in treatment and recovery support services, and to 33733  
submit to regular random testing for drug and alcohol use and may 33734  
include any other treatment terms and conditions, or terms and 33735  
conditions similar to community control sanctions, which may 33736  
include community service or restitution, that are ordered by the 33737  
court. 33738

(E) If the court grants an offender's request for 33739  
intervention in lieu of conviction and the court finds that the 33740  
offender has successfully completed the intervention plan for the 33741  
offender, including the requirement that the offender abstain from 33742  
using illegal drugs and alcohol for a period of at least one year 33743  
from the date on which the court granted the order of intervention 33744  
in lieu of conviction, the requirement that the offender 33745  
participate in treatment and recovery support services, and all 33746  
other terms and conditions ordered by the court, the court shall 33747  
dismiss the proceedings against the offender. Successful 33748  
completion of the intervention plan and period of abstinence under 33749  
this section shall be without adjudication of guilt and is not a 33750  
criminal conviction for purposes of any disqualification or 33751  
disability imposed by law and upon conviction of a crime, and the 33752  
court may order the sealing of records related to the offense in 33753  
question in the manner provided in sections 2953.31 to 2953.36 of 33754

the Revised Code. 33755

(F) If the court grants an offender's request for 33756  
intervention in lieu of conviction and the offender fails to 33757  
comply with any term or condition imposed as part of the 33758  
intervention plan for the offender, the supervising authority for 33759  
the offender promptly shall advise the court of this failure, and 33760  
the court shall hold a hearing to determine whether the offender 33761  
failed to comply with any term or condition imposed as part of the 33762  
plan. If the court determines that the offender has failed to 33763  
comply with any of those terms and conditions, it shall enter a 33764  
finding of guilty and shall impose an appropriate sanction under 33765  
Chapter 2929. of the Revised Code. If the court sentences the 33766  
offender to a prison term, the court, after consulting with the 33767  
department of rehabilitation and correction regarding the 33768  
availability of services, may order continued court-supervised 33769  
activity and treatment of the offender during the prison term and, 33770  
upon consideration of reports received from the department 33771  
concerning the offender's progress in the program of activity and 33772  
treatment, may consider judicial release under section 2929.20 of 33773  
the Revised Code. 33774

(G) As used in this section: 33775

(1) "Community control sanction" has the same meaning as in 33776  
section 2929.01 of the Revised Code. 33777

(2) "Intervention in lieu of conviction" means any 33778  
court-supervised activity that complies with this section. 33779

(3) "Peace officer" has the same meaning as in section 33780  
2935.01 of the Revised Code. 33781

(4) "Mental illness" and "psychiatrist" have the same 33782  
meanings as in section 5122.01 of the Revised Code. 33783

(5) "Person with intellectual disability" means a person 33784  
having significantly subaverage general intellectual functioning 33785



existing concurrently with deficiencies in adaptive behavior, 33786  
manifested during the developmental period. 33787

(6) "Psychologist" has the same meaning as in section 4732.01 33788  
of the Revised Code. 33789

(H) Whenever the term "mentally retarded person" is used in 33790  
any statute, rule, contract, grant, or other document, the 33791  
reference shall be deemed to include a "person with intellectual 33792  
disability," as defined in this section. 33793

**Sec. 2967.22.** Whenever it is brought to the attention of the 33794  
adult parole authority or a department of probation that a 33795  
parolee, person under a community control sanction, person under 33796  
transitional control, or releasee appears to be a mentally ill 33797  
person subject to hospitalization by court order, as defined in 33798  
section 5122.01 of the Revised Code, or a mentally retarded person 33799  
subject to institutionalization by court order, as defined in 33800  
section 5123.01 of the Revised Code, the parole or probation 33801  
officer, subject to the approval of the chief of the adult parole 33802  
authority, the designee of the chief of the adult parole 33803  
authority, or the chief probation officer, may file an affidavit 33804  
under section 5122.11 or 5123.71 of the Revised Code. A parolee, 33805  
person under a community control sanction, or releasee who is 33806  
involuntarily detained under Chapter 5122. or 5123. of the Revised 33807  
Code shall receive credit against the period of parole or 33808  
community control or the term of post-release control for the 33809  
period of involuntary detention. 33810

If a parolee, person under a community control sanction, 33811  
person under transitional control, or releasee escapes from an 33812  
institution or facility within the department of ~~mental health~~ 33813  
mental health and addiction services or the department of 33814  
developmental disabilities, the superintendent of the institution 33815  
immediately shall notify the chief of the adult parole authority 33816

or the chief probation officer. Notwithstanding the provisions of 33817  
section 5122.26 of the Revised Code, the procedure for the 33818  
apprehension, detention, and return of the parolee, person under a 33819  
community control sanction, person under transitional control, or 33820  
releasee is the same as that provided for the apprehension, 33821  
detention, and return of persons who escape from institutions 33822  
operated by the department of rehabilitation and correction. If 33823  
the escaped parolee, person under transitional control, or 33824  
releasee is not apprehended and returned to the custody of the 33825  
department of ~~mental health~~ mental health and addiction services 33826  
or the department of developmental disabilities within ninety days 33827  
after the escape, the parolee, person under transitional control, 33828  
or releasee shall be discharged from the custody of the department 33829  
of ~~mental health~~ mental health and addiction services or the 33830  
department of developmental disabilities and returned to the 33831  
custody of the department of rehabilitation and correction. If the 33832  
escaped person under a community control sanction is not 33833  
apprehended and returned to the custody of the department of 33834  
~~mental health~~ mental health and addiction services or the 33835  
department of developmental disabilities within ninety days after 33836  
the escape, the person under a community control sanction shall be 33837  
discharged from the custody of the department of ~~mental health~~ 33838  
mental health and addiction services or the department of 33839  
developmental disabilities and returned to the custody of the 33840  
court that sentenced that person. 33841

**Sec. 2981.12.** (A) Unclaimed or forfeited property in the 33842  
custody of a law enforcement agency, other than property described 33843  
in division (A)(2) of section 2981.11 of the Revised Code, shall 33844  
be disposed of by order of any court of record that has 33845  
territorial jurisdiction over the political subdivision that 33846  
employs the law enforcement agency, as follows: 33847

(1) Drugs shall be disposed of pursuant to section 3719.11 of 33848

the Revised Code or placed in the custody of the secretary of the 33849  
treasury of the United States for disposal or use for medical or 33850  
scientific purposes under applicable federal law. 33851

(2) Firearms and dangerous ordnance suitable for police work 33852  
may be given to a law enforcement agency for that purpose. 33853  
Firearms suitable for sporting use or as museum pieces or 33854  
collectors' items may be sold at public auction pursuant to 33855  
division (B) of this section. The agency may sell other firearms 33856  
and dangerous ordnance to a federally licensed firearms dealer in 33857  
a manner that the court considers proper. The agency shall destroy 33858  
any firearms or dangerous ordnance not given to a law enforcement 33859  
agency or sold or shall send them to the bureau of criminal 33860  
identification and investigation for destruction by the bureau. 33861

(3) Obscene materials shall be destroyed. 33862

(4) Beer, intoxicating liquor, or alcohol seized from a 33863  
person who does not hold a permit issued under Chapters 4301. and 33864  
4303. of the Revised Code or otherwise forfeited to the state for 33865  
an offense under section 4301.45 or 4301.53 of the Revised Code 33866  
shall be sold by the division of liquor control if the division 33867  
determines that it is fit for sale or shall be placed in the 33868  
custody of the investigations unit in the department of public 33869  
safety and be used for training relating to law enforcement 33870  
activities. The department, with the assistance of the division of 33871  
liquor control, shall adopt rules in accordance with Chapter 119. 33872  
of the Revised Code to provide for the distribution to state or 33873  
local law enforcement agencies upon their request. If any tax 33874  
imposed under Title XLIII of the Revised Code has not been paid in 33875  
relation to the beer, intoxicating liquor, or alcohol, any moneys 33876  
acquired from the sale shall first be used to pay the tax. All 33877  
other money collected under this division shall be paid into the 33878  
state treasury. Any beer, intoxicating liquor, or alcohol that the 33879  
division determines to be unfit for sale shall be destroyed. 33880

(5) Money received by an inmate of a correctional institution 33881  
from an unauthorized source or in an unauthorized manner shall be 33882  
returned to the sender, if known, or deposited in the inmates' 33883  
industrial and entertainment fund of the institution if the sender 33884  
is not known. 33885

(6)(a) Any mobile instrumentality forfeited under this 33886  
chapter may be given to the law enforcement agency that initially 33887  
seized the mobile instrumentality for use in performing its 33888  
duties, if the agency wants the mobile instrumentality. The agency 33889  
shall take the mobile instrumentality subject to any security 33890  
interest or lien on the mobile instrumentality. 33891

(b) Vehicles and vehicle parts forfeited under sections 33892  
4549.61 to 4549.63 of the Revised Code may be given to a law 33893  
enforcement agency for use in performing its duties. Those parts 33894  
may be incorporated into any other official vehicle. Parts that do 33895  
not bear vehicle identification numbers or derivatives of them may 33896  
be sold or disposed of as provided by rules of the director of 33897  
public safety. Parts from which a vehicle identification number or 33898  
derivative of it has been removed, defaced, covered, altered, or 33899  
destroyed and that are not suitable for police work or 33900  
incorporation into an official vehicle shall be destroyed and sold 33901  
as junk or scrap. 33902

(7) Computers, computer networks, computer systems, and 33903  
computer software suitable for police work may be given to a law 33904  
enforcement agency for that purpose or disposed of under division 33905  
(B) of this section. 33906

(8) Money seized in connection with a violation of section 33907  
2905.32, 2907.21, or 2907.22 of the Revised Code shall be 33908  
deposited in the victims of human trafficking fund created by 33909  
section 5101.87 of the Revised Code. 33910

(B) Unclaimed or forfeited property that is not described in 33911

division (A) of this section or division (A)(2) of section 2981.11 33912  
of the Revised Code, with court approval, may be used by the law 33913  
enforcement agency in possession of it. If it is not used by the 33914  
agency, it may be sold without appraisal at a public auction to 33915  
the highest bidder for cash or disposed of in another manner that 33916  
the court considers proper. 33917

(C) Except as provided in divisions (A) and (F) of this 33918  
section and after compliance with division (D) of this section 33919  
when applicable, any moneys acquired from the sale of property 33920  
disposed of pursuant to this section shall be placed in the 33921  
general revenue fund of the state, or the general fund of the 33922  
county, the township, or the municipal corporation of which the 33923  
law enforcement agency involved is an agency. 33924

(D) If the property was in the possession of the law 33925  
enforcement agency in relation to a delinquent child proceeding in 33926  
a juvenile court, ten per cent of any moneys acquired from the 33927  
sale of property disposed of under this section shall be applied 33928  
to one or more ~~alcohol and drug~~ community addiction treatment 33929  
~~programs~~ services providers that are certified by the department 33930  
of ~~alcohol and drug addiction services~~ mental health and addiction 33931  
services under section ~~3793.06~~ 5119.36 of the Revised Code. A 33932  
juvenile court shall not specify a ~~program~~ services provider, 33933  
except as provided in this division, unless the ~~program~~ services 33934  
provider is in the same county as the court or in a contiguous 33935  
county. If no certified ~~program~~ services provider is located in 33936  
any of those counties, the juvenile court may specify a certified 33937  
~~program~~ services provider anywhere in Ohio. The remaining ninety 33938  
per cent of the proceeds or cash shall be applied as provided in 33939  
division (C) of this section. 33940

Each ~~treatment program~~ services provider that receives in any 33941  
calendar year forfeited money under this division shall file an 33942  
annual report for that year with the attorney general and with the 33943

court of common pleas and board of county commissioners of the 33944  
county in which the program services provider is located and of 33945  
any other county from which the program services provider received 33946  
forfeited money. The program services provider shall file the 33947  
report on or before the first day of March in the calendar year 33948  
following the calendar year in which the program services provider 33949  
received the money. The report shall include statistics on the 33950  
number of persons the program services provider served, identify 33951  
the types of treatment services it provided to them, and include a 33952  
specific accounting of the purposes for which it used the money so 33953  
received. No information contained in the report shall identify, 33954  
or enable a person to determine the identity of, any person served 33955  
by the program services provider. 33956

(E) Each certified ~~alcohol and drug~~ community addiction 33957  
~~treatment program services provider~~ that receives in any calendar 33958  
year money under this section or under section 2981.13 of the 33959  
Revised Code as the result of a juvenile forfeiture order shall 33960  
file an annual report for that calendar year with the attorney 33961  
general and with the court of common pleas and board of county 33962  
commissioners of the county in which the program services provider 33963  
is located and of any other county from which the program services 33964  
provider received the money. The program services provider shall 33965  
file the report on or before the first day of March in the 33966  
calendar year following the year in which the program services 33967  
provider received the money. The report shall include statistics 33968  
on the number of persons served with the money, identify the types 33969  
of treatment services provided, and specifically account for how 33970  
the money was used. No information in the report shall identify or 33971  
enable a person to determine the identity of anyone served by the 33972  
program services provider. 33973

As used in this division, "juvenile-related forfeiture order" 33974  
means any forfeiture order issued by a juvenile court under 33975

section 2981.04 or 2981.05 of the Revised Code and any disposal of 33976  
property ordered by a court under section 2981.11 of the Revised 33977  
Code regarding property that was in the possession of a law 33978  
enforcement agency in relation to a delinquent child proceeding in 33979  
a juvenile court. 33980

(F) Each board of county commissioners that recognizes a 33981  
citizens' reward program under section 9.92 of the Revised Code 33982  
shall notify each law enforcement agency of that county and of a 33983  
township or municipal corporation wholly located in that county of 33984  
the recognition by filing a copy of its resolution conferring that 33985  
recognition with each of those agencies. When the board recognizes 33986  
a citizens' reward program and the county includes a part, but not 33987  
all, of the territory of a municipal corporation, the board shall 33988  
so notify the law enforcement agency of that municipal corporation 33989  
of the recognition of the citizens' reward program only if the 33990  
county contains the highest percentage of the municipal 33991  
corporation's population. 33992

Upon being so notified, each law enforcement agency shall pay 33993  
twenty-five per cent of any forfeited proceeds or cash derived 33994  
from each sale of property disposed of pursuant to this section to 33995  
the citizens' reward program for use exclusively to pay rewards. 33996  
No part of the funds may be used to pay expenses associated with 33997  
the program. If a citizens' reward program that operates in more 33998  
than one county or in another state in addition to this state 33999  
receives funds under this section, the funds shall be used to pay 34000  
rewards only for tips and information to law enforcement agencies 34001  
concerning offenses committed in the county from which the funds 34002  
were received. 34003

Receiving funds under this section or section 2981.11 of the 34004  
Revised Code does not make the citizens' reward program a 34005  
governmental unit or public office for purposes of section 149.43 34006  
of the Revised Code. 34007

(G) Any property forfeited under this chapter shall not be 34008  
used to pay any fine imposed upon a person who is convicted of or 34009  
pleads guilty to an underlying criminal offense or a different 34010  
offense arising out of the same facts and circumstances. 34011

(H) Any moneys acquired from the sale of personal effects, 34012  
tools, or other property seized because the personal effects, 34013  
tools, or other property were used in the commission of a 34014  
violation of section 2905.32, 2907.21, or 2907.22 of the Revised 34015  
Code or derived from the proceeds of the commission of a violation 34016  
of section 2905.32, 2907.21, or 2907.22 of the Revised Code and 34017  
disposed of pursuant to this section shall be placed in the 34018  
victims of human trafficking fund created by section 5101.87 of 34019  
the Revised Code. 34020

**Sec. 3101.051.** (A) Except as provided in division (B) of this 34021  
section, a probate court shall make available to any person for 34022  
inspection the records pertaining to the issuance of marriage 34023  
licenses as provided under section 149.43 of the Revised Code. 34024

(B) Before it makes available to a person any records 34025  
pertaining to the issuance of a marriage license as described in 34026  
division (A) of this section, subject to division (C) of this 34027  
section, a probate court shall delete or otherwise remove any 34028  
social security numbers of the parties to a marriage so that they 34029  
are not available to the person inspecting the records. 34030

(C) Division (B) of this section does not apply in any of the 34031  
following circumstances: 34032

(1) If the records in question are inspected by authorized 34033  
personnel of the division of child support in the department of 34034  
job and family services under section ~~5101.31~~ 5101.37 of the 34035  
Revised Code; 34036

(2) If the records in question are inspected by law 34037



enforcement personnel for purposes of a criminal investigation; 34038

(3) If the records in question with the social security 34039  
numbers are necessary for use in a civil or criminal trial and the 34040  
release of the records with the social security numbers is ordered 34041  
by a court with jurisdiction over the trial; 34042

(4) If the records in question are inspected by either party 34043  
to the marriage to which the records pertain; 34044

(5) If the court possessed the records in question prior to 34045  
the effective date of this section. 34046

**Sec. 3107.083.** Not later than ninety days after June 20, 34047  
1996, the director of job and family services shall do all of the 34048  
following: 34049

(A)(1) For a parent of a child who, if adopted, will be an 34050  
adopted person as defined in section 3107.45 of the Revised Code, 34051  
prescribe a form that has the following six components: 34052

(a) A component the parent signs under section 3107.071, 34053  
3107.081, or 5103.151 of the Revised Code to indicate the 34054  
requirements of section 3107.082 or 5103.152 of the Revised Code 34055  
have been met. The component shall be as follows: 34056

"Statement Concerning Ohio Law and Adoption Materials 34057

By signing this component of this form, I acknowledge that it 34058  
has been explained to me, and I understand, that, if I check the 34059  
space on the next component of this form that indicates that I 34060  
authorize the release, the adoption file maintained by the Ohio 34061  
Department of Health, which contains identifying information about 34062  
me at the time of my child's birth, will be released, on request, 34063  
to the adoptive parent when the adoptee is at least age eighteen 34064  
but younger than age twenty-one and to the adoptee when he or she 34065  
is age twenty-one or older. It has also been explained to me, and 34066  
I understand, that I may prohibit the release of identifying 34067

information about me contained in the adoption file by checking 34068  
the space on the next component of this form that indicates that I 34069  
do not authorize the release of the identifying information. It 34070  
has additionally been explained to me, and I understand, that I 34071  
may change my mind regarding the decision I make on the next 34072  
component of this form at any time and as many times as I desire 34073  
by signing, dating, and having filed with the Ohio Department of 34074  
Health a denial of release form or authorization of release form 34075  
prescribed and provided by the Department of Health and providing 34076  
the Department two items of identification. 34077

By signing this component of this form, I also acknowledge 34078  
that I have been provided a copy of written materials about 34079  
adoption prepared by the Ohio Department of Job and Family 34080  
Services, the adoption process and ramifications of consenting to 34081  
adoption or entering into a voluntary permanent custody surrender 34082  
agreement have been discussed with me, and I have been provided 34083  
the opportunity to review the materials and ask questions about 34084  
the materials and discussion. 34085

Signature of biological parent: ..... 34086  
Signature of witness: ..... 34087  
Date: ..... " 34088

(b) A component the parent signs under section 3107.071, 34089  
3107.081, or 5103.151 of the Revised Code regarding the parent's 34090  
decision whether to allow identifying information about the parent 34091  
contained in an adoption file maintained by the department of 34092  
health to be released to the parent's child and adoptive parent 34093  
pursuant to section 3107.47 of the Revised Code. The component 34094  
shall be as follows: 34095

"Statement Regarding Release of Identifying Information 34096

The purpose of this component of this form is to allow a 34097  
biological parent to decide whether to allow the Ohio Department 34098  
of Health to provide an adoptee and adoptive parent identifying 34099

information about the adoptee's biological parent contained in an 34100  
adoption file maintained by the Department. Please check one of 34101  
the following spaces: 34102

..... YES, I authorize the Ohio Department of Health to 34103  
release identifying information about me, on  
request, to the adoptive parent when the adoptee is  
at least age eighteen but younger than age  
twenty-one and to the adoptee when he or she is age  
twenty-one or older.

..... NO, I do not authorize the release of identifying 34104  
information about me to the adoptive parent or  
adoptee.

Signature of biological parent: ..... 34105  
Signature of witness: ..... 34106  
Date: ..... " 34107

(c) A component the parent, if the mother of the child, 34108  
completes and signs under section 3107.071, 3107.081, or 5103.151 34109  
of the Revised Code to indicate, to the extent of the mother's 34110  
knowledge, all of the following: 34111

(i) Whether the mother, during her pregnancy, was a recipient 34112  
of the ~~medical assistance~~ medicaid program ~~established under~~ 34113  
~~Chapter 5111. of the Revised Code~~ or other public health insurance 34114  
program and, if so, the dates her eligibility began and ended; 34115

(ii) Whether the mother, during her pregnancy, was covered by 34116  
private health insurance and, if so, the dates the coverage began 34117  
and ended, the name of the insurance provider, the type of 34118  
coverage, and the identification number of the coverage; 34119

(iii) The name and location of the hospital, freestanding 34120  
~~birth~~ birthing center, or other place where the mother gave birth 34121  
and, if different, received medical care immediately after giving 34122  
birth; 34123

(iv) The expenses of the obstetrical and neonatal care;	34124
(v) Whether the mother has been informed that the adoptive parent or the agency or attorney arranging the adoption are to pay expenses involved in the adoption, including expenses the mother has paid and expects to receive or has received reimbursement, and, if so, what expenses are to be or have been paid and an estimate of the expenses;	34125 34126 34127 34128 34129 34130
(vi) Any other information related to expenses the department determines appropriate to be included in this component.	34131 34132
(d) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent materials, other than photographs of the parent, that the parent requests be given to the child or adoptive parent pursuant to section 3107.68 of the Revised Code.	34133 34134 34135 34136 34137
(e) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent photographs of the parent pursuant to section 3107.68 of the Revised Code.	34138 34139 34140 34141
(f) A component the parent may sign to authorize the agency or attorney arranging the adoption to provide to the child or adoptive parent the first name of the parent pursuant to section 3107.68 of the Revised Code.	34142 34143 34144 34145
(2) State at the bottom of the form that the parent is to receive a copy of the form the parent signed.	34146 34147
(3) Provide copies of the form prescribed under this division to probate and juvenile courts, public children services agencies, private child placing agencies, private noncustodial agencies, attorneys, and persons authorized to take acknowledgments.	34148 34149 34150 34151
(B)(1) For a parent of a child who, if adopted, will become an adopted person as defined in section 3107.39 of the Revised	34152 34153

Code, prescribe a form that has the following five components: 34154

(a) A component the parent signs under section 3107.071, 34155  
3107.081, or 5103.151 of the Revised Code to attest that the 34156  
requirement of division (A) of section 3107.082 or division (A) of 34157  
section 5103.152 of the Revised Code has been met; 34158

(b) A component the parent, if the mother of the child, 34159  
completes and signs under section 3107.071, 3107.081, or 5103.151 34160  
of the Revised Code to indicate, to the extent of the mother's 34161  
knowledge, all of the following: 34162

(i) Whether the mother, during her pregnancy, was a recipient 34163  
of the ~~medical assistance~~ medicaid program ~~established under~~ 34164  
~~Chapter 5111. of the Revised Code~~ or other public health insurance 34165  
program and, if so, the dates her eligibility began and ended; 34166

(ii) Whether the mother, during her pregnancy, was covered by 34167  
private health insurance and, if so, the dates the coverage began 34168  
and ended, the name of the insurance provider, the type of 34169  
coverage, and the identification number of the coverage; 34170

(iii) The name and location of the hospital, freestanding 34171  
~~birth~~ birthing center, or other place where the mother gave birth 34172  
and, if different, received medical care immediately after giving 34173  
birth; 34174

(iv) The expenses of the obstetrical and neonatal care; 34175

(v) Whether the mother has been informed that the adoptive 34176  
parent or the agency or attorney arranging the adoption are to pay 34177  
expenses involved in the adoption, including expenses the mother 34178  
has paid and expects to receive or has received reimbursement for, 34179  
and, if so, what expenses are to be or have been paid and an 34180  
estimate of the expenses; 34181

(vi) Any other information related to expenses the department 34182  
determines appropriate to be included in the component. 34183

(c) A component the parent may sign to authorize the agency 34184  
or attorney arranging the adoption to provide to the child or 34185  
adoptive parent materials, other than photographs of the parent, 34186  
that the parent requests be given to the child or adoptive parent 34187  
pursuant to section 3107.68 of the Revised Code. 34188

(d) A component the parent may sign to authorize the agency 34189  
or attorney arranging the adoption to provide to the child or 34190  
adoptive parent photographs of the parent pursuant to section 34191  
3107.68 of the Revised Code. 34192

(e) A component the parent may sign to authorize the agency 34193  
or attorney arranging the adoption to provide to the child or 34194  
adoptive parent the first name of the parent pursuant to section 34195  
3107.68 of the Revised Code. 34196

(2) State at the bottom of the form that the parent is to 34197  
receive a copy of the form the parent signed. 34198

(3) Provide copies of the form prescribed under this division 34199  
to probate and juvenile courts, public children services agencies, 34200  
private child placing agencies, private noncustodial agencies, and 34201  
attorneys. 34202

(C) Prepare the written materials about adoption that are 34203  
required to be given to parents under division (A) of section 34204  
3107.082 and division (A) of section 5103.152 of the Revised Code. 34205  
The materials shall provide information about the adoption 34206  
process, including ramifications of a parent consenting to a 34207  
child's adoption or entering into a voluntary permanent custody 34208  
surrender agreement. The materials also shall include referral 34209  
information for professional counseling and adoption support 34210  
organizations. The director shall provide the materials to 34211  
assessors. 34212

(D) Adopt rules in accordance with Chapter 119. of the 34213  
Revised Code specifying the documents that must be filed with a 34214

probate court under divisions (B) and (D) of section 3107.081 of 34215  
the Revised Code and a juvenile court under divisions (C) and (E) 34216  
of section 5103.151 of the Revised Code. 34217

**Sec. 3109.15.** There is hereby created within the department 34218  
of job and family services the children's trust fund board 34219  
consisting of fifteen members. The directors of ~~alcohol and drug~~ 34220  
~~addiction services~~ mental health and addiction services, health, 34221  
and job and family services shall be members of the board. Eight 34222  
public members shall be appointed by the governor. These members 34223  
shall be persons with demonstrated knowledge in programs for 34224  
children, shall be representative of the demographic composition 34225  
of this state, and, to the extent practicable, shall be 34226  
representative of the following categories: the educational 34227  
community; the legal community; the social work community; the 34228  
medical community; the voluntary sector; and professional 34229  
providers of child abuse and child neglect services. Five of these 34230  
members shall be residents of metropolitan statistical areas as 34231  
defined by the United States office of management and budget where 34232  
the population exceeds four hundred thousand; no two such members 34233  
shall be residents of the same metropolitan statistical area. Two 34234  
members of the board shall be members of the house of 34235  
representatives appointed by the speaker of the house of 34236  
representatives and shall be members of two different political 34237  
parties. Two members of the board shall be members of the senate 34238  
appointed by the president of the senate and shall be members of 34239  
two different political parties. All members of the board 34240  
appointed by the speaker of the house of representatives or the 34241  
president of the senate shall serve until the expiration of the 34242  
sessions of the general assembly during which they were appointed. 34243  
They may be reappointed to an unlimited number of successive terms 34244  
of two years at the pleasure of the speaker of the house of 34245  
representatives or president of the senate. Public members shall 34246

serve terms of three years. Each member shall serve until the 34247  
member's successor is appointed, or until a period of sixty days 34248  
has elapsed, whichever occurs first. No public member may serve 34249  
more than two consecutive full terms. All vacancies on the board 34250  
shall be filled for the balance of the unexpired term in the same 34251  
manner as the original appointment. 34252

Any member of the board may be removed by the member's 34253  
appointing authority for misconduct, incompetency, or neglect of 34254  
duty after first being given the opportunity to be heard in the 34255  
member's own behalf. Pursuant to section 3.17 of the Revised Code, 34256  
a member, except a member of the general assembly or a judge of 34257  
any court in the state, who fails to attend at least three-fifths 34258  
of the regular and special meetings held by the board during any 34259  
two-year period forfeits the member's position on the board. 34260

Each member of the board shall serve without compensation but 34261  
shall be reimbursed for all actual and necessary expenses incurred 34262  
in the performance of official duties. 34263

At the beginning of the first year of each even-numbered 34264  
general assembly, the chairperson of the board shall be appointed 34265  
by the speaker of the house of representatives from among members 34266  
of the board who are members of the house of representatives. At 34267  
the beginning of the first year of each odd-numbered general 34268  
assembly, the chairperson of the board shall be appointed by the 34269  
president of the senate from among the members of the board who 34270  
are senate members. 34271

The board shall biennially select a vice-chair from among its 34272  
nonlegislative members. 34273

**Sec. 3111.04.** (A) An action to determine the existence or 34274  
nonexistence of the father and child relationship may be brought 34275  
by the child or the child's personal representative, the child's 34276  
mother or her personal representative, a man alleged or alleging 34277



himself to be the child's father, the child support enforcement 34278  
agency of the county in which the child resides if the child's 34279  
mother, father, or alleged father is a recipient of public 34280  
assistance or of services under Title IV-D of the "Social Security 34281  
Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the 34282  
alleged father's personal representative. 34283

(B) An agreement does not bar an action under this section. 34284

(C) If an action under this section is brought before the 34285  
birth of the child and if the action is contested, all 34286  
proceedings, except service of process and the taking of 34287  
depositions to perpetuate testimony, may be stayed until after the 34288  
birth. 34289

(D) A recipient of public assistance or of services under 34290  
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 34291  
U.S.C.A. 651, as amended, shall cooperate with the child support 34292  
enforcement agency of the county in which a child resides to 34293  
obtain an administrative determination pursuant to sections 34294  
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 34295  
determination pursuant to sections 3111.01 to 3111.18 of the 34296  
Revised Code, of the existence or nonexistence of a parent and 34297  
child relationship between the father and the child. If the 34298  
recipient fails to cooperate, the agency may commence an action to 34299  
determine the existence or nonexistence of a parent and child 34300  
relationship between the father and the child pursuant to sections 34301  
3111.01 to 3111.18 of the Revised Code. 34302

(E) As used in this section, "public assistance" means all of 34303  
the following: 34304

(1) ~~Medicaid under Chapter 5111. of the Revised Code;~~ 34305

(2) Ohio works first under Chapter 5107. of the Revised Code; 34306

(3) Disability financial assistance under Chapter 5115. of 34307

the Revised Code. 34308

**Sec. 3111.72.** The contract between the department of job and 34309  
family services and a local hospital shall require all of the 34310  
following: 34311

(A) That the hospital provide a staff person to meet with 34312  
each unmarried mother who gave birth in or en route to the 34313  
hospital within twenty-four hours of the birth or before the 34314  
mother is released from the hospital; 34315

(B) That the staff person attempt to meet with the father of 34316  
the unmarried mother's child if possible; 34317

(C) That the staff person explain to the unmarried mother and 34318  
the father, if he is present, the benefit to the child of 34319  
establishing a parent and child relationship between the father 34320  
and the child and the various proper procedures for establishing a 34321  
parent and child relationship; 34322

(D) That the staff person present to the unmarried mother 34323  
and, if possible, the father, the pamphlet or statement regarding 34324  
the rights and responsibilities of a natural parent that is 34325  
prepared and provided by the department of job and family services 34326  
pursuant to section 3111.32 of the Revised Code; 34327

(E) That the staff person provide the mother and, if 34328  
possible, the father, all forms and statements necessary to 34329  
voluntarily establish a parent and child relationship, including, 34330  
but not limited to, the acknowledgment of paternity affidavit 34331  
prepared by the department of job and family services pursuant to 34332  
section 3111.31 of the Revised Code; 34333

(F) That the staff person, at the request of both the mother 34334  
and father, help the mother and father complete any form or 34335  
statement necessary to establish a parent and child relationship; 34336

(G) That the hospital provide a notary public to notarize an 34337

acknowledgment of paternity affidavit signed by the mother and 34338  
father; 34339

(H) That the staff person present to an unmarried mother who 34340  
is not participating in the Ohio works first program established 34341  
under Chapter 5107. ~~of the Revised Code~~ or receiving ~~medical~~ 34342  
~~assistance under Chapter 5111. of the Revised Code~~ medicaid an 34343  
application for Title IV-D services; 34344

(I) That the staff person forward any completed 34345  
acknowledgment of paternity, no later than ten days after it is 34346  
completed, to the office of child support in the department of job 34347  
and family services; 34348

(J) That the department of job and family services pay the 34349  
hospital twenty dollars for every correctly signed and notarized 34350  
acknowledgment of paternity affidavit from the hospital. 34351

**Sec. 3119.29.** (A) As used in this section and sections 34352  
3119.30 to 3119.56 of the Revised Code: 34353

(1) "Cash medical support" means an amount ordered to be paid 34354  
in a child support order toward the cost of health insurance 34355  
provided by a public entity, another parent, or person with whom 34356  
the child resides, through employment or otherwise, or for other 34357  
medical cost not covered by insurance. 34358

(2) "Federal poverty line" has the same meaning as defined in 34359  
section 5104.01 of the Revised Code. 34360

(3) "Health care" means such medical support that includes 34361  
coverage under a health insurance plan, payment of costs of 34362  
premiums, ~~co-payments~~ copayments, and deductibles, or payment for 34363  
medical expenses incurred on behalf of the child. 34364

(4) "Health insurance coverage" means accessible private 34365  
health insurance that provides primary care services within thirty 34366  
miles from the residence of the child subject to the child support 34367

order. 34368

(5) "Health plan administrator" means any entity authorized 34369  
under Title XXXIX of the Revised Code to engage in the business of 34370  
insurance in this state, any health insuring corporation, any 34371  
legal entity that is self-insured and provides benefits to its 34372  
employees or members, and the administrator of any such entity or 34373  
corporation. 34374

(6) "National medical support notice" means a form required 34375  
by the "Child Support Performance and Incentive Act of 1998," P.L. 34376  
105-200, 112 Stat. 659, 42 U.S.C. 666(a)(19), as amended, and 34377  
jointly developed and promulgated by the secretary of health and 34378  
human services and the secretary of labor in federal regulations 34379  
adopted under that act as modified by the department of job and 34380  
family services under section 3119.291 of the Revised Code. 34381

(7) "Person required to provide health insurance coverage" 34382  
means the obligor, obligee, or both, required by the court under a 34383  
court child support order or by the child support enforcement 34384  
agency under an administrative child support order to provide 34385  
health insurance coverage pursuant to section 3119.30 of the 34386  
Revised Code. 34387

(8) Subject to division (B) of this section, "reasonable 34388  
cost" means the contributing cost of private family health 34389  
insurance to the person responsible for the health care of the 34390  
children subject to the child support order that does not exceed 34391  
an amount equal to five per cent of the annual gross income of 34392  
that person. 34393

(9) "Title XIX" has the same meaning as ~~defined~~ in section 34394  
~~5111.20~~ 5165.01 of the Revised Code. 34395

(B) If the United States secretary of health and human 34396  
services issues a regulation defining "reasonable cost" or a 34397  
similar term or phrase relevant to the provisions in child support 34398

orders relating to the provision of health care for children 34399  
subject to the orders, and if that definition is substantively 34400  
different from the meaning of "reasonable cost" as defined in 34401  
division (A) of this section, "reasonable cost" as used in this 34402  
section shall have the meaning as defined by the United States 34403  
secretary of health and human services. 34404

**Sec. 3119.54.** A party to a child support order issued in 34405  
accordance with section 3119.30 of the Revised Code shall notify 34406  
any physician, hospital, or other provider of medical services 34407  
that provides medical services to the child who is the subject of 34408  
the child support order of the number of any health insurance or 34409  
health care policy, contract, or plan that covers the child if the 34410  
child is eligible for ~~medical assistance under Chapter 5111. of~~ 34411  
~~the Revised Code~~ medicaid. The party shall include in the notice 34412  
the name and address of the insurer. Any physician, hospital, or 34413  
other provider of medical services ~~for which medical assistance is~~ 34414  
~~available under Chapter 5111. of the Revised Code~~ covered by the 34415  
medicaid program who is notified under this section of the 34416  
existence of a health insurance or health care policy, contract, 34417  
or plan with coverage for children who are eligible for ~~medical~~ 34418  
~~assistance~~ medicaid shall first bill the insurer for any services 34419  
provided for those children. If the insurer fails to pay all or 34420  
any part of a claim filed under this section and the services for 34421  
which the claim is filed are covered by ~~Chapter 5111. of the~~ 34422  
~~Revised Code~~ the medicaid program, the physician, hospital, or 34423  
other medical services provider shall bill the remaining unpaid 34424  
costs of the services ~~in accordance with Chapter 5111. of the~~ 34425  
~~Revised Code~~ to the medicaid program. 34426

**Sec. 3121.441.** (A) Notwithstanding the provisions of this 34427  
chapter, Chapters 3119., 3123., and 3125., and sections 3770.071 34428  
and 5107.20 of the Revised Code providing for the office of child 34429

support in the department of job and family services to collect, 34430  
withhold, or deduct spousal support, when a court pursuant to 34431  
section 3105.18 or 3105.65 of the Revised Code issues or modifies 34432  
an order requiring an obligor to pay spousal support or grants or 34433  
modifies a decree of dissolution of marriage incorporating a 34434  
separation agreement that provides for spousal support, or at any 34435  
time after the issuance, granting, or modification of an order or 34436  
decree of that type, the court may permit the obligor to make the 34437  
spousal support payments directly to the obligee instead of to the 34438  
office if the obligee and the obligor have no minor children born 34439  
as a result of their marriage and the obligee has not assigned the 34440  
spousal support amounts to the department pursuant to section 34441  
~~5101.59~~ or 5107.20 or 5160.38 of the Revised Code. 34442

(B) A court that permits an obligor to make spousal support 34443  
payments directly to the obligee pursuant to division (A) of this 34444  
section shall order the obligor to make the spousal support 34445  
payments as a check, as a money order, or in any other form that 34446  
establishes a clear record of payment. 34447

(C) If a court permits an obligor to make spousal support 34448  
payments directly to an obligee pursuant to division (A) of this 34449  
section and the obligor is in default in making any spousal 34450  
support payment to the obligee, the court, upon motion of the 34451  
obligee or on its own motion, may rescind the permission granted 34452  
under that division. After the rescission, the court shall 34453  
determine the amount of arrearages in the spousal support payments 34454  
and order the obligor to make to the office of child support in 34455  
the department of job and family services any spousal support 34456  
payments that are in arrears and any future spousal support 34457  
payments. Upon the issuance of the order of the court under this 34458  
division, the provisions of this chapter, Chapters 3119., 3123., 34459  
and 3125., and sections 3770.071 and 5107.20 of the Revised Code 34460  
apply with respect to the collection, withholding, or deduction of 34461

the obligor's spousal support payments that are the subject of 34462  
that order of the court. 34463

**Sec. 3121.89.** As used in sections 3121.891 to 3121.8911 of 34464  
the Revised Code: 34465

(A) "Contractor" means an individual who provides services to 34466  
an employer as an independent contractor for compensation that is 34467  
reported as income other than wages and who is an individual, the 34468  
sole shareholder of a corporation, or the sole member of a limited 34469  
liability company. "Contractor" does not include any of the 34470  
following: 34471

(1) An individual performing intelligence or 34472  
counterintelligence functions for a state agency if the head of 34473  
the agency has determined that reporting pursuant to this section 34474  
could endanger the safety of the individual or compromise an 34475  
ongoing investigation or intelligence mission; 34476

(2) A professionally licensed person who is providing 34477  
services to the employer under that license; 34478

(3) An individual who will receive for the services provided 34479  
under the contract compensation of less than two thousand five 34480  
hundred dollars per year or a greater amount that the director of 34481  
job and family services establishes by rule adopted under section 34482  
3121.896 of the Revised Code. 34483

(B) "Employee" means an individual who is employed to provide 34484  
services to an employer for compensation that is reported as 34485  
income from wages. "Employee" does not include an individual 34486  
performing intelligence or counterintelligence functions for a 34487  
state agency, if the head of the agency has determined that 34488  
reporting pursuant to this section could endanger the safety of 34489  
the employee or compromise an ongoing investigation or 34490  
intelligence mission. 34491

(C) "Employer" means any person or governmental entity other than the federal government for which an individual performs any service, of whatever nature, as the employee or contractor of such person, except that:

(1) If the person for whom the individual performs services does not have control of the payment of compensation for the services, "employer" means the person having control of the payment of the compensation.

(2) In the case of a person paying compensation on behalf of a nonresident alien individual, foreign partnership, or foreign corporation not engaged in trade or business within the United States, "employer" means the person paying the compensation.

(3) In the case of compensation paid to a contractor, "employer" does not include any person or entity that lacks a federal employer identification number.

(D) "Newly hired employee" means either of the following:

(1) An employee who has not previously been employed by the employer;

(2) An employee who was previously employed by an employer but has been separated from that prior employment for at least sixty consecutive days.

(E) "Professionally licensed person" has the same meaning as in section 2925.01 of the Revised Code.

**Sec. 3121.891.** (A) Except as provided in division (B) or (C) of this section, every employer shall make a new hire report to the department of job and family services regarding ~~the hiring, rehiring, or return to work as an~~ a newly hired employee or a contractor of a person who resides, works, or will be assigned to work in this state to whom the employer anticipates paying compensation.



(B) An employer with employees or contractors in two or more states that transmits new hire reports magnetically or electronically may make the new hire report to another state if the employer does both of the following:

(1) Notifies the Ohio department of job and family services and the United States secretary of health and human services in writing that the employer has designated another state as the state to which the employer will transmit the report;

(2) Transmits the report to that state in compliance with federal law.

(C) The department may by rule exempt employers from making new hire reports on any classification of contractors if the department determines that exempting the employer will assist the administration of the new hire reporting requirement.

**Sec. 3121.892.** (A) An employer shall include all of the following in each new hire report:

(1) For each employee, the employee's name, address, date of birth, social security number, and date of hire, ~~rehire, or return to work;~~

(2) For each contractor, the contractor's name, address, social security or tax identification number, the date payments begin, and the length of time the contractor will be performing services for the employer;

(3) The employer's name, address, and identification number.

(B) The department of job and family services may by rule require that additional information, specified in the rule, be included in each new hire report.

**Sec. 3121.893.** An employer shall make a new hire report for each newly hired employee or contractor in a manner prescribed by

the department of job and family services. The department may 34551  
require that the report include or consist of the submission of a 34552  
copy of the United States internal revenue service form W-4 34553  
(employee's withholding allowance certificate) for the employee, a 34554  
form provided by the department, or any other hiring document or 34555  
data storage device or mechanism the department authorizes. An 34556  
employer may make the new hire report by mail, fax, magnetic or 34557  
electronic means, or other means the department authorizes. If an 34558  
employer makes a new hire report by mail, the date of making the 34559  
report is the postmark date if the report is mailed in the United 34560  
States with first class postage and is addressed as the department 34561  
authorizes. An employer shall make the new hire report not later 34562  
than twenty days after the date on which the employer hires ~~or~~ 34563  
~~rehires~~ an employee ~~or the employee returns to work~~ or the date on 34564  
which the employer engages or re-engages the contractor or the 34565  
contractor resumes providing services under the contract. 34566

**Sec. 3121.898.** The department of job and family services 34567  
shall use the new hire reports it receives for any of the 34568  
following purposes set forth in 42 U.S.C. 653a, as amended, 34569  
including: 34570

(A) To locate individuals for the purposes of establishing 34571  
paternity and for establishing, modifying, and enforcing child 34572  
support orders. 34573

(B) As used in this division, "state agency" means every 34574  
department, bureau, board, commission, office, or other organized 34575  
body established by the constitution or laws of this state for the 34576  
exercise of state government; every entity of county government 34577  
that is subject to the rules of a state agency; and every 34578  
contractual agent of a state agency. 34579

To make available to any state agency responsible for 34580

administering any of the following programs for purposes of 34581  
verifying program eligibility: 34582

(1) Any Title IV-A program as defined in section 5101.80 of 34583  
the Revised Code; 34584

(2) The medicaid program ~~authorized by Chapter 5111. of the~~ 34585  
~~Revised Code;~~ 34586

(3) The unemployment compensation program authorized by 34587  
Chapter 4141. of the Revised Code; 34588

(4) The supplemental nutrition assistance program authorized 34589  
by section 5101.54 of the Revised Code; 34590

(5) Any other program authorized in 42 U.S.C. 1320b-7(b), as 34591  
amended. 34592

(C) The administration of the employment security program 34593  
under the director of job and family services. 34594

**Sec. 3123.958.** The office of child support ~~shall~~ may publish 34595  
and distribute ~~the first~~ a set of posters throughout the state ~~not~~ 34596  
~~later than October 1, 1992. The office shall publish and~~ 34597  
~~distribute subsequent sets of posters not less than twice~~ 34598  
annually. 34599

**Sec. 3125.18.** A child support enforcement agency shall 34600  
administer a Title IV-A program identified under division 34601  
(A)(4)(c) or ~~(f)~~ (g) of section 5101.80 of the Revised Code that 34602  
the department of job and family services provides for the agency 34603  
to administer under the department's supervision pursuant to 34604  
section 5101.801 of the Revised Code. 34605

**Sec. 3125.36.** (A) Subject to division (B) of this section, 34606  
all support orders that are administered by a child support 34607  
enforcement agency designated under section 307.981 of the Revised 34608

Code or former section 2301.35 of the Revised Code and are 34609  
eligible for Title IV-D services shall be Title IV-D cases under 34610  
Title IV-D of the "Social Security Act." Subject to division (B) 34611  
of this section, all obligees of support orders administered by 34612  
the agency shall be considered to have filed a signed application 34613  
for Title IV-D services. 34614

(B) Except as provided in division (D) of this section, a 34615  
court that issues or modifies a support order shall require the 34616  
obligee under the order to sign, at the time of the issuance or 34617  
modification of the order, an application for Title IV-D services 34618  
and to file, as soon as possible, the signed application with the 34619  
child support enforcement agency that will administer the order. 34620  
The application shall be on a form prescribed by the department of 34621  
job and family services. Except as provided in division (D) of 34622  
this section, a support order that is administered by a child 34623  
support enforcement agency, and that is eligible for Title IV-D 34624  
services shall be a Title IV-D case under Title IV-D of the 34625  
"Social Security Act" only upon the filing of the signed 34626  
application for Title IV-D services. 34627

(C) A child support enforcement agency shall make available 34628  
an application for Title IV-D services to all persons requesting a 34629  
child support enforcement agency's assistance in an action under 34630  
sections 3111.01 to 3111.18 of the Revised Code or in an 34631  
administrative proceeding brought to establish a parent and child 34632  
relationship, to establish or modify an administrative support 34633  
order, or to establish or modify an order to provide health 34634  
insurance coverage for the children subject to a support order. 34635

(D) An obligee under a support order who has assigned the 34636  
right to the support pursuant to section ~~5101.59~~ or 5107.20 or 34637  
5160.38 of the Revised Code shall not be required to sign an 34638  
application for Title IV-D services. The support order shall be 34639

considered a Title IV-D case. 34640

**Sec. 3301.07.** The state board of education shall exercise 34641  
under the acts of the general assembly general supervision of the 34642  
system of public education in the state. In addition to the powers 34643  
otherwise imposed on the state board under the provisions of law, 34644  
the board shall have the powers described in this section. 34645

(A) The state board shall exercise policy forming, planning, 34646  
and evaluative functions for the public schools of the state 34647  
except as otherwise provided by law. 34648

(B)(1) The state board shall exercise leadership in the 34649  
improvement of public education in this state, and administer the 34650  
educational policies of this state relating to public schools, and 34651  
relating to instruction and instructional material, building and 34652  
equipment, transportation of pupils, administrative 34653  
responsibilities of school officials and personnel, and finance 34654  
and organization of school districts, educational service centers, 34655  
and territory. Consultative and advisory services in such matters 34656  
shall be provided by the board to school districts and educational 34657  
service centers of this state. 34658

(2) The state board also shall develop a standard of 34659  
financial reporting which shall be used by each school district 34660  
board of education and ~~educational service center~~ each governing 34661  
board of an educational service center, each governing authority 34662  
of a community school established under Chapter 3314., each 34663  
governing body of a STEM school established under Chapter 3328., 34664  
and each board of trustees of a college-preparatory boarding 34665  
school established under Chapter 3328. of the Revised Code to make 34666  
its financial information and annual budgets for each school 34667  
building under its control available to the public in a format 34668  
understandable by the average citizen. The format shall show, 34669  
~~among other things, both~~ at the district and ~~educational service~~ 34670

~~center level or and at the school building level, as determined 34671  
appropriate by the department of education, revenue by source; and 34672  
expenditures for salaries, wages, and benefits of employees, 34673  
showing such amounts separately for classroom teachers, other 34674  
employees required to hold licenses issued pursuant to sections 34675  
3319.22 to 3319.31 of the Revised Code, and all other employees; 34676  
expenditures other than for personnel, by category, including 34677  
utilities, textbooks and other educational materials, equipment, 34678  
permanent improvements, pupil transportation, extracurricular 34679  
athletics, and other extracurricular activities; and per pupil 34680  
expenditures for both classroom and nonclassroom purposes, as 34681  
defined by the standards adopted under section 3302.20 of the 34682  
Revised Code in the aggregate and for each subgroup of students, 34683  
as defined by section 3317.40 of the Revised Code, that receives 34684  
services provided for by state or federal funding. The format 34685  
shall also include information on total revenue and expenditures, 34686  
as well as per pupil revenue and expenditures. 34687~~

(3) Each school district board, governing authority, 34688  
governing body, or board of trustees, or its respective designee, 34689  
shall annually report, to the department of education, all 34690  
financial information required by the standards for financial 34691  
reporting, as prescribed by division (B)(2) of this section and 34692  
adopted by the state board. The department shall post these 34693  
reports in a prominent location on its web site and shall notify 34694  
each school when reports are made available. 34695

(C) The state board shall administer and supervise the 34696  
allocation and distribution of all state and federal funds for 34697  
public school education under the provisions of law, and may 34698  
prescribe such systems of accounting as are necessary and proper 34699  
to this function. It may require county auditors and treasurers, 34700  
boards of education, educational service center governing boards, 34701  
treasurers of such boards, teachers, and other school officers and 34702

employees, or other public officers or employees, to file with it 34703  
such reports as it may prescribe relating to such funds, or to the 34704  
management and condition of such funds. 34705

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 34706  
XLVII, and LI of the Revised Code a reference is made to standards 34707  
prescribed under this section or division (D) of this section, 34708  
that reference shall be construed to refer to the standards 34709  
prescribed under division (D)(2) of this section, unless the 34710  
context specifically indicates a different meaning or intent. 34711

(2) The state board shall formulate and prescribe minimum 34712  
standards to be applied to all elementary and secondary schools in 34713  
this state for the purpose of ~~requiring~~ providing children access 34714  
to a general education of high quality according to the learning 34715  
needs of each individual, including students with disabilities, 34716  
economically disadvantaged students, limited English proficient 34717  
students, and students identified as gifted. Such standards shall 34718  
provide adequately for: the licensing of teachers, administrators, 34719  
and other professional personnel and their assignment according to 34720  
training and qualifications; efficient and effective instructional 34721  
materials and equipment, including library facilities; the proper 34722  
organization, administration, and supervision of each school, 34723  
including regulations for preparing all necessary records and 34724  
reports and the preparation of a statement of policies and 34725  
objectives for each school; the provision of safe buildings, 34726  
grounds, health and sanitary facilities and services; admission of 34727  
pupils, and such requirements for their promotion from grade to 34728  
grade as will assure that they are capable and prepared for the 34729  
level of study to which they are certified; requirements for 34730  
graduation; and such other factors as the board finds necessary. 34731

The state board shall base any standards governing the 34732  
promotion of students or requirements for graduation on the 34733  
ability of students, at any grade level, to earn credits or 34734

advance upon demonstration of mastery of knowledge and skills 34735  
through competency-based learning models. Credits of grade level 34736  
advancement shall not require a minimum number of days or hours in 34737  
a classroom. 34738

The state board shall base any standards governing the 34739  
assignment of staff on ensuring each school has a sufficient 34740  
number of teachers to ensure a student has an appropriate level of 34741  
interaction to meet each student's personal learning goals. 34742

In the formulation and administration of such standards for 34743  
nonpublic schools the board shall also consider the particular 34744  
needs, methods and objectives of those schools, provided they do 34745  
not conflict with the provision of a general education of a high 34746  
quality and provided that regular procedures shall be followed for 34747  
promotion from grade to grade of pupils who have met the 34748  
educational requirements prescribed. 34749

~~In the formulation and administration of such standards as~~ 34750  
~~they relate to instructional materials and equipment in public~~ 34751  
~~schools, including library materials, the board shall require that~~ 34752  
~~the material and equipment be aligned with and promote skills~~ 34753  
~~expected under the statewide academic standards adopted under~~ 34754  
~~section 3301.079 of the Revised Code.~~ 34755

(3) In addition to the minimum standards required by division 34756  
(D)(2) of this section, the state board may formulate and 34757  
prescribe the following additional minimum operating standards for 34758  
school districts: 34759

(a) Standards for the effective and efficient organization, 34760  
administration, and supervision of each school district ~~so that it~~ 34761  
~~becomes a thinking and learning organization according to~~ 34762  
~~principles of systems design and collaborative professional~~ 34763  
~~learning communities research as defined by the superintendent of~~ 34764  
~~public instruction, including a focus on the personalized and~~ 34765



~~individualized needs of each student; a shared responsibility 34766  
among school boards, administrators, faculty, and staff to develop 34767  
a common vision, mission, and set of guiding principles; a shared 34768  
responsibility among school boards, administrators, faculty, and 34769  
staff to engage in a process of collective inquiry, action 34770  
orientation, and experimentation to ensure the academic success of 34771  
all students; commitment to teaching and learning strategies that 34772  
utilize technological tools and emphasize inter disciplinary, 34773  
real world, project based, and technology oriented learning 34774  
experiences to meet the individual needs of every student; with a 34775  
commitment to high expectations for every student based on the  
learning needs of each individual, including students with  
disabilities, economically disadvantaged students, limited English  
proficient students, and students identified as gifted, and 34777  
commitment to closing the achievement gap without suppressing the 34779  
achievement levels of higher achieving students so that all 34780  
students achieve core knowledge and skills in accordance with the 34781  
statewide academic standards adopted under section 3301.079 of the 34782  
Revised Code; ~~commitment to the use of assessments to diagnose the 34783  
needs of each student; effective connections and relationships  
with families and others that support student success; and 34784  
commitment to the use of positive behavior intervention supports 34785  
throughout a district to ensure a safe and secure learning 34786  
environment for all students;~~ 34787  
34788  
34789~~

(b) Standards for the establishment of business advisory 34790  
councils under section 3313.82 of the Revised Code; 34791

(c) Standards for school district buildings that may require+ 34792

~~(i) The the effective and efficient organization, 34793  
administration, and supervision of each school district building 34794  
so that it becomes a thinking and learning organization according 34795  
to principles of systems design and collaborative professional 34796  
learning communities research as defined by the state 34797~~

~~superintendent, including a focus on the personalized and 34798  
individualized needs of each student; a shared responsibility 34799  
among building administrators, faculty, and staff to develop a 34800  
common vision, mission, and set of guiding principles; a shared 34801  
responsibility among building administrators, faculty, and staff 34802  
to engage in a process of collective inquiry, action orientation, 34803  
and experimentation to ensure the academic success of all 34804  
students; commitment to job embedded professional development and 34805  
professional mentoring and coaching; established periods of time 34806  
for teachers to pursue planning time for the development of lesson 34807  
plans, professional development, and shared learning; commitment 34808  
to effective management strategies that allow administrators 34809  
reasonable access to classrooms for observation and professional 34810  
development experiences; commitment to teaching and learning 34811  
strategies that utilize technological tools and emphasize 34812  
inter disciplinary, real world, project based, and 34813  
technology oriented learning experiences to meet the individual 34814  
needs of every student; with a commitment to high expectations for 34815  
every student based on the learning needs of each individual, 34816  
including students with disabilities, economically disadvantaged 34817  
students, limited English proficient students, and students 34818  
identified as gifted, and commitment to closing the achievement 34819  
gap without suppressing the achievement levels of higher achieving 34820  
students so that all students achieve core knowledge and skills in 34821  
accordance with the statewide academic standards adopted under 34822  
section 3301.079 of the Revised Code; ~~commitment to the use of 34823  
assessments to diagnose the needs of each student; effective 34824  
connections and relationships with families and others that 34825  
support student success; commitment to the use of positive 34826  
behavior intervention supports throughout the building to ensure a 34827  
safe and secure learning environment for all students;~~ 34828~~

~~(ii) A school building leadership team to coordinate positive 34829  
behavior intervention supports, learning environments, thinking 34830~~

~~and learning systems, collaborative planning, planning time, 34831  
student academic interventions, student extended learning 34832  
opportunities, and other activities identified by the team and 34833  
approved by the district board of education. The team shall 34834  
include the building principal, representatives from each 34835  
collective bargaining unit, a classroom teacher, parents, business 34836  
representatives, and others that support student success. 34837~~

(E) The state board may require as part of the health 34838  
curriculum information developed under section 2108.34 of the 34839  
Revised Code promoting the donation of anatomical gifts pursuant 34840  
to Chapter 2108. of the Revised Code and may provide the 34841  
information to high schools, educational service centers, and 34842  
joint vocational school district boards of education; 34843

(F) The state board shall prepare and submit annually to the 34844  
governor and the general assembly a report on the status, needs, 34845  
and major problems of the public schools of the state, with 34846  
recommendations for necessary legislative action and a ten-year 34847  
projection of the state's public and nonpublic school enrollment, 34848  
by year and by grade level. 34849

(G) The state board shall prepare and submit to the director 34850  
of budget and management the biennial budgetary requests of the 34851  
state board of education, for its agencies and for the public 34852  
schools of the state. 34853

(H) The state board shall cooperate with federal, state, and 34854  
local agencies concerned with the health and welfare of children 34855  
and youth of the state. 34856

(I) The state board shall require such reports from school 34857  
districts and educational service centers, school officers, and 34858  
employees as are necessary and desirable. The superintendents and 34859  
treasurers of school districts and educational service centers 34860  
shall certify as to the accuracy of all reports required by law or 34861

state board or state department of education rules to be submitted 34862  
by the district or educational service center and which contain 34863  
information necessary for calculation of state funding. Any 34864  
superintendent who knowingly falsifies such report shall be 34865  
subject to license revocation pursuant to section 3319.31 of the 34866  
Revised Code. 34867

(J) In accordance with Chapter 119. of the Revised Code, the 34868  
state board shall adopt procedures, standards, and guidelines for 34869  
the education of children with disabilities pursuant to Chapter 34870  
3323. of the Revised Code, including procedures, standards, and 34871  
guidelines governing programs and services operated by county 34872  
boards of developmental disabilities pursuant to section 3323.09 34873  
of the Revised Code. 34874

(K) For the purpose of encouraging the development of special 34875  
programs of education for academically gifted children, the state 34876  
board shall employ competent persons to analyze and publish data, 34877  
promote research, advise and counsel with boards of education, and 34878  
encourage the training of teachers in the special instruction of 34879  
gifted children. The board may provide financial assistance out of 34880  
any funds appropriated for this purpose to boards of education and 34881  
educational service center governing boards for developing and 34882  
conducting programs of education for academically gifted children. 34883

(L) The state board shall require that all public schools 34884  
emphasize and encourage, within existing units of study, the 34885  
teaching of energy and resource conservation as recommended to 34886  
each district board of education by leading business persons 34887  
involved in energy production and conservation, beginning in the 34888  
primary grades. 34889

(M) The state board shall formulate and prescribe ~~minimum~~ 34890  
standards ~~requiring the use of phonics as a technique in for~~ the 34891  
teaching of reading in grades kindergarten through three. In 34892  
addition, the state board shall provide in-service training 34893

programs for teachers on the ~~use of phonics as a technique in the~~ 34894  
teaching of reading in grades kindergarten through three. 34895

(N) The state board may adopt rules necessary for carrying 34896  
out any function imposed on it by law, and may provide rules as 34897  
are necessary for its government and the government of its 34898  
employees, and may delegate to the superintendent of public 34899  
instruction the management and administration of any function 34900  
imposed on it by law. It may provide for the appointment of board 34901  
members to serve on temporary committees established by the board 34902  
for such purposes as are necessary. Permanent or standing 34903  
committees shall not be created. 34904

(O) Upon application from the board of education of a school 34905  
district, the superintendent of public instruction may issue a 34906  
waiver exempting the district from compliance with the standards 34907  
adopted under divisions (B)(2) and (D) of this section, as they 34908  
relate to the operation of a school operated by the district. The 34909  
state board shall adopt standards for the approval or disapproval 34910  
of waivers under this division. The state superintendent shall 34911  
consider every application for a waiver, and shall determine 34912  
whether to grant or deny a waiver in accordance with the state 34913  
board's standards. For each waiver granted, the state 34914  
superintendent shall specify the period of time during which the 34915  
waiver is in effect, which shall not exceed five years. A district 34916  
board may apply to renew a waiver. 34917

**Sec. 3301.0714.** (A) The state board of education shall adopt 34918  
rules for a statewide education management information system. The 34919  
rules shall require the state board to establish guidelines for 34920  
the establishment and maintenance of the system in accordance with 34921  
this section and the rules adopted under this section. The 34922  
guidelines shall include: 34923

(1) Standards identifying and defining the types of data in 34924

the system in accordance with divisions (B) and (C) of this	34925
section;	34926
(2) Procedures for annually collecting and reporting the data	34927
to the state board in accordance with division (D) of this	34928
section;	34929
(3) Procedures for annually compiling the data in accordance	34930
with division (G) of this section;	34931
(4) Procedures for annually reporting the data to the public	34932
in accordance with division (H) of this section.	34933
(B) The guidelines adopted under this section shall require	34934
the data maintained in the education management information system	34935
to include at least the following:	34936
(1) Student participation and performance data, for each	34937
grade in each school district as a whole and for each grade in	34938
each school building in each school district, that includes:	34939
(a) The numbers of students receiving each category of	34940
instructional service offered by the school district, such as	34941
regular education instruction, vocational education instruction,	34942
specialized instruction programs or enrichment instruction that is	34943
part of the educational curriculum, instruction for gifted	34944
students, instruction for students with disabilities, and remedial	34945
instruction. The guidelines shall require instructional services	34946
under this division to be divided into discrete categories if an	34947
instructional service is limited to a specific subject, a specific	34948
type of student, or both, such as regular instructional services	34949
in mathematics, remedial reading instructional services,	34950
instructional services specifically for students gifted in	34951
mathematics or some other subject area, or instructional services	34952
for students with a specific type of disability. The categories of	34953
instructional services required by the guidelines under this	34954
division shall be the same as the categories of instructional	34955

services used in determining cost units pursuant to division	34956
(C)(3) of this section.	34957
(b) The numbers of students receiving support or	34958
extracurricular services for each of the support services or	34959
extracurricular programs offered by the school district, such as	34960
counseling services, health services, and extracurricular sports	34961
and fine arts programs. The categories of services required by the	34962
guidelines under this division shall be the same as the categories	34963
of services used in determining cost units pursuant to division	34964
(C)(4)(a) of this section.	34965
(c) Average student grades in each subject in grades nine	34966
through twelve;	34967
(d) Academic achievement levels as assessed under sections	34968
3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	34969
(e) The number of students designated as having a disabling	34970
condition pursuant to division (C)(1) of section 3301.0711 of the	34971
Revised Code;	34972
(f) The numbers of students reported to the state board	34973
pursuant to division (C)(2) of section 3301.0711 of the Revised	34974
Code;	34975
(g) Attendance rates and the average daily attendance for the	34976
year. For purposes of this division, a student shall be counted as	34977
present for any field trip that is approved by the school	34978
administration.	34979
(h) Expulsion rates;	34980
(i) Suspension rates;	34981
(j) Dropout rates;	34982
(k) Rates of retention in grade;	34983
(l) For pupils in grades nine through twelve, the average	34984
number of carnegie units, as calculated in accordance with state	34985

board of education rules;	34986
(m) Graduation rates, to be calculated in a manner specified	34987
by the department of education that reflects the rate at which	34988
students who were in the ninth grade three years prior to the	34989
current year complete school and that is consistent with	34990
nationally accepted reporting requirements;	34991
(n) Results of diagnostic assessments administered to	34992
kindergarten students as required under section 3301.0715 of the	34993
Revised Code to permit a comparison of the academic readiness of	34994
kindergarten students. However, no district shall be required to	34995
report to the department the results of any diagnostic assessment	34996
administered to a kindergarten student if the parent of that	34997
student requests the district not to report those results.	34998
(2) Personnel and classroom enrollment data for each school	34999
district, including:	35000
(a) The total numbers of licensed employees and nonlicensed	35001
employees and the numbers of full-time equivalent licensed	35002
employees and nonlicensed employees providing each category of	35003
instructional service, instructional support service, and	35004
administrative support service used pursuant to division (C)(3) of	35005
this section. The guidelines adopted under this section shall	35006
require these categories of data to be maintained for the school	35007
district as a whole and, wherever applicable, for each grade in	35008
the school district as a whole, for each school building as a	35009
whole, and for each grade in each school building.	35010
(b) The total number of employees and the number of full-time	35011
equivalent employees providing each category of service used	35012
pursuant to divisions (C)(4)(a) and (b) of this section, and the	35013
total numbers of licensed employees and nonlicensed employees and	35014
the numbers of full-time equivalent licensed employees and	35015
nonlicensed employees providing each category used pursuant to	35016



division (C)(4)(c) of this section. The guidelines adopted under 35017  
this section shall require these categories of data to be 35018  
maintained for the school district as a whole and, wherever 35019  
applicable, for each grade in the school district as a whole, for 35020  
each school building as a whole, and for each grade in each school 35021  
building. 35022

(c) The total number of regular classroom teachers teaching 35023  
classes of regular education and the average number of pupils 35024  
enrolled in each such class, in each of grades kindergarten 35025  
through five in the district as a whole and in each school 35026  
building in the school district. 35027

(d) The number of lead teachers employed by each school 35028  
district and each school building. 35029

(3)(a) Student demographic data for each school district, 35030  
including information regarding the gender ratio of the school 35031  
district's pupils, the racial make-up of the school district's 35032  
pupils, the number of limited English proficient students in the 35033  
district, and an appropriate measure of the number of the school 35034  
district's pupils who reside in economically disadvantaged 35035  
households. The demographic data shall be collected in a manner to 35036  
allow correlation with data collected under division (B)(1) of 35037  
this section. Categories for data collected pursuant to division 35038  
(B)(3) of this section shall conform, where appropriate, to 35039  
standard practices of agencies of the federal government. 35040

(b) With respect to each student entering kindergarten, 35041  
whether the student previously participated in a public preschool 35042  
program, a private preschool program, or a head start program, and 35043  
the number of years the student participated in each of these 35044  
programs. 35045

(4) Any data required to be collected pursuant to federal 35046  
law. 35047

(C) The education management information system shall include 35048  
cost accounting data for each district as a whole and for each 35049  
school building in each school district. The guidelines adopted 35050  
under this section shall require the cost data for each school 35051  
district to be maintained in a system of mutually exclusive cost 35052  
units and shall require all of the costs of each school district 35053  
to be divided among the cost units. The guidelines shall require 35054  
the system of mutually exclusive cost units to include at least 35055  
the following: 35056

(1) Administrative costs for the school district as a whole. 35057  
The guidelines shall require the cost units under this division 35058  
(C)(1) to be designed so that each of them may be compiled and 35059  
reported in terms of average expenditure per pupil in formula ADM 35060  
in the school district, as determined pursuant to section 3317.03 35061  
of the Revised Code. 35062

(2) Administrative costs for each school building in the 35063  
school district. The guidelines shall require the cost units under 35064  
this division (C)(2) to be designed so that each of them may be 35065  
compiled and reported in terms of average expenditure per 35066  
full-time equivalent pupil receiving instructional or support 35067  
services in each building. 35068

(3) Instructional services costs for each category of 35069  
instructional service provided directly to students and required 35070  
by guidelines adopted pursuant to division (B)(1)(a) of this 35071  
section. The guidelines shall require the cost units under 35072  
division (C)(3) of this section to be designed so that each of 35073  
them may be compiled and reported in terms of average expenditure 35074  
per pupil receiving the service in the school district as a whole 35075  
and average expenditure per pupil receiving the service in each 35076  
building in the school district and in terms of a total cost for 35077  
each category of service and, as a breakdown of the total cost, a 35078  
cost for each of the following components: 35079

(a) The cost of each instructional services category required 35080  
by guidelines adopted under division (B)(1)(a) of this section 35081  
that is provided directly to students by a classroom teacher; 35082

(b) The cost of the instructional support services, such as 35083  
services provided by a speech-language pathologist, classroom 35084  
aide, multimedia aide, or librarian, provided directly to students 35085  
in conjunction with each instructional services category; 35086

(c) The cost of the administrative support services related 35087  
to each instructional services category, such as the cost of 35088  
personnel that develop the curriculum for the instructional 35089  
services category and the cost of personnel supervising or 35090  
coordinating the delivery of the instructional services category. 35091

(4) Support or extracurricular services costs for each 35092  
category of service directly provided to students and required by 35093  
guidelines adopted pursuant to division (B)(1)(b) of this section. 35094  
The guidelines shall require the cost units under division (C)(4) 35095  
of this section to be designed so that each of them may be 35096  
compiled and reported in terms of average expenditure per pupil 35097  
receiving the service in the school district as a whole and 35098  
average expenditure per pupil receiving the service in each 35099  
building in the school district and in terms of a total cost for 35100  
each category of service and, as a breakdown of the total cost, a 35101  
cost for each of the following components: 35102

(a) The cost of each support or extracurricular services 35103  
category required by guidelines adopted under division (B)(1)(b) 35104  
of this section that is provided directly to students by a 35105  
licensed employee, such as services provided by a guidance 35106  
counselor or any services provided by a licensed employee under a 35107  
supplemental contract; 35108

(b) The cost of each such services category provided directly 35109  
to students by a nonlicensed employee, such as janitorial 35110

services, cafeteria services, or services of a sports trainer; 35111

(c) The cost of the administrative services related to each 35112  
services category in division (C)(4)(a) or (b) of this section, 35113  
such as the cost of any licensed or nonlicensed employees that 35114  
develop, supervise, coordinate, or otherwise are involved in 35115  
administering or aiding the delivery of each services category. 35116

(D)(1) The guidelines adopted under this section shall 35117  
require school districts to collect information about individual 35118  
students, staff members, or both in connection with any data 35119  
required by division (B) or (C) of this section or other reporting 35120  
requirements established in the Revised Code. The guidelines may 35121  
also require school districts to report information about 35122  
individual staff members in connection with any data required by 35123  
division (B) or (C) of this section or other reporting 35124  
requirements established in the Revised Code. The guidelines shall 35125  
not authorize school districts to request social security numbers 35126  
of individual students. The guidelines shall prohibit the 35127  
reporting under this section of a student's name, address, and 35128  
social security number to the state board of education or the 35129  
department of education. The guidelines shall also prohibit the 35130  
reporting under this section of any personally identifiable 35131  
information about any student, except for the purpose of assigning 35132  
the data verification code required by division (D)(2) of this 35133  
section, to any other person unless such person is employed by the 35134  
school district or the information technology center operated 35135  
under section 3301.075 of the Revised Code and is authorized by 35136  
the district or technology center to have access to such 35137  
information or is employed by an entity with which the department 35138  
contracts for the scoring or the development of state assessments. 35139  
The guidelines may require school districts to provide the social 35140  
security numbers of individual staff members and the county of 35141  
residence for a student. Nothing in this section prohibits the 35142

state board of education or department of education from providing 35143  
a student's county of residence to the department of taxation to 35144  
facilitate the distribution of tax revenue. 35145

(2)(a) The guidelines shall provide for each school district 35146  
or community school to assign a data verification code that is 35147  
unique on a statewide basis over time to each student whose 35148  
initial Ohio enrollment is in that district or school and to 35149  
report all required individual student data for that student 35150  
utilizing such code. The guidelines shall also provide for 35151  
assigning data verification codes to all students enrolled in 35152  
districts or community schools on the effective date of the 35153  
guidelines established under this section. The assignment of data 35154  
verification codes for other entities, as described in division 35155  
(D)(2)(c) of this section, the use of those codes, and the 35156  
reporting and use of associated individual student data shall be 35157  
coordinated by the department in accordance with state and federal 35158  
law. 35159

School districts shall report individual student data to the 35160  
department through the information technology centers utilizing 35161  
the code. The entities described in division (D)(2)(c) of this 35162  
section shall report individual student data to the department in 35163  
the manner prescribed by the department. 35164

Except as provided in sections 3301.941, 3310.11, 3310.42, 35165  
3310.63, 3313.978, and 3317.20 of the Revised Code, at no time 35166  
shall the state board or the department have access to information 35167  
that would enable any data verification code to be matched to 35168  
personally identifiable student data. 35169

(b) Each school district and community school shall ensure 35170  
that the data verification code is included in the student's 35171  
records reported to any subsequent school district, community 35172  
school, or state institution of higher education, as defined in 35173  
section 3345.011 of the Revised Code, in which the student 35174

enrolls. Any such subsequent district or school shall utilize the 35175  
same identifier in its reporting of data under this section. 35176

(c) The director of any state agency that administers a 35177  
publicly funded program providing services to children who are 35178  
younger than compulsory school age, as defined in section 3321.01 35179  
of the Revised Code, including the directors of health, job and 35180  
family services, ~~mental health~~ mental health and addiction 35181  
services, and developmental disabilities, shall request and 35182  
receive, pursuant to sections 3301.0723 and 3701.62 of the Revised 35183  
Code, a data verification code for a child who is receiving those 35184  
services. 35185

(E) The guidelines adopted under this section may require 35186  
school districts to collect and report data, information, or 35187  
reports other than that described in divisions (A), (B), and (C) 35188  
of this section for the purpose of complying with other reporting 35189  
requirements established in the Revised Code. The other data, 35190  
information, or reports may be maintained in the education 35191  
management information system but are not required to be compiled 35192  
as part of the profile formats required under division (G) of this 35193  
section or the annual statewide report required under division (H) 35194  
of this section. 35195

(F) Beginning with the school year that begins July 1, 1991, 35196  
the board of education of each school district shall annually 35197  
collect and report to the state board, in accordance with the 35198  
guidelines established by the board, the data required pursuant to 35199  
this section. A school district may collect and report these data 35200  
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 35201

(G) The state board shall, in accordance with the procedures 35202  
it adopts, annually compile the data reported by each school 35203  
district pursuant to division (D) of this section. The state board 35204  
shall design formats for profiling each school district as a whole 35205  
and each school building within each district and shall compile 35206

the data in accordance with these formats. These profile formats 35207  
shall: 35208

(1) Include all of the data gathered under this section in a 35209  
manner that facilitates comparison among school districts and 35210  
among school buildings within each school district; 35211

(2) Present the data on academic achievement levels as 35212  
assessed by the testing of student achievement maintained pursuant 35213  
to division (B)(1)(d) of this section. 35214

(H)(1) The state board shall, in accordance with the 35215  
procedures it adopts, annually prepare a statewide report for all 35216  
school districts and the general public that includes the profile 35217  
of each of the school districts developed pursuant to division (G) 35218  
of this section. Copies of the report shall be sent to each school 35219  
district. 35220

(2) The state board shall, in accordance with the procedures 35221  
it adopts, annually prepare an individual report for each school 35222  
district and the general public that includes the profiles of each 35223  
of the school buildings in that school district developed pursuant 35224  
to division (G) of this section. Copies of the report shall be 35225  
sent to the superintendent of the district and to each member of 35226  
the district board of education. 35227

(3) Copies of the reports received from the state board under 35228  
divisions (H)(1) and (2) of this section shall be made available 35229  
to the general public at each school district's offices. Each 35230  
district board of education shall make copies of each report 35231  
available to any person upon request and payment of a reasonable 35232  
fee for the cost of reproducing the report. The board shall 35233  
annually publish in a newspaper of general circulation in the 35234  
school district, at least twice during the two weeks prior to the 35235  
week in which the reports will first be available, a notice 35236  
containing the address where the reports are available and the 35237

date on which the reports will be available. 35238

(I) Any data that is collected or maintained pursuant to this 35239  
section and that identifies an individual pupil is not a public 35240  
record for the purposes of section 149.43 of the Revised Code. 35241

(J) As used in this section: 35242

(1) "School district" means any city, local, exempted 35243  
village, or joint vocational school district and, in accordance 35244  
with section 3314.17 of the Revised Code, any community school. As 35245  
used in division (L) of this section, "school district" also 35246  
includes any educational service center or other educational 35247  
entity required to submit data using the system established under 35248  
this section. 35249

(2) "Cost" means any expenditure for operating expenses made 35250  
by a school district excluding any expenditures for debt 35251  
retirement except for payments made to any commercial lending 35252  
institution for any loan approved pursuant to section 3313.483 of 35253  
the Revised Code. 35254

(K) Any person who removes data from the information system 35255  
established under this section for the purpose of releasing it to 35256  
any person not entitled under law to have access to such 35257  
information is subject to section 2913.42 of the Revised Code 35258  
prohibiting tampering with data. 35259

(L)(1) In accordance with division (L)(2) of this section and 35260  
the rules adopted under division (L)(10) of this section, the 35261  
department of education may sanction any school district that 35262  
reports incomplete or inaccurate data, reports data that does not 35263  
conform to data requirements and descriptions published by the 35264  
department, fails to report data in a timely manner, or otherwise 35265  
does not make a good faith effort to report data as required by 35266  
this section. 35267

(2) If the department decides to sanction a school district 35268



under this division, the department shall take the following sequential actions: 35269  
35270

(a) Notify the district in writing that the department has determined that data has not been reported as required under this section and require the district to review its data submission and submit corrected data by a deadline established by the department. The department also may require the district to develop a corrective action plan, which shall include provisions for the district to provide mandatory staff training on data reporting procedures. 35271  
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(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division; 35279  
35280  
35281  
35282  
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(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year; 35284  
35285  
35286

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions: 35287  
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35290

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity; 35291  
35292

(ii) Conduct a site visit and evaluation of the district; 35293

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year; 35294  
35295  
35296

(iv) Continue monitoring the district's data reporting; 35297

(v) Assign department staff to supervise the district's data 35298

management system; 35299

(vi) Conduct an investigation to determine whether to suspend 35300  
or revoke the license of any district employee in accordance with 35301  
division (N) of this section; 35302

(vii) If the district is issued a report card under section 35303  
3302.03 of the Revised Code, indicate on the report card that the 35304  
district has been sanctioned for failing to report data as 35305  
required by this section; 35306

(viii) If the district is issued a report card under section 35307  
3302.03 of the Revised Code and incomplete or inaccurate data 35308  
submitted by the district likely caused the district to receive a 35309  
higher performance rating than it deserved under that section, 35310  
issue a revised report card for the district; 35311

(ix) Any other action designed to correct the district's data 35312  
reporting problems. 35313

(3) Any time the department takes an action against a school 35314  
district under division (L)(2) of this section, the department 35315  
shall make a report of the circumstances that prompted the action. 35316  
The department shall send a copy of the report to the district 35317  
superintendent or chief administrator and maintain a copy of the 35318  
report in its files. 35319

(4) If any action taken under division (L)(2) of this section 35320  
resolves a school district's data reporting problems to the 35321  
department's satisfaction, the department shall not take any 35322  
further actions described by that division. If the department 35323  
withheld funds from the district under that division, the 35324  
department may release those funds to the district, except that if 35325  
the department withheld funding under division (L)(2)(c) of this 35326  
section, the department shall not release the funds withheld under 35327  
division (L)(2)(b) of this section and, if the department withheld 35328  
funding under division (L)(2)(d) of this section, the department 35329

shall not release the funds withheld under division (L)(2)(b) or 35330  
(c) of this section. 35331

(5) Notwithstanding anything in this section to the contrary, 35332  
the department may use its own staff or an outside entity to 35333  
conduct an audit of a school district's data reporting practices 35334  
any time the department has reason to believe the district has not 35335  
made a good faith effort to report data as required by this 35336  
section. If any audit conducted by an outside entity under 35337  
division (L)(2)(d)(i) or (5) of this section confirms that a 35338  
district has not made a good faith effort to report data as 35339  
required by this section, the district shall reimburse the 35340  
department for the full cost of the audit. The department may 35341  
withhold state funds due to the district for this purpose. 35342

(6) Prior to issuing a revised report card for a school 35343  
district under division (L)(2)(d)(viii) of this section, the 35344  
department may hold a hearing to provide the district with an 35345  
opportunity to demonstrate that it made a good faith effort to 35346  
report data as required by this section. The hearing shall be 35347  
conducted by a referee appointed by the department. Based on the 35348  
information provided in the hearing, the referee shall recommend 35349  
whether the department should issue a revised report card for the 35350  
district. If the referee affirms the department's contention that 35351  
the district did not make a good faith effort to report data as 35352  
required by this section, the district shall bear the full cost of 35353  
conducting the hearing and of issuing any revised report card. 35354

(7) If the department determines that any inaccurate data 35355  
reported under this section caused a school district to receive 35356  
excess state funds in any fiscal year, the district shall 35357  
reimburse the department an amount equal to the excess funds, in 35358  
accordance with a payment schedule determined by the department. 35359  
The department may withhold state funds due to the district for 35360  
this purpose. 35361

(8) Any school district that has funds withheld under 35362  
division (L)(2) of this section may appeal the withholding in 35363  
accordance with Chapter 119. of the Revised Code. 35364

(9) In all cases of a disagreement between the department and 35365  
a school district regarding the appropriateness of an action taken 35366  
under division (L)(2) of this section, the burden of proof shall 35367  
be on the district to demonstrate that it made a good faith effort 35368  
to report data as required by this section. 35369

(10) The state board of education shall adopt rules under 35370  
Chapter 119. of the Revised Code to implement division (L) of this 35371  
section. 35372

(M) No information technology center or school district shall 35373  
acquire, change, or update its student administration software 35374  
package to manage and report data required to be reported to the 35375  
department unless it converts to a student software package that 35376  
is certified by the department. 35377

(N) The state board of education, in accordance with sections 35378  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 35379  
license as defined under division (A) of section 3319.31 of the 35380  
Revised Code that has been issued to any school district employee 35381  
found to have willfully reported erroneous, inaccurate, or 35382  
incomplete data to the education management information system. 35383

(O) No person shall release or maintain any information about 35384  
any student in violation of this section. Whoever violates this 35385  
division is guilty of a misdemeanor of the fourth degree. 35386

(P) The department shall disaggregate the data collected 35387  
under division (B)(1)(n) of this section according to the race and 35388  
socioeconomic status of the students assessed. No data collected 35389  
under that division shall be included on the report cards required 35390  
by section 3302.03 of the Revised Code. 35391

(Q) If the department cannot compile any of the information 35392

required by division (H) of section 3302.03 of the Revised Code 35393  
based upon the data collected under this section, the department 35394  
shall develop a plan and a reasonable timeline for the collection 35395  
of any data necessary to comply with that division. 35396

**Sec. 3301.0715.** (A) Except as otherwise required under 35397  
division (B)(1) of section 3313.608 of the Revised Code, the board 35398  
of education of each city, local, and exempted village school 35399  
district shall administer each applicable diagnostic assessment 35400  
developed and provided to the district in accordance with section 35401  
3301.079 of the Revised Code to the following: 35402

(1) Any student who transfers into the district or to a 35403  
different school within the district if each applicable diagnostic 35404  
assessment was not administered by the district or school the 35405  
student previously attended in the current school year, within 35406  
thirty days after the date of transfer. If the district or school 35407  
into which the student transfers cannot determine whether the 35408  
student has taken any applicable diagnostic assessment in the 35409  
current school year, the district or school may administer the 35410  
diagnostic assessment to the student. 35411

(2) ~~Each~~ (a) Prior to July 1, 2014, each kindergarten 35412  
student, not earlier than four weeks prior to the first day of 35413  
school and not later than the first day of October. ~~For~~ 35414

(b) Beginning July 1, 2014, each kindergarten student, not 35415  
earlier than the first day of the school year and not later than 35416  
the first day of November, except that the language and reading 35417  
skills portion of the assessment shall be administered by the 35418  
thirtieth day of September to fulfill the requirements of division 35419  
(B) of section 3313.608 of the Revised Code. 35420

For the purpose of division (A)(2) of this section, the 35421  
district shall administer the kindergarten readiness assessment 35422  
provided by the department of education. In no case shall the 35423

results of the readiness assessment be used to prohibit a student 35424  
from enrolling in kindergarten. 35425

(3) Each student enrolled in first, second, or third grade. 35426

(B) Each district board shall administer each diagnostic 35427  
assessment when the board deems appropriate, provided the 35428  
administration complies with section 3313.608 of the Revised Code. 35429  
However, the board shall administer any diagnostic assessment at 35430  
least once annually to all students in the appropriate grade 35431  
level. A district board may administer any diagnostic assessment 35432  
in the fall and spring of a school year to measure the amount of 35433  
academic growth attributable to the instruction received by 35434  
students during that school year. 35435

(C) Any district that received an excellent or effective 35436  
rating for the immediately preceding school year, pursuant to 35437  
section 3302.03 of the Revised Code as it existed prior to ~~the~~ 35438  
~~effective date of this amendment~~ March 22, 2013, or the equivalent 35439  
of such rating as determined by the department of education, may 35440  
use different diagnostic assessments from those adopted under 35441  
division (D) of section 3301.079 of the Revised Code in order to 35442  
satisfy the requirements of division (A)(2) of this section. 35443

(D) Each district board shall utilize and score any 35444  
diagnostic assessment administered under division (A) of this 35445  
section in accordance with rules established by the department. 35446  
After the administration of any diagnostic assessment, each 35447  
district shall provide a student's completed diagnostic 35448  
assessment, the results of such assessment, and any other 35449  
accompanying documents used during the administration of the 35450  
assessment to the parent of that student, and shall include all 35451  
such documents and information in any plan developed for the 35452  
student under division (C) of section 3313.608 of the Revised 35453  
Code. Each district shall submit to the department, in the manner 35454  
the department prescribes, the results of the diagnostic 35455

assessments administered under this section, regardless of the 35456  
type of assessment used under section 3313.608 of the Revised 35457  
Code. The department may issue reports with respect to the data 35458  
collected. 35459

(E) Each district board shall provide intervention services 35460  
to students whose diagnostic assessments show that they are 35461  
failing to make satisfactory progress toward attaining the 35462  
academic standards for their grade level. 35463

**Sec. 3301.0723.** (A) The independent contractor engaged by the 35464  
department of education to create and maintain for school 35465  
districts and community schools the student data verification 35466  
codes required by division (D)(2) of section 3301.0714 of the 35467  
Revised Code, upon request of the director of any state agency 35468  
that administers a publicly funded program providing services to 35469  
children who are younger than compulsory school age, as defined in 35470  
section 3321.01 of the Revised Code, including the directors of 35471  
health, job and family services, ~~mental health~~ mental health and 35472  
addiction services, and developmental disabilities, shall assign a 35473  
data verification code to a child who is receiving such services 35474  
and shall provide that code to the director. The contractor also 35475  
shall provide that code to the department of education. 35476

(B) The director of a state agency that receives a child's 35477  
data verification code under division (A) of this section shall 35478  
use that code to submit information for that child to the 35479  
department of education in accordance with section 3301.0714 of 35480  
the Revised Code. 35481

(C) A public school that receives from the independent 35482  
contractor the data verification code for a child assigned under 35483  
division (A) of this section shall not request or assign to that 35484  
child another data verification code under division (D)(2) of 35485  
section 3301.0714 of the Revised Code. That school and any other 35486

public school in which the child subsequently enrolls shall use 35487  
the data verification code assigned under division (A) of this 35488  
section to report data relative to that student required under 35489  
section 3301.0714 of the Revised Code. 35490

**Sec. 3301.15.** The state board of education or its authorized 35491  
representatives may inspect all institutions under the control of 35492  
the department of job and family services, the department of 35493  
~~mental health~~ mental health and addiction services, the department 35494  
of developmental disabilities, and the department of 35495  
rehabilitation and correction which employ teachers, and may make 35496  
a report on the teaching, discipline, and school equipment in 35497  
these institutions to the director of job and family services, the 35498  
director of ~~mental health~~ mental health and addiction services, 35499  
the director of developmental disabilities, the director of 35500  
rehabilitation and correction, and the governor. 35501

**Sec. 3301.41.** All employees of the former eTech Ohio 35502  
commission who transferred to the department of education upon the 35503  
abolishment of the commission as prescribed by section 363.570 of 35504  
H.B. 59 of the 130th general assembly and who when employed by 35505  
that commission or a predecessor agency were included in a 35506  
bargaining unit established under Chapter 4117. of the Revised 35507  
Code, shall continue to be included in that bargaining unit, are 35508  
public employees as defined in section 4117.01 of the Revised 35509  
Code, and may collectively bargain with the state board of 35510  
education in accordance with that chapter. Otherwise, any employee 35511  
hired by the department after the abolishment of the commission, 35512  
either to fill vacancies or to fill new positions related to the 35513  
transferred employees' duties, shall be exempt from Chapter 4117. 35514  
of the Revised Code and shall not be public employees as defined 35515  
in section 4117.01 of the Revised Code. 35516



Sec. 3301.80. (A) The preparing students for education 35517  
success grant program is established. Under the program, the 35518  
superintendent of public instruction shall award grants to 35519  
nonprofit corporations that are exempt from federal income 35520  
taxation under 26 U.S.C. 501(c)(3) of the Internal Revenue Code, 35521  
that provide charitable services to needy residents of this state, 35522  
and that meet the following requirements: 35523

(1) The nonprofit corporation has at least two locations in 35524  
the state that provide after-school programming for youth eighteen 35525  
years of age or younger that holistically address areas affecting 35526  
student academic success; and 35527

(2) The nonprofit corporation provides evidence that the 35528  
students who served in the corporation's after-school programs 35529  
have shown academic improvement. 35530

(B) A nonprofit corporation may apply for a grant under this 35531  
section on the form prescribed by the superintendent. 35532

(C) The superintendent may award grants to qualified 35533  
nonprofit corporations that submit an application that conveys a 35534  
credible plan to use grant money for the following purposes: 35535

(1) To establish new after-school programs that will serve a 35536  
high concentration of youth eighteen years of age or younger; and 35537

(2) To provide innovative, comprehensive after-school 35538  
programs that improve educational outcomes and simultaneously 35539  
reduce barriers to academic success through targeted programming 35540  
that provides literacy achievement, homework assistance, tutoring, 35541  
and high-yield learning activities, as well as character and 35542  
self-esteem building that contribute to academic success and 35543  
graduation completion, and a comprehensive health and wellness 35544  
program. 35545

(D) The superintendent shall do anything necessary and proper 35546

to administer the grant program, including the prescription of an application form, the establishment of application deadlines, a schedule for evaluating applications received, criteria for selecting grantees, and a process to notify successful and unsuccessful applicants.

(E) The preparing students for education success fund is created in the state treasury. All moneys deposited into the fund shall be disbursed as grants under division (C) of this section.

(F) Each grant recipient shall submit an annual report that provides a detailed accounting of the use of the grant money to the superintendent and the general assembly.

**Sec. 3302.01.** As used in this chapter:

(A) "Performance index score" means the average of the totals derived from calculations for each subject area of English language arts, mathematics, science, and social studies of the weighted proportion of untested students and students scoring at each level of skill described in division (A)(2) of section 3301.0710 of the Revised Code on the assessments prescribed by divisions (A) and (B)(1) of that section. The department of education shall assign weights such that students who do not take an assessment receive a weight of zero and students who take an assessment receive progressively larger weights dependent upon the level of skill attained on the assessment. The department shall assign additional weights to students who have been permitted to pass over a subject in accordance with a student acceleration policy adopted under section 3324.10 of the Revised Code. If such a student attains the proficient score prescribed under division (A)(2)(c) of section 3301.0710 of the Revised Code or higher on an assessment, the department shall assign the student the weight prescribed for the next higher scoring level. If such a student attains the advanced score, prescribed under division (A)(2)(a) of

section 3301.0710 of the Revised Code, on an assessment, the 35578  
department shall assign to the student an additional proportional 35579  
weight, as approved by the state board. For each school year that 35580  
such a student's score is included in the performance index score 35581  
and the student attains the proficient score on an assessment, 35582  
that additional weight shall be assigned to the student on a 35583  
subject-by-subject basis. 35584

Students shall be included in the "performance index score" 35585  
in accordance with division (K)(2) of section 3302.03 of the 35586  
Revised Code. 35587

(B) "Subgroup" means a subset of the entire student 35588  
population of the state, a school district, or a school building 35589  
and includes each of the following: 35590

(1) Major racial and ethnic groups; 35591

(2) Students with disabilities; 35592

(3) Economically disadvantaged students; 35593

(4) Limited English proficient students; 35594

(5) Students identified as gifted in superior cognitive 35595  
ability and specific academic ability fields under Chapter 3324. 35596  
of the Revised Code. For students who are gifted in specific 35597  
academic ability fields, the department shall use data for those 35598  
students with specific academic ability in math and reading. If 35599  
any other academic field is assessed, the department shall also 35600  
include data for students with specific academic ability in that 35601  
field. 35602

(6) Students in the lowest quintile for achievement 35603  
statewide, as determined by a method prescribed by the state board 35604  
of education. 35605

(C) "No Child Left Behind Act of 2001" includes the statutes 35606  
codified at 20 U.S.C. 6301 et seq. and any amendments, waivers, or 35607

both thereto, rules and regulations promulgated pursuant to those statutes, guidance documents, and any other policy directives regarding implementation of that act issued by the United States department of education.

(D) "Adequate yearly progress" means a measure of annual academic performance as calculated in accordance with the "No Child Left Behind Act of 2001."

(E) "Supplemental educational services" means additional academic assistance, such as tutoring, remediation, or other educational enrichment activities, that is conducted outside of the regular school day by a provider approved by the department in accordance with the "No Child Left Behind Act of 2001."

(F) "Value-added progress dimension" means a measure of academic gain for a student or group of students over a specific period of time that is calculated by applying a statistical methodology to individual student achievement data derived from the achievement assessments prescribed by section 3301.0710 of the Revised Code. The "value-added progress dimension" shall be developed and implemented in accordance with section 3302.021 of the Revised Code.

(G)(1) "Four-year adjusted cohort graduation rate" means the number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class.

(2) "Five-year adjusted cohort graduation rate" means the number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.

(H) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(I) "Annual measurable objectives" means a measure of student

progress determined in accordance with an agreement between the 35639  
department of education and the United States department of 35640  
education. 35641

**Sec. 3302.03.** Annually, not later than the fifteenth day of 35642  
September or the preceding Friday when that day falls on a 35643  
Saturday or Sunday, the department of education shall assign a 35644  
letter grade for overall academic performance and for each 35645  
separate performance measure for each school district, and each 35646  
school building in a district, in accordance with this section. 35647  
The state board shall adopt rules pursuant to Chapter 119. of the 35648  
Revised Code to establish performance criteria for each letter 35649  
grade and prescribe a method by which the department assigns each 35650  
letter grade. For a school building to which any of the 35651  
performance measures do not apply, due to grade levels served by 35652  
the building, the state board shall designate the performance 35653  
measures that are applicable to the building and that must be 35654  
calculated separately and used to calculate the building's overall 35655  
grade. The department shall issue annual report cards reflecting 35656  
the performance of each school district, each building within each 35657  
district, and for the state as a whole using the performance 35658  
measures and letter grade system described in this section. The 35659  
department shall include on the report card for each district and 35660  
each building within each district the most recent two-year trend 35661  
data in student achievement for each subject and each grade. 35662

(A)(1) For the 2012-2013 school year, the department shall 35663  
issue grades as described in division (E) of this section for each 35664  
of the following performance measures: 35665

(a) Annual measurable objectives; 35666

(b) Performance index score for a school district or 35667  
building. Grades shall be awarded as a percentage of the total 35668  
possible points on the performance index system as adopted by the 35669

state board. In adopting benchmarks for assigning letter grades 35670  
under division (A)(1)(b) of this section, the state board of 35671  
education shall designate ninety per cent or higher for an "A," at 35672  
least seventy per cent but not more than eighty per cent for a 35673  
"C," and less than fifty per cent for an "F." 35674

(c) The extent to which the school district or building meets 35675  
each of the applicable performance indicators established by the 35676  
state board under section 3302.02 of the Revised Code and the 35677  
percentage of applicable performance indicators that have been 35678  
achieved. In adopting benchmarks for assigning letter grades under 35679  
division (A)(1)(c) of this section, the state board shall 35680  
designate ninety per cent or higher for an "A." 35681

(d) The four- and five-year adjusted cohort graduation rates. 35682

In adopting benchmarks for assigning letter grades under 35683  
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 35684  
department shall designate a four-year adjusted cohort graduation 35685  
rate of ninety-three per cent or higher for an "A" and a five-year 35686  
cohort graduation rate of ninety-five per cent or higher for an 35687  
"A." 35688

(e) The overall score under the value-added progress 35689  
dimension of a school district or building, for which the 35690  
department shall use up to three years of value-added data as 35691  
available. The letter grade assigned for this growth measure shall 35692  
be as follows: 35693

(i) A score that is at least two standard errors of measure 35694  
above the mean score shall be designated as an "A." 35695

(ii) A score that is at least one standard error of measure 35696  
but less than two standard errors of measure above the mean score 35697  
shall be designated as a "B." 35698

(iii) A score that is less than one standard error of measure 35699  
above the mean score but greater than or equal to one standard 35700

error of measure below the mean score shall be designated as a 35701  
"C." 35702

(iv) A score that is not greater than one standard error of 35703  
measure below the mean score but is greater than or equal to two 35704  
standard errors of measure below the mean score shall be 35705  
designated as a "D." 35706

(v) A score that is not greater than two standard errors of 35707  
measure below the mean score shall be designated as an "F." 35708

Whenever the value-added progress dimension is used as a 35709  
graded performance measure, whether as an overall measure or as a 35710  
measure of separate subgroups, the grades for the measure shall be 35711  
calculated in the same manner as prescribed in division (A)(1)(e) 35712  
of this section. 35713

(f) The value-added progress dimension score for a school 35714  
district or building disaggregated for each of the following 35715  
subgroups: students identified as gifted, students with 35716  
disabilities, and students whose performance places them in the 35717  
lowest quintile for achievement on a statewide basis. Each 35718  
subgroup shall be a separate graded measure. 35719

(2) Not later than April 30, 2013, the state board of 35720  
education shall adopt a resolution describing the performance 35721  
measures, benchmarks, and grading system for the 2012-2013 school 35722  
year and, not later than June 30, 2013, shall adopt rules in 35723  
accordance with Chapter 119. of the Revised Code that prescribe 35724  
the methods by which the performance measures under division 35725  
(A)(1) of this section shall be assessed and assigned a letter 35726  
grade, including performance benchmarks for each letter grade. 35727

At least forty-five days prior to the state board's adoption 35728  
of rules to prescribe the methods by which the performance 35729  
measures under division (A)(1) of this section shall be assessed 35730  
and assigned a letter grade, the department shall conduct a public 35731

presentation before the standing committees of the house of 35732  
representatives and the senate that consider education legislation 35733  
describing such methods, including performance benchmarks. 35734

(3) There shall not be an overall letter grade for a school 35735  
district or building for the 2012-2013 school year. 35736

(B)(1) For the 2013-2014 school year, the department shall 35737  
issue grades as described in division (E) of this section for each 35738  
of the following performance measures: 35739

(a) Annual measurable objectives; 35740

(b) Performance index score for a school district or 35741  
building. Grades shall be awarded as a percentage of the total 35742  
possible points on the performance index system as created by the 35743  
department. In adopting benchmarks for assigning letter grades 35744  
under division (B)(1)(b) of this section, the state board shall 35745  
designate ninety per cent or higher for an "A," at least seventy 35746  
per cent but not more than eighty per cent for a "C," and less 35747  
than fifty per cent for an "F." 35748

(c) The extent to which the school district or building meets 35749  
each of the applicable performance indicators established by the 35750  
state board under section 3302.03 of the Revised Code and the 35751  
percentage of applicable performance indicators that have been 35752  
achieved. In adopting benchmarks for assigning letter grades under 35753  
division (B)(1)(c) of this section, the state board shall 35754  
designate ninety per cent or higher for an "A." 35755

(d) The four- and five-year adjusted cohort graduation rates; 35756

(e) The overall score under the value-added progress 35757  
dimension of a school district or building, for which the 35758  
department shall use up to three years of value-added data as 35759  
available. 35760

(f) The value-added progress dimension score for a school 35761



district or building disaggregated for each of the following 35762  
subgroups: students identified as gifted in superior cognitive 35763  
ability and specific academic ability fields under Chapter 3324. 35764  
of the Revised Code, students with disabilities, and students 35765  
whose performance places them in the lowest quintile for 35766  
achievement on a statewide basis. Each subgroup shall be a 35767  
separate graded measure. 35768

(g) Whether a school district or building is making progress 35769  
in improving literacy in grades kindergarten through three, as 35770  
determined using a method prescribed by the state board. The state 35771  
board shall adopt rules to prescribe benchmarks and standards for 35772  
assigning grades to districts and buildings for purposes of 35773  
division (B)(1)(j) of this section. In adopting benchmarks for 35774  
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 35775  
this section, the state board shall determine progress made based 35776  
on the reduction in the percentage of students scoring below grade 35777  
level, or below proficient, compared from year to year on the 35778  
English language arts diagnostic assessments administered under 35779  
section 3301.0715 of the Revised Code and the third grade English 35780  
language arts assessment under section 3301.0710 of the Revised 35781  
Code, as applicable. The state board shall designate for a "C" 35782  
grade a value that is not lower than the statewide average value 35783  
for this measure. No grade shall be issued under divisions 35784  
(B)(1)(g) and (C)(1)(j) of this section for a district or building 35785  
in which less than five per cent of students have scored below 35786  
grade level on the diagnostic assessment administered to students 35787  
in kindergarten under division (B)(1) of section 3313.608 of the 35788  
Revised Code. 35789

(2) In addition to the graded measures in division (B)(1) of 35790  
this section, the department shall include on a school district's 35791  
or building's report card all of the following without an assigned 35792  
letter grade: 35793

(a) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations;

(b) The number of a district's or building's students who have earned at least three college credits through dual enrollment programs, such as the post-secondary enrollment options program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's transcript or other official document, either of which is issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B)(2)(b) and (C)(2)(c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree.

(c) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code;

(d) The percentage of the district's or the building's students who receive industry credentials. The state board shall adopt criteria for acceptable industry credentials.

(e) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations.

(f) The percentage of the district's or building's students

who receive an honors diploma under division (B) of section 35825  
3313.61 of the Revised Code. 35826

(3) Not later than December 31, 2013, the state board shall 35827  
adopt rules in accordance with Chapter 119. of the Revised Code 35828  
that prescribe the methods by which the performance measures under 35829  
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 35830  
and assigned a letter grade, including performance benchmarks for 35831  
each grade. 35832

At least forty-five days prior to the state board's adoption 35833  
of rules to prescribe the methods by which the performance 35834  
measures under division (B)(1) of this section shall be assessed 35835  
and assigned a letter grade, the department shall conduct a public 35836  
presentation before the standing committees of the house of 35837  
representatives and the senate that consider education legislation 35838  
describing such methods, including performance benchmarks. 35839

(4) There shall not be an overall letter grade for a school 35840  
district or building for the 2013-2014 school year. 35841

(C)(1) For the 2014-2015 school year and each school year 35842  
thereafter, the department shall issue grades as described in 35843  
division (E) of this section for each of the following performance 35844  
measures and an overall letter grade based on an aggregate of 35845  
those measures: 35846

(a) Annual measurable objectives; 35847

(b) Performance index score for a school district or 35848  
building. Grades shall be awarded as a percentage of the total 35849  
possible points on the performance index system as created by the 35850  
department. In adopting benchmarks for assigning letter grades 35851  
under division (C)(1)(b) of this section, the state board shall 35852  
designate ninety per cent or higher for an "A," at least seventy 35853  
per cent but not more than eighty per cent for a "C," and less 35854  
than fifty per cent for an "F." 35855

(c) The extent to which the school district or building meets 35856  
each of the applicable performance indicators established by the 35857  
state board under section 3302.03 of the Revised Code and the 35858  
percentage of applicable performance indicators that have been 35859  
achieved. In adopting benchmarks for assigning letter grades under 35860  
division (C)(1)(c) of this section, the state board shall 35861  
designate ninety per cent or higher for an "A." 35862

(d) The four- and five-year adjusted cohort graduation rates; 35863

(e) The overall score under the value-added progress 35864  
dimension, or another measure of student academic progress if 35865  
adopted by the state board, of a school district or building, for 35866  
which the department shall use up to three years of value-added 35867  
data as available. 35868

In adopting benchmarks for assigning letter grades for 35869  
overall score on value-added progress dimension under division 35870  
(C)(1)(e) of this section, the state board shall prohibit the 35871  
assigning of a grade of "A" for that measure unless the district's 35872  
or building's grade assigned for value-added progress dimension 35873  
for all subgroups under division (C)(1)(i) of this section is a 35874  
"B" or higher. 35875

For the metric prescribed by division (C)(1)(e) of this 35876  
section, the state board may adopt a student academic progress 35877  
measure to be used instead of the value-added progress dimension. 35878  
If the state board adopts such a measure, it also shall prescribe 35879  
a method for assigning letter grades for the new measure that is 35880  
comparable to the method prescribed in division (A)(1)(e) of this 35881  
section. 35882

(f) The value-added progress dimension score of a school 35883  
district or building disaggregated for each of the following 35884  
subgroups: students identified as gifted in superior cognitive 35885  
ability and specific academic ability fields under Chapter 3324. 35886

of the Revised Code, students with disabilities, and students 35887  
whose performance places them in the lowest quintile for 35888  
achievement on a statewide basis, as determined by a method 35889  
prescribed by the state board. Each subgroup shall be a separate 35890  
graded measure. 35891

The state board may adopt student academic progress measures 35892  
to be used instead of the value-added progress dimension. If the 35893  
state board adopts such measures, it also shall prescribe a method 35894  
for assigning letter grades for the new measures that is 35895  
comparable to the method prescribed in division (A)(1)(e) of this 35896  
section. 35897

(g) Whether a school district or building is making progress 35898  
in improving literacy in grades kindergarten through three, as 35899  
determined using a method prescribed by the state board. The state 35900  
board shall adopt rules to prescribe benchmarks and standards for 35901  
assigning grades to a district or building for purposes of 35902  
division (C)(1)(j) of this section. The state board shall 35903  
designate for a "C" grade a value that is not lower than the 35904  
statewide average value for this measure. No grade shall be issued 35905  
under division (C)(1)(g) of this section for a district or 35906  
building in which less than five per cent of students have scored 35907  
below grade level on the kindergarten diagnostic assessment under 35908  
division (B)(1) of section 3313.608 of the Revised Code. 35909

(2) In addition to the graded measures in division (C)(1) of 35910  
this section, the department shall include on a school district's 35911  
or building's report card all of the following without an assigned 35912  
letter grade: 35913

(a) The percentage of students enrolled in a district or 35914  
building who have taken a national standardized test used for 35915  
college admission determinations and the percentage of those 35916  
students who are determined to be remediation-free in accordance 35917  
with the standards adopted under division (F) of section 3345.061 35918

of the Revised Code; 35919

(b) The percentage of students enrolled in a district or 35920  
building participating in advanced placement classes and the 35921  
percentage of those students who received a score of three or 35922  
better on advanced placement examinations; 35923

(c) The number of a district's or building's students who 35924  
have earned at least three college credits through dual enrollment 35925  
programs, such as the post-secondary enrollment options program 35926  
under Chapter 3365. of the Revised Code and state-approved 35927  
career-technical courses offered through dual enrollment or 35928  
statewide articulation, that appear on a student's transcript or 35929  
other official document, either of which is issued by the 35930  
institution of higher education from which the student earned the 35931  
college credit. The credits earned that are reported under 35932  
divisions (B)(2)(b) and (C)(2)(c) of this section shall not 35933  
include any that are remedial or developmental and shall include 35934  
those that count toward the curriculum requirements established 35935  
for completion of a degree. 35936

(d) The percentage of the district's or building's students 35937  
who receive an honor's diploma under division (B) of section 35938  
3313.61 of the Revised Code; 35939

(e) The percentage of the district's or building's students 35940  
who receive industry credentials; 35941

(f) The percentage of students enrolled in a district or 35942  
building who are participating in an international baccalaureate 35943  
program and the percentage of those students who receive a score 35944  
of four or better on the international baccalaureate examinations; 35945

(g) The results of the college and career-ready assessments 35946  
administered under division (B)(1) of section 3301.0712 of the 35947  
Revised Code. 35948

(3) The state board shall adopt rules pursuant to Chapter 35949

119. of the Revised Code that establish a method to assign an 35950  
overall grade for a school district or school building for the 35951  
2014-2015 school year and each school year thereafter. The rules 35952  
shall group the performance measures in divisions (C)(1) and (2) 35953  
of this section into the following components: 35954

(a) Gap closing, which shall include the performance measure 35955  
in division (C)(1)(a) of this section; 35956

(b) Achievement, which shall include the performance measures 35957  
in divisions (C)(1)(b) and (c) of this section; 35958

(c) Progress, which shall include the performance measures in 35959  
divisions (C)(1)(e) and (i) of this section; 35960

(d) Graduation, which shall include the performance measure 35961  
in division (C)(1)(d) of this section; 35962

(e) Kindergarten through third-grade literacy, which shall 35963  
include the performance measure in division (C)(1)(k) of this 35964  
section; 35965

(f) Prepared for success, which shall include the performance 35966  
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 35967  
this section. The state board shall develop a method to determine 35968  
a grade for the component in division (C)(3)(f) of this section 35969  
using the performance measures in divisions (C)(2)(a), (b), (c), 35970  
(d), (e), and (f) of this section. When available, the state board 35971  
may incorporate the performance measure under division (C)(2)(g) 35972  
of this section into the component under division (C)(3)(f) of 35973  
this section. When determining the overall grade for the prepared 35974  
for success component prescribed by division (C)(3)(f) of this 35975  
section, no individual student shall be counted in more than one 35976  
performance measure. However, if a student qualifies for more than 35977  
one performance measure in the component, the state board may, in 35978  
its method to determine a grade for the component, specify an 35979  
additional weight for such a student that is not greater than or 35980

equal to 1.0. In determining the overall score under division 35981  
(C)(3)(f) of this section, the state board shall ensure that the 35982  
pool of students included in the performance measures aggregated 35983  
under that division are all of the students included in the four- 35984  
and five-year adjusted graduation cohort. 35985

In the rules adopted under division (C)(3) of this section, 35986  
the state board shall adopt a method for determining a grade for 35987  
each component in divisions (C)(3)(a) to (f) of this section. The 35988  
state board also shall establish a method to assign an overall 35989  
grade of "A," "B," "C," "D," or "F" using the grades assigned for 35990  
each component. The method the state board adopts for assigning an 35991  
overall grade shall give equal weight to the components in 35992  
divisions (C)(3)(b) and (c) of this section. 35993

At least forty-five days prior to the state board's adoption 35994  
of rules to prescribe the methods for calculating the overall 35995  
grade for the report card, as required by this division, the 35996  
department shall conduct a public presentation before the standing 35997  
committees of the house of representatives and the senate that 35998  
consider education legislation describing the format for the 35999  
report card, weights that will be assigned to the components of 36000  
the overall grade, and the method for calculating the overall 36001  
grade. 36002

(D) Not later than July 1, 2015, the state board shall 36003  
develop a measure of student academic progress for high school 36004  
students. Beginning with the report card for the 2015-2016 school 36005  
year, each school district and applicable school building shall be 36006  
assigned a separate letter grade for this measure and the 36007  
district's or building's grade for that measure shall be included 36008  
in determining the district's or building's overall letter grade. 36009  
This measure shall be included within the measure prescribed in 36010  
division (C)(2)(c) of this section in the calculation for the 36011  
overall letter grade. 36012



(E) The letter grades assigned to a school district or building under this section shall be as follows:	36013 36014
(1) "A" for a district or school making excellent progress;	36015
(2) "B" for a district or school making above average progress;	36016 36017
(3) "C" for a district or school making average progress;	36018
(4) "D" for a district or school making below average progress;	36019 36020
(5) "F" for a district or school failing to meet minimum progress.	36021 36022
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	36023 36024 36025
(1) Performance of students by grade-level;	36026
(2) Performance of students by race and ethnic group;	36027
(3) Performance of students by gender;	36028
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	36029 36030
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	36031 36032 36033
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	36034 36035
(7) Performance of students grouped by those who are economically disadvantaged;	36036 36037
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	36038 36039 36040

(9) Performance of students grouped by those who are classified as limited English proficient; 36041  
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(10) Performance of students grouped by those who have disabilities; 36043  
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(11) Performance of students grouped by those who are classified as migrants; 36045  
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(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well. 36047  
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(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board. 36056  
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The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (F)(1) to (13) of this section that it deems relevant. 36059  
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In reporting data pursuant to division (F) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (F) of this section that contains less than ten students. If the department does not report 36065  
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student performance data for a group because it contains less than 36072  
ten students, the department shall indicate on the report card 36073  
that is why data was not reported. 36074

(G) The department may include with the report cards any 36075  
additional education and fiscal performance data it deems 36076  
valuable. 36077

(H) The department shall include on each report card a list 36078  
of additional information collected by the department that is 36079  
available regarding the district or building for which the report 36080  
card is issued. When available, such additional information shall 36081  
include student mobility data disaggregated by race and 36082  
socioeconomic status, college enrollment data, and the reports 36083  
prepared under section 3302.031 of the Revised Code. 36084

The department shall maintain a site on the world wide web. 36085  
The report card shall include the address of the site and shall 36086  
specify that such additional information is available to the 36087  
public at that site. The department shall also provide a copy of 36088  
each item on the list to the superintendent of each school 36089  
district. The district superintendent shall provide a copy of any 36090  
item on the list to anyone who requests it. 36091

(I) Division (I) of this section does not apply to conversion 36092  
community schools that primarily enroll students between sixteen 36093  
and twenty-two years of age who dropped out of high school or are 36094  
at risk of dropping out of high school due to poor attendance, 36095  
disciplinary problems, or suspensions. 36096

(1) For any district that sponsors a conversion community 36097  
school under Chapter 3314. of the Revised Code, the department 36098  
shall combine data regarding the academic performance of students 36099  
enrolled in the community school with comparable data from the 36100  
schools of the district for the purpose of determining the 36101  
performance of the district as a whole on the report card issued 36102

for the district under this section or section 3302.033 of the Revised Code. 36103  
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(2) Any district that leases a building to a community school located in the district or that enters into an agreement with a community school located in the district whereby the district and the school endorse each other's programs may elect to have data regarding the academic performance of students enrolled in the community school combined with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the district report card. Any district that so elects shall annually file a copy of the lease or agreement with the department. 36105  
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(3) Any municipal school district, as defined in section 3311.71 of the Revised Code, that sponsors a community school located within the district's territory, or that enters into an agreement with a community school located within the district's territory whereby the district and the community school endorse each other's programs, may exercise either or both of the following elections: 36115  
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(a) To have data regarding the academic performance of students enrolled in that community school combined with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the district's report card; 36122  
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(b) To have the number of students attending that community school noted separately on the district's report card. 36127  
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The election authorized under division (I)(3)(a) of this section is subject to approval by the governing authority of the community school. 36129  
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Any municipal school district that exercises an election to combine or include data under division (I)(3) of this section, by 36132  
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the first day of October of each year, shall file with the 36134  
department documentation indicating eligibility for that election, 36135  
as required by the department. 36136

(J) The department shall include on each report card the 36137  
percentage of teachers in the district or building who are highly 36138  
qualified, as defined by the "No Child Left Behind Act of 2001," 36139  
and a comparison of that percentage with the percentages of such 36140  
teachers in similar districts and buildings. 36141

(K)(1) In calculating English language arts, mathematics, 36142  
social studies, or science assessment passage rates used to 36143  
determine school district or building performance under this 36144  
section, the department shall include all students taking an 36145  
assessment with accommodation or to whom an alternate assessment 36146  
is administered pursuant to division (C)(1) or (3) of section 36147  
3301.0711 of the Revised Code. 36148

(2) In calculating performance index scores, rates of 36149  
achievement on the performance indicators established by the state 36150  
board under section 3302.02 of the Revised Code, and annual 36151  
measurable objectives for determining adequate yearly progress for 36152  
school districts and buildings under this section, the department 36153  
shall do all of the following: 36154

(a) Include for each district or building only those students 36155  
who are included in the ADM certified for the first full school 36156  
week of October and are continuously enrolled in the district or 36157  
building through the time of the spring administration of any 36158  
assessment prescribed by division (A)(1) or (B)(1) of section 36159  
3301.0710 of the Revised Code that is administered to the 36160  
student's grade level; 36161

(b) Include cumulative totals from both the fall and spring 36162  
administrations of the third grade English language arts 36163  
achievement assessment; 36164

(c) Except as required by the "No Child Left Behind Act of 2001," exclude for each district or building any limited English proficient student who has been enrolled in United States schools for less than one full school year.

(L) Beginning with the 2015-2016 school year and at least once every three years thereafter, the state board of education shall review and may adjust the benchmarks for assigning letter grades to the performance measures and components prescribed under divisions (C)(3) and (D) of this section.

**Sec. 3302.22.** (A) The governor's effective and efficient schools recognition program is hereby created. Each year, the governor shall recognize, in a manner deemed appropriate by the governor, the top ten per cent of all public schools in this state, including ~~schools of~~ city, exempted village, and local school districts, ~~or~~ joint vocational school districts, community schools established under Chapter 3314. ~~of the Revised Code~~, and STEM schools established under Chapter 3326. of the Revised Code.

(B) The top ten per cent of schools shall be determined by the department of education according to standards established by the department, in consultation with the governor's office of 21st century education. The standards for recognition for each type of school may vary depending upon the unique characteristics of that type of school. The standards shall include, but need not be limited to, both of the following, provided that sufficient data is available for each school:

(1) Student performance, as determined by factors ~~including that may include~~, but not be limited to, performance indicators under section 3302.02 of the Revised Code, report cards issued under section 3302.03 of the Revised Code, performance index score rankings under section 3302.21 of the Revised Code, and any other statewide or national assessment or student performance

recognition program the department selects;	36196
(2) Fiscal performance, <u>including which may include</u>	36197
cost-effective measures taken by the school.	36198
(C) <u>If applicable, the standards under divisions (B)(1) and</u>	36199
<u>(2) of this section may be applied at the school building or</u>	36200
<u>district level, depending upon the quality and availability of</u>	36201
<u>data.</u>	36202
<b><u>Sec. 3302.26.</u></b> (A) As used in this section:	36203
(1) <u>"Expenditure per equivalent pupils" is the total</u>	36204
<u>operating expenditures of a school district divided by the measure</u>	36205
<u>of equivalent pupils.</u>	36206
(2) <u>"Measure of equivalent pupils" is the total number of</u>	36207
<u>students in a school district adjusted for the relative</u>	36208
<u>differences in costs associated with the unique characteristics</u>	36209
<u>and needs of each category of pupil.</u>	36210
(B) <u>The department of education shall create a performance</u>	36211
<u>management section on the department's public web site. The</u>	36212
<u>performance management section shall include information on</u>	36213
<u>academic and financial performance metrics for each school</u>	36214
<u>district to assist schools and districts in providing an effective</u>	36215
<u>and efficient delivery of educational services. The section shall</u>	36216
<u>include a graph that illustrates the relationship between a</u>	36217
<u>district's academic performance, as measured by the performance</u>	36218
<u>index score, and its expenditure per equivalent pupils as compared</u>	36219
<u>to similar districts. The section shall include statistics of</u>	36220
<u>academic and financial performance measures for each school</u>	36221
<u>district to allow for a comparison and benchmarking between</u>	36222
<u>districts.</u>	36223
(C) <u>The department may contract with an independent</u>	36224
<u>organization to develop and host the performance management</u>	36225

section of its web site. 36226

**Sec. 3304.231.** There is hereby created a brain injury 36227  
advisory committee, which shall advise the administrator of the 36228  
rehabilitation services commission and the brain injury program 36229  
with regard to unmet needs of survivors of brain injury, 36230  
development of programs for survivors and their families, 36231  
establishment of training programs for health care professionals, 36232  
and any other matter within the province of the brain injury 36233  
program. The committee shall consist of not fewer than ~~twenty~~ 36234  
nineteen and not more than ~~twenty-two~~ twenty-one members as 36235  
follows: 36236

(A) Not fewer than ten and not more than twelve members 36237  
appointed by the administrator of the rehabilitation services 36238  
commission, including all of the following: a survivor of brain 36239  
injury, a relative of a survivor of brain injury, a licensed 36240  
physician recommended by the Ohio chapter of the American college 36241  
of emergency physicians, a licensed physician recommended by the 36242  
Ohio state medical association, one other health care 36243  
professional, a rehabilitation professional, an individual who 36244  
represents the brain injury association of Ohio, and not fewer 36245  
than three nor more than five individuals who shall represent the 36246  
public; 36247

(B) The directors of the departments of health, ~~alcohol and~~ 36248  
~~drug addiction services~~ mental health and drug addiction services, 36249  
developmental disabilities, ~~mental health, job and family~~ 36250  
~~services~~, aging, and public safety; the medicaid director; the 36251  
administrator of workers' compensation; the superintendent of 36252  
public instruction; and the administrator of the rehabilitation 36253  
services commission. Any of the officials specified in this 36254  
division may designate an individual to serve in the official's 36255  
place as a member of the committee. 36256



Terms of office of the appointed members shall be two years. 36257  
Members may be reappointed. Vacancies shall be filled in the 36258  
manner provided for original appointments. Any member appointed to 36259  
fill a vacancy occurring prior to the expiration date of the term 36260  
for which the member's predecessor was appointed shall hold office 36261  
as a member for the remainder of that term. 36262

Members of the committee shall serve without compensation, 36263  
but shall be reimbursed for actual and necessary expenses incurred 36264  
in the performance of their duties. 36265

**Sec. 3307.51.** (A) The state teachers retirement board shall 36266  
have prepared annually by or under the supervision of an actuary 36267  
an actuarial valuation of the pension assets, liabilities, and 36268  
funding requirements of the STRS defined benefit plan. The actuary 36269  
shall complete the valuation in accordance with actuarial 36270  
standards of practice promulgated by the actuarial standards board 36271  
of the American academy of actuaries and prepare a report of the 36272  
valuation. The report shall include all of the following: 36273

(1) A summary of the benefit provisions evaluated; 36274

(2) A summary of the census data and financial information 36275  
used in the valuation; 36276

(3) A description of the actuarial assumptions, actuarial 36277  
cost method, and asset valuation method used in the valuation, 36278  
including a statement of the assumed rate of payroll growth and 36279  
assumed rate of growth or decline in the number of members 36280  
contributing to the retirement system; 36281

(4) A summary of findings that includes a statement of the 36282  
actuarial accrued pension liabilities and unfunded actuarial 36283  
accrued pension liabilities; 36284

(5) A schedule showing the effect of any changes in the 36285  
benefit provisions, actuarial assumptions, or cost methods since 36286

the last annual actuarial valuation; 36287

(6) A statement of whether contributions to the retirement 36288  
system are expected to be sufficient to satisfy the funding 36289  
objectives established by the board. 36290

The board shall submit the report to the Ohio retirement 36291  
study council, the director of budget and management, and the 36292  
standing committees of the house of representatives and the senate 36293  
with primary responsibility for retirement legislation immediately 36294  
upon its availability and not later than the first day of January 36295  
following the year for which the valuation was made. 36296

(B) At such times as the state teachers retirement board 36297  
determines, and at least once in each quinquennial period, the 36298  
board shall have prepared by or under the supervision of an 36299  
actuary an actuarial investigation of the mortality, service, and 36300  
other experience of the members, retirants, and beneficiaries of 36301  
the system, and other system retirants as defined in section 36302  
3307.35 of the Revised Code to update the actuarial assumptions 36303  
used in the actuarial valuation required by division (A) of this 36304  
section. The actuary shall prepare a report of the actuarial 36305  
investigation. The report shall be prepared and any recommended 36306  
changes in actuarial assumptions shall be made in accordance with 36307  
the actuarial standards of practice promulgated by the actuarial 36308  
standards board of the American academy of actuaries. The report 36309  
shall include all of the following: 36310

(1) A summary of relevant decrement and economic assumption 36311  
experience observed over the period of the investigation; 36312

(2) Recommended changes in actuarial assumptions to be used 36313  
in subsequent actuarial valuations required by division (A) of 36314  
this section; 36315

(3) A measurement of the financial effect of the recommended 36316  
changes in actuarial assumptions. 36317

The board shall submit the report to the Ohio retirement study council and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation not later than the first day of May following the last fiscal year of the period the report covers.

(C) The board may at any time request the actuary to make any other studies or actuarial valuations to determine the adequacy of the normal and deficiency rates of contribution provided by section 3307.28 of the Revised Code, and those rates may be adjusted by the board, as recommended by the actuary, effective as of the first of any year thereafter.

(D) The board shall have prepared by or under the supervision of an actuary an actuarial analysis of any introduced legislation expected to have a measurable financial impact on the retirement system. The actuarial analysis shall be completed in accordance with the actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries. The actuary shall prepare a report of the actuarial analysis, which shall include all of the following:

(1) A summary of the statutory changes that are being evaluated;

(2) A description of or reference to the actuarial assumptions and actuarial cost method used in the report;

(3) A description of the participant group or groups included in the report;

(4) A statement of the financial impact of the legislation, including the resulting increase, if any, in the employer normal cost percentage; the increase, if any, in actuarial accrued liabilities; and the per cent of payroll that would be required to amortize the increase in actuarial accrued liabilities as a level per cent of covered payroll for all active members over a period

not to exceed thirty years; 36349

(5) A statement of whether the scheduled contributions to the 36350  
system after the proposed change is enacted are expected to be 36351  
sufficient to satisfy the funding objectives established by the 36352  
board. 36353

Not later than sixty days from the date of introduction of 36354  
the legislation, the board shall submit a copy of the actuarial 36355  
analysis to the legislative service commission, the standing 36356  
committees of the house of representatives and the senate with 36357  
primary responsibility for retirement legislation, and the Ohio 36358  
retirement study council. 36359

(E) The board shall have prepared annually a report giving a 36360  
full accounting of the revenues and costs relating to the 36361  
provision of benefits under section 3307.39 of the Revised Code. 36362  
The report shall be made as of June 30, 1997, and the thirtieth 36363  
day of June of each year thereafter. The report shall include the 36364  
following: 36365

(1) A description of the statutory authority for the benefits 36366  
provided; 36367

(2) A summary of the benefits; 36368

(3) A summary of the eligibility requirements for the 36369  
benefits; 36370

(4) A statement of the number of participants eligible for 36371  
the benefits; 36372

(5) A description of the accounting, asset valuation, and 36373  
funding method used to provide the benefits; 36374

(6) A statement of the net assets available for the 36375  
provisions of benefits as of the last day of the fiscal year; 36376

(7) A statement of any changes in the net assets available 36377  
for the provision of benefits, including participant and employer 36378

contributions, net investment income, administrative expenses, and 36379  
benefits provided to participants, as of the last day of the 36380  
fiscal year; 36381

(8) For the last six consecutive fiscal years, a schedule of 36382  
the net assets available for the benefits, the annual cost of 36383  
benefits, administrative expenses incurred, and annual employer 36384  
contributions allocated for the provision of benefits; 36385

(9) A description of any significant changes that affect the 36386  
comparability of the report required under this division; 36387

(10) A statement of the amount paid under division (B) of 36388  
section 3307.39 of the Revised Code. 36389

The board shall submit the report to the Ohio retirement 36390  
study council, the director of budget and management, and the 36391  
standing committees of the house of representatives and the senate 36392  
with primary responsibility for retirement legislation immediately 36393  
upon its availability and not later than the thirty-first day of 36394  
December following the year for which the report was made. 36395

**Sec. 3309.21.** (A) The school employees retirement board shall 36396  
have prepared annually by or under the supervision of an actuary 36397  
an actuarial valuation of the pension assets, liabilities, and 36398  
funding requirements of the school employees retirement system as 36399  
established pursuant to this chapter. The actuary shall complete 36400  
the valuation in accordance with actuarial standards of practice 36401  
promulgated by the actuarial standards board of the American 36402  
academy of actuaries and prepare a report of the valuation. The 36403  
report shall include all of the following: 36404

(1) A summary of the benefit provisions evaluated; 36405

(2) A summary of the census data and financial information 36406  
used in the valuation; 36407

(3) A description of the actuarial assumptions, actuarial 36408

cost method, and asset valuation method used in the valuation, 36409  
including a statement of the assumed rate of payroll growth and 36410  
assumed rate of growth or decline in the number of members 36411  
contributing to the retirement system; 36412

(4) A summary of findings that includes a statement of the 36413  
actuarial accrued pension liabilities and unfunded actuarial 36414  
accrued pension liabilities; 36415

(5) A schedule showing the effect of any changes in the 36416  
benefit provisions, actuarial assumptions, or cost methods since 36417  
the last annual actuarial valuation; 36418

(6) A statement of whether contributions to the retirement 36419  
system are expected to be sufficient to satisfy the funding 36420  
objectives established by the board. 36421

The board shall submit the report to the Ohio retirement 36422  
study council, the director of budget and management, and the 36423  
standing committees of the house of representatives and the senate 36424  
with primary responsibility for retirement legislation immediately 36425  
upon its availability and not later than the first day of May 36426  
following the year for which the valuation was made. 36427

(B) At such times as the school employees retirement board 36428  
determines, and at least once in each quinquennial period, the 36429  
board shall have prepared by or under the supervision of an 36430  
actuary an actuarial investigation of the mortality, service, and 36431  
other experience of the members, retirants, and beneficiaries of 36432  
the retirement system, and SERS retirants and other system 36433  
retirants as defined in section 3309.341 of the Revised Code to 36434  
update the actuarial assumptions used in the actuarial valuation 36435  
required by division (A) of this section. The actuary shall 36436  
prepare a report of the actuarial investigation. The report shall 36437  
be prepared and any recommended changes in actuarial assumptions 36438  
shall be made in accordance with the actuarial standards of 36439

practice promulgated by the actuarial standards board of the 36440  
American academy of actuaries. The report shall include all of the 36441  
following: 36442

(1) A summary of relevant decrement and economic assumption 36443  
experience observed over the period of the investigation; 36444

(2) Recommended changes in actuarial assumptions to be used 36445  
in subsequent actuarial valuations required by division (A) of 36446  
this section; 36447

(3) A measurement of the financial effect of the recommended 36448  
changes in actuarial assumptions. 36449

The board shall submit the report to the Ohio retirement 36450  
study council and the standing committees of the house of 36451  
representatives and the senate with primary responsibility for 36452  
retirement legislation not later than the first day of May 36453  
following the last fiscal year of the period the report covers. 36454

(C) The board may at any time request the actuary to make any 36455  
studies or actuarial valuations to determine the adequacy of the 36456  
rates of contribution as provided by section 3309.49 of the 36457  
Revised Code, and those rates may be adjusted by the board, as 36458  
recommended by the actuary, effective as of the first of any year 36459  
thereafter. 36460

(D) The board shall have prepared by or under the supervision 36461  
of an actuary an actuarial analysis of any introduced legislation 36462  
expected to have a measurable financial impact on the retirement 36463  
system. The actuarial analysis shall be completed in accordance 36464  
with the actuarial standards of practice promulgated by the 36465  
actuarial standards board of the American academy of actuaries. 36466  
The actuary shall prepare a report of the actuarial analysis, 36467  
which shall include all of the following: 36468

(1) A summary of the statutory changes that are being 36469  
evaluated; 36470

(2) A description of or reference to the actuarial assumptions and actuarial cost method used in the report;	36471 36472
(3) A description of the participant group or groups included in the report;	36473 36474
(4) A statement of the financial impact of the legislation, including the resulting increase, if any, in the employer normal cost percentage; the increase, if any, in actuarial accrued liabilities; and the per cent of payroll that would be required to amortize the increase in actuarial accrued liabilities as a level per cent of covered payroll for all active members over a period not to exceed thirty years;	36475 36476 36477 36478 36479 36480 36481
(5) A statement of whether the scheduled contributions to the system after the proposed change is enacted are expected to be sufficient to satisfy the funding objectives established by the board.	36482 36483 36484 36485
Not later than sixty days from the date of introduction of the legislation, the board shall submit a copy of the actuarial analysis to the legislative service commission, the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation, and the Ohio retirement study council.	36486 36487 36488 36489 36490 36491
(E) The board shall have prepared annually a report giving a full accounting of the revenues and costs relating to the provision of benefits under sections 3309.375 and 3309.69 of the Revised Code. The report shall be made as of June 30, 1997, and the thirtieth day of June of each year thereafter. The report shall include the following:	36492 36493 36494 36495 36496 36497
(1) A description of the statutory authority for the benefits provided;	36498 36499
(2) A summary of the benefits;	36500



(3) A summary of the eligibility requirements for the benefits;	36501 36502
(4) A statement of the number of participants eligible for the benefits;	36503 36504
(5) A description of the accounting, asset valuation, and funding method used to provide the benefits;	36505 36506
(6) A statement of the net assets available for the provision of the benefits as of the last day of the fiscal year;	36507 36508
(7) A statement of any changes in the net assets available for the provision of benefits, including participant and employer contributions, net investment income, administrative expenses, and benefits provided to participants, as of the last day of the fiscal year;	36509 36510 36511 36512 36513
(8) For the last six consecutive fiscal years, a schedule of the net assets available for the benefits, the annual cost of benefits, administrative expenses incurred, and annual employer contributions allocated for the provision of benefits;	36514 36515 36516 36517
(9) A description of any significant changes that affect the comparability of the report required under this division;	36518 36519
(10) A statement of the amount paid under division (E) of section 3309.69 of the Revised Code.	36520 36521
The board shall submit the report to the Ohio retirement study council, <u>the director of budget and management</u> , and the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation <u>immediately upon its availability and</u> not later than the thirty-first day of December following the year for which the report was made.	36522 36523 36524 36525 36526 36527
<b>Sec. 3310.01.</b> As used in sections 3310.01 to 3310.17 of the Revised Code:	36528 36529

(A) "Chartered nonpublic school" means a nonpublic school 36530  
that holds a valid charter issued by the state board of education 36531  
under section 3301.16 of the Revised Code and meets the standards 36532  
established for such schools in rules adopted by the state board. 36533

(B) An "eligible student" is a student who satisfies the 36534  
conditions specified in section 3310.03 or 3310.032 of the Revised 36535  
Code. 36536

(C) "Parent" has the same meaning as in section 3313.98 of 36537  
the Revised Code. 36538

(D) "Resident district" means the school district in which a 36539  
student is entitled to attend school under section 3313.64 or 36540  
3313.65 of the Revised Code. 36541

(E) "School year" has the same meaning as in section 3313.62 36542  
of the Revised Code. 36543

**Sec. 3310.02.** (A) The educational choice scholarship pilot 36544  
program is hereby established. Under the program, the department 36545  
of education annually shall pay scholarships to attend chartered 36546  
nonpublic schools in accordance with section 3310.08 of the 36547  
Revised Code for up to the following number of eligible students: 36548

(1) Thirty thousand in the 2011-2012 school year; 36549

(2) Sixty thousand in the 2012-2013 school year and 36550  
thereafter. 36551

(B) If the number of students who apply for a scholarship 36552  
exceeds the number of scholarships available under division (A) of 36553  
this section for the applicable school year, the department shall 36554  
award scholarships in the following order of priority: 36555

(1) First, to eligible students who received scholarships in 36556  
the prior school year; 36557

(2) Second, to eligible students with family incomes at or 36558

below two hundred per cent of the federal poverty guidelines, as 36559  
defined in section 5101.46 of the Revised Code, who qualify under 36560  
division (A) of section 3310.03 of the Revised Code. If the number 36561  
of students described in division (B)(2) of this section who apply 36562  
for a scholarship exceeds the number of available scholarships 36563  
after awards are made under division (B)(1) of this section, the 36564  
department shall select students described in division (B)(2) of 36565  
this section by lot to receive any remaining scholarships. 36566

(3) Third, to other eligible students who qualify under 36567  
division (A) of section 3310.03 of the Revised Code. If the number 36568  
of students described in division (B)(3) of this section who apply 36569  
for a scholarship exceeds the number of available scholarships 36570  
after awards are made under divisions (B)(1) and (2) of this 36571  
section, the department shall select students described in 36572  
division (B)(3) of this section by lot to receive any remaining 36573  
scholarships. 36574

(4) Fourth, to eligible students with family incomes at or 36575  
below two hundred per cent of the federal poverty guidelines who 36576  
qualify under division ~~(B)~~(D) of section 3310.03 of the Revised 36577  
Code. If the number of students described in division (B)(4) of 36578  
this section who apply for a scholarship exceeds the number of 36579  
available scholarships after awards are made under divisions 36580  
(B)(1) to (3) of this section, the department shall select 36581  
students described in division (B)(4) of this section by lot to 36582  
receive any remaining scholarships. 36583

(5) Fifth, to other eligible students who qualify under 36584  
division ~~(B)~~(D) of section 3310.03 of the Revised Code. If the 36585  
number of students described in division (B)(5) of this section 36586  
who apply for a scholarship exceeds the number of available 36587  
scholarships after awards are made under divisions (B)(1) to (4) 36588  
of this section, the department shall select students described in 36589  
division (B)(5) of this section by lot to receive any remaining 36590

scholarships. 36591

(6) Sixth, to eligible students with family incomes at or 36592  
below two hundred per cent of the federal poverty guidelines who 36593  
qualify under division (B) of section 3310.03 of the Revised Code. 36594  
If the number of students described in division (B)(6) of this 36595  
section who apply for a scholarship exceeds the number of 36596  
available scholarships after awards are made under divisions 36597  
(B)(1) to (5) of this section, the department shall select 36598  
students described in division (B)(6) of this section by lot to 36599  
receive any remaining scholarships. 36600

(7) Seventh, to other eligible students who qualify under 36601  
division (B) of section 3310.03 of the Revised Code. If the number 36602  
of students described in division (B)(7) of this section who apply 36603  
for a scholarship exceeds the number of available scholarships 36604  
after awards are made under divisions (B)(1) to (6) of this 36605  
section, the department shall select students described in 36606  
division (B)(7) of this section by lot to receive any remaining 36607  
scholarships. 36608

**Sec. 3310.03.** A student is an "eligible student" for purposes 36609  
of the educational choice scholarship pilot program if the 36610  
student's resident district is not a school district in which the 36611  
pilot project scholarship program is operating under sections 36612  
3313.974 to 3313.979 of the Revised Code and the student satisfies 36613  
one of the conditions in division (A), (B), ~~or~~ (C), or (D) of this 36614  
section: 36615

(A)(1) The student is enrolled in a school building operated 36616  
by the student's resident district that, on the report card issued 36617  
under section 3302.03 of the Revised Code published prior to the 36618  
first day of July of the school year for which a scholarship is 36619  
sought, did not receive a rating as described in division ~~(C)~~(H) 36620  
of this section, and to which any or a combination of any of the 36621

following apply for two of the three most recent report cards 36622  
published prior to the first day of July of the school year for 36623  
which a scholarship is sought: 36624

(a) The building was declared to be in a state of academic 36625  
emergency or academic watch under section 3302.03 of the Revised 36626  
Code as that section existed prior to ~~the effective date of this~~ 36627  
~~amendment~~ March 22, 2013. 36628

(b) The building received a grade of "D" or "F" for the 36629  
performance index score under division (A)(1)(b) or (B)(1)(b) of 36630  
section 3302.03 of the Revised Code and for the value-added 36631  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 36632  
section 3302.03 of the Revised Code for the 2012-2013 or 2013-2014 36633  
school year, or both; or if the building serves only grades ten 36634  
through twelve, the building received a grade of "D" or "F" for 36635  
the performance index score under division (A)(1)(b) or (B)(1)(b) 36636  
of section 3302.03 of the Revised Code and had a four-year 36637  
adjusted cohort graduation rate of less than seventy-five per 36638  
cent. 36639

(c) The building received an overall grade of "D" or "F" 36640  
under division (C)(3) of section 3302.03 of the Revised Code or a 36641  
grade of "F" for the value-added progress dimension under division 36642  
(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 36643  
school year or any school year thereafter. 36644

(2) The student is eligible to enroll in kindergarten in the 36645  
school year for which a scholarship is sought and otherwise would 36646  
be assigned under section 3319.01 of the Revised Code to a school 36647  
building described in division (A)(1) of this section. 36648

(3) The student is enrolled in a community school established 36649  
under Chapter 3314. of the Revised Code but otherwise would be 36650  
assigned under section 3319.01 of the Revised Code to a building 36651  
described in division (A)(1) of this section. 36652

(4) The student is enrolled in a school building operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of this section in the school year for which the scholarship is sought.

(5) The student is eligible to enroll in kindergarten in the school year for which a scholarship is sought, or is enrolled in a community school established under Chapter 3314. of the Revised Code, and all of the following apply to the student's resident district:

(a) The district has in force an intradistrict open enrollment policy under which no student in kindergarten or the community school student's grade level, respectively, is automatically assigned to a particular school building;

(b) In the most recent rating published prior to the first day of July of the school year for which scholarship is sought, the district did not receive a rating described in division ~~(G)~~(H) of this section, and in at least two of the three most recent report cards published prior to the first day of July of that school year, any or a combination of the following apply to the district:

(i) The district was declared to be in a state of academic emergency under section 3302.03 of the Revised Code as it existed prior to ~~the effective date of this amendment~~ March 22, 2013.

(ii) The district received a grade of "D" or "F" for the performance index score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and for the value-added progress dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised Code for the 2012-2013 or 2013-2014 school year, or both.

(c) The district received an overall grade of "D" or "F" 36684  
under division (C)(3) of section 3302.03 of the Revised Code or a 36685  
grade of "F" for the value-added progress dimension under division 36686  
(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 36687  
school year or any school year thereafter. 36688

(B)(1) The student is enrolled in a school building operated 36689  
by the student's resident district and to which both of the 36690  
following apply: 36691

(a) The building was ranked, for at least two of the three 36692  
most recent rankings published under section 3302.21 of the 36693  
Revised Code prior to the first day of July of the school year for 36694  
which a scholarship is sought, in the lowest ten per cent of all 36695  
public school buildings according to performance index score under 36696  
section 3302.21 of the Revised Code. 36697

(b) The building was not declared to be excellent or 36698  
effective, or the equivalent of such ratings as determined by the 36699  
department of education, under section 3302.03 of the Revised Code 36700  
in the most recent rating published prior to the first day of July 36701  
of the school year for which a scholarship is sought. 36702

(2) The student is eligible to enroll in kindergarten in the 36703  
school year for which a scholarship is sought and otherwise would 36704  
be assigned under section 3319.01 of the Revised Code to a school 36705  
building described in division (B)(1) of this section. 36706

(3) The student is enrolled in a community school established 36707  
under Chapter 3314. of the Revised Code but otherwise would be 36708  
assigned under section 3319.01 of the Revised Code to a building 36709  
described in division (B)(1) of this section. 36710

(4) The student is enrolled in a school building operated by 36711  
the student's resident district or in a community school 36712  
established under Chapter 3314. of the Revised Code and otherwise 36713  
would be assigned under section 3319.01 of the Revised Code to a 36714

school building described in division (B)(1) of this section in 36715  
the school year for which the scholarship is sought. 36716

(C) The student is enrolled in a nonpublic school at the time 36717  
the school is granted a charter by the state board of education 36718  
under section 3301.16 of the Revised Code and the student meets 36719  
the standards of division (B) of section 3310.031 of the Revised 36720  
Code. 36721

(D) For the 2016-2017 school year and each school year 36722  
thereafter, the student is in any of grades kindergarten through 36723  
three, is enrolled in a school building that is operated by the 36724  
student's resident district, and to which both of the following 36725  
apply: 36726

(1) The building, in at least two of the three most recent 36727  
ratings of school buildings published prior to the first day of 36728  
July of the school year for which a scholarship is sought, 36729  
received a grade of "D" or "F" for making progress in improving 36730  
literacy in grades kindergarten through three under division 36731  
(B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 36732

(2) The building did not receive a grade of "A" for making 36733  
progress in improving literacy in grades kindergarten through 36734  
three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of 36735  
the Revised Code in the most recent rating published prior to the 36736  
first day of July of the school year for which a scholarship is 36737  
sought. 36738

(E) A student who receives a scholarship under the 36739  
educational choice scholarship pilot program remains an eligible 36740  
student and may continue to receive scholarships in subsequent 36741  
school years until the student completes grade twelve, so long as 36742  
all of the following apply: 36743

(1) The student's resident district remains the same, or the 36744  
student transfers to a new resident district and otherwise would 36745



be assigned in the new resident district to a school building 36746  
described in division (A)(1) ~~or~~, (B)(1), or (D) of this section; 36747

(2) The student takes each assessment prescribed for the 36748  
student's grade level under section 3301.0710 or 3301.0712 of the 36749  
Revised Code while enrolled in a chartered nonpublic school; 36750

(3) In each school year that the student is enrolled in a 36751  
chartered nonpublic school, the student is absent from school for 36752  
not more than twenty days that the school is open for instruction, 36753  
not including excused absences. 36754

~~(E)~~(F)(1) The department shall cease awarding first-time 36755  
scholarships pursuant to divisions (A)(1) to (4) of this section 36756  
with respect to a school building that, in the most recent ratings 36757  
of school buildings published under section 3302.03 of the Revised 36758  
Code prior to the first day of July of the school year, ceases to 36759  
meet the criteria in division (A)(1) of this section. The 36760  
department shall cease awarding first-time scholarships pursuant 36761  
to division (A)(5) of this section with respect to a school 36762  
district that, in the most recent ratings of school districts 36763  
published under section 3302.03 of the Revised Code prior to the 36764  
first day of July of the school year, ceases to meet the criteria 36765  
in division (A)(5) of this section. 36766

(2) The department shall cease awarding first-time 36767  
scholarships pursuant to divisions (B)(1) to (4) of this section 36768  
with respect to a school building that, in the most recent ratings 36769  
of school buildings under section 3302.03 of the Revised Code 36770  
prior to the first day of July of the school year, ceases to meet 36771  
the criteria in division (B)(1) of this section. 36772

(3) The department shall cease awarding first-time 36773  
scholarships pursuant to division (D) of this section with respect 36774  
to a school building that, in the most recent ratings of school 36775  
buildings under section 3302.03 of the Revised Code prior to the 36776

first day of July of the school year, ceases to meet the criteria 36777  
in division (D) of this section. 36778

(4) However, students who have received scholarships in the 36779  
prior school year remain eligible students pursuant to division 36780  
~~(D)~~(E) of this section. 36781

~~(F)~~(G) The state board of education shall adopt rules 36782  
defining excused absences for purposes of division ~~(D)~~(E)(3) of 36783  
this section. 36784

~~(G)~~(H)(1) A student who satisfies only the conditions 36785  
prescribed in divisions (A)(1) to (4) of this section shall not be 36786  
eligible for a scholarship if the student's resident building 36787  
meets any of the following in the most recent rating under section 36788  
3302.03 of the Revised Code published prior to the first day of 36789  
July of the school year for which a scholarship is sought: 36790

(a) The building has an overall designation of excellent or 36791  
effective under section 3302.03 of the Revised Code as it existed 36792  
prior to ~~the effective date of this amendment~~ March 22, 2013. 36793

(b) For the 2012-2013 or 2013-2014 school year or both, the 36794  
building has a grade of "A" or "B" for the performance index score 36795  
under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the 36796  
Revised Code and for the value-added progress dimension under 36797  
division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised 36798  
Code; or if the building serves only grades ten through twelve, 36799  
the building received a grade of "A" or "B" for the performance 36800  
index score under division (A)(1)(b) or (B)(1)(b) of section 36801  
3302.03 of the Revised Code and had a four-year adjusted cohort 36802  
graduation rate of greater than or equal to seventy-five per cent. 36803

(c) For the 2014-2015 school year or any school year 36804  
thereafter, the building has a grade of "A" or "B" under division 36805  
(C)(3) of section 3302.03 of the Revised Code and a grade of "A" 36806  
for the value-added progress dimension under division (C)(1)(e) of 36807

section 3302.03 of the Revised Code; or if the building serves 36808  
only grades ten through twelve, the building received a grade of 36809  
"A" or "B" for the performance index score under division 36810  
(C)(1)(b) of section 3302.03 of the Revised Code and had a 36811  
four-year adjusted cohort graduation rate of greater than or equal 36812  
to seventy-five per cent. 36813

(2) A student who satisfies only the conditions prescribed in 36814  
division (A)(5) of this section shall not be eligible for a 36815  
scholarship if the student's resident district meets any of the 36816  
following in the most recent rating under section 3302.03 of the 36817  
Revised Code published prior to the first day of July of the 36818  
school year for which a scholarship is sought: 36819

(a) The district has an overall designation of excellent or 36820  
effective under section 3302.03 of the Revised Code as it existed 36821  
prior to ~~the effective date of this amendment~~ March 22, 2013. 36822

(b) The district has a grade of "A" or "B" for the 36823  
performance index score under division (A)(1)(b) or (B)(1)(b) of 36824  
section 3302.03 of the Revised Code and for the value-added 36825  
progress dimension under division (A)(1)(e) or (B)(1)(e) of 36826  
section 3302.03 of the Revised Code for the 2012-2013 and 36827  
2013-2014 school years. 36828

(c) The district has an overall grade of "A" or "B" under 36829  
division (C)(3) of section 3302.03 of the Revised Code and a grade 36830  
of "A" for the value-added progress dimension under division 36831  
(C)(1)(e) of section 3302.03 of the Revised Code for the 2014-2015 36832  
school year or any school year thereafter. 36833

**Sec. 3310.032.** (A) A student is an "eligible student" for 36834  
purposes of the expansion of the educational choice scholarship 36835  
pilot program under this section if the student's resident 36836  
district is not a school district in which the pilot project 36837  
scholarship program is operating under sections 3313.974 to 36838

3313.979 of the Revised Code, the student is not eligible for an 36839  
educational choice scholarship under section 3310.03 of the 36840  
Revised Code, and the student's family income is at or below two 36841  
hundred per cent of the federal poverty guidelines, as defined in 36842  
section 5101.46 of the Revised Code. 36843

(B) In each fiscal year for which the general assembly 36844  
appropriates funds for purposes of this section, the department of 36845  
education shall pay scholarships to attend chartered nonpublic 36846  
schools in accordance with section 3310.08 of the Revised Code. 36847  
The number of scholarships awarded under this section shall not 36848  
exceed the number that can be funded with appropriations made by 36849  
the general assembly for this purpose. 36850

(C) Scholarships under this section shall be awarded as 36851  
follows: 36852

(1) For the 2013-2014 school year, to eligible students who 36853  
are entering kindergarten in that school year for the first time; 36854

(2) For each subsequent school year, scholarships shall be 36855  
awarded to eligible students in the next grade level above the 36856  
highest grade level awarded in the preceding school year, in 36857  
addition to the grade levels for which students received 36858  
scholarships in the preceding school year. 36859

(D) If the number of eligible students who apply for a 36860  
scholarship under this section exceeds the scholarships available 36861  
based on the appropriation for this section, the department shall 36862  
award scholarships in the following order of priority: 36863

(1) First, to eligible students who received scholarships 36864  
under this section in the prior school year; 36865

(2) Second, to eligible students with family incomes at or 36866  
below one hundred per cent of the federal poverty guidelines. If 36867  
the number of students described in division (D)(2) of this 36868

section who apply for a scholarship exceeds the number of 36869  
available scholarships after awards are made under division (D)(1) 36870  
of this section, the department shall select students described in 36871  
division (D)(2) of this section by lot to receive any remaining 36872  
scholarships. 36873

(3) Third, to other eligible students who qualify under this 36874  
section. If the number of students described in division (D)(3) of 36875  
this section exceeds the number of available scholarships after 36876  
awards are made under divisions (D)(1) and (2) of this section, 36877  
the department shall select students described in division (D)(3) 36878  
of this section by lot to receive any remaining scholarships. 36879

(E) A student who receives a scholarship under this section 36880  
remains an eligible student and may continue to receive 36881  
scholarships under this section in subsequent school years until 36882  
the student completes grade twelve, so long as the student 36883  
satisfies the conditions specified in divisions (E)(2) and (3) of 36884  
section 3310.03 of the Revised Code. 36885

Once a scholarship is awarded under this section, the student 36886  
shall remain eligible for that scholarship for the current school 36887  
year and subsequent school years even if the student's family 36888  
income rises above the amount specified in division (A) of this 36889  
section, provided the student remains enrolled in a chartered 36890  
nonpublic school. 36891

**Sec. 3310.035.** (A) A student who is eligible for an 36892  
educational choice scholarship under both sections 3310.03 and 36893  
3310.032 of the Revised Code, and applies for a scholarship for 36894  
the first time after the effective date of this section shall 36895  
receive a scholarship under section 3310.03 of the Revised Code. 36896

(B) A student who is eligible under both sections 3310.03 and 36897  
3310.032 of the Revised Code and received a scholarship in the 36898  
previous school year shall continue to receive the scholarship 36899

under the section from which the student received the scholarship 36900  
in the previous school year, so long as: 36901

(1) The number of students who apply for a scholarship does 36902  
not exceed the number of scholarships available under division (A) 36903  
of section 3310.02 of the Revised Code. 36904

(2) A student who receives a scholarship under section 36905  
3310.03 of the Revised Code satisfies with the conditions 36906  
specified in divisions (E)(1) to (3) of that section, and a 36907  
student who receives a scholarship under section 3310.032 36908  
satisfies with the conditions specified in divisions (E)(2) and 36909  
(3) of section 3310.03 of the Revised Code. 36910

**Sec. 3310.05.** A scholarship under the educational choice 36911  
scholarship pilot program is not available for any student whose 36912  
resident district is a school district in which the pilot project 36913  
scholarship program is operating under sections 3313.974 to 36914  
3313.979 of the Revised Code. The two pilot programs are separate 36915  
and distinct, with differing eligibility criteria. The pilot 36916  
project scholarship program operating under sections 3313.974 to 36917  
3313.979 of the Revised Code is a district-wide program that may 36918  
award scholarships to students who do not attend district schools 36919  
that face academic challenges, whereas the educational choice 36920  
scholarship pilot program established under sections 3310.01 to 36921  
3310.17 of the Revised Code is limited to students of individual 36922  
district school buildings that face academic challenges and to 36923  
students from low-income families. 36924

**Sec. 3310.06.** It is the policy adopted by the general 36925  
assembly that the educational choice scholarship pilot program 36926  
shall be construed as one of several educational options available 36927  
for students enrolled in persistently low-performing school 36928  
buildings or for students from low-income families. Students may 36929

be enrolled in the schools of the student's resident district, in 36930  
a community school established under Chapter 3314. of the Revised 36931  
Code, in the schools of another school district pursuant to an 36932  
open enrollment policy adopted under section 3313.98 of the 36933  
Revised Code, in a chartered nonpublic school with or without a 36934  
scholarship under the educational choice scholarship pilot 36935  
program, or in other schools as the law may provide. 36936

**Sec. 3310.08.** (A) The amount paid for an eligible student 36937  
under the educational choice scholarship pilot program shall be 36938  
the lesser of the tuition of the chartered nonpublic school in 36939  
which the student is enrolled or the maximum amount prescribed in 36940  
section 3310.09 of the Revised Code. 36941

(B)(1) The department of education shall pay to the parent of 36942  
each eligible student for whom a scholarship is awarded under the 36943  
program, or to the student if at least eighteen years of age, 36944  
periodic partial payments of the scholarship. 36945

(2) The department shall proportionately reduce or terminate 36946  
the payments for any student who withdraws from a chartered 36947  
nonpublic school prior to the end of the school year. 36948

(C)(1) The department shall deduct from the payments made to 36949  
each school district under Chapter 3317., and if necessary, 36950  
sections 321.24 and 323.156 of the Revised Code, the amount paid 36951  
under division (B) of this section for each eligible student 36952  
awarded who qualifies for a scholarship under the program section 36953  
3310.03 of the Revised Code and who is entitled under section 36954  
3313.64 or 3313.65 of the Revised Code to attend school in the 36955  
district. In the case of a student entitled to attend school in a 36956  
school district under division (B)(2)(a) of section 3313.64 or 36957  
division (C) of section 3313.65 of the Revised Code, the 36958  
department shall deduct the payments from the school district that 36959

includes the student in its average daily membership as reported 36960  
to the department under section 3317.03 of the Revised Code, as 36961  
determined by the department. 36962

(2) If the department reduces or terminates payments to a 36963  
parent or a student, as prescribed in division (B)(2) of this 36964  
section, and the student enrolls in the schools of the student's 36965  
resident district or in a community school, established under 36966  
Chapter 3314. of the Revised Code, before the end of the school 36967  
year, the department shall proportionally restore to the resident 36968  
district the amount deducted for that student under division 36969  
(C)(1) of this section. 36970

**Sec. 3310.56.** (A) The amount of the scholarship awarded and 36971  
paid to an eligible applicant for services for a qualified special 36972  
education child under the Jon Peterson special needs scholarship 36973  
program in each school year shall be the least of the amounts 36974  
prescribed in divisions (A)(1), (2), ~~or~~ and (3) of this section, 36975  
as follows: 36976

(1) The amount of fees charged for that school year by the 36977  
alternative public provider or registered private provider; 36978

(2) The sum of the amounts calculated under divisions 36979  
(A)(2)(a) and (b) of this section: 36980

(a) ~~The sum of the formula amount plus the per pupil amount~~ 36981  
~~of the base funding supplements specified in divisions (C)(1) to~~ 36982  
~~(4) of section 3317.012 of the Revised Code for fiscal year 2009;~~ 36983

(b) An amount equal to ~~\$5,732~~ the formula amount times the 36984  
following multiple prescribed for the child's disability: 36985

(i) For a student in category one, ~~0.2892~~ the multiple 36986  
specified in division (A) of section 3317.013 of the Revised Code; 36987

(ii) For a student in category two, ~~0.3691~~ the multiple 36988  
specified in division (B) of section 3317.013 of the Revised Code; 36989



(iii) For a student in category three, ~~1.7695~~ the multiple 36990  
specified in division (C) of section 3317.013 of the Revised Code; 36991

(iv) For a student in category four, ~~2.3646~~ the multiple 36992  
specified in division (D) of section 3317.013 of the Revised Code; 36993

(v) For a student in category five, ~~3.1129~~ the multiple 36994  
specified in division (E) of section 3317.013 of the Revised Code; 36995

(vi) For a student in category six, ~~4.7342~~ the multiple 36996  
specified in division (F) of section 3317.013 of the Revised Code. 36997

~~Before applying the multiples specified in divisions~~ 36998  
~~(A)(2)(b)(i) to (vi) of this section, they first shall be adjusted~~ 36999  
~~by multiplying them by 0.90.~~ 37000

(3) Twenty thousand dollars. 37001

(B) As used in division (A)(2)(b) of this section, a child 37002  
with a disability is in: 37003

(1) "Category one" if the ~~child's primary or only identified~~ 37004  
~~disability is a speech and language disability, as this term is~~ 37005  
~~defined pursuant to Chapter 3323. child is receiving special~~ 37006  
~~education services for a disability specified in division (A) of~~ 37007  
~~section 3317.013 of the Revised Code;~~ 37008

(2) "Category two" if the child is ~~identified as specific~~ 37009  
~~learning disabled or developmentally disabled, as these terms are~~ 37010  
~~defined pursuant to Chapter 3323. of the Revised Code, or as~~ 37011  
~~having an other health impairment minor, as defined in section~~ 37012  
~~3317.02 receiving special education services for a disability~~ 37013  
~~specified in division (B) of section 3317.013 of the Revised Code;~~ 37014

(3) "Category three" if the child is ~~identified as vision~~ 37015  
~~impaired, hearing disabled, or severe behavior disabled, as these~~ 37016  
~~terms are defined pursuant to Chapter 3323. receiving special~~ 37017  
~~education services for a disability specified in division (C) of~~ 37018  
~~section 3317.013 of the Revised Code;~~ 37019

(4) "Category four" if the child is ~~identified as~~ 37020  
~~orthopedically disabled, as this term is defined pursuant to~~ 37021  
~~Chapter 3323. of the Revised Code, or as having an other health~~ 37022  
~~impairment major, as defined in section 3317.02~~ receiving special 37023  
education services for a disability specified in division (D) of 37024  
section 3317.013 of the Revised Code; 37025

(5) "Category five" if the child is ~~identified as having~~ 37026  
~~multiple disabilities, as this term is defined pursuant to Chapter~~ 37027  
~~3323.~~ receiving special education services for a disability 37028  
specified in division (E) of section 3317.013 of the Revised Code; 37029

(6) "Category six" if the child is ~~identified as autistic,~~ 37030  
~~having traumatic brain injuries, or both visually and hearing~~ 37031  
~~impaired, as these terms are defined pursuant to Chapter 3323.~~ 37032  
receiving special education services for a disability specified in 37033  
division (F) of section 3317.013 of the Revised Code. 37034

**Sec. 3311.0510.** (A) If all of the client school districts of 37035  
an educational service center have terminated their agreements 37036  
with the service center under division (D) of section 3313.843 of 37037  
the Revised Code, upon the latest effective date of the 37038  
terminations, the governing board of that service center shall be 37039  
abolished and such service center shall be dissolved by order of 37040  
the superintendent of public instruction. The superintendent's 37041  
order shall provide for the equitable division and disposition of 37042  
the assets, property, debts, and obligations of the service center 37043  
among the school districts that were client school districts of 37044  
the service center for the service center's last fiscal year of 37045  
operation. The superintendent's order shall provide that the tax 37046  
duplicate of each of those school districts shall be bound for and 37047  
assume the district's equitable share of the outstanding 37048  
indebtedness of the service center. The superintendent's order is 37049  
final and is not appealable. 37050

Immediately upon the abolishment of the service center 37051  
governing board pursuant to this section, the superintendent of 37052  
public instruction shall appoint a qualified individual to 37053  
administer the dissolution of the service center and to implement 37054  
the terms of the superintendent's dissolution order. 37055

Prior to distributing assets to any school district under 37056  
this section, but after paying in full other debts and obligations 37057  
of the service center under this section, the superintendent of 37058  
public instruction may assess against the remaining assets of the 37059  
service center the amount of the costs incurred by the department 37060  
of education in performing the superintendent's duties under this 37061  
division, including the fees, if any, owed to the individual 37062  
appointed to administer the superintendent's dissolution order. 37063  
Any excess cost incurred by the department under this division 37064  
shall be divided equitably among the school districts that were 37065  
client school districts of the service center for the service 37066  
center's last fiscal year of operation. Each district's share of 37067  
that excess cost shall be bound against the tax duplicate of that 37068  
district. 37069

(B) A final audit of the former service center shall be 37070  
performed in accordance with procedures established by the auditor 37071  
of state. 37072

(C) The public records of an educational service center that 37073  
is dissolved under this section shall be transferred in accordance 37074  
with this division. Public records maintained by the service 37075  
center in connection with services provided by the service center 37076  
to local school districts of which the territory of the service 37077  
center is or previously was made up shall be transferred to each 37078  
of the respective local school districts. Public records 37079  
maintained by the service center in connection with services 37080  
provided to client school districts shall be transferred to each 37081  
of the respective client school districts. All other public 37082

records maintained by the service center at the time the service 37083  
center ceases operations shall be transferred to the Ohio 37084  
historical society for analysis and disposition by the society in 37085  
its capacity as archives administrator for the state and its 37086  
political subdivisions pursuant to division (C) of section 149.30 37087  
and section 149.31 of the Revised Code. 37088

(D) As used in this section, "client school district" ~~has the~~ 37089  
~~same meaning as in section 3317.11 of the Revised Code~~ means a 37090  
city, exempted village, or local school district that has entered 37091  
into an agreement under section 3313.843 or 3313.845 of the 37092  
Revised Code to receive any services from an educational service 37093  
center. 37094

**Sec. 3311.22.** A governing board of an educational service 37095  
center may propose, by resolution adopted by majority vote of its 37096  
full membership, or qualified electors of the area affected equal 37097  
in number to at least fifty-five per cent of the qualified 37098  
electors voting at the last general election residing within that 37099  
portion of a school district, or districts proposed to be 37100  
transferred may propose, by petition, the transfer of a part or 37101  
all of one or more local school districts to another local school 37102  
district or districts within the territory of the educational 37103  
service center. Such transfers may be made only to local school 37104  
districts adjoining the school district that is proposed to be 37105  
transferred, unless the board of education of the district 37106  
proposed to be transferred has entered into an agreement pursuant 37107  
to section 3313.42 of the Revised Code, in which case such 37108  
transfers may be made to any local school district within the 37109  
territory of the educational service center. 37110

When a governing board of an educational service center 37111  
adopts a resolution proposing a transfer of school territory it 37112  
shall forthwith file a copy of such resolution, together with an 37113

accurate map of the territory described in the resolution, with 37114  
the board of education of each school district whose boundaries 37115  
would be altered by such proposal. A governing board of an 37116  
educational service center proposing a transfer of territory under 37117  
the provisions of this section shall at its next regular meeting 37118  
that occurs not earlier than thirty days after the adoption by the 37119  
governing board of a resolution proposing such transfer, adopt a 37120  
resolution making the transfer effective at any time prior to the 37121  
next succeeding first day of July, unless, prior to the expiration 37122  
of such thirty-day period, qualified electors residing in the area 37123  
proposed to be transferred, equal in number to a majority of the 37124  
qualified electors voting at the last general election, file a 37125  
petition of referendum against such transfer. 37126

Any petition of transfer or petition of referendum filed 37127  
under the provisions of this section shall be filed at the office 37128  
of the educational service center superintendent. The person 37129  
presenting the petition shall be given a receipt containing 37130  
thereon the time of day, the date, and the purpose of the 37131  
petition. 37132

The educational service center superintendent shall cause the 37133  
board of elections to check the sufficiency of signatures on any 37134  
petition of transfer or petition of referendum filed under this 37135  
section and, if found to be sufficient, the superintendent shall 37136  
present the petition to the educational service center governing 37137  
board at a meeting of the board which shall occur not later than 37138  
thirty days following the filing of the petition. 37139

Upon presentation to the educational service center governing 37140  
board of a proposal to transfer territory as requested by petition 37141  
of fifty-five per cent of the qualified electors voting at the 37142  
last general election or a petition of referendum against a 37143  
proposal of the county board to transfer territory, the governing 37144  
board shall promptly certify the proposal to the board of 37145

elections for the purpose of having the proposal placed on the 37146  
ballot at the next general or primary election which occurs not 37147  
less than ninety days after the date of such certification, or at 37148  
a special election, the date of which shall be specified in the 37149  
certification, which date shall not be less than ninety days after 37150  
the date of such certification. Signatures on a petition of 37151  
transfer or petition of referendum may be withdrawn up to and 37152  
including the above mentioned meeting of the educational service 37153  
center governing board only by order of the board upon testimony 37154  
of the petitioner concerned under oath before the board that the 37155  
petitioner's signature was obtained by fraud, duress, or 37156  
misrepresentation. 37157

If a petition is filed with the educational service center 37158  
governing board which proposes the transfer of a part or all of 37159  
the territory included in a resolution of transfer previously 37160  
adopted by the educational service center governing board, no 37161  
action shall be taken on such petition if within the thirty-day 37162  
period after the adoption of the resolution of transfer a 37163  
referendum petition is filed. After the election, if the proposed 37164  
transfer fails to receive a majority vote, action on such petition 37165  
shall then be processed under this section as though originally 37166  
filed under the provisions hereof. If no referendum petition is 37167  
filed within the thirty-day period after the adoption of the 37168  
resolution of transfer, no action shall be taken on such petition. 37169

If a petition is filed with the educational service center 37170  
governing board which proposes the transfer of a part or all of 37171  
the territory included in a petition previously filed by electors 37172  
no action shall be taken on such new petition. 37173

Upon certification of a proposal to the board or boards of 37174  
elections pursuant to this section, the board or boards of 37175  
elections shall make the necessary arrangements for the submission 37176  
of such question to the electors of the county or counties 37177

qualified to vote thereon, and the election shall be conducted and 37178  
canvassed and the results shall be certified in the same manner as 37179  
in regular elections for the election of members of a board of 37180  
education. 37181

The persons qualified to vote upon a proposal are the 37182  
electors residing in the district or districts containing 37183  
territory that is proposed to be transferred. If the proposed 37184  
transfer be approved by at least a majority of the electors voting 37185  
on the proposal, the educational service center governing board 37186  
shall make such transfer at any time prior to the next succeeding 37187  
first day of July. If the proposed transfer is not approved by at 37188  
least a majority of the electors voting on the proposal, the 37189  
question of transferring any property included in the territory 37190  
covered by the proposal shall not be submitted to electors at any 37191  
election prior to the first general election the date of which is 37192  
at least two years after the date of the original election, or the 37193  
first primary election held in an even-numbered year the date of 37194  
which is at least two years after the date of the original 37195  
election. A transfer shall be subject to the approval of the 37196  
receiving board or boards of education, unless the proposal was 37197  
initiated by the educational service center governing board, in 37198  
which case, if the transfer is opposed by the board of education 37199  
offered the territory, the local board may, within thirty days, 37200  
following the receipt of the notice of transfer, appeal to the 37201  
state board of education which shall then either approve or 37202  
disapprove the transfer. 37203

Following an election upon a proposed transfer initiated by a 37204  
petition the board of education that is offered territory shall, 37205  
within thirty days following receipt of the proposal, either 37206  
accept or reject the transfer. 37207

When an entire school district is proposed to be transferred 37208  
to two or more school districts and the offer is rejected by any 37209

one of the receiving boards of education, none of the territory 37210  
included in the proposal shall be transferred. 37211

Upon the acceptance of territory by the receiving board or 37212  
boards of education the educational service center governing board 37213  
offering the territory shall file with the county auditor and with 37214  
the state board of education an accurate map showing the 37215  
boundaries of the territory transferred. 37216

Upon the making of such transfer, the net indebtedness of the 37217  
former district from which territory was transferred shall be 37218  
apportioned between the acquiring school district and that portion 37219  
of the former school district remaining after the transfer in the 37220  
ratio which the assessed valuation of the territory transferred to 37221  
the acquiring school district bears to the assessed valuation of 37222  
the original school district as of the effective date of the 37223  
transfer. As used in this section "net indebtedness" means the 37224  
difference between the par value of the outstanding and unpaid 37225  
bonds and notes of the school district and the amount held in the 37226  
sinking fund and other indebtedness retirement funds for their 37227  
redemption. 37228

~~If an entire district is transferred, any indebtedness of the 37229  
former district incurred as a result of a loan made under section 37230  
3317.64 of the Revised Code is hereby canceled and such 37231  
indebtedness shall not be apportioned among any districts 37232  
acquiring the territory. 37233~~

Upon the making of any transfer under this section, the funds 37234  
of the district from which territory was transferred shall be 37235  
divided equitably by the educational service center governing 37236  
board between the acquiring district and any part of the original 37237  
district remaining after the transfer. 37238

If an entire district is transferred the board of education 37239  
of such district is thereby abolished or if a member of the board 37240



of education lives in that part of a school district transferred 37241  
the member becomes a nonresident of the school district from which 37242  
the territory was transferred and such member ceases to be a 37243  
member of the board of education of such district. 37244

The legal title of all property of the board of education in 37245  
the territory transferred shall become vested in the board of 37246  
education of the school district to which such territory is 37247  
transferred. 37248

Subsequent to June 30, 1959, if an entire district is 37249  
transferred, foundation program moneys accruing to a district 37250  
accepting school territory under the provisions of this section or 37251  
former section 3311.22 of the Revised Code, shall not be less, in 37252  
any year during the next succeeding three years following the 37253  
transfer, than the sum of the amounts received by the districts 37254  
separately in the year in which the transfer was consummated. 37255

**Sec. 3311.231.** A governing board of an educational service 37256  
center may propose, by resolution adopted by majority vote of its 37257  
full membership, or qualified electors of the area affected equal 37258  
in number to not less than fifty-five per cent of the qualified 37259  
electors voting at the last general election residing within that 37260  
portion of a school district proposed to be transferred may 37261  
propose, by petition, the transfer of a part or all of one or more 37262  
local school districts within the territory of the center to an 37263  
adjoining educational service center or to an adjoining city or 37264  
exempted village school district. 37265

A governing board of an educational service center adopting a 37266  
resolution proposing a transfer of school territory under this 37267  
section shall file a copy of such resolution together with an 37268  
accurate map of the territory described in the resolution, with 37269  
the board of education of each school district whose boundaries 37270  
would be altered by such proposal. Where a transfer of territory 37271

is proposed by a governing board of an educational service center 37272  
under this section, the governing board shall, at its next regular 37273  
meeting that occurs not earlier than the thirtieth day after the 37274  
adoption by the governing board of the resolution proposing such 37275  
transfer, adopt a resolution making the transfer as originally 37276  
proposed, effective at any time prior to the next succeeding first 37277  
day of July, unless, prior to the expiration of such thirty-day 37278  
period, qualified electors residing in the area proposed to be 37279  
transferred, equal in number to a majority of the qualified 37280  
electors voting at the last general election, file a petition of 37281  
referendum against such transfer. 37282

Any petition of transfer or petition of referendum under the 37283  
provisions of this section shall be filed at the office of the 37284  
educational service center superintendent. The person presenting 37285  
the petition shall be given a receipt containing thereon the time 37286  
of day, the date, and the purpose of the petition. 37287

The educational service center superintendent shall cause the 37288  
board of elections to check the sufficiency of signatures on any 37289  
such petition, and, if found to be sufficient, the superintendent 37290  
shall present the petition to the educational service center 37291  
governing board at a meeting of said governing board which shall 37292  
occur not later than thirty days following the filing of said 37293  
petition. 37294

The educational service center governing board shall promptly 37295  
certify the proposal to the board of elections of such counties in 37296  
which school districts whose boundaries would be altered by such 37297  
proposal are located for the purpose of having the proposal placed 37298  
on the ballot at the next general or primary election which occurs 37299  
not less than ninety days after the date of such certification or 37300  
at a special election, the date of which shall be specified in the 37301  
certification, which date shall not be less than ninety days after 37302  
the date of such certification. 37303

Signatures on a petition of transfer or petition of referendum may be withdrawn up to and including the above mentioned meeting of the educational service center governing board only by order of the governing board upon testimony of the petitioner concerned under oath before the board that the petitioner's signature was obtained by fraud, duress, or misrepresentation.

If a petition is filed with the educational service center governing board which proposes the transfer of a part or all of the territory included either in a petition previously filed by electors or in a resolution of transfer previously adopted by the educational service center governing board, no action shall be taken on such new petition as long as the previously initiated proposal is pending before the governing board or is subject to an election.

Upon certification of a proposal to the board or boards of elections pursuant to this section, the board or boards of elections shall make the necessary arrangements for the submission of such question to the electors of the county or counties qualified to vote thereon, and the election shall be conducted and canvassed and the results shall be certified in the same manner as in regular elections for the election of members of a board of education.

The persons qualified to vote upon a proposal are the electors residing in the district or districts containing territory that is proposed to be transferred. If the proposed transfer is approved by at least a majority of the electors voting on the proposal, the educational service center governing board shall make such transfer at any time prior to the next succeeding first day of July, subject to the approval of the receiving board of education in case of a transfer to a city or exempted village school district, and subject to the approval of the educational

service center governing board of the receiving center, in case of 37336  
a transfer to an educational service center. If the proposed 37337  
transfer is not approved by at least a majority of the electors 37338  
voting on the proposal, the question of transferring any property 37339  
included in the territory covered by the proposal shall not be 37340  
submitted to electors at any election prior to the first general 37341  
election the date of which is at least two years after the date of 37342  
the original election, or the first primary election held in an 37343  
even-numbered year the date of which is at least two years after 37344  
the date of the original election. 37345

Where a territory is transferred under this section to a city 37346  
or exempted village school district, the board of education of 37347  
such district shall, and where territory is transferred to an 37348  
educational service center the governing board of such educational 37349  
service center shall, within thirty days following receipt of the 37350  
proposal, either accept or reject the transfer. 37351

Where a governing board of an educational service center 37352  
adopts a resolution accepting territory transferred to the 37353  
educational service center under the provisions of sections 37354  
3311.231 and 3311.24 of the Revised Code, the governing board 37355  
shall, at the time of the adoption of the resolution accepting the 37356  
territory, designate the school district to which the accepted 37357  
territory shall be annexed. 37358

When an entire school district is proposed to be transferred 37359  
to two or more adjoining school districts and the offer is 37360  
rejected by any one of the receiving boards of education, none of 37361  
the territory included in the proposal shall be transferred. 37362

Upon the acceptance of territory by the receiving board or 37363  
boards of education the educational service center governing board 37364  
offering the territory shall file with the county auditor of each 37365  
county affected by the transfer and with the state board of 37366  
education an accurate map showing the boundaries of the territory 37367

transferred. 37368

Upon the making of such transfer, the net indebtedness of the 37369  
former district from which territory was transferred shall be 37370  
apportioned between the acquiring school district and the portion 37371  
of the former school district remaining after the transfer in the 37372  
ratio which the assessed valuation of the territory transferred to 37373  
the acquiring school district bears to the assessed valuation of 37374  
the original school district as of the effective date of the 37375  
transfer. As used in this section "net indebtedness" means the 37376  
difference between the par value of the outstanding and unpaid 37377  
bonds and notes of the school district and the amount held in the 37378  
sinking fund and other indebtedness retirement funds for their 37379  
redemption. 37380

~~If an entire district is transferred, any indebtedness of the 37381  
former district incurred as a result of a loan made under section 37382  
3317.64 of the Revised Code is hereby canceled and such 37383  
indebtedness shall not be apportioned among any districts 37384  
acquiring the territory. 37385~~

Upon the making of any transfer under this section, the funds 37386  
of the district from which territory was transferred shall be 37387  
divided equitably by the educational service center governing 37388  
board, between the acquiring district and any part of the original 37389  
district remaining after the transfer. 37390

If an entire district is transferred the board of education 37391  
of such district is thereby abolished or if a member of the board 37392  
of education lives in that part of a school district transferred 37393  
the member becomes a nonresident of the school district from which 37394  
the territory was transferred and such member ceases to be a 37395  
member of the board of education of such district. 37396

The legal title of all property of the board of education in 37397  
the territory transferred shall become vested in the board of 37398

education of the school district to which such territory is 37399  
transferred. 37400

If an entire district is transferred, foundation program 37401  
moneys accruing to a district receiving school territory under the 37402  
provisions of this section shall not be less, in any year during 37403  
the next succeeding three years following the transfer, than the 37404  
sum of the amounts received by the districts separately in the 37405  
year in which the transfer was consummated. 37406

**Sec. 3311.38.** The state board of education may conduct, or 37407  
may direct the superintendent of public instruction to conduct, 37408  
studies where there is evidence of need for transfer of local, 37409  
exempted village, or city school districts, or parts of any such 37410  
districts, to contiguous or noncontiguous local, exempted village, 37411  
or city school districts. Such studies shall include a study of 37412  
the effect of any proposal upon any portion of a school district 37413  
remaining after such proposed transfer. The state board, in 37414  
conducting such studies and in making recommendations as a result 37415  
thereof, shall consider the possibility of improving school 37416  
district organization as well as the desires of the residents of 37417  
the school districts which would be affected. 37418

(A) After the adoption of recommendations growing out of any 37419  
such study, or upon receipt of a resolution adopted by majority 37420  
vote of the full membership of the board of any city, local, or 37421  
exempted village school district requesting that the entire 37422  
district be transferred to another city, local, or exempted 37423  
village school district, the state board may propose by resolution 37424  
the transfer of territory, which may consist of part or all of the 37425  
territory of a local, exempted village, or city school district to 37426  
a contiguous local, exempted village, or city school district. 37427

The state board shall thereupon file a copy of such proposal 37428  
with the board of education of each school district whose 37429

boundaries would be altered by the proposal and with the governing 37430  
board of any educational service center in which such school 37431  
district is located. 37432

The state board may, not less than thirty days following the 37433  
adoption of the resolution proposing the transfer of territory, 37434  
certify the proposal to the board of elections of the county or 37435  
counties in which any of the territory of the proposed district is 37436  
located, for the purpose of having the proposal placed on the 37437  
ballot at the next general election or at a primary election 37438  
occurring not less than ninety days after the adoption of such 37439  
resolution. 37440

If any proposal has been previously initiated pursuant to 37441  
section 3311.22, 3311.231, or 3311.26 of the Revised Code which 37442  
affects any of the territory affected by the proposal of the state 37443  
board, the proposal of the state board shall not be placed on the 37444  
ballot while the previously initiated proposal is subject to an 37445  
election. 37446

Upon certification of a proposal to the board of elections of 37447  
any county pursuant to this section, the board of elections of 37448  
such county shall make the necessary arrangements for the 37449  
submission of such question to the electors of the county 37450  
qualified to vote thereon, and the election shall be counted and 37451  
canvassed and the results shall be certified in the same manner as 37452  
in regular elections for the election of members of a board of 37453  
education. 37454

The electors qualified to vote upon a proposal are the 37455  
electors residing in the local, exempted village, or city school 37456  
districts, containing territory proposed to be transferred. 37457

If the proposed transfer be approved by a majority of the 37458  
electors voting on the proposal, the state board, subject to the 37459  
approval of the board of education of the district to which the 37460

territory would be transferred, shall make such transfer prior to 37461  
the next succeeding July 1. 37462

(B) If a study conducted in accordance with this section 37463  
involves a school district with less than four thousand dollars of 37464  
assessed value for each pupil in the total student count 37465  
determined under section 3317.03 of the Revised Code, the state 37466  
board of education, with the approval of the educational service 37467  
center governing board, and upon recommendation by the state 37468  
superintendent of public instruction, may by resolution transfer 37469  
all or any part of such a school district to any city, exempted 37470  
village, or local school district which has more than twenty-five 37471  
thousand pupils in average daily membership. Such resolution of 37472  
transfer shall be adopted only after the board of education of the 37473  
receiving school district has adopted a resolution approving the 37474  
proposed transfer. For the purposes of this division, the assessed 37475  
value shall be as certified in accordance with section 3317.021 of 37476  
the Revised Code. 37477

(C) Upon the making of a transfer of an entire school 37478  
district pursuant to this section, the indebtedness of the 37479  
district transferred shall be assumed in full by the acquiring 37480  
district and the funds of the district transferred shall be paid 37481  
over in full to the acquiring district, ~~except that any~~ 37482  
~~indebtedness of the transferred district incurred as a result of a~~ 37483  
~~loan made under section 3317.64 of the Revised Code is hereby~~ 37484  
~~anceled and shall not be assumed by the acquiring district.~~ 37485

(D) Upon the making of a transfer pursuant to this section, 37486  
when only part of a district is transferred, the net indebtedness 37487  
of each original district of which only a part is taken by the 37488  
acquiring district shall be apportioned between the acquiring 37489  
district and the original district in the ratio which the assessed 37490  
valuation of the part taken by the acquiring district bears to the 37491  
assessed valuation of the original district as of the effective 37492



date of the transfer. As used in this section "net indebtedness" 37493  
means the difference between the par value of the outstanding and 37494  
unpaid bonds and notes of the school district and the amount held 37495  
in the sinking fund and other indebtedness retirement funds for 37496  
their redemption. 37497

(E) Upon the making of a transfer pursuant to this section, 37498  
when only part of a district is transferred, the funds of the 37499  
district from which territory was transferred shall be divided 37500  
equitably by the state board between the acquiring district and 37501  
that part of the former district remaining after the transfer. 37502

(F) If an entire school district is transferred, the board of 37503  
education of such district is thereby abolished. If part of a 37504  
school district is transferred, any member of the board of 37505  
education who is a legal resident of that part which is 37506  
transferred shall thereby cease to be a member of that board. 37507

If an entire school district is transferred, foundation 37508  
program moneys accruing to a district accepting school territory 37509  
under the provisions of this section shall not be less, in any 37510  
year during the next succeeding three years following the 37511  
transfer, than the sum of the amounts received by the districts 37512  
separately in the year in which the transfer became effective. 37513

**Sec. 3311.78.** Notwithstanding any provision of the Revised 37514  
Code to the contrary, a municipal school district shall be subject 37515  
to this section instead of sections ~~3317.13~~, 3317.14, and 3317.141 37516  
of the Revised Code. 37517

(A) As used in this section, "principal" includes an 37518  
assistant principal. 37519

(B) The board of education of each municipal school district 37520  
annually shall adopt a differentiated salary schedule for teachers 37521  
based upon performance as described in division (D) of this 37522

section. The board also annually shall adopt a differentiated 37523  
salary schedule for principals based upon performance as described 37524  
in division (D) of this section. 37525

For each teacher or principal hired on or after ~~the effective~~ 37526  
~~date of this section~~ October 1, 2012, the board shall determine 37527  
the teacher's or principal's initial placement on the applicable 37528  
salary schedule based on years of experience and area of licensure 37529  
and any other factors the board considers appropriate. For each 37530  
teacher hired prior to ~~the effective date of this section~~ October 37531  
1, 2012, the board shall initially place the teacher on the 37532  
applicable salary schedule so that the teacher's annual salary on 37533  
the schedule is comparable to the teacher's annual salary for the 37534  
school year immediately prior to the school year covered by the 37535  
schedule. For each principal hired prior to ~~the effective date of~~ 37536  
~~this section~~ October 1, 2012, the board shall initially place the 37537  
principal on the applicable salary schedule consistent with the 37538  
principal's employment contract. 37539

(C) The salary of a teacher shall not be reduced unless such 37540  
reduction is accomplished as part of a negotiated collective 37541  
bargaining agreement. The salary of a principal shall not be 37542  
reduced during the term of the principal's employment contract 37543  
unless such reduction is by mutual agreement of the board and the 37544  
principal or is part of a uniform plan affecting the entire 37545  
district. 37546

(D) For purposes of the schedules, the board shall measure a 37547  
teacher's or principal's performance by considering all of the 37548  
following: 37549

(1) The level of license issued under section 3319.22 of the 37550  
Revised Code that the teacher or principal holds; 37551

(2) Whether the teacher or principal is a highly qualified 37552  
teacher, as defined in section 3319.074 of the Revised Code; 37553

(3) Ratings received by the teacher or principal on performance evaluations conducted under section 3311.80 or 3311.84 of the Revised Code;

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(4) Any specialized training and experience in the assigned position.

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(E) The salary schedules adopted under this section may provide for additional compensation for teachers or principals who perform duties, not contracted for under a supplemental contract, that the board determines warrant additional compensation. Those duties may include, but are not limited to, assignment to a school building eligible for funding under Title I of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.; assignment to a building in "school improvement" status under the "No Child Left Behind Act of 2001," as defined in section 3302.01 of the Revised Code; teaching in a grade level or subject area in which the board has determined there is a shortage within the district; assignment to a hard-to-staff school, as determined by the board; or teaching in a school with an extended school day or school year.

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(F) The chief executive officer of the district, or the chief executive officer's designee, annually shall review the salary of each teacher and principal and make a recommendation to the board. Based on the recommendation, the board may increase a teacher's or principal's salary based on the teacher's or principal's performance and duties as provided for in divisions (D) and (E) of this section. The performance-based increase for a teacher or principal rated as accomplished shall be greater than the performance-based increase for a teacher or principal rated as proficient. Notwithstanding division (C) of this section, division (C) of section 3319.02, and section 3319.12 of the Revised Code, the board may decrease the teacher's or principal's salary if the teacher or principal will perform fewer or different duties

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described in division (E) of this section in the school year for 37586  
which the salary is decreased. 37587

(G) Notwithstanding any provision to the contrary in Chapter 37588  
4117. of the Revised Code, the requirements of this section 37589  
prevail over any conflicting provisions of a collective bargaining 37590  
agreement entered into on or after ~~the effective date of this~~ 37591  
~~section~~ October 1, 2012. However, the board and the teachers' 37592  
labor organization shall negotiate the implementation of the 37593  
differentiated salary schedule for teachers and may negotiate 37594  
additional factors regarding teacher salaries, provided those 37595  
factors are consistent with this section. 37596

**Sec. 3312.08.** Each fiscal agent selected by the department of 37597  
education pursuant to section 3312.07 of the Revised Code shall do 37598  
all of the following: 37599

(A) Enter into performance contracts with the department in 37600  
accordance with section 3312.09 of the Revised Code for the 37601  
implementation of state and regional education initiatives and 37602  
school improvement efforts; 37603

(B) Receive federal and state funds, including federal funds 37604  
for the provision of special education and related services, as 37605  
specified in the performance contracts, and disburse those funds 37606  
as specified in the performance contracts to educational service 37607  
centers, information technology centers, and other regional 37608  
service providers. However, any funds owed to an educational 37609  
service center in accordance with an agreement entered into under 37610  
section ~~3317.11~~ 3313.843, 3313.844, or 3313.845 of the Revised 37611  
Code shall be paid directly to the service center by the 37612  
department ~~in accordance with that section~~ and any operating funds 37613  
appropriated for an information technology center shall be paid 37614  
directly to the information technology center by the department 37615  
pursuant to section 3301.075 of the Revised Code. 37616

(C) Implement any expenditure of funds recommended by the 37617  
advisory council for the region pursuant to section 3312.04 of the 37618  
Revised Code or required by the terms of any performance contract, 37619  
unless there are insufficient funds available to the region to pay 37620  
for the expenditure or the expenditure violates a provision of the 37621  
Revised Code, a rule of the state board of education regarding 37622  
such expenditure, or the terms of a performance contract; 37623

(D) Exercise fiscal oversight of the implementation of state 37624  
and regional education initiatives and school improvement efforts. 37625

**Sec. 3313.372.** (A) As used in this section, "energy 37626  
conservation measure" means an installation or modification of an 37627  
installation in, or remodeling of, a building, to reduce energy 37628  
consumption. It includes: 37629

(1) Insulation of the building structure and systems within 37630  
the building; 37631

(2) Storm windows and doors, multiglazed windows and doors, 37632  
heat absorbing or heat reflective glazed and coated window and 37633  
door systems, additional glazing, reductions in glass area, and 37634  
other window and door system modifications that reduce energy 37635  
consumption; 37636

(3) Automatic energy control systems; 37637

(4) Heating, ventilating, or air conditioning system 37638  
modifications or replacements; 37639

(5) Caulking and weatherstripping; 37640

(6) Replacement or modification of lighting fixtures to 37641  
increase the energy efficiency of the system without increasing 37642  
the overall illumination of a facility, unless such increase in 37643  
illumination is necessary to conform to the applicable state or 37644  
local building code for the proposed lighting system; 37645

(7) Energy recovery systems; 37646

(8) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings; 37647  
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(9) Any other modification, installation, or remodeling approved by the Ohio school facilities commission as an energy conservation measure. 37650  
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(B) A board of education of a city, exempted village, local, or joint vocational school district may enter into an installment payment contract for the purchase and installation of energy conservation measures. The provisions of such installment payment contracts dealing with interest charges and financing terms shall not be subject to the competitive bidding requirements of section 3313.46 of the Revised Code, and shall be on the following terms: 37653  
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(1) Not less than one-fifteenth of the costs thereof shall be paid within two years from the date of purchase. 37660  
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(2) The remaining balance of the costs thereof shall be paid within fifteen years from the date of purchase. 37662  
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The provisions of any installment payment contract entered into pursuant to this section shall provide that all payments, except payments for repairs and obligations on termination of the contract prior to its expiration, be stated as a percentage of calculated energy, water, or waste water cost savings, avoided operating costs, and avoided capital costs attributable to the one or more measures over a defined period of time. Those payments shall be made only to the extent that the savings described in this division actually occur. The contractor shall warrant and guarantee that the energy conservation measures shall realize guaranteed savings. In order to ensure payment of any savings shortfall, the contractor shall provide an energy guarantee bond for the full term of the contract, including any partial guarantee year. 37664  
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The commission may reduce the term of any installment payment contract entered into under this section on or after the effective date of this amendment to three years. 37678  
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An installment payment contract entered into by a board of education under this section shall require the board to contract in accordance with division (A) of section 3313.46 of the Revised Code for the installation, modification, or remodeling of energy conservation measures unless division (A) of section 3313.46 of the Revised Code does not apply pursuant to division (B)(3) of that section. 37681  
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(C) The board may issue the notes of the school district signed by the president and the treasurer of the board and specifying the terms of the purchase and securing the deferred payments provided in this section, payable at the times provided and bearing interest at a rate not exceeding the rate determined as provided in section 9.95 of the Revised Code. The notes may contain an option for prepayment and shall not be subject to Chapter 133. of the Revised Code. In the resolution authorizing the notes, the board may provide, without the vote of the electors of the district, for annually levying and collecting taxes in amounts sufficient to pay the interest on and retire the notes, except that the total net indebtedness of the district without a vote of the electors incurred under this and all other sections of the Revised Code, except section 3318.052 of the Revised Code, shall not exceed one per cent of the district's tax valuation. Revenues derived from local taxes or otherwise, for the purpose of conserving energy or for defraying the current operating expenses of the district, may be applied to the payment of interest and the retirement of such notes. The notes may be sold at private sale or given to the contractor under the installment payment contract authorized by division (B) of this section. 37688  
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(D) Debt incurred under this section shall not be included in 37709

the calculation of the net indebtedness of a school district under 37710  
section 133.06 of the Revised Code. 37711

(E) No school district board shall enter into an installment 37712  
payment contract under division (B) of this section unless it 37713  
first obtains a report of the costs of the energy conservation 37714  
measures and the savings thereof as described under division (G) 37715  
of section 133.06 of the Revised Code as a requirement for issuing 37716  
energy securities, makes a finding that the amount spent on such 37717  
measures is not likely to exceed the amount of money it would save 37718  
in energy costs and resultant operational and maintenance costs as 37719  
described in that division, except that that finding shall cover 37720  
the ensuing fifteen years, and the Ohio school facilities 37721  
commission determines that the district board's findings are 37722  
reasonable and approves the contract as described in that 37723  
division. 37724

The district board shall monitor the savings and maintain a 37725  
report of those savings, which shall be submitted to the 37726  
commission in the same manner as required by division (G) of 37727  
section 133.06 of the Revised Code in the case of energy 37728  
securities. 37729

**Sec. 3313.376.** As used in this section, "client school 37730  
district" ~~has the same meaning as in section 3317.11 of the~~ 37731  
~~Revised Code~~ means a city, exempted village, or local school 37732  
district that has entered into an agreement under section 3313.843 37733  
or 3313.845 of the Revised Code to receive any services from an 37734  
educational service center. 37735

For the purpose of obtaining quantity discounts in purchasing 37736  
textbooks; computer equipment, including computer software; school 37737  
buses; and natural gas, electricity, and other utility services, 37738  
the governing boards of two or more educational service centers 37739  
may enter into agreements, including installment purchase and 37740



lease-purchase contracts, to jointly purchase such commodities to 37741  
be utilized by client school districts of the educational service 37742  
centers. 37743

**Sec. 3313.42.** (A) When in the judgment of a board of 37744  
education of any school district in this state, lying adjacent to 37745  
a school district of another state, the best interests of the 37746  
public schools can be promoted by purchasing school grounds, 37747  
repairing or erecting a schoolhouse, and maintaining them jointly 37748  
between the two adjacent school districts, the board of education 37749  
of the school district of this state so situated may enter into an 37750  
agreement with the school authorities of said adjacent school 37751  
district for the purpose of purchasing school grounds, repairing 37752  
or constructing a school building, purchasing school furniture, 37753  
equipment, appliances, fuel, employing teachers, and maintaining a 37754  
school. The board of education of this state may levy taxes and 37755  
perform such other duties in maintaining such joint school as are 37756  
otherwise provided by law for maintaining the public schools in 37757  
this state. 37758

In carrying out this section the school district shall pay 37759  
such proportion of the cost of purchasing school grounds, 37760  
repairing or erecting a building, and in maintaining the joint 37761  
school as is equitable and just in the judgment of the board of 37762  
education and trustees of the two adjacent school districts. 37763

~~(B) In any school district that has entered into an agreement 37764  
under division (A) of this section, the state minimum teacher 37765  
salary requirements prescribed by section 3317.13 of the Revised 37766  
Code do not apply if the total expenditures by the school district 37767  
for teacher salaries in any school year equals or exceeds the 37768  
total minimum expenditures that would have been required in that 37769  
year if such minimum teacher salary requirements did apply. 37770~~

~~(C) Notwithstanding sections 3319.01, 3319.02, and 3313.22 of 37771~~

the Revised Code, the board of education of a local school 37772  
district that has entered into an agreement with an adjacent 37773  
school district in another state under division (A) of this 37774  
section may contract with the educational service center within 37775  
which the local school district is located for the service center 37776  
to provide any administrative services specified in the agreement 37777  
to the local school district and the adjacent district. If such an 37778  
agreement provides for the duties of a district treasurer, 37779  
superintendent, or principals to be performed by the service 37780  
center, the local school district is not required to employ 37781  
persons to perform such duties. 37782

**Sec. 3313.48.** (A) The board of education of each city, 37783  
exempted village, local, and joint vocational school district 37784  
shall provide for the free education of the youth of school age 37785  
within the district under its jurisdiction, at such places as will 37786  
be most convenient for the attendance of the largest number 37787  
thereof. ~~Except as provided in section 3313.481 of the Revised~~ 37788  
~~Code, each~~ Each school so provided and each chartered nonpublic 37789  
school shall be open for instruction with pupils in attendance, 37790  
including scheduled classes, supervised activities, and approved 37791  
education options but excluding lunch and breakfast periods and 37792  
extracurricular activities, for not less than ~~one hundred~~ 37793  
~~eighty two days~~ four hundred fifty-five hours in the case of 37794  
pupils in kindergarten unless such pupils are provided all-day 37795  
kindergarten, as defined in section 3321.05 of the Revised Code, 37796  
in which case the pupils shall be in attendance for nine hundred 37797  
ten hours; nine hundred ten hours in the case of pupils in grades 37798  
one through six; and one thousand one hours in the case of pupils 37799  
in grades seven through twelve in each school year, which may 37800  
include all of the following: 37801

~~(A)(1) Up to four~~ the equivalent of two school days per year 37802  
~~in which classes are dismissed one half day early or the~~ 37803

~~equivalent amount of time during a different number of days during  
which pupils would otherwise be in attendance but are not required  
to attend for the purpose of individualized parent-teacher  
conferences and reporting periods;~~ 37804  
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~~(B)(2) Up to the equivalent of two school days per year  
during which pupils would otherwise be in attendance but are not  
required to attend for professional meetings of teachers when such  
days occur during a regular school week and schools are not in  
session;~~ 37808  
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~~(C) The number of days the school is closed as a result of  
public calamity, as provided in section 3317.01 of the Revised  
Code (3) Morning and afternoon recess periods of not more than  
fifteen minutes duration per period for pupils in grades  
kindergarten through six.~~ 37813  
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~~The state board of education shall adopt standards for  
defining "school day" as used in sections 3313.48 and 3317.01 of  
the Revised Code.~~ 37818  
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~~Except as otherwise provided in this section, each day for  
grades seven through twelve shall consist of not less than five  
clock hours with pupils in attendance, except in such emergency  
situations, including lack of classroom space, as are approved by  
the state board of education. Except as otherwise provided in this  
section, each day for grades one through six shall consist of not  
less than five clock hours with pupils in attendance which may  
include fifteen minute morning and afternoon recess periods,  
except in such emergency situations, including lack of classroom  
space, as are approved by the state board of education.~~ 37821  
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~~(B) Not later than thirty days prior to adopting a school  
calendar, the board of education of each city, exempted village,  
and local school district shall hold a public hearing on the  
school calendar, addressing topics that include, but are not~~ 37831  
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limited to, the total number of hours in a school year, length of 37835  
school day, and beginning and end dates of instruction. Each board 37836  
shall publish notice of the hearing in a newspaper of general 37837  
circulation in the district not later than thirty days prior to 37838  
the hearing. 37839

(C) No school operated by a city, exempted village, local, or 37840  
joint vocational school district shall reduce the number of hours 37841  
in each school year that the school is scheduled to be open for 37842  
instruction from the number of hours per year the school was open 37843  
for instruction during the previous school year unless the 37844  
reduction is approved by a resolution adopted by the district 37845  
board of education. Any reduction so approved shall not result in 37846  
fewer hours of instruction per school year than the applicable 37847  
number of hours required under division (A) of this section. 37848

(D) Prior to making any change in the hours or days in which 37849  
a high school under its jurisdiction is open for instruction, the 37850  
board of education of each city, exempted village, and local 37851  
school district shall consider the compatibility of the proposed 37852  
change with the scheduling needs of any joint vocational school 37853  
district in which any of the high school's students are also 37854  
enrolled. The board shall consider the impact of the proposed 37855  
change on student access to the instructional programs offered by 37856  
the joint vocational school district, incentives for students to 37857  
participate in career-technical education, transportation, and the 37858  
timing of graduation. The board shall provide the joint vocational 37859  
school district board with advance notice of the proposed change 37860  
and the two boards shall enter into a written agreement 37861  
prescribing reasonable accommodations to meet the scheduling needs 37862  
of the joint vocational school district prior to implementation of 37863  
the change. 37864

(E) Prior to making any change in the hours or days in which 37865  
a school under its jurisdiction is open for instruction, the board 37866

of education of each city, exempted village, and local school 37867  
district shall consider the compatibility of the proposed change 37868  
with the scheduling needs of any community school established 37869  
under Chapter 3314. of the Revised Code to which the district is 37870  
required to transport students under sections 3314.09 and 3327.01 37871  
of the Revised Code. The board shall consider the impact of the 37872  
proposed change on student access to the instructional programs 37873  
offered by the community school, transportation, and the timing of 37874  
graduation. The board shall provide the sponsor, governing 37875  
authority, and operator of the community school with advance 37876  
notice of the proposed change, and the board and the governing 37877  
authority, or operator if such authority is delegated to the 37878  
operator, shall enter into a written agreement prescribing 37879  
reasonable accommodations to meet the scheduling needs of the 37880  
community school prior to implementation of the change. 37881

(F) Prior to making any change in the hours or days in which 37882  
the schools under its jurisdiction are open for instruction, the 37883  
board of education of each city, exempted village, and local 37884  
school district shall consult with the chartered nonpublic schools 37885  
to which the district is required to transport students under 37886  
section 3327.01 of the Revised Code and shall consider the effect 37887  
of the proposed change on the schedule for transportation of those 37888  
students to their nonpublic schools. The governing authority of a 37889  
chartered nonpublic school shall consult with each school district 37890  
board of education that transports students to the chartered 37891  
nonpublic school under section 3327.01 of the Revised Code prior 37892  
to making any change in the hours or days in which the nonpublic 37893  
school is open for instruction. 37894

(G) The state board of education shall not adopt or enforce 37895  
any rule or standard that imposes on chartered nonpublic schools 37896  
the procedural requirements imposed on school districts by 37897  
divisions (B), (C), (D), and (E) of this section. 37898

Sec. 3313.481. Wherever in Title XXXIII of the Revised Code 37899  
the term "school day" is used, unless otherwise specified, that 37900  
term shall be construed to mean the time during a calendar day 37901  
that a school is open for instruction pursuant to the schedule 37902  
adopted by the board of education of the school district or the 37903  
governing authority of the chartered nonpublic school in 37904  
accordance with section 3313.48 of the Revised Code. 37905

**Sec. 3313.483.** (A) A board of education, upon the adoption of 37906  
a resolution stating that it may be financially unable to open on 37907  
the day or to remain open for instruction on all days set forth in 37908  
its adopted school calendar and pay all obligated expenses, or the 37909  
superintendent of public instruction upon the issuance of written 37910  
notification under division (B) of section 3313.489 of the Revised 37911  
Code, shall request the auditor of state to determine whether such 37912  
situation exists. The auditor shall deliver a copy of each request 37913  
from a board of education to the superintendent of public 37914  
instruction. In the case of a school district not under a fiscal 37915  
emergency pursuant to Chapter 3316. of the Revised Code the 37916  
auditor shall not issue a finding under this section until written 37917  
notification is received from the superintendent pursuant to 37918  
section 3313.487 of the Revised Code. 37919

(B) If the auditor of state finds that the board of education 37920  
has attempted to avail itself to the fullest extent authorized by 37921  
law of all lawful revenue sources available to it except those 37922  
authorized by section 5705.21 of the Revised Code, the auditor 37923  
shall certify that finding to the superintendent of public 37924  
instruction and the state board of education and shall certify the 37925  
operating deficit the district will have at the end of the fiscal 37926  
year if it commences or continues operating its instructional 37927  
program in accordance with its adopted school calendar and pays 37928  
all obligated expenses. 37929

(C) No board of education may delay the opening of its schools or close its schools for financial reasons. Upon the request of the superintendent of public instruction, the attorney general shall seek injunctive relief and any other relief required to enforce this prohibition in the court of common pleas of Franklin county. The court of common pleas of Franklin county has exclusive original jurisdiction over all such actions.

(D) Upon the receipt of any certification of an operating deficit from the auditor of state, a board of education shall make application to a commercial bank, underwriter, or other prospective lender or purchaser of its obligations for a loan in an amount sufficient to enable the district to open or remain open for instruction on all days set forth in its adopted school calendar but not to exceed the amount of the deficit certified.

(E)(1) Any board of education that has applied for and been denied a loan from a commercial bank, underwriter, or other prospective lender or purchaser of its obligations pursuant to division (D) of this section shall submit to the superintendent of public instruction a plan for implementing reductions in the school district's budget; apply for a loan from a commercial bank, underwriter, or other prospective lender or purchaser of its obligations in an amount not to exceed its certified deficit; and provide the superintendent such information as the superintendent requires concerning its application for such a loan. The board of education of a school district declared to be under a fiscal watch pursuant to division (A) of section 3316.03 of the Revised Code may, upon approval of the superintendent, utilize the financial plan required by section 3316.04 of the Revised Code, or applicable parts thereof, as the plan required under this division. The board of education of a school district declared to be under a fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code may utilize the financial recovery

plan for the district, or applicable parts thereof, as the plan 37962  
required under this division. Except for the plan of a school 37963  
district under a fiscal emergency, the superintendent shall 37964  
evaluate, make recommendations concerning, and approve or 37965  
disapprove each plan. When a plan is submitted, the superintendent 37966  
shall immediately notify the members of the general assembly whose 37967  
legislative districts include any or all of the territory of the 37968  
school district submitting the plan. 37969

(2) The superintendent shall submit to the controlling board 37970  
a copy of each plan the superintendent approves, or each plan 37971  
submitted by a district under a fiscal emergency pursuant to 37972  
division (B) of section 3316.03 of the Revised Code, and the 37973  
general terms of each proposed loan, and shall make 37974  
recommendations regarding the plan and whether a proposed loan to 37975  
the board of education should be approved for payment as provided 37976  
in division (E)(3) of this section. The controlling board shall 37977  
approve or disapprove the plan and the proposed loan presented to 37978  
it by the superintendent. In the case of a district not under a 37979  
fiscal emergency pursuant to division (B) of section 3316.03 of 37980  
the Revised Code, the controlling board may require a board of 37981  
education to implement the superintendent's recommendations for 37982  
expenditure reductions or impose other requirements. Loan 37983  
repayments shall be in accordance with a schedule approved by the 37984  
superintendent, except that the principal amount of the loan shall 37985  
be payable in monthly, semiannual, or annual installments of 37986  
principal and interest that are substantially equal principal and 37987  
interest installments. Except as otherwise provided in division 37988  
(E)(2) of this section, repayment shall be made no later than the 37989  
fifteenth day of June of the second fiscal year following the 37990  
approval of the loan. A school district with a certified deficit 37991  
in excess of either twenty-five million dollars or fifteen per 37992  
cent of the general fund expenditures of the district during the 37993  
fiscal year shall repay the loan no later than the fifteenth day 37994



of June of the tenth fiscal year following the approval of the 37995  
loan. In deciding whether to approve or disapprove a proposed 37996  
loan, the controlling board shall consider the deficit certified 37997  
by the auditor of state pursuant to this section. A board of 37998  
education that has an outstanding loan approved pursuant to this 37999  
section with a repayment date of more than two fiscal years after 38000  
the date of approval of such loan may not apply for another loan 38001  
with such a repayment date until the outstanding loan has been 38002  
repaid. 38003

(3) If a board of education has submitted and received 38004  
controlling board approval of a plan and proposed loan in 38005  
accordance with this section, the superintendent of public 38006  
instruction shall report to the controlling board the actual 38007  
amounts loaned to the board of education. Such board of education 38008  
shall request the superintendent to pay any funds the board of 38009  
education would otherwise receive pursuant to Chapter 3306. of the 38010  
Revised Code first directly to the holders of the board of 38011  
education's notes, or an agent thereof, such amounts as are 38012  
specified under the terms of the loan. Such payments shall be made 38013  
only from and to the extent of money appropriated by the general 38014  
assembly for purposes of such sections. No note or other 38015  
obligation of the board of education under the loan constitutes an 38016  
obligation nor a debt or a pledge of the faith, credit, or taxing 38017  
power of the state, and the holder or owner of such note or 38018  
obligation has no right to have taxes levied by the general 38019  
assembly for the payment of such note or obligation, and such note 38020  
or obligation shall contain a statement to that effect. 38021

(4) Pursuant to the terms of such a loan, a board of 38022  
education may issue its notes in anticipation of the collection of 38023  
its voted levies for current expenses or its receipt of such state 38024  
funds or both. Such notes shall be issued in accordance with 38025  
division (E) of section 133.10 of the Revised Code and constitute 38026

Chapter 133. securities to the extent such division and the 38027  
otherwise applicable provisions of Chapter 133. of the Revised 38028  
Code are not inconsistent with this section, provided that in any 38029  
event sections 133.24 and 5705.21 and divisions (A), (B), (C), and 38030  
(E)(2) of section 133.10 of the Revised Code do not apply to such 38031  
notes. 38032

(5) Notwithstanding section 133.36 or 3313.17, any other 38033  
section of the Revised Code, or any other provision of law, a 38034  
board of education that has received a loan under this section may 38035  
not declare bankruptcy, so long as any portion of such loan 38036  
remains unpaid. 38037

(F) Under this section and ~~sections~~ section 3313.4810 and 38038  
~~3313.4811~~, "board of education" or "district board" includes the 38039  
financial planning and supervision commission of a school district 38040  
under a fiscal emergency pursuant to Chapter 3316. of the Revised 38041  
Code where such commission chooses to exercise the powers and 38042  
duties otherwise required of the district board of education under 38043  
this section and ~~sections~~ section 3313.4810 and ~~3313.4811~~ of the 38044  
Revised Code. 38045

**Sec. 3313.484.** No loan shall be approved under sections 38046  
3313.483 to ~~3313.4811~~ 3313.4810 of the Revised Code after March 1, 38047  
1998. 38048

By the last day of June each year, the department of 38049  
education shall calculate and pay a subsidy to every school 38050  
district that during the current fiscal year paid and was 38051  
obligated to pay interest on a loan under sections 3313.483 to 38052  
~~3313.4811~~ 3313.4810 of the Revised Code in excess of two per cent 38053  
simple interest. The amount of the subsidy shall equal the 38054  
difference between the amount of interest the district paid and 38055  
was obligated to pay during the year and the interest that the 38056  
district would have been obligated to pay if the interest rate on 38057

the loan had been two per cent per year. 38058

**Sec. 3313.488.** (A) Within fifteen days ~~of~~ after the date a 38059  
~~board of education requests that its school district be made~~ 38060  
~~subject to this section as authorized by section 3317.62 of the~~ 38061  
~~Revised Code, or~~ the state board of education ~~has issued~~ issues an 38062  
order under section 3313.487 of the Revised Code making a school 38063  
district subject to this section, the district's board of 38064  
education shall prepare a fiscal statement of expenses and 38065  
expenditures for the remainder of the current fiscal year. The 38066  
fiscal statement shall be submitted to the superintendent of 38067  
public instruction and shall set forth all revenues to be received 38068  
by the district during the remainder of the fiscal year and their 38069  
sources, the expenses to be incurred by the district during the 38070  
remainder of the fiscal year, the outstanding and unpaid expenses 38071  
at the time the fiscal statement is prepared and the date or dates 38072  
by which such expenses must be paid, and such other information as 38073  
the superintendent requires to enable the superintendent to ensure 38074  
that during the remainder of the fiscal year, the district will 38075  
not incur any expenses that will further impair its ability to 38076  
operate an instructional program that meets or exceeds the minimum 38077  
standards of the state board of education and requirements of the 38078  
Revised Code during the current and ensuing fiscal years with the 38079  
revenue available to it from existing revenue sources. The fiscal 38080  
statement shall be presented in such detail and form as the 38081  
superintendent prescribes. Beginning the tenth day after the 38082  
fiscal statement is submitted and for the remainder of the fiscal 38083  
year, the board shall not make any expenditure of money, make any 38084  
employment, purchase, or rental contract, give any order involving 38085  
the expenditure of money, or increase any wage or salary schedule 38086  
unless the superintendent of public instruction has approved the 38087  
fiscal statement in writing and the expenditure, contract, order, 38088  
or schedule has been approved in writing by the superintendent as 38089

being in conformity with the fiscal statement. 38090

Any contract or expenditure made, order given, or schedule 38091  
adopted or put into effect without the written approval of the 38092  
superintendent of public instruction is void, and no warrant shall 38093  
be issued in payment of any amount due thereon. 38094

(B) A board of education subject to division (A) of this 38095  
section shall prepare a fiscal statement of expenses and 38096  
expenditures for the ensuing fiscal year. The fiscal statement 38097  
shall be submitted to the superintendent of public instruction and 38098  
shall set forth all revenues to be received by the district during 38099  
such year and their source, the expenses to be incurred by the 38100  
district during such year, the outstanding and unpaid expenses on 38101  
the first day of such fiscal year, the date or dates by which such 38102  
expenses must be paid, and such other information as the 38103  
superintendent requires to enable the superintendent to ensure 38104  
that during such year, the district will not incur any expenses 38105  
that will further impair its ability to operate an instructional 38106  
program that meets or exceeds the minimum standards of the state 38107  
board of education and requirements of the Revised Code during 38108  
such year with the revenue available to it from existing revenue 38109  
sources. The fiscal statement shall be presented at the time and 38110  
in such detail and form as the superintendent prescribes. During 38111  
the fiscal year following the year in which a board of education 38112  
first becomes subject to division (A) of this section it shall not 38113  
make any expenditure of money, make any employment, purchase, or 38114  
rental contract, give any order involving the expenditure of 38115  
money, or increase any wage or salary schedule unless the 38116  
superintendent of public instruction has approved the fiscal 38117  
statement submitted under this division in writing and has 38118  
approved the expenditure, contract, order, or schedule in writing 38119  
as being in conformity with the fiscal statement. 38120

Any contract or expenditure made, order given, or schedule 38121

adopted or put into effect without the written approval of the 38122  
superintendent of public instruction is void, and no warrant shall 38123  
be issued in payment of any amount due thereon. 38124

(C) The state board of education shall examine any fiscal 38125  
statement presented to and approved by the superintendent of 38126  
public instruction under division (B) of this section and shall 38127  
determine whether the data set forth in the fiscal statement are 38128  
factual and based upon assumptions that in its judgment are 38129  
reasonable expectations consistent with acceptable governmental 38130  
budget and accounting practices. If the state board so determines 38131  
and finds that the revenues and expenditures in the fiscal 38132  
statement are in balance for the fiscal year and the fiscal 38133  
statement will enable the district to operate during such year 38134  
without interrupting its school calendar, it shall certify its 38135  
determination and finding to the district at least thirty days 38136  
prior to the beginning of the fiscal year, and the district shall 38137  
thereupon cease to be subject to this section. If the state board 38138  
does not make such a determination and finding, the board of 38139  
education and school district are subject to this division and 38140  
division (B) of this section in the ensuing fiscal year and each 38141  
fiscal year thereafter until the state board makes a 38142  
determination, finding, and certification under this division. 38143

(D) Any officer, employee, or other person who knowingly 38144  
expends or authorizes the expenditure of any public funds or 38145  
knowingly authorizes or executes any contract, order, or schedule 38146  
contrary to division (A) or (B) of this section or who knowingly 38147  
expends or authorizes the expenditure of any public funds on any 38148  
such void contract, order, or schedule is jointly and severally 38149  
liable in person and upon any official bond that the officer, 38150  
employee, or other person has given to such school district to the 38151  
extent of any payments on the void claim, not to exceed twenty 38152  
thousand dollars. The attorney general at the written request of 38153

the superintendent of public instruction shall enforce this 38154  
liability by civil action brought in any court of appropriate 38155  
jurisdiction in the name of and on behalf of the school district. 38156

(E) During each month that a board of education is subject to 38157  
division (A), (B), or (C) of this section, the superintendent of 38158  
public instruction shall submit a report to the speaker of the 38159  
house of representatives and the president of the senate on the 38160  
financial condition of the school district. The report shall 38161  
contain the date by which the superintendent anticipates the 38162  
district will cease to be subject to such divisions, the 38163  
district's plans for becoming exempt from such section, and such 38164  
other information the superintendent determines appropriate or the 38165  
speaker of the house of representatives or president of the senate 38166  
requests. 38167

In addition to the other reports required under this 38168  
division, on the thirty-first day of each school district fiscal 38169  
year following a fiscal year in which a school district first 38170  
becomes subject to this section, the superintendent shall submit a 38171  
written report to the speaker of the house of representatives and 38172  
the president of the senate. The report shall include 38173  
recommendations to the general assembly for strengthening the 38174  
financial condition of school districts based upon the experiences 38175  
of the superintendent and the state board in exercising their 38176  
powers under this section and sections 3313.483 and 3313.487 of 38177  
the Revised Code. 38178

(F) This section does not apply to a school district declared 38179  
to be under a fiscal emergency pursuant to division (B) of section 38180  
3316.03 of the Revised Code. 38181

**Sec. 3313.4810.** Any school district receiving a loan under 38182  
section 3313.483 ~~or 3317.64~~ of the Revised Code in excess of seven 38183  
per cent of the general fund expenditures of the district during 38184

the fiscal year in which the loan is received and that has 38185  
received a loan under that section within the last five years is 38186  
subject to section 3313.488 of the Revised Code for the duration 38187  
of the fiscal year in which the district receives the loan and 38188  
during the ensuing two fiscal years. The controlling board may not 38189  
relieve a school district to which this section applies from any 38190  
requirements imposed under section 3313.483 ~~or 3317.64~~ of the 38191  
Revised Code to implement recommendations of the superintendent of 38192  
public instruction for expenditure reduction and may not modify 38193  
any other requirements imposed under such section upon such a 38194  
district as a condition for receiving the loan unless expressly 38195  
authorized to do so by law. The superintendent of public 38196  
instruction shall, among any recommendations ~~he~~ the superintendent 38197  
makes for expenditure reduction under section 3313.483 ~~or 3317.63~~ 38198  
of the Revised Code affecting the number of employees of a school 38199  
district to which this section applies, provide wherever possible 38200  
for the retention of teachers who are actually involved in the 38201  
daily teaching of students in the classroom. 38202

**Sec. 3313.533.** (A) The board of education of a city, exempted 38203  
village, or local school district may adopt a resolution to 38204  
establish and maintain an alternative school in accordance with 38205  
this section. The resolution shall specify, but not necessarily be 38206  
limited to, all of the following: 38207

(1) The purpose of the school, which purpose shall be to 38208  
serve students who are on suspension, who are having truancy 38209  
problems, who are experiencing academic failure, who have a 38210  
history of class disruption, who are exhibiting other academic or 38211  
behavioral problems specified in the resolution, or who have been 38212  
discharged or released from the custody of the department of youth 38213  
services under section 5139.51 of the Revised Code; 38214

(2) The grades served by the school, which may include any of 38215

grades kindergarten through twelve; 38216

(3) A requirement that the school be operated in accordance 38217  
with this section. The board of education adopting the resolution 38218  
under division (A) of this section shall be the governing board of 38219  
the alternative school. The board shall develop and implement a 38220  
plan for the school in accordance with the resolution establishing 38221  
the school and in accordance with this section. Each plan shall 38222  
include, but not necessarily be limited to, all of the following: 38223

(a) Specification of the reasons for which students will be 38224  
accepted for assignment to the school and any criteria for 38225  
admission that are to be used by the board to approve or 38226  
disapprove the assignment of students to the school; 38227

(b) Specification of the criteria and procedures that will be 38228  
used for returning students who have been assigned to the school 38229  
back to the regular education program of the district; 38230

(c) An evaluation plan for assessing the effectiveness of the 38231  
school and its educational program and reporting the results of 38232  
the evaluation to the public. 38233

(B) Notwithstanding any provision of Title XXXIII of the 38234  
Revised Code to the contrary, the alternative school plan may 38235  
include any of the following: 38236

(1) A requirement that on each school day students must 38237  
attend school or participate in other programs specified in the 38238  
plan or by the chief administrative officer of the school for a 38239  
period equal to the minimum school day set by the ~~state~~ board of 38240  
education under section 3313.48 of the Revised Code plus any 38241  
additional time required in the plan or by the chief 38242  
administrative officer; 38243

(2) Restrictions on student participation in extracurricular 38244  
or interscholastic activities; 38245



(3) A requirement that students wear uniforms prescribed by 38246  
the district board of education. 38247

(C) In accordance with the alternative school plan, the 38248  
district board of education may employ teachers and nonteaching 38249  
employees necessary to carry out its duties and fulfill its 38250  
responsibilities or may contract with a nonprofit or for profit 38251  
entity to operate the alternative school, including the provision 38252  
of personnel, supplies, equipment, or facilities. 38253

(D) An alternative school may be established in all or part 38254  
of a school building. 38255

(E) If a district board of education elects under this 38256  
section, or is required by section 3313.534 of the Revised Code, 38257  
to establish an alternative school, the district board may join 38258  
with the board of education of one or more other districts to form 38259  
a joint alternative school by forming a cooperative education 38260  
school district under section 3311.52 or 3311.521 of the Revised 38261  
Code, or a joint educational program under section 3313.842 of the 38262  
Revised Code. The authority to employ personnel or to contract 38263  
with a nonprofit or for profit entity under division (C) of this 38264  
section applies to any alternative school program established 38265  
under this division. 38266

(F) Any individual employed as a teacher at an alternative 38267  
school operated by a nonprofit or for profit entity under this 38268  
section shall be licensed and shall be subject to background 38269  
checks, as described in section 3319.39 of the Revised Code, in 38270  
the same manner as an individual employed by a school district. 38271

(G) Division (G) of this section applies only to any 38272  
alternative school that is operated by a nonprofit or for profit 38273  
entity under contract with the school district. 38274

(1) In addition to the specifications authorized under 38275  
division (B) of this section, any plan adopted under that division 38276

for an alternative school to which division (G) of this section	38277
also applies shall include the following:	38278
(a) A description of the educational program provided at the	38279
alternative school, which shall include:	38280
(i) Provisions for the school to be configured in clusters or	38281
small learning communities;	38282
(ii) Provisions for the incorporation of education technology	38283
into the curriculum;	38284
(iii) Provisions for accelerated learning programs in reading	38285
and mathematics.	38286
(b) A method to determine the reading and mathematics level	38287
of each student assigned to the alternative school and a method to	38288
continuously monitor each student's progress in those areas. The	38289
methods employed under this division shall be aligned with the	38290
curriculum adopted by the school district board of education under	38291
section 3313.60 of the Revised Code.	38292
(c) A plan for social services to be provided at the	38293
alternative school, such as, but not limited to, counseling	38294
services, psychological support services, and enrichment programs;	38295
(d) A plan for a student's transition from the alternative	38296
school back to a school operated by the school district;	38297
(e) A requirement that the alternative school maintain	38298
financial records in a manner that is compatible with the form	38299
prescribed for school districts by the auditor of state to enable	38300
the district to comply with any rules adopted by the auditor of	38301
state.	38302
(2) Notwithstanding division (A)(2) of this section, any	38303
alternative school to which division (G) of this section applies	38304
shall include only grades six through twelve.	38305
(3) Notwithstanding anything in division (A)(3)(a) of this	38306

section to the contrary, the characteristics of students who may 38307  
be assigned to an alternative school to which division (G) of this 38308  
section applies shall include only disruptive and low-performing 38309  
students. 38310

(H) When any district board of education determines to 38311  
contract with a nonprofit or for profit entity to operate an 38312  
alternative school under this section, the board shall use the 38313  
procedure set forth in this division. 38314

(1) The board shall publish notice of a request for proposals 38315  
in a newspaper of general circulation in the district once each 38316  
week for a period of two consecutive weeks, or as provided in 38317  
section 7.16 of the Revised Code, prior to the date specified by 38318  
the board for receiving proposals. Notices of requests for 38319  
proposals shall contain a general description of the subject of 38320  
the proposed contract and the location where the request for 38321  
proposals may be obtained. The request for proposals shall include 38322  
all of the following information: 38323

(a) Instructions and information to respondents concerning 38324  
the submission of proposals, including the name and address of the 38325  
office where proposals are to be submitted; 38326

(b) Instructions regarding communications, including at least 38327  
the names, titles, and telephone numbers of persons to whom 38328  
questions concerning a proposal may be directed; 38329

(c) A description of the performance criteria that will be 38330  
used to evaluate whether a respondent to which a contract is 38331  
awarded is meeting the district's educational standards or the 38332  
method by which such performance criteria will be determined; 38333

(d) Factors and criteria to be considered in evaluating 38334  
proposals, the relative importance of each factor or criterion, 38335  
and a description of the evaluation procedures to be followed; 38336

(e) Any terms or conditions of the proposed contract, 38337

including any requirement for a bond and the amount of such bond; 38338

(f) Documents that may be incorporated by reference into the 38339  
request for proposals, provided that the request for proposals 38340  
specifies where such documents may be obtained and that such 38341  
documents are readily available to all interested parties. 38342

(2) After the date specified for receiving proposals, the 38343  
board shall evaluate the submitted proposals and may hold 38344  
discussions with any respondent to ensure a complete understanding 38345  
of the proposal and the qualifications of such respondent to 38346  
execute the proposed contract. Such qualifications shall include, 38347  
but are not limited to, all of the following: 38348

(a) Demonstrated competence in performance of the required 38349  
services as indicated by effective implementation of educational 38350  
programs in reading and mathematics and at least three years of 38351  
experience successfully serving a student population similar to 38352  
the student population assigned to the alternative school; 38353

(b) Demonstrated performance in the areas of cost 38354  
containment, the provision of educational services of a high 38355  
quality, and any other areas determined by the board; 38356

(c) Whether the respondent has the resources to undertake the 38357  
operation of the alternative school and to provide qualified 38358  
personnel to staff the school; 38359

(d) Financial responsibility. 38360

(3) The board shall select for further review at least three 38361  
proposals from respondents the board considers qualified to 38362  
operate the alternative school in the best interests of the 38363  
students and the district. If fewer than three proposals are 38364  
submitted, the board shall select each proposal submitted. The 38365  
board may cancel a request for proposals or reject all proposals 38366  
at any time prior to the execution of a contract. 38367

The board may hold discussions with any of the three selected respondents to clarify or revise the provisions of a proposal or the proposed contract to ensure complete understanding between the board and the respondent of the terms under which a contract will be entered. Respondents shall be accorded fair and equal treatment with respect to any opportunity for discussion regarding clarifications or revisions. The board may terminate or discontinue any further discussion with a respondent upon written notice.

(4) Upon further review of the three proposals selected by the board, the board shall award a contract to the respondent the board considers to have the most merit, taking into consideration the scope, complexity, and nature of the services to be performed by the respondent under the contract.

(5) Except as provided in division (H)(6) of this section, the request for proposals, submitted proposals, and related documents shall become public records under section 149.43 of the Revised Code after the award of the contract.

(6) Any respondent may request in writing that the board not disclose confidential or proprietary information or trade secrets contained in the proposal submitted by the respondent to the board. Any such request shall be accompanied by an offer of indemnification from the respondent to the board. The board shall determine whether to agree to the request and shall inform the respondent in writing of its decision. If the board agrees to nondisclosure of specified information in a proposal, such information shall not become a public record under section 149.43 of the Revised Code. If the respondent withdraws its proposal at any time prior to the execution of a contract, the proposal shall not be a public record under section 149.43 of the Revised Code.

(I) Upon a recommendation from the department and in accordance with section 3301.16 of the Revised Code, the state

board of education may revoke the charter of any alternative 38400  
school operated by a school district that violates this section. 38401

**Sec. 3313.539.** (A) As used in this section, ~~"physician":~~ 38402

"Physician" means a person authorized under Chapter 4731. of 38403  
the Revised Code to practice medicine and surgery or osteopathic 38404  
medicine and surgery. 38405

"Chiropractor" means a person licensed under Chapter 4734. of 38406  
the Revised Code to practice chiropractic. 38407

(B) No school district board of education or governing 38408  
authority of a chartered or nonchartered nonpublic school shall 38409  
permit a student to practice for or compete in interscholastic 38410  
athletics until the student has submitted, to a school official 38411  
designated by the board or governing authority, a form signed by 38412  
the parent, guardian, or other person having care or charge of the 38413  
student stating that the student and the parent, guardian, or 38414  
other person having care or charge of the student have received 38415  
the concussion and head injury information sheet required by 38416  
section 3707.52 of the Revised Code. A completed form shall be 38417  
submitted each school year, as defined in section 3313.62 of the 38418  
Revised Code, for each sport or other category of interscholastic 38419  
athletics for or in which the student practices or competes. 38420

(C)(1) No school district board of education or governing 38421  
authority of a chartered or nonchartered nonpublic school shall 38422  
permit an individual to coach interscholastic athletics unless the 38423  
individual holds a pupil-activity program permit issued under 38424  
section 3319.303 of the Revised Code for coaching interscholastic 38425  
athletics. 38426

(2) No school district board of education or governing 38427  
authority of a chartered or nonchartered nonpublic school shall 38428  
permit an individual to referee interscholastic athletics unless 38429

the individual holds a pupil-activity program permit issued under 38430  
section 3319.303 of the Revised Code for coaching interscholastic 38431  
athletics or presents evidence that the individual has 38432  
successfully completed, within the previous three years, a 38433  
training program in recognizing the symptoms of concussions and 38434  
head injuries to which the department of health has provided a 38435  
link on its internet web site under section 3707.52 of the Revised 38436  
Code or a training program authorized and required by an 38437  
organization that regulates interscholastic conferences or events. 38438

(D) If a student practicing for or competing in an 38439  
interscholastic athletic event exhibits signs, symptoms, or 38440  
behaviors consistent with having sustained a concussion or head 38441  
injury while participating in the practice or competition, the 38442  
student shall be removed from the practice or competition by 38443  
either of the following: 38444

(1) The individual who is serving as the student's coach 38445  
during that practice or competition; 38446

(2) An individual who is serving as a referee during that 38447  
practice or competition. 38448

(E)(1) If a student is removed from practice or competition 38449  
under division (D) of this section, the coach or referee who 38450  
removed the student shall not allow the student, on the same day 38451  
the student is removed, to return to that practice or competition 38452  
or to participate in any other practice or competition for which 38453  
the coach or referee is responsible. Thereafter, the coach or 38454  
referee shall not allow the student to return to that practice or 38455  
competition or to participate in any other practice or competition 38456  
for which the coach or referee is responsible until both of the 38457  
following conditions are satisfied: 38458

(a) The student's condition is assessed by ~~either~~ any of the 38459  
following: 38460

(i) A physician;	38461
(ii) <u>A chiropractor</u> ;	38462
<u>(iii)</u> Any other licensed health care provider the school	38463
district board of education or governing authority of the	38464
chartered or nonchartered nonpublic school, pursuant to division	38465
(E)(2) of this section, authorizes to assess a student who has	38466
been removed from practice or competition under division (D) of	38467
this section.	38468
(b) The student receives written clearance that it is safe	38469
for the student to return to practice or competition from a	38470
physician, <u>chiropractor</u> , or <del>from</del> another licensed health care	38471
provider authorized pursuant to division (E)(2) of this section to	38472
grant the clearance.	38473
(2) A school district board of education or governing	38474
authority of a chartered or nonchartered nonpublic school may	38475
authorize a licensed health care provider who is not a physician	38476
<u>or a chiropractor</u> to make an assessment or grant a clearance for	38477
purposes of division (E)(1) of this section only if the provider	38478
is acting in accordance with one of the following, as applicable	38479
to the provider's authority to practice in this state:	38480
(a) In consultation with a physician;	38481
(b) Pursuant to the referral of a physician;	38482
(c) In collaboration with a physician;	38483
(d) Under the supervision of a physician.	38484
(3) A physician, <u>chiropractor</u> , or other licensed health care	38485
provider who makes an assessment or grants a clearance for	38486
purposes of division (E)(1) of this section may be a volunteer.	38487
(F) A school district board of education or governing	38488
authority of a chartered or nonchartered nonpublic school that is	38489
subject to the rules of an interscholastic conference or an	38490



organization that regulates interscholastic conferences or events 38491  
shall be considered to be in compliance with divisions (B), (D), 38492  
and (E) of this section, as long as the requirements of those 38493  
rules are substantially similar to the requirements of divisions 38494  
(B), (D), and (E) of this section. 38495

(G)(1) A school district, member of a school district board 38496  
of education, or school district employee or volunteer, including 38497  
a coach or referee, is not liable in damages in a civil action for 38498  
injury, death, or loss to person or property allegedly arising 38499  
from providing services or performing duties under this section, 38500  
unless the act or omission constitutes willful or wanton 38501  
misconduct. 38502

This section does not eliminate, limit, or reduce any other 38503  
immunity or defense that a school district, member of a school 38504  
district board of education, or school district employee or 38505  
volunteer, including a coach or referee, may be entitled to under 38506  
Chapter 2744. or any other provision of the Revised Code or under 38507  
the common law of this state. 38508

(2) A chartered or nonchartered nonpublic school or any 38509  
officer, director, employee, or volunteer of the school, including 38510  
a coach or referee, is not liable in damages in a civil action for 38511  
injury, death, or loss to person or property allegedly arising 38512  
from providing services or performing duties under this section, 38513  
unless the act or omission constitutes willful or wanton 38514  
misconduct. 38515

Sec. 3313.5311. (A) As used in this section and in section 38516  
3313.5312 of the Revised Code, "extracurricular activity" has the 38517  
same meaning as in section 3313.537 of the Revised Code. 38518

(B) If the nonpublic school in which the student is enrolled 38519  
does not offer the extracurricular activity, a student enrolled in 38520  
a chartered or nonchartered nonpublic school shall be afforded, by 38521

the superintendent of the school district in which the student is 38522  
entitled to attend school under section 3313.64 or 3313.65 of the 38523  
Revised Code, the opportunity to participate in that 38524  
extracurricular activity at the district school to which the 38525  
student otherwise would be assigned during that school year. If 38526  
more than one school operated by the school district serves the 38527  
student's grade level, as determined by the district 38528  
superintendent based on the student's age and academic 38529  
performance, the student shall be afforded the opportunity to 38530  
participate in that extracurricular activity at the school to 38531  
which the student would be assigned by the superintendent under 38532  
section 3319.01 of the Revised Code. 38533

(C) The superintendent of any school district may afford any 38534  
student enrolled in a nonpublic school, and who is not entitled to 38535  
attend school in the district under section 3313.64 or 3313.65 of 38536  
the Revised Code, the opportunity to participate in an 38537  
extracurricular activity offered by a school of the district, if 38538  
both of the following apply: 38539

(1) The nonpublic school in which the student is enrolled 38540  
does not offer the extracurricular activity; 38541

(2) The extracurricular activity is not interscholastic 38542  
athletics or interscholastic contests or competition in music, 38543  
drama, or forensics. 38544

(D) In order to participate in an extracurricular activity 38545  
under this section, the student shall be of the appropriate age 38546  
and grade level, as determined by the superintendent of the 38547  
district, for the school that offers the extracurricular activity, 38548  
and shall fulfill the same academic, nonacademic, and financial 38549  
requirements as any other participant. 38550

(E) No school district shall impose additional rules on a 38551  
student to participate under this section that do not apply to 38552

other students participating in the same extracurricular activity. 38553  
No district shall impose additional fees for a student to 38554  
participate under this section that exceed any fees charged to 38555  
other students participating in the same extracurricular activity. 38556

(F) No school district, interscholastic conference, or 38557  
organization that regulates interscholastic conferences or events 38558  
shall require a student who is eligible to participate in 38559  
interscholastic extracurricular activities under this section to 38560  
meet eligibility requirements that conflict with this section. 38561

**Sec. 3313.5312.** (A) A student who is receiving home 38562  
instruction in accordance with division (A)(2) of section 3321.04 38563  
of the Revised Code shall be afforded, by the superintendent of 38564  
the school district in which the student is entitled to attend 38565  
school under section 3313.64 or 3313.65 of the Revised Code, the 38566  
opportunity to participate in any extracurricular activity offered 38567  
at the district school to which the student otherwise would be 38568  
assigned during that school year. If more than one school operated 38569  
by the school district serves the student's grade level, as 38570  
determined by the district superintendent based on the student's 38571  
age and academic performance, the student shall be afforded the 38572  
opportunity to participate in extracurricular activities at the 38573  
school to which the student would be assigned by the 38574  
superintendent under section 3319.01 of the Revised Code. If a 38575  
student who is afforded the opportunity to participate in 38576  
extracurricular activities under division (A) of this section 38577  
wishes to participate in an activity that is offered by the 38578  
district, the student shall not participate in that activity at 38579  
another school or school district to which the student is not 38580  
entitled to attend. 38581

(B) The superintendent of any school district may afford any 38582  
student who receives home instruction under division (A)(2) of 38583

section 3321.04 of the Revised Code, and who is not entitled to 38584  
attend school in the district under section 3313.64 or 3313.65 of 38585  
the Revised Code, the opportunity to participate in any 38586  
extracurricular activity offered by a school of the district, if 38587  
the district to which the student is entitled to attend does not 38588  
offer that extracurricular activity. 38589

(C) In order to participate in an extracurricular activity 38590  
under this section, the student shall be of the appropriate age 38591  
and grade level, as determined by the superintendent of the 38592  
district, for the school that offers the extracurricular activity, 38593  
shall fulfill the same nonacademic and financial requirements as 38594  
any other participant, and shall fulfill either of the following 38595  
academic requirements: 38596

(1) If the student received home instruction in the preceding 38597  
grading period, the student shall meet any academic requirements 38598  
established by the state board of education for the continuation 38599  
of home instruction. 38600

(2) If the student did not receive home instruction in the 38601  
preceding grading period, the student's academic performance 38602  
during the preceding grading period shall have met any academic 38603  
standards for eligibility to participate in the program 38604  
established by the school district. 38605

(D) Eligibility for a student who leaves a school district 38606  
mid-year for home instruction shall be determined based on an 38607  
interim academic assessment issued by the district in which the 38608  
student was enrolled based on the student's work while enrolled in 38609  
that district. 38610

(E) Any student who commences home instruction after the 38611  
beginning of a school year and who is, at the time home 38612  
instruction commences, ineligible to participate in an 38613  
extracurricular activity due to failure to meet academic standards 38614

or any other requirements of the district shall not participate in 38615  
the extracurricular activity under this section until the student 38616  
meets the academic requirements established by the state board of 38617  
education for continuation of home instruction as verified by the 38618  
superintendent of the district. No student under this section 38619  
shall be eligible to participate in the same semester in which the 38620  
student was determined ineligible. 38621

(F) No school district shall impose additional rules on a 38622  
student to participate under this section that do not apply to 38623  
other students participating in the same extracurricular activity. 38624  
No district shall impose fees for a student to participate under 38625  
this section that exceed any fees charged to other students 38626  
participating in the same extracurricular activity. 38627

(G) No school district, interscholastic conference, or 38628  
organization that regulates interscholastic conferences or events 38629  
shall require a student who is eligible to participate in 38630  
interscholastic extracurricular activities under this section to 38631  
meet eligibility requirements that conflict with this section. 38632

**Sec. 3313.603.** (A) As used in this section: 38633

(1) "One unit" means a minimum of one hundred twenty hours of 38634  
course instruction, except that for a laboratory course, "one 38635  
unit" means a minimum of one hundred fifty hours of course 38636  
instruction. 38637

(2) "One-half unit" means a minimum of sixty hours of course 38638  
instruction, except that for physical education courses, "one-half 38639  
unit" means a minimum of one hundred twenty hours of course 38640  
instruction. 38641

(B) Beginning September 15, 2001, except as required in 38642  
division (C) of this section and division (C) of section 3313.614 38643  
of the Revised Code, the requirements for graduation from every 38644

high school shall include twenty units earned in grades nine	38645
through twelve and shall be distributed as follows:	38646
(1) English language arts, four units;	38647
(2) Health, one-half unit;	38648
(3) Mathematics, three units;	38649
(4) Physical education, one-half unit;	38650
(5) Science, two units until September 15, 2003, and three	38651
units thereafter, which at all times shall include both of the	38652
following:	38653
(a) Biological sciences, one unit;	38654
(b) Physical sciences, one unit.	38655
(6) History and government, one unit, which shall comply with	38656
division (M) of this section and shall include both of the	38657
following:	38658
(a) American history, one-half unit;	38659
(b) American government, one-half unit.	38660
(7) Social studies, two units.	38661
(8) Elective units, seven units until September 15, 2003, and	38662
six units thereafter.	38663
Each student's electives shall include at least one unit, or	38664
two half units, chosen from among the areas of	38665
business/technology, fine arts, and/or foreign language.	38666
(C) Beginning with students who enter ninth grade for the	38667
first time on or after July 1, 2010, except as provided in	38668
divisions (D) to (F) of this section, the requirements for	38669
graduation from every public and chartered nonpublic high school	38670
shall include twenty units that are designed to prepare students	38671
for the workforce and college. The units shall be distributed as	38672
follows:	38673

(1) English language arts, four units;	38674
(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;	38675 38676 38677
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II;	38678 38679
(4) Physical education, one-half unit;	38680
(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:	38681 38682 38683 38684
(a) Physical sciences, one unit;	38685
(b) Life sciences, one unit;	38686
(c) Advanced study in one or more of the following sciences, one unit:	38687 38688
(i) Chemistry, physics, or other physical science;	38689
(ii) Advanced biology or other life science;	38690
(iii) Astronomy, physical geology, or other earth or space science.	38691 38692
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	38693 38694 38695
(a) American history, one-half unit;	38696
(b) American government, one-half unit.	38697
(7) Social studies, two units.	38698
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under	38699 38700 38701

division (A)(1) of section 3301.079 of the Revised Code and the 38702  
academic content standards for financial literacy and 38703  
entrepreneurship adopted under division (A)(2) of that section, 38704  
into one or more existing social studies credits required under 38705  
division (C)(7) of this section, or into the content of another 38706  
class, so that every high school student receives instruction in 38707  
those concepts. In developing the curriculum required by this 38708  
paragraph, schools shall use available public-private partnerships 38709  
and resources and materials that exist in business, industry, and 38710  
through the centers for economics education at institutions of 38711  
higher education in the state. 38712

(8) Five units consisting of one or any combination of 38713  
foreign language, fine arts, business, career-technical education, 38714  
family and consumer sciences, technology, agricultural education, 38715  
a junior reserve officer training corps (JROTC) program approved 38716  
by the congress of the United States under title 10 of the United 38717  
States Code, or English language arts, mathematics, science, or 38718  
social studies courses not otherwise required under division (C) 38719  
of this section. 38720

Ohioans must be prepared to apply increased knowledge and 38721  
skills in the workplace and to adapt their knowledge and skills 38722  
quickly to meet the rapidly changing conditions of the 38723  
twenty-first century. National studies indicate that all high 38724  
school graduates need the same academic foundation, regardless of 38725  
the opportunities they pursue after graduation. The goal of Ohio's 38726  
system of elementary and secondary education is to prepare all 38727  
students for and seamlessly connect all students to success in 38728  
life beyond high school graduation, regardless of whether the next 38729  
step is entering the workforce, beginning an apprenticeship, 38730  
engaging in post-secondary training, serving in the military, or 38731  
pursuing a college degree. 38732

The Ohio core curriculum is the standard expectation for all 38733



students entering ninth grade for the first time at a public or 38734  
chartered nonpublic high school on or after July 1, 2010. A 38735  
student may satisfy this expectation through a variety of methods, 38736  
including, but not limited to, integrated, applied, 38737  
career-technical, and traditional coursework. 38738

Whereas teacher quality is essential for student success in 38739  
completing the Ohio core curriculum, the general assembly shall 38740  
appropriate funds for strategic initiatives designed to strengthen 38741  
schools' capacities to hire and retain highly qualified teachers 38742  
in the subject areas required by the curriculum. Such initiatives 38743  
are expected to require an investment of \$120,000,000 over five 38744  
years. 38745

Stronger coordination between high schools and institutions 38746  
of higher education is necessary to prepare students for more 38747  
challenging academic endeavors and to lessen the need for academic 38748  
remediation in college, thereby reducing the costs of higher 38749  
education for Ohio's students, families, and the state. The state 38750  
board and the chancellor of the Ohio board of regents shall 38751  
develop policies to ensure that only in rare instances will 38752  
students who complete the Ohio core curriculum require academic 38753  
remediation after high school. 38754

School districts, community schools, and chartered nonpublic 38755  
schools shall integrate technology into learning experiences 38756  
across the curriculum in order to maximize efficiency, enhance 38757  
learning, and prepare students for success in the 38758  
technology-driven twenty-first century. Districts and schools 38759  
shall use distance and web-based course delivery as a method of 38760  
providing or augmenting all instruction required under this 38761  
division, including laboratory experience in science. Districts 38762  
and schools shall utilize technology access and electronic 38763  
learning opportunities provided by the ~~eTech Ohio commission~~ 38764  
chancellor, the Ohio learning network, education technology 38765

centers, public television stations, and other public and private providers. 38766  
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(D) Except as provided in division (E) of this section, a student who enters ninth grade on or after July 1, 2010, and before July 1, 2014, may qualify for graduation from a public or chartered nonpublic high school even though the student has not completed the Ohio core curriculum prescribed in division (C) of this section if all of the following conditions are satisfied: 38768  
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(1) After the student has attended high school for two years, as determined by the school, the student and the student's parent, guardian, or custodian sign and file with the school a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the Ohio core curriculum and acknowledging that one consequence of not completing the Ohio core curriculum is ineligibility to enroll in most state universities in Ohio without further coursework. 38774  
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(2) The student and parent, guardian, or custodian fulfill any procedural requirements the school stipulates to ensure the student's and parent's, guardian's, or custodian's informed consent and to facilitate orderly filing of statements under division (D)(1) of this section. 38782  
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(3) The student and the student's parent, guardian, or custodian and a representative of the student's high school jointly develop an individual career plan for the student that specifies the student matriculating to a two-year degree program, acquiring a business and industry credential, or entering an apprenticeship. 38787  
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(4) The student's high school provides counseling and support for the student related to the plan developed under division (D)(3) of this section during the remainder of the student's high school experience. 38793  
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(5) The student successfully completes, at a minimum, the curriculum prescribed in division (B) of this section. 38797  
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The department of education, in collaboration with the chancellor, shall analyze student performance data to determine if there are mitigating factors that warrant extending the exception permitted by division (D) of this section to high school classes beyond those entering ninth grade before July 1, 2014. The department shall submit its findings and any recommendations not later than August 1, 2014, to the speaker and minority leader of the house of representatives, the president and minority leader of the senate, the chairpersons and ranking minority members of the standing committees of the house of representatives and the senate that consider education legislation, the state board of education, and the superintendent of public instruction. 38799  
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(E) Each school district and chartered nonpublic school retains the authority to require an even more rigorous minimum curriculum for high school graduation than specified in division (B) or (C) of this section. A school district board of education, through the adoption of a resolution, or the governing authority of a chartered nonpublic school may stipulate any of the following: 38811  
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(1) A minimum high school curriculum that requires more than twenty units of academic credit to graduate; 38818  
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(2) An exception to the district's or school's minimum high school curriculum that is comparable to the exception provided in division (D) of this section but with additional requirements, which may include a requirement that the student successfully complete more than the minimum curriculum prescribed in division (B) of this section; 38820  
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(3) That no exception comparable to that provided in division (D) of this section is available. 38826  
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(F) A student enrolled in a dropout prevention and recovery program, which program has received a waiver from the department, may qualify for graduation from high school by successfully completing a competency-based instructional program administered by the dropout prevention and recovery program in lieu of completing the Ohio core curriculum prescribed in division (C) of this section. The department shall grant a waiver to a dropout prevention and recovery program, within sixty days after the program applies for the waiver, if the program meets all of the following conditions:

(1) The program serves only students not younger than sixteen years of age and not older than twenty-one years of age.

(2) The program enrolls students who, at the time of their initial enrollment, either, or both, are at least one grade level behind their cohort age groups or experience crises that significantly interfere with their academic progress such that they are prevented from continuing their traditional programs.

(3) The program requires students to attain at least the applicable score designated for each of the assessments prescribed under division (B)(1) of section 3301.0710 of the Revised Code or, to the extent prescribed by rule of the state board under division (D)(6) of section 3301.0712 of the Revised Code, division (B)(2) of that section.

(4) The program develops an individual career plan for the student that specifies the student's matriculating to a two-year degree program, acquiring a business and industry credential, or entering an apprenticeship.

(5) The program provides counseling and support for the student related to the plan developed under division (F)(4) of this section during the remainder of the student's high school experience.

(6) The program requires the student and the student's parent, guardian, or custodian to sign and file, in accordance with procedural requirements stipulated by the program, a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the Ohio core curriculum and acknowledging that one consequence of not completing the Ohio core curriculum is ineligibility to enroll in most state universities in Ohio without further coursework.

(7) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the academic content standards adopted by the state board under section 3301.079 of the Revised Code will be taught and assessed.

If the department does not act either to grant the waiver or to reject the program application for the waiver within sixty days as required under this section, the waiver shall be considered to be granted.

(G) Every high school may permit students below the ninth grade to take advanced work. If a high school so permits, it shall award high school credit for successful completion of the advanced work and shall count such advanced work toward the graduation requirements of division (B) or (C) of this section if the advanced work was both:

(1) Taught by a person who possesses a license or certificate issued under section 3301.071, 3319.22, or 3319.222 of the Revised Code that is valid for teaching high school;

(2) Designated by the board of education of the city, local, or exempted village school district, the board of the cooperative education school district, or the governing authority of the chartered nonpublic school as meeting the high school curriculum requirements.

Each high school shall record on the student's high school

transcript all high school credit awarded under division (G) of 38890  
this section. In addition, if the student completed a seventh- or 38891  
eighth-grade fine arts course described in division (K) of this 38892  
section and the course qualified for high school credit under that 38893  
division, the high school shall record that course on the 38894  
student's high school transcript. 38895

(H) The department shall make its individual academic career 38896  
plan available through its Ohio career information system web site 38897  
for districts and schools to use as a tool for communicating with 38898  
and providing guidance to students and families in selecting high 38899  
school courses. 38900

(I) Units earned in English language arts, mathematics, 38901  
science, and social studies that are delivered through integrated 38902  
academic and career-technical instruction are eligible to meet the 38903  
graduation requirements of division (B) or (C) of this section. 38904

(J) The state board, in consultation with the chancellor, 38905  
shall adopt a statewide plan implementing methods for students to 38906  
earn units of high school credit based on a demonstration of 38907  
subject area competency, instead of or in combination with 38908  
completing hours of classroom instruction. The state board shall 38909  
adopt the plan not later than March 31, 2009, and commence phasing 38910  
in the plan during the 2009-2010 school year. The plan shall 38911  
include a standard method for recording demonstrated proficiency 38912  
on high school transcripts. Each school district and community 38913  
school shall comply with the state board's plan adopted under this 38914  
division and award units of high school credit in accordance with 38915  
the plan. The state board may adopt existing methods for earning 38916  
high school credit based on a demonstration of subject area 38917  
competency as necessary prior to the 2009-2010 school year. 38918

(K) This division does not apply to students who qualify for 38919  
graduation from high school under division (D) or (F) of this 38920  
section, or to students pursuing a career-technical instructional 38921

track as determined by the school district board of education or 38922  
the chartered nonpublic school's governing authority. 38923  
Nevertheless, the general assembly encourages such students to 38924  
consider enrolling in a fine arts course as an elective. 38925

Beginning with students who enter ninth grade for the first 38926  
time on or after July 1, 2010, each student enrolled in a public 38927  
or chartered nonpublic high school shall complete two semesters or 38928  
the equivalent of fine arts to graduate from high school. The 38929  
coursework may be completed in any of grades seven to twelve. Each 38930  
student who completes a fine arts course in grade seven or eight 38931  
may elect to count that course toward the five units of electives 38932  
required for graduation under division (C)(8) of this section, if 38933  
the course satisfied the requirements of division (G) of this 38934  
section. In that case, the high school shall award the student 38935  
high school credit for the course and count the course toward the 38936  
five units required under division (C)(8) of this section. If the 38937  
course in grade seven or eight did not satisfy the requirements of 38938  
division (G) of this section, the high school shall not award the 38939  
student high school credit for the course but shall count the 38940  
course toward the two semesters or the equivalent of fine arts 38941  
required by this division. 38942

(L) Notwithstanding anything to the contrary in this section, 38943  
the board of education of each school district and the governing 38944  
authority of each chartered nonpublic school may adopt a policy to 38945  
excuse from the high school physical education requirement each 38946  
student who, during high school, has participated in 38947  
interscholastic athletics, marching band, or cheerleading for at 38948  
least two full seasons or in the junior reserve officer training 38949  
corps for at least two full school years. If the board or 38950  
authority adopts such a policy, the board or authority shall not 38951  
require the student to complete any physical education course as a 38952  
condition to graduate. However, the student shall be required to 38953

complete one-half unit, consisting of at least sixty hours of 38954  
instruction, in another course of study. In the case of a student 38955  
who has participated in the junior reserve officer training corps 38956  
for at least two full school years, credit received for that 38957  
participation may be used to satisfy the requirement to complete 38958  
one-half unit in another course of study. 38959

(M) It is important that high school students learn and 38960  
understand United States history and the governments of both the 38961  
United States and the state of Ohio. Therefore, beginning with 38962  
students who enter ninth grade for the first time on or after July 38963  
1, 2012, the study of American history and American government 38964  
required by divisions (B)(6) and (C)(6) of this section shall 38965  
include the study of all of the following documents: 38966

(1) The Declaration of Independence; 38967

(2) The Northwest Ordinance; 38968

(3) The Constitution of the United States with emphasis on 38969  
the Bill of Rights; 38970

(4) The Ohio Constitution. 38971

The study of each of the documents prescribed in divisions 38972  
(M)(1) to (4) of this section shall include study of that document 38973  
in its original context. 38974

The study of American history and government required by 38975  
divisions (B)(6) and (C)(6) of this section shall include the 38976  
historical evidence of the role of documents such as the 38977  
Federalist Papers and the Anti-Federalist Papers to firmly 38978  
establish the historical background leading to the establishment 38979  
of the provisions of the Constitution and Bill of Rights. 38980

**Sec. 3313.6013.** (A) As used in this section, "dual enrollment 38981  
program" means a program that enables a student to earn credit 38982  
toward a degree from an institution of higher education while 38983



enrolled in high school or that enables a student to complete 38984  
coursework while enrolled in high school that may earn credit 38985  
toward a degree from an institution of higher education upon the 38986  
student's attainment of a specified score on an examination 38987  
covering the coursework. Dual enrollment programs may include any 38988  
of the following: 38989

(1) The post-secondary enrollment options program established 38990  
under Chapter 3365. of the Revised Code; 38991

(2) Advanced placement courses; 38992

(3) Any similar program established pursuant to an agreement 38993  
between a school district or chartered nonpublic high school and 38994  
an institution of higher education; 38995

(4) Early college high schools. 38996

(B) Each city, local, exempted village, and joint vocational 38997  
school district and each chartered nonpublic high school shall 38998  
provide students enrolled in grades nine through twelve with the 38999  
opportunity to participate in a dual enrollment program. For this 39000  
purpose, each school district and chartered nonpublic high school 39001  
shall offer at least one dual enrollment program in accordance 39002  
with division (B)(1) or (2) of this section, as applicable. 39003

(1) A city, local, or exempted village school district meets 39004  
the requirements of this division through its mandatory 39005  
participation in the post-secondary enrollment options program 39006  
established under Chapter 3365. of the Revised Code. However, a 39007  
city, local, or exempted village school district may offer any 39008  
other dual enrollment program, in addition to the post-secondary 39009  
enrollment options program, and each joint vocational school 39010  
district shall offer at least one other dual enrollment program, 39011  
to students in good standing, as defined by the partnership for 39012  
continued learning under section 3301.42 of the Revised Code as it 39013  
existed prior to October 16, 2009, or as subsequently defined by 39014

the department of education. 39015

(2) A chartered nonpublic high school that elects to 39016  
participate in the post-secondary enrollment options program 39017  
established under Chapter 3365. of the Revised Code meets the 39018  
requirements of this division. Each chartered nonpublic high 39019  
school that elects not to participate in the post-secondary 39020  
enrollment options program instead shall offer at least one other 39021  
dual enrollment program to students in good standing, as defined 39022  
by the partnership for continued learning under section 3301.42 of 39023  
the Revised Code as it existed prior to October 16, 2009, or as 39024  
subsequently defined by the department of education. 39025

(C) Each school district and each chartered nonpublic high 39026  
school shall provide information about the dual enrollment 39027  
programs offered by the district or school to all students 39028  
enrolled in grades eight through eleven. 39029

**Sec. 3313.6016.** (A) Beginning in the 2011-2012 school year, 39030  
the department of education shall administer a pilot program 39031  
requiring daily physical activity for students. Any school 39032  
district; community school established under Chapter 3314. of the 39033  
Revised Code; science, technology, engineering, and mathematics 39034  
school established under Chapter 3326. of the Revised Code; or 39035  
chartered nonpublic school annually may elect to participate in 39036  
the pilot program by notifying the department of its interest by a 39037  
date established by the department. If a school district elects to 39038  
participate in the pilot program, ~~each school building operated by~~ 39039  
~~the district shall be required~~ the district shall select one or 39040  
more school buildings to participate in the program. To the 39041  
maximum extent possible, the department shall seek to include in 39042  
the pilot program districts and schools that are located in urban, 39043  
suburban, and rural areas distributed geographically throughout 39044  
the state. The department shall administer the pilot program in 39045

accordance with this section. 39046

(B) Except as provided in division (C) of this section, each 39047  
district or school participating in the pilot program shall 39048  
require all students in ~~each of grades kindergarten through twelve~~ 39049  
the school building selected under division (A) of this section to 39050  
engage in at least thirty minutes of moderate to rigorous physical 39051  
activity each school day or at least one hundred fifty minutes of 39052  
moderate to rigorous physical activity each week, exclusive of 39053  
recess. Physical activity engaged in during the following may 39054  
count toward the daily requirement: 39055

(1) A physical education course; 39056

(2) A program or activity occurring before or after the 39057  
regular school day, as defined in section 3313.814 of the Revised 39058  
Code, that is sponsored or approved by the school of attendance, 39059  
provided school officials are able to monitor students' 39060  
participation to ensure compliance with the requirement. 39061

(C) None of the following shall be subject to the requirement 39062  
of division (B) of this section: 39063

(1) Any student enrolled in the post-secondary enrollment 39064  
options program established under Chapter 3365. of the Revised 39065  
Code; 39066

(2) Any student enrolled in a career-technical education 39067  
program operated by the district or school; 39068

(3) Any student enrolled in a dropout prevention and recovery 39069  
program operated by the district or school. 39070

(D) For any period in which a student is participating in 39071  
interscholastic athletics, marching band, cheerleading, or a 39072  
junior reserve officer training corps program, the district or 39073  
school may excuse the student from the requirement of division (B) 39074  
of this section. 39075

(E) The district or school may excuse any kindergarten student who is not enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code, from the requirement of division (B) of this section.

(F) Each district or school annually shall report to the department, in the manner prescribed by the department, how the district or school implemented the thirty minutes of daily physical activity and the financial costs of implementation. The department shall issue an annual report of the data collected under this division.

**Sec. 3313.62.** The school year shall begin on the first day of July of each calendar year and close on the thirtieth day of June of the succeeding calendar year. ~~A school week shall consist of five days, and a school month of four school weeks.~~ A chartered nonpublic school may be open for instruction with pupils in attendance on any day of the week, including Saturday or Sunday.

**Sec. 3313.64.** (A) As used in this section and in section 3313.65 of the Revised Code:

(1)(a) Except as provided in division (A)(1)(b) of this section, "parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. When a child is in the legal custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent with residual parental rights, privileges, and responsibilities. When a child is in the permanent custody of a government agency or a person other than the child's natural or adoptive parent, "parent" means the parent who was divested of parental rights and responsibilities for the care of the child and

the right to have the child live with the parent and be the legal 39106  
custodian of the child and all residual parental rights, 39107  
privileges, and responsibilities. 39108

(b) When a child is the subject of a power of attorney 39109  
executed under sections 3109.51 to 3109.62 of the Revised Code, 39110  
"parent" means the grandparent designated as attorney in fact 39111  
under the power of attorney. When a child is the subject of a 39112  
caretaker authorization affidavit executed under sections 3109.64 39113  
to 3109.73 of the Revised Code, "parent" means the grandparent 39114  
that executed the affidavit. 39115

(2) "Legal custody," "permanent custody," and "residual 39116  
parental rights, privileges, and responsibilities" have the same 39117  
meanings as in section 2151.011 of the Revised Code. 39118

(3) "School district" or "district" means a city, local, or 39119  
exempted village school district and excludes any school operated 39120  
in an institution maintained by the department of youth services. 39121

(4) Except as used in division (C)(2) of this section, "home" 39122  
means a home, institution, foster home, group home, or other 39123  
residential facility in this state that receives and cares for 39124  
children, to which any of the following applies: 39125

(a) The home is licensed, certified, or approved for such 39126  
purpose by the state or is maintained by the department of youth 39127  
services. 39128

(b) The home is operated by a person who is licensed, 39129  
certified, or approved by the state to operate the home for such 39130  
purpose. 39131

(c) The home accepted the child through a placement by a 39132  
person licensed, certified, or approved to place a child in such a 39133  
home by the state. 39134

(d) The home is a children's home created under section 39135

5153.21 or 5153.36 of the Revised Code.	39136
(5) "Agency" means all of the following:	39137
(a) A public children services agency;	39138
(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;	39139 39140 39141 39142 39143 39144
(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39 of the Revised Code or as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code.	39145 39146 39147 39148
(6) A child is placed for adoption if either of the following occurs:	39149 39150
(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.	39151 39152 39153 39154
(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.	39155 39156 39157
(7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code.	39158 39159
(8) "Child," unless otherwise indicated, includes preschool children with disabilities.	39160 39161
(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.	39162 39163 39164 39165

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any preschool child with a disability shall be admitted to school as provided in this division.

(1) A child shall be admitted to the schools of the school district in which the child's parent resides.

(2) A Except as provided in division (B) of section 2151.362 and section 3317.30 of the Revised Code, a child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies:

(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent.

(b) The child resides in a home.

(c) The child requires special education.

(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:

(a) The placement for adoption has been terminated.

(b) Another school district is required to admit the child under division (B)(1) of this section.

Division (B) of this section does not prohibit the board of education of a school district from placing a child with a disability who resides in the district in a special education program outside of the district or its schools in compliance with

Chapter 3323. of the Revised Code. 39196

(C) A district shall not charge tuition for children admitted 39197  
under division (B)(1) or (3) of this section. If the district 39198  
admits a child under division (B)(2) of this section, tuition 39199  
shall be paid to the district that admits the child as provided in 39200  
divisions (C)(1) to (3) of this section, unless division (C)(4) of 39201  
this section applies to the child: 39202

(1) If the child receives special education in accordance 39203  
with Chapter 3323. of the Revised Code, the school district of 39204  
residence, as defined in section 3323.01 of the Revised Code, 39205  
shall pay tuition for the child in accordance with section 39206  
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 39207  
regardless of who has custody of the child or whether the child 39208  
resides in a home. 39209

(2) For a child that does not receive special education in 39210  
accordance with Chapter 3323. of the Revised Code, except as 39211  
otherwise provided in division (C)(2)(d) of this section, if the 39212  
child is in the permanent or legal custody of a government agency 39213  
or person other than the child's parent, tuition shall be paid by: 39214

(a) The district in which the child's parent resided at the 39215  
time the court removed the child from home or at the time the 39216  
court vested legal or permanent custody of the child in the person 39217  
or government agency, whichever occurred first; 39218

(b) If the parent's residence at the time the court removed 39219  
the child from home or placed the child in the legal or permanent 39220  
custody of the person or government agency is unknown, tuition 39221  
shall be paid by the district in which the child resided at the 39222  
time the child was removed from home or placed in legal or 39223  
permanent custody, whichever occurred first; 39224

(c) If a school district cannot be established under division 39225  
(C)(2)(a) or (b) of this section, tuition shall be paid by the 39226



district determined as required by section 2151.362 of the Revised Code by the court at the time it vests custody of the child in the person or government agency;

(d) If at the time the court removed the child from home or vested legal or permanent custody of the child in the person or government agency, whichever occurred first, one parent was in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, was not known to reside in this state, tuition shall be paid by the district determined under division (D) of section 3313.65 of the Revised Code as the district required to pay any tuition while the parent was in such facility or placement;

(e) If the department of education has determined, pursuant to division (A)(2) of section 2151.362 of the Revised Code, that a school district other than the one named in the court's initial order, or in a prior determination of the department, is responsible to bear the cost of educating the child, the district so determined shall be responsible for that cost.

(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent and the child resides in a home, tuition shall be paid by one of the following:

(a) The school district in which the child's parent resides;

(b) If the child's parent is not a resident of this state, the home in which the child resides.

(4) Division (C)(4) of this section applies to any child who is admitted to a school district under division (B)(2) of this section, resides in a home that is not a foster home ~~or~~, a home maintained by the department of youth services, a detention facility established under section 2152.41 of the Revised Code, or

a juvenile facility established under section 2151.65 of the 39258  
Revised Code, receives educational services at the home or 39259  
facility in which the child resides pursuant to a contract between 39260  
the home or facility and the school district providing those 39261  
services, and does not receive special education. 39262

In the case of a child to which division (C)(4) of this 39263  
section applies, the total educational cost to be paid for the 39264  
child shall be determined by a formula approved by the department 39265  
of education, which formula shall be designed to calculate a per 39266  
diem cost for the educational services provided to the child for 39267  
each day the child is served and shall reflect the total actual 39268  
cost incurred in providing those services. The department shall 39269  
certify the total educational cost to be paid for the child to 39270  
both the school district providing the educational services and, 39271  
if different, the school district that is responsible to pay 39272  
tuition for the child. The department shall deduct the certified 39273  
amount from the state basic aid funds payable under Chapter 3317. 39274  
of the Revised Code to the district responsible to pay tuition and 39275  
shall pay that amount to the district providing the educational 39276  
services to the child. 39277

(D) Tuition required to be paid under divisions (C)(2) and 39278  
(3)(a) of this section shall be computed in accordance with 39279  
section 3317.08 of the Revised Code. Tuition required to be paid 39280  
under division (C)(3)(b) of this section shall be computed in 39281  
accordance with section 3317.081 of the Revised Code. If a home 39282  
fails to pay the tuition required by division (C)(3)(b) of this 39283  
section, the board of education providing the education may 39284  
recover in a civil action the tuition and the expenses incurred in 39285  
prosecuting the action, including court costs and reasonable 39286  
attorney's fees. If the prosecuting attorney or city director of 39287  
law represents the board in such action, costs and reasonable 39288  
attorney's fees awarded by the court, based upon the prosecuting 39289

attorney's, director's, or one of their designee's time spent 39290  
preparing and presenting the case, shall be deposited in the 39291  
county or city general fund. 39292

(E) A board of education may enroll a child free of any 39293  
tuition obligation for a period not to exceed sixty days, on the 39294  
sworn statement of an adult resident of the district that the 39295  
resident has initiated legal proceedings for custody of the child. 39296

(F) In the case of any individual entitled to attend school 39297  
under this division, no tuition shall be charged by the school 39298  
district of attendance and no other school district shall be 39299  
required to pay tuition for the individual's attendance. 39300  
Notwithstanding division (B), (C), or (E) of this section: 39301

(1) All persons at least eighteen but under twenty-two years 39302  
of age who live apart from their parents, support themselves by 39303  
their own labor, and have not successfully completed the high 39304  
school curriculum or the individualized education program 39305  
developed for the person by the high school pursuant to section 39306  
3323.08 of the Revised Code, are entitled to attend school in the 39307  
district in which they reside. 39308

(2) Any child under eighteen years of age who is married is 39309  
entitled to attend school in the child's district of residence. 39310

(3) A child is entitled to attend school in the district in 39311  
which either of the child's parents is employed if the child has a 39312  
medical condition that may require emergency medical attention. 39313  
The parent of a child entitled to attend school under division 39314  
(F)(3) of this section shall submit to the board of education of 39315  
the district in which the parent is employed a statement from the 39316  
child's physician certifying that the child's medical condition 39317  
may require emergency medical attention. The statement shall be 39318  
supported by such other evidence as the board may require. 39319

(4) Any child residing with a person other than the child's 39320

parent is entitled, for a period not to exceed twelve months, to attend school in the district in which that person resides if the child's parent files an affidavit with the superintendent of the district in which the person with whom the child is living resides stating all of the following:

(a) That the parent is serving outside of the state in the armed services of the United States;

(b) That the parent intends to reside in the district upon returning to this state;

(c) The name and address of the person with whom the child is living while the parent is outside the state.

(5) Any child under the age of twenty-two years who, after the death of a parent, resides in a school district other than the district in which the child attended school at the time of the parent's death is entitled to continue to attend school in the district in which the child attended school at the time of the parent's death for the remainder of the school year, subject to approval of that district board.

(6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion;

(b) A statement from the builder confirming that a new house is being built for the parent and that the house is at the location indicated in the parent's statement.

(7) A child under the age of twenty-two years residing with a parent who has a contract to purchase a house in a school district outside the district where the parent is residing and who is waiting upon the date of closing of the mortgage loan for the purchase of such house is entitled to attend school for a period of time in the district where the house is being purchased. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being purchased, and stating the parent's intent to reside there;

(b) A statement from a real estate broker or bank officer confirming that the parent has a contract to purchase the house, that the parent is waiting upon the date of closing of the mortgage loan, and that the house is at the location indicated in the parent's statement.

The district superintendent shall establish a period of time not to exceed ninety days during which the child entitled to attend school under division (F)(6) or (7) of this section may attend without tuition obligation. A student attending a school under division (F)(6) or (7) of this section shall be eligible to participate in interscholastic athletics under the auspices of that school, provided the board of education of the school district where the student's parent resides, by a formal action, releases the student to participate in interscholastic athletics at the school where the student is attending, and provided the student receives any authorization required by a public agency or private organization of which the school district is a member exercising authority over interscholastic sports.

(8) A child whose parent is a full-time employee of a city, local, or exempted village school district, or of an educational service center, may be admitted to the schools of the district

where the child's parent is employed, or in the case of a child 39384  
whose parent is employed by an educational service center, in the 39385  
district that serves the location where the parent's job is 39386  
primarily located, provided the district board of education 39387  
establishes such an admission policy by resolution adopted by a 39388  
majority of its members. Any such policy shall take effect on the 39389  
first day of the school year and the effective date of any 39390  
amendment or repeal may not be prior to the first day of the 39391  
subsequent school year. The policy shall be uniformly applied to 39392  
all such children and shall provide for the admission of any such 39393  
child upon request of the parent. No child may be admitted under 39394  
this policy after the first day of classes of any school year. 39395

(9) A child who is with the child's parent under the care of 39396  
a shelter for victims of domestic violence, as defined in section 39397  
3113.33 of the Revised Code, is entitled to attend school free in 39398  
the district in which the child is with the child's parent, and no 39399  
other school district shall be required to pay tuition for the 39400  
child's attendance in that school district. 39401

The enrollment of a child in a school district under this 39402  
division shall not be denied due to a delay in the school 39403  
district's receipt of any records required under section 3313.672 39404  
of the Revised Code or any other records required for enrollment. 39405  
Any days of attendance and any credits earned by a child while 39406  
enrolled in a school district under this division shall be 39407  
transferred to and accepted by any school district in which the 39408  
child subsequently enrolls. The state board of education shall 39409  
adopt rules to ensure compliance with this division. 39410

(10) Any child under the age of twenty-two years whose parent 39411  
has moved out of the school district after the commencement of 39412  
classes in the child's senior year of high school is entitled, 39413  
subject to the approval of that district board, to attend school 39414  
in the district in which the child attended school at the time of 39415

the parental move for the remainder of the school year and for one 39416  
additional semester or equivalent term. A district board may also 39417  
adopt a policy specifying extenuating circumstances under which a 39418  
student may continue to attend school under division (F)(10) of 39419  
this section for an additional period of time in order to 39420  
successfully complete the high school curriculum for the 39421  
individualized education program developed for the student by the 39422  
high school pursuant to section 3323.08 of the Revised Code. 39423

(11) As used in this division, "grandparent" means a parent 39424  
of a parent of a child. A child under the age of twenty-two years 39425  
who is in the custody of the child's parent, resides with a 39426  
grandparent, and does not require special education is entitled to 39427  
attend the schools of the district in which the child's 39428  
grandparent resides, provided that, prior to such attendance in 39429  
any school year, the board of education of the school district in 39430  
which the child's grandparent resides and the board of education 39431  
of the school district in which the child's parent resides enter 39432  
into a written agreement specifying that good cause exists for 39433  
such attendance, describing the nature of this good cause, and 39434  
consenting to such attendance. 39435

In lieu of a consent form signed by a parent, a board of 39436  
education may request the grandparent of a child attending school 39437  
in the district in which the grandparent resides pursuant to 39438  
division (F)(11) of this section to complete any consent form 39439  
required by the district, including any authorization required by 39440  
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 39441  
Code. Upon request, the grandparent shall complete any consent 39442  
form required by the district. A school district shall not incur 39443  
any liability solely because of its receipt of a consent form from 39444  
a grandparent in lieu of a parent. 39445

Division (F)(11) of this section does not create, and shall 39446  
not be construed as creating, a new cause of action or substantive 39447

legal right against a school district, a member of a board of 39448  
education, or an employee of a school district. This section does 39449  
not affect, and shall not be construed as affecting, any 39450  
immunities from defenses to tort liability created or recognized 39451  
by Chapter 2744. of the Revised Code for a school district, 39452  
member, or employee. 39453

(12) A child under the age of twenty-two years is entitled to 39454  
attend school in a school district other than the district in 39455  
which the child is entitled to attend school under division (B), 39456  
(C), or (E) of this section provided that, prior to such 39457  
attendance in any school year, both of the following occur: 39458

(a) The superintendent of the district in which the child is 39459  
entitled to attend school under division (B), (C), or (E) of this 39460  
section contacts the superintendent of another district for 39461  
purposes of this division; 39462

(b) The superintendents of both districts enter into a 39463  
written agreement that consents to the attendance and specifies 39464  
that the purpose of such attendance is to protect the student's 39465  
physical or mental well-being or to deal with other extenuating 39466  
circumstances deemed appropriate by the superintendents. 39467

While an agreement is in effect under this division for a 39468  
student who is not receiving special education under Chapter 3323. 39469  
of the Revised Code and notwithstanding Chapter 3327. of the 39470  
Revised Code, the board of education of neither school district 39471  
involved in the agreement is required to provide transportation 39472  
for the student to and from the school where the student attends. 39473

A student attending a school of a district pursuant to this 39474  
division shall be allowed to participate in all student 39475  
activities, including interscholastic athletics, at the school 39476  
where the student is attending on the same basis as any student 39477  
who has always attended the schools of that district while of 39478



compulsory school age. 39479

(13) All school districts shall comply with the 39480  
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 39481  
seq., for the education of homeless children. Each city, local, 39482  
and exempted village school district shall comply with the 39483  
requirements of that act governing the provision of a free, 39484  
appropriate public education, including public preschool, to each 39485  
homeless child. 39486

When a child loses permanent housing and becomes a homeless 39487  
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 39488  
such a homeless person changes temporary living arrangements, the 39489  
child's parent or guardian shall have the option of enrolling the 39490  
child in either of the following: 39491

(a) The child's school of origin, as defined in 42 U.S.C.A. 39492  
11432(g)(3)(C); 39493

(b) The school that is operated by the school district in 39494  
which the shelter where the child currently resides is located and 39495  
that serves the geographic area in which the shelter is located. 39496

(14) A child under the age of twenty-two years who resides 39497  
with a person other than the child's parent is entitled to attend 39498  
school in the school district in which that person resides if both 39499  
of the following apply: 39500

(a) That person has been appointed, through a military power 39501  
of attorney executed under section 574(a) of the "National Defense 39502  
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 39503  
U.S.C. 1044b, or through a comparable document necessary to 39504  
complete a family care plan, as the parent's agent for the care, 39505  
custody, and control of the child while the parent is on active 39506  
duty as a member of the national guard or a reserve unit of the 39507  
armed forces of the United States or because the parent is a 39508  
member of the armed forces of the United States and is on a duty 39509

assignment away from the parent's residence. 39510

(b) The military power of attorney or comparable document 39511  
includes at least the authority to enroll the child in school. 39512

The entitlement to attend school in the district in which the 39513  
parent's agent under the military power of attorney or comparable 39514  
document resides applies until the end of the school year in which 39515  
the military power of attorney or comparable document expires. 39516

(G) A board of education, after approving admission, may 39517  
waive tuition for students who will temporarily reside in the 39518  
district and who are either of the following: 39519

(1) Residents or domiciliaries of a foreign nation who 39520  
request admission as foreign exchange students; 39521

(2) Residents or domiciliaries of the United States but not 39522  
of Ohio who request admission as participants in an exchange 39523  
program operated by a student exchange organization. 39524

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 39525  
3327.04, and 3327.06 of the Revised Code, a child may attend 39526  
school or participate in a special education program in a school 39527  
district other than in the district where the child is entitled to 39528  
attend school under division (B) of this section. 39529

(I)(1) Notwithstanding anything to the contrary in this 39530  
section or section 3313.65 of the Revised Code, a child under 39531  
twenty-two years of age may attend school in the school district 39532  
in which the child, at the end of the first full week of October 39533  
of the school year, was entitled to attend school as otherwise 39534  
provided under this section or section 3313.65 of the Revised 39535  
Code, if at that time the child was enrolled in the schools of the 39536  
district but since that time the child or the child's parent has 39537  
relocated to a new address located outside of that school district 39538  
and within the same county as the child's or parent's address 39539  
immediately prior to the relocation. The child may continue to 39540

attend school in the district, and at the school to which the 39541  
child was assigned at the end of the first full week of October of 39542  
the current school year, for the balance of the school year. 39543  
Division (I)(1) of this section applies only if both of the 39544  
following conditions are satisfied: 39545

(a) The board of education of the school district in which 39546  
the child was entitled to attend school at the end of the first 39547  
full week in October and of the district to which the child or 39548  
child's parent has relocated each has adopted a policy to enroll 39549  
children described in division (I)(1) of this section. 39550

(b) The child's parent provides written notification of the 39551  
relocation outside of the school district to the superintendent of 39552  
each of the two school districts. 39553

(2) At the beginning of the school year following the school 39554  
year in which the child or the child's parent relocated outside of 39555  
the school district as described in division (I)(1) of this 39556  
section, the child is not entitled to attend school in the school 39557  
district under that division. 39558

(3) Any person or entity owing tuition to the school district 39559  
on behalf of the child at the end of the first full week in 39560  
October, as provided in division (C) of this section, shall 39561  
continue to owe such tuition to the district for the child's 39562  
attendance under division (I)(1) of this section for the lesser of 39563  
the balance of the school year or the balance of the time that the 39564  
child attends school in the district under division (I)(1) of this 39565  
section. 39566

(4) A pupil who may attend school in the district under 39567  
division (I)(1) of this section shall be entitled to 39568  
transportation services pursuant to an agreement between the 39569  
district and the district in which the child or child's parent has 39570  
relocated unless the districts have not entered into such 39571

agreement, in which case the child shall be entitled to 39572  
transportation services in the same manner as a pupil attending 39573  
school in the district under interdistrict open enrollment as 39574  
described in division (H) of section 3313.981 of the Revised Code, 39575  
regardless of whether the district has adopted an open enrollment 39576  
policy as described in division (B)(1)(b) or (c) of section 39577  
3313.98 of the Revised Code. 39578

(J) This division does not apply to a child receiving special 39579  
education. 39580

A school district required to pay tuition pursuant to 39581  
division (C)(2) or (3) of this section or section 3313.65 of the 39582  
Revised Code shall have an amount deducted under division (C) of 39583  
section 3317.023 of the Revised Code equal to its own tuition rate 39584  
for the same period of attendance. A school district entitled to 39585  
receive tuition pursuant to division (C)(2) or (3) of this section 39586  
or section 3313.65 of the Revised Code shall have an amount 39587  
credited under division (C) of section 3317.023 of the Revised 39588  
Code equal to its own tuition rate for the same period of 39589  
attendance. If the tuition rate credited to the district of 39590  
attendance exceeds the rate deducted from the district required to 39591  
pay tuition, the department of education shall pay the district of 39592  
attendance the difference from amounts deducted from all 39593  
districts' payments under division (C) of section 3317.023 of the 39594  
Revised Code but not credited to other school districts under such 39595  
division and from appropriations made for such purpose. The 39596  
treasurer of each school district shall, by the fifteenth day of 39597  
January and July, furnish the superintendent of public instruction 39598  
a report of the names of each child who attended the district's 39599  
schools under divisions (C)(2) and (3) of this section or section 39600  
3313.65 of the Revised Code during the preceding six calendar 39601  
months, the duration of the attendance of those children, the 39602  
school district responsible for tuition on behalf of the child, 39603

and any other information that the superintendent requires. 39604

Upon receipt of the report the superintendent, pursuant to 39605  
division (C) of section 3317.023 of the Revised Code, shall deduct 39606  
each district's tuition obligations under divisions (C)(2) and (3) 39607  
of this section or section 3313.65 of the Revised Code and pay to 39608  
the district of attendance that amount plus any amount required to 39609  
be paid by the state. 39610

(K) In the event of a disagreement, the superintendent of 39611  
public instruction shall determine the school district in which 39612  
the parent resides. 39613

(L) Nothing in this section requires or authorizes, or shall 39614  
be construed to require or authorize, the admission to a public 39615  
school in this state of a pupil who has been permanently excluded 39616  
from public school attendance by the superintendent of public 39617  
instruction pursuant to sections 3301.121 and 3313.662 of the 39618  
Revised Code. 39619

(M) In accordance with division (B)(1) of this section, a 39620  
child whose parent is a member of the national guard or a reserve 39621  
unit of the armed forces of the United States and is called to 39622  
active duty, or a child whose parent is a member of the armed 39623  
forces of the United States and is ordered to a temporary duty 39624  
assignment outside of the district, may continue to attend school 39625  
in the district in which the child's parent lived before being 39626  
called to active duty or ordered to a temporary duty assignment 39627  
outside of the district, as long as the child's parent continues 39628  
to be a resident of that district, and regardless of where the 39629  
child lives as a result of the parent's active duty status or 39630  
temporary duty assignment. However, the district is not 39631  
responsible for providing transportation for the child if the 39632  
child lives outside of the district as a result of the parent's 39633  
active duty status or temporary duty assignment. 39634

**Sec. 3313.646.** (A) The board of education of a school 39635  
district, except a cooperative education district established 39636  
pursuant to section 3311.521 of the Revised Code, may establish 39637  
and operate a ~~preschool~~ program to provide services to 39638  
preschool-age children, provided the board has demonstrated a need 39639  
for the program. A board may use school funds in support of 39640  
preschool programs. The board shall maintain, operate, and admit 39641  
children to any such program pursuant to rules adopted by such 39642  
board and the rules of the state board of education adopted under 39643  
sections 3301.52 to 3301.57 of the Revised Code. 39644

A board of education may establish fees or tuition, which may 39645  
be graduated in proportion to family income, for participation in 39646  
a preschool program. In cases where payment of fees or tuition 39647  
would create a hardship for the child's parent or guardian, the 39648  
board may waive any such fees or tuition. 39649

(B) No board of education that is not receiving funds under 39650  
the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on 39651  
March 17, 1989, shall compete for funds under the "Head Start Act" 39652  
with any grantee receiving funds under that act. 39653

(C) A board of education may contract with any of the 39654  
following preschool providers to provide ~~preschool programs~~ 39655  
services to preschool-age children, other than ~~programs for units~~ 39656  
~~described by divisions (B) and (C) of those services for which the~~ 39657  
district is eligible to receive funding under section 3317.05 39658  
3317.0213 of the Revised Code, ~~for children of the school~~ 39659  
~~district:~~ 39660

(1) Any organization receiving funds under the "Head Start 39661  
Act"; 39662

(2) Any nonsectarian eligible nonpublic school as defined in 39663  
division (H) of section 3301.52 of the Revised Code; 39664

(3) Any child care provider licensed under Chapter 5104. of 39665  
the Revised Code. 39666

Boards may contract to provide ~~preschool programs~~ services to 39667  
preschool-age children only with such organizations whose staff 39668  
meet the requirements of rules adopted under section 3301.53 of 39669  
the Revised Code or those of the child development associate 39670  
credential established by the national association for the 39671  
education of young children. 39672

(D) A contract entered into under division (C) of this 39673  
section may provide for the board of education to lease school 39674  
facilities to the preschool provider or to furnish transportation, 39675  
utilities, or staff for the preschool program. 39676

(E) The treasurer of any board of education operating a 39677  
preschool program pursuant to this section shall keep an account 39678  
of all funds used to operate the program in the same manner as the 39679  
treasurer would any other funds of the district pursuant to this 39680  
chapter. 39681

**Sec. 3313.65.** (A) As used in this section and section 3313.64 39682  
of the Revised Code: 39683

(1) A person is "in a residential facility" if the person is 39684  
a resident or a resident patient of an institution, home, or other 39685  
residential facility that is: 39686

(a) Licensed as a nursing home, residential care facility, or 39687  
home for the aging by the director of health under section 3721.02 39688  
of the Revised Code; 39689

(b) Maintained as a county home or district home by the board 39690  
of county commissioners or a joint board of county commissioners 39691  
under Chapter 5155. of the Revised Code; 39692

(c) Operated or administered by a board of alcohol, drug 39693  
addiction, and mental health services under section 340.03 ~~or~~ 39694

~~340.06~~ of the Revised Code, or provides residential care pursuant 39695  
to contracts made under section 340.03 ~~or 340.033~~ of the Revised 39696  
Code; 39697

(d) Maintained as a state institution for the mentally ill 39698  
under Chapter 5119. of the Revised Code; 39699

(e) Licensed by the department of ~~mental health~~ mental health 39700  
and addiction services under section ~~5119.20~~ 5119.33 or ~~5119.22~~ 39701  
5119.34 of the Revised Code; 39702

(f) Licensed as a residential facility by the department of 39703  
developmental disabilities under section 5123.19 of the Revised 39704  
Code; 39705

(g) Operated by the veteran's administration or another 39706  
agency of the United States government; 39707

(h) Operated by the Ohio veterans' home. 39708

(2) A person is "in a correctional facility" if any of the 39709  
following apply: 39710

(a) The person is an Ohio resident and is: 39711

(i) Imprisoned, as defined in section 1.05 of the Revised 39712  
Code; 39713

(ii) Serving a term in a community-based correctional 39714  
facility or a district community-based correctional facility; 39715

(iii) Required, as a condition of parole, a post-release 39716  
control sanction, a community control sanction, transitional 39717  
control, or early release from imprisonment, as a condition of 39718  
shock parole or shock probation granted under the law in effect 39719  
prior to July 1, 1996, or as a condition of a furlough granted 39720  
under the version of section 2967.26 of the Revised Code in effect 39721  
prior to March 17, 1998, to reside in a halfway house or other 39722  
community residential center licensed under section 2967.14 of the 39723  
Revised Code or a similar facility designated by the court of 39724



common pleas that established the condition or by the adult parole authority. 39725  
39726

(b) The person is imprisoned in a state correctional institution of another state or a federal correctional institution but was an Ohio resident at the time the sentence was imposed for the crime for which the person is imprisoned. 39727  
39728  
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(3) A person is "in a juvenile residential placement" if the person is an Ohio resident who is under twenty-one years of age and has been removed, by the order of a juvenile court, from the place the person resided at the time the person became subject to the court's jurisdiction in the matter that resulted in the person's removal. 39731  
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(4) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 39737  
39738

(5) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 39739  
39740

(B) If the circumstances described in division (C) of this section apply, the determination of what school district must admit a child to its schools and what district, if any, is liable for tuition shall be made in accordance with this section, rather than section 3313.64 of the Revised Code. 39741  
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(C) A child who does not reside in the school district in which the child's parent resides and for whom a tuition obligation previously has not been established under division (C)(2) of section 3313.64 of the Revised Code shall be admitted to the schools of the district in which the child resides if at least one of the child's parents is in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, is not known to reside in this state. 39746  
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(D) Regardless of who has custody or care of the child, 39755

whether the child resides in a home, or whether the child receives 39756  
special education, if a district admits a child under division (C) 39757  
of this section, tuition shall be paid to that district as 39758  
follows: 39759

(1) If the child's parent is in a juvenile residential 39760  
placement, by the district in which the child's parent resided at 39761  
the time the parent became subject to the jurisdiction of the 39762  
juvenile court; 39763

(2) If the child's parent is in a correctional facility, by 39764  
the district in which the child's parent resided at the time the 39765  
sentence was imposed; 39766

(3) If the child's parent is in a residential facility, by 39767  
the district in which the parent resided at the time the parent 39768  
was admitted to the residential facility, except that if the 39769  
parent was transferred from another residential facility, tuition 39770  
shall be paid by the district in which the parent resided at the 39771  
time the parent was admitted to the facility from which the parent 39772  
first was transferred; 39773

(4) In the event of a disagreement as to which school 39774  
district is liable for tuition under division (C)(1), (2), or (3) 39775  
of this section, the superintendent of public instruction shall 39776  
determine which district shall pay tuition. 39777

(E) If a child covered by division (D) of this section 39778  
receives special education in accordance with Chapter 3323. of the 39779  
Revised Code, the tuition shall be paid in accordance with section 39780  
3323.13 or 3323.14 of the Revised Code. Tuition for children who 39781  
do not receive special education shall be paid in accordance with 39782  
division (J) of section 3313.64 of the Revised Code. 39783

**Sec. 3313.714.** (A) As used in this section: 39784

(1) "Board of education" means the board of education of a 39785

city, local, exempted village, or joint vocational school 39786  
district. 39787

(2) "Healthcheck" means the early and periodic screening, 39788  
diagnosis, and treatment program, a component of the ~~medical~~ 39789  
~~assistance~~ medicaid program established under Title XIX of the 39790  
~~"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 302, as~~ 39791  
~~amended, and Chapter 5111. of the Revised Code.~~ 39792

(3) "Pupil" means a person under age twenty-two enrolled in 39793  
the schools of a city, local, exempted village, or joint 39794  
vocational school district. 39795

(4) "Parent" means either parent with the following 39796  
exceptions: 39797

(a) If one parent has custody by court order, "parent" means 39798  
the parent with custody. 39799

(b) If neither parent has legal custody, "parent" means the 39800  
person or government entity with legal custody. 39801

(c) The child's legal guardian or a person who has accepted 39802  
responsibility for the health, safety, and welfare of the child. 39803

(B) At the request of the department of ~~job and family~~ 39804  
~~services~~ medicaid, a board of education shall establish and 39805  
conduct a healthcheck program for pupils enrolled in the schools 39806  
of the district who are medicaid recipients ~~of medical assistance~~ 39807  
~~under Chapter 5111. of the Revised Code.~~ At the request of a board 39808  
of education, the department may authorize the board to establish 39809  
a healthcheck program. A board that establishes a healthcheck 39810  
program shall enter into a ~~medical assistance~~ medicaid provider 39811  
agreement with the department. 39812

A healthcheck program established by a board of education 39813  
shall be conducted in accordance with rules adopted by the 39814  
medicaid director ~~of job and family services~~ under division (F) of 39815

this section. The healthcheck program shall include all of the 39816  
following components: 39817

(1) A comprehensive health and development history; 39818

(2) A comprehensive physical examination; 39819

(3) A developmental assessment; 39820

(4) A nutritional assessment; 39821

(5) A vision assessment; 39822

(6) A hearing assessment; 39823

(7) An immunization assessment; 39824

(8) Lead screening and laboratory tests ordered by a doctor 39825  
of medicine or osteopathic medicine as part of one of the other 39826  
components; 39827

(9) Such other assessment as may be required by the 39828  
department of ~~job and family services~~ medicaid in accordance with 39829  
the requirements of the healthcheck program. 39830

All services included in a board of education's healthcheck 39831  
program that the board provided under sections 3313.67, 3313.673, 39832  
3313.68, 3313.69, and 3313.71 of the Revised Code during the 39833  
1990-1991 school year shall continue to be provided to ~~medical~~ 39834  
~~assistance~~ medicaid recipients by the board pursuant to those 39835  
sections. The services shall be considered part of the healthcheck 39836  
program for medicaid recipients ~~of medical assistance~~, and the 39837  
board shall be eligible for ~~reimbursement~~ payment from the ~~state~~ 39838  
department in accordance with this division for providing the 39839  
services. 39840

The department shall ~~reimburse~~ pay boards of education for 39841  
healthcheck program services provided under this division at the 39842  
rates paid under the ~~medical assistance~~ medicaid program to 39843  
physicians, dentists, nurses, and other providers of healthcheck 39844  
services. 39845

(C) Each board of education that conducts a healthcheck program shall determine for each pupil enrolled in the schools of the district whether the pupil is a ~~medical-assistance~~ medicaid recipient. The department of ~~job and family services~~ medicaid and county departments of ~~human services~~ job and family services shall assist the board in making these determinations. Except as necessary to carry out the purposes of this section, all information received by a board under this division shall be confidential.

Before the first day of October of each year, each board that conducts a healthcheck program shall send the parent of each pupil who is under age eighteen and a medicaid recipient ~~of medical assistance~~ notice that the pupil will be examined under the district's healthcheck program unless the parent notifies the board that the parent denies consent for the examination. The notice shall include a form to be used by the parent to indicate that the parent denies consent. The denial shall be effective only if the form is signed by the parent and returned to the board or the school in which the pupil is enrolled. If the parent does not return a signed form indicating denial of consent within two weeks after the date the notice is sent, the school district and the department of ~~job and family services~~ medicaid shall deem the parent to have consented to examination of the parent's child under the healthcheck program. In the case of a pupil age eighteen or older, the notice shall be given to the pupil, and the school district and the department of ~~job and family services~~ medicaid shall deem the pupil to have consented to examination unless the pupil returns the signed form indicating the pupil's denial of consent.

(D)(1) As used in this division:

(a) "Nonfederal share" means the portion of expenditures for services that is required under the ~~medical-assistance~~ medicaid

program to be paid for with state or local government funds. 39878

(b) "Federal financial participation" means the portion of 39879  
expenditures for services that is ~~reimbursed~~ payable under the 39880  
~~medical assistance~~ medicaid program with federal funds. 39881

(2) At the request of a board of education, the state 39882  
department may enter into an agreement with the board under which 39883  
the board provides medical services to a medicaid recipient ~~of~~ 39884  
~~medical assistance~~ that are ~~reimbursable~~ payable under the ~~medical~~ 39885  
~~assistance~~ medicaid program but not under the healthcheck program. 39886  
The agreement may be for a term specified in the agreement and 39887  
renewable by mutual consent of the board and the department, or 39888  
may continue in force as long as agreeable to the board and the 39889  
department. 39890

The board shall use state or local funds of the district to 39891  
pay the nonfederal share of expenditures for services provided 39892  
under this division. Prior to entering into or renewing an 39893  
agreement and at any other time requested by the department while 39894  
the agreement is in force, the board shall certify to the 39895  
department in accordance with the rules adopted under division (F) 39896  
of this section that it will have sufficient state or local funds 39897  
to pay the nonfederal share of expenditures under this division. 39898  
If the board fails to make the certification, the department shall 39899  
not enter into or renew the agreement. If an agreement has been 39900  
entered into, it shall be void unless the board makes the 39901  
certification not later than fifteen days after receiving notice 39902  
from the department that the certification is due. The board shall 39903  
report to the department, in accordance with the rules, the amount 39904  
of state or local funds it spends to provide services under this 39905  
division. 39906

The department shall ~~reimburse~~ pay the board the federal 39907  
financial participation allowed for the board's expenditures for 39908  
services under this division. The total of the nonfederal share 39909

spent by the board and the federal financial participation 39910  
~~reimbursed paid~~ by the department for a service rendered under 39911  
this division shall be an amount agreed to by the board and the 39912  
department, but shall not exceed the maximum ~~reimbursable payable~~ 39913  
~~amount~~ for that service under rules adopted ~~by the director of job~~ 39914  
~~and family services~~ under ~~Chapter 5111.~~ section 5164.02 of the 39915  
Revised Code. The rules adopted under division (F) of this section 39916  
shall include procedures under which the department will recover 39917  
from a board overpayments and subsequent federal audit 39918  
disallowances of federal financial participation ~~reimbursed paid~~ 39919  
by the department. 39920

(E) A board of education shall provide services under 39921  
division (D) of this section and under its healthcheck program as 39922  
provided in division (E)(1), (2), or (3) of this section: 39923

(1) By having the services performed by physicians, dentists, 39924  
and nurses employed by the board; 39925

(2) By contracting with physicians, dentists, nurses, and 39926  
other providers of services who have ~~medical assistance~~ medicaid 39927  
provider agreements with the department of ~~job and family services~~ 39928  
medicaid; 39929

(3) By having some of the services performed by persons 39930  
described in division (E)(1) of this section and others performed 39931  
by persons described in division (E)(2) of this section. 39932

(F) The medicaid ~~director of job and family services~~ shall 39933  
adopt rules in accordance with Chapter 119. of the Revised Code 39934  
governing healthcheck programs conducted under this section and 39935  
services provided under division (D) of this section. 39936

**Sec. 3313.715.** The board of education of a school district 39937  
may request from the director of developmental disabilities the 39938  
appropriate identification numbers for all students residing in 39939

the district who are ~~medical assistance~~ medicaid recipients under 39940  
~~Chapter 5111. of the Revised Code.~~ The director shall furnish such 39941  
numbers upon receipt of lists of student names furnished by the 39942  
district board, in such form as the director may require. 39943

The medicaid director ~~of job and family services~~ shall 39944  
provide the director of developmental disabilities with the data 39945  
necessary for compliance with this section. 39946

Section 3319.321 of the Revised Code does not apply to the 39947  
release of student names or other data to the director of 39948  
developmental disabilities for the purposes of this section. 39949  
Chapter 1347. of the Revised Code does not apply to information 39950  
required to be kept by a school board or the departments of ~~job~~ 39951  
~~and family services~~ medicaid or developmental disabilities to the 39952  
extent necessary to comply with this section and section 3313.714 39953  
of the Revised Code. However, any such information or data shall 39954  
be used only for the specific legal purposes of such boards and 39955  
departments and shall not be released to any unauthorized person. 39956

**Sec. 3313.83.** (A)(1) For the purpose of pooling resources, 39957  
operating more cost effectively, minimizing administrative 39958  
overhead, encouraging the sharing of resource development, and 39959  
diminishing duplication, the boards of education of two or more 39960  
city, local, or exempted village school districts each having a 39961  
majority of its territory in a county with a population greater 39962  
than one million two hundred thousand, by adopting identical 39963  
resolutions, may enter into an agreement providing for the 39964  
creation of a regional student education district for the purpose 39965  
of funding the following for students enrolled in those school 39966  
districts, including students diagnosed as autistic and students 39967  
with special needs, and their immediate family members: 39968

(a) Special education services; 39969

(b) Behavioral health services for persons with special 39970



needs. 39971

If more than eight boards of education adopt resolutions to 39972  
form a regional student education district, the boards may meet at 39973  
facilities of the educational service center of the county to 39974  
discuss membership in the district. 39975

(2) The territory of a regional student education district at 39976  
any time shall be composed of the combined territories of the 39977  
school districts that are parties to the agreement at that time. 39978  
Services funded by a regional student education district shall be 39979  
available to all individuals enrolled in a school district that is 39980  
a part of the regional student education district and members of 39981  
their immediate family. 39982

(3) The agreement may be amended pursuant to terms and 39983  
procedures mutually agreed to by the boards of education that are 39984  
parties to the agreement. 39985

(B) Each regional student education district shall be 39986  
governed by a board of directors. The superintendent of each board 39987  
of education that is a party to the agreement shall serve on the 39988  
board of directors. The agreement shall provide for the terms of 39989  
office of directors. Directors shall receive no compensation, but 39990  
shall be reimbursed, from the special fund of the regional student 39991  
education district, for the reasonable and necessary expenses they 39992  
incur in the performance of their duties for the district. The 39993  
agreement shall provide for the conduct of the board's initial 39994  
organizational meeting and for the frequency of subsequent 39995  
meetings and quorum requirements. At its first meeting, the board 39996  
shall designate from among its members a president and secretary 39997  
in the manner provided in the agreement. 39998

The board of directors of a regional student education 39999  
district is a body corporate and politic, is capable of suing and 40000  
being sued, is capable of contracting within the limits of this 40001

section and the agreement governing the district, and is capable 40002  
of accepting gifts, donations, bequests, or other grants of money 40003  
for use in paying its expenses. The district is a public office 40004  
and its directors are public officials within the meaning of 40005  
section 117.01 of the Revised Code, the board of directors is a 40006  
public body within the meaning of section 121.22 of the Revised 40007  
Code, and records of the board and of the district are public 40008  
records within the meaning of section 149.43 of the Revised Code. 40009

The agreement shall require the board to designate a 40010  
permanent location for its offices and meeting place, and may 40011  
provide for the use of such facilities and property for the 40012  
provision of services by the agencies with which the board 40013  
contracts under division (C) of this section. 40014

(C)(1) To provide the services identified in division (A)(1) 40015  
of this section, the board of directors of a regional student 40016  
education district shall provide for the hiring of employees or 40017  
shall contract with one or more entities. Except as provided in 40018  
division (C)(2) of this section, any entity with which the board 40019  
of directors contracts to provide the services identified in 40020  
division (A)(1)(b) of this section shall be a qualified nonprofit, 40021  
nationally accredited agency to which both of the following apply: 40022

(a) The agency is licensed or certified by the departments of 40023  
~~mental health, mental health and addiction services and~~ job and 40024  
family services, ~~and alcohol and drug addiction services.~~ 40025

(b) The agency provides school-based behavioral health 40026  
services. 40027

(2) The board of directors may contract with an entity that 40028  
does not meet the conditions stated in division (C)(1) of this 40029  
section if the services to be provided by the entity are only 40030  
incidental to the services identified in division (A)(1)(b) of 40031  
this section. 40032

(3) The board of directors may levy a tax throughout the district as provided in section 5705.2111 of the Revised Code. The board of directors shall provide for the creation of a special fund to hold the proceeds of any tax levied under section 5705.2111 of the Revised Code and any gifts, donations, bequests, or other grants of money coming into the possession of the district. A regional student education district is a subdivision, and the board of directors is a governing body, within the meaning of section 135.01 of the Revised Code. The board of directors may not issue securities or otherwise incur indebtedness.

(4) The adoption or rejection by electors of a tax levy to fund a regional student education district pursuant to section 5705.2111 of the Revised Code does not alter the duty of each school district member of the regional student education district to provide special education and related services as required under Chapter 3323. of the Revised Code. On the expiration of a regional student education district levy, the state, member school districts of the regional student education district, and any other governmental entity shall not be obligated to provide replacement funding for the revenues under the expired levy. The tax levy, in whole or in part, shall not be considered a levy for current operating expenses pursuant to division (A) of section 3317.01 of the Revised Code for any of the school districts that are members of the regional student education district.

(D)(1) The agreement shall provide for the manner of appointing an individual or entity to perform the duties of fiscal officer of the regional student education district. The agreement shall specify the length of time the individual or entity shall perform those duties and whether the individual or entity may be reappointed upon the completion of a term. The fiscal officer may receive compensation for performing the duties of the position and be reimbursed for reasonable expenses of performing those duties

from the regional student education district's special fund. 40065

(2) The legal advisor of the board of directors of a regional 40066  
student education district shall be the prosecuting attorney of 40067  
the most populous county containing a school district that is a 40068  
member of the regional student education district. The prosecuting 40069  
attorney shall prosecute all actions against a member of the board 40070  
of directors for malfeasance or misfeasance in office and shall be 40071  
the legal counsel for the board and its members in all other 40072  
actions brought by or against them and shall conduct those actions 40073  
in the prosecuting attorney's official capacity. No compensation 40074  
in addition to the prosecuting attorney's regular salary shall be 40075  
allowed. 40076

(E) The board of directors of a regional student education 40077  
district shall procure a policy or policies of insurance insuring 40078  
the board, the fiscal officer, and the legal representative 40079  
against liability on account of damage or injury to persons and 40080  
property. Before procuring such insurance the board shall adopt a 40081  
resolution setting forth the amount of insurance to be purchased, 40082  
the necessity of the insurance, and a statement of its estimated 40083  
premium cost. Insurance procured pursuant to this section shall be 40084  
from one or more recognized insurance companies authorized to do 40085  
business in this state. The cost of the insurance shall be paid 40086  
from the district's special fund. 40087

A regional student education district is a political 40088  
subdivision within the meaning of section 2744.01 of the Revised 40089  
Code. 40090

(F)(1) The board of education of a school district having a 40091  
majority of its territory in the county may join an existing 40092  
regional student education district by adopting a resolution 40093  
requesting to join as a party to the agreement and upon approval 40094  
by the boards of education that currently are parties to the 40095  
agreement. If a tax is levied in the regional student education 40096

district under section 5705.2111 of the Revised Code, a board of 40097  
education may join the district only after a majority of qualified 40098  
electors in the school district voting on the question vote in 40099  
favor of levying the tax throughout the school district. A board 40100  
of education joining an existing district shall have the same 40101  
powers, rights, and obligations under the agreement as other 40102  
boards of education that are parties to the agreement. 40103

(2) A board of education that is a party to an agreement 40104  
under this section may withdraw the school district from a 40105  
regional student education district by adopting a resolution. The 40106  
withdrawal shall take effect on the date provided in the 40107  
resolution. If a tax is levied in the regional student education 40108  
district under section 5705.2111 of the Revised Code, the 40109  
resolution shall take effect not later than the first day of 40110  
January following adoption of the resolution. Beginning with the 40111  
first day of January following adoption of the resolution, any tax 40112  
levied under section 5705.2111 of the Revised Code shall not be 40113  
levied within the territory of the withdrawing school district. 40114  
Any collection of tax levied in the territory of the withdrawing 40115  
school district under that section that has not been settled and 40116  
distributed when the resolution takes effect shall be credited to 40117  
the district's special fund. 40118

(G) An agreement entered into under this section shall 40119  
provide for the manner of the regional student education 40120  
district's dissolution. The district shall cease to exist when not 40121  
more than one school district remains in the district, and the 40122  
levy of any tax under section 5705.2111 of the Revised Code shall 40123  
not be extended on the tax lists in any tax year beginning after 40124  
the dissolution of the district. The agreement shall provide that, 40125  
upon dissolution of the district, any unexpended balance in the 40126  
district's special fund shall be divided among the school 40127  
districts that are parties to the agreement immediately before 40128

dissolution in proportion to the taxable valuation of taxable 40129  
property in the districts, and credited to their respective 40130  
general funds. 40131

**Sec. 3313.841.** The boards of education and governing boards 40132  
of two or more city, local, joint vocational, or exempted village 40133  
school districts or educational service centers may contract in 40134  
accordance with the terms of this section for the sharing on a 40135  
cooperative basis of the services of supervisory teachers, special 40136  
instruction teachers, special education teachers, and other 40137  
licensed personnel necessary to conduct approved cooperative 40138  
classes for special education and related services and gifted 40139  
education. 40140

The boards of two or more districts or service centers 40141  
desiring to enroll students in such classes shall each adopt 40142  
resolutions indicating such desire and designating one of the 40143  
participating districts or service centers as the funding agent 40144  
for purposes of this section. The district or service center 40145  
designated as the funding agent shall enter into an employment 40146  
contract with each licensed teacher whose services are to be 40147  
shared among the participating districts and service centers. In 40148  
turn, the funding agent shall enter into contracts with each of 40149  
the districts and service centers which have adopted resolutions 40150  
agreeing to participate in the cooperative program upon terms 40151  
agreed to by all parties to such contract. Such contracts between 40152  
districts and service centers shall set forth the services to be 40153  
provided by the licensed teacher employed by the funding agent 40154  
whose services are to be shared by the participating districts and 40155  
service centers and the basis for computing the amounts to be paid 40156  
for such services to the funding agent by the participating 40157  
districts and service centers. 40158

For purposes of ~~division (B)~~ of section ~~3317.05~~ 3317.0213 of 40159

the Revised Code, the funding agent shall count all pupils 40160  
enrolled in cooperative programs for pupils with disabilities as 40161  
pupils enrolled in such programs in the funding agent district. 40162  
Upon receipt of payment for such programs, the funding agent 40163  
district shall credit the account of districts participating in 40164  
the cooperative program for the amounts due under contracts 40165  
entered into under the terms of this section in proportion to the 40166  
number of resident students enrolled in the cooperative program 40167  
from each participating district and service center. 40168

In determining the terms of the contract entered into by the 40169  
funding agent district or service center and the participating 40170  
districts and service centers, the superintendent of schools of 40171  
each participating board of education and governing board shall 40172  
serve as a committee which shall recommend such terms to such 40173  
boards. 40174

**Sec. 3313.843.** (A) Notwithstanding division (D) of section 40175  
3311.52 of the Revised Code, this section does not apply to any 40176  
cooperative education school district. 40177

(B)(1) The board of education of each city, exempted village, 40178  
or local school district with an average daily student enrollment 40179  
of sixteen thousand or less, reported for the district on the most 40180  
recent report card issued under section 3302.03 of the Revised 40181  
Code, shall enter into an agreement with the governing board of an 40182  
educational service center, under which the educational service 40183  
center governing board will provide services to the district. 40184

(2) The board of education of a city, exempted village, or 40185  
local school district with an average daily student enrollment of 40186  
more than sixteen thousand may enter into an agreement with the 40187  
governing board of an educational service center, under which the 40188  
educational service center governing board will provide services 40189  
to the district. 40190

(3) Services provided under an agreement entered into under 40191  
division (B)(1) or (2) of this section shall be specified in the 40192  
agreement, and may include any of the following: supervisory 40193  
teachers; in-service and continuing education programs for 40194  
district personnel; curriculum services; research and development 40195  
programs; academic instruction for which the governing board 40196  
employs teachers pursuant to section 3319.02 of the Revised Code; 40197  
assistance in the provision of special accommodations and classes 40198  
for students with disabilities; or any other services the district 40199  
board and service center governing board agree can be better 40200  
provided by the service center and are not provided under an 40201  
agreement entered into under section 3313.845 of the Revised Code. 40202  
Services included in the agreement shall be provided to the 40203  
district in the manner specified in the agreement. The district 40204  
board of education shall reimburse the educational service center 40205  
governing board pursuant to ~~section 3317.11 of the Revised Code~~ 40206  
terms specified in the agreement entered into under this section. 40207

~~Beginning with the 2012-2013 school year, the board of any 40208  
district described in division (B)(2) of this section may elect 40209  
not to receive the supervisory services for which supervisory 40210  
units are paid under division (B) of section 3317.11 of the 40211  
Revised Code, provided that election is specified in the 40212  
agreement.~~ 40213

(C) Any agreement entered into pursuant to this section shall 40214  
be filed with the department of education by the first day of July 40215  
of the school year for which the agreement is in effect. 40216

(D)(1) An agreement for services from an educational service 40217  
center entered into under this section may be terminated by the 40218  
school district board of education, at its option, by notifying 40219  
the governing board of the service center by March 1, 2012, or by 40220  
the first day of January of any odd-numbered year thereafter, that 40221  
the district board intends to terminate the agreement in that 40222



year, and that termination shall be effective on the thirtieth day of June of that year. The failure of a district board to notify an educational service center of its intent to terminate an agreement by March 1, 2012, shall result in renewal of the existing agreement for the following school year. Thereafter, the failure of a district board to notify an educational service center of its intent to terminate an agreement by the first day of January of an odd-numbered year shall result in renewal of the existing agreement for the following two school years.

(2) If the school district that terminates an agreement for services under division (D)(1) of this section is also subject to the requirement of division (B)(1) of this section, the district board shall enter into a new agreement with any educational service center so that the new agreement is effective on the first day of July of that same year.

(3) If all moneys owed by a school district to an educational service center under an agreement for services terminated under division (D)(1) of this section have been paid in full by the effective date of the termination, the governing board of the service center shall submit an affidavit to the department certifying that fact not later than fifteen days after the termination's effective date. Notwithstanding anything in the Revised Code to the contrary, until the department receives such an affidavit, it shall not make any payments to any other educational service center with which the district enters into an agreement under this section for services that the educational service center provides to the district.

(E) An educational service center may apply to any state or federal agency for competitive grants. It may also apply to any private entity for additional funds.

(F) Not later than January 1, 2014, each educational service center shall post on its web site a list of all of the services

that it provides and the corresponding cost for each of those 40255  
services. 40256

(G)(1) For purposes of this division, "total student count" 40257  
has the same meaning as in section 3301.011 of the Revised Code. 40258

(2) For purposes of calculating any state subsidy to be paid 40259  
to an educational service center for services provided to a school 40260  
district, the service center's student count shall be the sum of 40261  
the total student counts of all of an educational service center's 40262  
client school districts, except that the count shall not include 40263  
any student entitled to attend school in one of those districts 40264  
who is enrolled in a community school at the time the total 40265  
student count is reported. 40266

(3) When a district enters into a new agreement with a new 40267  
educational service center, the department of education shall 40268  
ensure that the state subsidy for services provided to the 40269  
district is paid to the new educational service center and that 40270  
the educational service center with which the district previously 40271  
had an agreement is no longer paid a state subsidy for providing 40272  
services to that district. 40273

**Sec. 3313.845.** The board of education of a city, exempted 40274  
village, or local school district and the governing board of an 40275  
educational service center may enter into an agreement under which 40276  
the educational service center will provide services to the school 40277  
district. Services provided under the agreement and the amount to 40278  
be paid for such services shall be mutually agreed to by the 40279  
district board of education and the service center governing 40280  
board, and shall be specified in the agreement. Payment for 40281  
services specified in the agreement shall be made pursuant to 40282  
~~division (D) of section 3317.11 of the Revised Code and shall not~~ 40283  
~~include any deduction under division (B), (C), or (F) of that~~ 40284  
~~section~~ the terms of that agreement. Any agreement entered into 40285

pursuant to this section shall be valid only if a copy is filed 40286  
with the department of education. 40287

The authority granted under this section to the boards of 40288  
education of city, exempted village, and local school districts is 40289  
in addition to the authority granted to such boards under section 40290  
3313.843 of the Revised Code. 40291

**Sec. 3313.88.** (A)(1) Prior to the first day of August of each 40292  
school year, the board of education of any school district or the 40293  
governing authority of any chartered nonpublic school may submit 40294  
to the department of education a plan to require students to 40295  
access and complete classroom lessons posted on the district's or 40296  
nonpublic school's web portal or web site in order to make up days 40297  
in that school year on which it is necessary to close schools for 40298  
any of the reasons specified in division (B) of section 3317.01 of 40299  
the Revised Code in excess of the number of days permitted under 40300  
sections 3313.48, 3313.481, and 3317.01 of the Revised Code. 40301  
40302

Prior to the first day of August of each school year, the 40303  
governing authority of any community school established under 40304  
Chapter 3314. that is not an internet- or computer-based community 40305  
school, as defined in section 3314.02 of the Revised Code, may 40306  
submit to the department a plan to require students to access and 40307  
complete classroom lessons posted on the school's web portal or 40308  
web site in order to make up days or hours in that school year on 40309  
which it is necessary to close the school for any of the reasons 40310  
specified in division ~~(L)~~(H)(4) of section 3314.08 of the Revised 40311  
Code so that the school is in compliance with the minimum number 40312  
of hours required under Chapter 3314. of the Revised Code. 40313

A plan submitted by a school district board or chartered 40314  
nonpublic school governing authority shall provide for making up 40315

any number of days, up to a maximum of three days. A plan 40316  
submitted by a community school governing authority shall provide 40317  
for making up any number of hours, up to a maximum of the 40318  
equivalent of three days. Provided the plan meets all requirements 40319  
of this section, the department shall permit the board or 40320  
governing authority to implement the plan for the applicable 40321  
school year. 40322

(2) Each plan submitted under this section by a school 40323  
district board of education shall include the written consent of 40324  
the teachers' employee representative designated under division 40325  
(B) of section 4117.04 of the Revised Code. 40326

(3) Each plan submitted under this section shall provide for 40327  
the following: 40328

(a) Not later than the first day of November of the school 40329  
year, each classroom teacher shall develop a sufficient number of 40330  
lessons for each course taught by the teacher that school year to 40331  
cover the number of make-up days or hours specified in the plan. 40332  
The teacher shall designate the order in which the lessons are to 40333  
be posted on the district's, community school's, or nonpublic 40334  
school's web portal or web site in the event of a school closure. 40335  
Teachers may be granted up to one professional development day to 40336  
create lesson plans for those lessons. 40337

(b) To the extent possible and necessary, a classroom teacher 40338  
shall update or replace, based on current instructional progress, 40339  
one or more of the lesson plans developed under division (A)(3)(a) 40340  
of this section before they are posted on the web portal or web 40341  
site under division (A)(3)(c) of this section or distributed under 40342  
division (B) of this section. 40343

(c) As soon as practicable after a school closure, a district 40344  
or school employee responsible for web portal or web site 40345  
operations shall make the designated lessons available to students 40346

on the district's, community school's, or nonpublic school's 40347  
portal or site. A lesson shall be posted for each course that was 40348  
scheduled to meet on the day or hours of the closure. 40349

(d) Each student enrolled in a course for which a lesson is 40350  
posted on the portal or site shall be granted a two-week period 40351  
from the date of posting to complete the lesson. The student's 40352  
classroom teacher shall grade the lesson in the same manner as 40353  
other lessons. The student may receive an incomplete or failing 40354  
grade if the lesson is not completed on time. 40355

(e) If a student does not have access to a computer at the 40356  
student's residence and the plan does not include blizzard bags 40357  
under division (B) of this section, the student shall be permitted 40358  
to work on the posted lessons at school after the student's school 40359  
reopens. If the lessons were posted prior to the reopening, the 40360  
student shall be granted a two-week period from the date of the 40361  
reopening, rather than from the date of posting as otherwise 40362  
required under division (A)(3)(d) of this section, to complete the 40363  
lessons. The district board or community school or nonpublic 40364  
school governing authority may provide the student access to a 40365  
computer before, during, or after the regularly scheduled school 40366  
day or may provide a substantially similar paper lesson in order 40367  
to complete the lessons. 40368

(B)(1) In addition to posting classroom lessons online under 40369  
division (A) of this section, the board of education of any school 40370  
district or governing authority of any community or chartered 40371  
nonpublic school may include in the plan distribution of "blizzard 40372  
bags," which are paper copies of the lessons posted online. 40373

(2) If a school opts to use blizzard bags, teachers shall 40374  
prepare paper copies in conjunction with the lessons to be posted 40375  
online and update the paper copies whenever the teacher updates 40376  
the online lesson plans. 40377

(3) The board of education of any school district or governing authority of any community or chartered nonpublic school that opts to use blizzard bags shall specify in the plan the method of distribution of blizzard bag lessons, which may include, but not be limited to, requiring distribution by a specific deadline or requiring distribution prior to anticipated school closure as directed by the superintendent of a school district or the principal, director, chief administrative officer, or the equivalent, of a school.

(4) Students shall turn in completed lessons in accordance with division (A)(3)(d) of this section.

(C)(1) No school district that implements a plan in accordance with this section shall be considered to have failed to comply with division (B) of section 3317.01 of the Revised Code with respect to the number of make-up days specified in the plan.

(2) No community school that implements a plan in accordance with this section shall be considered to have failed to comply with the minimum number of hours required under Chapter 3314. of the Revised Code with respect to the number of make-up hours specified in the plan.

**Sec. 3313.978.** (A) Annually by the first day of November, the superintendent of public instruction shall notify the pilot project school district of the number of initial scholarships that the state superintendent will be awarding in each of grades kindergarten through twelve.

The state superintendent shall provide information about the scholarship program to all students residing in the district, shall accept applications from any such students until such date as shall be established by the state superintendent as a deadline for applications, and shall establish criteria for the selection of students to receive scholarships from among all those applying

prior to the deadline, which criteria shall give preference to 40409  
students from low-income families. The state superintendent shall 40410  
notify students of their selection prior to the fifteenth day of 40411  
January. 40412

(1) A student receiving a pilot project scholarship may 40413  
utilize it at an alternative public school by notifying the 40414  
district superintendent, at any time before the beginning of the 40415  
school year, of the name of the public school in an adjacent 40416  
school district to which the student has been accepted pursuant to 40417  
section 3327.06 of the Revised Code. 40418

(2) A student may decide to utilize a pilot project 40419  
scholarship at a registered private school in the district if all 40420  
of the following conditions are met: 40421

(a) By the fifteenth day of February of the preceding school 40422  
year, or at any time prior to the start of the school year, the 40423  
parent makes an application on behalf of the student to a 40424  
registered private school. 40425

(b) The registered private school notifies the parent and the 40426  
state superintendent as follows that the student has been 40427  
admitted: 40428

(i) By the fifteenth day of March of the preceding school 40429  
year if the student filed an application by the fifteenth day of 40430  
February and was admitted by the school pursuant to division (A) 40431  
of section 3313.977 of the Revised Code; 40432

(ii) Within one week of the decision to admit the student if 40433  
the student is admitted pursuant to division (C) of section 40434  
3313.977 of the Revised Code. 40435

(c) The student actually enrolls in the registered private 40436  
school to which the student was first admitted or in another 40437  
registered private school in the district or in a public school in 40438  
an adjacent school district. 40439

(B) The state superintendent shall also award in any school year tutorial assistance grants to a number of students equal to the number of students who receive scholarships under division (A) of this section. Tutorial assistance grants shall be awarded solely to students who are enrolled in the public schools of the district in a grade level covered by the pilot project. Tutorial assistance grants may be used solely to obtain tutorial assistance from a provider approved pursuant to division (D) of section 3313.976 of the Revised Code.

All students wishing to obtain tutorial assistance grants shall make application to the state superintendent by the first day of the school year in which the assistance will be used. The state superintendent shall award assistance grants in accordance with criteria the superintendent shall establish.

(C)(1) In the case of basic scholarships for students in grades kindergarten through eight, the scholarship amount shall not exceed the lesser of the net tuition charges of the alternative school the scholarship recipient attends or ~~three thousand dollars before fiscal year 2007, three thousand four hundred fifty dollars in fiscal year 2007 through fiscal year 2011, and~~ four thousand two hundred fifty dollars in fiscal year 2012 and thereafter.

In the case of basic scholarships for students in grades nine through twelve, the scholarship amount shall not exceed the lesser of the net tuition charges of the alternative school the scholarship recipient attends or ~~two thousand seven hundred dollars before fiscal year 2007, three thousand four hundred fifty dollars in fiscal year 2007 through fiscal year 2011, and~~ five thousand dollars in fiscal year 2012 and ~~thereafter~~ fiscal year 2013, and five thousand seven hundred dollars in fiscal year 2014 and thereafter.

The net tuition and fees charged to a student shall be the



tuition amount specified by the alternative school minus all other 40472  
financial aid, discounts, and adjustments received for the 40473  
student. In cases where discounts are offered for multiple 40474  
students from the same family, and not all students in the same 40475  
family are scholarship recipients, the net tuition amount 40476  
attributable to the scholarship recipient shall be the lowest net 40477  
tuition to which the family is entitled. 40478

(2) The state superintendent shall provide for an increase in 40479  
the basic scholarship amount in the case of any student who is a 40480  
mainstreamed student with a disability and shall further increase 40481  
such amount in the case of any separately educated student with a 40482  
disability. Such increases shall take into account the 40483  
instruction, related services, and transportation costs of 40484  
educating such students. 40485

(3) In the case of tutorial assistance grants, the grant 40486  
amount shall not exceed the lesser of the provider's actual 40487  
charges for such assistance or: 40488

(a) Before fiscal year 2007, a percentage established by the 40489  
state superintendent, not to exceed twenty per cent, of the amount 40490  
of the pilot project school district's average basic scholarship 40491  
amount; 40492

(b) In fiscal year 2007 and thereafter, four hundred dollars. 40493

(D)(1) Annually by the first day of November, the state 40494  
superintendent shall estimate the maximum per-pupil scholarship 40495  
amounts for the ensuing school year. The state superintendent 40496  
shall make this estimate available to the general public at the 40497  
offices of the district board of education together with the forms 40498  
required by division (D)(2) of this section. 40499

(2) Annually by the fifteenth day of January, the chief 40500  
administrator of each registered private school located in the 40501  
pilot project district and the principal of each public school in 40502

such district shall complete a parental information form and 40503  
forward it to the president of the board of education. The 40504  
parental information form shall be prescribed by the department of 40505  
education and shall provide information about the grade levels 40506  
offered, the numbers of students, tuition amounts, achievement 40507  
test results, and any sectarian or other organizational 40508  
affiliations. 40509

(E)(1) Only for the purpose of administering the pilot 40510  
project scholarship program, the department may request from any 40511  
of the following entities the data verification code assigned 40512  
under division (D)(2) of section 3301.0714 of the Revised Code to 40513  
any student who is seeking a scholarship under the program: 40514

(a) The school district in which the student is entitled to 40515  
attend school under section 3313.64 or 3313.65 of the Revised 40516  
Code; 40517

(b) If applicable, the community school in which the student 40518  
is enrolled; 40519

(c) The independent contractor engaged to create and maintain 40520  
data verification codes. 40521

(2) Upon a request by the department under division (E)(1) of 40522  
this section for the data verification code of a student seeking a 40523  
scholarship or a request by the student's parent for that code, 40524  
the school district or community school shall submit that code to 40525  
the department or parent in the manner specified by the 40526  
department. If the student has not been assigned a code, because 40527  
the student will be entering kindergarten during the school year 40528  
for which the scholarship is sought, the district shall assign a 40529  
code to that student and submit the code to the department or 40530  
parent by a date specified by the department. If the district does 40531  
not assign a code to the student by the specified date, the 40532  
department shall assign a code to the student. 40533

The department annually shall submit to each school district 40534  
the name and data verification code of each student residing in 40535  
the district who is entering kindergarten, who has been awarded a 40536  
scholarship under the program, and for whom the department has 40537  
assigned a code under this division. 40538

(3) The department shall not release any data verification 40539  
code that it receives under division (E) of this section to any 40540  
person except as provided by law. 40541

(F) Any document relative to the pilot project scholarship 40542  
program that the department holds in its files that contains both 40543  
a student's name or other personally identifiable information and 40544  
the student's data verification code shall not be a public record 40545  
under section 149.43 of the Revised Code. 40546

(G)(1) The department annually shall compile the scores 40547  
attained by scholarship students enrolled in registered private 40548  
schools on the assessments administered to the students pursuant 40549  
to division (A)(11) of section 3313.976 of the Revised Code. The 40550  
scores shall be aggregated as follows: 40551

(a) By school district, which shall include all scholarship 40552  
students residing in the pilot project school district who are 40553  
enrolled in a registered private school and were required to take 40554  
an assessment pursuant to division (A)(11) of section 3313.976 of 40555  
the Revised Code; 40556

(b) By registered private school, which shall include all 40557  
scholarship students enrolled in that school who were required to 40558  
take an assessment pursuant to division (A)(11) of section 40559  
3313.976 of the Revised Code. 40560

(2) The department shall disaggregate the student performance 40561  
data described in division (G)(1) of this section according to the 40562  
following categories: 40563

(a) Grade level; 40564

(b) Race and ethnicity;	40565
(c) Gender;	40566
(d) Students who have participated in the scholarship program for three or more years;	40567 40568
(e) Students who have participated in the scholarship program for more than one year and less than three years;	40569 40570
(f) Students who have participated in the scholarship program for one year or less;	40571 40572
(g) Economically disadvantaged students.	40573
(3) The department shall post the student performance data required under divisions (G)(1) and (2) of this section on its web site and shall include that data in the information about the scholarship program provided to students under division (A) of this section. In reporting student performance data under this division, the department shall not include any data that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report performance data for any group that contains less than ten students.	40574 40575 40576 40577 40578 40579 40580 40581 40582 40583
(4) The department shall provide the parent of each scholarship student enrolled in a registered private school with information comparing the student's performance on the assessments administered pursuant to division (A)(11) of section 3313.976 of the Revised Code with the average performance of similar students enrolled in the building operated by the pilot project school district that the scholarship student would otherwise attend. In calculating the performance of similar students, the department shall consider age, grade, race and ethnicity, gender, and socioeconomic status.	40584 40585 40586 40587 40588 40589 40590 40591 40592 40593
<b>Sec. 3313.98.</b> Notwithstanding division (D) of section 3311.19	40594

and division (D) of section 3311.52 of the Revised Code, the 40595  
provisions of this section and sections 3313.981 to 3313.983 of 40596  
the Revised Code that apply to a city school district do not apply 40597  
to a joint vocational or cooperative education school district 40598  
unless expressly specified. 40599

(A) As used in this section and sections 3313.981 to 3313.983 40600  
of the Revised Code: 40601

(1) "Parent" means either of the natural or adoptive parents 40602  
of a student, except under the following conditions: 40603

(a) When the marriage of the natural or adoptive parents of 40604  
the student has been terminated by a divorce, dissolution of 40605  
marriage, or annulment or the natural or adoptive parents of the 40606  
student are living separate and apart under a legal separation 40607  
decree and the court has issued an order allocating the parental 40608  
rights and responsibilities with respect to the student, "parent" 40609  
means the residential parent as designated by the court except 40610  
that "parent" means either parent when the court issues a shared 40611  
parenting decree. 40612

(b) When a court has granted temporary or permanent custody 40613  
of the student to an individual or agency other than either of the 40614  
natural or adoptive parents of the student, "parent" means the 40615  
legal custodian of the child. 40616

(c) When a court has appointed a guardian for the student, 40617  
"parent" means the guardian of the student. 40618

(2) "Native student" means a student entitled under section 40619  
3313.64 or 3313.65 of the Revised Code to attend school in a 40620  
district adopting a resolution under this section. 40621

(3) "Adjacent district" means a city, exempted village, or 40622  
local school district having territory that abuts the territory of 40623  
a district adopting a resolution under this section. 40624

(4) "Adjacent district student" means a student entitled 40625  
under section 3313.64 or 3313.65 of the Revised Code to attend 40626  
school in an adjacent district. 40627

(5) "Adjacent district joint vocational student" means an 40628  
adjacent district student who enrolls in a city, exempted village, 40629  
or local school district pursuant to this section and who also 40630  
enrolls in a joint vocational school district that does not 40631  
contain the territory of the district for which that student is a 40632  
native student and does contain the territory of the city, 40633  
exempted village, or local district in which the student enrolls. 40634

(6) "Formula amount" has the same meaning as in section 40635  
3317.02 of the Revised Code. 40636

~~(7) "Adjusted formula amount" means the sum of the formula 40637  
amount plus the per pupil amount of the base funding supplements 40638  
specified in divisions (C)(1) to (4) of section 3317.012 of the 40639  
Revised Code for fiscal year 2009. 40640~~

~~(8)~~ "Poverty line" means the poverty line established by the 40641  
director of the United States office of management and budget as 40642  
revised by the ~~director~~ secretary of the ~~office of community 40643  
health and human~~ services in accordance with section 673(2) of the 40644  
"Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 40645  
9902, as amended. 40646

~~(9)~~(8) "IEP" has the same meaning as in section 3323.01 of 40647  
the Revised Code. 40648

~~(10)~~(9) "Other district" means a city, exempted village, or 40649  
local school district having territory outside of the territory of 40650  
a district adopting a resolution under this section. 40651

~~(11)~~(10) "Other district student" means a student entitled 40652  
under section 3313.64 or 3313.65 of the Revised Code to attend 40653  
school in an other district. 40654

~~(12)~~(11) "Other district joint vocational student" means a student who is enrolled in any city, exempted village, or local school district and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student in accordance with a policy adopted under section 3313.983 of the Revised Code.

(B)(1) The board of education of each city, local, and exempted village school district shall adopt a resolution establishing for the school district one of the following policies:

(a) A policy that entirely prohibits the enrollment of students from adjacent districts or other districts, other than students for whom tuition is paid in accordance with section 3317.08 of the Revised Code;

(b) A policy that permits enrollment of students from all adjacent districts in accordance with policy statements contained in the resolution;

(c) A policy that permits enrollment of students from all other districts in accordance with policy statements contained in the resolution.

(2) A policy permitting enrollment of students from adjacent or from other districts, as applicable, shall provide for all of the following:

(a) Application procedures, including deadlines for application and for notification of students and the superintendent of the applicable district whenever an adjacent or other district student's application is approved.

(b) Procedures for admitting adjacent or other district applicants free of any tuition obligation to the district's schools, including, but not limited to:

(i) The establishment of district capacity limits by grade level, school building, and education program; 40685  
40686

(ii) A requirement that all native students wishing to be enrolled in the district will be enrolled and that any adjacent or other district students previously enrolled in the district shall receive preference over first-time applicants; 40687  
40688  
40689  
40690

(iii) Procedures to ensure that an appropriate racial balance is maintained in the district schools. 40691  
40692

(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting adjacent or other district students, as applicable, shall not include: 40693  
40694  
40695

(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills; 40696  
40697

(2) Limitations on admitting applicants because of disability, except that a board may refuse to admit a student receiving services under Chapter 3323. of the Revised Code, if the services described in the student's IEP are not available in the district's schools; 40698  
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(3) A requirement that the student be proficient in the English language; 40703  
40704

(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled by the student's district for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant. 40705  
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(D)(1) Each school board permitting only enrollment of adjacent district students shall provide information about the policy adopted under this section, including the application 40712  
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40714



procedures and deadlines, to the superintendent and the board of 40715  
education of each adjacent district and, upon request, to the 40716  
parent of any adjacent district student. 40717

(2) Each school board permitting enrollment of other district 40718  
students shall provide information about the policy adopted under 40719  
this section, including the application procedures and deadlines, 40720  
upon request, to the board of education of any other school 40721  
district or to the parent of any student anywhere in the state. 40722

(E) Any school board shall accept all credits toward 40723  
graduation earned in adjacent or other district schools by an 40724  
adjacent or other district student or a native student. 40725

(F)(1) No board of education may adopt a policy discouraging 40726  
or prohibiting its native students from applying to enroll in the 40727  
schools of an adjacent or any other district that has adopted a 40728  
policy permitting such enrollment, except that: 40729

(a) A district may object to the enrollment of a native 40730  
student in an adjacent or other district in order to maintain an 40731  
appropriate racial balance. 40732

(b) The board of education of a district receiving funds 40733  
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 40734  
may adopt a resolution objecting to the enrollment of its native 40735  
students in adjacent or other districts if at least ten per cent 40736  
of its students are included in the determination of the United 40737  
States secretary of education made under section 20 U.S.C.A. 40738  
238(a). 40739

(2) If a board objects to enrollment of native students under 40740  
this division, any adjacent or other district shall refuse to 40741  
enroll such native students unless tuition is paid for the 40742  
students in accordance with section 3317.08 of the Revised Code. 40743  
An adjacent or other district enrolling such students may not 40744  
receive funding for those students in accordance with section 40745

3313.981 of the Revised Code. 40746

(G) The state board of education shall monitor school 40747  
districts to ensure compliance with this section and the 40748  
districts' policies. The board may adopt rules requiring uniform 40749  
application procedures, deadlines for application, notification 40750  
procedures, and record-keeping requirements for all school boards 40751  
that adopt policies permitting the enrollment of adjacent or other 40752  
district students, as applicable. If the state board adopts such 40753  
rules, no school board shall adopt a policy that conflicts with 40754  
those rules. 40755

(H) A resolution adopted by a board of education under this 40756  
section that entirely prohibits the enrollment of students from 40757  
adjacent and from other school districts does not abrogate any 40758  
agreement entered into under section 3313.841 or 3313.92 of the 40759  
Revised Code or any contract entered into under section 3313.90 of 40760  
the Revised Code between the board of education adopting the 40761  
resolution and the board of education of any adjacent or other 40762  
district or prohibit these boards of education from entering into 40763  
any such agreement or contract. 40764

(I) Nothing in this section shall be construed to permit or 40765  
require the board of education of a city, exempted village, or 40766  
local school district to exclude any native student of the 40767  
district from enrolling in the district. 40768

**Sec. 3313.981.** (A) The state board of education shall adopt 40769  
rules requiring all of the following: 40770

(1) The board of education of each city, exempted village, 40771  
and local school district to annually report to the department of 40772  
education all of the following: 40773

(a) The number of adjacent district or other district 40774  
students, as applicable, and adjacent district or other district 40775

joint vocational students, as applicable, enrolled in the district 40776  
and the number of native students enrolled in adjacent or other 40777  
districts, in accordance with a policy adopted under division (B) 40778  
of section 3313.98 of the Revised Code; 40779

(b) Each adjacent district or other district student's or 40780  
adjacent district or other district joint vocational student's 40781  
date of enrollment in the district; 40782

(c) The full-time equivalent number of adjacent district or 40783  
other district students enrolled in ~~vocational~~ each of the 40784  
categories of career-technical education programs or classes 40785  
described in ~~division (A) of~~ section 3317.014 of the Revised Code 40786  
and the full-time equivalent number of such students enrolled in 40787  
~~vocational education programs or classes described in division (B)~~ 40788  
~~of that section;~~ 40789

(d) Each native student's date of enrollment in an adjacent 40790  
or other district. 40791

(2) The board of education of each joint vocational school 40792  
district to annually report to the department all of the 40793  
following: 40794

(a) The number of adjacent district or other district joint 40795  
vocational students, as applicable, enrolled in the district; 40796

(b) The full-time equivalent number of adjacent district or 40797  
other district joint vocational students enrolled in ~~vocational~~ 40798  
each category of career-technical education programs or classes 40799  
described in ~~division (A) of~~ section 3317.014 of the Revised Code 40800  
and the full-time equivalent number of such students enrolled in 40801  
~~vocational education programs or classes described in division (B)~~ 40802  
~~of that section;~~ 40803

(c) For each adjacent district or other district joint 40804  
vocational student, the city, exempted village, or local school 40805  
district in which the student is also enrolled. 40806

(3) Prior to the first full school week in October each year, 40807  
the superintendent of each city, local, or exempted village school 40808  
district that admits adjacent district or other district students 40809  
or adjacent district or other district joint vocational students 40810  
in accordance with a policy adopted under division (B) of section 40811  
3313.98 of the Revised Code to notify each adjacent or other 40812  
district where those students are entitled to attend school under 40813  
section 3313.64 or 3313.65 of the Revised Code of the number of 40814  
the adjacent or other district's native students who are enrolled 40815  
in the superintendent's district under the policy. 40816

The rules shall provide for the method of counting students 40817  
who are enrolled for part of a school year in an adjacent or other 40818  
district or as an adjacent district or other district joint 40819  
vocational student. 40820

(B) From the payments made to a city, exempted village, or 40821  
local school district under Chapter 3317. of the Revised Code and, 40822  
if necessary, from the payments made to the district under 40823  
sections 321.24 and 323.156 of the Revised Code, the department of 40824  
education shall annually subtract both of the following: 40825

(1) An amount equal to the number of the district's native 40826  
students reported under division (A)(1) of this section who are 40827  
enrolled in adjacent or other school districts pursuant to 40828  
policies adopted by such districts under division (B) of section 40829  
3313.98 of the Revised Code multiplied by the ~~adjusted~~ formula 40830  
amount; 40831

(2) The excess costs computed in accordance with division (E) 40832  
of this section for any such native students receiving special 40833  
education and related services in adjacent or other school 40834  
districts or as an adjacent district or other district joint 40835  
vocational student; 40836

(3) For the full-time equivalent number the formula amount of 40837

the district's native students reported under division (A)(1)(c) 40838  
or (2)(b) of this section as enrolled in ~~vocational~~ 40839  
career-technical education programs or classes described in 40840  
section 3317.014 of the Revised Code, an amount equal to ~~\$5,732~~ 40841  
the formula amount times the applicable multiple prescribed by 40842  
that section. 40843

(C) To the payments made to a city, exempted village, or 40844  
local school district under Chapter 3317. of the Revised Code, the 40845  
department of education shall annually add all of the following: 40846

(1) An amount equal to the ~~adjusted~~ formula amount multiplied 40847  
by the remainder obtained by subtracting the number of adjacent 40848  
district or other district joint vocational students from the 40849  
number of adjacent district or other district students enrolled in 40850  
the district, as reported under division (A)(1) of this section; 40851

(2) The excess costs computed in accordance with division (E) 40852  
of this section for any adjacent district or other district 40853  
students, except for any adjacent or other district joint 40854  
vocational students, receiving special education and related 40855  
services in the district; 40856

(3) For the full-time equivalent number of the adjacent or 40857  
other district students who are not adjacent district or other 40858  
district joint vocational students and are reported under division 40859  
(A)(1)(c) of this section as enrolled in ~~vocational~~ 40860  
career-technical education programs or classes described in 40861  
section 3317.014 of the Revised Code, an amount equal to ~~\$5,732~~ 40862  
the formula amount times the applicable multiple prescribed by 40863  
that section; 40864

(4) An amount equal to the number of adjacent district or 40865  
other district joint vocational students reported under division 40866  
(A)(1) of this section multiplied by an amount equal to twenty per 40867  
cent of the ~~adjusted~~ formula amount. 40868

(D) To the payments made to a joint vocational school district under Chapter 3317. of the Revised Code, the department of education shall add, for each adjacent district or other district joint vocational student reported under division (A)(2) of this section, both of the following:

(1) The ~~adjusted~~ formula amount;

(2) An amount equal to the full-time equivalent number of students reported pursuant to division (A)(2)(b) of this section times ~~\$5,732~~ the formula amount times the applicable multiple prescribed by section 3317.014 of the Revised Code.

(E)(1) A city, exempted village, or local school board providing special education and related services to an adjacent or other district student in accordance with an IEP shall, pursuant to rules of the state board, compute the excess costs to educate such student as follows:

(a) Subtract the ~~adjusted~~ formula amount from the actual costs to educate the student;

(b) From the amount computed under division (E)(1)(a) of this section subtract the amount of any funds received by the district under Chapter 3317. of the Revised Code to provide special education and related services to the student.

(2) The board shall report the excess costs computed under this division to the department of education.

(3) If any student for whom excess costs are computed under division (E)(1) of this section is an adjacent or other district joint vocational student, the department of education shall add the amount of such excess costs to the payments made under Chapter 3317. of the Revised Code to the joint vocational school district enrolling the student.

(F) As provided in division (D)(1)(b) of section 3317.03 of

the Revised Code, no joint vocational school district shall count 40899  
any adjacent or other district joint vocational student enrolled 40900  
in the district in its formula ADM certified under section 3317.03 40901  
of the Revised Code. 40902

(G) No city, exempted village, or local school district shall 40903  
receive a payment under division (C) of this section for a 40904  
student, and no joint vocational school district shall receive a 40905  
payment under division (D) of this section for a student, if for 40906  
the same school year that student is counted in the district's 40907  
formula ADM certified under section 3317.03 of the Revised Code. 40908

(H) Upon request of a parent, and provided the board offers 40909  
transportation to native students of the same grade level and 40910  
distance from school under section 3327.01 of the Revised Code, a 40911  
city, exempted village, or local school board enrolling an 40912  
adjacent or other district student shall provide transportation 40913  
for the student within the boundaries of the board's district, 40914  
except that the board shall be required to pick up and drop off a 40915  
nonhandicapped student only at a regular school bus stop 40916  
designated in accordance with the board's transportation policy. 40917  
Pursuant to rules of the state board of education, such board may 40918  
reimburse the parent from funds received for pupil transportation 40919  
under section 3317.0212 of the Revised Code, or other provisions 40920  
of law, for the reasonable cost of transportation from the 40921  
student's home to the designated school bus stop if the student's 40922  
family has an income below the federal poverty line. 40923

**Sec. 3314.015.** (A) The department of education shall be 40924  
responsible for the oversight of any and all sponsors of the 40925  
community schools established under this chapter and shall provide 40926  
technical assistance to schools and sponsors in their compliance 40927  
with applicable laws and the terms of the contracts entered into 40928  
under section 3314.03 of the Revised Code and in the development 40929

and start-up activities of those schools. In carrying out its 40930  
duties under this section, the department shall do all of the 40931  
following: 40932

(1) In providing technical assistance to proposing parties, 40933  
governing authorities, and sponsors, conduct training sessions and 40934  
distribute informational materials; 40935

(2) Approve entities to be sponsors of community schools; 40936

(3) Monitor and evaluate, as required under section 3314.016 40937  
of the Revised Code, the effectiveness of any and all sponsors in 40938  
their oversight of the schools with which they have contracted; 40939

(4) By December thirty-first of each year, issue a report to 40940  
the governor, the speaker of the house of representatives, the 40941  
president of the senate, and the chairpersons of the house and 40942  
senate committees principally responsible for education matters 40943  
regarding the effectiveness of academic programs, operations, and 40944  
legal compliance and of the financial condition of all community 40945  
schools established under this chapter and on the performance of 40946  
community school sponsors; 40947

(5) From time to time, make legislative recommendations to 40948  
the general assembly designed to enhance the operation and 40949  
performance of community schools. 40950

(B)(1) Except as provided in sections 3314.021 and 3314.027 40951  
of the Revised Code, no entity listed in division (C)(1) of 40952  
section 3314.02 of the Revised Code shall enter into a preliminary 40953  
agreement under division (C)(2) of section 3314.02 of the Revised 40954  
Code until it has received approval from the department of 40955  
education to sponsor community schools under this chapter and has 40956  
entered into a written agreement with the department regarding the 40957  
manner in which the entity will conduct such sponsorship. The 40958  
department shall adopt in accordance with Chapter 119. of the 40959  
Revised Code rules containing criteria, procedures, and deadlines 40960



for processing applications for such approval, for oversight of 40961  
sponsors, for notifying a sponsor of noncompliance with applicable 40962  
laws and administrative rules under division (F) of this section, 40963  
for revocation of the approval of sponsors under division (C) of 40964  
this section, and for entering into written agreements with 40965  
sponsors. The rules shall require an entity to submit evidence of 40966  
the entity's ability and willingness to comply with the provisions 40967  
of division (D) of section 3314.03 of the Revised Code. The rules 40968  
also shall require entities approved as sponsors on and after June 40969  
30, 2005, to demonstrate a record of financial responsibility and 40970  
successful implementation of educational programs. If an entity 40971  
seeking approval on or after June 30, 2005, to sponsor community 40972  
schools in this state sponsors or operates schools in another 40973  
state, at least one of the schools sponsored or operated by the 40974  
entity must be comparable to or better than the performance of 40975  
Ohio schools in need of continuous improvement under section 40976  
3302.03 of the Revised Code, as determined by the department. 40977

Subject to section 3314.016 of the Revised Code, an entity 40978  
that sponsors community schools may enter into preliminary 40979  
agreements and sponsor up to one hundred schools, provided each 40980  
school and the contract for sponsorship meets the requirements of 40981  
this chapter. 40982

(2) The state board of education shall determine, pursuant to 40983  
criteria specified in rules adopted in accordance with Chapter 40984  
119. of the Revised Code, whether the mission proposed to be 40985  
specified in the contract of a community school to be sponsored by 40986  
a state university board of trustees or the board's designee under 40987  
division (C)(1)(e) of section 3314.02 of the Revised Code complies 40988  
with the requirements of that division. Such determination of the 40989  
state board is final. 40990

(3) The state board of education shall determine, pursuant to 40991  
criteria specified in rules adopted in accordance with Chapter 40992

119. of the Revised Code, if any tax-exempt entity under section 40993  
501(c)(3) of the Internal Revenue Code that is proposed to be a 40994  
sponsor of a community school is an education-oriented entity for 40995  
purpose of satisfying the condition prescribed in division 40996  
(C)(1)(f)(iii) of section 3314.02 of the Revised Code. Such 40997  
determination of the state board is final. 40998

(C) If at any time the state board of education finds that a 40999  
sponsor is not in compliance or is no longer willing to comply 41000  
with its contract with any community school or with the 41001  
department's rules for sponsorship, the state board or designee 41002  
shall conduct a hearing in accordance with Chapter 119. of the 41003  
Revised Code on that matter. If after the hearing, the state board 41004  
or designee has confirmed the original finding, the department of 41005  
education may revoke the sponsor's approval to sponsor community 41006  
schools. In that case, the department's office of Ohio school 41007  
sponsorship, established under section 3314.029 of the Revised 41008  
Code, may assume the sponsorship of any schools with which the 41009  
sponsor has contracted until the earlier of the expiration of two 41010  
school years or until a new sponsor as described in division 41011  
(C)(1) of section 3314.02 of the Revised Code is secured by the 41012  
school's governing authority. The office of Ohio school 41013  
sponsorship may extend the term of the contract in the case of a 41014  
school for which it has assumed sponsorship under this division as 41015  
necessary to accommodate the term of the department's 41016  
authorization to sponsor the school specified in this division. 41017  
Community schools sponsored under this division shall not apply to 41018  
the limit on directly authorized community schools under division 41019  
(A)(3) of section 3314.029 of the Revised Code. However, nothing 41020  
in this division shall preclude a community school affected by 41021  
this division from applying for sponsorship under that section. 41022

(D) The decision of the department to disapprove an entity 41023  
for sponsorship of a community school or to revoke approval for 41024

such sponsorship under division (C) of this section, may be 41025  
appealed by the entity in accordance with section 119.12 of the 41026  
Revised Code. 41027

(E) The department shall adopt procedures for use by a 41028  
community school governing authority and sponsor when the school 41029  
permanently closes and ceases operation, which shall include at 41030  
least procedures for data reporting to the department, handling of 41031  
student records, distribution of assets in accordance with section 41032  
3314.074 of the Revised Code, and other matters related to ceasing 41033  
operation of the school. 41034

(F)(1) In lieu of revoking a sponsor's authority to sponsor 41035  
community schools under division (C) of this section, if the 41036  
department finds that a sponsor is not in compliance with 41037  
applicable laws and administrative rules, the department shall 41038  
declare in a written notice to the sponsor the specific laws or 41039  
rules, or both, for which the sponsor is noncompliant. A sponsor 41040  
notified under division (F)(1) of this section shall respond to 41041  
the department not later than fourteen days after the notification 41042  
with a plan to remedy the conditions for which the sponsor was 41043  
found to be noncompliant. Not later than sixty days after 41044  
receiving a notification of noncompliance from the department, the 41045  
sponsor shall implement the compliance plan. If a sponsor does not 41046  
respond to the department or implement a compliance plan by the 41047  
deadlines prescribed by division (F)(1) of this section, the 41048  
department shall declare in written notice to the school that the 41049  
school is in probationary status, and may limit the sponsor's 41050  
ability to sponsor additional schools. 41051

(2) A sponsor that has been placed on probationary status 41052  
under division (F)(1) of this section may apply to the department 41053  
for its probationary status to be lifted. The application for a 41054  
sponsor's probationary status to be lifted shall include evidence, 41055  
occurring after the initial notification of noncompliance, of the 41056

sponsor's compliance with applicable laws and administrative 41057  
rules. Not later than fourteen days after receiving an application 41058  
from the sponsor, the department shall decide whether or not to 41059  
remove the sponsor's probationary status. 41060

(G) In carrying out its duties under this chapter, the 41061  
department shall not impose requirements on community schools or 41062  
their sponsors that are not permitted by law or duly adopted 41063  
rules. 41064

(H) This section applies to entities that sponsor conversion 41065  
community schools and new start-up schools. 41066

**Sec. 3314.017.** (A) The state board of education shall 41067  
prescribe by rules, adopted in accordance with Chapter 119. of the 41068  
Revised Code, an academic performance rating and report card 41069  
system that satisfies the requirements of this section for 41070  
community schools that primarily serve students enrolled in 41071  
dropout prevention and recovery programs as described in division 41072  
(A)(4)(a) of section 3314.35 of the Revised Code, to be used in 41073  
lieu of the system prescribed under sections 3302.03 and 3314.012 41074  
of the Revised Code beginning with the 2012-2013 school year. Each 41075  
such school shall comply with the testing and reporting 41076  
requirements of the system as prescribed by the state board. 41077

(B) Nothing in this section shall at any time relieve a 41078  
school from its obligations under the "No Child Left Behind Act of 41079  
2001" to make "adequate yearly progress," as both that act and 41080  
that term are defined in section 3302.01 of the Revised Code, or a 41081  
school's amenability to the provisions of section 3302.04 or 41082  
3302.041 of the Revised Code. The department shall continue to 41083  
report each school's performance as required by the act and to 41084  
enforce applicable sanctions under section 3302.04 or 3302.041 of 41085  
the Revised Code. 41086

(C) The rules adopted by the state board shall prescribe the 41087

following performance indicators for the rating and report card system required by this section:	41088 41089
(1) Graduation rate for each of the following student cohorts:	41090 41091
(a) The number of students who graduate in four years or less with a regular high school diploma divided by the number of students who form the adjusted cohort for the graduating class;	41092 41093 41094
(b) The number of students who graduate in five years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	41095 41096 41097
(c) The number of students who graduate in six years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	41098 41099 41100
(d) The number of students who graduate in seven years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	41101 41102 41103
(e) The number of students who graduate in eight years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.	41104 41105 41106
(2) The percentage of twelfth-grade students currently enrolled in the school who have attained the designated passing score on all of the applicable state high school achievement assessments required under division (B)(1) or (2) of section 3301.0710 of the Revised Code and other students enrolled in the school, regardless of grade level, who are within three months of their twenty-second birthday and have attained the designated passing score on all of the applicable state high school achievement assessments by their twenty-second birthday;	41107 41108 41109 41110 41111 41112 41113 41114 41115
(3) Annual measurable objectives as defined in section 3302.01 of the Revised Code;	41116 41117

(4) Growth in student achievement in reading, or mathematics, 41118  
or both as measured by separate nationally norm-referenced 41119  
assessments that have developed appropriate standards for students 41120  
enrolled in dropout prevention and recovery programs, adopted or 41121  
approved by the state board. 41122

(D)(1) The state board's rules shall prescribe the expected 41123  
performance levels and benchmarks for each of the indicators 41124  
prescribed by division (C) of this section based on the data 41125  
gathered by the department under division (F) of this section. 41126  
Based on a school's level of attainment or nonattainment of the 41127  
expected performance levels and benchmarks for each of the 41128  
indicators, the department shall rate each school in one of the 41129  
following categories: 41130

(a) Exceeds standards; 41131

(b) Meets standards; 41132

(c) Does not meet standards. 41133

(2) The state board's rules shall establish all of the 41134  
following: 41135

(a) Not later than June 30, 2013, performance levels and 41136  
benchmarks for the indicators described in divisions (C)(1) to (3) 41137  
of this section; 41138

(b) Not later than December 31, 2014, both of the following: 41139

(i) Performance levels and benchmarks for the indicator 41140  
described in division (C)(4) of this section; 41141

(ii) Standards for awarding a community school described in 41142  
division (A)(4)(a) of section 3314.35 of the Revised Code an 41143  
overall designation, which shall be calculated as follows: 41144

(I) Thirty per cent of the score shall be based on the 41145  
indicators described in division (C)(1) of this section that are 41146  
applicable to the school year for which the overall designation is 41147

granted. 41148

(II) Thirty per cent of the score shall be based on the 41149  
indicators described in division (C)(4) of this section. 41150

(III) Twenty per cent of the score shall be based on the 41151  
indicators described in division (C)(2) of this section. 41152

(IV) Twenty per cent of the score shall be based on the 41153  
indicators described in division (C)(3) of this section. 41154

(3) If both of the indicators described in divisions (C)(1) 41155  
and (2) of this section improve by ten per cent for two 41156  
consecutive years, a school shall be rated ~~as~~ not less than "meets 41157  
standards." 41158

The rating and the relevant performance data for each school 41159  
shall be posted on the department's web site, and a copy of the 41160  
rating and data shall be provided to the governing authority of 41161  
the community school. 41162

(E)(1) For the 2012-2013 school year, the department shall 41163  
issue a report card including the following performance measures, 41164  
but without a performance rating as described in divisions 41165  
(D)(1)(a) to (c) of this section, for each community school 41166  
described in division (A)(4)(a) of section 3314.35 of the Revised 41167  
Code: 41168

(a) The graduation rates as described in divisions (C)(1)(a) 41169  
to (c) of this section; 41170

(b) The percentage of twelfth-grade students and other 41171  
students who have attained a designated passing score on high 41172  
school achievement assessments as described in division (C)(2) of 41173  
this section; 41174

(c) The statewide average for the graduation rates and 41175  
assessment passage rates described in divisions (C)(1)(a) to (c) 41176  
and (C)(2) of this section; 41177

(d) Annual measurable objectives described in division (C)(3)	41178
of this section.	41179
(2) For the 2013-2014 school year, the department shall issue	41180
a report card including the following performance measures for	41181
each community school described in division (A)(4) of section	41182
3314.35 of the Revised Code:	41183
(a) The graduation rates described in divisions (C)(1)(a) to	41184
(d) of this section, including a performance rating as described	41185
in divisions (D)(1)(a) to (c) of this section;	41186
(b) The percentage of twelfth-grade students and other	41187
students who have attained a designated passing score on high	41188
school achievement assessments as described in division (C)(2) of	41189
this section, including a performance rating as described in	41190
divisions (D)(1)(a) to (c) of this section;	41191
(c) Annual measurable objectives described in division (C)(3)	41192
of this section, including a performance rating as described in	41193
divisions (D)(1)(a) to (c) of this section;	41194
(d) Both of the following without an assigned rating:	41195
(i) Growth in annual student achievement in reading and	41196
mathematics described in division (C)(4) of this section, if	41197
available;	41198
(ii) Student outcome data, including postsecondary credit	41199
earned, nationally recognized career or technical certification,	41200
military enlistment, job placement, and attendance rate.	41201
(3) Beginning with the 2014-2015 school year, and annually	41202
thereafter, the department shall issue a report card for each	41203
community school described in division (A)(4)(a) of section	41204
3314.35 of the Revised Code that includes all of the following	41205
performance measures, including a performance rating for each	41206
measure as described in divisions (D)(1)(a) to (c) of this	41207



section:	41208
(a) The graduation rates as described in division (C)(1) of this section;	41209 41210
(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section;	41211 41212 41213 41214
(c) Annual measurable objectives described in division (C)(3) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	41215 41216 41217
(d) Growth in annual student achievement in reading and mathematics as described in division (C)(4) of this section;	41218 41219
(e) An overall performance designation for the school calculated under rules adopted under division (D)(2) of this section.	41220 41221 41222
The department shall also include student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, attendance rate, and progress on closing achievement gaps for each school. This information shall not be included in the calculation of a school's performance rating.	41223 41224 41225 41226 41227 41228
(F) In developing the rating and report card system required by this section, during the 2012-2013 and 2013-2014 school years, the department shall gather and analyze data as determined necessary from each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code. Each such school shall cooperate with the department by supplying requested data and administering required assessments, including sample assessments for purposes of measuring student achievement growth as described in division (C)(4) of this section. The department shall consult with stakeholder groups in performing its duties	41229 41230 41231 41232 41233 41234 41235 41236 41237 41238

under this division. 41239

The department shall also identify one or more states that 41240  
have established or are in the process of establishing similar 41241  
academic performance rating systems for dropout prevention and 41242  
recovery programs and consult with the departments of education of 41243  
those states in developing the system required by this section. 41244

**Sec. 3314.029.** This section establishes the Ohio school 41245  
sponsorship program. The department of education shall establish 41246  
an office of Ohio school sponsorship to perform the department's 41247  
duties prescribed by this section. 41248

(A)(1) Notwithstanding anything to the contrary in this 41249  
chapter, but subject to section 3314.20 of the Revised Code, any 41250  
person, group of individuals, or entity may apply to the 41251  
department for direct authorization to establish a community 41252  
school and, upon approval of the application, may establish the 41253  
school. Notwithstanding anything to the contrary in this chapter, 41254  
the governing authority of an existing community school, upon the 41255  
expiration or termination of its contract with the school's 41256  
sponsor entered into under section 3314.03 of the Revised Code, 41257  
may apply to the department for direct authorization to continue 41258  
operating the school and, upon approval of the application, may 41259  
continue to operate the school. 41260

Each application submitted to the department shall include 41261  
the following: 41262

(a) Evidence that the applicant will be able to comply with 41263  
division (C) of this section; 41264

(b) A statement indicating that the applicant agrees to 41265  
comply with all applicable provisions of this chapter, including 41266  
the requirement to be established as a nonprofit corporation or 41267  
public benefit corporation in accordance with division (A)(1) of 41268

section 3314.03 of the Revised Code; 41269

(c) A statement attesting that no unresolved finding of 41270  
recovery has been issued by the auditor of state against any 41271  
person, group of individuals, or entity that is a party to the 41272  
application and that no person who is party to the application has 41273  
been a member of the governing authority of any community school 41274  
that has permanently closed and against which an unresolved 41275  
finding of recovery has been issued by the auditor of state. In 41276  
the case of an application submitted by the governing authority of 41277  
an existing community school, a person who is party to the 41278  
application shall include each individual member of that governing 41279  
authority. 41280

(d) A statement that the school will be nonsectarian in its 41281  
programs, admission policies, employment practices, and all other 41282  
operations, and will not be operated by a sectarian school or 41283  
religious institution; 41284

(e) A statement of whether the school is to be created by 41285  
converting all or part of an existing public school or educational 41286  
service center building or is to be a new start-up school. If it 41287  
is a converted public school or service center building, the 41288  
statement shall include a specification of any duties or 41289  
responsibilities of an employer that the board of education or 41290  
service center governing board that operated the school or 41291  
building before conversion is delegating to the governing 41292  
authority of the community school with respect to all or any 41293  
specified group of employees, provided the delegation is not 41294  
prohibited by a collective bargaining agreement applicable to such 41295  
employees. 41296

(f) A statement that the school's teachers will be licensed 41297  
in the manner prescribed by division (A)(10) of section 3314.03 of 41298  
the Revised Code; 41299

(g) A statement that the school will comply with all of the provisions of law enumerated in divisions (A)(11)(d) and (e) of section 3314.03 of the Revised Code and of division (A)(11)(h) of that section, if applicable;

(h) A statement that the school's graduation and curriculum requirements will comply with division (A)(11)(f) of section 3314.03 of the Revised Code;

(i) A description of each of the following:

(i) The school's mission and educational program, the characteristics of the students the school is expected to attract, the ages and grade levels of students, and the focus of the curriculum;

(ii) The school's governing authority, which shall be in compliance with division (E) of section 3314.02 of the Revised Code;

(iii) The school's admission and dismissal policies, which shall be in compliance with divisions (A)(5) and (6) of section 3314.03 of the Revised Code;

(iv) The school's business plan, including a five-year financial forecast;

(v) In the case of an application to establish a community school, the applicant's resources and capacity to establish and operate the school;

(vi) The school's academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;

(vii) The facilities to be used by the school and their locations;

(viii) A description of the learning opportunities that will

be offered to students including both classroom-based and 41330  
nonclassroom-based learning opportunities that are in compliance 41331  
with criteria for student participation established by the 41332  
department under division ~~(L)~~(H)(2) of section 3314.08 of the 41333  
Revised Code. 41334

(2) Subject to division (A)(3) of this section, the 41335  
department shall approve each application, unless, within thirty 41336  
days after receipt of the application, the department determines 41337  
that the application does not satisfy the requirements of division 41338  
(A)(1) of this section and provides the applicant a written 41339  
explanation of the reasons for the determination. In that case, 41340  
the department shall grant the applicant thirty days to correct 41341  
the insufficiencies in the application. If the department 41342  
determines that the insufficiencies have been corrected, it shall 41343  
approve the application. If the department determines that the 41344  
insufficiencies have not been corrected, it shall deny the 41345  
application and provide the applicant with a written explanation 41346  
of the reasons for the denial. The denial of an application may be 41347  
appealed in accordance with section 119.12 of the Revised Code. 41348

(3) For each of five school years, beginning with the school 41349  
year that begins in the calendar year in which this section takes 41350  
effect, the department may approve up to twenty applications for 41351  
community schools to be established or to continue operation under 41352  
division (A) of this section; however, of the twenty applications 41353  
that may be approved each school year, only up to five may be for 41354  
the establishment of new schools. 41355

(4) Notwithstanding division (A)(2) of this section, the 41356  
department may deny an application submitted by the governing 41357  
authority of an existing community school, if a previous sponsor 41358  
of that school did not renew its contract with the school entered 41359  
into under section 3314.03 of the Revised Code. 41360

(B) The department and the governing authority of each 41361

community school authorized under this section shall enter into a contract under section 3314.03 of the Revised Code. Notwithstanding division (A)(13) of that section, the contract with an existing community school may begin at any time during the academic year. The length of the initial contract of any community school under this section may be for any term up to five years. The contract may be renewed in accordance with division (E) of that section. The contract may provide for the school's governing authority to pay a fee for oversight and monitoring of the school that does not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(C) The department may require a community school authorized under this section to post and file with the superintendent of public instruction a bond payable to the state or to file with the state superintendent a guarantee, which shall be used to pay the state any moneys owed by the community school in the event the school closes.

(D) Except as otherwise provided in this section, a community school authorized under this section shall comply with all applicable provisions of this chapter. The department may take any action that a sponsor may take under this chapter to enforce the school's compliance with this division and the terms of the contract entered into under division (B) of this section.

(E) Not later than December 31, 2012, and annually thereafter, the department shall issue a report on the program, including information about the number of community schools participating in the program and their compliance with the provisions of this chapter. In its fifth report, the department shall include a complete evaluation of the program and recommendations regarding the program's continuation. Each report shall be provided to the general assembly, in accordance with

section 101.68 of the Revised Code, and to the governor. 41394

**Sec. 3314.03.** A copy of every contract entered into under 41395  
this section shall be filed with the superintendent of public 41396  
instruction. The department of education shall make available on 41397  
its web site a copy of every approved, executed contract filed 41398  
with the superintendent under this section. 41399

(A) Each contract entered into between a sponsor and the 41400  
governing authority of a community school shall specify the 41401  
following: 41402

(1) That the school shall be established as either of the 41403  
following: 41404

(a) A nonprofit corporation established under Chapter 1702. 41405  
of the Revised Code, if established prior to April 8, 2003; 41406

(b) A public benefit corporation established under Chapter 41407  
1702. of the Revised Code, if established after April 8, 2003. 41408

(2) The education program of the school, including the 41409  
school's mission, the characteristics of the students the school 41410  
is expected to attract, the ages and grades of students, and the 41411  
focus of the curriculum; 41412

(3) The academic goals to be achieved and the method of 41413  
measurement that will be used to determine progress toward those 41414  
goals, which shall include the statewide achievement assessments; 41415

(4) Performance standards by which the success of the school 41416  
will be evaluated by the sponsor; 41417

(5) The admission standards of section 3314.06 of the Revised 41418  
Code and, if applicable, section 3314.061 of the Revised Code; 41419

(6)(a) Dismissal procedures; 41420

(b) A requirement that the governing authority adopt an 41421  
attendance policy that includes a procedure for automatically 41422

withdrawing a student from the school if the student without a  
legitimate excuse fails to participate in one hundred five  
consecutive hours of the learning opportunities offered to the  
student.

(7) The ways by which the school will achieve racial and  
ethnic balance reflective of the community it serves;

(8) Requirements for financial audits by the auditor of  
state. The contract shall require financial records of the school  
to be maintained in the same manner as are financial records of  
school districts, pursuant to rules of the auditor of state.  
Audits shall be conducted in accordance with section 117.10 of the  
Revised Code.

(9) The facilities to be used and their locations;

(10) Qualifications of teachers, including ~~the following:~~

~~(a) A~~ a requirement that the school's classroom teachers be  
licensed in accordance with sections 3319.22 to 3319.31 of the  
Revised Code, except that a community school may engage  
noncertificated persons to teach up to twelve hours per week  
pursuant to section 3319.301 of the Revised Code;

~~(b) A requirement that each classroom teacher initially hired  
by the school on or after July 1, 2013, and employed to provide  
instruction in physical education hold a valid license issued  
pursuant to section 3319.22 of the Revised Code for teaching  
physical education.~~

(11) That the school will comply with the following  
requirements:

(a) The school will provide learning opportunities to a  
minimum of twenty-five students for a minimum of nine hundred  
twenty hours per school year.

(b) The governing authority will purchase liability



insurance, or otherwise provide for the potential liability of the school. 41453  
41454

(c) The school will be nonsectarian in its programs, 41455  
admission policies, employment practices, and all other 41456  
operations, and will not be operated by a sectarian school or 41457  
religious institution. 41458

(d) The school will comply with sections 9.90, 9.91, 109.65, 41459  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 41460  
3301.0712, 3301.0715, 3313.472, 3313.50, 3313.536, 3313.539, 41461  
3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 41462  
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 41463  
3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 41464  
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.80, 3313.814, 41465  
3313.816, 3313.817, 3313.86, 3313.96, 3319.073, 3319.321, 3319.39, 41466  
3319.391, 3319.41, 3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 41467  
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 41468  
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 41469  
4123., 4141., and 4167. of the Revised Code as if it were a school 41470  
district and will comply with section 3301.0714 of the Revised 41471  
Code in the manner specified in section 3314.17 of the Revised 41472  
Code. 41473

(e) The school shall comply with Chapter 102. and section 41474  
2921.42 of the Revised Code. 41475

(f) The school will comply with sections 3313.61, 3313.611, 41476  
and 3313.614 of the Revised Code, except that for students who 41477  
enter ninth grade for the first time before July 1, 2010, the 41478  
requirement in sections 3313.61 and 3313.611 of the Revised Code 41479  
that a person must successfully complete the curriculum in any 41480  
high school prior to receiving a high school diploma may be met by 41481  
completing the curriculum adopted by the governing authority of 41482  
the community school rather than the curriculum specified in Title 41483  
XXXIII of the Revised Code or any rules of the state board of 41484

education. Beginning with students who enter ninth grade for the 41485  
first time on or after July 1, 2010, the requirement in sections 41486  
3313.61 and 3313.611 of the Revised Code that a person must 41487  
successfully complete the curriculum of a high school prior to 41488  
receiving a high school diploma shall be met by completing the 41489  
Ohio core curriculum prescribed in division (C) of section 41490  
3313.603 of the Revised Code, unless the person qualifies under 41491  
division (D) or (F) of that section. Each school shall comply with 41492  
the plan for awarding high school credit based on demonstration of 41493  
subject area competency, adopted by the state board of education 41494  
under division (J) of section 3313.603 of the Revised Code. 41495

(g) The school governing authority will submit within four 41496  
months after the end of each school year a report of its 41497  
activities and progress in meeting the goals and standards of 41498  
divisions (A)(3) and (4) of this section and its financial status 41499  
to the sponsor and the parents of all students enrolled in the 41500  
school. 41501

(h) The school, unless it is an internet- or computer-based 41502  
community school, will comply with section 3313.801 of the Revised 41503  
Code as if it were a school district. 41504

(i) If the school is the recipient of moneys from a grant 41505  
awarded under the federal race to the top program, Division (A), 41506  
Title XIV, Sections 14005 and 14006 of the "American Recovery and 41507  
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 41508  
school will pay teachers based upon performance in accordance with 41509  
section 3317.141 and will comply with section 3319.111 of the 41510  
Revised Code as if it were a school district. 41511

(12) Arrangements for providing health and other benefits to 41512  
employees; 41513

(13) The length of the contract, which shall begin at the 41514  
beginning of an academic year. No contract shall exceed five years 41515

unless such contract has been renewed pursuant to division (E) of 41516  
this section. 41517

(14) The governing authority of the school, which shall be 41518  
responsible for carrying out the provisions of the contract; 41519

(15) A financial plan detailing an estimated school budget 41520  
for each year of the period of the contract and specifying the 41521  
total estimated per pupil expenditure amount for each such year. 41522  
~~The plan shall specify for each year the base formula amount that 41523  
will be used for purposes of funding calculations under section 41524  
3314.08 of the Revised Code. This base formula amount for any year 41525  
shall not exceed the formula amount defined under section 3317.02 41526  
of the Revised Code. The plan may also specify for any year a 41527  
percentage figure to be used for reducing the per pupil amount of 41528  
the subsidy calculated pursuant to section 3317.029 of the Revised 41529  
Code the school is to receive that year under section 3314.08 of 41530  
the Revised Code. 41531~~

(16) Requirements and procedures regarding the disposition of 41532  
employees of the school in the event the contract is terminated or 41533  
not renewed pursuant to section 3314.07 of the Revised Code; 41534

(17) Whether the school is to be created by converting all or 41535  
part of an existing public school or educational service center 41536  
building or is to be a new start-up school, and if it is a 41537  
converted public school or service center building, specification 41538  
of any duties or responsibilities of an employer that the board of 41539  
education or service center governing board that operated the 41540  
school or building before conversion is delegating to the 41541  
governing authority of the community school with respect to all or 41542  
any specified group of employees provided the delegation is not 41543  
prohibited by a collective bargaining agreement applicable to such 41544  
employees; 41545

(18) Provisions establishing procedures for resolving 41546

disputes or differences of opinion between the sponsor and the 41547  
governing authority of the community school; 41548

(19) A provision requiring the governing authority to adopt a 41549  
policy regarding the admission of students who reside outside the 41550  
district in which the school is located. That policy shall comply 41551  
with the admissions procedures specified in sections 3314.06 and 41552  
3314.061 of the Revised Code and, at the sole discretion of the 41553  
authority, shall do one of the following: 41554

(a) Prohibit the enrollment of students who reside outside 41555  
the district in which the school is located; 41556

(b) Permit the enrollment of students who reside in districts 41557  
adjacent to the district in which the school is located; 41558

(c) Permit the enrollment of students who reside in any other 41559  
district in the state. 41560

(20) A provision recognizing the authority of the department 41561  
of education to take over the sponsorship of the school in 41562  
accordance with the provisions of division (C) of section 3314.015 41563  
of the Revised Code; 41564

(21) A provision recognizing the sponsor's authority to 41565  
assume the operation of a school under the conditions specified in 41566  
division (B) of section 3314.073 of the Revised Code; 41567

(22) A provision recognizing both of the following: 41568

(a) The authority of public health and safety officials to 41569  
inspect the facilities of the school and to order the facilities 41570  
closed if those officials find that the facilities are not in 41571  
compliance with health and safety laws and regulations; 41572

(b) The authority of the department of education as the 41573  
community school oversight body to suspend the operation of the 41574  
school under section 3314.072 of the Revised Code if the 41575  
department has evidence of conditions or violations of law at the 41576

school that pose an imminent danger to the health and safety of 41577  
the school's students and employees and the sponsor refuses to 41578  
take such action. 41579

(23) A description of the learning opportunities that will be 41580  
offered to students including both classroom-based and 41581  
non-classroom-based learning opportunities that is in compliance 41582  
with criteria for student participation established by the 41583  
department under division ~~(L)~~(H)(2) of section 3314.08 of the 41584  
Revised Code; 41585

(24) The school will comply with sections 3302.04 and 41586  
3302.041 of the Revised Code, except that any action required to 41587  
be taken by a school district pursuant to those sections shall be 41588  
taken by the sponsor of the school. However, the sponsor shall not 41589  
be required to take any action described in division (F) of 41590  
section 3302.04 of the Revised Code. 41591

(25) Beginning in the 2006-2007 school year, the school will 41592  
open for operation not later than the thirtieth day of September 41593  
each school year, unless the mission of the school as specified 41594  
under division (A)(2) of this section is solely to serve dropouts. 41595  
In its initial year of operation, if the school fails to open by 41596  
the thirtieth day of September, or within one year after the 41597  
adoption of the contract pursuant to division (D) of section 41598  
3314.02 of the Revised Code if the mission of the school is solely 41599  
to serve dropouts, the contract shall be void. 41600

(B) The community school shall also submit to the sponsor a 41601  
comprehensive plan for the school. The plan shall specify the 41602  
following: 41603

(1) The process by which the governing authority of the 41604  
school will be selected in the future; 41605

(2) The management and administration of the school; 41606

(3) If the community school is a currently existing public 41607

school or educational service center building, alternative 41608  
arrangements for current public school students who choose not to 41609  
attend the converted school and for teachers who choose not to 41610  
teach in the school or building after conversion; 41611

(4) The instructional program and educational philosophy of 41612  
the school; 41613

(5) Internal financial controls. 41614

(C) A contract entered into under section 3314.02 of the 41615  
Revised Code between a sponsor and the governing authority of a 41616  
community school may provide for the community school governing 41617  
authority to make payments to the sponsor, which is hereby 41618  
authorized to receive such payments as set forth in the contract 41619  
between the governing authority and the sponsor. The total amount 41620  
of such payments for oversight and monitoring of the school shall 41621  
not exceed three per cent of the total amount of payments for 41622  
operating expenses that the school receives from the state. 41623

(D) The contract shall specify the duties of the sponsor 41624  
which shall be in accordance with the written agreement entered 41625  
into with the department of education under division (B) of 41626  
section 3314.015 of the Revised Code and shall include the 41627  
following: 41628

(1) Monitor the community school's compliance with all laws 41629  
applicable to the school and with the terms of the contract; 41630

(2) Monitor and evaluate the academic and fiscal performance 41631  
and the organization and operation of the community school on at 41632  
least an annual basis; 41633

(3) Report on an annual basis the results of the evaluation 41634  
conducted under division (D)(2) of this section to the department 41635  
of education and to the parents of students enrolled in the 41636  
community school; 41637

(4) Provide technical assistance to the community school in 41638  
complying with laws applicable to the school and terms of the 41639  
contract; 41640

(5) Take steps to intervene in the school's operation to 41641  
correct problems in the school's overall performance, declare the 41642  
school to be on probationary status pursuant to section 3314.073 41643  
of the Revised Code, suspend the operation of the school pursuant 41644  
to section 3314.072 of the Revised Code, or terminate the contract 41645  
of the school pursuant to section 3314.07 of the Revised Code as 41646  
determined necessary by the sponsor; 41647

(6) Have in place a plan of action to be undertaken in the 41648  
event the community school experiences financial difficulties or 41649  
closes prior to the end of a school year. 41650

(E) Upon the expiration of a contract entered into under this 41651  
section, the sponsor of a community school may, with the approval 41652  
of the governing authority of the school, renew that contract for 41653  
a period of time determined by the sponsor, but not ending earlier 41654  
than the end of any school year, if the sponsor finds that the 41655  
school's compliance with applicable laws and terms of the contract 41656  
and the school's progress in meeting the academic goals prescribed 41657  
in the contract have been satisfactory. Any contract that is 41658  
renewed under this division remains subject to the provisions of 41659  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 41660

(F) If a community school fails to open for operation within 41661  
one year after the contract entered into under this section is 41662  
adopted pursuant to division (D) of section 3314.02 of the Revised 41663  
Code or permanently closes prior to the expiration of the 41664  
contract, the contract shall be void and the school shall not 41665  
enter into a contract with any other sponsor. A school shall not 41666  
be considered permanently closed because the operations of the 41667  
school have been suspended pursuant to section 3314.072 of the 41668  
Revised Code. 41669

Sec. 3314.042. The governing authority of each community school shall comply with the standards for financial reporting adopted under division (B)(2) of section 3301.07 of the Revised Code. 41670  
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**Sec. 3314.05.** (A) The contract between the community school and the sponsor shall specify the facilities to be used for the community school and the method of acquisition. Except as provided in divisions (B)(3) and (4) of this section, no community school shall be established in more than one school district under the same contract. 41674  
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(B) Division (B) of this section shall not apply to internet- or computer-based community schools. 41680  
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(1) A community school may be located in multiple facilities under the same contract only if the limitations on availability of space prohibit serving all the grade levels specified in the contract in a single facility or division (B)(2), (3), or (4) of this section applies to the school. The school shall not offer the same grade level classrooms in more than one facility. 41682  
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(2) A community school may be located in multiple facilities under the same contract and, notwithstanding division (B)(1) of this section, may assign students in the same grade level to multiple facilities, as long as all of the following apply: 41688  
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41690  
41691

~~(a) The governing authority of the community school filed a copy of its contract with the school's sponsor under section 3314.03 of the Revised Code with the superintendent of public instruction on or before May 15, 2008.~~ 41692  
41693  
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~~(b) The school was not open for operation prior to July 1, 2008.~~ 41696  
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~~(e)~~ The governing authority has entered into and maintains a contract with an operator of the type described in division 41698  
41699



(A)(8)(b) of section 3314.02 of the Revised Code. 41700

~~(d)~~(b) The contract with that operator qualified the school 41701  
to be established pursuant to division (A) of former section 41702  
3314.016 of the Revised Code. 41703

~~(e)~~(c) The school's rating under section 3302.03 of the 41704  
Revised Code does not fall below a combination of any of the 41705  
following for two or more consecutive years: 41706

(i) A rating of "in need of continuous improvement" under 41707  
section 3302.03 of the Revised Code, as that section existed prior 41708  
to ~~the effective date of this section~~ March 22, 2013; 41709

(ii) For the 2012-2013 and 2013-2014 school years, a rating 41710  
of "C" for both the performance index score under division 41711  
(A)(1)(b) or (B)(1)(b) and the value-added dimension under 41712  
division (A)(1)(e) or (B)(1)(e) of section 3302.03 of the Revised 41713  
Code; or if the building serves only grades ten through twelve, 41714  
the building received a grade of "C" for the performance index 41715  
score under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of 41716  
the Revised Code; 41717

(iii) For the 2014-2015 school year and for any school year 41718  
thereafter, an overall grade of "C" under division (C)(3) of 41719  
section 3302.03 of the Revised Code or an overall performance 41720  
designation of "meets standards" under division (E)(3)(e) of 41721  
section 3314.017 of the Revised Code. 41722

(3) A new start-up community school may be established in two 41723  
school districts under the same contract if all of the following 41724  
apply: 41725

(a) At least one of the school districts in which the school 41726  
is established is a challenged school district; 41727

(b) The school operates not more than one facility in each 41728  
school district and, in accordance with division (B)(1) of this 41729

section, the school does not offer the same grade level classrooms 41730  
in both facilities; and 41731

(c) Transportation between the two facilities does not 41732  
require more than thirty minutes of direct travel time as measured 41733  
by school bus. 41734

In the case of a community school to which division (B)(3) of 41735  
this section applies, if only one of the school districts in which 41736  
the school is established is a challenged school district, that 41737  
district shall be considered the school's primary location and the 41738  
district in which the school is located for the purposes of 41739  
division (A)(19) of section 3314.03 and divisions (C) and (H) of 41740  
section 3314.06 of the Revised Code and for all other purposes of 41741  
this chapter. If both of the school districts in which the school 41742  
is established are challenged school districts, the school's 41743  
governing authority shall designate one of those districts to be 41744  
considered the school's primary location and the district in which 41745  
the school is located for the purposes of those divisions and all 41746  
other purposes of this chapter and shall notify the department of 41747  
education of that designation. 41748

(4) A community school may be located in multiple facilities 41749  
under the same contract and, notwithstanding division (B)(1) of 41750  
this section, may assign students in the same grade level to 41751  
multiple facilities, as long as both of the following apply: 41752

(a) The facilities are all located in the same county. 41753

(b) Either of the following conditions are satisfied: 41754

(i) The community school is sponsored by a board of education 41755  
of a city, local, or exempted village school district having 41756  
territory in the same county where the facilities of the community 41757  
school are located; 41758

(ii) The community school is managed by an operator. 41759

In the case of a community school to which division (B)(4) of 41760  
this section applies and that maintains facilities in more than 41761  
one school district, the school's governing authority shall 41762  
designate one of those districts to be considered the school's 41763  
primary location and the district in which the school is located 41764  
for the purposes of division (A)(19) of section 3314.03 and 41765  
divisions (C) and (H) of section 3314.06 of the Revised Code and 41766  
for all other purposes of this chapter and shall notify the 41767  
department of that designation. 41768

(5) Any facility used for a community school shall meet all 41769  
health and safety standards established by law for school 41770  
buildings. 41771

(C) In the case where a community school is proposed to be 41772  
located in a facility owned by a school district or educational 41773  
service center, the facility may not be used for such community 41774  
school unless the district or service center board owning the 41775  
facility enters into an agreement for the community school to 41776  
utilize the facility. Use of the facility may be under any terms 41777  
and conditions agreed to by the district or service center board 41778  
and the school. 41779

(D) Two or more separate community schools may be located in 41780  
the same facility. 41781

(E) In the case of a community school that is located in 41782  
multiple facilities, beginning July 1, 2012, the department shall 41783  
assign a unique identification number to the school and to each 41784  
facility maintained by the school. Each number shall be used for 41785  
identification purposes only. Nothing in this division shall be 41786  
construed to require the department to calculate the amount of 41787  
funds paid under this chapter, or to compute any data required for 41788  
the report cards issued under section 3314.012 of the Revised 41789  
Code, for each facility separately. The department shall make all 41790  
such calculations or computations for the school as a whole. 41791

**Sec. 3314.072.** The provisions of this section are enacted to 41792  
promote the public health, safety, and welfare by establishing 41793  
procedures under which the governing authorities of community 41794  
schools established under this chapter will be held accountable 41795  
for their compliance with the terms of the contracts they enter 41796  
into with their school's sponsors and the law relating to the 41797  
school's operation. Suspension of the operation of a school 41798  
imposed under this section is intended to encourage the governing 41799  
authority's compliance with the terms of the school's contract and 41800  
the law and is not intended to be an alteration of the terms of 41801  
that contract. 41802

(A) If a sponsor of a community school established under this 41803  
chapter suspends the operation of that school pursuant to 41804  
procedures set forth in this section, the governing authority 41805  
shall not operate that school while the suspension is in effect. 41806  
Any such suspension shall remain in effect until the sponsor 41807  
notifies the governing authority that it is no longer in effect. 41808  
The contract of a school of which operation is suspended under 41809  
this section also may be subject to termination or nonrenewal 41810  
under section 3314.07 of the Revised Code. 41811

(B) If at any time conditions at the school do not comply 41812  
with a health and safety standard established by law for school 41813  
buildings, the sponsor shall immediately suspend the operation of 41814  
the school pursuant to procedures set forth in division (D) of 41815  
this section. If the sponsor fails to take action to suspend the 41816  
operation of a school to which this division applies, the 41817  
department of education may take such action. 41818

(C)(1) For any of the reasons prescribed in division 41819  
(B)(1)(a) to (d) of section 3314.07 of the Revised Code, the 41820  
sponsor of a community school established under this chapter may 41821  
suspend the operation of the school only if it first issues to the 41822

governing authority notice of the sponsor's intent to suspend the 41823  
operation of the contract. Such notice shall explain the reasons 41824  
for the sponsor's intent to suspend operation of the contract and 41825  
shall provide the school's governing authority with five business 41826  
days to submit to the sponsor a proposal to remedy the conditions 41827  
cited as reasons for the suspension. 41828

(2) The sponsor shall promptly review any proposed remedy 41829  
timely submitted by the governing authority and either approve or 41830  
disapprove the remedy. If the sponsor disapproves the remedy 41831  
proposed by the governing authority, if the governing authority 41832  
fails to submit a proposed remedy in the manner prescribed by the 41833  
sponsor, or if the governing authority fails to implement the 41834  
remedy as approved by the sponsor, the sponsor may suspend 41835  
operation of the school pursuant to procedures set forth in 41836  
division (D) of this section. 41837

(D)(1) If division (B) of this section applies or if the 41838  
sponsor of a community school established under this chapter 41839  
decides to suspend the operation of a school as permitted in 41840  
division (C)(2) of this section, the sponsor shall promptly send 41841  
written notice to the governing authority stating that the 41842  
operation of the school is immediately suspended, and explaining 41843  
the specific reasons for the suspension. The notice shall state 41844  
that the governing authority has five business days to submit a 41845  
proposed remedy to the conditions cited as reasons for the 41846  
suspension or face potential contract termination. 41847

(2) Upon receipt of the notice of suspension prescribed under 41848  
division (D)(1) of this section, the governing authority shall 41849  
immediately notify the employees of the school and the parents of 41850  
the students enrolled in the school of the suspension and the 41851  
reasons therefore, and shall cease all school operations on the 41852  
next business day. 41853

(E) If the sponsor of a community school suspends the 41854

operation of that school pursuant to procedures set forth in this 41855  
section, the school's contract with the sponsor under section 41856  
3314.03 of the Revised Code shall become void, if the governing 41857  
authority of the school fails to provide a proposal to remedy the 41858  
conditions cited by the sponsor as reasons for the suspension, to 41859  
the satisfaction of the sponsor, by the thirtieth day of September 41860  
of the school year immediately following the school year in which 41861  
the operation of school was suspended. 41862

**Sec. 3314.074.** Divisions (A) and (B) of this section apply 41863  
only to the extent permitted under Chapter 1702. of the Revised 41864  
Code. 41865

(A) If any community school established under this chapter 41866  
permanently closes and ceases its operation as a community school, 41867  
the assets of that school shall be distributed first to the 41868  
retirement funds of employees of the school, employees of the 41869  
school, and private creditors who are owed compensation, and then 41870  
any remaining funds shall be paid to the department of education 41871  
for redistribution to the school districts in which the students 41872  
who were enrolled in the school at the time it ceased operation 41873  
were entitled to attend school under section 3313.64 or 3313.65 of 41874  
the Revised Code. The amount distributed to each school district 41875  
shall be proportional to the district's share of the total 41876  
enrollment in the community school. 41877

(B) If a community school closes and ceases to operate as a 41878  
community school and the school has received computer hardware or 41879  
software from the former Ohio SchoolNet commission or the former 41880  
eTech Ohio commission, such hardware or software shall be ~~returned~~ 41881  
turned over to the ~~eTech Ohio commission~~ department of education, 41882  
~~and the eTech Ohio commission~~ which shall redistribute the 41883  
hardware and software, to the extent such redistribution is 41884  
possible, to school districts in conformance with the provisions 41885

of the programs as they were operated and administered by the 41886  
former eTech Ohio commission. 41887

(C) If the assets of the school are insufficient to pay all 41888  
persons or entities to whom compensation is owed, the 41889  
prioritization of the distribution of the assets to individual 41890  
persons or entities within each class of payees may be determined 41891  
by decree of a court in accordance with this section and Chapter 41892  
1702. of the Revised Code. 41893

~~Sec. 3314.08. The deductions under division (C) and the 41894  
payments under division (D) of this section for fiscal years 2012 41895  
and 2013 shall be made in accordance with section 3314.088 of the 41896  
Revised Code. 41897~~

(A) As used in this section: 41898

~~(1) "Base formula amount" means the amount specified as such 41899  
in a community school's financial plan for a school year pursuant 41900  
to division (A)(15) of section 3314.03 of the Revised Code. 41901~~

~~(2) "IEP" has the same meaning as in section 3323.01 of the 41902  
Revised Code. 41903~~

~~(3) "Applicable special education weight" means the multiple 41904  
specified in section 3317.013 of the Revised Code for a disability 41905  
described in that section. 41906~~

~~(4) "Applicable vocational education weight" means: 41907~~

~~(a) For a student enrolled in vocational education programs 41908  
or classes described in division (A) of section 3317.014 of the 41909  
Revised Code, the multiple specified in that division: 41910~~

~~(b) For a student enrolled in vocational education programs 41911  
or classes described in division (B) of section 3317.014 of the 41912  
Revised Code, the multiple specified in that division. 41913~~

~~(5) "Entitled to attend school" means entitled to attend 41914~~

~~school in a district under section 3313.64 or 3313.65 of the~~ 41915  
~~Revised Code.~~ 41916

~~(6) A community school student is "included in the poverty~~ 41917  
~~student count" of a school district if the student is entitled to~~ 41918  
~~attend school in the district and the student's family receives~~ 41919  
~~assistance under the Ohio works first program.~~ 41920

~~(7) "Poverty based assistance reduction factor" means the~~ 41921  
~~percentage figure, if any, for reducing the per pupil amount of~~ 41922  
~~poverty based assistance a community school is entitled to receive~~ 41923  
~~pursuant to divisions (D)(5) to (9) of this section in any year,~~ 41924  
~~as specified in the school's financial plan for the year pursuant~~ 41925  
~~to division (A)(15) of section 3314.03 of the Revised Code.~~ 41926

~~(8) "All day kindergarten" has the same meaning as in section~~ 41927  
~~3321.05 of the Revised Code.~~ 41928

~~(9)(a) "Category one career-technical education student"~~ 41929  
~~means a student who is receiving the career-technical education~~ 41930  
~~services described in division (A) of section 3317.014 of the~~ 41931  
~~Revised Code.~~ 41932

~~(b) "Category two career-technical student" means a student~~ 41933  
~~who is receiving the career-technical education services described~~ 41934  
~~in division (B) of section 3317.014 of the Revised Code.~~ 41935

~~(c) "Category three career-technical student" means a student~~ 41936  
~~who is receiving the career-technical education services described~~ 41937  
~~in division (C) of section 3317.014 of the Revised Code.~~ 41938

~~(d) "Category four career-technical student" means a student~~ 41939  
~~who is receiving the career-technical education services described~~ 41940  
~~in division (D) of section 3317.014 of the Revised Code.~~ 41941

~~(e) "Category five career-technical education student" means~~ 41942  
~~a student who is receiving the career-technical education services~~ 41943  
~~described in division (E) of section 3317.014 of the Revised Code.~~ 41944



<u>(2)(a) "Category one limited English proficient student"</u>	41945
<u>means a limited English proficient student described in division</u>	41946
<u>(A) of section 3317.016 of the Revised Code.</u>	41947
<u>(b) "Category two limited English proficient student" means a</u>	41948
<u>limited English proficient student described in division (B) of</u>	41949
<u>section 3317.016 of the Revised Code.</u>	41950
<u>(c) "Category three limited English proficient student" means</u>	41951
<u>a limited English proficient student described in division (C) of</u>	41952
<u>section 3317.016 of the Revised Code.</u>	41953
<u>(3)(a) "Category one special education student" means a</u>	41954
<u>student who is receiving special education services for a</u>	41955
<u>disability specified in division (A) of section 3317.013 of the</u>	41956
<u>Revised Code.</u>	41957
<u>(b) "Category two special education student" means a student</u>	41958
<u>who is receiving special education services for a disability</u>	41959
<u>specified in division (B) of section 3317.013 of the Revised Code.</u>	41960
<u>(c) "Category three special education student" means a</u>	41961
<u>student who is receiving special education services for a</u>	41962
<u>disability specified in division (C) of section 3317.013 of the</u>	41963
<u>Revised Code.</u>	41964
<u>(d) "Category four special education student" means a student</u>	41965
<u>who is receiving special education services for a disability</u>	41966
<u>specified in division (D) of section 3317.013 of the Revised Code.</u>	41967
<u>(e) "Category five special education student" means a student</u>	41968
<u>who is receiving special education services for a disability</u>	41969
<u>specified in division (E) of section 3317.013 of the Revised Code.</u>	41970
<u>(f) "Category six special education student" means a student</u>	41971
<u>who is receiving special education services for a disability</u>	41972
<u>specified in division (F) of section 3317.013 of the Revised Code.</u>	41973
<u>(4) "Formula amount" has the same meaning as in section</u>	41974

<u>3317.02 of the Revised Code.</u>	41975
<u>(5) "IEP" has the same meaning as in section 3323.01 of the Revised Code.</u>	41976
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<u>(6) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.</u>	41978
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	41980
<u>(7) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.</u>	41981
	41982
(B) The state board of education shall adopt rules requiring both of the following:	41983
	41984
(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in <del>grades one</del> <u>each grade kindergarten</u> through twelve in a community school established under this chapter, <del>the number of students entitled to attend school in the district who are enrolled in kindergarten in a community school, the number of those kindergartners who are enrolled in all day kindergarten in their community school,</del> and for each child, the community school in which the child is enrolled.	41985
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	41994
(2) The governing authority of each community school established under this chapter to annually report all of the following:	41995
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	41997
(a) The number of students enrolled in grades one through twelve and the <u>full-time equivalent</u> number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;	41998
	41999
	42000
	42001
(b) The number of enrolled students in grades one through twelve and the <u>full-time equivalent</u> number of enrolled students in kindergarten, who are receiving special education and related	42002
	42003
	42004

services pursuant to an IEP; 42005

(c) The number of students reported under division (B)(2)(b) 42006  
of this section receiving special education and related services 42007  
pursuant to an IEP for a disability described in each of divisions 42008  
(A) to (F) of section 3317.013 of the Revised Code; 42009

(d) The full-time equivalent number of students reported 42010  
under divisions (B)(2)(a) and (b) of this section who are enrolled 42011  
in ~~vocational~~ career-technical education programs or classes 42012  
described in each of divisions (A) ~~and (B)~~ to (E) of section 42013  
3317.014 of the Revised Code that are provided by the community 42014  
school; 42015

(e) Twenty per cent of the number of students reported under 42016  
divisions (B)(2)(a) and (b) of this section who are not reported 42017  
under division (B)(2)(d) of this section but who are enrolled in 42018  
~~vocational~~ career-technical education programs or classes 42019  
described in each of divisions (A) ~~and (B)~~ to (E) of section 42020  
3317.014 of the Revised Code at a joint vocational school district 42021  
~~under a contract between the community school and the joint~~ 42022  
~~vocational school district and are entitled to attend school in a~~ 42023  
~~city, local, or exempted village school district whose territory~~ 42024  
~~is part of the territory of the joint vocational school district~~ 42025  
~~or another district in the career-technical planning district to~~ 42026  
which the school is assigned; 42027

(f) ~~The number of enrolled preschool children with~~ 42028  
~~disabilities receiving special education services in a~~ 42029  
~~state funded unit;~~ 42030

~~(g) The community school's base formula amount;~~ 42031

~~(h) The number of students reported under divisions (B)(2)(a)~~ 42032  
~~and (b) of this section who are category one to three limited~~ 42033  
English proficient students described in each of divisions (A) to 42034  
(C) of section 3317.016 of the Revised Code; 42035

(g) The number of students reported under divisions (B)(2)(a) and (b) who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (B)(2)(g) of this section based on anything other than family income. 42036  
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(h) For each student, the city, exempted village, or local school district in which the student is entitled to attend school; 42041  
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~~(i) Any poverty based assistance reduction factor that applies to a school year under section 3313.64 or 3313.65 of the Revised Code.~~ 42043  
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A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A)(2) of section 3321.01 of the Revised Code. 42046  
42047  
42048  
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~~(C) From the state education aid calculated for a city, exempted village, or local school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code, the department of education shall annually subtract the sum of the amounts described in divisions (C)(1) to (9) of this section. However, when deducting payments on behalf of students enrolled in internet or computer based community schools, the department shall deduct only those amounts described in divisions (C)(1) and (2) of this section. Furthermore, the aggregate amount deducted under this division shall not exceed the sum of the district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code.~~ 42050  
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~~(1) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the number of the district's students reported under divisions (B)(2)(a), (b), and (c) of this section who are enrolled in grades one through twelve, and one half the number of students~~ 42062  
42063  
42064  
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~~reported under those divisions who are enrolled in kindergarten, 42067  
in that community school is multiplied by the sum of the base 42068  
formula amount of that community school plus the per pupil amount 42069  
of the base funding supplements specified in divisions (C)(1) to 42070  
(4) of section 3317.012 of the Revised Code. 42071~~

~~(2) The sum of the amounts calculated under divisions 42072  
(C)(2)(a) and (b) of this section: 42073~~

~~(a) For each of the district's students reported under 42074  
division (B)(2)(c) of this section as enrolled in a community 42075  
school in grades one through twelve and receiving special 42076  
education and related services pursuant to an IEP for a disability 42077  
described in section 3317.013 of the Revised Code, the product of 42078  
the applicable special education weight times the community 42079  
school's base formula amount: 42080~~

~~(b) For each of the district's students reported under 42081  
division (B)(2)(c) of this section as enrolled in kindergarten in 42082  
a community school and receiving special education and related 42083  
services pursuant to an IEP for a disability described in section 42084  
3317.013 of the Revised Code, one half of the amount calculated as 42085  
prescribed in division (C)(2)(a) of this section. 42086~~

~~(3) For each of the district's students reported under 42087  
division (B)(2)(d) of this section for whom payment is made under 42088  
division (D)(4) of this section, the amount of that payment: 42089~~

~~(4) An amount equal to the sum of the amounts obtained when, 42090  
for each community school where the district's students are 42091  
enrolled, the number of the district's students enrolled in that 42092  
community school who are included in the district's poverty 42093  
student count is multiplied by the per pupil amount of 42094  
poverty based assistance the school district receives that year 42095  
pursuant to division (C) of section 3317.029 of the Revised Code, 42096  
as adjusted by any poverty based assistance reduction factor of 42097~~

~~that community school. The per pupil amount of that aid for the district shall be calculated by the department.~~ 42098  
42099

~~(5) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount of aid received under division (E) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance reduction factor of the community school, is multiplied by the sum of the following:~~ 42100  
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42102  
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~~(a) The number of the district's students reported under division (B)(2)(a) of this section who are enrolled in grades one to three in that community school and who are not receiving special education and related services pursuant to an IEP;~~ 42106  
42107  
42108  
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~~(b) One half of the district's students who are enrolled in all-day or any other kindergarten class in that community school and who are not receiving special education and related services pursuant to an IEP;~~ 42110  
42111  
42112  
42113

~~(c) One half of the district's students who are enrolled in all-day kindergarten in that community school and who are not receiving special education and related services pursuant to an IEP.~~ 42114  
42115  
42116  
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~~The district's per pupil amount of aid under division (E) of section 3317.029 of the Revised Code is the quotient of the amount the district received under that division divided by the district's kindergarten through third grade ADM, as defined in that section.~~ 42118  
42119  
42120  
42121  
42122

~~(6) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount received under division (F) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance reduction factor of that community school, is multiplied by the number of the district's students~~ 42123  
42124  
42125  
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~~enrolled in the community school who are identified as 42129  
limited English proficient. 42130~~

~~(7) An amount equal to the sum of the amounts obtained when, 42131  
for each community school where the district's students are 42132  
enrolled, the district's per pupil amount received under division 42133  
(G) of section 3317.029 of the Revised Code, as adjusted by any 42134  
poverty based assistance reduction factor of that community 42135  
school, is multiplied by the sum of the following: 42136~~

~~(a) The number of the district's students enrolled in grades 42137  
one through twelve in that community school; 42138~~

~~(b) One half of the number of the district's students 42139  
enrolled in kindergarten in that community school. 42140~~

~~The district's per pupil amount under division (G) of section 42141  
3317.029 of the Revised Code is the district's amount per teacher 42142  
calculated under division (G)(1) or (2) of that section divided by 42143  
17. 42144~~

~~(8) An amount equal to the sum of the amounts obtained when, 42145  
for each community school where the district's students are 42146  
enrolled, the district's per pupil amount received under divisions 42147  
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 42148  
by any poverty based assistance reduction factor of that community 42149  
school, is multiplied by the sum of the following: 42150~~

~~(a) The number of the district's students enrolled in grades 42151  
one through twelve in that community school; 42152~~

~~(b) One half of the number of the district's students 42153  
enrolled in kindergarten in that community school. 42154~~

~~The district's per pupil amount under divisions (H) and (I) 42155  
of section 3317.029 of the Revised Code is the amount calculated 42156  
under each division divided by the district's formula ADM, as 42157  
defined in section 3317.02 of the Revised Code. 42158~~

~~(9) An amount equal to the per pupil state parity aid funding calculated for the school district under either division (C) or (D) of section 3317.0217 of the Revised Code multiplied by the sum of the number of students in grades one through twelve, and one half of the number of students in kindergarten, who are entitled to attend school in the district and are enrolled in a community school as reported under division (B)(1) of this section.~~ 42159  
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~~(D) The department shall annually pay to a community school established under this chapter the sum of the amounts described in divisions (D)(1) to (10) of this section. However, the department shall calculate and pay to each internet or computer-based community school only the amounts described in divisions (D)(1) to (3) of this section. Furthermore, the sum of the payments to all community schools under divisions (D)(1), (2), and (4) to (10) of this section for the students entitled to attend school in any particular school district shall not exceed the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code. If the sum of the payments calculated under those divisions for the students entitled to attend school in a particular school district exceeds the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code, the department shall calculate and apply a proration factor to the payments to all community schools under those divisions for the students entitled to attend school in that district.~~ 42167  
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~~(1) An amount equal to the sum of the amounts obtained when the number of students enrolled in grades one through twelve, plus one half of the kindergarten students in the school, reported under divisions (B)(2)(a), (b), and (c) of this section who are not receiving special education and related services pursuant to an IEP for a disability described in section 3317.013 of the~~ 42185  
42186  
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~~Revised Code is multiplied by the sum of the community school's  
base formula amount plus the per pupil amount of the base funding  
supplements specified in divisions (C)(1) to (4) of section  
3317.012 of the Revised Code.~~ 42191  
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42193  
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~~(2) The sum of the following amounts:~~ 42195

~~(a) For each student reported under division (B)(2)(c) of  
this section as enrolled in the school in grades one through  
twelve and receiving special education and related services  
pursuant to an IEP for a disability described in section 3317.013  
of the Revised Code, the following amount:~~ 42196  
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42198  
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42200

~~(the school's base formula amount plus  
the per pupil amount of the base funding supplements specified in  
divisions (C)(1) to (4) of section 3317.012 of the Revised Code)~~ 42201  
42202  
42203

~~+ (the applicable special education weight X the  
community school's base formula amount);~~ 42204  
42205

~~(b) For each student reported under division (B)(2)(c) of  
this section as enrolled in kindergarten and receiving special  
education and related services pursuant to an IEP for a disability  
described in section 3317.013 of the Revised Code, one half of the  
amount calculated under the formula prescribed in division  
(D)(2)(a) of this section.~~ 42206  
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42208  
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~~(3) An amount received from federal funds to provide special  
education and related services to students in the community  
school, as determined by the superintendent of public instruction.~~ 42212  
42213  
42214

~~(4) For each student reported under division (B)(2)(d) of  
this section as enrolled in vocational education programs or  
classes that are described in section 3317.014 of the Revised  
Code, are provided by the community school, and are comparable as  
determined by the superintendent of public instruction to school  
district vocational education programs and classes eligible for  
state weighted funding under section 3317.014 of the Revised Code,~~ 42215  
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~~an amount equal to the applicable vocational education weight 42222  
times the community school's base formula amount times the 42223  
percentage of time the student spends in the vocational education 42224  
programs or classes. 42225~~

~~(5) An amount equal to the sum of the amounts obtained when, 42226  
for each school district where the community school's students are 42227  
entitled to attend school, the number of that district's students 42228  
enrolled in the community school who are included in the 42229  
district's poverty student count is multiplied by the per pupil 42230  
amount of poverty based assistance that school district receives 42231  
that year pursuant to division (C) of section 3317.029 of the 42232  
Revised Code, as adjusted by any poverty based assistance 42233  
reduction factor of the community school. The per pupil amount of 42234  
aid shall be determined as described in division (C)(4) of this 42235  
section. 42236~~

~~(6) An amount equal to the sum of the amounts obtained when, 42237  
for each school district where the community school's students are 42238  
entitled to attend school, the district's per pupil amount of aid 42239  
received under division (E) of section 3317.029 of the Revised 42240  
Code, as adjusted by any poverty based assistance reduction factor 42241  
of the community school, is multiplied by the sum of the 42242  
following: 42243~~

~~(a) The number of the district's students reported under 42244  
division (B)(2)(a) of this section who are enrolled in grades one 42245  
to three in that community school and who are not receiving 42246  
special education and related services pursuant to an IEP; 42247~~

~~(b) One half of the district's students who are enrolled in 42248  
all-day or any other kindergarten class in that community school 42249  
and who are not receiving special education and related services 42250  
pursuant to an IEP; 42251~~

~~(c) One half of the district's students who are enrolled in 42252~~

~~all day kindergarten in that community school and who are not 42253  
receiving special education and related services pursuant to an 42254  
IEP. 42255~~

~~The district's per pupil amount of aid under division (E) of 42256  
section 3317.029 of the Revised Code shall be determined as 42257  
described in division (C)(5) of this section. 42258~~

~~(7) An amount equal to the sum of the amounts obtained when, 42259  
for each school district where the community school's students are 42260  
entitled to attend school, the number of that district's students 42261  
enrolled in the community school who are identified as 42262  
limited English proficient is multiplied by the district's per 42263  
pupil amount received under division (F) of section 3317.029 of 42264  
the Revised Code, as adjusted by any poverty based assistance 42265  
reduction factor of the community school. 42266~~

~~(8) An amount equal to the sum of the amounts obtained when, 42267  
for each school district where the community school's students are 42268  
entitled to attend school, the district's per pupil amount 42269  
received under division (G) of section 3317.029 of the Revised 42270  
Code, as adjusted by any poverty based assistance reduction factor 42271  
of the community school, is multiplied by the sum of the 42272  
following: 42273~~

~~(a) The number of the district's students enrolled in grades 42274  
one through twelve in that community school; 42275~~

~~(b) One half of the number of the district's students 42276  
enrolled in kindergarten in that community school. 42277~~

~~The district's per pupil amount under division (G) of section 42278  
3317.029 of the Revised Code shall be determined as described in 42279  
division (C)(7) of this section. 42280~~

~~(9) An amount equal to the sum of the amounts obtained when, 42281  
for each school district where the community school's students are 42282  
entitled to attend school, the district's per pupil amount 42283~~

~~received under divisions (H) and (I) of section 3317.029 of the Revised Code, as adjusted by any poverty based assistance reduction factor of the community school, is multiplied by the sum of the following:~~

~~(a) The number of the district's students enrolled in grades one through twelve in that community school;~~

~~(b) One half of the number of the district's students enrolled in kindergarten in that community school.~~

~~The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code shall be determined as described in division (C)(8) of this section.~~

~~(10) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount of state parity aid funding calculated under either division (C) or (D) of section 3317.0217 of the Revised Code is multiplied by the sum of the number of that district's students enrolled in grades one through twelve, and one half of the number of that district's students enrolled in kindergarten, in the community school as reported under divisions (B)(2)(a) and (b) of this section.~~

~~(E)(1) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (C)(3)(b) of section 3317.022 of the Revised Code, the school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the~~

~~student in excess of the threshold catastrophic costs.~~ 42315

~~(2) The community school shall only report under division 42316  
(E)(1) of this section, and the department shall only pay for, the 42317  
costs of educational expenses and the related services provided to 42318  
the student in accordance with the student's individualized 42319  
education program. Any legal fees, court costs, or other costs 42320  
associated with any cause of action relating to the student may 42321  
not be included in the amount.~~ 42322

~~(F) A community school may apply to the department of 42323  
education for preschool children with disabilities unit funding 42324  
the school would receive if it were a school district. Upon 42325  
request of its governing authority, a community school that 42326  
received such unit funding as a school district operated school 42327  
before it became a community school shall retain any units awarded 42328  
to it as a school district operated school provided the school 42329  
continues to meet eligibility standards for the unit.~~ 42330

~~A community school shall be considered a school district and 42331  
its governing authority shall be considered a board of education 42332  
for the purpose of applying to any state or federal agency for 42333  
grants that a school district may receive under federal or state 42334  
law or any appropriations act of the general assembly. The 42335  
governing authority of a community school may apply to any private 42336  
entity for additional funds.~~ 42337

~~(G)(1) Except as provided in division (C)(2) of this section, 42338  
and subject to divisions (C)(3) and (4) of this section, on a 42339  
full-time equivalency basis, for each student enrolled in a 42340  
community school established under this chapter, the department of 42341  
education annually shall deduct from the state education aid of a 42342  
student's resident district and, if necessary, from the payment 42343  
made to the district under sections 321.24 and 323.156 of the 42344  
Revised Code and pay to the community school the sum of the 42345  
following:~~ 42346

<u>(a) An opportunity grant in an amount equal to the formula amount;</u>	42347
	42348
<u>(b) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;</u>	42349
	42350
	42351
	42352
<u>(c) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:</u>	42353
	42354
	42355
<u>(i) If the student is a category one special education student, the formula amount X the multiple specified in division (A) of section 3317.013 of the Revised Code;</u>	42356
	42357
	42358
<u>(ii) If the student is a category two special education student, the formula amount X the multiple specified in division (B) of section 3317.013 of the Revised Code;</u>	42359
	42360
	42361
<u>(iii) If the student is a category three special education student, the formula amount X the multiple specified in division (C) of section 3317.013 of the Revised Code;</u>	42362
	42363
	42364
<u>(iv) If the student is a category four special education student, the formula amount X the multiple specified in division (D) of section 3317.013 of the Revised Code;</u>	42365
	42366
	42367
<u>(v) If the student is a category five special education student, the formula amount X the multiple specified in division (E) of section 3317.013 of the Revised Code;</u>	42368
	42369
	42370
<u>(vi) If the student is a category six special education student, the formula amount X the multiple specified in division (F) of section 3317.013 of the Revised Code.</u>	42371
	42372
	42373
<u>(d) If the student is in kindergarten through third grade, an additional amount of \$300, in fiscal year 2014, and \$303, in fiscal year 2015;</u>	42374
	42375
	42376

<u>(e) If the student is economically disadvantaged, an additional amount equal to the following:</u>	42377
	42378
<u>(\$340, in fiscal year 2014, or \$343, in fiscal year 2015) X (the resident district's economically disadvantaged index)</u>	42379
	42380
<u>(f) Limited English proficiency funds as follows:</u>	42381
<u>(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;</u>	42382
	42383
	42384
<u>(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;</u>	42385
	42386
	42387
<u>(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.</u>	42388
	42389
	42390
<u>(g) Career-technical education funds as follows:</u>	42391
<u>(i) If the student is a category one career-technical education student, the formula amount X the multiple specified in division (A) of section 3317.014 of the Revised Code;</u>	42392
	42393
	42394
<u>(ii) If the student is a category two career-technical education student, the formula amount X the multiple specified in division (B) of section 3317.014 of the Revised Code;</u>	42395
	42396
	42397
<u>(iii) If the student is a category three career-technical education student, the formula amount X the multiple specified in division (C) of section 3317.014 of the Revised Code;</u>	42398
	42399
	42400
<u>(iv) If the student is a category four career-technical education student, the formula amount X the multiple specified in division (D) of section 3317.014 of the Revised Code;</u>	42401
	42402
	42403
<u>(v) If the student is a category five career-technical education student, the formula amount X the multiple specified in division (E) of section 3317.014.</u>	42404
	42405
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Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval under section 3317.161 of the Revised Code. 42407  
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(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet- or computer-based community school and making payments to such school under this section, the department shall make the deductions and payments described in only divisions (C)(1)(a) and (c) of this section. 42410  
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No deductions or payments shall be made for a student enrolled in such school under division (C)(1)(b), (d), (e), (f), or (g) of this section. 42416  
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(3)(a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs. 42419  
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(b) The community school shall report under division (C)(3)(a) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount. 42431  
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(4) If the sum of the payments computed under division (C)(1) of this section for the students entitled to attend school in a particular school district under sections 3313.64 and 3313.65 of the Revised Code exceeds the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code, the department shall calculate and apply a proration factor to the payments to all community schools under that division for the students entitled to attend school in that district.

(D) A board of education sponsoring a community school may utilize local funds to make enhancement grants to the school or may agree, either as part of the contract or separately, to provide any specific services to the community school at no cost to the school.

~~(H)~~(E) A community school may not levy taxes or issue bonds secured by tax revenues.

~~(I)~~(F) No community school shall charge tuition for the enrollment of any student.

~~(J)~~(G)(1)(a) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to division ~~(D)~~(C) of this section. The school may issue notes to evidence such borrowing. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school.

(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities.

(2) Except for any amount guaranteed under section 3318.50 of the Revised Code, the state is not liable for debt incurred by the governing authority of a community school.

~~(K) For purposes of determining the number of students for~~

~~which divisions (D)(5) and (6) of this section applies in any~~ 42469  
~~school year, a community school may submit to the department of~~ 42470  
~~job and family services, no later than the first day of March, a~~ 42471  
~~list of the students enrolled in the school. For each student on~~ 42472  
~~the list, the community school shall indicate the student's name,~~ 42473  
~~address, and date of birth and the school district where the~~ 42474  
~~student is entitled to attend school. Upon receipt of a list under~~ 42475  
~~this division, the department of job and family services shall~~ 42476  
~~determine, for each school district where one or more students on~~ 42477  
~~the list is entitled to attend school, the number of students~~ 42478  
~~residing in that school district who were included in the~~ 42479  
~~department's report under section 3317.10 of the Revised Code. The~~ 42480  
~~department shall make this determination on the basis of~~ 42481  
~~information readily available to it. Upon making this~~ 42482  
~~determination and no later than ninety days after submission of~~ 42483  
~~the list by the community school, the department shall report to~~ 42484  
~~the state department of education the number of students on the~~ 42485  
~~list who reside in each school district who were included in the~~ 42486  
~~department's report under section 3317.10 of the Revised Code. In~~ 42487  
~~complying with this division, the department of job and family~~ 42488  
~~services shall not report to the state department of education any~~ 42489  
~~personally identifiable information on any student.~~ 42490

~~(L)(H)~~ The department of education shall adjust the amounts 42491  
subtracted and paid under ~~divisions~~ division (C) and ~~(D)~~ of this 42492  
section to reflect any enrollment of students in community schools 42493  
for less than the equivalent of a full school year. The state 42494  
board of education within ninety days after April 8, 2003, shall 42495  
adopt in accordance with Chapter 119. of the Revised Code rules 42496  
governing the payments to community schools under this section ~~and~~ 42497  
~~section 3314.13 of the Revised Code~~ including initial payments in 42498  
a school year and adjustments and reductions made in subsequent 42499  
periodic payments to community schools and corresponding 42500  
deductions from school district accounts as provided under 42501

~~divisions~~ division (C) and ~~(D)~~ of this section and ~~section 3314.13~~ 42502  
~~of the Revised Code.~~ For purposes of this section and ~~section~~ 42503  
~~3314.13 of the Revised Code:~~ 42504

(1) A student shall be considered enrolled in the community 42505  
school for any portion of the school year the student is 42506  
participating at a college under Chapter 3365. of the Revised 42507  
Code. 42508

(2) A student shall be considered to be enrolled in a 42509  
community school for the period of time beginning on the later of 42510  
the date on which the school both has received documentation of 42511  
the student's enrollment from a parent and the student has 42512  
commenced participation in learning opportunities as defined in 42513  
the contract with the sponsor, or thirty days prior to the date on 42514  
which the student is entered into the education management 42515  
information system established under section 3301.0714 of the 42516  
Revised Code. For purposes of applying this division and divisions 42517  
~~(L)~~(H)(3) and (4) of this section to a community school student, 42518  
"learning opportunities" shall be defined in the contract, which 42519  
shall describe both classroom-based and non-classroom-based 42520  
learning opportunities and shall be in compliance with criteria 42521  
and documentation requirements for student participation which 42522  
shall be established by the department. Any student's instruction 42523  
time in non-classroom-based learning opportunities shall be 42524  
certified by an employee of the community school. A student's 42525  
enrollment shall be considered to cease on the date on which any 42526  
of the following occur: 42527

(a) The community school receives documentation from a parent 42528  
terminating enrollment of the student. 42529

(b) The community school is provided documentation of a 42530  
student's enrollment in another public or private school. 42531

(c) The community school ceases to offer learning 42532

opportunities to the student pursuant to the terms of the contract 42533  
with the sponsor or the operation of any provision of this 42534  
chapter. 42535

Except as otherwise specified in this paragraph, beginning in 42536  
the 2011-2012 school year, any student who completed the prior 42537  
school year in an internet- or computer-based community school 42538  
shall be considered to be enrolled in the same school in the 42539  
subsequent school year until the student's enrollment has ceased 42540  
as specified in division ~~(L)~~(H)(2) of this section. The department 42541  
shall continue subtracting and paying amounts for the student 42542  
under ~~divisions~~ division (C) and ~~(D)~~ of this section without 42543  
interruption at the start of the subsequent school year. However, 42544  
if the student without a legitimate excuse fails to participate in 42545  
the first one hundred five consecutive hours of learning 42546  
opportunities offered to the student in that subsequent school 42547  
year, the student shall be considered not to have re-enrolled in 42548  
the school for that school year and the department shall 42549  
recalculate the payments to the school for that school year to 42550  
account for the fact that the student is not enrolled. 42551

(3) The department shall determine each community school 42552  
student's percentage of full-time equivalency based on the 42553  
percentage of learning opportunities offered by the community 42554  
school to that student, reported either as number of hours or 42555  
number of days, is of the total learning opportunities offered by 42556  
the community school to a student who attends for the school's 42557  
entire school year. However, no internet- or computer-based 42558  
community school shall be credited for any time a student spends 42559  
participating in learning opportunities beyond ten hours within 42560  
any period of twenty-four consecutive hours. Whether it reports 42561  
hours or days of learning opportunities, each community school 42562  
shall offer not less than nine hundred twenty hours of learning 42563  
opportunities during the school year. 42564

(4) With respect to the calculation of full-time equivalency 42565  
under division ~~(I)~~(H)(3) of this section, the department shall 42566  
waive the number of hours or days of learning opportunities not 42567  
offered to a student because the community school was closed 42568  
during the school year due to disease epidemic, hazardous weather 42569  
conditions, law enforcement emergencies, inoperability of school 42570  
buses or other equipment necessary to the school's operation, 42571  
damage to a school building, or other temporary circumstances due 42572  
to utility failure rendering the school building unfit for school 42573  
use, so long as the school was actually open for instruction with 42574  
students in attendance during that school year for not less than 42575  
the minimum number of hours required by this chapter. The 42576  
department shall treat the school as if it were open for 42577  
instruction with students in attendance during the hours or days 42578  
waived under this division. 42579

~~(M)~~(I) The department of education shall reduce the amounts 42580  
paid under ~~division (D)~~ of this section to reflect payments made 42581  
to colleges under division (B) of section 3365.07 of the Revised 42582  
Code or through alternative funding agreements entered into under 42583  
rules adopted under section 3365.12 of the Revised Code. 42584

~~(N)~~(J)(1) No student shall be considered enrolled in any 42585  
internet- or computer-based community school or, if applicable to 42586  
the student, in any community school that is required to provide 42587  
the student with a computer pursuant to division (C) of section 42588  
3314.22 of the Revised Code, unless both of the following 42589  
conditions are satisfied: 42590

(a) The student possesses or has been provided with all 42591  
required hardware and software materials and all such materials 42592  
are operational so that the student is capable of fully 42593  
participating in the learning opportunities specified in the 42594  
contract between the school and the school's sponsor as required 42595  
by division (A)(23) of section 3314.03 of the Revised Code; 42596

(b) The school is in compliance with division (A) of section 42597  
3314.22 of the Revised Code, relative to such student. 42598

(2) In accordance with policies adopted jointly by the 42599  
superintendent of public instruction and the auditor of state, the 42600  
department shall reduce the amounts otherwise payable under 42601  
division ~~(D)~~(C) of this section to any community school that 42602  
includes in its program the provision of computer hardware and 42603  
software materials to any student, if such hardware and software 42604  
materials have not been delivered, installed, and activated for 42605  
each such student in a timely manner or other educational 42606  
materials or services have not been provided according to the 42607  
contract between the individual community school and its sponsor. 42608

The superintendent of public instruction and the auditor of 42609  
state shall jointly establish a method for auditing any community 42610  
school to which this division pertains to ensure compliance with 42611  
this section. 42612

The superintendent, auditor of state, and the governor shall 42613  
jointly make recommendations to the general assembly for 42614  
legislative changes that may be required to assure fiscal and 42615  
academic accountability for such schools. 42616

~~(O)~~(K)(1) If the department determines that a review of a 42617  
community school's enrollment is necessary, such review shall be 42618  
completed and written notice of the findings shall be provided to 42619  
the governing authority of the community school and its sponsor 42620  
within ninety days of the end of the community school's fiscal 42621  
year, unless extended for a period not to exceed thirty additional 42622  
days for one of the following reasons: 42623

(a) The department and the community school mutually agree to 42624  
the extension. 42625

(b) Delays in data submission caused by either a community 42626  
school or its sponsor. 42627

(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.

(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

~~(P)~~(L) The department shall not subtract from a school district's state aid account ~~under division (C) of this section~~ and shall not pay to a community school under division ~~(D)~~(C) of this section any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school

during the previous school year when assessments were administered 42658  
under section 3301.0711 of the Revised Code but did not take one 42659  
or more of the assessments required by that section and was not 42660  
excused pursuant to division (C)(1) or (3) of that section, unless 42661  
the superintendent of public instruction grants the student a 42662  
waiver from the requirement to take the assessment and a parent is 42663  
not paying tuition for the student pursuant to section 3314.26 of 42664  
the Revised Code. The superintendent may grant a waiver only for 42665  
good cause in accordance with rules adopted by the state board of 42666  
education. 42667

(4) Any student who has attained the age of twenty-two years, 42668  
except for veterans of the armed services whose attendance was 42669  
interrupted before completing the recognized twelve-year course of 42670  
the public schools by reason of induction or enlistment in the 42671  
armed forces and who apply for enrollment in a community school 42672  
not later than four years after termination of war or their 42673  
honorable discharge. If, however, any such veteran elects to 42674  
enroll in special courses organized for veterans for whom tuition 42675  
is paid under federal law, or otherwise, the department shall not 42676  
subtract from a school district's state aid account ~~under division~~ 42677  
~~(C) of this section~~ and shall not pay to a community school under 42678  
division ~~(D)~~(C) of this section any amount for that veteran. 42679

Sec. 3314.082. A community school shall be considered a 42680  
school district and its governing authority shall be considered a 42681  
board of education for the purpose of applying to any state or 42682  
federal agency for grants that a school district may receive under 42683  
federal or state law or any appropriations act of the general 42684  
assembly. The governing authority of a community school may apply 42685  
to any private entity for additional funds. 42686

**Sec. 3314.083.** If the department of education pays a joint 42687  
vocational school district under division ~~(G)~~(4)(C)(3) of section 42688



3317.16 of the Revised Code for excess costs of providing special 42689  
education and related services to a student with a disability who 42690  
is enrolled in a community school, as calculated under division 42691  
~~(C)(2)~~(C)(1) of that section, the department shall deduct the 42692  
amount of that payment from the amount calculated for payment to 42693  
the community school under section 3314.08 of the Revised Code. 42694

**Sec. 3314.084.** (A) As used in this section: 42695

(1) "Formula ADM" has the same meaning as in section 3317.03 42696  
of the Revised Code. 42697

(2) "Home" has the same meaning as in section 3313.64 of the 42698  
Revised Code. 42699

(3) "School district of residence" has the same meaning as in 42700  
section 3323.01 of the Revised Code; however, a community school 42701  
established under this chapter is not a "school district of 42702  
residence" for purposes of this section. 42703

(B) Notwithstanding anything to the contrary in section 42704  
3314.08 or 3317.03 of the Revised Code, all of the following apply 42705  
in the case of a child who is enrolled in a community school and 42706  
is also living in a home: 42707

(1) For purposes of the report required under division (B)(1) 42708  
of section 3314.08 of the Revised Code, the child's school 42709  
district of residence, and not the school district in which the 42710  
home that the child is living in is located, shall be considered 42711  
to be the school district in which the child is entitled to attend 42712  
school. That school district of residence, therefore, shall make 42713  
the report required under division (B)(1) of section 3314.08 of 42714  
the Revised Code with respect to the child. 42715

(2) For purposes of the report required under division (B)(2) 42716  
of section 3314.08 of the Revised Code, the community school shall 42717  
report the name of the child's school district of residence. 42718

(3) The child's school district of residence shall count the child in that district's formula ADM.

(4) The school district in which the home that the child is living in is located shall not count the child in that district's formula ADM.

(5) The ~~Department~~ department of ~~Education~~ education shall deduct the applicable amounts prescribed under division (C) of section 3314.08 ~~and division (D) of section 3314.13~~ of the Revised Code from the child's school district of residence and shall not deduct those amounts from the school district in which the home that the child is living in is located.

(6) The ~~Department~~ department shall make the payments prescribed in ~~divisions (D) and (E)~~ division (C) of section 3314.08 ~~and section 3314.13~~ of the Revised Code, as applicable, to the community school.

**Sec. 3314.086.** A community school established under this chapter, including an internet- or computer-based community school, may provide career-technical education in the manner prescribed by section 3313.90 of the Revised Code. The community school may contract with any public agency, board, or bureau or with any private individual or firm for the purchase of any career-technical education or vocational rehabilitation service for any student enrolled in the community school and may pay for such services with funds received under section 3314.08 of the Revised Code.

**Sec. 3314.087.** (A) As used in this section:

(1) "Career-technical program" means ~~vocational~~ career-technical programs or classes described in division (A) ~~or~~ (B), (C), (D), or (E) of section 3317.014 of the Revised Code in which a student is enrolled.

(2) "Formula ADM," "category one ~~or two vocational~~ through 42749  
five career-technical education ADM," and "FTE basis" have the 42750  
same meanings as in section 3317.02 of the Revised Code. 42751

(3) "Resident school district" means the city, exempted 42752  
village, or local school district in which a student is entitled 42753  
to attend school under section 3313.64 or 3313.65 of the Revised 42754  
Code. 42755

(B) Notwithstanding anything to the contrary in this chapter 42756  
or Chapter 3317. of the Revised Code, a student enrolled in a 42757  
community school may simultaneously enroll in the career-technical 42758  
program operated by the student's resident school district. On an 42759  
FTE basis, the student's resident school district shall count the 42760  
student in the category one ~~or two vocational~~ through five 42761  
career-technical education ADM for the proportion of the time the 42762  
student is enrolled in the district's career-technical program 42763  
and, accordingly, the department of education shall calculate 42764  
funds under Chapter 3317. for the district attributable to the 42765  
student for the proportion of time the student attends the 42766  
career-technical program. The community school shall count the 42767  
student in its enrollment report under section 3314.08 of the 42768  
Revised Code and shall report to the department the proportion of 42769  
time that the student attends classes at the community school. The 42770  
department shall pay the community school and deduct from the 42771  
student's resident school district the amount computed for the 42772  
student under section 3314.08 of the Revised Code in proportion to 42773  
the fraction of the time on an FTE basis that the student attends 42774  
classes at the community school. "Full-time equivalency" for a 42775  
community school student, as defined in division ~~(L)~~(H) of section 42776  
3314.08 of the Revised Code, does not apply to the student. 42777

**Sec. 3314.09.** (A) As used in this section and section 42778  
3314.091 of the Revised Code, "native student" means a student 42779

entitled to attend school in the school district under section 42780  
3313.64 or 3313.65 of the Revised Code. 42781

(B) Except as provided in section 3314.091 or 3327.02 of the 42782  
Revised Code, the board of education of each city, local, and 42783  
exempted village school district shall provide transportation to 42784  
and from school for its ~~district's~~ native students in accordance 42785  
with section 3327.01 of the Revised Code. 42786

**Sec. 3314.091.** ~~(A)~~ A student who attends a community school 42787  
that provides or arranges for transporting students pursuant to 42788  
this section, or the student's parent or guardian, is not eligible 42789  
for the subsidy prescribed by section 3327.02 of the Revised Code. 42790

(A) A school district is not required to provide 42791  
transportation for any native student enrolled in a community 42792  
school if the district board of education has entered into an 42793  
agreement with the community school's governing authority that 42794  
designates the community school as responsible for providing or 42795  
arranging for the transportation of the district's native students 42796  
to and from the community school. For any such agreement to be 42797  
effective, it must be certified by the superintendent of public 42798  
instruction as having met all of the following requirements: 42799

(1) It is submitted to the department of education by a 42800  
deadline which shall be established by the department. 42801

(2) In accordance with divisions (C)(1) and (2) of this 42802  
section, it specifies qualifications, such as residing a minimum 42803  
distance from the school, for students to have their 42804  
transportation provided or arranged. 42805

(3) The transportation provided by the community school is 42806  
subject to all provisions of the Revised Code and all rules 42807  
adopted under the Revised Code pertaining to pupil transportation. 42808

(4) The sponsor of the community school also has signed the 42809

agreement. 42810

(B)(1) For the school year that begins on July 1, 2007, a 42811  
school district is not required to provide transportation for any 42812  
native student enrolled in a community school, if the community 42813  
school during the previous school year transported the students 42814  
enrolled in the school or arranged for the students' 42815  
transportation, even if that arrangement consisted of having 42816  
parents transport their children to and from the school, but did 42817  
not enter into an agreement to transport or arrange for 42818  
transportation for those students under division (A) of this 42819  
section, and if the governing authority of the community school by 42820  
July 15, 2007, submits written notification to the district board 42821  
of education stating that the governing authority is accepting 42822  
responsibility for providing or arranging for the transportation 42823  
of the district's native students to and from the community 42824  
school. 42825

(2) ~~For~~ Except as provided in division (B)(4) of this 42826  
section, for any school year subsequent to the school year that 42827  
begins on July 1, 2007, a school district is not required to 42828  
provide transportation for any native student enrolled in a 42829  
community school if the governing authority of the community 42830  
school, by the thirty-first day of January of the previous school 42831  
year, submits written notification to the district board of 42832  
education stating that the governing authority is accepting 42833  
responsibility for providing or arranging for the transportation 42834  
of the district's native students to and from the community 42835  
school. If the governing authority of the community school has 42836  
previously accepted responsibility for providing or arranging for 42837  
the transportation of a district's native students to and from the 42838  
community school, under division (B)(1) or (2) of this section, 42839  
and has since relinquished that responsibility under division 42840  
(B)(3) of this section, the governing authority shall not accept 42841

that responsibility again unless the district board consents to 42842  
the governing authority's acceptance of that responsibility. 42843

(3) A governing authority's acceptance of responsibility 42844  
under division (B)(1) or (2) of this section shall cover an entire 42845  
school year, and shall remain in effect for subsequent school 42846  
years unless the governing authority submits written notification 42847  
to the district board that the governing authority is 42848  
relinquishing the responsibility. However, a governing authority 42849  
shall not relinquish responsibility for transportation before the 42850  
end of a school year, and shall submit the notice relinquishing 42851  
responsibility by the thirty-first day of January, in order to 42852  
allow the school district reasonable time to prepare 42853  
transportation for its native students enrolled in the school. 42854

(4)(a) For any school year that begins on or after July 1, 42855  
2014, a school district is not required to provide transportation 42856  
for any native student enrolled in a community school scheduled to 42857  
open for operation in the current school year, if the governing 42858  
authority of the community school, by the fifteenth day of April 42859  
of the previous school year, submits written notification to the 42860  
district board of education stating that the governing authority 42861  
is accepting responsibility for providing or arranging for the 42862  
transportation of the district's native students to and from the 42863  
community school. 42864

(b) The governing authority of a community school that 42865  
accepts responsibility for transporting its students under 42866  
division (4)(a) of this section shall comply with divisions (B)(2) 42867  
and (3) of this section to renew or relinquish that authority for 42868  
subsequent school years. 42869

(C)(1) A community school governing authority that enters 42870  
into an agreement under division (A) of this section, or that 42871  
accepts responsibility under division (B) of this section, shall 42872  
provide or arrange transportation free of any charge for each of 42873

its enrolled students who is required to be transported under 42874  
section 3327.01 of the Revised Code or who would otherwise be 42875  
transported by the school district under the district's 42876  
transportation policy. The governing authority shall report to the 42877  
department of education the number of students transported or for 42878  
whom transportation is arranged under this section in accordance 42879  
with rules adopted by the state board of education. 42880

(2) The governing authority may provide or arrange 42881  
transportation for any other enrolled student who is not eligible 42882  
for transportation in accordance with division (C)(1) of this 42883  
section and may charge a fee for such service up to the actual 42884  
cost of the service. 42885

(3) Notwithstanding anything to the contrary in division 42886  
(C)(1) or (2) of this section, a community school governing 42887  
authority shall provide or arrange transportation free of any 42888  
charge for any disabled student enrolled in the school for whom 42889  
the student's individualized education program developed under 42890  
Chapter 3323. of the Revised Code specifies transportation. 42891

(D)(1) If a school district board and a community school 42892  
governing authority elect to enter into an agreement under 42893  
division (A) of this section, the department of education shall 42894  
make payments to the community school according to the terms of 42895  
the agreement for each student actually transported under division 42896  
(C)(1) of this section. 42897

If a community school governing authority accepts 42898  
transportation responsibility under division (B) of this section, 42899  
the department shall make payments to the community school for 42900  
each student actually transported or for whom transportation is 42901  
arranged by the community school under division (C)(1) of this 42902  
section, calculated as follows: 42903

(a) For any fiscal year which the general assembly has 42904

specified that transportation payments to school districts be 42905  
based on an across-the-board percentage of the district's payment 42906  
for the previous school year, the per pupil payment to the 42907  
community school shall be the following quotient: 42908

(i) The total amount calculated for the school district in 42909  
which the child is entitled to attend school for student 42910  
transportation other than transportation of children with 42911  
disabilities; divided by 42912

(ii) The number of students included in the district's 42913  
transportation ADM for the current fiscal year, as reported under 42914  
division (B)~~(13)~~(19) of section 3317.03 of the Revised Code, plus 42915  
the number of students enrolled in the community school not 42916  
counted in the district's transportation ADM who are transported 42917  
under division (B)(1) or (2) of this section. 42918

(b) For any fiscal year which the general assembly has 42919  
specified that the transportation payments to school districts be 42920  
calculated in accordance with section 3317.0212 of the Revised 42921  
Code and any rules of the state board of education implementing 42922  
that section, the payment to the community school shall be the 42923  
amount so calculated that otherwise would be paid to the school 42924  
district in which the student is entitled to attend school by the 42925  
method of transportation the district would have used. The 42926  
community school, however, is not required to use the same method 42927  
to transport that student. 42928

(c) Divisions (D)(1)(a) and (b) of this section do not apply 42929  
to fiscal years 2012 and 2013. Rather, for each of those fiscal 42930  
years, the per pupil payment to a community school for 42931  
transporting a student shall be the total amount paid under former 42932  
section 3306.12 of the Revised Code for fiscal year 2011 to the 42933  
school district in which the child is entitled to attend school 42934  
divided by that district's "qualifying ridership," as defined in 42935  
that section for fiscal year 2011. 42936



As used in this division "entitled to attend school" means 42937  
entitled to attend school under section 3313.64 or 3313.65 of the 42938  
Revised Code. 42939

(2) The department shall deduct the payment under division 42940  
(D)(1) of this section from the state education aid, as defined in 42941  
section 3314.08 of the Revised Code, and, if necessary, the 42942  
payment under sections 321.14 and 323.156 of the Revised Code, 42943  
that is otherwise paid to the school district in which the student 42944  
enrolled in the community school is entitled to attend school. The 42945  
department shall include the number of the district's native 42946  
students for whom payment is made to a community school under 42947  
division (D)(1) of this section in the calculation of the 42948  
district's transportation payment under section 3317.0212 of the 42949  
Revised Code and the operating appropriations act. 42950

(3) A community school shall be paid under division (D)(1) of 42951  
this section only for students who are eligible as specified in 42952  
section 3327.01 of the Revised Code and division (C)(1) of this 42953  
section, and whose transportation to and from school is actually 42954  
provided, who actually utilized transportation arranged, or for 42955  
whom a payment in lieu of transportation is made by the community 42956  
school's governing authority. To qualify for the payments, the 42957  
community school shall report to the department, in the form and 42958  
manner required by the department, data on the number of students 42959  
transported or whose transportation is arranged, the number of 42960  
miles traveled, cost to transport, and any other information 42961  
requested by the department. 42962

(4) A community school shall use payments received under this 42963  
section solely to pay the costs of providing or arranging for the 42964  
transportation of students who are eligible as specified in 42965  
section 3327.01 of the Revised Code and division (C)(1) of this 42966  
section, which may include payments to a parent, guardian, or 42967  
other person in charge of a child in lieu of transportation. 42968

(E) Except when arranged through payment to a parent, guardian, or person in charge of a child, transportation provided or arranged for by a community school pursuant to an agreement under this section is subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to the construction, design, equipment, and operation of school buses and other vehicles transporting students to and from school. The drivers and mechanics of the vehicles are subject to all provisions of the Revised Code, and all rules adopted under the Revised Code, pertaining to drivers and mechanics of such vehicles. The community school also shall comply with sections 3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) of section 3327.16 of the Revised Code and, subject to division (C)(1) of this section, ~~sections~~ and section 3327.01 ~~and 3327.02~~ of the Revised Code, as if it were a school district.

Sec. 3314.092. The governing authority or operator of a community school established under this chapter shall consult with each school district board of education that transports students to the community school under sections 3314.09 and 3327.01 of the Revised Code prior to making any change in the hours or days in which the community school is open for instruction.

**Sec. 3314.11.** (A) The board of education of each city, exempted village, and local school district monthly shall review enrollment for students enrolled in community schools established under this chapter and entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code. For each student, the district shall verify to the department of education both of the following:

- (1) The community school in which the student is enrolled;
- (2) That the student is entitled to attend school in the

district under section 3313.64 or 3313.65 of the Revised Code. 42999

(B) For purposes of its initial reporting of the school 43000  
districts its students are entitled to attend, the governing 43001  
authority of a community school may adopt a policy that prescribes 43002  
the number of documents listed in division (E) of this section 43003  
required to verify a student's residency. This policy, if adopted, 43004  
shall supersede any policy concerning the number of documents for 43005  
initial residency verification adopted by the district the student 43006  
is entitled to attend. If a community school does not adopt a 43007  
policy under this division, the policy of the school district in 43008  
which the student is entitled to attend shall prevail. 43009

(C) In making the determinations under this section, the 43010  
school district in which a parent or child resides is the location 43011  
the parent or student has established as the primary residence and 43012  
where substantial family activity takes place. 43013

(D) If a district's determination under division (A) of this 43014  
section of the school district a student is entitled to attend 43015  
under section 3313.64 or 3313.65 of the Revised Code differs from 43016  
a community school's determination under division (B) of this 43017  
section, the community school shall provide the school district 43018  
that made the determination under division (A) of this section 43019  
with documentation of the student's residency and shall make a 43020  
good faith effort to accurately identify the correct residence of 43021  
the student. 43022

(E) For purposes of this section, the following documents may 43023  
serve as evidence of primary residence: 43024

(1) A deed, mortgage, lease, current home owner's or renter's 43025  
insurance declaration page, or current real property tax bill; 43026

(2) A utility bill or receipt of utility installation issued 43027  
within ninety days of enrollment; 43028

(3) A paycheck or paystub issued to the parent or student 43029

within ninety days of the date of enrollment that includes the 43030  
address of the parent's or student's primary residence; 43031

(4) The most current available bank statement issued to the 43032  
parent or student that includes the address of the parent's or 43033  
student's primary residence; 43034

(5) Any other official document issued to the parent or 43035  
student that includes the address of the parent's or student's 43036  
primary residence. The superintendent of public instruction shall 43037  
develop guidelines for determining what qualifies as an "official 43038  
document" under this division. 43039

(F) When a student loses permanent housing and becomes a 43040  
homeless child or youth, as defined in 42 U.S.C. 11434a, or when a 43041  
child who is such a homeless child or youth changes temporary 43042  
living arrangements, the district in which the student is entitled 43043  
to attend school shall be determined in accordance with division 43044  
(F)(13) of section 3313.64 of the Revised Code and the 43045  
"McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11431 et seq. 43046

(G) In the event of a disagreement as to which school 43047  
district a student is entitled to attend, the community school, 43048  
after complying with division (D) of this section, but not more 43049  
than sixty days after the monthly deadline established by the 43050  
department of education for reporting of community school 43051  
enrollment, may present the matter to the superintendent of public 43052  
instruction. Not later than thirty days after the community school 43053  
presents the matter, the state superintendent, or the state 43054  
superintendent's designee, shall determine which district the 43055  
student is entitled to attend and shall direct any necessary 43056  
adjustments to payments and deductions under ~~sections~~ section 43057  
3314.08 ~~and 3314.13~~ of the Revised Code based on that 43058  
determination. 43059

**Sec. 3314.26.** (A) Each internet- or computer-based community 43060

school shall withdraw from the school any student who, for two 43061  
consecutive school years, has failed to participate in the spring 43062  
administration of any assessment prescribed under section 43063  
3301.0710 or 3301.0712 of the Revised Code for the student's grade 43064  
level and was not excused from the assessment pursuant to division 43065  
(C)(1) or (3) of section 3301.0711 of the Revised Code, regardless 43066  
of whether a waiver was granted for the student under division 43067  
~~(P)~~(L)(3) of section 3314.08 of the Revised Code. The school shall 43068  
report any such student's data verification code, as assigned 43069  
pursuant to section 3301.0714 of the Revised Code, to the 43070  
department of education. The department shall maintain a list of 43071  
all data verification codes reported under this division and 43072  
section 3313.6410 of the Revised Code and provide that list to 43073  
each internet- or computer-based community school and to each 43074  
school to which section 3313.6410 of the Revised Code applies. 43075

(B) No internet- or computer-based community school shall 43076  
receive any state funds under this chapter for any enrolled 43077  
student whose data verification code appears on the list 43078  
maintained by the department under division (A) of this section. 43079

Notwithstanding any provision of the Revised Code to the 43080  
contrary, the parent of any such student shall pay tuition to the 43081  
internet- or computer-based community school in an amount equal to 43082  
the state funds the school otherwise would receive for that 43083  
student, as determined by the department. An internet- or 43084  
computer-based community school may withdraw any student for whom 43085  
the parent does not pay tuition as required by this division. 43086

**Sec. 3315.40.** The board of education of a city, local, 43087  
exempted village, or joint vocational school district or the 43088  
governing board of any educational service center may establish an 43089  
education foundation fund. Moneys in the fund shall consist of 43090  
proceeds paid into the fund under division (B) of section 3313.36 43091

of the Revised Code. In addition, by resolution adopted by a 43092  
majority of its members, a city, local, exempted village, or joint 43093  
vocational board may annually direct the school district treasurer 43094  
to pay into the education foundation fund an amount from the 43095  
school district general fund not to exceed one-half of one per 43096  
cent of the total appropriations of the school district as 43097  
estimated by the board at the time the resolution is adopted or as 43098  
set forth in the annual appropriation measure as most recently 43099  
amended or supplemented; and any governing board, by resolution 43100  
adopted by a majority of its members, may annually direct the 43101  
service center treasurer to pay into the education foundation fund 43102  
an amount not to exceed one-half of one per cent of the funds 43103  
received by the governing board pursuant to an agreement entered 43104  
into under section ~~3317.11~~ 3313.843 or 3313.845 of the Revised 43105  
Code. 43106

Income from the investment of moneys in the fund shall be 43107  
paid into the fund. A board, by resolution adopted by a majority 43108  
of its members, may accept a trust created under section 3315.41 43109  
of the Revised Code for the investment of money in the educational 43110  
foundation fund and direct the school district or service center 43111  
treasurer to pay to the trustee, the initial trust principal 43112  
contemplated by the instrument creating the trust. A board that 43113  
has accepted a trust created under section 3315.41 of the Revised 43114  
Code may do any of the following by resolution adopted by a 43115  
majority of its members: direct the school district or service 43116  
center treasurer to pay additional amounts to the trust principal, 43117  
amend the trust, revoke the trust, or provide for payment of 43118  
compensation to the trustee. 43119

Moneys in the fund shall be expended only by resolution 43120  
adopted by a majority of the members of the board for operating or 43121  
capital costs of any existing or new and innovative program 43122  
designed to enhance or promote education within the district or 43123

service center, such as scholarships for students or teachers. 43124

A board of education or governing board may appoint a 43125  
committee of administrators to administer the education foundation 43126  
fund and to make recommendations for the use of the fund. Members 43127  
of the committee shall serve at the discretion of the appointing 43128  
board. Members shall receive no compensation, but may be 43129  
reimbursed for actual and necessary expenses incurred in the 43130  
performance of their official duties. 43131

**Sec. 3315.42.** Sections 3315.40 and 3315.41 of the Revised 43132  
Code do not apply to either of the following: 43133

(A) A school district that has received funds for a project 43134  
under Chapter 3318. of the Revised Code, so long as the purchase 43135  
price to be paid by the board for the state's interest in the 43136  
project has not been paid; 43137

(B) A school district that has an outstanding loan under 43138  
section 3313.483 ~~or sections 3317.62 to 3317.64~~ of the Revised 43139  
Code. 43140

**Sec. 3316.041.** (A) Notwithstanding any provision of Chapter 43141  
133. or sections 3313.483 to ~~3313.4811~~ 3313.4810 of the Revised 43142  
Code, and subject to the approval of the superintendent of public 43143  
instruction, a school district that is in a state of fiscal watch 43144  
declared under section 3316.03 of the Revised Code may restructure 43145  
or refinance loans obtained or in the process of being obtained 43146  
under section 3313.483 of the Revised Code if all of the following 43147  
requirements are met: 43148

(1) The operating deficit certified for the school district 43149  
for the current or preceding fiscal year under section 3313.483 of 43150  
the Revised Code exceeds fifteen per cent of the district's 43151  
general revenue fund for the fiscal year preceding the year for 43152  
which the certification of the operating deficit is made. 43153

(2) The school district voters have, during the period of the fiscal watch, approved the levy of a tax under section 718.09, 718.10, 5705.194, 5705.21, 5748.02, or 5748.09 of the Revised Code that is not a renewal or replacement levy, or a levy under section 5705.199 of the Revised Code, and that will provide new operating revenue.

(3) The board of education of the school district has adopted or amended the financial plan required by section 3316.04 of the Revised Code to reflect the restructured or refinanced loans, and sets forth the means by which the district will bring projected operating revenues and expenditures, and projected debt service obligations, into balance for the life of any such loan.

(B) Subject to the approval of the superintendent of public instruction, the school district may issue securities to evidence the restructuring or refinancing authorized by this section. Such securities may extend the original period for repayment not to exceed ten years, and may alter the frequency and amount of repayments, interest or other financing charges, and other terms or agreements under which the loans were originally contracted, provided the loans received under sections 3313.483 of the Revised Code are repaid from funds the district would otherwise receive under Chapter 3317. of the Revised Code, as required under division (E)(3) of section 3313.483 of the Revised Code. Securities issued for the purpose of restructuring or refinancing under this section shall be repaid in equal payments and at equal intervals over the term of the debt and are not eligible to be included in any subsequent proposal to restructure or refinance.

(C) Unless the district is declared to be in a state of fiscal emergency under division (D) of section 3316.04 of the Revised Code, a school district shall remain in a state of fiscal watch for the duration of the repayment period of any loan restructured or refinanced under this section.



**Sec. 3316.06.** (A) Within one hundred twenty days after the first meeting of a school district financial planning and supervision commission, the commission shall adopt a financial recovery plan regarding the school district for which the commission was created. During the formulation of the plan, the commission shall seek appropriate input from the school district board and from the community. This plan shall contain the following:

- (1) Actions to be taken to:
  - (a) Eliminate all fiscal emergency conditions declared to exist pursuant to division (B) of section 3316.03 of the Revised Code;
  - (b) Satisfy any judgments, past-due accounts payable, and all past-due and payable payroll and fringe benefits;
  - (c) Eliminate the deficits in all deficit funds, except that any prior year deficits in the capital and maintenance fund established pursuant to section 3315.18 of the Revised Code shall be forgiven;
  - (d) Restore to special funds any moneys from such funds that were used for purposes not within the purposes of such funds, or borrowed from such funds by the purchase of debt obligations of the school district with the moneys of such funds, or missing from the special funds and not accounted for, if any;
  - (e) Balance the budget, avoid future deficits in any funds, and maintain on a current basis payments of payroll, fringe benefits, and all accounts;
  - (f) Avoid any fiscal emergency condition in the future;
  - (g) Restore the ability of the school district to market long-term general obligation bonds under provisions of law applicable to school districts generally.

(2) The management structure that will enable the school district to take the actions enumerated in division (A)(1) of this section. The plan shall specify the level of fiscal and management control that the commission will exercise within the school district during the period of fiscal emergency, and shall enumerate respectively, the powers and duties of the commission and the powers and duties of the school board during that period. The commission may elect to assume any of the powers and duties of the school board it considers necessary, including all powers related to personnel, curriculum, and legal issues in order to successfully implement the actions described in division (A)(1) of this section.

(3) The target dates for the commencement, progress upon, and completion of the actions enumerated in division (A)(1) of this section and a reasonable period of time expected to be required to implement the plan. The commission shall prepare a reasonable time schedule for progress toward and achievement of the requirements for the plan, and the plan shall be consistent with that time schedule.

(4) The amount and purpose of any issue of debt obligations that will be issued, together with assurances that any such debt obligations that will be issued will not exceed debt limits supported by appropriate certifications by the fiscal officer of the school district and the county auditor. Debt obligations issued pursuant to section 133.301 of the Revised Code shall include assurances that such debt shall be in an amount not to exceed the amount certified under division (B) of such section. If the commission considers it necessary in order to maintain or improve educational opportunities of pupils in the school district, the plan may include a proposal to restructure or refinance outstanding debt obligations incurred by the board under section 3313.483 of the Revised Code contingent upon the approval,

during the period of the fiscal emergency, by district voters of a 43248  
tax levied under section 718.09, 718.10, 5705.194, 5705.21, 43249  
5748.02, 5748.08, or 5748.09 of the Revised Code that is not a 43250  
renewal or replacement levy, or a levy under section 5705.199 of 43251  
the Revised Code, and that will provide new operating revenue. 43252  
Notwithstanding any provision of Chapter 133. or sections 3313.483 43253  
to ~~3313.4811~~ 3313.4810 of the Revised Code, following the required 43254  
approval of the district voters and with the approval of the 43255  
commission, the school district may issue securities to evidence 43256  
the restructuring or refinancing. Those securities may extend the 43257  
original period for repayment, not to exceed ten years, and may 43258  
alter the frequency and amount of repayments, interest or other 43259  
financing charges, and other terms of agreements under which the 43260  
debt originally was contracted, at the discretion of the 43261  
commission, provided that any loans received pursuant to section 43262  
3313.483 of the Revised Code shall be paid from funds the district 43263  
would otherwise receive under Chapter 3317. of the Revised Code, 43264  
as required under division (E)(3) of section 3313.483 of the 43265  
Revised Code. The securities issued for the purpose of 43266  
restructuring or refinancing the debt shall be repaid in equal 43267  
payments and at equal intervals over the term of the debt and are 43268  
not eligible to be included in any subsequent proposal for the 43269  
purpose of restructuring or refinancing debt under this section. 43270

(5) An evaluation of the feasibility of entering into shared 43271  
services agreements with other political subdivisions for the 43272  
joint exercise of any power, performance of any function, or 43273  
rendering of any service, if so authorized by statute. 43274

(B) Any financial recovery plan may be amended subsequent to 43275  
its adoption. Each financial recovery plan shall be updated 43276  
annually. 43277

(C) Each school district financial planning and supervision 43278  
commission shall submit the financial recovery plan it adopts or 43279

updates under this section to the state superintendent of public 43280  
instruction for approval immediately following its adoption or 43281  
updating. The state superintendent shall evaluate the plan and 43282  
either approve or disapprove it within thirty calendar days from 43283  
the date of its submission. If the plan is disapproved, the state 43284  
superintendent shall recommend modifications that will render it 43285  
acceptable. No financial planning and supervision commission shall 43286  
implement a financial recovery plan that is adopted or updated on 43287  
or after April 10, 2001, unless the state superintendent has 43288  
approved it. 43289

**Sec. 3317.01.** As used in this section, "school district," 43290  
unless otherwise specified, means any city, local, exempted 43291  
village, joint vocational, or cooperative education school 43292  
district and any educational service center. 43293

This chapter shall be administered by the state board of 43294  
education. The superintendent of public instruction shall 43295  
calculate the amounts payable to each school district and shall 43296  
certify the amounts payable to each eligible district to the 43297  
treasurer of the district as provided by this chapter. As soon as 43298  
possible after such amounts are calculated, the superintendent 43299  
shall certify to the treasurer of each school district the 43300  
district's adjusted charge-off increase, as defined in section 43301  
5705.211 of the Revised Code. Certification of moneys pursuant to 43302  
this section shall include the amounts payable to each school 43303  
building, at a frequency determined by the superintendent, for 43304  
each subgroup of students, as defined in section 3317.40 of the 43305  
Revised Code, receiving services, provided for by state funding, 43306  
from the district or school. No moneys shall be distributed 43307  
pursuant to this chapter without the approval of the controlling 43308  
board. 43309

The state board of education shall, in accordance with 43310

appropriations made by the general assembly, meet the financial 43311  
obligations of this chapter. 43312

Moneys distributed pursuant to this chapter shall be 43313  
calculated based on the annualized average of the monthly 43314  
certifications required under section 3317.03 of the Revised Code 43315  
and paid on a fiscal year basis, beginning with the first day of 43316  
July and extending through the thirtieth day of June. The moneys 43317  
appropriated for each fiscal year shall be distributed 43318  
periodically to each school district unless otherwise provided 43319  
for. The state board, in June of each year, shall submit to the 43320  
controlling board the state board's year-end distributions 43321  
pursuant to this chapter. 43322

Except as otherwise provided, payments under this chapter 43323  
shall be made only to those school districts in which: 43324

(A) The school district, except for any educational service 43325  
center and any joint vocational or cooperative education school 43326  
district, levies for current operating expenses at least twenty 43327  
mills. Levies for joint vocational or cooperative education school 43328  
districts or county school financing districts, limited to or to 43329  
the extent apportioned to current expenses, shall be included in 43330  
this qualification requirement. School district income tax levies 43331  
under Chapter 5748. of the Revised Code, limited to or to the 43332  
extent apportioned to current operating expenses, shall be 43333  
included in this qualification requirement to the extent 43334  
determined by the tax commissioner under division (D) of section 43335  
3317.021 of the Revised Code. 43336

(B) The school year next preceding the fiscal year for which 43337  
such payments are authorized meets the requirement of section 43338  
3313.48 ~~or 3313.481~~ of the Revised Code, with regard to the 43339  
minimum number of ~~days~~ ~~or~~ hours school must be open for 43340  
instruction with pupils in attendance, for individualized 43341  
parent-teacher conference and reporting periods, and for 43342

professional meetings of teachers. This requirement shall be 43343  
waived by the superintendent of public instruction if it had been 43344  
necessary for a school to be closed because of disease epidemic, 43345  
hazardous weather conditions, law enforcement emergencies, 43346  
inoperability of school buses or other equipment necessary to the 43347  
school's operation, damage to a school building, or other 43348  
temporary circumstances due to utility failure rendering the 43349  
school building unfit for school use, provided that for those 43350  
school districts operating pursuant to section 3313.48 of the 43351  
Revised Code the number of days the school was actually open for 43352  
instruction with pupils in attendance and for individualized 43353  
parent teacher conference and reporting periods is not less than 43354  
one hundred seventy five, or for those school districts operating 43355  
on a trimester plan the number of days the school was actually 43356  
open for instruction with pupils in attendance not less than 43357  
seventy nine days in any trimester, for those school districts 43358  
operating on a quarterly plan the number of days the school was 43359  
actually open for instruction with pupils in attendance not less 43360  
than fifty nine days in any quarter, or for those school districts 43361  
operating on a pentamester plan the number of days the school was 43362  
actually open for instruction with pupils in attendance not less 43363  
than forty four days in any pentamester. 43364

A school district shall not be considered to have failed to 43365  
comply with this division ~~or section 3313.481 of the Revised Code~~ 43366  
because schools were open for instruction but either twelfth grade 43367  
students were excused from attendance for up to the equivalent of 43368  
three school days or only a portion of the kindergarten students 43369  
were in attendance for up to the equivalent of three school days 43370  
in order to allow for the gradual orientation to school of such 43371  
students. 43372

~~The superintendent of public instruction shall waive the~~ 43373  
~~requirements of this section with reference to the minimum number~~ 43374

~~of days or hours school must be in session with pupils in 43375  
attendance for the school year succeeding the school year in which 43376  
a board of education initiates a plan of operation pursuant to 43377  
section 3313.481 of the Revised Code. The minimum requirements of 43378  
this section shall again be applicable to such a district 43379  
beginning with the school year commencing the second July 43380  
succeeding the initiation of one such plan, and for each school 43381  
year thereafter. 43382~~

~~A school district shall not be considered to have failed to 43383  
comply with this division or section 3313.48 or 3313.481 of the 43384  
Revised Code because schools were open for instruction but the 43385  
length of the regularly scheduled school day, for any number of 43386  
days during the school year, was reduced by not more than two 43387  
hours due to hazardous weather conditions. 43388~~

A board of education or governing board of an educational 43389  
service center which has not conformed with other law and the 43390  
rules pursuant thereto, shall not participate in the distribution 43391  
of funds authorized by this chapter, except for good and 43392  
sufficient reason established to the satisfaction of the state 43393  
board of education and the state controlling board. 43394

All funds allocated to school districts under this chapter, 43395  
except those specifically allocated for other purposes, shall be 43396  
used to pay current operating expenses only. 43397

**Sec. 3317.013.** ~~Except for a preschool child with a disability 43398  
for whom a scholarship has been awarded under section 3310.41 of 43399  
the Revised Code, this section does not apply to preschool 43400  
children with disabilities. 43401~~

~~Analysis of special education cost data has resulted in a 43402  
finding that the average special education additional cost per 43403  
pupil, including the costs of related services, can be expressed 43404  
as a multiple of the formula amount. The multiples for the 43405~~

following categories of special education programs, as these 43406  
programs are defined for purposes of Chapter 3323. of the Revised 43407  
Code, and adjusted as provided in this section, are as follows: 43408

(A) A multiple of 0.2906 for students whose primary or only 43409  
identified disability is a speech and language disability, as this 43410  
term is defined pursuant to Chapter 3323. of the Revised Code; 43411

(B) A multiple of 0.7374 for students identified as specific 43412  
learning disabled or developmentally disabled, as these terms are 43413  
defined pursuant to Chapter 3323. of the Revised Code, or as 43414  
having an other health impairment-minor; 43415

(C) A multiple of 1.7716 for students identified as hearing 43416  
disabled or severe behavior disabled, as these terms are defined 43417  
pursuant to Chapter 3323. of the Revised Code; 43418

(D) A multiple of 2.3643 for students identified as vision 43419  
impaired, as this term is defined pursuant to Chapter 3323. of the 43420  
Revised Code, or as having an other health impairment-major; 43421

(E) A multiple of 3.2022 for students identified as 43422  
orthopedically disabled or as having multiple disabilities, as 43423  
these terms are defined pursuant to Chapter 3323. of the Revised 43424  
Code; 43425

(F) A multiple of 4.7205 for students identified as autistic, 43426  
having traumatic brain injuries, or as both visually and hearing 43427  
impaired, as these terms are defined pursuant to Chapter 3323. of 43428  
the Revised Code. 43429

~~In fiscal years 2008, 2009, 2010, 2011, 2012, and 2013, the~~ 43430  
~~The~~ multiples specified in divisions (A) to (F) of this section 43431  
shall be adjusted by multiplying them by 0.90. 43432

Sec. 3317.014. The career-technical education additional cost 43433  
per pupil for each student enrolled in career-technical education 43434  
programs approved by the department of education in accordance 43435



with rules adopted under section 3313.90 of the Revised Code can 43436  
be expressed as a multiple of the formula amount. The multiples 43437  
for the following categories of career-technical education 43438  
programs are as follows: 43439

(A) A multiple of 0.76 for each student enrolled in 43440  
career-technical education workforce development programs in 43441  
environmental and agricultural systems, construction technologies, 43442  
engineering and science technologies, finance, health science, 43443  
information technology, and manufacturing technologies; 43444

(B) A multiple of 0.68 for each student enrolled in workforce 43445  
development programs in business and administration, hospitality 43446  
and tourism, human services, law and public safety, and 43447  
transportation systems; 43448

(C) A multiple of 0.43 for students enrolled in workforce 43449  
development career-based intervention programs; 43450

(D) A multiple of 0.31 for students enrolled in workforce 43451  
development programs in arts and communications, education and 43452  
training, marketing, workforce development academics, and career 43453  
development; 43454

(E) A multiple of 0.24 for students enrolled in family and 43455  
consumer science programs. 43456

Career-technical education associated services costs can be 43457  
expressed as a multiple of 0.05 of the formula amount. 43458

**Sec. 3317.016.** The amounts for limited English proficient 43459  
students shall be as follows: 43460

(A) An amount of \$1,500, in fiscal year 2014, and \$1,515, in 43461  
fiscal year 2015, for each student who has been enrolled in 43462  
schools in the United States for 180 school days or less and was 43463  
not previously exempted from taking the spring administration of 43464

either of the state's English language arts assessments prescribed 43465  
by section 3301.0710 of the Revised Code (reading or writing). 43466

(B) An amount of \$1,125, in fiscal year 2014, and \$1,136, in 43467  
fiscal year 2015, for each student who has been enrolled in 43468  
schools in the United States for more than 180 school days or was 43469  
previously exempted from taking the spring administration of 43470  
either of the state's English language arts assessments prescribed 43471  
by section 3301.0710 of the Revised Code (reading or writing). 43472

(C) An amount of \$750, in fiscal year 2014, and \$758, in 43473  
fiscal year 2015, for each student who does not qualify for 43474  
inclusion under division (A) or (B) of this section and is in a 43475  
trial-mainstream period, as defined by the department. 43476

**Sec. 3317.017.** The department of education shall compute a 43477  
school district's state share index as follows: 43478

(A) Calculate the district's valuation index, which equals 43479  
the following quotient: 43480

(The district's three-year average valuation / the district's 43481  
total ADM) / (the statewide three-year average valuation for 43482  
school districts with a total ADM greater than zero / the 43483  
statewide total ADM) 43484

(B) Calculate the district's median income index, which 43485  
equals the following quotient: 43486

(The district's median Ohio adjusted gross income / the 43487  
median of the median Ohio adjusted gross income of all districts 43488  
statewide) 43489

(C) Determine the district's wealth index as follows: 43490

(1) If the district's median income index is less than the 43491  
district's valuation index, then the district's wealth index shall 43492  
be equal to [(1/3 X the district's median income index) + (2/3 X 43493  
the district's valuation index)]. 43494

(2) If the district's median income index is greater than or equal to the district's valuation index, then the district's wealth index shall be equal to the district's valuation index. 43495  
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(D) Determine the district's state share index as follows: 43498

(1) If the district's wealth index is less than or equal to 0.35, then the district's state share index shall be equal to 0.90. 43499  
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(2) If the district's wealth index is greater than 0.35 but less than or equal to 0.90, then the district's state share index shall be equal to  $\{0.40 \times [(0.90 - \text{the district's wealth index}) / 0.55]\} + 0.50.$  43502  
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(3) If the district's wealth index is greater than 0.90 but less than 1.8, then the district's state share index shall be equal to  $\{0.45 \times [(1.8 - \text{the district's wealth index}) / 0.9]\} + 0.05.$  43506  
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(4) If the district's wealth index is greater than or equal to 1.8, then the district's state share index shall be equal to 0.05. 43510  
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(E)(1) For each school district for which the tax-exempt value of the district, as certified under division (A)(4) of section 3317.021 of the Revised Code, equals or exceeds thirty per cent of the potential value of the district, the department shall calculate the difference between the district's tax-exempt value and thirty per cent of the district's potential value. For this purpose, the "potential value" of a school district is the three-year average valuation of the district plus the tax-exempt value of the district. 43513  
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(2) For each school district to which division (E)(1) of this section applies, the department shall adjust the three-year average valuation used in the calculation under division (A) of this section by subtracting from it the amount calculated under 43522  
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division (E)(1) of this section. 43526

(F) When performing the calculations required under this 43527  
section, the department shall not round to fewer than four decimal 43528  
places. 43529

For purposes of these calculations for fiscal years 2014 and 43530  
2015, "three-year average valuation" means the average of total 43531  
taxable value for fiscal years 2012, 2013, and 2014; "total ADM" 43532  
means the total ADM for fiscal year 2014; "median Ohio adjusted 43533  
gross income" means the median Ohio adjusted gross income for tax 43534  
year 2011; and "tax-exempt value" means the tax-exempt value for 43535  
fiscal year 2014. 43536

**Sec. 3317.02. As used in this chapter:** 43537

(A)(1) "Category one limited English proficient ADM" means 43538  
the average daily membership of limited English proficient 43539  
students described in division (A) of section 3317.016 of the 43540  
Revised Code and reported under division (B)(16) or (D)(2)(h) of 43541  
section 3317.03 of the Revised Code. 43542

(2) "Category two limited English proficient ADM" means the 43543  
average daily membership of limited English proficient students 43544  
described in division (B) of section 3317.016 of the Revised Code 43545  
and reported under division (B)(17) or (D)(2)(i) of section 43546  
3317.03 of the Revised Code. 43547

(3) "Category three limited English proficient ADM" means the 43548  
average daily membership of limited English proficient students 43549  
described in division (C) of section 3317.016 of the Revised Code 43550  
and reported under division (B)(18) or (D)(2)(j) of section 43551  
3317.03 of the Revised Code. 43552

(B)(1) "Category one special education ADM" means the average 43553  
daily membership of children with disabilities receiving special 43554  
education services for the disability specified in division (A) of 43555

section 3317.013 of the Revised Code and reported under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. 43556  
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(2) "Category two special education ADM" means the average daily membership of children with disabilities receiving special education services for those disabilities specified in division (B) of section 3317.013 of the Revised Code and reported under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code. 43558  
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(3) "Category three special education ADM" means the average daily membership of students receiving special education services for those disabilities specified in division (C) of section 3317.013 of the Revised Code, and reported under division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code. 43564  
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(4) "Category four special education ADM" means the average daily membership of students receiving special education services for those disabilities specified in division (D) of section 3317.013 of the Revised Code and reported under division (B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code. 43569  
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(5) "Category five special education ADM" means the average daily membership of students receiving special education services for the disabilities specified in division (E) of section 3317.013 of the Revised Code and reported under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code. 43574  
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(6) "Category six special education ADM" means the average daily membership of students receiving special education services for the disabilities specified in division (F) of section 3317.013 of the Revised Code and reported under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code. 43579  
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(C) "County DD board" means a county board of developmental disabilities. 43584  
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(D) "Economically disadvantaged index for a school district" 43586

means the square of the quotient of that district's percentage of students in its total ADM who are identified as economically disadvantaged as defined by the department of education, divided by the statewide percentage of students identified as economically disadvantaged. 43587  
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(E)(1) "Formula ADM" means, for a city, local, or exempted village school district, the average daily membership described in division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by counting only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code. 43592  
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(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the number reported pursuant to division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section. 43600  
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(F) "Formula amount" means \$5,732, for fiscal year 2014, and \$5,789, for fiscal year 2015. 43605  
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(G) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one, two, three, four, or five career technical education ADM in the same proportion the student is counted in formula ADM. 43607  
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(H) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code. 43615  
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(I) "Medically fragile child" means a child to whom all of 43617

the following apply: 43618

(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition. 43619  
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(2) The child requires the services of a registered nurse on a daily basis. 43622  
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(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for the mentally retarded. 43624  
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(J)(1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education and if either of the following apply: 43627  
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(a) The child is identified as having a medical condition that is among those listed by the superintendent of public instruction as conditions where a substantial majority of cases fall within the definition of "medically fragile child." 43631  
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(b) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child. 43635  
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(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education but the child's condition does not meet either of the conditions specified in division (J)(1)(a) or (b) of this section. 43640  
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(K) "Preschool child with a disability" means a child with a disability, as defined in section 3323.01 of the Revised Code, who 43646  
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is at least age three but is not of compulsory school age, as 43648  
defined in section 3321.01 of the Revised Code, and who is not 43649  
currently enrolled in kindergarten. 43650

(L) "Preschool scholarship ADM" means the number of preschool 43651  
children with disabilities reported under division (B)(3)(h) of 43652  
section 3317.03 of the Revised Code. 43653

(M) "Related services" includes: 43654

(1) Child study, special education supervisors and 43655  
coordinators, speech and hearing services, adaptive physical 43656  
development services, occupational or physical therapy, teacher 43657  
assistants for children with disabilities whose disabilities are 43658  
described in division (B) of section 3317.013 or division (B)(3) 43659  
of this section, behavioral intervention, interpreter services, 43660  
work study, nursing services, and specialized integrative services 43661  
as those terms are defined by the department; 43662

(2) Speech and language services provided to any student with 43663  
a disability, including any student whose primary or only 43664  
disability is a speech and language disability; 43665

(3) Any related service not specifically covered by other 43666  
state funds but specified in federal law, including but not 43667  
limited to, audiology and school psychological services; 43668

(4) Any service included in units funded under former 43669  
division (O)(1) of section 3317.024 of the Revised Code; 43670

(5) Any other related service needed by children with 43671  
disabilities in accordance with their individualized education 43672  
programs. 43673

(N) "School district," unless otherwise specified, means 43674  
city, local, and exempted village school districts. 43675

(O) "State education aid" has the same meaning as in section 43676  
5751.20 of the Revised Code. 43677



<u>(P) "State share index" means the state share index</u>	43678
<u>calculated for a district under section 3317.017 of the Revised</u>	43679
<u>Code.</u>	43680
<u>(Q) "Taxes charged and payable" means the taxes charged and</u>	43681
<u>payable against real and public utility property after making the</u>	43682
<u>reduction required by section 319.301 of the Revised Code, plus</u>	43683
<u>the taxes levied against tangible personal property.</u>	43684
<u>(R) "Total ADM" means, for a city, local, or exempted village</u>	43685
<u>school district, the average daily membership described in</u>	43686
<u>division (A) of section 3317.03 of the Revised Code, as verified</u>	43687
<u>by the superintendent of public instruction and adjusted if so</u>	43688
<u>ordered under division (K) of that section.</u>	43689
<u>(S) "Total special education ADM" means the sum of categories</u>	43690
<u>one through six special education ADM.</u>	43691
<u>(T) "Total career-technical education weight" for a district</u>	43692
<u>means the sum of the following:</u>	43693
<u>(1) The district's category one career-technical education</u>	43694
<u>ADM multiplied by the multiple specified in division (A) of</u>	43695
<u>section 3317.014 of the Revised Code;</u>	43696
<u>(2) The district's category two career-technical education</u>	43697
<u>ADM multiplied by the multiple specified in division (B) of</u>	43698
<u>section 3317.014 of the Revised Code;</u>	43699
<u>(3) The district's category three career-technical education</u>	43700
<u>ADM multiplied by the multiple specified in division (C) of</u>	43701
<u>section 3317.014 of the Revised Code;</u>	43702
<u>(4) The district's category four career-technical education</u>	43703
<u>ADM multiplied by the multiple specified in division (D) of</u>	43704
<u>section 3317.014 of the Revised Code;</u>	43705
<u>(5) The district's category five career-technical education</u>	43706
<u>ADM multiplied by the multiple specified in division (E) of</u>	43707

<u>section 3317.014 of the Revised Code.</u>	43708
<u>(U) "Total special education weight" for a district means the sum of the following:</u>	43709
	43710
<u>(1) The district's category one special education ADM multiplied by the multiple specified in division (A) of section 3317.013 of the Revised Code;</u>	43711
	43712
	43713
<u>(2) The district's category two special education ADM multiplied by the multiple specified in division (B) of section 3317.013 of the Revised Code;</u>	43714
	43715
	43716
<u>(3) The district's category three special education ADM multiplied by the multiple specified in division (C) of section 3317.013 of the Revised Code;</u>	43717
	43718
	43719
<u>(4) The district's category four special education ADM multiplied by the multiple specified in division (D) of section 3317.013 of the Revised Code;</u>	43720
	43721
	43722
<u>(5) The district's category five special education ADM multiplied by the multiple specified in division (E) of section 3317.013 of the Revised Code;</u>	43723
	43724
	43725
<u>(6) The district's category six special education ADM multiplied by the multiple specified in division (F) of section 3317.013 of the Revised Code.</u>	43726
	43727
	43728
<u>(V) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.</u>	43729
	43730
	43731
	43732
<b>Sec. 3317.021.</b> (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and the office of budget and management the information described in divisions (A)(1) to (7) of this section for each city, exempted village, and local school district, and the	43733
	43734
	43735
	43736
	43737

information required by divisions (A)(1) and (2) of this section 43738  
for each joint vocational school district, and it shall be used, 43739  
along with the information certified under division (B) of this 43740  
section, in making the computations for the district under this 43741  
chapter. 43742

(1) The taxable value of real and public utility real 43743  
property in the school district subject to taxation in the 43744  
preceding tax year, by class and by county of location. 43745

(2) The taxable value of tangible personal property, 43746  
including public utility personal property, subject to taxation by 43747  
the district for the preceding tax year. 43748

(3)(a) The total property tax rate and total taxes charged 43749  
and payable for the current expenses for the preceding tax year 43750  
and the total property tax rate and the total taxes charged and 43751  
payable to a joint vocational district for the preceding tax year 43752  
that are limited to or to the extent apportioned to current 43753  
expenses. 43754

(b) The portion of the amount of taxes charged and payable 43755  
reported for each city, local, and exempted village school 43756  
district under division (A)(3)(a) of this section attributable to 43757  
a joint vocational school district. 43758

(4) The value of all real and public utility real property in 43759  
the school district exempted from taxation minus both of the 43760  
following: 43761

(a) The value of real and public utility real property in the 43762  
district owned by the United States government and used 43763  
exclusively for a public purpose; 43764

(b) The value of real and public utility real property in the 43765  
district exempted from taxation under Chapter 725. or 1728. or 43766  
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 43767  
5709.73, or 5709.78 of the Revised Code. 43768

(5) The total federal adjusted gross income of the residents 43769  
of the school district, based on tax returns filed by the 43770  
residents of the district, for the most recent year for which this 43771  
information is available. 43772

~~(6) The sum of the school district compensation value as 43773  
indicated on the list of exempted property for the preceding tax 43774  
year under section 5713.08 of the Revised Code as if such property 43775  
had been assessed for taxation that year and the other 43776  
compensation value for the school district, minus the amounts 43777  
described in divisions (A)(6)(c) to (i) of this section. The 43778  
portion of school district compensation value or other 43779  
compensation value attributable to an incentive district exemption 43780  
may be subtracted only once even if that incentive district 43781  
satisfies more than one of the criteria in divisions (A)(6)(c) to 43782  
(i) of this section. 43783~~

~~(a) "School district compensation value" means the aggregate 43784  
value of real property in the school district exempted from 43785  
taxation pursuant to an ordinance or resolution adopted under 43786  
division (C) of section 5709.40, division (C) of section 5709.73, 43787  
or division (B) of section 5709.78 of the Revised Code to the 43788  
extent that the exempted value results in the charging of payments 43789  
in lieu of taxes required to be paid to the school district under 43790  
division (D)(1) or (2) of section 5709.40, division (D) of section 43791  
5709.73, or division (C) of section 5709.78 of the Revised Code. 43792~~

~~(b) "Other compensation value" means the quotient that 43793  
results from dividing (i) the dollar value of compensation 43794  
received by the school district during the preceding tax year 43795  
pursuant to division (B), (C), or (D) of section 5709.82 of the 43796  
Revised Code and the amounts received pursuant to an agreement as 43797  
specified in division (D)(2) of section 5709.40, division (D) of 43798  
section 5709.73, or division (C) of section 5709.78 of the Revised 43799  
Code to the extent those amounts were not previously reported or 43800~~

~~included in division (A)(6)(a) of this section, and so that any  
such amount is reported only once under division (A)(6)(b) of this  
section, in relation to exemptions from taxation granted pursuant  
to an ordinance or resolution adopted under division (C) of  
section 5709.40, division (C) of section 5709.73, or division (B)  
of section 5709.78 of the Revised Code, by (ii) the real property  
tax rate in effect for the preceding tax year for  
nonresidential/agricultural real property after making the  
reductions required by section 319.301 of the Revised Code.~~

~~(c) The portion of school district compensation value or  
other compensation value that was exempted from taxation pursuant  
to such an ordinance or resolution for the preceding tax year, if  
the ordinance or resolution is adopted prior to January 1, 2006,  
and the legislative authority or board of township trustees or  
county commissioners, prior to January 1, 2006, executes a  
contract or agreement with a developer, whether for profit or  
not for profit, with respect to the development of a project  
undertaken or to be undertaken and identified in the ordinance or  
resolution, and upon which parcels such project is being, or will  
be, undertaken;~~

~~(d) The portion of school district compensation value that  
was exempted from taxation for the preceding tax year and for  
which payments in lieu of taxes for the preceding tax year were  
provided to the school district under division (D)(1) of section  
5709.40 of the Revised Code.~~

~~(e) The portion of school district compensation value that  
was exempted from taxation for the preceding tax year pursuant to  
such an ordinance or resolution, if and to the extent that, on or  
before April 1, 2006, the fiscal officer of the municipal  
corporation that adopted the ordinance, or of the township or  
county that adopted the resolution, certifies and provides  
appropriate supporting documentation to the tax commissioner and~~

~~the director of development that, based on hold harmless 43833  
provisions in any agreement between the school district and the 43834  
legislative authority of the municipal corporation, board of 43835  
township trustees, or board of county commissioners that was 43836  
entered into on or before June 1, 2005, the ability or obligation 43837  
of the municipal corporation, township, or county to repay bonds, 43838  
notes, or other financial obligations issued or entered into prior 43839  
to January 1, 2006, will be impaired, including obligations to or 43840  
of any other body corporate and politic with whom the legislative 43841  
authority of the municipal corporation or board of township 43842  
trustees or county commissioners has entered into an agreement 43843  
pertaining to the use of service payments derived from the 43844  
improvements exempted; 43845~~

~~(f) The portion of school district compensation value that 43846  
was exempted from taxation for the preceding tax year pursuant to 43847  
such an ordinance or resolution, if the ordinance or resolution is 43848  
adopted prior to January 1, 2006, in a municipal corporation with 43849  
a population that exceeds one hundred thousand, as shown by the 43850  
most recent federal decennial census, that includes a major 43851  
employment center and that is adjacent to historically distressed 43852  
neighborhoods, if the legislative authority of the municipal 43853  
corporation that exempted the property prepares an economic 43854  
analysis that demonstrates that all taxes generated within the 43855  
incentive district accruing to the state by reason of improvements 43856  
constructed within the district during its existence exceed the 43857  
amount the state pays the school district under section 3317.022 43858  
of the Revised Code attributable to such property exemption from 43859  
the school district's recognized valuation. The analysis shall be 43860  
submitted to and approved by the department of development prior 43861  
to January 1, 2006, and the department shall not unreasonably 43862  
withhold approval. 43863~~

~~(g) The portion of school district compensation value that 43864~~

~~was exempted from taxation for the preceding tax year under such 43865  
an ordinance or resolution, if the ordinance or resolution is 43866  
adopted prior to January 1, 2006, and if service payments have 43867  
been pledged to be used for mixed use riverfront entertainment 43868  
development in any county with a population that exceeds six 43869  
hundred thousand, as shown by the most recent federal decennial 43870  
census; 43871~~

~~(h) The portion of school district compensation value that 43872  
was exempted from taxation for the preceding tax year under such 43873  
an ordinance or resolution, if, prior to January 1, 2006, the 43874  
legislative authority of a municipal corporation, board of 43875  
township trustees, or board of county commissioners has pledged 43876  
service payments for a designated transportation capacity project 43877  
approved by the transportation review advisory council under 43878  
Chapter 5512. of the Revised Code; 43879~~

~~(i) The portion of school district compensation value that 43880  
was exempted from taxation for the preceding tax year under such 43881  
an ordinance or resolution if the legislative authority of a 43882  
municipal corporation, board of township trustees, or board of 43883  
county commissioners have, by January 1, 2006, pledged proceeds 43884  
for designated transportation improvement projects that involve 43885  
federal funds for which the proceeds are used to meet a local 43886  
share match requirement for such funding. 43887~~

~~As used in division (A)(6) of this section, "project" has the 43888  
same meaning as in section 5709.40 of the Revised Code. 43889~~

~~(7) The aggregate value of real property in the school 43890  
district for which an exemption from taxation is granted by an 43891  
ordinance or resolution adopted on or after January 1, 2006, under 43892  
Chapter 725. or 1728., sections 3735.65 to 3735.70, or section 43893  
5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the Revised 43894  
Code, as indicated on the list of exempted property for the 43895  
preceding tax year under section 5713.08 of the Revised Code and 43896~~

~~as if such property had been assessed for taxation that year, 43897  
minus the product determined by multiplying (a) the aggregate 43898  
value of the real property in the school district exempted from 43899  
taxation for the preceding tax year under any of the chapters or 43900  
sections specified in this division, by (b) a fraction, the 43901  
numerator of which is the difference between (i) the amount of 43902  
anticipated revenue such school district would have received for 43903  
the preceding tax year if the real property exempted from taxation 43904  
had not been exempted from taxation and (ii) the aggregate amount 43905  
of payments in lieu of taxes on the exempt real property for the 43906  
preceding tax year and other compensation received for the 43907  
preceding tax year by the school district pursuant to any 43908  
agreements entered into on or after January 1, 2006, under section 43909  
5709.82 of the Revised Code between the school district and the 43910  
legislative authority of a political subdivision that acted under 43911  
the authority of a chapter or statute specified in this division, 43912  
that were entered into in relation to such exemption, and the 43913  
denominator of which is the amount of anticipated revenue such 43914  
school district would have received in the preceding fiscal year 43915  
if the real property exempted from taxation had not been exempted.~~ 43916

(B) On or before the first day of May each year, the tax 43917  
commissioner shall certify to the department of education and the 43918  
office of budget and management the total taxable real property 43919  
value of railroads and, separately, the total taxable tangible 43920  
personal property value of all public utilities for the preceding 43921  
tax year, by school district and by county of location. 43922

(C) If a public utility has properly and timely filed a 43923  
petition for reassessment under section 5727.47 of the Revised 43924  
Code with respect to an assessment issued under section 5727.23 of 43925  
the Revised Code affecting taxable property apportioned by the tax 43926  
commissioner to a school district, the taxable value of public 43927  
utility tangible personal property included in the certification 43928



under divisions (A)(2) and (B) of this section for the school 43929  
district shall include only the amount of taxable value on the 43930  
basis of which the public utility paid tax for the preceding year 43931  
as provided in division (B)(1) or (2) of section 5727.47 of the 43932  
Revised Code. 43933

(D) If on the basis of the information certified under 43934  
division (A) of this section, the department determines that any 43935  
district fails in any year to meet the qualification requirement 43936  
specified in division (A) of section 3317.01 of the Revised Code, 43937  
the department shall immediately request the tax commissioner to 43938  
determine the extent to which any school district income tax 43939  
levied by the district under Chapter 5748. of the Revised Code 43940  
shall be included in meeting that requirement. Within five days of 43941  
receiving such a request from the department, the tax commissioner 43942  
shall make the determination required by this division and report 43943  
the quotient obtained under division (D)(3) of this section to the 43944  
department and the office of budget and management. This quotient 43945  
represents the number of mills that the department shall include 43946  
in determining whether the district meets the qualification 43947  
requirement of division (A) of section 3317.01 of the Revised 43948  
Code. 43949

The tax commissioner shall make the determination required by 43950  
this division as follows: 43951

(1) Multiply one mill times the total taxable value of the 43952  
district as determined in divisions (A)(1) and (2) of this 43953  
section; 43954

(2) Estimate the total amount of tax liability for the 43955  
current tax year under taxes levied by Chapter 5748. of the 43956  
Revised Code that are apportioned to current operating expenses of 43957  
the district, excluding any income tax receipts allocated for the 43958  
project cost, debt service, or maintenance set-aside associated 43959  
with a state-assisted classroom facilities project as authorized 43960

by section 3318.052 of the Revised Code; 43961

(3) Divide the amount estimated under division (D)(2) of this 43962  
section by the product obtained under division (D)(1) of this 43963  
section. 43964

~~(E)(1) On or before June 1, 2006, and the first day of April 43965  
of each year thereafter, the director of development shall report 43966  
to the department of education, the tax commissioner, and the 43967  
director of budget and management the total amounts of payments 43968  
received by each city, local, exempted village, or joint 43969  
vocational school district for the preceding tax year pursuant to 43970  
division (D) of section 5709.40, division (D) of section 5709.73, 43971  
division (C) of section 5709.78, or division (B)(1), (B)(2), (C), 43972  
or (D) of section 5709.82 of the Revised Code in relation to 43973  
exemptions from taxation granted pursuant to an ordinance adopted 43974  
by the legislative authority of a municipal corporation under 43975  
division (C) of section 5709.40 of the Revised Code, or a 43976  
resolution adopted by a board of township trustees or board of 43977  
county commissioners under division (C) of section 5709.73 or 43978  
division (B) of section 5709.78 of the Revised Code, respectively. 43979  
On or before April 1, 2006, and the first day of March of each 43980  
year thereafter, the treasurer of each city, local, exempted 43981  
village, or joint vocational school district that has entered into 43982  
such an agreement shall report to the director of development the 43983  
total amounts of such payments the district received for the 43984  
preceding tax year as provided in this section. The state board of 43985  
education, in accordance with sections 3319.31 and 3319.311 of the 43986  
Revised Code, may suspend or revoke the license of a treasurer 43987  
found to have willfully reported erroneous, inaccurate, or 43988  
incomplete data under this division. 43989~~

~~(2) On or before April 1, 2007, and the first day of April of 43990  
each year thereafter, the director of development shall report to 43991  
the department of education, the tax commissioner, and the 43992~~

~~director of budget and management the total amounts of payments 43993  
received by each city, local, exempted village, or joint 43994  
vocational school district for the preceding tax year pursuant to 43995  
divisions (B), (C), and (D) of section 5709.82 of the Revised Code 43996  
in relation to exemptions from taxation granted pursuant to 43997  
ordinances or resolutions adopted on or after January 1, 2006, 43998  
under Chapter 725. or 1728., sections 3735.65 to 3735.70, or 43999  
section 5709.62, 5709.63, 5709.632, 5709.84, or 5709.88 of the 44000  
Revised Code. On or before March 1, 2007, and the first day of 44001  
March of each year thereafter, the treasurer of each city, local, 44002  
exempted village, or joint vocational school district that has 44003  
entered into such an agreement shall report to the director of 44004  
development the total amounts of such payments the district 44005  
received for the preceding tax year as provided by this section. 44006  
The state board of education, in accordance with sections 3319.31 44007  
and 3319.311 of the Revised Code, may suspend or revoke the 44008  
license of a treasurer found to have willfully reported erroneous, 44009  
inaccurate, or incomplete data under this division. 44010~~

Sec. 3317.022. (A) The department of education shall compute 44011  
and distribute state core foundation funding to each eligible 44012  
school district for the fiscal year, using the information 44013  
obtained under section 3317.021 of the Revised Code in the 44014  
calendar year in which the fiscal year begins, as prescribed in 44015  
the following divisions: 44016

(1) An opportunity grant calculated according to the 44017  
following formula: 44018

The formula amount X formula ADM X the district's state share 44019  
index 44020

(2) Targeted assistance funds calculated under divisions (A) 44021  
and (B) of section 3317.0217 of the Revised Code; 44022

(3) Additional state aid for special education and related 44023

<u>services provided under Chapter 3323. of the Revised Code</u>	44024
<u>calculated according to the following formula:</u>	44025
<u>The formula amount X the district's total special education</u>	44026
<u>weight X the district's state share index</u>	44027
<u>(4) Kindergarten through third grade literacy funds</u>	44028
<u>calculated according to the following formula:</u>	44029
<u>(\$300, in fiscal year 2014, or \$303, in fiscal year 2015) X</u>	44030
<u>formula ADM for grades kindergarten through three X the district's</u>	44031
<u>state share index</u>	44032
<u>(5) Economically disadvantaged funds calculated according to</u>	44033
<u>the following formula:</u>	44034
<u>(\$340, in fiscal year 2014, or \$343, in fiscal year 2015) X</u>	44035
<u>(the district's economically disadvantaged index) X the number of</u>	44036
<u>students who are economically disadvantaged as reported under</u>	44037
<u>division (B)(21) of section 3317.03 of the Revised Code</u>	44038
<u>(6) Limited English proficiency funds calculated as the sum</u>	44039
<u>of the following:</u>	44040
<u>(a) The district's category one limited English proficient</u>	44041
<u>ADM X the amount specified in division (A) of section 3317.016 of</u>	44042
<u>the Revised Code X the district's state share index;</u>	44043
<u>(b) The district's category two limited English proficient</u>	44044
<u>ADM X the amount specified in division (B) of section 3317.016 of</u>	44045
<u>the Revised Code X the district's state share index;</u>	44046
<u>(c) The district's category three limited English proficient</u>	44047
<u>ADM X the amount specified in division (C) of section 3317.016 of</u>	44048
<u>the Revised Code X the district's state share index.</u>	44049
<u>(7) Gifted identification funds calculated according to the</u>	44050
<u>following formula:</u>	44051
<u>(\$5, in fiscal year 2014, or \$5.05, in fiscal year 2015) X the</u>	44052
<u>district's formula ADM</u>	44053

(8) Career-technical education funds calculated according to 44054  
the following formula: 44055

The formula amount X the district's total career-technical 44056  
education weight X the district's state share index 44057

Payment of funds under division (A)(8) of this section is 44058  
subject to approval under section 3317.161 of the Revised Code. 44059

(9) Career-technical education associated services funds 44060  
calculated according to the following formula: 44061

The district's state share index X 0.05 X the formula 44062  
amount X the sum of categories one through five career-technical 44063  
education ADM 44064

(B) In any fiscal year, a school district shall spend for 44065  
purposes that the department designates as approved for special 44066  
education and related services expenses at least the amount 44067  
calculated as follows: 44068

(The formula amount X the total special education ADM) + 44069  
(the formula amount X the district's total special education 44070  
weight) 44071

The purposes approved by the department for special education 44072  
expenses shall include, but shall not be limited to, 44073  
identification of children with disabilities, compliance with 44074  
state rules governing the education of children with disabilities 44075  
and prescribing the continuum of program options for children with 44076  
disabilities, provision of speech language pathology services, and 44077  
the portion of the school district's overall administrative and 44078  
overhead costs that are attributable to the district's special 44079  
education student population. 44080

The scholarships deducted from the school district's account 44081  
under sections 3310.41 and 3310.55 of the Revised Code shall be 44082  
considered to be an approved special education and related 44083  
services expense for the purpose of the school district's 44084

compliance with this division. 44085

(C) In any fiscal year, a school district receiving funds 44086  
under division (A)(8) of this section shall spend those funds only 44087  
for the purposes that the department designates as approved for 44088  
career-technical education expenses. Career-technical educational 44089  
expenses approved by the department shall include only expenses 44090  
connected to the delivery of career-technical programming to 44091  
career-technical students. The department shall require the school 44092  
district to report data annually so that the department may 44093  
monitor the district's compliance with the requirements regarding 44094  
the manner in which funding received under division (A)(8) of this 44095  
section may be spent. 44096

(D) In any fiscal year, a school district receiving funds 44097  
under division (A)(9) of this section, or through a transfer of 44098  
funds pursuant to division (I) of section 3317.023 of the Revised 44099  
Code, shall spend those funds only for the purposes that the 44100  
department designates as approved for career-technical education 44101  
associated services expenses, which may include such purposes as 44102  
apprenticeship coordinators, coordinators for other 44103  
career-technical education services, career-technical evaluation, 44104  
and other purposes designated by the department. The department 44105  
may deny payment under division (A)(9) of this section to any 44106  
district that the department determines is not operating those 44107  
services or is using funds paid under division (A)(9) of this 44108  
section, or through a transfer of funds pursuant to division (I) 44109  
of section 3317.023 of the Revised Code, for other purposes. 44110

(E) All funds received under division (A)(8) of this section 44111  
by either a comprehensive single-district career-technical 44112  
planning district or a school district that is a party to a 44113  
career-technical educational compact shall be spent in the 44114  
following manner: 44115

(1) At least seventy-five per cent of the funds shall be 44116

spent on curriculum development, purchase, and implementation; 44117  
instructional resources and supplies; industry-based program 44118  
certification; student assessment, credentialing, and placement; 44119  
curriculum specific equipment purchases and leases; 44120  
career-technical student organization fees and expenses; home and 44121  
agency linkages; work-based learning experiences; professional 44122  
development; and other costs directly associated with 44123  
career-technical education programs including development of new 44124  
programs. 44125

(2) Not more than twenty-five per cent of the funds shall be 44126  
used for personnel expenditures. 44127

**Sec. 3317.023.** (A) The amounts required to be paid to a 44128  
district under this chapter shall be adjusted by the amount of the 44129  
computations made under divisions (B) to (K) of this section. 44130

As used in this section: 44131

(1) "~~VEPD~~ CTPD" means a school district or group of school 44132  
districts designated by the department of education as being 44133  
responsible for the planning for and provision of ~~vocational~~ 44134  
career-technical education services to students within the 44135  
district or group. 44136

(2) "Lead district" means a school district, including a 44137  
joint vocational school district, designated by the department as 44138  
a ~~VEPD~~ CTPD, or designated to provide primary ~~vocational~~ 44139  
career-technical education leadership within a ~~VEPD~~ CTPD composed 44140  
of a group of districts. 44141

(B) If a local ~~school district, or a~~ city, or exempted 44142  
village school district to which a governing board of an 44143  
educational service center provides services pursuant to an 44144  
agreement entered into under section 3313.843 of the Revised Code, 44145  
deduct the amount of the payment required for the reimbursement of 44146

the governing board under ~~section 3317.11 of the Revised Code~~ the 44147  
agreement. 44148

(C)(1) If the district is required to pay to or entitled to 44149  
receive tuition from another school district under division (C)(2) 44150  
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 44151  
or if the superintendent of public instruction is required to 44152  
determine the correct amount of tuition and make a deduction or 44153  
credit under section 3317.08 of the Revised Code, deduct and 44154  
credit such amounts as provided in division (J) of section 3313.64 44155  
or section 3317.08 of the Revised Code. 44156

(2) For each child for whom the district is responsible for 44157  
tuition or payment under division (A)(1) of section 3317.082 or 44158  
section 3323.091 of the Revised Code, deduct the amount of tuition 44159  
or payment for which the district is responsible. 44160

(D) If the district has been certified by the superintendent 44161  
of public instruction under section 3313.90 of the Revised Code as 44162  
not in compliance with the requirements of that section, deduct an 44163  
amount equal to ten per cent of the amount computed for the 44164  
district under this chapter. 44165

(E) If the district has received a loan from a commercial 44166  
lending institution for which payments are made by the 44167  
superintendent of public instruction pursuant to division (E)(3) 44168  
of section 3313.483 of the Revised Code, deduct an amount equal to 44169  
such payments. 44170

(F)(1) If the district is a party to an agreement entered 44171  
into under division (D), (E), or (F) of section 3311.06 or 44172  
division (B) of section 3311.24 of the Revised Code and is 44173  
obligated to make payments to another district under such an 44174  
agreement, deduct an amount equal to such payments if the district 44175  
school board notifies the department in writing that it wishes to 44176  
have such payments deducted. 44177



(2) If the district is entitled to receive payments from another district that has notified the department to deduct such payments under division (F)(1) of this section, add the amount of such payments.

(G) If the district is required to pay an amount of funds to a cooperative education district pursuant to a provision described by division (B)(4) of section 3311.52 or division (B)(8) of section 3311.521 of the Revised Code, deduct such amounts as provided under that provision and credit those amounts to the cooperative education district for payment to the district under division (B)(1) of section 3317.19 of the Revised Code.

(H)(1) If a district is educating a student entitled to attend school in another district pursuant to a shared education contract, compact, or cooperative education agreement other than an agreement entered into pursuant to section 3313.842 of the Revised Code, credit to that educating district on an FTE basis both of the following:

(a) An amount equal to the formula amount.

(b) An amount equal to ~~\$5,732~~ the formula amount times the state share ~~percentage index~~ times any multiple applicable to the student ~~for fiscal year 2009~~ pursuant to section 3317.013 ~~or 3317.014~~ of the Revised Code, ~~as those sections existed for that fiscal year.~~

(2) Deduct any amount credited pursuant to division (H)(1) of this section from amounts paid to the school district in which the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(3) If the district is required by a shared education contract, compact, or cooperative education agreement to make payments to an educational service center, deduct the amounts from payments to the district and add them to the amounts paid to the

service center pursuant to section 3317.11 of the Revised Code. 44209

(I)(1) If a district, including a joint vocational school 44210  
district, is a lead district of a ~~VEPD~~ CTPD, credit to that 44211  
district the following ~~amounts~~ amount calculated for ~~all the~~ each 44212  
school ~~districts~~ district within that ~~VEPD~~ CTPD: 44213

~~(a) In any fiscal year except fiscal year 2012 or 2013, the 44214  
amount computed under division (D)(2) of section 3317.022 of the 44215  
Revised Code;~~ 44216

~~(b) In fiscal years 2012 and 2013, an amount equal to the 44217  
following:~~ 44218

state share ~~percentage~~ index X .05 X ~~\$5,732~~ the formula amount X 44219  
the sum of categories one 44220

~~and two vocational~~ through five career-technical education ADM 44221

(2) Deduct from each appropriate district that is not a lead 44222  
district, the amount attributable to that district that is 44223  
credited to a lead district under division (I)(1) of this section. 44224

(J) If the department pays a joint vocational school district 44225  
under division ~~(G)(4)(C)(3)~~ of section 3317.16 of the Revised Code 44226  
for excess costs of providing special education and related 44227  
services to a student with a disability, as calculated under 44228  
division ~~(G)(2)(C)(1)~~ of that section, the department shall deduct 44229  
the amount of that payment from the city, local, or exempted 44230  
village school district that is responsible as specified in that 44231  
section for the excess costs. 44232

(K)(1) If the district reports an amount of excess cost for 44233  
special education services for a child under division (C) of 44234  
section 3323.14 of the Revised Code, the department shall pay that 44235  
amount to the district. 44236

(2) If the district reports an amount of excess cost for 44237  
special education services for a child under division (C) of 44238  
section 3323.14 of the Revised Code, the department shall deduct 44239

that amount from the district of residence of that child. 44240

~~Sec. 3317.0212. The department of education shall make no 44241  
payments under this section for fiscal year 2012 or 2013. 44242~~

(A) As used in this section: 44243

~~(1) "Assigned bus" means a school bus used to transport 44244  
qualifying riders. 44245~~

~~(2) "Nontraditional ridership" means the average number of 44246  
qualifying riders who are enrolled in a community school 44247  
established under Chapter 3314. of the Revised Code, in a STEM 44248  
school established under Chapter 3326. of the Revised Code, or in 44249  
a nonpublic school and are provided school bus service by a school 44250  
district during the first full week of October. 44251~~

~~(3) "Qualifying riders" means resident students enrolled in 44252  
regular education in grades kindergarten to twelve who are 44253  
provided school bus service by a school district and who live more 44254  
than one mile from the school they attend, including students with 44255  
dual enrollment in a joint vocational school district or a 44256  
cooperative education school district, and students enrolled in a 44257  
community school, STEM school, or nonpublic school. 44258~~

~~(4)(2) "Qualifying ridership" means the average number of 44259  
qualifying riders who are provided school bus service by a school 44260  
district during the first full week of October. 44261~~

~~(5)(3) "Rider density" means the number of qualifying riders 44262  
per square mile of a school district. 44263~~

~~(6)(4) "School bus service" means a school district's 44264  
transportation of qualifying riders in any of the following types 44265  
of vehicles: 44266~~

~~(a) School buses owned or leased by the district; 44267~~

~~(b) School buses operated by a private contractor hired by 44268~~

the district; 44269

(c) School buses operated by another school district or 44270  
entity with which the district has contracted, either as part of a 44271  
consortium for the provision of transportation or otherwise. 44272

(B) Not later than the fifteenth day of October each year, 44273  
each city, local, and exempted village school district shall 44274  
report to the department of education its qualifying ridership, 44275  
~~nontraditional ridership, number of qualifying riders per assigned~~ 44276  
~~bus,~~ and any other information requested by the department. 44277  
Subsequent adjustments to the reported numbers shall be made only 44278  
in accordance with rules adopted by the department. 44279

(C) The department shall calculate the statewide 44280  
transportation cost per student as follows: 44281

(1) Determine each city, local, and exempted village school 44282  
district's transportation cost per student by dividing the 44283  
district's total costs for school bus service in the previous 44284  
fiscal year by its qualifying ridership in the previous fiscal 44285  
year. 44286

(2) After excluding districts that do not provide school bus 44287  
service and the ten districts with the highest transportation 44288  
costs per student and the ten districts with the lowest 44289  
transportation costs per student, divide the aggregate cost for 44290  
school bus service for the remaining districts in the previous 44291  
fiscal year by the aggregate qualifying ridership of those 44292  
districts in the previous fiscal year. 44293

(D) The department shall calculate the statewide 44294  
transportation cost per mile as follows: 44295

(1) Determine each city, local, and exempted village school 44296  
district's transportation cost per mile by dividing the district's 44297  
total costs for school bus service in the previous fiscal year by 44298  
its total number of miles driven for school bus service in the 44299

previous fiscal year. 44300

(2) After excluding districts that do not provide school bus 44301  
service and the ten districts with the highest transportation 44302  
costs per mile and the ten districts with the lowest 44303  
transportation costs per mile, divide the aggregate cost for 44304  
school bus service for the remaining districts in the previous 44305  
fiscal year by the aggregate miles driven for school bus service 44306  
in those districts in the previous fiscal year. 44307

(E) The department shall calculate each city, local, and 44308  
exempted village school district's transportation base payment as 44309  
follows: 44310

(1) Multiply the statewide transportation cost per student by 44311  
the district's qualifying ridership for the current fiscal year. 44312

(2) Multiply the statewide transportation cost per mile by 44313  
the district's total number of miles driven for school bus service 44314  
in the current fiscal year. 44315

(3) Multiply the greater of the amounts calculated under 44316  
divisions (E)(1) and (2) of this section by the greater of sixty 44317  
per cent or the district's state share percentage index, as 44318  
defined in section 3317.02 of the Revised Code. 44319

~~(F) The department shall calculate each city, local, and 44320  
exempted village school district's nontraditional ridership 44321  
adjustment according to the following formula: 44322~~

~~(nontraditional ridership for the current fiscal year / 44323  
qualifying ridership for the current fiscal year) X 0.1 X 44324  
transportation base payment 44325~~

~~(G) If a city, local, or exempted village school district 44326  
offers school bus service to all resident students who are 44327  
enrolled in regular education in district schools in grades nine 44328  
to twelve and who live more than one mile from the school they 44329  
attend, the department shall calculate the district's high school 44330~~

~~ridership adjustment according to the following formula:~~ 44331

~~0.025 X transportation base payment~~ 44332

~~(H) If a city, local, or exempted village school district~~ 44333

~~offers school bus service to students enrolled in grades~~ 44334

~~kindergarten to eight who live more than one mile, but two miles~~ 44335

~~or less, from the school they attend, the department shall~~ 44336

~~calculate an additional adjustment according to the following~~ 44337

~~formula:~~ 44338

~~0.025 X transportation base payment~~ 44339

~~(I)(1) The department annually shall establish a target~~ 44340

~~number of qualifying riders per assigned bus for each city, local,~~ 44341

~~and exempted village school district. The department shall use the~~ 44342

~~most recently available data in establishing the target number.~~ 44343

~~The target number shall be based on the statewide median number of~~ 44344

~~qualifying riders per assigned bus as adjusted to reflect the~~ 44345

~~district's rider density in comparison to the rider density of all~~ 44346

~~other districts. The department shall post on the department's web~~ 44347

~~site each district's target number of qualifying riders per~~ 44348

~~assigned bus and a description of how the target number was~~ 44349

~~determined.~~ 44350

~~(2) The department shall determine each school district's~~ 44351

~~efficiency index by dividing the district's median number of~~ 44352

~~qualifying riders per assigned bus by its target number of~~ 44353

~~qualifying riders per assigned bus.~~ 44354

~~(3) The department shall determine each city, local, and~~ 44355

~~exempted village school district's efficiency adjustment as~~ 44356

~~follows:~~ 44357

~~(a) If the district's efficiency index is equal to or greater~~ 44358

~~than 1.5, the efficiency adjustment shall be calculated according~~ 44359

~~to the following formula:~~ 44360

~~0.1 X transportation base payment~~ 44361

~~(b) If the district's efficiency index is less than 1.5 but  
equal to or greater than 1.0, the efficiency adjustment shall be  
calculated according to the following formula:~~

~~$$\{(\text{efficiency index} - 1) / 5\} \times \text{transportation base payment}$$~~

~~(c) If the district's efficiency index is less than 1.0, the  
efficiency adjustment shall be zero.~~

~~(J) The department shall pay each city, local, and exempted  
village school district the lesser of the following:~~

~~(1) The sum of the amounts calculated under divisions (E) to  
(H) and (I)(3) of this section;~~

~~(2) The district's total costs for school bus service for the  
prior fiscal year.~~

~~(K) In addition to funds paid under division (J)(E) of this  
section, each city, local, and exempted village district shall  
receive in accordance with rules adopted by the state board of  
education a payment for students transported by means other than  
school bus service and whose transportation is not funded under  
division (C) of section 3317.024 of the Revised Code. The rules  
shall include provisions for school district reporting of such  
students.~~

(G)(1) In fiscal years 2014 and 2015, the department shall  
pay each district a pro rata portion of the amounts calculated  
under division (E) of this section and described in division (F)  
of this section, based on state appropriations.

(2) In addition to the prorated payment under division (G)(1)  
of this section, in fiscal years 2014 and 2015, the department  
shall pay each school district that meets the conditions  
prescribed in division (G)(3) of this section an additional amount  
equal to the difference of (a) the amounts calculated under  
division (E) of this section and prescribed in division (F) of  
this section minus (b) that prorated payment.

(3) Division (G)(2) of this section applies to each school district that meets all of the following conditions: 44393  
44394

(a) The district qualifies for the calculation of a payment under division (E) of this section because it transports students on board-owned or contractor-owned school buses. 44395  
44396  
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(b) The district's state share index is greater than or equal to 0.50. 44398  
44399

(c) The district's rider density is at or below the median rider density of all districts that qualify for calculation of a payment under division (E) of this section. 44400  
44401  
44402

(H) Each city, local, and exempted village school district shall report all data used to calculate funding for transportation under this section through the education management information system pursuant to section 3301.0714 of the Revised Code. 44403  
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44406

**Sec. 3317.0213.** (A) The department of education shall compute and pay to each school district in accordance with this section additional state aid for preschool special education children to each city, local, and exempted village school district and to each institution, as defined in section 3323.091 of the Revised Code. Funding shall be provided for children who are not enrolled in kindergarten and who are under age six on the thirtieth day of September of the academic year, or on the first day of August of the academic year if the school district in which the child is enrolled has adopted a resolution under division (A)(3) of section 3321.01 of the Revised Code, but not less than age three on the first day of December of the academic year. 44407  
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The additional state aid shall be calculated under the following formula: 44419  
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(\$4,000 X the number of preschool special education children) 44421  
+ the sum of the following: 44422



(1) The district's or institution's category one special education preschool students X the amount specified in division (A) of section 3317.013 of the Revised Code X the district's state share index X 0.50; 44423  
44424  
44425  
44426

(2) The district's or institution's category two special education preschool students X the amount specified in division (B) of section 3317.013 of the Revised Code X the district's state share index X 0.50; 44427  
44428  
44429  
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(3) The district's or institution's category three special education preschool students X the amount specified in division (C) of section 3317.013 of the Revised Code X the district's state share index X 0.50; 44431  
44432  
44433  
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(4) The district's or institution's category four special education preschool students X the amount specified in division (D) of section 3317.013 of the Revised Code X the district's state share index X 0.50; 44435  
44436  
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(5) The district's or institution's category five special education preschool students X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share index X 0.50; 44439  
44440  
44441  
44442

(6) The district's or institution's category six special education preschool students X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share index X 0.50. 44443  
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The special education disability categories for preschool children used in this section are the same categories prescribed in section 3317.013 of the Revised Code. 44447  
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As used in division (A) of this section, the state share index of a student enrolled in an institution is the state share index of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised 44450  
44451  
44452  
44453

Code. 44454

(B) If an education service center is providing services to preschool special education students under agreement with the city, local, or exempted village school district in which the students are entitled to attend school, that district may authorize the department to transfer funds computed under this section to the service center providing those services. 44455  
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(C)(1) If a county DD board is providing services to preschool special education students under agreement with the city, local, or exempted village school district in which the students are entitled to attend school, the department shall deduct from the district's payment computed under division (A) of this section the total amount of those funds that are attributable to the students served by the county DD board and pay that amount to that board. 44461  
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(2) In addition, for any fiscal year, no county DD board shall receive in total funding an amount that is less than what it received for the previous fiscal year, as determined by the department. If necessary, the department shall increase the state payment to a county DD board to comply with division (C)(2) of this section. 44469  
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44471  
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**Sec. 3317.0214.** (A) The department shall compute and pay in accordance with this section additional state aid to school districts for students in categories two through six special education ADM. If a district's costs for the fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the 44475  
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department shall pay to the district an amount equal to the sum of 44485  
the following: 44486

(1) One-half of the district's costs for the student in 44487  
excess of the threshold catastrophic cost; 44488

(2) The product of one-half of the district's costs for the 44489  
student in excess of the threshold catastrophic cost multiplied by 44490  
the district's state share index. 44491

(B) For purposes of division (A) of this section, the 44492  
threshold catastrophic cost for serving a student equals: 44493

(1) For a student in the school district's category two, 44494  
three, four, or five special education ADM, twenty-seven thousand 44495  
three hundred seventy-five dollars; 44496

(2) For a student in the district's category six special 44497  
education ADM, thirty-two thousand eight hundred fifty dollars. 44498

(C) The district shall report under division (A) of this 44499  
section, and the department shall pay for, only the costs of 44500  
educational expenses and the related services provided to the 44501  
student in accordance with the student's individualized education 44502  
program. Any legal fees, court costs, or other costs associated 44503  
with any cause of action relating to the student may not be 44504  
included in the amount. 44505

**Sec. 3317.0217.** Payment of the amount calculated for a school 44506  
district under this section shall be made under division (A) of 44507  
section 3317.022 of the Revised Code. 44508

(A) The department of education shall annually compute 44509  
targeted assistance funds to school districts, as follows: 44510

(1) Calculate the local wealth per pupil of each school 44511  
district, which equals the following sum: 44512

(a) One-half times the quotient of (i) the district's 44513

three-year average valuation divided by (ii) its formula ADM; plus 44514

(b) One-half times the quotient of (i) the average of the 44515  
total federal adjusted gross income of the school district's 44516  
residents for the three years most recently reported under section 44517  
3317.021 of the Revised Code divided by (ii) its formula ADM. 44518

(2) Rank all school districts in order of local wealth per 44519  
pupil, from the district with the lowest local wealth per pupil to 44520  
the district with the highest local wealth per pupil. 44521

(3) Compute the statewide wealth per pupil, which equals the 44522  
following sum: 44523

(a) One-half times the quotient of (i) the sum of the 44524  
three-year average valuations for all school districts divided by 44525  
(ii) the sum of formula ADM counts for all schools districts; plus 44526

(b) One-half times the quotient of (i) the sum of the 44527  
three-year average total federal adjusted gross incomes for all 44528  
school districts divided by (ii) the sum of formula ADM counts for 44529  
all school districts. 44530

(4) Compute each district's wealth index by dividing the 44531  
statewide wealth per pupil by the district's local wealth per 44532  
pupil. 44533

(5) Compute the per pupil targeted assistance for each 44534  
eligible school district in accordance with the following formula: 44535

(Threshold local wealth per pupil - the district's local wealth 44536  
per pupil) 44537

X target millage X the district's wealth index 44538

Where: 44539

(a) An "eligible school district" means a school district 44540  
with a local wealth per pupil less than that of the school 44541  
district with the 490th lowest local wealth per pupil. 44542

(b) "Threshold local wealth per pupil" means the local wealth 44543

per pupil of the school district with the 490th lowest local 44544  
wealth per pupil. 44545

(c) "Target millage" means 0.006. 44546

If the result of the calculation for a school district under 44547  
division (A)(5) of this section is less than zero, the district's 44548  
targeted assistance shall be zero. 44549

(6) Calculate the aggregate amount to be paid as targeted 44550  
assistance funds to each school district under division (A) of 44551  
section 3317.022 of the Revised Code by multiplying the per pupil 44552  
targeted assistance computed under division (A)(5) of this section 44553  
by the district's net formula ADM. 44554

As used in this division, a district's "net formula ADM" 44555  
means its formula ADM minus both the number of internet- and 44556  
computer-based community school students reported under division 44557  
(B)(3)(e) of section 3317.03 of the Revised Code and scholarship 44558  
students reported under divisions (B)(3)(f) and (g) of that 44559  
section. 44560

(B) The department shall annually compute supplemental 44561  
targeted assistance funds to school districts, as follows: 44562

(1) Compute each district's agricultural percentage as the 44563  
quotient of (a) the three-year average tax valuation of real 44564  
property in the district that is classified as agricultural 44565  
property divided by (b) the three-year average tax valuation of 44566  
all of the real property in the district. For purposes of this 44567  
computation, a district's "three-year average tax valuation" means 44568  
the average of a district's tax valuation for fiscal years 2012, 44569  
2013, and 2014. 44570

(2) Determine each district's agricultural targeted 44571  
percentage as follows: 44572

(a) If a district's agricultural percentage is greater than 44573

or equal to 0.10, then the district's agricultural targeted 44574  
percentage shall be equal to 0.40. 44575

(b) If a district's agricultural percentage is less than 44576  
0.10, then the district's agricultural targeted percentage shall 44577  
be equal to 4 X the district's agricultural percentage. 44578

(3) Calculate the aggregate amount to be paid as supplemental 44579  
targeted assistance funds to each school district under division 44580  
(A) of section 3317.022 of the Revised Code by multiplying the 44581  
district's agricultural targeted percentage by the amount 44582  
calculated for the district under division (A)(6) of this section. 44583

**Sec. 3317.03.** (A) The superintendent of each city, local, and 44584  
exempted village school district and of each educational service 44585  
center shall, for the schools under the superintendent's 44586  
supervision, certify to the state board of education on or before 44587  
the fifteenth day of ~~October~~ in each ~~year~~ month for the first full 44588  
school week ~~in October~~ of that month the average daily membership 44589  
of students receiving services from schools under the 44590  
superintendent's supervision, and the numbers of other students 44591  
entitled to attend school in the district under section 3313.64 or 44592  
3313.65 of the Revised Code the superintendent is required to 44593  
report under this section, so that the department of education can 44594  
calculate the district's formula ADM. If a school under the 44595  
superintendent's supervision is closed for one or more days during 44596  
~~that~~ a week for which the average daily membership must be 44597  
certified due to hazardous weather conditions or other 44598  
circumstances described in ~~the first paragraph of~~ division 44599  
~~(B)~~(A)(1) of section ~~3317.01~~ 3313.482 of the Revised Code, the 44600  
superintendent may apply to the superintendent of public 44601  
instruction for a waiver, under which the superintendent of public 44602  
instruction may exempt the district superintendent from certifying 44603  
the average daily membership for that school for that week and 44604

specify an alternate week in the same month for certifying the 44605  
average daily membership of that school. 44606

The average daily membership during ~~such a~~ week shall consist 44607  
of the sum of the following: 44608

(1) On an FTE basis, the number of students in grades 44609  
kindergarten through twelve receiving any educational services 44610  
from the district, except that the following categories of 44611  
students shall not be included in the determination: 44612

(a) Students enrolled in adult education classes; 44613

(b) Adjacent or other district students enrolled in the 44614  
district under an open enrollment policy pursuant to section 44615  
3313.98 of the Revised Code; 44616

(c) Students receiving services in the district pursuant to a 44617  
compact, cooperative education agreement, or a contract, but who 44618  
are entitled to attend school in another district pursuant to 44619  
section 3313.64 or 3313.65 of the Revised Code; 44620

(d) Students for whom tuition is payable pursuant to sections 44621  
3317.081 and 3323.141 of the Revised Code; 44622

(e) Students receiving services in the district through a 44623  
scholarship awarded under either section 3310.41 or sections 44624  
3310.51 to 3310.64 of the Revised Code. 44625

(2) On an FTE basis, the number of students entitled to 44626  
attend school in the district pursuant to section 3313.64 or 44627  
3313.65 of the Revised Code, but receiving educational services in 44628  
grades kindergarten through twelve from one or more of the 44629  
following entities: 44630

(a) A community school pursuant to Chapter 3314. of the 44631  
Revised Code, including any participation in a college pursuant to 44632  
Chapter 3365. of the Revised Code while enrolled in such community 44633  
school; 44634

(b) An alternative school pursuant to sections 3313.974 to 44635  
3313.979 of the Revised Code as described in division (I)(2)(a) or 44636  
(b) of this section; 44637

(c) A college pursuant to Chapter 3365. of the Revised Code, 44638  
except when the student is enrolled in the college while also 44639  
enrolled in a community school pursuant to Chapter 3314. ~~or~~; a 44640  
science, technology, engineering, and mathematics school 44641  
established under Chapter 3326. of the Revised Code; 44642

(d) An adjacent or other school district under an open 44643  
enrollment policy adopted pursuant to section 3313.98 of the 44644  
Revised Code; 44645

(e) An educational service center or cooperative education 44646  
district; 44647

(f) Another school district under a cooperative education 44648  
agreement, compact, or contract; 44649

(g) A chartered nonpublic school with a scholarship paid 44650  
under section 3310.08 of the Revised Code, if the students 44651  
qualified for the scholarship under section 3310.03 of the Revised 44652  
Code; 44653

(h) An alternative public provider or a registered private 44654  
provider with a scholarship awarded under either section 3310.41 44655  
or sections 3310.51 to 3310.64 of the Revised Code. 44656

As used in this section, "alternative public provider" and 44657  
"registered private provider" have the same meanings as in section 44658  
3310.41 or 3310.51 of the Revised Code, as applicable. 44659

(i) A science, technology, engineering, and mathematics 44660  
school established under Chapter 3326. of the Revised Code, 44661  
including any participation in a college pursuant to Chapter 3365. 44662  
of the Revised Code while enrolled in the school; 44663

(j) A college-preparatory boarding school established under 44664



Chapter 3328. of the Revised Code. 44665

(3) The number of students enrolled in a joint vocational 44666  
school district or under a ~~vocational~~ career-technical education 44667  
compact, excluding any students entitled to attend school in the 44668  
district under section 3313.64 or 3313.65 of the Revised Code who 44669  
are enrolled in another school district through an open enrollment 44670  
policy as reported under division (A)(2)(d) of this section and 44671  
then enroll in a joint vocational school district or under a 44672  
~~vocational~~ career-technical education compact+ 44673

~~(4) The number of children with disabilities, other than 44674  
preschool children with disabilities, entitled to attend school in 44675  
the district pursuant to section 3313.64 or 3313.65 of the Revised 44676  
Code who are placed by the district with a county DD board, minus 44677  
the number of such children placed with a county DD board in 44678  
fiscal year 1998. If this calculation produces a negative number, 44679  
the number reported under division (A)(4) of this section shall be 44680  
zero. 44681~~

(B) To enable the department of education to obtain the data 44682  
needed to complete the calculation of payments pursuant to this 44683  
chapter, in addition to the average daily membership, each 44684  
superintendent shall report separately the following student 44685  
counts for the same ~~week~~ weeks for which average daily membership 44686  
is certified: 44687

(1) The total average daily membership in regular learning 44688  
day classes included in the report under division (A)(1) or (2) of 44689  
this section for each of the individual grades kindergarten 44690  
through twelve in schools under the superintendent's supervision; 44691

(2) The number of all preschool children with disabilities 44692  
enrolled as of the first day of December in classes in the 44693  
district ~~that are~~ for whom the district is eligible for approval 44694  
to receive funding under ~~division (B) of section 3317.05~~ 3317.0213 44695

of the Revised Code and the number of those classes, which shall 44696  
be reported not later than the fifteenth day of December, in 44697  
accordance with ~~rules adopted under that~~ the disability categories 44698  
prescribed in section 3317.013 of the Revised Code; 44699

(3) The number of children entitled to attend school in the 44700  
district pursuant to section 3313.64 or 3313.65 of the Revised 44701  
Code who are: 44702

(a) Participating in a pilot project scholarship program 44703  
established under sections 3313.974 to 3313.979 of the Revised 44704  
Code as described in division (I)(2)(a) or (b) of this section; 44705

(b) Enrolled in a college under Chapter 3365. of the Revised 44706  
Code, except when the student is enrolled in the college while 44707  
also enrolled in a community school pursuant to Chapter 3314. ~~or~~ 44708  
a science, technology, engineering, and mathematics school 44709  
established under Chapter 3326. of the Revised Code; 44710

(c) Enrolled in an adjacent or other school district under 44711  
section 3313.98 of the Revised Code; 44712

(d) Enrolled in a community school established under Chapter 44713  
3314. of the Revised Code that is not an internet- or 44714  
computer-based community school as defined in section 3314.02 of 44715  
the Revised Code, including any participation in a college 44716  
pursuant to Chapter 3365. of the Revised Code while enrolled in 44717  
such community school; 44718

(e) Enrolled in an internet- or computer-based community 44719  
school, as defined in section 3314.02 of the Revised Code, 44720  
including any participation in a college pursuant to Chapter 3365. 44721  
of the Revised Code while enrolled in the school; 44722

(f) Enrolled in a chartered nonpublic school with a 44723  
scholarship paid under section 3310.08 of the Revised Code and who 44724  
qualified for the scholarship under section 3310.03 of the Revised 44725  
Code; 44726

(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	44727 44728 44729
(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	44730 44731 44732
(i) Participating in a program operated by a county DD board or a state institution;	44733 44734
(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	44735 44736 44737 44738
(k) Enrolled in a college-preparatory boarding school established under Chapter 3328. of the Revised Code.	44739 44740
(4) The number of pupils enrolled in joint vocational schools;	44741 44742
(5) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	44743 44744 44745 44746 44747 44748 44749 44750
(6) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of	44751 44752 44753 44754 44755 44756 44757

the Revised Code; 44758

(7) The combined average daily membership of children with 44759  
disabilities reported under division (A)(1) or (2) of this section 44760  
receiving special education services for category three 44761  
disabilities described in division (C) of section 3317.013 of the 44762  
Revised Code, including children attending a special education 44763  
program operated by an alternative public provider or a registered 44764  
private provider with a scholarship awarded under sections 3310.51 44765  
to 3310.64 of the Revised Code; 44766

(8) The combined average daily membership of children with 44767  
disabilities reported under division (A)(1) or (2) of this section 44768  
receiving special education services for category four 44769  
disabilities described in division (D) of section 3317.013 of the 44770  
Revised Code, including children attending a special education 44771  
program operated by an alternative public provider or a registered 44772  
private provider with a scholarship awarded under sections 3310.51 44773  
to 3310.64 of the Revised Code; 44774

(9) The combined average daily membership of children with 44775  
disabilities reported under division (A)(1) or (2) of this section 44776  
receiving special education services for the category five 44777  
disabilities described in division (E) of section 3317.013 of the 44778  
Revised Code, including children attending a special education 44779  
program operated by an alternative public provider or a registered 44780  
private provider with a scholarship awarded under sections 3310.51 44781  
to 3310.64 of the Revised Code; 44782

(10) The combined average daily membership of children with 44783  
disabilities reported under division (A)(1) or (2) and under 44784  
division (B)(3)(h) of this section receiving special education 44785  
services for category six disabilities described in division (F) 44786  
of section 3317.013 of the Revised Code, including children 44787  
attending a special education program operated by an alternative 44788  
public provider or a registered private provider with a 44789

scholarship awarded under either section 3310.41 or sections 44790  
3310.51 to 3310.64 of the Revised Code; 44791

(11) The average daily membership of pupils reported under 44792  
division (A)(1) or (2) of this section enrolled in category one 44793  
~~vocational~~ career-technical education programs or classes, 44794  
described in division (A) of section 3317.014 of the Revised Code, 44795  
operated by the school district or by another district, ~~other than~~ 44796  
including a joint vocational school district, or by an educational 44797  
service center, excluding any student reported under division 44798  
(B)(3)(e) of this section as enrolled in an internet- or 44799  
computer-based community school, notwithstanding division ~~(C)(J)~~ 44800  
of section 3317.02 of the Revised Code and division (C)(3) of this 44801  
section; 44802

(12) The average daily membership of pupils reported under 44803  
division (A)(1) or (2) of this section enrolled in category two 44804  
~~vocational~~ career-technical education programs or services, 44805  
described in division (B) of section 3317.014 of the Revised Code, 44806  
operated by the school district or another school district, ~~other~~ 44807  
~~than~~ including a joint vocational school district, or by an 44808  
educational service center, excluding any student reported under 44809  
division (B)(3)(e) of this section as enrolled in an internet- or 44810  
computer-based community school, notwithstanding division ~~(C)(J)~~ 44811  
of section 3317.02 of the Revised Code and division (C)(3) of this 44812  
section; 44813

~~Beginning with fiscal year 2010, vocational education ADM 44814  
shall not be used to calculate a district's funding but shall be 44815  
reported under divisions (B)(11) and (12) of this section for 44816  
statistical purposes. 44817~~

(13) The average daily membership of pupils reported under 44818  
division (A)(1) or (2) of this section enrolled in category three 44819  
career-technical education programs or services, described in 44820  
division (C) of section 3317.014 of the Revised Code, operated by 44821

the school district or another school district, including a joint 44822  
vocational school district, or by an educational service center, 44823  
excluding any student reported under division (B)(3)(e) of this 44824  
section as enrolled in an internet- or computer-based community 44825  
school, notwithstanding division (C) of section 3317.02 of the 44826  
Revised Code and division (C)(3) of this section; 44827

(14) The average daily membership of pupils reported under 44828  
division (A)(1) or (2) of this section enrolled in category four 44829  
career-technical education programs or services, described in 44830  
division (D) of section 3317.014 of the Revised Code, operated by 44831  
the school district or another school district, including a joint 44832  
vocational school district, or by an educational service center, 44833  
excluding any student reported under division (B)(3)(e) of this 44834  
section as enrolled in an internet- or computer-based community 44835  
school, notwithstanding division (C) of section 3317.02 of the 44836  
Revised Code and division (C)(3) of this section; 44837

(15) The average daily membership of pupils reported under 44838  
division (A)(1) or (2) of this section enrolled in category five 44839  
career-technical education programs or services, described in 44840  
division (E) of section 3317.014 of the Revised Code, operated by 44841  
the school district or another school district, including a joint 44842  
vocational school district, or by an educational service center, 44843  
excluding any student reported under division (B)(3)(e) of this 44844  
section as enrolled in an internet- or computer-based community 44845  
school, notwithstanding division (C) of section 3317.02 of the 44846  
Revised Code and division (C)(3) of this section; 44847

(16) The average daily membership of pupils reported under 44848  
division (A)(1) or (2) of this section who are limited English 44849  
proficient students described in division (A) of section 3317.016 44850  
of the Revised Code; 44851

(17) The average daily membership of pupils reported under 44852  
division (A)(1) or (2) of this section who are limited English 44853

proficient students described in division (B) of section 3317.016 44854  
of the Revised Code; 44855

(18) The average daily membership of pupils reported under 44856  
division (A)(1) or (2) of this section who are limited English 44857  
proficient students described in division (C) of section 3317.016 44858  
of the Revised Code; 44859

(19) The average number of children transported by the school 44860  
district on board-owned or contractor-owned and -operated buses, 44861  
reported in accordance with rules adopted by the department of 44862  
education; 44863

~~(14)~~(20)(a) The number of children, other than preschool 44864  
children with disabilities, the district placed with a county DD 44865  
board in fiscal year 1998+. Division (B)(20)(a) of this section 44866  
does not apply after fiscal year 2013. 44867

(b) The number of children with disabilities, other than 44868  
preschool children with disabilities, placed with a county DD 44869  
board in the current fiscal year to receive special education 44870  
services for the category one disability described in division (A) 44871  
of section 3317.013 of the Revised Code; 44872

(c) The number of children with disabilities, other than 44873  
preschool children with disabilities, placed with a county DD 44874  
board in the current fiscal year to receive special education 44875  
services for category two disabilities described in division (B) 44876  
of section 3317.013 of the Revised Code; 44877

(d) The number of children with disabilities, other than 44878  
preschool children with disabilities, placed with a county DD 44879  
board in the current fiscal year to receive special education 44880  
services for category three disabilities described in division (C) 44881  
of section 3317.013 of the Revised Code; 44882

(e) The number of children with disabilities, other than 44883  
preschool children with disabilities, placed with a county DD 44884

board in the current fiscal year to receive special education 44885  
services for category four disabilities described in division (D) 44886  
of section 3317.013 of the Revised Code; 44887

(f) The number of children with disabilities, other than 44888  
preschool children with disabilities, placed with a county DD 44889  
board in the current fiscal year to receive special education 44890  
services for the category five disabilities described in division 44891  
(E) of section 3317.013 of the Revised Code; 44892

(g) The number of children with disabilities, other than 44893  
preschool children with disabilities, placed with a county DD 44894  
board in the current fiscal year to receive special education 44895  
services for category six disabilities described in division (F) 44896  
of section 3317.013 of the Revised Code. 44897

(21) The number of students who are economically 44898  
disadvantaged, as defined by the department. A student shall not 44899  
be categorically excluded from the number reported under division 44900  
(B)(21) of this section based on anything other than family 44901  
income. 44902

(C)(1) The average daily membership in divisions (B)(1) to 44903  
(12) of this section shall be based upon the number of full-time 44904  
equivalent students. The state board of education shall adopt 44905  
rules defining full-time equivalent students and for determining 44906  
the average daily membership therefrom for the purposes of 44907  
divisions (A), (B), and (D) of this section. ~~Each student enrolled 44908~~  
~~in kindergarten shall be counted as one full-time equivalent 44909~~  
~~student regardless of whether the student is enrolled in a 44910~~  
~~part-day or all-day kindergarten class.~~ 44911

(2) A student enrolled in a community school established 44912  
under Chapter 3314., a science, technology, engineering, and 44913  
mathematics school established under Chapter 3326., or a 44914  
college-preparatory boarding school established under Chapter 44915



3328. of the Revised Code shall be counted in the formula ADM and, 44916  
if applicable, the category one, two, three, four, five, or six 44917  
special education ADM of the school district in which the student 44918  
is entitled to attend school under section 3313.64 or 3313.65 of 44919  
the Revised Code for the same proportion of the school year that 44920  
the student is counted in the enrollment of the community school, 44921  
the science, technology, engineering, and mathematics school, or 44922  
the college-preparatory boarding school for purposes of section 44923  
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 44924  
the number of students reported pursuant to division (B)(3)(d), 44925  
(e), (j), or (k) of this section, the department may adjust the 44926  
formula ADM of a school district to account for students entitled 44927  
to attend school in the district under section 3313.64 or 3313.65 44928  
of the Revised Code who are enrolled in a community school, a 44929  
science, technology, engineering, and mathematics school, or a 44930  
college-preparatory boarding school for only a portion of the 44931  
school year. 44932

(3) No child shall be counted as more than a total of one 44933  
child in the sum of the average daily memberships of a school 44934  
district under division (A), divisions (B)(1) to ~~(12)~~(22), or 44935  
division (D) of this section, except as follows: 44936

(a) A child with a disability described in section 3317.013 44937  
of the Revised Code may be counted both in formula ADM and in 44938  
category one, two, three, four, five, or six special education ADM 44939  
and, if applicable, in category one or two ~~vocational~~ 44940  
career-technical education ADM. As provided in division ~~(C)~~(J) of 44941  
section 3317.02 of the Revised Code, such a child shall be counted 44942  
in category one, two, three, four, five, or six special education 44943  
ADM in the same proportion that the child is counted in formula 44944  
ADM. 44945

(b) A child enrolled in ~~vocational~~ career-technical education 44946  
programs or classes described in section 3317.014 of the Revised 44947

Code may be counted both in formula ADM and category one ~~or~~ two 44948  
~~vocational, three, four, or five career-technical~~ education ADM 44949  
and, if applicable, in category one, two, three, four, five, or 44950  
six special education ADM. Such a child shall be counted in 44951  
category one ~~or~~ two ~~vocational, three, four, or five~~ 44952  
~~career-technical~~ education ADM in the same proportion as the 44953  
percentage of time that the child spends in the ~~vocational~~ 44954  
~~career-technical~~ education programs or classes. 44955

(4) Based on the information reported under this section, the 44956  
department of education shall determine the total student count, 44957  
as defined in section 3301.011 of the Revised Code, for each 44958  
school district. 44959

(D)(1) The superintendent of each joint vocational school 44960  
district shall certify to the superintendent of public instruction 44961  
on or before the fifteenth day of ~~October in~~ each year month for 44962  
the first full school week ~~in October the formula ADM, for~~ 44963  
~~purposes of section 3318.42 of the Revised Code and for any other~~ 44964  
~~purpose prescribed by law for which "formula ADM" of the joint~~ 44965  
~~vocational district is a factor~~ of that month the average daily 44966  
membership. If a school operated by the joint vocational school 44967  
district is closed for one or more days during ~~that~~ a week for 44968  
which the average daily membership must be certified due to 44969  
hazardous weather conditions or other circumstances described in 44970  
~~the first paragraph of~~ division ~~(B)(A)(1)~~ of section ~~3317.01~~ 44971  
3313.482 of the Revised Code, the superintendent may apply to the 44972  
superintendent of public instruction for a waiver, under which the 44973  
superintendent of public instruction may exempt the district 44974  
superintendent from certifying the ~~formula ADM~~ average daily 44975  
membership for that school for that week and specify an alternate 44976  
week in the same month for certifying the ~~formula ADM~~ average 44977  
daily membership of that school. 44978

The ~~formula ADM~~ average daily membership, except as otherwise 44979

provided in this division, shall consist of the average daily 44980  
membership during ~~such~~ a week, on an FTE basis, of the number of 44981  
students receiving any educational services from the district, 44982  
including students enrolled in a community school established 44983  
under Chapter 3314. or a science, technology, engineering, and 44984  
mathematics school established under Chapter 3326. of the Revised 44985  
Code who are attending the joint vocational district ~~under an~~ 44986  
~~agreement between the district board of education and the~~ 44987  
~~governing authority of the community school or the governing body~~ 44988  
~~of the science, technology, engineering, and mathematics school~~ 44989  
and are entitled to attend school in a city, local, or exempted 44990  
village school district whose territory is part of the territory 44991  
of the joint vocational district. 44992

The following categories of students shall not be included in 44993  
the determination made under division (D)(1) of this section: 44994

(a) Students enrolled in adult education classes; 44995

(b) Adjacent or other district joint vocational students 44996  
enrolled in the district under an open enrollment policy pursuant 44997  
to section 3313.98 of the Revised Code; 44998

(c) Students receiving services in the district pursuant to a 44999  
compact, cooperative education agreement, or a contract, but who 45000  
are entitled to attend school in a city, local, or exempted 45001  
village school district whose territory is not part of the 45002  
territory of the joint vocational district; 45003

(d) Students for whom tuition is payable pursuant to sections 45004  
3317.081 and 3323.141 of the Revised Code. 45005

(2) To enable the department of education to obtain the data 45006  
needed to complete the calculation of payments pursuant to this 45007  
chapter, in addition to the ~~formula~~ ADM, each superintendent shall 45008  
report separately the average daily membership included in the 45009  
report under division (D)(1) of this section for each of the 45010

following categories of students for <u>each of the same week weeks</u>	45011
for which <del>formula</del> ADM is certified:	45012
(a) Students enrolled in each individual grade included in the joint vocational district schools;	45013 45014
(b) Children with disabilities receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;	45015 45016 45017
(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code;	45018 45019 45020
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	45021 45022 45023
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	45024 45025 45026
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	45027 45028 45029
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	45030 45031 45032
<del>(h) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code;</del>	45033 45034 45035
<del>(i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code</del> <u>Limited English proficient students described in division (A) of section 3317.016 of the Revised Code;</u>	45036 45037 45038 45039
<u>(i) Limited English proficient students described in division</u>	45040

<u>(B) of section 3317.016 of the Revised Code;</u>	45041
<u>(j) Limited English proficient students described in division</u>	45042
<u>(C) of section 3317.016 of the Revised Code;</u>	45043
<u>(k) Students who are economically disadvantaged, as defined</u>	45044
<u>by the department. A student shall not be categorically excluded</u>	45045
<u>from the number reported under division (D)(2)(k) of this section</u>	45046
<u>based on anything other than family income.</u>	45047
The superintendent of each joint vocational school district	45048
shall also indicate the city, local, or exempted village school	45049
district in which each joint vocational district pupil is entitled	45050
to attend school pursuant to section 3313.64 or 3313.65 of the	45051
Revised Code.	45052
(E) In each school of each city, local, exempted village,	45053
joint vocational, and cooperative education school district there	45054
shall be maintained a record of school membership, which record	45055
shall accurately show, for each day the school is in session, the	45056
actual membership enrolled in regular day classes. For the purpose	45057
of determining average daily membership, the membership figure of	45058
any school shall not include any pupils except those pupils	45059
described by division (A) of this section. The record of	45060
membership for each school shall be maintained in such manner that	45061
no pupil shall be counted as in membership prior to the actual	45062
date of entry in the school and also in such manner that where for	45063
any cause a pupil permanently withdraws from the school that pupil	45064
shall not be counted as in membership from and after the date of	45065
such withdrawal. There shall not be included in the membership of	45066
any school any of the following:	45067
(1) Any pupil who has graduated from the twelfth grade of a	45068
public or nonpublic high school;	45069
(2) Any pupil who is not a resident of the state;	45070
(3) Any pupil who was enrolled in the schools of the district	45071

during the previous school year when assessments were administered 45072  
under section 3301.0711 of the Revised Code but did not take one 45073  
or more of the assessments required by that section and was not 45074  
excused pursuant to division (C)(1) or (3) of that section; 45075

(4) Any pupil who has attained the age of twenty-two years, 45076  
except for veterans of the armed services whose attendance was 45077  
interrupted before completing the recognized twelve-year course of 45078  
the public schools by reason of induction or enlistment in the 45079  
armed forces and who apply for reenrollment in the public school 45080  
system of their residence not later than four years after 45081  
termination of war or their honorable discharge. 45082

If, however, any veteran described by division (E)(4) of this 45083  
section elects to enroll in special courses organized for veterans 45084  
for whom tuition is paid under the provisions of federal laws, or 45085  
otherwise, that veteran shall not be included in average daily 45086  
membership. 45087

Notwithstanding division (E)(3) of this section, the 45088  
membership of any school may include a pupil who did not take an 45089  
assessment required by section 3301.0711 of the Revised Code if 45090  
the superintendent of public instruction grants a waiver from the 45091  
requirement to take the assessment to the specific pupil and a 45092  
parent is not paying tuition for the pupil pursuant to section 45093  
3313.6410 of the Revised Code. The superintendent may grant such a 45094  
waiver only for good cause in accordance with rules adopted by the 45095  
state board of education. 45096

Except as provided in divisions (B)(2) and (F) of this 45097  
section, the average daily membership figure of any local, city, 45098  
exempted village, or joint vocational school district shall be 45099  
determined by dividing the figure representing the sum of the 45100  
number of pupils enrolled during each day the school of attendance 45101  
is actually open for instruction during the week for which the 45102  
average daily membership is being certified by the total number of 45103

days the school was actually open for instruction during that 45104  
week. For purposes of state funding, "enrolled" persons are only 45105  
those pupils who are attending school, those who have attended 45106  
school during the current school year and are absent for 45107  
authorized reasons, and those children with disabilities currently 45108  
receiving home instruction. 45109

The average daily membership figure of any cooperative 45110  
education school district shall be determined in accordance with 45111  
rules adopted by the state board of education. 45112

~~(F)(1) If the formula ADM for the first full school week in 45113  
February is at least three per cent greater than that certified 45114  
for the first full school week in the preceding October, the 45115  
superintendent of schools of any city, exempted village, or joint 45116  
vocational school district or educational service center shall 45117  
certify such increase to the superintendent of public instruction. 45118  
Such certification shall be submitted no later than the fifteenth 45119  
day of February. For the balance of the fiscal year, beginning 45120  
with the February payments, the superintendent of public 45121  
instruction shall use the increased formula ADM in calculating or 45122  
recalculating the amounts to be allocated in accordance with 45123  
section 3317.022 or 3317.16 of the Revised Code. In no event shall 45124  
the superintendent use an increased membership certified to the 45125  
superintendent after the fifteenth day of February. Division 45126  
(F)(1) of this section does not apply after fiscal year 2006. 45127~~

~~(2) If on the first school day of April the total number of 45128  
classes or units for preschool children with disabilities that are 45129  
eligible for approval under division (B) of section 3317.05 of the 45130  
Revised Code exceeds the number of units that have been approved 45131  
for the year under that division, the superintendent of schools of 45132  
any city, exempted village, or cooperative education school 45133  
district or educational service center shall make the 45134  
certifications required by this section for that day. If the 45135~~

~~department determines additional units can be approved for the 45136  
fiscal year within any limitations set forth in the acts 45137  
appropriating moneys for the funding of such units, the department 45138  
shall approve additional units for the fiscal year on the basis of 45139  
such average daily membership. For each unit so approved, the 45140  
department shall pay an amount computed in the manner prescribed 45141  
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 45142  
Code. 45143~~

~~(3) If a student attending a community school under Chapter 45144  
3314., a science, technology, engineering, and mathematics school 45145  
established under Chapter 3326., or a college-preparatory boarding 45146  
school established under Chapter 3328. of the Revised Code is not 45147  
included in the formula ADM certified for the school district in 45148  
which the student is entitled to attend school under section 45149  
3313.64 or 3313.65 of the Revised Code, the department of 45150  
education shall adjust the formula ADM of that school district to 45151  
include the student in accordance with division (C)(2) of this 45152  
section, and shall recalculate the school district's payments 45153  
under this chapter for the entire fiscal year on the basis of that 45154  
adjusted formula ADM. This requirement applies regardless of 45155  
whether the student was enrolled, as defined in division (E) of 45156  
this section, in the community school, the science, technology, 45157  
engineering, and mathematics school, or the college-preparatory 45158  
boarding school during the ~~week~~ weeks for which the formula ADM is 45159  
being certified. 45160~~

~~(4)(2) If a student awarded an educational choice scholarship 45161  
is not included in the formula ADM of the school district from 45162  
which the department deducts funds for the scholarship under 45163  
section 3310.08 of the Revised Code, the department shall adjust 45164  
the formula ADM of that school district to include the student to 45165  
the extent necessary to account for the deduction, and shall 45166  
recalculate the school district's payments under this chapter for 45167~~



the entire fiscal year on the basis of that adjusted formula ADM. 45168  
This requirement applies regardless of whether the student was 45169  
enrolled, as defined in division (E) of this section, in the 45170  
chartered nonpublic school, the school district, or a community 45171  
school during the ~~week~~ weeks for which the formula ADM is being 45172  
certified. 45173

~~(5)~~(3) If a student awarded a scholarship under the Jon 45174  
Peterson special needs scholarship program is not included in the 45175  
formula ADM of the school district from which the department 45176  
deducts funds for the scholarship under section 3310.55 of the 45177  
Revised Code, the department shall adjust the formula ADM of that 45178  
school district to include the student to the extent necessary to 45179  
account for the deduction, and shall recalculate the school 45180  
district's payments under this chapter for the entire fiscal year 45181  
on the basis of that adjusted formula ADM. This requirement 45182  
applies regardless of whether the student was enrolled, as defined 45183  
in division (E) of this section, in an alternative public 45184  
provider, a registered private provider, or the school district 45185  
during the ~~week~~ weeks for which the formula ADM is being 45186  
certified. 45187

(G)(1)(a) The superintendent of an institution operating a 45188  
special education program pursuant to section 3323.091 of the 45189  
Revised Code shall, for the programs under such superintendent's 45190  
supervision, certify to the state board of education, in the 45191  
manner prescribed by the superintendent of public instruction, 45192  
both of the following: 45193

(i) The average daily membership of all children with 45194  
disabilities other than preschool children with disabilities 45195  
receiving services at the institution for each category of 45196  
disability described in divisions (A) to (F) of section 3317.013 45197  
of the Revised Code; 45198

(ii) The average daily membership of all preschool children 45199

with disabilities in classes or programs ~~approved annually by the~~ 45200  
~~department of education for unit for whom the district is eligible~~ 45201  
to receive funding under section ~~3317.05~~ 3317.0213 of the Revised 45202  
Code, reported according to the categories prescribed in section 45203  
3317.013 of the Revised Code. 45204

(b) The superintendent of an institution with ~~vocational~~ 45205  
career-technical education units approved under ~~division (A) of~~ 45206  
section 3317.05 of the Revised Code shall, for the units under the 45207  
superintendent's supervision, certify to the state board of 45208  
education the average daily membership in those units, in the 45209  
manner prescribed by the superintendent of public instruction. 45210

(2) The superintendent of each county DD board that maintains 45211  
special education classes under section 3317.20 of the Revised 45212  
Code or ~~units approved~~ provides services to preschool children 45213  
with disabilities pursuant to section ~~3317.05~~ of the Revised Code 45214  
an agreement between the DD board and the appropriate school 45215  
district shall do both of the following: 45216

(a) Certify to the state board, in the manner prescribed by 45217  
the board, the average daily membership in classes under section 45218  
3317.20 of the Revised Code for each school district that has 45219  
placed children in the classes; 45220

(b) Certify to the state board, in the manner prescribed by 45221  
the board, the number of all preschool children with disabilities 45222  
enrolled as of the first day of December in classes for which the 45223  
DD board is eligible for approval to receive funding under 45224  
~~division (B) of section ~~3317.05~~ 3317.0213 of the Revised Code,~~ 45225  
reported according to the categories prescribed in section 45226  
3317.013 of the Revised Code, and the number of those classes. 45227

~~(3)(a) If on the first school day of April the number of~~ 45228  
~~classes or units maintained for preschool children with~~ 45229  
~~disabilities by the county DD board that are eligible for approval~~ 45230

~~under division (B) of section 3317.05 of the Revised Code is 45231  
greater than the number of units approved for the year under that 45232  
division, the superintendent shall make the certification required 45233  
by this section for that day. 45234~~

~~(b) If the department determines that additional classes or 45235  
units can be approved for the fiscal year within any limitations 45236  
set forth in the acts appropriating moneys for the funding of the 45237  
classes and units described in division (C)(3)(a) of this section, 45238  
the department shall approve and fund additional units for the 45239  
fiscal year on the basis of such average daily membership. For 45240  
each unit so approved, the department shall pay an amount computed 45241  
in the manner prescribed in sections 3317.052 and 3317.053 of the 45242  
Revised Code. 45243~~

(H) Except as provided in division (I) of this section, when 45244  
any city, local, or exempted village school district provides 45245  
instruction for a nonresident pupil whose attendance is 45246  
unauthorized attendance as defined in section 3327.06 of the 45247  
Revised Code, that pupil's membership shall not be included in 45248  
that district's membership figure used in the calculation of that 45249  
district's formula ADM or included in the determination of any 45250  
~~unit~~ funding approved for the district under section ~~3317.05~~ 45251  
3317.0213 of the Revised Code. The reporting official shall report 45252  
separately the average daily membership of all pupils whose 45253  
attendance in the district is unauthorized attendance, and the 45254  
membership of each such pupil shall be credited to the school 45255  
district in which the pupil is entitled to attend school under 45256  
division (B) of section 3313.64 or section 3313.65 of the Revised 45257  
Code as determined by the department of education. 45258

(I)(1) A city, local, exempted village, or joint vocational 45259  
school district admitting a scholarship student of a pilot project 45260  
district pursuant to division (C) of section 3313.976 of the 45261  
Revised Code may count such student in its average daily 45262

membership. 45263

(2) In any year for which funds are appropriated for pilot 45264  
project scholarship programs, a school district implementing a 45265  
state-sponsored pilot project scholarship program that year 45266  
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 45267  
count in average daily membership: 45268

(a) All children residing in the district and utilizing a 45269  
scholarship to attend kindergarten in any alternative school, as 45270  
defined in section 3313.974 of the Revised Code; 45271

(b) All children who were enrolled in the district in the 45272  
preceding year who are utilizing a scholarship to attend an 45273  
alternative school. 45274

(J) The superintendent of each cooperative education school 45275  
district shall certify to the superintendent of public 45276  
instruction, in a manner prescribed by the state board of 45277  
education, the applicable average daily memberships for all 45278  
students in the cooperative education district, also indicating 45279  
the city, local, or exempted village district where each pupil is 45280  
entitled to attend school under section 3313.64 or 3313.65 of the 45281  
Revised Code. 45282

(K) If the superintendent of public instruction determines 45283  
that a component of the average daily membership certified or 45284  
reported by a district superintendent, or other reporting entity, 45285  
is not correct, the superintendent of public instruction may order 45286  
that the formula ADM used for the purposes of payments under any 45287  
section of Title XXXVIII of the Revised Code be adjusted in the 45288  
amount of the error. 45289

**Sec. 3317.032.** ~~(A)~~ Each city, local, exempted village, and 45290  
cooperative education school district, each educational service 45291  
center, each county DD board, and each institution operating a 45292

special education program pursuant to section 3323.091 of the Revised Code shall, in accordance with procedures adopted by the state board of education, maintain a record of district membership of ~~both of the following~~:

~~(1) All preschool children with disabilities in units approved under division (B) of section 3317.05 of the Revised Code:~~

~~(2) All all preschool children with disabilities who are not in units approved under division (B) of section 3317.05 of the Revised Code but who are otherwise served by a special education program.~~

~~(B) The superintendent of each district, board, or institution subject to division (A) of this section shall certify to the state board of education, in accordance with procedures adopted by that board, membership figures of all preschool children with disabilities whose membership is maintained under division (A)(2) of this section. The figures certified under this division shall be used in the determination of the ADM used to compute funds for educational service center governing boards under section 3317.11 of the Revised Code.~~

**Sec. 3317.05.** ~~(A) For the purpose of calculating payments under sections 3317.052 and 3317.053 of the Revised Code, the The department of education shall determine for each institution, by the last day of January of each year and based on information certified under section 3317.03 of the Revised Code, the number of ~~vocational~~ career-technical education units or fractions of units approved by the department on the basis of standards and rules adopted by the state board of education. As used in this ~~division~~ section, "institution" means an institution operated by a department specified in section 3323.091 of the Revised Code and that provides ~~vocational~~ career-technical education programs under~~

the supervision of the division of ~~vocational~~ career-technical 45324  
education of the department that meet the standards and rules for 45325  
these programs, including licensure of professional staff involved 45326  
in the programs, as established by the state board. 45327

(B) ~~For the purpose of calculating payments under sections~~ 45328  
~~3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the~~ 45329  
~~department shall determine, based on information certified under~~ 45330  
~~section 3317.03 of the Revised Code, the following by the last day~~ 45331  
~~of January of each year for each educational service center, for~~ 45332  
~~each school district, including each cooperative education school~~ 45333  
~~district, for each institution eligible for payment under section~~ 45334  
~~3323.091 of the Revised Code, and for each county DD board: the~~ 45335  
~~number of classes operated by the school district, service center,~~ 45336  
~~institution, or county DD board for preschool children with~~ 45337  
~~disabilities, or fraction thereof, including in the case of a~~ 45338  
~~district or service center that is a funding agent, classes taught~~ 45339  
~~by a licensed teacher employed by that district or service center~~ 45340  
~~under section 3313.841 of the Revised Code, approved annually by~~ 45341  
~~the department on the basis of standards and rules adopted by the~~ 45342  
~~state board.~~ 45343

(C) ~~For the purpose of calculating payments under sections~~ 45344  
~~3317.052, 3317.053, 3317.11, and 3317.19 of the Revised Code, the~~ 45345  
~~department shall determine, based on information certified under~~ 45346  
~~section 3317.03 of the Revised Code, the following by the last day~~ 45347  
~~of January of each year for each school district, including each~~ 45348  
~~cooperative education school district, for each institution~~ 45349  
~~eligible for payment under section 3323.091 of the Revised Code,~~ 45350  
~~and for each county DD board: the number of units for related~~ 45351  
~~services, as defined in section 3323.01 of the Revised Code, for~~ 45352  
~~preschool children with disabilities approved annually by the~~ 45353  
~~department on the basis of standards and rules adopted by the~~ 45354  
~~state board.~~ 45355

~~(D) All of the arithmetical calculations made under this section shall be carried to the second decimal place. The total number of units for school districts, service centers, and institutions approved annually under this section shall not exceed the number of units included in the estimate of cost for these units and appropriations made for them by the general assembly.~~

~~In the case of units for preschool children with disabilities described in division (B) of this section, the department shall approve only preschool units for children who are under age six on the thirtieth day of September of the academic year, or on the first day of August of the academic year if the school district in which the child is enrolled has adopted a resolution under division (A)(3) of section 3321.01 of the Revised Code, but not less than age three on the first day of December of the academic year, except that such a unit may include one or more children who are under age three or are age six or over on the applicable date, as reported under division (B)(2) or (C)(2)(b) of section 3317.03 of the Revised Code, if such children have been admitted to the unit pursuant to rules of the state board. The number of units for county DD boards and institutions eligible for payment under section 3323.091 of the Revised Code approved under this section shall not exceed the number that can be funded with appropriations made for such purposes by the general assembly.~~

~~No unit shall be approved under divisions (B) and (C) of this section unless a plan has been submitted and approved under Chapter 3323. of the Revised Code.~~

(C) The department shall pay each institution approved for career-technical education units under division (A) of this section an amount for the total of all the units approved under that division. The amount for each unit shall be the sum of the minimum salary for the teacher of the unit, calculated on the basis of the teacher's training level and years of experience

pursuant to the salary schedule prescribed in the version of 45388  
section 3317.13 of the Revised Code in effect prior to July 1, 45389  
2001, plus fifteen per cent of that minimum salary amount, and 45390  
nine thousand five hundred ten dollars. Each institution that 45391  
receives unit funds under this division annually shall report to 45392  
the department on the delivery of services and the performance of 45393  
students and any other information required by the department to 45394  
evaluate the institution's career-technical education program. 45395

(D) For each unit allocated to an institution pursuant to 45396  
division (A) of this section, the department, in addition to the 45397  
amount specified in division (B) of this section, shall pay a 45398  
supplemental unit allowance of \$7,227. 45399

**Sec. 3317.051.** (A) As used in this section, "gifted unit ADM" 45400  
means a school district's formula ADM minus the number of students 45401  
reported by a district under divisions (A)(2)(a) and (i) of 45402  
section 3317.03 of the Revised Code. 45403

(B) The department of education shall compute and pay to a 45404  
school district funds based on units for services to students 45405  
identified as gifted under Chapter 3324. of the Revised Code as 45406  
prescribed by this section. 45407

(C) The department shall allocate gifted units for a school 45408  
district as follows: 45409

(1) One gifted coordinator unit shall be allocated for every 45410  
3,300 students in a district's gifted unit ADM, with a minimum of 45411  
0.5 units and a maximum of 8 units allocated for the district. 45412

(2) One gifted intervention specialist unit shall be 45413  
allocated for every 1,100 students in a district's gifted unit 45414  
ADM, with a minimum of 0.3 units allocated for the district. 45415

(D) The department shall pay the following amount to a school 45416  
district for gifted units: 45417



(1) In fiscal year 2014, \$37,000 multiplied by the number of units allocated to a school district under division (C) of this section; 45418  
45419  
45420

(2) In fiscal year 2015, \$37,370 multiplied by the number of units allocated to a school district under division (C) of this section. 45421  
45422  
45423

**Sec. 3317.06.** Moneys paid to school districts under division (E) of section 3317.024 of the Revised Code shall be used for the following independent and fully severable purposes: 45424  
45425  
45426

(A) To purchase such secular textbooks or electronic textbooks as have been approved by the superintendent of public instruction for use in public schools in the state and to loan such textbooks or electronic textbooks to pupils attending nonpublic schools within the district or to their parents and to hire clerical personnel to administer such lending program. Such loans shall be based upon individual requests submitted by such nonpublic school pupils or parents. Such requests shall be submitted to the school district in which the nonpublic school is located. Such individual requests for the loan of textbooks or electronic textbooks shall, for administrative convenience, be submitted by the nonpublic school pupil or the pupil's parent to the nonpublic school, which shall prepare and submit collective summaries of the individual requests to the school district. As used in this section: 45427  
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(1) "Textbook" means any book or book substitute that a pupil uses as a consumable or nonconsumable text, text substitute, or text supplement in a particular class or program in the school the pupil regularly attends. 45442  
45443  
45444  
45445

(2) "Electronic textbook" means any book or book substitute that a student accesses through the use of a computer or other electronic medium or that is available through an internet-based 45446  
45447  
45448

provider of course content, or any other material that contributes 45449  
to the learning process through electronic means. 45450

(B) To provide speech and hearing diagnostic services to 45451  
pupils attending nonpublic schools within the district. Such 45452  
service shall be provided in the nonpublic school attended by the 45453  
pupil receiving the service. 45454

(C) To provide physician, nursing, dental, and optometric 45455  
services to pupils attending nonpublic schools within the 45456  
district. Such services shall be provided in the school attended 45457  
by the nonpublic school pupil receiving the service. 45458

(D) To provide diagnostic psychological services to pupils 45459  
attending nonpublic schools within the district. Such services 45460  
shall be provided in the school attended by the pupil receiving 45461  
the service. 45462

(E) To provide therapeutic psychological and speech and 45463  
hearing services to pupils attending nonpublic schools within the 45464  
district. Such services shall be provided in the public school, in 45465  
nonpublic schools, in public centers, or in mobile units located 45466  
on or off of the nonpublic premises. If such services are provided 45467  
in the public school or in public centers, transportation to and 45468  
from such facilities shall be provided by the school district in 45469  
which the nonpublic school is located. 45470

(F) To provide guidance, counseling, and social work services 45471  
to pupils attending nonpublic schools within the district. Such 45472  
services shall be provided in the public school, in nonpublic 45473  
schools, in public centers, or in mobile units located on or off 45474  
of the nonpublic premises. If such services are provided in the 45475  
public school or in public centers, transportation to and from 45476  
such facilities shall be provided by the school district in which 45477  
the nonpublic school is located. 45478

(G) To provide remedial services to pupils attending 45479

nonpublic schools within the district. Such services shall be 45480  
provided in the public school, in nonpublic schools, in public 45481  
centers, or in mobile units located on or off of the nonpublic 45482  
premises. If such services are provided in the public school or in 45483  
public centers, transportation to and from such facilities shall 45484  
be provided by the school district in which the nonpublic school 45485  
is located. 45486

(H) To supply for use by pupils attending nonpublic schools 45487  
within the district such standardized tests and scoring services 45488  
as are in use in the public schools of the state; 45489

(I) To provide programs for children who attend nonpublic 45490  
schools within the district and are children with disabilities as 45491  
defined in section 3323.01 of the Revised Code or gifted children. 45492  
Such programs shall be provided in the public school, in nonpublic 45493  
schools, in public centers, or in mobile units located on or off 45494  
of the nonpublic premises. If such programs are provided in the 45495  
public school or in public centers, transportation to and from 45496  
such facilities shall be provided by the school district in which 45497  
the nonpublic school is located. 45498

(J) To hire clerical personnel to assist in the 45499  
administration of programs pursuant to divisions (B), (C), (D), 45500  
(E), (F), (G), and (I) of this section and to hire supervisory 45501  
personnel to supervise the providing of services and textbooks 45502  
pursuant to this section. 45503

(K) To purchase or lease any secular, neutral, and 45504  
nonideological computer application software designed to assist 45505  
students in performing a single task or multiple related tasks, 45506  
device management software, learning management software, 45507  
site-licensing, digital video on demand (DVD), wide area 45508  
connectivity and related technology as it relates to internet 45509  
access, mathematics or science equipment and materials, 45510  
instructional materials, and school library materials that are in 45511

general use in the public schools of the state and loan such items 45512  
to pupils attending nonpublic schools within the district or to 45513  
their parents, and to hire clerical personnel to administer the 45514  
lending program. Only such items that are incapable of diversion 45515  
to religious use and that are susceptible of loan to individual 45516  
pupils and are furnished for the use of individual pupils shall be 45517  
purchased and loaned under this division. As used in this section, 45518  
"instructional materials" means prepared learning materials that 45519  
are secular, neutral, and nonideological in character and are of 45520  
benefit to the instruction of school children, ~~and may include~~ 45521  
~~educational resources and services developed by the eTech Ohio~~ 45522  
~~commission.~~ 45523

(L) To purchase or lease instructional equipment, including 45524  
computer hardware and related equipment in general use in the 45525  
public schools of the state, for use by pupils attending nonpublic 45526  
schools within the district and to loan such items to pupils 45527  
attending nonpublic schools within the district or to their 45528  
parents, and to hire clerical personnel to administer the lending 45529  
program. "Computer hardware and related equipment" includes 45530  
desktop computers and workstations; laptop computers, computer 45531  
tablets, and other mobile handheld devices; and their operating 45532  
systems and accessories. 45533

(M) To purchase mobile units to be used for the provision of 45534  
services pursuant to divisions (E), (F), (G), and (I) of this 45535  
section and to pay for necessary repairs and operating costs 45536  
associated with these units. 45537

(N) To reimburse costs the district incurred to store the 45538  
records of a chartered nonpublic school that closes. 45539  
Reimbursements under this division shall be made one time only for 45540  
each chartered nonpublic school that closes. 45541

(O) To purchase life-saving medical or other emergency 45542  
equipment for placement in nonpublic schools within the district 45543

or to maintain such equipment. 45544

Clerical and supervisory personnel hired pursuant to division 45545  
(J) of this section shall perform their services in the public 45546  
schools, in nonpublic schools, public centers, or mobile units 45547  
where the services are provided to the nonpublic school pupil, 45548  
except that such personnel may accompany pupils to and from the 45549  
service sites when necessary to ensure the safety of the children 45550  
receiving the services. 45551

All services provided pursuant to this section may be 45552  
provided under contract with educational service centers, the 45553  
department of health, city or general health districts, or private 45554  
agencies whose personnel are properly licensed by an appropriate 45555  
state board or agency. 45556

Transportation of pupils provided pursuant to divisions (E), 45557  
(F), (G), and (I) of this section shall be provided by the school 45558  
district from its general funds and not from moneys paid to it 45559  
under division (E) of section 3317.024 of the Revised Code unless 45560  
a special transportation request is submitted by the parent of the 45561  
child receiving service pursuant to such divisions. If such an 45562  
application is presented to the school district, it may pay for 45563  
the transportation from moneys paid to it under division (E) of 45564  
section 3317.024 of the Revised Code. 45565

No school district shall provide health or remedial services 45566  
to nonpublic school pupils as authorized by this section unless 45567  
such services are available to pupils attending the public schools 45568  
within the district. 45569

Materials, equipment, computer hardware or software, 45570  
textbooks, electronic textbooks, and health and remedial services 45571  
provided for the benefit of nonpublic school pupils pursuant to 45572  
this section and the admission of pupils to such nonpublic schools 45573  
shall be provided without distinction as to race, creed, color, or 45574

national origin of such pupils or of their teachers. 45575

No school district shall provide services, materials, or 45576  
equipment that contain religious content for use in religious 45577  
courses, devotional exercises, religious training, or any other 45578  
religious activity. 45579

As used in this section, "parent" includes a person standing 45580  
in loco parentis to a child. 45581

Notwithstanding section 3317.01 of the Revised Code, payments 45582  
shall be made under this section to any city, local, or exempted 45583  
village school district within which is located one or more 45584  
nonpublic elementary or high schools and any payments made to 45585  
school districts under division (E) of section 3317.024 of the 45586  
Revised Code for purposes of this section may be disbursed without 45587  
submission to and approval of the controlling board. 45588

The allocation of payments for materials, equipment, 45589  
textbooks, electronic textbooks, health services, and remedial 45590  
services to city, local, and exempted village school districts 45591  
shall be on the basis of the state board of education's estimated 45592  
annual average daily membership in nonpublic elementary and high 45593  
schools located in the district. 45594

Payments made to city, local, and exempted village school 45595  
districts under this section shall be equal to specific 45596  
appropriations made for the purpose. All interest earned by a 45597  
school district on such payments shall be used by the district for 45598  
the same purposes and in the same manner as the payments may be 45599  
used. 45600

The department of education shall adopt guidelines and 45601  
procedures under which such programs and services shall be 45602  
provided, under which districts shall be reimbursed for 45603  
administrative costs incurred in providing such programs and 45604  
services, and under which any unexpended balance of the amounts 45605

appropriated by the general assembly to implement this section may 45606  
be transferred to the auxiliary services personnel unemployment 45607  
compensation fund established pursuant to section 4141.47 of the 45608  
Revised Code. The department shall also adopt guidelines and 45609  
procedures limiting the purchase and loan of the items described 45610  
in division (K) of this section to items that are in general use 45611  
in the public schools of the state, that are incapable of 45612  
diversion to religious use, and that are susceptible to individual 45613  
use rather than classroom use. Within thirty days after the end of 45614  
each biennium, each board of education shall remit to the 45615  
department all moneys paid to it under division (E) of section 45616  
3317.024 of the Revised Code and any interest earned on those 45617  
moneys that are not required to pay expenses incurred under this 45618  
section during the biennium for which the money was appropriated 45619  
and during which the interest was earned. If a board of education 45620  
subsequently determines that the remittal of moneys leaves the 45621  
board with insufficient money to pay all valid expenses incurred 45622  
under this section during the biennium for which the remitted 45623  
money was appropriated, the board may apply to the department of 45624  
education for a refund of money, not to exceed the amount of the 45625  
insufficiency. If the department determines the expenses were 45626  
lawfully incurred and would have been lawful expenditures of the 45627  
refunded money, it shall certify its determination and the amount 45628  
of the refund to be made to the director of job and family 45629  
services who shall make a refund as provided in section 4141.47 of 45630  
the Revised Code. 45631

Each school district shall label materials, equipment, 45632  
computer hardware or software, textbooks, and electronic textbooks 45633  
purchased or leased for loan to a nonpublic school under this 45634  
section, acknowledging that they were purchased or leased with 45635  
state funds under this section. However, a district need not label 45636  
materials, equipment, computer hardware or software, textbooks, or 45637  
electronic textbooks that the district determines are consumable 45638

in nature or have a value of less than two hundred dollars. 45639

**Sec. 3317.08.** A board of education may admit to its schools a 45640  
child it is not required by section 3313.64 or 3313.65 of the 45641  
Revised Code to admit, if tuition is paid for the child. 45642

Unless otherwise provided by law, tuition shall be computed 45643  
in accordance with this section. A district's tuition charge for a 45644  
school year shall be one of the following: 45645

(A) For any child, except a preschool child with a disability 45646  
described in division (B) of this section, the quotient obtained 45647  
by dividing the sum of the amounts described in divisions (A)(1) 45648  
and (2) of this section by the district's formula ADM. 45649

(1) The district's total taxes charged and payable for 45650  
current expenses for the tax year preceding the tax year in which 45651  
the school year begins as certified under division (A)(3) of 45652  
section 3317.021 of the Revised Code. 45653

(2) The district's total taxes collected for current expenses 45654  
under a school district income tax adopted pursuant to section 45655  
5748.03, 5748.08, or 5748.09 of the Revised Code that are 45656  
disbursed to the district during the fiscal year, excluding any 45657  
income tax receipts allocated for the project cost, debt service, 45658  
or maintenance set-aside associated with a state-assisted 45659  
classroom facilities project as authorized by section 3318.052 of 45660  
the Revised Code. On or before the first day of June of each year, 45661  
the tax commissioner shall certify the amount to be used in the 45662  
calculation under this division for the next fiscal year to the 45663  
department of education and the office of budget and management 45664  
for each city, local, and exempted village school district that 45665  
levies a school district income tax. 45666

(B) For any preschool child with a disability ~~not included in~~ 45667  
~~a unit approved under division (B) of section 3317.05 of the~~ 45668



~~Revised Code~~, an amount computed for the school year as follows: 45669

(1) For each type of special education service provided to 45670  
the child for whom tuition is being calculated, determine the 45671  
amount of the district's operating expenses in providing that type 45672  
of service to all preschool children with disabilities ~~not~~ 45673  
~~included in units approved under division (B) of section 3317.05~~ 45674  
~~of the Revised Code;~~ 45675

(2) For each type of special education service for which 45676  
operating expenses are determined under division (B)(1) of this 45677  
section, determine the amount of such operating expenses that was 45678  
paid from any state funds received under this chapter; 45679

(3) For each type of special education service for which 45680  
operating expenses are determined under division (B)(1) of this 45681  
section, divide the difference between the amount determined under 45682  
division (B)(1) of this section and the amount determined under 45683  
division (B)(2) of this section by the total number of preschool 45684  
children with disabilities ~~not included in units approved under~~ 45685  
~~division (B) of section 3317.05 of the Revised Code~~ who received 45686  
that type of service; 45687

(4) Determine the sum of the quotients obtained under 45688  
division (B)(3) of this section for all types of special education 45689  
services provided to the child for whom tuition is being 45690  
calculated. 45691

The state board of education shall adopt rules defining the 45692  
types of special education services and specifying the operating 45693  
expenses to be used in the computation under this section. 45694

If any child for whom a tuition charge is computed under this 45695  
section for any school year is enrolled in a district for only 45696  
part of that school year, the amount of the district's tuition 45697  
charge for the child for the school year shall be computed in 45698  
proportion to the number of school days the child is enrolled in 45699

the district during the school year. 45700

Except as otherwise provided in division (J) of section 45701  
3313.64 of the Revised Code, whenever a district admits a child to 45702  
its schools for whom tuition computed in accordance with this 45703  
section is an obligation of another school district, the amount of 45704  
the tuition shall be certified by the treasurer of the board of 45705  
education of the district of attendance, to the board of education 45706  
of the district required to pay tuition for its approval and 45707  
payment. If agreement as to the amount payable or the district 45708  
required to pay the tuition cannot be reached, or the board of 45709  
education of the district required to pay the tuition refuses to 45710  
pay that amount, the board of education of the district of 45711  
attendance shall notify the superintendent of public instruction. 45712  
The superintendent shall determine the correct amount and the 45713  
district required to pay the tuition and shall deduct that amount, 45714  
if any, under division (D) of section 3317.023 of the Revised 45715  
Code, from the district required to pay the tuition and add that 45716  
amount to the amount allocated to the district attended under such 45717  
division. The superintendent of public instruction shall send to 45718  
the district required to pay the tuition an itemized statement 45719  
showing such deductions at the time of such deduction. 45720

When a political subdivision owns and operates an airport, 45721  
welfare, or correctional institution or other project or facility 45722  
outside its corporate limits, the territory within which the 45723  
facility is located is exempt from taxation by the school district 45724  
within which such territory is located, and there are school age 45725  
children residing within such territory, the political subdivision 45726  
owning such tax exempt territory shall pay tuition to the district 45727  
in which such children attend school. The tuition for these 45728  
children shall be computed as provided for in this section. 45729

**Sec. 3317.10.** (A) On or before the first day of March of each 45730

year, the department of job and family services shall certify to 45731  
the state board of education the unduplicated number of children 45732  
ages five through seventeen residing in each school district and 45733  
living in a family that, during the preceding October, 45734  
participated in Ohio works first. 45735

The department of job and family services shall certify this 45736  
information according to the school district of residence for each 45737  
child. ~~Except as provided under division (B) of this section, the~~ 45738  
~~number of children so certified in any year shall be used by the~~ 45739  
~~department of education in calculating the distribution of moneys~~ 45740  
~~for the ensuing fiscal year as provided in section 3317.029 of the~~ 45741  
~~Revised Code.~~ 45742

(B) Upon the transfer of part of the territory of one school 45743  
district to the territory of one or more other school districts, 45744  
the department of education may adjust the number of children 45745  
certified under division (A) of this section for any district 45746  
gaining or losing territory in such a transfer in order to take 45747  
into account the effect of the transfer on the number of such 45748  
children who reside in the district. Within sixty days of receipt 45749  
of a request for information from the department of education, the 45750  
department of job and family services shall provide any 45751  
information the department of education determines is necessary to 45752  
make such adjustments. ~~The department of education may use the~~ 45753  
~~adjusted number for any district for the applicable fiscal year,~~ 45754  
~~in lieu of the number certified for the district for that fiscal~~ 45755  
~~year under division (A) of this section, in the calculation of the~~ 45756  
~~distribution of moneys provided in section 3317.029 of the Revised~~ 45757  
~~Code.~~ 45758

**Sec. 3317.12.** Any board of education participating in funds 45759  
distributed under Chapter 3317. of the Revised Code shall annually 45760  
adopt a salary ~~schedule~~ schedules for teachers and nonteaching 45761

school employees based upon training, experience, and 45762  
qualifications with initial salaries no less than the salaries in 45763  
effect on October 13, 1967. Each board of education shall prepare 45764  
and may amend from time to time, specifications descriptive of 45765  
duties, responsibilities, requirements, and desirable 45766  
qualifications of the classifications of employees required to 45767  
perform the duties specified in the salary schedule. All 45768  
nonteaching school employees are to be notified of the position 45769  
classification to which they are assigned and the salary for the 45770  
classification. The compensation of all employees working for a 45771  
particular school board shall be uniform for like positions except 45772  
as compensation would be affected by salary increments based upon 45773  
length of service. 45774

On the fifteenth day of October each year the salary schedule 45775  
and the list of job classifications and salaries in effect on that 45776  
date shall be filed by each board of education with the 45777  
superintendent of public instruction. If such salary schedule and 45778  
classification plan is not filed the superintendent of public 45779  
instruction shall order the board to file such schedules 45780  
forthwith. If this condition is not corrected within ten days 45781  
after receipt of the order from the superintendent of public 45782  
instruction, no money shall be distributed to the district under 45783  
Chapter 3317. of the Revised Code until the superintendent has 45784  
satisfactory evidence of the board of education's full compliance 45785  
with such order. 45786

**Sec. 3317.14.** Any school district board of education or 45787  
educational service center governing board participating in funds 45788  
distributed under Chapter 3317. of the Revised Code shall annually 45789  
adopt a teachers' salary schedule with provision for increments 45790  
based upon training and years of service. ~~Notwithstanding sections~~ 45791  
~~3317.13 and 3319.088 of the Revised Code, the~~ The board may 45792  
establish its own service requirements and may grant service 45793

credit for such activities as teaching in public or nonpublic 45794  
schools in this state or in another state, for service as an 45795  
educational assistant other than as a classroom aide employed in 45796  
accordance with section 5107.541 of the Revised Code, and for 45797  
service in the military or in an appropriate state or federal 45798  
governmental agency, ~~provided no teacher receives less than the~~ 45799  
~~amount required to be paid pursuant to section 3317.13 of the~~ 45800  
~~Revised Code and provided full credit for a minimum of five years~~ 45801  
~~of actual teaching and military experience as defined in division~~ 45802  
~~(A) of section 3317.13 of the Revised Code is given to each~~ 45803  
teacher. 45804

~~On the fifteenth day of October of each year, a copy of the~~ 45805  
~~salary schedule in effect on that date shall be filed by the board~~ 45806  
~~of education of each local school district with the educational~~ 45807  
~~service center superintendent, who thereupon shall certify to the~~ 45808  
~~treasurer of such local district the correct salary to be paid to~~ 45809  
~~each teacher in accordance with the adopted schedule.~~ 45810

~~Each teacher who has completed training which would qualify~~ 45811  
~~such teacher for a higher salary bracket pursuant to this section~~ 45812  
~~shall file by the fifteenth day of September with the treasurer of~~ 45813  
~~the board of education or educational service center satisfactory~~ 45814  
~~evidence of the completion of such additional training. The~~ 45815  
~~treasurer shall then immediately place the teacher, pursuant to~~ 45816  
~~this section and section 3317.13 of the Revised Code, in the~~ 45817  
~~proper salary bracket in accordance with training and years of~~ 45818  
~~service before certifying such salary, training, and years of~~ 45819  
~~service to the superintendent of public instruction. No teacher~~ 45820  
~~shall be paid less than the salary to which such teacher is~~ 45821  
~~entitled pursuant to section 3317.13 of the Revised Code.~~ 45822

As used in this section: 45823

(A) "Years of service" includes the following: 45824

(1) All years of teaching service in the same school district or educational service center, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract; 45825  
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(2) All years of teaching service in a chartered, nonpublic school located in Ohio as a teacher licensed pursuant to section 3319.22 of the Revised Code or in another public school, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract; 45829  
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(3) All years of teaching service in a chartered school or institution or a school or institution that subsequently became chartered or a chartered special education program or a special education program that subsequently became chartered operated by the state or by a subdivision or other local governmental unit of this state as a teacher licensed pursuant to section 3319.22 of the Revised Code, regardless of training level, with each year consisting of at least one hundred twenty days; 45834  
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(4) All years of active military service in the armed forces of the United States, as defined in section 3307.75 of the Revised Code, to a maximum of five years. For purposes of this calculation, a partial year of active military service of eight continuous months or more in the armed forces shall be counted as a full year. 45842  
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(B) "Teacher" means all teachers employed by the board of education of any school district, including any cooperative education or joint vocational school district and all teachers employed by any educational service center governing board. 45848  
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**Sec. 3317.141.** The board of education of any city, exempted village, local, or joint vocational school district that is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 45852  
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of the "American Recovery and Reinvestment Act of 2009," Pub. L. 45856  
No. 111-5, 123 Stat. 115, shall comply with this section in 45857  
accordance with the timeline contained in the board's scope of 45858  
work, as approved by the superintendent of public instruction, and 45859  
shall not be subject to ~~sections 3317.13 and section~~ section 3317.14 of 45860  
the Revised Code. The board of education of any other school 45861  
district, and the governing board of each educational service 45862  
center, shall comply with either this section or ~~sections 3317.13~~ 45863  
~~and section~~ section 3317.14 of the Revised Code. 45864

(A) The board annually shall adopt a salary schedule for 45865  
teachers based upon performance as described in division (B) of 45866  
this section. 45867

(B) For purposes of the schedule, a board shall measure a 45868  
teacher's performance by considering all of the following: 45869

(1) The level of license issued under section 3319.22 of the 45870  
Revised Code that the teacher holds; 45871

(2) Whether the teacher is a highly qualified teacher, as 45872  
defined in section 3319.074 of the Revised Code; 45873

(3) Ratings received by the teacher on performance 45874  
evaluations conducted under section 3319.111 of the Revised Code. 45875

(C) The schedule shall provide for annual adjustments based 45876  
on performance on the evaluations conducted under section 3319.111 45877  
of the Revised Code. The annual performance-based adjustment for a 45878  
teacher rated as accomplished shall be greater than the annual 45879  
performance-based adjustment for a teacher rated as proficient. 45880

(D) The salary schedule adopted under this section may 45881  
provide for additional compensation for teachers who agree to 45882  
perform duties, not contracted for under a supplemental contract, 45883  
that the employing board determines warrant additional 45884  
compensation. Those duties may include, but are not limited to, 45885

assignment to a school building eligible for funding under Title I 45886  
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 45887  
6301 et seq.; assignment to a building in "school improvement" 45888  
status under the "No Child Left Behind Act of 2001," as defined in 45889  
section 3302.01 of the Revised Code; teaching in a grade level or 45890  
subject area in which the board has determined there is a shortage 45891  
within the district or service center; or assignment to a 45892  
hard-to-staff school, as determined by the board. 45893

Sec. 3317.16. (A) The department of education shall compute 45894  
and distribute state core foundation funding to each joint 45895  
vocational school district for the fiscal year as prescribed in 45896  
the following divisions: 45897

(1) An opportunity grant calculated according to the 45898  
following formula: 45899

(The formula amount X formula ADM) - (0.0005 X the 45900  
district's three-year average valuation) 45901

If the result of the calculation for a joint vocational 45902  
school district under division (A)(1) of this section is less than 45903  
zero, the joint vocational school district's opportunity grant 45904  
shall be zero. 45905

(2) Additional state aid for special education and related 45906  
services provided under Chapter 3323. of the Revised Code 45907  
calculated as the sum of the following: 45908

The formula amount X the district's total special education 45909  
weight X the district's state share percentage 45910

(3) Economically disadvantaged funds calculated according to 45911  
the following formula: 45912

(\$340, in fiscal year 2014, or \$343, in fiscal year 2015) X 45913  
(the district's economically disadvantaged index) X the number 45914  
of students who are economically disadvantaged as reported under 45915



<u>division (D)(2)(k) of section 3317.03 of the Revised Code</u>	45916
<u>(4) Limited English proficiency funds calculated as the sum of the following:</u>	45917
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<u>(a) The district's category one limited English proficient ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share percentage;</u>	45919
	45920
	45921
<u>(b) The district's category two limited English proficient ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share percentage;</u>	45922
	45923
	45924
<u>(c) The district's category three limited English proficient ADM X the amount specified in division (C) of section 3317.016 of the Revised Code X the district's state share percentage;</u>	45925
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<u>(5) Career-technical education funds calculated according to the following formula:</u>	45928
	45929
<u>The formula amount X the district's total career-technical education weight X the district's state share percentage</u>	45930
	45931
<u>Payment of funds under division (A)(5) of this section is subject to approval under section 3317.161 of the Revised Code.</u>	45932
	45933
<u>(6) Career-technical education associated services funds calculated under the following formula:</u>	45934
	45935
<u>The district's state share percentage X 0.05 X the formula amount X the sum of categories one through five career-technical education ADM</u>	45936
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<u>(B)(1) If a joint vocational school district's costs for a fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, as specified in division (B) of section 3317.0214 of the Revised Code, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all of its costs for that student. Upon submission of documentation for a student of the type and in the</u>	45939
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manner prescribed, the department shall pay to the district an amount equal to the sum of the following: 45947  
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(a) One-half of the district's costs for the student in excess of the threshold catastrophic cost; 45949  
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(b) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage. 45951  
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(2) The district shall report under division (B)(1) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount. 45954  
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(C)(1) For each student with a disability receiving special education and related services under an individualized education program, as defined in section 3323.01 of the Revised Code, at a joint vocational district, the resident district or, if the student is enrolled in a community school, the community school shall be responsible for the amount of any costs of providing those special education and related services to that student that exceed the sum of the amount calculated for those services attributable to that student under division (A) of this section. 45961  
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Those excess costs shall be calculated by subtracting the sum of the following from the actual cost to provide special education and related services to the student: 45970  
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(a) The formula amount; 45973

(b) The formula amount times the multiple specified in section 3317.013 of the Revised Code that is applicable to the student; 45974  
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<u>(c) Any funds paid under section 3317.0214 for the student.</u>	45977
<u>(2) The board of education of the joint vocational school district may report the excess costs calculated under division (C)(1) of this section to the department of education.</u>	45978 45979 45980
<u>(3) If the board of education of the joint vocational school district reports excess costs under division (C)(2) of this section, the department shall pay the amount of excess cost calculated under division (C)(2) of this section to the joint vocational school district and shall deduct that amount as provided in division (C)(3)(a) or (b) of this section, as applicable:</u>	45981 45982 45983 45984 45985 45986 45987
<u>(a) If the student is not enrolled in a community school, the department shall deduct the amount from the account of the student's resident district pursuant to division (J) of section 3317.023 of the Revised Code.</u>	45988 45989 45990 45991
<u>(b) If the student is enrolled in a community school, the department shall deduct the amount from the account of the community school pursuant to section 3314.083 of the Revised Code.</u>	45992 45993 45994
<u>(D) In any fiscal year, a school district receiving funds under division (A)(5) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical educational expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division (A)(5) of this section may be spent.</u>	45995 45996 45997 45998 45999 46000 46001 46002 46003 46004 46005
<u>(E) In any fiscal year, a school district receiving funds under division (A)(6) of this section, or through a transfer of</u>	46006 46007

funds pursuant to division (I) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for career-technical education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other career-technical education services, career-technical evaluation, and other purposes designated by the department. The department may deny payment under division (A)(6) of this section to any district that the department determines is not operating those services or is using funds paid under division (A)(6) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes.

(F) As used in this section:

(1) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(2) "Resident district" means the city, local, or exempted village school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(3) "State share percentage" is equal to the following:

The amount computed under division (A)(1) of this section /  
(the formula amount X formula ADM)

**Sec. 3317.161.** (A) As used in this section, "lead district" has the same meaning as in section 3317.023 of the Revised Code.

(B) The lead district of a career-technical planning district shall review the career-technical education program of each city, local, and exempted village school district, each community school, and each STEM school that is assigned to the career-technical planning district and determine whether to approve or disapprove the program. The lead district shall notify the department of its determination.

(C) Upon receiving notification of a lead district's approval, the department shall pay to the member city, local, or exempted village school district or deduct from the state education aid of a district and pay to a community school or STEM school the funds attributed to the career-technical students enrolled in the district or school, according to a payment schedule prescribed by the department. 46038  
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(D) Upon receiving notification from a lead district of disapproval of a city, local, or exempted village school district's, a community school's, or STEM school's career-technical education program, the department shall automatically review the lead district's decision. In reviewing the lead district's decision, the department shall consider the demand for the career-technical education program and the availability of the program within the career-technical planning district. If, as a result of the review, the department decides to approve the city, local, or exempted village school district's, the community school's, or the STEM school's career-technical education program, the department shall pay the funds to the district or deduct and pay the funds to the community school or STEM school in the manner described in division (C) of this section. The department's decision shall be final. 46045  
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**Sec. 3317.18.** (A) As used in this section, the terms "Chapter 133. securities," "credit enhancement facilities," "debt charges," "general obligation," "legislation," "public obligations," and "securities" have the same meanings as in section 133.01 of the Revised Code. 46060  
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(B) The board of education of any school district authorizing the issuance of securities under section 133.10, ~~133.301~~, or 3313.372 of the Revised Code or general obligation Chapter 133. securities may adopt legislation requesting the state department 46065  
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of education to approve, and enter into an agreement with the 46069  
school district and the primary paying agent or fiscal agent for 46070  
such securities providing for, the withholding and deposit of 46071  
funds, otherwise due the district under Chapter 3317. of the 46072  
Revised Code, for the payment of debt service charges on such 46073  
securities. 46074

The board of education shall deliver to the state department 46075  
a copy of such resolution and any additional pertinent information 46076  
the state department may require. 46077

The department of education and the office of budget and 46078  
management shall evaluate each request received from a school 46079  
district under this section and the department, with the advice 46080  
and consent of the director of budget and management, shall 46081  
approve or deny each request based on all of the following: 46082

(1) Whether approval of the request will enhance the 46083  
marketability of the securities for which the request is made; 46084

(2) Any other pertinent factors or limitations established in 46085  
rules made under division (I) of this section, including: 46086

(a) Current and projected obligations of funds due to the 46087  
requesting school district under Chapter 3317. of the Revised Code 46088  
including obligations of those funds to public obligations or 46089  
relevant credit enhancement facilities under this section, Chapter 46090  
133. and section 3313.483 of the Revised Code, and under any other 46091  
similar provisions of law; 46092

(b) Whether the department of education or the office of 46093  
budget and management has any reason to believe the requesting 46094  
school district will be unable to pay when due the debt charges on 46095  
the securities for which the request is made. 46096

The department may require a school district to establish 46097  
schedules for the payment of all debt charges that take into 46098  
account the amount and timing of anticipated distributions of 46099

funds to the district under Chapter 3317. of the Revised Code. 46100

(C) If the department approves the request of a school 46101  
district to withhold and deposit funds pursuant to this section, 46102  
the department shall enter into a written agreement with the 46103  
district and the primary paying agent or fiscal agent for the 46104  
securities which shall provide for the withholding of funds 46105  
pursuant to this section for the payment of debt charges on those 46106  
securities, and may include both of the following: 46107

(1) Provisions for certification by the district to the 46108  
department, at a time prior to any date for the payment of 46109  
applicable debt charges, whether the district is able to pay those 46110  
debt charges when due; 46111

(2) Requirements that the district deposit amounts for the 46112  
payment of debt charges on the securities with the primary paying 46113  
agent or fiscal agent for the securities prior to the date on 46114  
which those debt charge payments are due to the owners or holders 46115  
of the securities. 46116

(D) Whenever a district notifies the department of education 46117  
that it will be unable to pay debt charges when they are due, 46118  
subject to the withholding provisions of this section, or whenever 46119  
the applicable paying agent or fiscal agent notifies the 46120  
department that it has not timely received from a school district 46121  
the full amount needed for the payment when due of those debt 46122  
charges to the holders or owners of such securities, the 46123  
department shall immediately contact the school district and the 46124  
paying agent or fiscal agent to confirm or determine whether the 46125  
district is unable to make the required payment by the date on 46126  
which it is due. 46127

Upon demand of the treasurer of state while holding a school 46128  
district obligation purchased under division (G)(1) of section 46129  
135.143 of the Revised Code, the state department of education, 46130

without a request of the school district, shall withhold and 46131  
deposit funds pursuant to this section for payment of debt service 46132  
charges on that obligation. 46133

If the department confirms or determines that the district 46134  
will be unable to make such payment and payment will not be made 46135  
pursuant to a credit enhancement facility, the department shall 46136  
promptly pay to the applicable primary paying agent or fiscal 46137  
agent the lesser of the amount due for debt charges or the amount 46138  
due the district for the remainder of the fiscal year under 46139  
Chapter 3317. of the Revised Code. If this amount is insufficient 46140  
to pay the total amount then due the agent for the payment of debt 46141  
charges, the department shall pay to the agent each fiscal year 46142  
thereafter, and until the full amount due the agent for unpaid 46143  
debt charges is paid in full, the lesser of the remaining amount 46144  
due the agent for debt charges or the amount due the district for 46145  
the fiscal year under Chapter 3317. of the Revised Code. 46146

(E) The state department may make any payments under this 46147  
division by direct deposit of funds by electronic transfer. 46148

Any amount received by a paying agent or fiscal agent under 46149  
this section shall be applied only to the payment of debt charges 46150  
on the securities of the school district subject to this section 46151  
or to the reimbursement to the provider of a credit enhancement 46152  
facility that has paid such debt charges. 46153

(F) To the extent a school district whose securities are 46154  
subject to this section is unable to pay applicable debt charges 46155  
because of the failure to collect property taxes levied for the 46156  
payment of those debt charges, the district may transfer to or 46157  
deposit into any fund that would have received payments under 46158  
Chapter 3317. of the Revised Code that were withheld under this 46159  
section any such delinquent property taxes when later collected, 46160  
provided that transfer or deposit shall be limited to the amounts 46161  
withheld from that fund under this section. 46162



(G) The department may make payments under this section to 46163  
paying agents or fiscal agents only from and to the extent that 46164  
money is appropriated by the general assembly for Chapter 3317. of 46165  
the Revised Code or for the purposes of this section. No 46166  
securities of a school district to which this section is made 46167  
applicable constitute an obligation or a debt or a pledge of the 46168  
faith, credit, or taxing power of the state, and the holders or 46169  
owners of such securities have no right to have taxes levied or 46170  
appropriations made by the general assembly for the payment of 46171  
debt charges on those securities, and those securities, if the 46172  
department requires, shall contain a statement to that effect. The 46173  
agreement for or the actual withholding and payment of moneys 46174  
under this section does not constitute the assumption by the state 46175  
of any debt of a school district. 46176

(H) In the case of securities subject to the withholding 46177  
provisions of this section, the issuing board of education shall 46178  
appoint a paying agent or fiscal agent who is not an officer or 46179  
employee of the school district. 46180

(I) The department of education, with the advice of the 46181  
office of budget and management, may adopt reasonable rules not 46182  
inconsistent with this section for the implementation of this 46183  
section and division (B) of section 133.25 of the Revised Code as 46184  
it relates to the withholding and depositing of payments under 46185  
Chapter 3317. of the Revised Code to secure payment of debt 46186  
charges on school district securities. Those rules shall include 46187  
criteria for the evaluation and approval or denial of school 46188  
district requests for withholding under this section and limits on 46189  
the obligation for the purpose of paying debt charges or 46190  
reimbursing credit enhancement facilities of funds otherwise to be 46191  
paid to school districts under Chapter 3317. of the Revised Code. 46192

(J) The authority granted by this section is in addition to 46193  
and not a limitation on any other authorizations granted by or 46194

pursuant to law for the same or similar purposes. 46195

~~Sec. 3317.19. (A) As used in this section, "total unit allowance" means an amount equal to the sum of the following:~~ 46196  
46197

~~(1) The total of the salary allowances for the teachers employed in the cooperative education school district for all units approved under division (B) or (C) of section 3317.05 of the Revised Code. The salary allowance for each unit shall equal the minimum salary for the teacher of the unit calculated on the basis of the teacher's training level and years of experience pursuant to the salary schedule prescribed in the version of section 3317.13 of the Revised Code in effect prior to July 1, 2001.~~ 46198  
46199  
46200  
46201  
46202  
46203  
46204  
46205

~~(2) Fifteen per cent of the total computed under division (A)(1) of this section;~~ 46206  
46207

~~(3) The total of the unit operating allowances for all approved units. The amount of each allowance shall equal one of the following:~~ 46208  
46209  
46210

~~(a) Eight thousand twenty three dollars times the number of units for preschool children with disabilities or fraction thereof approved for the year under division (B) of section 3317.05 of the Revised Code;~~ 46211  
46212  
46213  
46214

~~(b) Two thousand one hundred thirty two dollars times the number of units or fraction thereof approved for the year under division (C) of section 3317.05 of the Revised Code.~~ 46215  
46216  
46217

~~(B) The state board of education shall compute and distribute to each cooperative education school district for each fiscal year an amount equal to the sum of the following:~~ 46218  
46219  
46220

~~(1)(A) An amount equal to the total of the amounts credited to the cooperative education school district pursuant to division (H) of section 3317.023 of the Revised Code;~~ 46221  
46222  
46223

~~(2) The total unit allowance;~~ 46224

~~(3)(B)~~ An amount for assisting in providing free lunches to 46225  
needy children pursuant to division (D) of section 3317.024 of the 46226  
Revised Code. 46227

~~(C) If a cooperative education school district has had 46228  
additional special education units approved for the year under 46229  
division (F)(2) of section 3317.03 of the Revised Code, the 46230  
district shall receive an additional amount during the last half 46231  
of the fiscal year. For each unit, the additional amount shall 46232  
equal fifty per cent of the amount computed under division (A) of 46233  
this section for a unit approved under division (B) of section 46234  
3317.05 of the Revised Code. 46235~~

**Sec. 3317.20.** This section does not apply to preschool 46236  
children with disabilities. 46237

(A) As used in this section: 46238

(1) "Applicable weight" means the multiple specified in 46239  
section 3317.013 of the Revised Code for a disability described in 46240  
that section. 46241

(2) "Child's school district" means the school district in 46242  
which a child is entitled to attend school pursuant to section 46243  
3313.64 or 3313.65 of the Revised Code. 46244

(3) "State share ~~percentage~~ index" means the state share 46245  
~~percentage~~ index of the child's school district. 46246

~~(B) Except as provided in division (C) of this section, the 46247  
The department shall annually pay each county DD board for each 46248  
child with a disability, other than a preschool child with a 46249  
disability, for whom the county DD board provides special 46250  
education and related services an amount equal to the formula 46251  
amount + (state share ~~percentage~~ index X formula amount X the 46252  
applicable weight). 46253~~

~~(C) If any school district places with a county DD board more 46254~~

~~children with disabilities than it had placed with a county DD board in fiscal year 1998, the department shall not make a payment under division (B) of this section for the number of children exceeding the number placed in fiscal year 1998. The department instead shall deduct from the district's payments under this chapter, and pay to the county DD board, an amount calculated in accordance with the formula prescribed in division (B) of this section for each child over the number of children placed in fiscal year 1998.~~

~~(D) The department shall calculate for each county DD board receiving payments under divisions (B) and (C) of this section the following amounts:~~

~~(1) The amount received by the county DD board for approved special education and related services units, other than units for preschool children with disabilities, in fiscal year 1998, divided by the total number of children served in the units that year;~~

~~(2) The product of the quotient calculated under division (D)(1) of this section times the number of children for whom payments are made under divisions (B) and (C) of this section.~~

~~If the amount calculated under division (D)(2) of this section is greater than the total amount calculated under divisions (B) and (C) of this section, the department shall pay the county DD board one hundred per cent of the difference in addition to the payments under divisions (B) and (C) of this section.~~

~~(E)(C) Each county DD board shall report to the department, in the manner specified by the department, the name of each child for whom the county DD board provides special education and related services and the child's school district.~~

~~(F)(D)(1) For the purpose of verifying the accuracy of the payments under this section, the department may request from~~

either of the following entities the data verification code 46286  
assigned under division (D)(2) of section 3301.0714 of the Revised 46287  
Code to any child who is placed with a county DD board: 46288

(a) The child's school district; 46289

(b) The independent contractor engaged to create and maintain 46290  
data verification codes. 46291

(2) Upon a request by the department under division ~~(F)~~(D)(1) 46292  
of this section for the data verification code of a child, the 46293  
child's school district shall submit that code to the department 46294  
in the manner specified by the department. If the child has not 46295  
been assigned a code, the district shall assign a code to that 46296  
child and submit the code to the department by a date specified by 46297  
the department. If the district does not assign a code to the 46298  
child by the specified date, the department shall assign a code to 46299  
the child. 46300

The department annually shall submit to each school district 46301  
the name and data verification code of each child residing in the 46302  
district for whom the department has assigned a code under this 46303  
division. 46304

(3) The department shall not release any data verification 46305  
code that it receives under division ~~(F)~~(D) of this section to any 46306  
person except as provided by law. 46307

~~(G)~~(E) Any document relative to special education and related 46308  
services provided by a county DD board that the department holds 46309  
in its files that contains both a student's name or other 46310  
personally identifiable information and the student's data 46311  
verification code shall not be a public record under section 46312  
149.43 of the Revised Code. 46313

**Sec. ~~3313.847~~ 3317.30.** (A) In the case of a child placed in 46314  
the custody of a juvenile facility established under section 46315

2151.65 or a detention facility established under section 2152.41 46316  
of the Revised Code, if payment for the child's education services 46317  
shall be administered by one of the following methods: 46318

(1) If the facility educates the child, the facility, or the 46319  
chartered nonpublic school it operates, may submit its request for 46320  
payment directly to the school district that is to bear the cost 46321  
of educating the child, as determined under section 2151.362 of 46322  
the Revised Code. That district shall pay the facility or the 46323  
chartered nonpublic school directly for those services. 46324

(2) If the facility contracts directly with a school district 46325  
in which the facility is located for services for that child, the 46326  
school district may submit its request for payment directly to the 46327  
school district that is to bear the cost of educating the child, 46328  
as determined under section 2151.362 of the Revised Code. That 46329  
district shall pay the school district where the facility is 46330  
located directly for those services. 46331

(3) If that facility contracts directly with an educational 46332  
service center for services for that child, the service center may 46333  
submit its request for payment for services for the child directly 46334  
to the school district that is responsible to bear the cost of 46335  
educating the child, as determined under section 2151.362 of the 46336  
Revised Code. That district shall pay the service center directly 46337  
for those services. ~~Notwithstanding~~ 46338

(B) ~~Notwithstanding~~ anything to the contrary in section 46339  
3317.03 of the Revised Code, the district that pays a service 46340  
center, facility or chartered nonpublic school the facility 46341  
operates, or other school district for services for a particular 46342  
child under this section shall include that child in the 46343  
district's average daily membership as reported under division (A) 46344  
of section 3317.03 of the Revised Code. No other district shall 46345  
include the child in its average daily membership. 46346

Payments made for a child under this section shall be 46347  
determined in accordance with division (C)(4) of section 3313.64 46348  
of the Revised Code. 46349

**Sec. 3317.40.** (A) As used in this section, "subgroup" means 46350  
one of the following subsets of the entire student population of a 46351  
school district or a school building: 46352

(1) Students with disabilities; 46353

(2) Economically disadvantaged students; 46354

(3) Limited English proficient students; 46355

(4) Students identified as gifted in superior cognitive 46356  
ability and specific academic ability fields under Chapter 3324. 46357  
of the Revised Code. 46358

(B) When funds are provided under this chapter specifically 46359  
for services for a subgroup of students, the general assembly has 46360  
determined that these students experience unique challenges 46361  
requiring additional resources. The department of education shall 46362  
require school districts and schools to account for the 46363  
expenditure of funds provided under this chapter for services to 46364  
those students. 46365

(C) If a district or school fails to show satisfactory 46366  
achievement and progress, as determined by the state board of 46367  
education, for any subgroup of students based on performance 46368  
measures reported or graded under section 3302.03 of the Revised 46369  
Code, the district or school shall submit an improvement plan to 46370  
the department for approval. The plan may be included in any other 46371  
improvement plan required of the district or school under state or 46372  
federal law. The department may require that a plan required under 46373  
division (C) of this section include an agreement to partner with 46374  
another organization that has demonstrated the ability to improve 46375  
the educational outcome for that subgroup of students to provide 46376

services to those students. The partner organization may be 46377  
another school, district, or other education provider. 46378

Not later than December 31, 2014, the state board of 46379  
education shall establish measures of satisfactory achievement and 46380  
progress, which include, but are not limited to, performance 46381  
measures under section 3302.03 of the Revised Code. The department 46382  
shall make the initial determination of satisfactory achievement 46383  
and progress under this section using those measures not later 46384  
than September 1, 2015, and then make determinations under this 46385  
section annually thereafter. 46386

The department shall publish a list of schools, school 46387  
districts, and other educational providers that have demonstrated 46388  
an ability to serve each subgroup of students. 46389

**Sec. 3317.50.** The ~~eTech-Ohio~~ telecommunity education fund is 46390  
hereby created in the state treasury. The fund shall consist of 46391  
certain excess local exchange telephone company contributions 46392  
transferred from the reserve fund of the Ohio telecommunications 46393  
advisory board pursuant to an agreement between the public 46394  
utilities commission of Ohio and the Ohio department of education. 46395  
The fund shall be used by the chancellor of the Ohio board of 46396  
regents, in the amounts appropriated, to finance technology grants 46397  
to state-chartered elementary and secondary schools. Investment 46398  
earnings of the fund shall be credited to the fund. 46399

**Sec. 3317.51.** (A) The distance learning fund is hereby 46400  
created in the state treasury. The fund shall consist of moneys 46401  
~~paid to the eTech-Ohio commission~~ by any telephone company as a 46402  
part of a settlement agreement between such company and the public 46403  
utilities commission in fiscal year 1995 in part to establish 46404  
distance learning throughout the state. The ~~commission~~ chancellor 46405  
of the Ohio board of regents shall administer the fund and expend 46406



moneys from it to finance technology grants to eligible schools 46407  
chartered by the state board of education to establish distance 46408  
learning in those schools. Chartered schools are eligible for 46409  
funds if they are within the service area of the telephone 46410  
company. Investment earnings of the fund shall be credited to the 46411  
fund. 46412

(B) For purposes of this section, "distance learning" means 46413  
the creation of a learning environment involving a school setting 46414  
and at least one other location outside of the school which allows 46415  
for information available at one site to be accessed at the other 46416  
through the use of such educational applications as one-way or 46417  
two-way transmission of data, voice, and video, singularly or in 46418  
appropriate combinations. 46419

**Sec. 3318.011.** For purposes of providing assistance under 46420  
sections 3318.01 to 3318.20 of the Revised Code, the department of 46421  
education shall annually do all of the following: 46422

(A) Calculate the adjusted valuation per pupil of each city, 46423  
local, and exempted village school district according to the 46424  
following formula: 46425

The district's valuation per pupil - 46426  
[\$30,000 X (1 - the district's income factor)]. 46427

For purposes of this calculation: 46428

(1) Except for a district with an open enrollment net gain 46429  
that is ten per cent or more of its formula ADM, "valuation per 46430  
pupil" for a district means its average taxable value, divided by 46431  
its formula ADM for the previous fiscal year. "Valuation per 46432  
pupil," for a district with an open enrollment net gain that is 46433  
ten per cent or more of its formula ADM, means its average taxable 46434  
value, divided by the sum of its formula ADM for the previous 46435  
fiscal year plus its open enrollment net gain for the previous 46436  
fiscal year. 46437

(2) "Average taxable value" means the average of the sum of the amounts certified for a district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code in the second, third, and fourth preceding fiscal years.

(3) "Entitled to attend school" means entitled to attend school in a city, local, or exempted village school district under section 3313.64 or 3313.65 of the Revised Code.

(4) "Formula ADM" ~~and "income factor" have~~ has the same ~~meanings~~ meaning as in section 3317.02 of the Revised Code.

(5) "Native student" has the same meaning as in section 3313.98 of the Revised Code.

(6) "Open enrollment net gain" for a district means (a) the number of the students entitled to attend school in another district but who are enrolled in the schools of the district under its open enrollment policy minus (b) the number of the district's native students who are enrolled in the schools of another district under the other district's open enrollment policy, both numbers as certified to the department under section 3313.981 of the Revised Code. If the difference is a negative number, the district's "open enrollment net gain" is zero.

(7) "Open enrollment policy" means an interdistrict open enrollment policy adopted under section 3313.98 of the Revised Code.

(8) "District median income" means the median Ohio adjusted gross income certified for a school district. On or before the first day of July of each year, the tax commissioner shall certify to the department of education and the office of budget and management for each city, exempted village, and local school district the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the

<u>district.</u>	46469
<u>(9) "Statewide median income" means the median district</u>	46470
<u>median income of all city, exempted village, and local school</u>	46471
<u>districts in the state.</u>	46472
<u>(10) "Income factor" for a city, exempted village, or local</u>	46473
<u>school district means the quotient obtained by dividing that</u>	46474
<u>district's median income by the statewide median income.</u>	46475
(B) Calculate for each district the three-year average of the	46476
adjusted valuations per pupil calculated for the district for the	46477
current and two preceding fiscal years;	46478
(C) Rank all such districts in order of adjusted valuation	46479
per pupil from the district with the lowest three-year average	46480
adjusted valuation per pupil to the district with the highest	46481
three-year average adjusted valuation per pupil;	46482
(D) Divide such ranking into percentiles with the first	46483
percentile containing the one per cent of school districts having	46484
the lowest three-year average adjusted valuations per pupil and	46485
the one-hundredth percentile containing the one per cent of school	46486
districts having the highest three-year average adjusted	46487
valuations per pupil;	46488
(E) Determine the school districts that have three-year	46489
average adjusted valuations per pupil that are greater than the	46490
median three-year average adjusted valuation per pupil for all	46491
school districts in the state;	46492
(F) On or before the first day of September, certify the	46493
information described in divisions (A) to (E) of this section to	46494
the Ohio school facilities commission.	46495
<b>Sec. 3318.031.</b> (A) The Ohio school facilities commission	46496
shall consider student and staff safety and health when reviewing	46497
design plans for classroom facility construction projects proposed	46498

under this chapter. After consulting with appropriate education, health, and law enforcement personnel, the commission may require as a condition of project approval under either section 3318.03 or division (B)(1) of section 3318.41 of the Revised Code such changes in the design plans as the commission believes will advance or improve student and staff safety and health in the proposed classroom facility.

To carry out its duties under this division, the commission shall review and, if necessary, amend any construction and design standards used in its project approval process, including standards for location and number of exits, standards for lead safety in classroom facilities constructed before 1978 in which services are provided to children under six years of age, and location of restrooms, with a focus on advancing student and staff safety and health.

(B) When reviewing design standards for classroom facility construction projects proposed under this chapter, the commission shall also consider the extent to which the design standards support the following:

~~(1) Support and facilitation of smaller classes and the trend toward smaller schools~~ Trends in educational delivery methods, including digital access and blended learning;

(2) Provision of sufficient space for training new teachers and promotion of collaboration among teaching candidates, experienced teachers, and teacher educators;

(3) Provision of adequate space for teacher planning and collaboration;

(4) Provision of adequate space for parent involvement activities;

(5) Provision of sufficient space for innovative partnerships between schools and health and social service agencies.

**Sec. 3318.08.** Except in the case of a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, if the requisite favorable vote on the election is obtained, or if the school district board has resolved to apply the proceeds of a property tax levy or the proceeds of an income tax, or a combination of proceeds from such taxes, as authorized in section 3318.052 of the Revised Code, the Ohio school facilities commission, upon certification to it of either the results of the election or the resolution under section 3318.052 of the Revised Code, shall enter into a written agreement with the school district board for the construction and sale of the project. In the case of a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, if the school district board of education and the school district electors have satisfied the conditions prescribed in division (D)(1) of section 3318.41 of the Revised Code, the commission shall enter into an agreement with the school district board for the construction and sale of the project. In either case, the agreement shall include, but need not be limited to, the following provisions:

(A) The sale and issuance of bonds or notes in anticipation thereof, as soon as practicable after the execution of the agreement, in an amount equal to the school district's portion of the basic project cost, including any securities authorized under division (J) of section 133.06 of the Revised Code and dedicated by the school district board to payment of the district's portion of the basic project cost of the project; provided, that if at that time the county treasurer of each county in which the school district is located has not commenced the collection of taxes on the general duplicate of real and public utility property for the year in which the controlling board approved the project, the school district board shall authorize the issuance of a first

installment of bond anticipation notes in an amount specified by 46562  
the agreement, which amount shall not exceed an amount necessary 46563  
to raise the net bonded indebtedness of the school district as of 46564  
the date of the controlling board's approval to within five 46565  
thousand dollars of the required level of indebtedness for the 46566  
preceding year. In the event that a first installment of bond 46567  
anticipation notes is issued, the school district board shall, as 46568  
soon as practicable after the county treasurer of each county in 46569  
which the school district is located has commenced the collection 46570  
of taxes on the general duplicate of real and public utility 46571  
property for the year in which the controlling board approved the 46572  
project, authorize the issuance of a second and final installment 46573  
of bond anticipation notes or a first and final issue of bonds. 46574

The combined value of the first and second installment of 46575  
bond anticipation notes or the value of the first and final issue 46576  
of bonds shall be equal to the school district's portion of the 46577  
basic project cost. The proceeds of any such bonds shall be used 46578  
first to retire any bond anticipation notes. Otherwise, the 46579  
proceeds of such bonds and of any bond anticipation notes, except 46580  
the premium and accrued interest thereon, shall be deposited in 46581  
the school district's project construction fund. In determining 46582  
the amount of net bonded indebtedness for the purpose of fixing 46583  
the amount of an issue of either bonds or bond anticipation notes, 46584  
gross indebtedness shall be reduced by moneys in the bond 46585  
retirement fund only to the extent of the moneys therein on the 46586  
first day of the year preceding the year in which the controlling 46587  
board approved the project. Should there be a decrease in the tax 46588  
valuation of the school district so that the amount of 46589  
indebtedness that can be incurred on the tax duplicates for the 46590  
year in which the controlling board approved the project is less 46591  
than the amount of the first installment of bond anticipation 46592  
notes, there shall be paid from the school district's project 46593  
construction fund to the school district's bond retirement fund to 46594

be applied against such notes an amount sufficient to cause the net bonded indebtedness of the school district, as of the first day of the year following the year in which the controlling board approved the project, to be within five thousand dollars of the required level of indebtedness for the year in which the controlling board approved the project. The maximum amount of indebtedness to be incurred by any school district board as its share of the cost of the project is either an amount that will cause its net bonded indebtedness, as of the first day of the year following the year in which the controlling board approved the project, to be within five thousand dollars of the required level of indebtedness, or an amount equal to the required percentage of the basic project costs, whichever is greater. All bonds and bond anticipation notes shall be issued in accordance with Chapter 133. of the Revised Code, and notes may be renewed as provided in section 133.22 of the Revised Code.

(B) The transfer of such funds of the school district board available for the project, together with the proceeds of the sale of the bonds or notes, except premium, accrued interest, and interest included in the amount of the issue, to the school district's project construction fund;

(C) For all school districts except joint vocational school districts that receive assistance under sections 3318.40 to 3318.45 of the Revised Code, the following provisions as applicable:

(1) If section 3318.052 of the Revised Code applies, the earmarking of the proceeds of a tax levied under section 5705.21 of the Revised Code for general permanent improvements or under section 5705.218 of the Revised Code for the purpose of permanent improvements, or the proceeds of a school district income tax levied under Chapter 5748. of the Revised Code, or the proceeds from a combination of those two taxes, in an amount to pay all or

part of the service charges on bonds issued to pay the school 46627  
district portion of the project and an amount equivalent to all or 46628  
part of the tax required under division (B) of section 3318.05 of 46629  
the Revised Code; 46630

(2) If section 3318.052 of the Revised Code does not apply, 46631  
one of the following: 46632

(a) The levy of the tax authorized at the election for the 46633  
payment of maintenance costs, as specified in division (B) of 46634  
section 3318.05 of the Revised Code; 46635

(b) If the school district electors have approved a 46636  
continuing tax for general permanent improvements under section 46637  
5705.21 of the Revised Code and that tax can be used for 46638  
maintenance, the earmarking of an amount of the proceeds from such 46639  
tax for maintenance of classroom facilities as specified in 46640  
division (B) of section 3318.05 of the Revised Code; 46641

(c) If, in lieu of the tax otherwise required under division 46642  
(B) of section 3318.05 of the Revised Code, the commission has 46643  
approved the transfer of money to the maintenance fund in 46644  
accordance with section 3318.051 of the Revised Code, a 46645  
requirement that the district board comply with the provisions of 46646  
that section. The district board may rescind the provision 46647  
prescribed under division (C)(2)(c) of this section only so long 46648  
as the electors of the district have approved, in accordance with 46649  
section 3318.063 of the Revised Code, the levy of a tax for the 46650  
maintenance of the classroom facilities acquired under the 46651  
district's project and that levy continues to be collected as 46652  
approved by the electors. 46653

(D) For joint vocational school districts that receive 46654  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 46655  
provision for deposit of school district moneys dedicated to 46656  
maintenance of the classroom facilities acquired under those 46657



sections as prescribed in section 3318.43 of the Revised Code; 46658

(E) Dedication of any local donated contribution as provided 46659  
for under section 3318.084 of the Revised Code, including a 46660  
schedule for depositing such moneys applied as an offset of the 46661  
district's obligation to levy the tax described in division (B) of 46662  
section 3318.05 of the Revised Code as required under division 46663  
(D)(2) of section 3318.084 of the Revised Code; 46664

(F) Ownership of or interest in the project during the period 46665  
of construction, which shall be divided between the commission and 46666  
the school district board in proportion to their respective 46667  
contributions to the school district's project construction fund; 46668

(G) Maintenance of the state's interest in the project until 46669  
any obligations issued for the project under section 3318.26 of 46670  
the Revised Code are no longer outstanding; 46671

(H) The insurance of the project by the school district from 46672  
the time there is an insurable interest therein and so long as the 46673  
state retains any ownership or interest in the project pursuant to 46674  
division (F) of this section, in such amounts and against such 46675  
risks as the commission shall require; provided, that the cost of 46676  
any required insurance until the project is completed shall be a 46677  
part of the basic project cost; 46678

(I) The certification by the director of budget and 46679  
management that funds are available and have been set aside to 46680  
meet the state's share of the basic project cost as approved by 46681  
the controlling board pursuant to either section 3318.04 or 46682  
division (B)(1) of section 3318.41 of the Revised Code; 46683

(J) Authorization of the school district board to advertise 46684  
for and receive construction bids for the project, for and on 46685  
behalf of the commission, and to award contracts in the name of 46686  
the state subject to approval by the commission; 46687

(K) Provisions for the disbursement of moneys from the school 46688

district's project account upon issuance by the commission or the 46689  
commission's designated representative of vouchers for work done 46690  
to be certified to the commission by the treasurer of the school 46691  
district board; 46692

(L) Disposal of any balance left in the school district's 46693  
project construction fund upon completion of the project; 46694

(M) Limitations upon use of the project or any part of it so 46695  
long as any obligations issued to finance the project under 46696  
section 3318.26 of the Revised Code are outstanding; 46697

(N) Provision for vesting the state's interest in the project 46698  
to the school district board when the obligations issued to 46699  
finance the project under section 3318.26 of the Revised Code are 46700  
outstanding; 46701

(O) Provision for deposit of an executed copy of the 46702  
agreement in the office of the commission; 46703

(P) Provision for termination of the contract and release of 46704  
the funds encumbered at the time of the conditional approval, if 46705  
the proceeds of the sale of the bonds of the school district board 46706  
are not paid into the school district's project construction fund 46707  
and if bids for the construction of the project have not been 46708  
taken within such period after the execution of the agreement as 46709  
may be fixed by the commission; 46710

(Q) Provision for the school district to maintain the project 46711  
in accordance with a plan approved by the commission; 46712

(R) Provision that all state funds reserved and encumbered to 46713  
pay the state share of the cost of the project and the funds 46714  
provided by the school district to pay for its share of the 46715  
project cost, including the respective shares of the cost of a 46716  
segment if the project is divided into segments, be spent on the 46717  
construction and acquisition of the project or segment 46718  
simultaneously in proportion to the state's and the school 46719

district's respective shares of that basic project cost as 46720  
determined under section 3318.032 of the Revised Code or, if the 46721  
district is a joint vocational school district, under section 46722  
3318.42 of the Revised Code. However, if the school district 46723  
certifies to the commission that expenditure by the school 46724  
district is necessary to maintain the federal tax status or 46725  
tax-exempt status of notes or bonds issued by the school district 46726  
to pay for its share of the project cost or to comply with 46727  
applicable temporary investment periods or spending exceptions to 46728  
rebate as provided for under federal law in regard to those notes 46729  
or bonds, the school district may commit to spend, or spend, a 46730  
greater portion of the funds it provides during any specific 46731  
period than would otherwise be required under this division. 46732

(S) A provision stipulating that the commission may prohibit 46733  
the district from proceeding with any project if the commission 46734  
determines that the site is not suitable for construction 46735  
purposes. The commission may perform soil tests in its 46736  
determination of whether a site is appropriate for construction 46737  
purposes. 46738

(T) A provision stipulating that, unless otherwise authorized 46739  
by the commission, any contingency reserve portion of the 46740  
construction budget prescribed by the commission shall be used 46741  
only to pay costs resulting from unforeseen job conditions, to 46742  
comply with rulings regarding building and other codes, to pay 46743  
costs related to design clarifications or corrections to contract 46744  
documents, and to pay the costs of settlements or judgments 46745  
related to the project as provided under section 3318.086 of the 46746  
Revised Code; 46747

(U) ~~Provision~~ A provision stipulating that for continued 46748  
release of project funds the school district board shall comply 46749  
with ~~section~~ sections 3313.41 and 3313.411 of the Revised Code 46750  
throughout the project and shall notify the department of 46751

education and the Ohio community school association when the board 46752  
plans to dispose of facilities by sale under that section; 46753

(V) ~~Provision A~~ provision stipulating that the commission 46754  
shall not approve a contract for demolition of a facility until 46755  
the school district board has complied with ~~section~~ sections 46756  
3313.41 and 3313.411 of the Revised Code relative to that 46757  
facility, unless demolition of that facility is to clear a site 46758  
for construction of a replacement facility included in the 46759  
district's project; 46760

(W) A requirement for the school district to adhere to a 46761  
facilities maintenance plan approved by the commission. 46762

**Sec. 3318.31.** (A) The Ohio school facilities commission may 46763  
perform any act and ensure the performance of any function 46764  
necessary or appropriate to carry out the purposes of, and 46765  
exercise the powers granted under, Chapter 3318. of the Revised 46766  
Code, including any of the following: 46767

(1) Adopt, amend, and rescind, pursuant to section 111.15 of 46768  
the Revised Code, rules for the administration of programs 46769  
authorized under Chapter 3318. of the Revised Code. 46770

(2) Contract with, retain the services of, or designate, and 46771  
fix the compensation of, such agents, accountants, consultants, 46772  
advisers, and other independent contractors as may be necessary or 46773  
desirable to carry out the programs authorized under Chapter 3318. 46774  
of the Revised Code, or authorize the executive director to 46775  
perform such powers and duties. 46776

(3) Receive and accept any gifts, grants, donations, and 46777  
pledges, and receipts therefrom, to be used for the programs 46778  
authorized under Chapter 3318. of the Revised Code. 46779

(4) Make and enter into all contracts, commitments, and 46780  
agreements, and execute all instruments, necessary or incidental 46781

to the performance of its duties and the execution of its rights 46782  
and powers under Chapter 3318. of the Revised Code, or authorize 46783  
the executive director or the Ohio facilities construction 46784  
commission to perform such powers and duties. 46785

(5) Request the Ohio facilities construction commission to 46786  
debar a contractor as provided in section 153.02 of the Revised 46787  
Code. 46788

(B) ~~The Ohio school facilities commission shall appoint and~~ 46789  
~~fix the compensation of an~~ executive director who of the Ohio 46790  
facilities construction commission, as appointed under division 46791  
(B) of section 123.21 of the Revised Code, shall also serve at the 46792  
~~pleasure of~~ as the executive director for the Ohio school 46793  
facilities commission. The executive director shall exercise all 46794  
powers that the Ohio school facilities commission possesses, 46795  
supervise the operations of the Ohio school facilities commission 46796  
and perform such other duties as delegated by the Ohio school 46797  
facilities commission. The executive director also shall employ 46798  
and fix the compensation of such employees as will facilitate the 46799  
activities and purposes of the Ohio school facilities commission, 46800  
who shall serve at the pleasure of the executive director. The 46801  
employees of the Ohio school facilities commission shall be exempt 46802  
from Chapter 4117. of the Revised Code and shall not be public 46803  
employees as defined in section 4117.01 of the Revised Code. Any 46804  
agreement entered into prior to July 1, 2012, between the office 46805  
of collective bargaining and the exclusive representative for 46806  
employees of the commission is binding and shall continue to have 46807  
effect. 46808

(C) The attorney general shall serve as the legal 46809  
representative for the Ohio school facilities commission and may 46810  
appoint other counsel as necessary for that purpose in accordance 46811  
with section 109.07 of the Revised Code. 46812

Sec. 3318.36. (A)(1) As used in this section: 46813

(a) "Ohio school facilities commission," "classroom 46814  
facilities," "school district," "school district board," "net 46815  
bonded indebtedness," "required percentage of the basic project 46816  
costs," "basic project cost," "valuation," and "percentile" have 46817  
the same meanings as in section 3318.01 of the Revised Code. 46818

(b) "Required level of indebtedness" means five per cent of 46819  
the school district's valuation for the year preceding the year in 46820  
which the commission and school district enter into an agreement 46821  
under division (B) of this section, plus [two one-hundredths of 46822  
one per cent multiplied by (the percentile in which the district 46823  
ranks minus one)]. 46824

(c) "Local resources" means any moneys generated in any 46825  
manner permitted for a school district board to raise the school 46826  
district portion of a project undertaken with assistance under 46827  
sections 3318.01 to 3318.20 of the Revised Code. 46828

(d) "Tangible personal property phase-out impacted district" 46829  
means a school district for which the taxable value of its 46830  
tangible personal property certified under division (A)(2) of 46831  
section 3317.021 of the Revised Code for tax year 2005, excluding 46832  
the taxable value of public utility personal property, made up 46833  
eighteen per cent or more of its total taxable value for tax year 46834  
2005 as certified under that section. 46835

(2) For purposes of determining the required level of 46836  
indebtedness, the required percentage of the basic project costs 46837  
under division (C)(1) of this section, and priority for assistance 46838  
under sections 3318.01 to 3318.20 of the Revised Code, the 46839  
percentile ranking of a school district with which the commission 46840  
has entered into an agreement under this section between the first 46841  
day of July and the thirty-first day of August in each fiscal year 46842  
is the percentile ranking calculated for that district for the 46843

immediately preceding fiscal year, and the percentile ranking of a 46844  
school district with which the commission has entered into such 46845  
agreement between the first day of September and the thirtieth day 46846  
of June in each fiscal year is the percentile ranking calculated 46847  
for that district for the current fiscal year. However, in the 46848  
case of a tangible personal property phase-out impacted district, 46849  
the district's priority for assistance under sections 3318.01 to 46850  
3318.20 of the Revised Code and its portion of the basic project 46851  
cost under those sections shall be determined in the manner 46852  
prescribed, respectively, in divisions (B)(3)(b) and (E)(1)(b) of 46853  
this section. 46854

(B)(1) There is hereby established the school building 46855  
assistance expedited local partnership program. Under the program, 46856  
the Ohio school facilities commission may enter into an agreement 46857  
with the board of any school district under which the board may 46858  
proceed with the new construction or major repairs of a part of 46859  
the district's classroom facilities needs, as determined under 46860  
sections 3318.01 to 3318.20 of the Revised Code, through the 46861  
expenditure of local resources prior to the school district's 46862  
eligibility for state assistance under those sections, and may 46863  
apply that expenditure toward meeting the school district's 46864  
portion of the basic project cost of the total of the district's 46865  
classroom facilities needs, as recalculated under division (E) of 46866  
this section, when the district becomes eligible for state 46867  
assistance under sections 3318.01 to 3318.20 or section 3318.364 46868  
of the Revised Code. Any school district that is reasonably 46869  
expected to receive assistance under sections 3318.01 to 3318.20 46870  
of the Revised Code within two fiscal years from the date the 46871  
school district adopts its resolution under division (B) of this 46872  
section shall not be eligible to participate in the program 46873  
established under this section. 46874

(2) To participate in the program, a school district board 46875

shall first adopt a resolution certifying to the commission the board's intent to participate in the program.

The resolution shall specify the approximate date that the board intends to seek elector approval of any bond or tax measures or to apply other local resources to use to pay the cost of classroom facilities to be constructed under this section. The resolution may specify the application of local resources or elector-approved bond or tax measures after the resolution is adopted by the board, and in such case the board may proceed with a discrete portion of its project under this section as soon as the commission and the controlling board have approved the basic project cost of the district's classroom facilities needs as specified in division (D) of this section. The board shall submit its resolution to the commission not later than ten days after the date the resolution is adopted by the board.

The commission shall not consider any resolution that is submitted pursuant to division (B)(2) of this section, as amended by this amendment, sooner than September 14, 2000.

(3) For purposes of determining when a district that enters into an agreement under this section becomes eligible for assistance under sections 3318.01 to 3318.20 of the Revised Code or priority for assistance under section 3318.364 of the Revised Code, the commission shall use one of the following as applicable:

(a) Except for a tangible personal property phase-out impacted district, the district's percentile ranking determined at the time the district entered into the agreement under this section, as prescribed by division (A)(2) of this section;

(b) For a tangible personal property phase-out impacted district, the lesser of (i) the district's percentile ranking determined at the time the district entered into the agreement under this section, as prescribed by division (A)(2) of this



section, or (ii) the district's current percentile ranking under 46907  
section 3318.011 of the Revised Code. 46908

(4) Any project under this section shall comply with section 46909  
3318.03 of the Revised Code and with any specifications for plans 46910  
and materials for classroom facilities adopted by the commission 46911  
under section 3318.04 of the Revised Code. 46912

(5) If a school district that enters into an agreement under 46913  
this section has not begun a project applying local resources as 46914  
provided for under that agreement at the time the district is 46915  
notified by the commission that it is eligible to receive state 46916  
assistance under sections 3318.01 to 3318.20 of the Revised Code, 46917  
all assessment and agreement documents entered into under this 46918  
section are void. 46919

(6) Only construction of or repairs to classroom facilities 46920  
that have been approved by the commission and have been therefore 46921  
included as part of a district's basic project cost qualify for 46922  
application of local resources under this section. 46923

(C) Based on the results of on-site visits and assessment, 46924  
the commission shall determine the basic project cost of the 46925  
school district's classroom facilities needs. The commission shall 46926  
determine the school district's portion of such basic project 46927  
cost, which shall be the greater of: 46928

(1) The required percentage of the basic project costs, 46929  
determined based on the school district's percentile ranking; 46930

(2) An amount necessary to raise the school district's net 46931  
bonded indebtedness, as of the fiscal year the commission and the 46932  
school district enter into the agreement under division (B) of 46933  
this section, to within five thousand dollars of the required 46934  
level of indebtedness. 46935

(D)(1) When the commission determines the basic project cost 46936  
of the classroom facilities needs of a school district and the 46937

school district's portion of that basic project cost under 46938  
division (C) of this section, the project shall be conditionally 46939  
approved. Such conditional approval shall be submitted to the 46940  
controlling board for approval thereof. The controlling board 46941  
shall forthwith approve or reject the commission's determination, 46942  
conditional approval, and the amount of the state's portion of the 46943  
basic project cost; however, no state funds shall be encumbered 46944  
under this section. Upon approval by the controlling board, the 46945  
school district board may identify a discrete part of its 46946  
classroom facilities needs, which shall include only new 46947  
construction of or additions or major repairs to a particular 46948  
building, to address with local resources. Upon identifying a part 46949  
of the school district's basic project cost to address with local 46950  
resources, the school district board may allocate any available 46951  
school district moneys to pay the cost of that identified part, 46952  
including the proceeds of an issuance of bonds if approved by the 46953  
electors of the school district. 46954

All local resources utilized under this division shall first 46955  
be deposited in the project construction account required under 46956  
section 3318.08 of the Revised Code. 46957

(2) Unless the school district board exercises its option 46958  
under division (D)(3) of this section, for a school district to 46959  
qualify for participation in the program authorized under this 46960  
section, one of the following conditions shall be satisfied: 46961

(a) The electors of the school district by a majority vote 46962  
shall approve the levy of taxes outside the ten-mill limitation 46963  
for a period of twenty-three years at the rate of not less than 46964  
one-half mill for each dollar of valuation to be used to pay the 46965  
cost of maintaining the classroom facilities included in the basic 46966  
project cost as determined by the commission. The form of the 46967  
ballot to be used to submit the question whether to approve the 46968  
tax required under this division to the electors of the school 46969

district shall be the form for an additional levy of taxes 46970  
prescribed in section 3318.361 of the Revised Code, which may be 46971  
combined in a single ballot question with the questions prescribed 46972  
under section 5705.218 of the Revised Code. 46973

(b) As authorized under division (C) of section 3318.05 of 46974  
the Revised Code, the school district board shall earmark from the 46975  
proceeds of a permanent improvement tax levied under section 46976  
5705.21 of the Revised Code, an amount equivalent to the 46977  
additional tax otherwise required under division (D)(2)(a) of this 46978  
section for the maintenance of the classroom facilities included 46979  
in the basic project cost as determined by the commission. 46980

(c) As authorized under section 3318.051 of the Revised Code, 46981  
the school district board shall, if approved by the commission, 46982  
annually transfer into the maintenance fund required under section 46983  
3318.05 of the Revised Code the amount prescribed in section 46984  
3318.051 of the Revised Code in lieu of the tax otherwise required 46985  
under division (D)(2)(a) of this section for the maintenance of 46986  
the classroom facilities included in the basic project cost as 46987  
determined by the commission. 46988

(d) If the school district board has rescinded the agreement 46989  
to make transfers under section 3318.051 of the Revised Code, as 46990  
provided under division (F) of that section, the electors of the 46991  
school district, in accordance with section 3318.063 of the 46992  
Revised Code, first shall approve the levy of taxes outside the 46993  
ten-mill limitation for the period specified in that section at a 46994  
rate of not less than one-half mill for each dollar of valuation. 46995

(e) The school district board shall apply the proceeds of a 46996  
tax to leverage bonds as authorized under section 3318.052 of the 46997  
Revised Code or dedicate a local donated contribution in the 46998  
manner described in division (B) of section 3318.084 of the 46999  
Revised Code in an amount equivalent to the additional tax 47000  
otherwise required under division (D)(2)(a) of this section for 47001

the maintenance of the classroom facilities included in the basic 47002  
project cost as determined by the commission. 47003

(3) A school district board may opt to delay taking any of 47004  
the actions described in division (D)(2) of this section until the 47005  
school district becomes eligible for state assistance under 47006  
sections 3318.01 to 3318.20 of the Revised Code. In order to 47007  
exercise this option, the board shall certify to the commission a 47008  
resolution indicating the board's intent to do so prior to 47009  
entering into an agreement under division (B) of this section. 47010

(4) If pursuant to division (D)(3) of this section a district 47011  
board opts to delay levying an additional tax until the district 47012  
becomes eligible for state assistance, it shall submit the 47013  
question of levying that tax to the district electors as follows: 47014

(a) In accordance with section 3318.06 of the Revised Code if 47015  
it will also be necessary pursuant to division (E) of this section 47016  
to submit a proposal for approval of a bond issue; 47017

(b) In accordance with section 3318.361 of the Revised Code 47018  
if it is not necessary to also submit a proposal for approval of a 47019  
bond issue pursuant to division (E) of this section. 47020

(5) No state assistance under sections 3318.01 to 3318.20 of 47021  
the Revised Code shall be released until a school district board 47022  
that adopts and certifies a resolution under division (D) of this 47023  
section also demonstrates to the satisfaction of the commission 47024  
compliance with the provisions of division (D)(2) of this section. 47025

Any amount required for maintenance under division (D)(2) of 47026  
this section shall be deposited into a separate fund as specified 47027  
in division (B) of section 3318.05 of the Revised Code. 47028

(E)(1) If the school district becomes eligible for state 47029  
assistance under sections 3318.01 to 3318.20 of the Revised Code 47030  
based on its percentile ranking under division (B)(3) of this 47031  
section or is offered assistance under section 3318.364 of the 47032

Revised Code, the commission shall conduct a new assessment of the school district's classroom facilities needs and shall recalculate the basic project cost based on this new assessment. The basic project cost recalculated under this division shall include the amount of expenditures made by the school district board under division (D)(1) of this section. The commission shall then recalculate the school district's portion of the new basic project cost, which shall be one of the following as applicable:

(a) Except for a tangible personal property phase-out impacted district, the percentage of the original basic project cost assigned to the school district as its portion under division (C) of this section;

(b) For a tangible personal property phase-out impacted district, the lesser of (i) the percentage of the original basic project cost assigned to the school district as its portion under division (C) of this section, or (ii) the percentage of the new basic project cost determined under section 3318.032 of the Revised Code using the district's current percentile ranking under section 3318.011 of the Revised Code. The

The commission shall deduct the expenditure of school district moneys made under division (D)(1) of this section from the school district's portion of the basic project cost as recalculated under this division. If the amount of school district resources applied by the school district board to the school district's portion of the basic project cost under this section is less than the total amount of such portion as recalculated under this division, the school district board by a majority vote of all of its members shall, if it desires to seek state assistance under sections 3318.01 to 3318.20 of the Revised Code, adopt a resolution as specified in section 3318.06 of the Revised Code to submit to the electors of the school district the question of approval of a bond issue in order to pay any additional amount of

school district portion required for state assistance. Any tax 47065  
levy approved under division (D) of this section satisfies the 47066  
requirements to levy the additional tax under section 3318.06 of 47067  
the Revised Code. 47068

(2) If the amount of school district resources applied by the 47069  
school district board to the school district's portion of the 47070  
basic project cost under this section is more than the total 47071  
amount of such portion as recalculated under ~~this~~ division (E)(1) 47072  
of this section, within one year after the school district's 47073  
portion is so recalculated ~~under division (E)(1) of this section~~ 47074  
the commission may grant to the school district the difference 47075  
between the two calculated portions, but at no time shall the 47076  
commission expend any state funds on a project in an amount 47077  
greater than the state's portion of the basic project cost as 47078  
recalculated under ~~this~~ division (E)(1) of this section. 47079

Any reimbursement under this division shall be only for local 47080  
resources the school district has applied toward construction cost 47081  
expenditures for the classroom facilities approved by the 47082  
commission, which shall not include any financing costs associated 47083  
with that construction. 47084

The school district board shall use any moneys reimbursed to 47085  
the district under this division to pay off any debt service the 47086  
district owes for classroom facilities constructed under its 47087  
project under this section before such moneys are applied to any 47088  
other purpose. However, the district board first may deposit 47089  
moneys reimbursed under this division into the district's general 47090  
fund or a permanent improvement fund to replace local resources 47091  
the district withdrew from those funds, as long as, and to the 47092  
extent that, those local resources were used by the district for 47093  
constructing classroom facilities included in the district's basic 47094  
project cost. 47095

(3) A tangible personal property phase-out impacted district 47096

shall receive credit under division (E) of this section for the 47097  
expenditure of local resources pursuant to any prior agreement 47098  
authorized by this section, notwithstanding any recalculation of 47099  
its average taxable value. 47100

**Sec. 3318.363.** (A) This section applies beginning in fiscal 47101  
year 2003 and only to a school district participating in the 47102  
school building assistance expedited local partnership program 47103  
under section 3318.36 of the Revised Code. 47104

(B) If there is a decrease in the tax valuation of a school 47105  
district to which this section applies by ten per cent or greater 47106  
from one tax year to the next due to a decrease in the assessment 47107  
rate of the taxable property of an electric company that owns 47108  
property in the district, as provided for in section 5727.111 of 47109  
the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd 47110  
General Assembly, the Ohio school facilities commission shall 47111  
calculate or recalculate the state and school district portions of 47112  
the basic project cost of the school district's project by 47113  
determining the percentile rank in which the district would be 47114  
located if such ranking were made using the adjusted valuation per 47115  
pupil calculated under division (C) of this section rather than 47116  
the three-year average adjusted valuation per pupil, calculated 47117  
under division (B) of section 3318.011 of the Revised Code. For 47118  
such district, the required percentage of the basic project cost 47119  
used to determine the state and school district shares of that 47120  
cost under division (C) of section 3318.36 of the Revised Code 47121  
shall be based on the percentile rank as calculated under this 47122  
section rather than as otherwise provided in division (C)(1) of 47123  
section 3318.36 of the Revised Code. If the commission has 47124  
determined the state and school district portion of the basic 47125  
project cost of such a district's project under section 3318.36 of 47126  
the Revised Code prior to that decrease in tax valuation, the 47127  
commission shall adjust the state and school district shares of 47128

the basic project cost of such project in accordance with this 47129  
section. 47130

(C)(1) As used in divisions (C) and (D) of this section, 47131  
"total taxable value," and "formula ADM," ~~and "income factor"~~ have 47132  
the same meanings as in section 3317.02 of the Revised Code, and 47133  
"income factor" has the same meaning as in section 3318.011 of the 47134  
Revised Code. 47135

(2) The adjusted valuation per pupil for a school district to 47136  
which this section applies shall be calculated using the following 47137  
formula: 47138

(The district's total taxable value for the tax year 47139  
preceding the calendar year in which the current fiscal year 47140  
begins / the district's formula ADM for the previous fiscal year) 47141  
- [\$30,000 x (1 - the district's income factor)]. 47142

(D) At the request of the Ohio school facilities commission, 47143  
the department of education shall report a district's total 47144  
taxable value for the tax year preceding the calendar year in 47145  
which the current fiscal year begins for any district to which 47146  
this section applies as that information has been certified to the 47147  
department by the tax commissioner pursuant to section 3317.021 of 47148  
the Revised Code. 47149

Sec. 3319.031. Notwithstanding any provision of the Revised 47150  
Code to the contrary, if the board of education of a city, local, 47151  
or exempted village school district does not appoint a business 47152  
manager under section 3319.03 of the Revised Code, the board may 47153  
assign powers and duties specified in section 3319.04 of the 47154  
Revised Code to one or more employees or officers of the board, 47155  
including the treasurer, and may give the employees or officers 47156  
any title recognizing the assignment of the powers and duties. The 47157  
prohibition, in section 3319.04 of the Revised Code, against a 47158  
business manager having possession of moneys does not prevent a 47159



board from assigning powers and duties specified in that section 47160  
to the treasurer and does not prevent a treasurer who is assigned 47161  
those powers and duties from exercising the powers and duties of 47162  
treasurer. If the board assigns the duties of a business manager 47163  
under section 3319.04 of the Revised Code to the treasurer, the 47164  
treasurer shall not have the authority to make recommendations to 47165  
appoint or discharge noneducational employees, except as provided 47166  
under section 3313.31 of the Revised Code. Instead, the district 47167  
superintendent shall be responsible for making recommendations, 47168  
subject to confirmation by the board, for the appointment or 47169  
discharge of noneducational employees. 47170

**Sec. 3319.07.** (A) The board of education of each city, 47171  
exempted village, local, and joint vocational school district 47172  
shall employ the teachers of the public schools of their 47173  
respective districts. 47174

The governing board of each educational service center may 47175  
employ special instruction teachers, special education teachers, 47176  
and teachers of academic courses in which there are too few 47177  
students in each of the school districts entering into agreements 47178  
pursuant to section 3313.843 of the Revised Code to warrant each 47179  
district's employing teachers for those courses. 47180

When any board makes appointments of teachers, the teachers 47181  
in the employ of the board shall be considered before new teachers 47182  
are chosen in their stead. In all school districts and in service 47183  
centers, no teacher shall be employed unless such person is 47184  
nominated by the superintendent of such district or center, or by 47185  
another individual designated by the board in the event that the 47186  
superintendent's nomination would be a violation of section 47187  
2921.42 of the Revised Code. Such board, by a three-fourths vote 47188  
of its full membership, may re-employ any teacher whom the 47189  
superintendent refuses to appoint. 47190

(B) The board of education of any school district may 47191  
contract with the governing board of the educational service 47192  
center from which it otherwise receives services to conduct 47193  
searches and recruitment of candidates for teacher positions. 47194

**Sec. 3319.073.** (A) The board of education of each city and 47195  
exempted village school district and the governing board of each 47196  
educational service center shall adopt or adapt the curriculum 47197  
developed by the department of education for, or shall develop in 47198  
consultation with public or private agencies or persons involved 47199  
in child abuse prevention or intervention programs, a program of 47200  
in-service training in the prevention of child abuse, violence, 47201  
and substance abuse and the promotion of positive youth 47202  
development. Each person employed by any school district or 47203  
service center to work in a school as a nurse, teacher, counselor, 47204  
school psychologist, or administrator shall complete at least four 47205  
hours of the in-service training within two years of commencing 47206  
employment with the district or center, and every five years 47207  
thereafter. A person who is employed by any school district or 47208  
service center to work in an elementary school as a nurse, 47209  
teacher, counselor, school psychologist, or administrator on March 47210  
30, 2007, shall complete at least four hours of the in-service 47211  
training not later than March 30, 2009, and every five years 47212  
thereafter. A person who is employed by any school district or 47213  
service center to work in a middle or high school as a nurse, 47214  
teacher, counselor, school psychologist, or administrator on 47215  
October 16, 2009, shall complete at least four hours of the 47216  
in-service training not later than October 16, 2011, and every 47217  
five years thereafter. 47218

(B) Each board shall incorporate training in school safety 47219  
and violence prevention, including human trafficking content, into 47220  
the in-service training required by division (A) of this section. 47221  
For this purpose, the board shall adopt or adapt the curriculum 47222

developed by the department or shall develop its own curriculum in 47223  
consultation with public or private agencies or persons involved 47224  
in school safety and violence prevention programs. 47225

(C) Each board shall incorporate training on the board's 47226  
harassment, intimidation, or bullying policy adopted under section 47227  
3313.666 of the Revised Code into the in-service training required 47228  
by division (A) of this section. Each board also shall incorporate 47229  
training in the prevention of dating violence into the in-service 47230  
training required by that division for middle and high school 47231  
employees. The board shall develop its own curricula for these 47232  
purposes. 47233

(D) Each board shall incorporate training in youth suicide 47234  
awareness and prevention into the in-service training required by 47235  
division (A) of this section for each person employed by a school 47236  
district or service center to work in a school as a nurse, 47237  
teacher, counselor, school psychologist, or administrator, and any 47238  
other personnel that the board determines appropriate. For this 47239  
purpose, the board shall adopt or adapt the curriculum developed 47240  
by the department or shall develop its own curriculum in 47241  
consultation with public or private agencies or persons involved 47242  
in youth suicide awareness and prevention programs. 47243

The training completed under this division shall count toward 47244  
the satisfaction of requirements for professional development 47245  
required by the school district or service center board, and the 47246  
training may be accomplished through self-review of suitable 47247  
suicide prevention materials approved by the board. 47248

**Sec. 3319.17.** (A) As used in this section, "interdistrict 47249  
contract" means any contract or agreement entered into by an 47250  
educational service center governing board and another board or 47251  
other public entity pursuant to section 3313.17, 3313.841, 47252  
3313.842, 3313.843, 3313.844, 3313.845, 3313.91, or 3323.08 of the 47253

Revised Code, including any such contract or agreement for the 47254  
provision of services funded under division (E) of section 47255  
3317.024 of the Revised Code ~~or provided in any unit approved~~ 47256  
~~under section 3317.05 of the Revised Code.~~ 47257

(B) When, for any of the following reasons that apply to any 47258  
city, exempted village, local, or joint vocational school district 47259  
or any educational service center, the board decides that it will 47260  
be necessary to reduce the number of teachers it employs, it may 47261  
make a reasonable reduction: 47262

(1) In the case of any district or service center, return to 47263  
duty of regular teachers after leaves of absence including 47264  
suspension of schools, territorial changes affecting the district 47265  
or center, or financial reasons; 47266

(2) In the case of any city, exempted village, local, or 47267  
joint vocational school district, decreased enrollment of pupils 47268  
in the district; 47269

(3) In the case of any governing board of a service center 47270  
providing any particular service directly to pupils pursuant to 47271  
one or more interdistrict contracts requiring such service, 47272  
reduction in the total number of pupils the governing board is 47273  
required to provide with the service under all interdistrict 47274  
contracts as a result of the termination or nonrenewal of one or 47275  
more of these interdistrict contracts; 47276

(4) In the case of any governing board providing any 47277  
particular service that it does not provide directly to pupils 47278  
pursuant to one or more interdistrict contracts requiring such 47279  
service, reduction in the total level of the service the governing 47280  
board is required to provide under all interdistrict contracts as 47281  
a result of the termination or nonrenewal of one or more of these 47282  
interdistrict contracts. 47283

(C) In making any such reduction, any city, exempted village, 47284

local, or joint vocational school board shall proceed to suspend 47285  
contracts in accordance with the recommendation of the 47286  
superintendent of schools who shall, within each teaching field 47287  
affected, give preference to teachers on continuing contracts. The 47288  
board shall not give preference to any teacher based on seniority, 47289  
except when making a decision between teachers who have comparable 47290  
evaluations. 47291

On a case-by-case basis, in lieu of suspending a contract in 47292  
whole, a board may suspend a contract in part, so that an 47293  
individual is required to work a percentage of the time the 47294  
employee otherwise is required to work under the contract and 47295  
receives a commensurate percentage of the full compensation the 47296  
employee otherwise would receive under the contract. 47297

The teachers whose continuing contracts are suspended by any 47298  
board pursuant to this section shall have the right of restoration 47299  
to continuing service status by that board if and when teaching 47300  
positions become vacant or are created for which any of such 47301  
teachers are or become qualified. No teacher whose continuing 47302  
contract has been suspended pursuant to this section shall lose 47303  
that right of restoration to continuing service status by reason 47304  
of having declined recall to a position that is less than 47305  
full-time or, if the teacher was not employed full-time just prior 47306  
to suspension of the teacher's continuing contract, to a position 47307  
requiring a lesser percentage of full-time employment than the 47308  
position the teacher last held while employed in the district or 47309  
service center. Seniority shall not be the basis for rehiring a 47310  
teacher, except when making a decision between teachers who have 47311  
comparable evaluations. 47312

(D) Notwithstanding any provision to the contrary in Chapter 47313  
4117. of the Revised Code: 47314

(1) The requirements of this section, as it existed prior to 47315  
~~the effective date of this amendment~~ September 29, 2011, prevail 47316

over any conflicting provisions of agreements between employee 47317  
organizations and public employers entered into between September 47318  
29, 2005, and ~~that effective date~~ September 29, 2011; 47319

(2) The requirements of this section, as it exists on and 47320  
after ~~the effective date of this amendment~~ September 29, 2011, 47321  
prevail over any conflicting provisions of agreements between 47322  
employee organizations and public employers entered into on or 47323  
after ~~that effective date~~ September 29, 2011. 47324

**Sec. 3319.22.** (A)(1) The state board of education shall issue 47325  
the following educator licenses: 47326

(a) A resident educator license, which shall be valid for 47327  
four years, except that the state board, on a case-by-case basis, 47328  
may extend the license's duration as necessary to enable the 47329  
license holder to complete the Ohio teacher residency program 47330  
established under section 3319.223 of the Revised Code; 47331

(b) A professional educator license, which shall be valid for 47332  
five years and shall be renewable; 47333

(c) A senior professional educator license, which shall be 47334  
valid for five years and shall be renewable; 47335

(d) A lead professional educator license, which shall be 47336  
valid for five years and shall be renewable. 47337

(2) The state board may issue any additional educator 47338  
licenses of categories, types, and levels the board elects to 47339  
provide. 47340

(3) The state board shall adopt rules establishing the 47341  
standards and requirements for obtaining each educator license 47342  
issued under this section. 47343

(B) The rules adopted under this section shall require at 47344  
least the following standards and qualifications for the educator 47345  
licenses described in division (A)(1) of this section: 47346

(1) An applicant for a resident educator license shall hold at least a bachelor's degree from an accredited teacher preparation program or be a participant in the teach for America program and meet the qualifications required under section 3319.227 of the Revised Code.

(2) An applicant for a professional educator license shall:

(a) Hold at least a bachelor's degree from an institution of higher education accredited by a regional accrediting organization;

(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code.

(3) An applicant for a senior professional educator license shall:

(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;

(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;

(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.

(4) An applicant for a lead professional educator license shall:

(a) Hold at least a master's degree from an institution of

higher education accredited by a regional accrediting organization; 47377  
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(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code; 47379  
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(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code; 47383  
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(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code. 47386  
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(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code. 47391  
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(D) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the chancellor of the Ohio board of regents, in the manner and to the extent permitted by state and federal law. 47395  
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(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, division (D) of section 3301.07 of the Revised Code, or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows: 47400  
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(1) Notwithstanding division (D) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, in the case of the adoption of any rule or the amendment or rescission of any 47405  
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rule that necessitates institutions' offering preparation programs 47408  
for educators and other school personnel that are approved by the 47409  
chancellor of the Ohio board of regents under section 3333.048 of 47410  
the Revised Code to revise the curriculum of those programs, the 47411  
effective date shall not be as prescribed in division (D) of 47412  
section 119.03 and division (A)(1) of section 119.04 of the 47413  
Revised Code. Instead, the effective date of such rules, or the 47414  
amendment or rescission of such rules, shall be the date 47415  
prescribed by section 3333.048 of the Revised Code. 47416

(2) Notwithstanding the authority to adopt, amend, or rescind 47417  
emergency rules in division (F) of section 119.03 of the Revised 47418  
Code, this authority shall not apply to the state board of 47419  
education with regard to rules for educator licenses. 47420

(F)(1) The rules adopted under this section establishing 47421  
standards requiring additional coursework for the renewal of any 47422  
educator license shall require a school district and a chartered 47423  
nonpublic school to establish local professional development 47424  
committees. In a nonpublic school, the chief administrative 47425  
officer shall establish the committees in any manner acceptable to 47426  
such officer. The committees established under this division shall 47427  
determine whether coursework that a district or chartered 47428  
nonpublic school teacher proposes to complete meets the 47429  
requirement of the rules. The department of education shall 47430  
provide technical assistance and support to committees as the 47431  
committees incorporate the professional development standards 47432  
adopted by the state board of education pursuant to section 47433  
3319.61 of the Revised Code into their review of coursework that 47434  
is appropriate for license renewal. The rules shall establish a 47435  
procedure by which a teacher may appeal the decision of a local 47436  
professional development committee. 47437

(2) In any school district in which there is no exclusive 47438  
representative established under Chapter 4117. of the Revised 47439

Code, the professional development committees shall be established 47440  
as described in division (F)(2) of this section. 47441

Not later than the effective date of the rules adopted under 47442  
this section, the board of education of each school district shall 47443  
establish the structure for one or more local professional 47444  
development committees to be operated by such school district. The 47445  
committee structure so established by a district board shall 47446  
remain in effect unless within thirty days prior to an anniversary 47447  
of the date upon which the current committee structure was 47448  
established, the board provides notice to all affected district 47449  
employees that the committee structure is to be modified. 47450  
Professional development committees may have a district-level or 47451  
building-level scope of operations, and may be established with 47452  
regard to particular grade or age levels for which an educator 47453  
license is designated. 47454

Each professional development committee shall consist of at 47455  
least three classroom teachers employed by the district, one 47456  
principal employed by the district, and one other employee of the 47457  
district appointed by the district superintendent. For committees 47458  
with a building-level scope, the teacher and principal members 47459  
shall be assigned to that building, and the teacher members shall 47460  
be elected by majority vote of the classroom teachers assigned to 47461  
that building. For committees with a district-level scope, the 47462  
teacher members shall be elected by majority vote of the classroom 47463  
teachers of the district, and the principal member shall be 47464  
elected by a majority vote of the principals of the district, 47465  
unless there are two or fewer principals employed by the district, 47466  
in which case the one or two principals employed shall serve on 47467  
the committee. If a committee has a particular grade or age level 47468  
scope, the teacher members shall be licensed to teach such grade 47469  
or age levels, and shall be elected by majority vote of the 47470  
classroom teachers holding such a license and the principal shall 47471

be elected by all principals serving in buildings where any such 47472  
teachers serve. The district superintendent shall appoint a 47473  
replacement to fill any vacancy that occurs on a professional 47474  
development committee, except in the case of vacancies among the 47475  
elected classroom teacher members, which shall be filled by vote 47476  
of the remaining members of the committee so selected. 47477

Terms of office on professional development committees shall 47478  
be prescribed by the district board establishing the committees. 47479  
The conduct of elections for members of professional development 47480  
committees shall be prescribed by the district board establishing 47481  
the committees. A professional development committee may include 47482  
additional members, except that the majority of members on each 47483  
such committee shall be classroom teachers employed by the 47484  
district. Any member appointed to fill a vacancy occurring prior 47485  
to the expiration date of the term for which a predecessor was 47486  
appointed shall hold office as a member for the remainder of that 47487  
term. 47488

The initial meeting of any professional development 47489  
committee, upon election and appointment of all committee members, 47490  
shall be called by a member designated by the district 47491  
superintendent. At this initial meeting, the committee shall 47492  
select a chairperson and such other officers the committee deems 47493  
necessary, and shall adopt rules for the conduct of its meetings. 47494  
Thereafter, the committee shall meet at the call of the 47495  
chairperson or upon the filing of a petition with the district 47496  
superintendent signed by a majority of the committee members 47497  
calling for the committee to meet. 47498

(3) In the case of a school district in which an exclusive 47499  
representative has been established pursuant to Chapter 4117. of 47500  
the Revised Code, professional development committees shall be 47501  
established in accordance with any collective bargaining agreement 47502  
in effect in the district that includes provisions for such 47503

committees. 47504

If the collective bargaining agreement does not specify a 47505  
different method for the selection of teacher members of the 47506  
committees, the exclusive representative of the district's 47507  
teachers shall select the teacher members. 47508

If the collective bargaining agreement does not specify a 47509  
different structure for the committees, the board of education of 47510  
the school district shall establish the structure, including the 47511  
number of committees and the number of teacher and administrative 47512  
members on each committee; the specific administrative members to 47513  
be part of each committee; whether the scope of the committees 47514  
will be district levels, building levels, or by type of grade or 47515  
age levels for which educator licenses are designated; the lengths 47516  
of terms for members; the manner of filling vacancies on the 47517  
committees; and the frequency and time and place of meetings. 47518  
However, in all cases, except as provided in division (F)(4) of 47519  
this section, there shall be a majority of teacher members of any 47520  
professional development committee, there shall be at least five 47521  
total members of any professional development committee, and the 47522  
exclusive representative shall designate replacement members in 47523  
the case of vacancies among teacher members, unless the collective 47524  
bargaining agreement specifies a different method of selecting 47525  
such replacements. 47526

(4) Whenever an administrator's coursework plan is being 47527  
discussed or voted upon, the local professional development 47528  
committee shall, at the request of one of its administrative 47529  
members, cause a majority of the committee to consist of 47530  
administrative members by reducing the number of teacher members 47531  
voting on the plan. 47532

(G)(1) The department of education, educational service 47533  
centers, county boards of developmental disabilities, regional 47534  
professional development centers, special education regional 47535

resource centers, college and university departments of education, 47536  
head start programs, ~~the eTech Ohio commission~~, and the Ohio 47537  
education computer network may establish local professional 47538  
development committees to determine whether the coursework 47539  
proposed by their employees who are licensed or certificated under 47540  
this section or section 3319.222 of the Revised Code, or under the 47541  
former version of either section as it existed prior to October 47542  
16, 2009, meet the requirements of the rules adopted under this 47543  
section. They may establish local professional development 47544  
committees on their own or in collaboration with a school district 47545  
or other agency having authority to establish them. 47546

Local professional development committees established by 47547  
county boards of developmental disabilities shall be structured in 47548  
a manner comparable to the structures prescribed for school 47549  
districts in divisions (F)(2) and (3) of this section, as shall 47550  
the committees established by any other entity specified in 47551  
division (G)(1) of this section that provides educational services 47552  
by employing or contracting for services of classroom teachers 47553  
licensed or certificated under this section or section 3319.222 of 47554  
the Revised Code, or under the former version of either section as 47555  
it existed prior to October 16, 2009. All other entities specified 47556  
in division (G)(1) of this section shall structure their 47557  
committees in accordance with guidelines which shall be issued by 47558  
the state board. 47559

(2) Any public agency that is not specified in division 47560  
(G)(1) of this section but provides educational services and 47561  
employs or contracts for services of classroom teachers licensed 47562  
or certificated under this section or section 3319.222 of the 47563  
Revised Code, or under the former version of either section as it 47564  
existed prior to October 16, 2009, may establish a local 47565  
professional development committee, subject to the approval of the 47566  
department of education. The committee shall be structured in 47567

accordance with guidelines issued by the state board. 47568

**Sec. 3319.235.** (A) The standards for the preparation of 47569  
teachers adopted under section 3333.048 of the Revised Code shall 47570  
require any institution that provides a course of study for the 47571  
training of teachers to ensure that graduates of such course of 47572  
study are skilled at integrating educational technology in the 47573  
instruction of children, as evidenced by the graduate having 47574  
either demonstrated proficiency in such skills in a manner 47575  
prescribed by the department of education or completed a course 47576  
that includes training in such skills. 47577

(B) The ~~eTech Ohio commission~~ chancellor of the Ohio board of 47578  
regents, in consultation with the department of education, shall 47579  
establish model professional development programs to assist 47580  
teachers who completed their teacher preparation prior to the 47581  
effective date of division (A) of this section to become skilled 47582  
at integrating educational technology in the instruction of 47583  
children. The ~~commission~~ chancellor shall provide technical 47584  
assistance to school districts wishing to establish such programs. 47585

**Sec. 3319.57.** (A) A grant program is hereby established under 47586  
which the department of education shall award grants to assist 47587  
certain schools in a city, exempted village, local, or joint 47588  
vocational school district in implementing one of the following 47589  
innovations: 47590

(1) The use of instructional specialists to mentor and 47591  
support classroom teachers; 47592

(2) The use of building managers to supervise the 47593  
administrative functions of school operation so that a school 47594  
principal can focus on supporting instruction, providing 47595  
instructional leadership, and engaging teachers as part of the 47596  
instructional leadership team; 47597

- (3) The reconfiguration of school leadership structure in a manner that allows teachers to serve in leadership roles so that teachers may share the responsibility for making and implementing school decisions; 47598  
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- (4) The adoption of new models for restructuring the school day or school year, such as including teacher planning and collaboration time as part of the school day; 47602  
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- (5) The creation of smaller schools or smaller units within larger schools for the purpose of facilitating teacher collaboration to improve and advance the professional practice of teaching; 47605  
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- (6) The implementation of "grow your own" recruitment strategies that are designed to assist individuals who show a commitment to education become licensed teachers, to assist experienced teachers obtain licensure in subject areas for which there is need, and to assist teachers in becoming principals; 47609  
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- (7) The provision of better conditions for new teachers, such as reduced teaching load and reduced class size; 47614  
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- (8) The provision of incentives to attract qualified mathematics, science, or special education teachers; 47616  
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- (9) The development and implementation of a partnership with teacher preparation programs at colleges and universities to help attract teachers qualified to teach in shortage areas; 47618  
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- (10) The implementation of a program to increase the cultural competency of both new and veteran teachers; 47621  
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- (11) The implementation of a program to increase the subject matter competency of veteran teachers. 47623  
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- (B) To qualify for a grant to implement one of the innovations described in division (A) of this section, a school must meet both of the following criteria: 47625  
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(1) Be hard to staff, as defined by the department. 47628

(2) Use existing school district funds for the implementation 47629  
of the innovation in an amount equal to the grant amount 47630  
multiplied by (1 - the district's state share percentage index for 47631  
the fiscal year in which the grant is awarded). 47632

For purposes of division (B)(2) of this section, "state share 47633  
percentage index" has the same meaning as in section 3317.02 of 47634  
the Revised Code. 47635

(C) The amount and number of grants awarded under this 47636  
section shall be determined by the department based on any 47637  
appropriations made by the general assembly for grants under this 47638  
section. 47639

(D) The state board of education shall adopt rules for the 47640  
administration of this grant program. 47641

**Sec. 3321.01.** (A)(1) As used in this chapter, "parent," 47642  
"guardian," or "other person having charge or care of a child" 47643  
means either parent unless the parents are separated or divorced 47644  
or their marriage has been dissolved or annulled, in which case 47645  
"parent" means the parent who is the residential parent and legal 47646  
custodian of the child. If the child is in the legal or permanent 47647  
custody of a person or government agency, "parent" means that 47648  
person or government agency. When a child is a resident of a home, 47649  
as defined in section 3313.64 of the Revised Code, and the child's 47650  
parent is not a resident of this state, "parent," "guardian," or 47651  
"other person having charge or care of a child" means the head of 47652  
the home. 47653

A child between six and eighteen years of age is "of 47654  
compulsory school age" for the purpose of sections 3321.01 to 47655  
3321.13 of the Revised Code. A child under six years of age who 47656  
has been enrolled in kindergarten also shall be considered "of 47657



compulsory school age" for the purpose of sections 3321.01 to 47658  
3321.13 of the Revised Code unless at any time the child's parent 47659  
or guardian, at the parent's or guardian's discretion and in 47660  
consultation with the child's teacher and principal, formally 47661  
withdraws the child from kindergarten. The compulsory school age 47662  
of a child shall not commence until the beginning of the term of 47663  
such schools, or other time in the school year fixed by the rules 47664  
of the board of the district in which the child resides. 47665

(2) No child shall be admitted to a kindergarten or a first 47666  
grade of a public school in a district in which all children are 47667  
admitted to kindergarten and the first grade in August or 47668  
September unless the child is five or six years of age, 47669  
respectively, by the thirtieth day of September of the year of 47670  
admittance, or by the first day of a term or semester other than 47671  
one beginning in August or September in school districts granting 47672  
admittance at the beginning of such term or semester, unless the 47673  
child has been recommended for early admittance in accordance with 47674  
the district's acceleration policy adopted under section 3324.10 47675  
of the Revised Code. A child who does not meet the age requirement 47676  
for admittance to kindergarten or first grade shall be evaluated 47677  
for early admittance upon referral by the child's parent or 47678  
guardian, an educator employed by the district, a preschool 47679  
educator who knows the child, or a pediatrician or psychologist 47680  
who knows the child. 47681

(3) Notwithstanding division (A)(2) of this section, 47682  
beginning with the school year that starts in 2001 and continuing 47683  
thereafter the board of education of any district may adopt a 47684  
resolution establishing the first day of August in lieu of the 47685  
thirtieth day of September as the required date by which students 47686  
must have attained the age specified in that division. 47687

(4) After a student has been admitted to kindergarten in a 47688  
school district or chartered nonpublic school, no board of 47689

education of a school district to which the student transfers 47690  
shall deny that student admission based on the student's age. 47691

(B) As used in division (C) of this section, "successfully 47692  
completed kindergarten" means that the child has completed the 47693  
kindergarten requirements at one of the following: 47694

(1) A public or chartered nonpublic school; 47695

(2) A kindergarten class that is both of the following: 47696

(a) Offered by a day-care provider licensed under Chapter 47697  
5104. of the Revised Code; 47698

(b) If offered after July 1, 1991, is directly taught by a 47699  
teacher who holds one of the following: 47700

(i) A valid educator license issued under section 3319.22 of 47701  
the Revised Code; 47702

(ii) A Montessori preprimary credential or age-appropriate 47703  
diploma granted by the American Montessori society or the 47704  
association Montessori internationale; 47705

(iii) Certification determined under division (F) of this 47706  
section to be equivalent to that described in division 47707  
(B)(2)(b)(ii) of this section; 47708

(iv) Certification for teachers in nontax-supported schools 47709  
pursuant to section 3301.071 of the Revised Code. 47710

(C) Except as provided in division (A)(2) of this section, no 47711  
school district shall admit to the first grade any child who has 47712  
not successfully completed kindergarten. 47713

(D) The scheduling of times for kindergarten classes and 47714  
length of the school day for kindergarten shall be determined by 47715  
the board of education of a city, exempted village, or local 47716  
school district. 47717

(E) Any kindergarten class offered by a day-care provider or 47718

school described by division (B)(1) or (B)(2)(a) of this section 47719  
shall be developmentally appropriate. 47720

(F) Upon written request of a day-care provider described by 47721  
division (B)(2)(a) of this section, the department of education 47722  
shall determine whether certification held by a teacher employed 47723  
by the provider meets the requirement of division (B)(2)(b)(iii) 47724  
of this section and, if so, shall furnish the provider a statement 47725  
to that effect. 47726

(G) As used in this division, "all-day kindergarten" has the 47727  
same meaning as in section 3321.05 of the Revised Code. 47728

(1) Any school district that did not receive for fiscal year 47729  
2009 poverty-based assistance for all-day kindergarten under 47730  
division (D) of former section 3317.029 of the Revised Code may 47731  
charge fees or tuition for students enrolled in all-day 47732  
kindergarten. If a district charges fees or tuition for all-day 47733  
kindergarten under this division, the district shall develop a 47734  
sliding fee scale based on family incomes. 47735

(2) The department of education shall conduct an annual 47736  
survey of each school district described in division (G)(1) of 47737  
this section to determine the following: 47738

(a) Whether the district charges fees or tuition for students 47739  
enrolled in all-day kindergarten; 47740

(b) The amount of the fees or tuition charged; 47741

(c) How many of the students for whom tuition is charged are 47742  
eligible for free lunches under the "National School Lunch Act," 47743  
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 47744  
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 47745  
and how many of the students for whom tuition is charged are 47746  
eligible for reduced price lunches under those acts; 47747

(d) How many students are enrolled in traditional half-day 47748

kindergarten rather than all-day kindergarten. 47749

Each district shall report to the department, in the manner 47750  
prescribed by the department, the information described in 47751  
divisions (G)(2)(a) to (d) of this section. 47752

The department shall issue an annual report on the results of 47753  
the survey and shall post the report on its web site. The 47754  
department shall issue the first report not later than April 30, 47755  
2008, and shall issue a report not later than the thirtieth day of 47756  
April each year thereafter. 47757

**Sec. 3321.05.** (A) As used in this section, "all-day 47758  
kindergarten" means a kindergarten class that is in session ~~five~~ 47759  
~~days per week~~ for not less than the same number of clock hours 47760  
each ~~day~~ week as for students in grades one through six. 47761

(B) Any school district may operate all-day kindergarten or 47762  
extended kindergarten, but no district shall require any student 47763  
to attend kindergarten for more than the number of clock hours 47764  
required each day for traditional kindergarten by the minimum 47765  
standards adopted under division (D) of section 3301.07 of the 47766  
Revised Code. Each school district that operates all-day or 47767  
extended kindergarten shall accommodate kindergarten students 47768  
whose parents or guardians elect to enroll them for the minimum 47769  
number of hours. 47770

(C) A school district may use space in child day-care centers 47771  
licensed under Chapter 5104. of the Revised Code to provide 47772  
all-day kindergarten under this section. 47773

**Sec. 3323.021.** As used in this section, "participating county 47774  
DD board" means a county board of developmental disabilities 47775  
electing to participate in the provision of or contracting for 47776  
educational services for children under division (D) of section 47777  
5126.05 of the Revised Code. 47778

(A) When a school district, educational service center, or participating county DD board enters into an agreement or contract with another school district, educational service center, or participating county DD board to provide educational services to a disabled child during a school year, both of the following shall apply:

(1) Beginning with fiscal year 1999, if the provider of the services intends to increase the amount it charges for some or all of those services during the next school year or if the provider intends to cease offering all or part of those services during the next school year, the provider shall notify the entity for which the services are provided of these intended changes no later than the first day of March of the current fiscal year.

(2) Beginning with fiscal year 1999, if the entity for which services are provided intends to cease obtaining those services from the provider for the next school year or intends to change the type or amount of services it obtains from the provider for the next school year, the entity shall notify the service provider of these intended changes no later than the first day of March of the current fiscal year.

(B) School districts, educational service centers, participating county DD boards, and other applicable governmental entities shall collaborate where possible to maximize federal sources of revenue to provide additional funds for special education related services for disabled children. Annually, each school district shall report to the department of education any amounts of ~~money~~ such federal revenue the district received ~~through such medical assistance program.~~

(C) The state board of education, the department of developmental disabilities, and the department of ~~job and family services~~ medicaid shall develop working agreements for pursuing additional funds for services for disabled children.

**Sec. 3323.03.** The state board of education shall, in 47811  
consultation with the department of health, the department of 47812  
~~mental health~~ mental health and addiction services, and the 47813  
department of developmental disabilities, establish standards and 47814  
procedures for the identification, location, and evaluation of all 47815  
children with disabilities residing in the state, including 47816  
children with disabilities who are homeless children or are wards 47817  
of the state and children with disabilities attending nonpublic 47818  
schools, regardless of the severity of their disabilities, and who 47819  
are in need of special education and related services. The state 47820  
board shall develop and implement a practical method to determine 47821  
which children with disabilities are currently receiving needed 47822  
special education and related services. 47823

In conducting the evaluation, the board of education of each 47824  
school district shall use a variety of assessment tools and 47825  
strategies to gather relevant functional, developmental, and 47826  
academic information about the child, including information 47827  
provided by the child's parent. The board of education of each 47828  
school district, in consultation with the county DD board, the 47829  
county family and children first council, and the board of 47830  
alcohol, drug addiction, and mental health services of each county 47831  
in which the school district has territory, shall identify, 47832  
locate, and evaluate all children with disabilities residing 47833  
within the district to determine which children with disabilities 47834  
are not receiving appropriate special education and related 47835  
services. In addition, the board of education of each school 47836  
district, in consultation with such county boards or council, 47837  
shall identify, locate, and evaluate all children with 47838  
disabilities who are enrolled by their parents in nonpublic 47839  
elementary and secondary schools located within the public school 47840  
district, without regard to where those children reside in 47841  
accordance with rules of the state board of education or 47842

guidelines of the superintendent of public instruction. 47843

Each county DD board, county family and children first 47844  
council, and board of alcohol, drug addiction, and mental health 47845  
services and the board's or council's contract agencies may 47846  
transmit to boards of education the names and addresses of 47847  
children with disabilities who are not receiving appropriate 47848  
special education and related services. 47849

**Sec. 3323.04.** The state board of education, in consultation 47850  
with the department of ~~mental health~~ mental health and addiction 47851  
services and the department of developmental disabilities, shall 47852  
establish procedures and standards for the development of 47853  
individualized education programs for children with disabilities. 47854

The state board shall require the board of education of each 47855  
school district to develop an individualized education program for 47856  
each child with a disability who is at least three years of age 47857  
and less than twenty-two years of age residing in the district in 47858  
a manner that is in accordance with rules of the state board. 47859

Prior to the placement of a child with a disability in a 47860  
program operated under section 3323.09 of the Revised Code, the 47861  
district board of education shall consult the county DD board of 47862  
the county in which the child resides regarding the proposed 47863  
placement. 47864

A child with a disability enrolled in a nonpublic school or 47865  
facility shall be provided special education and related services, 47866  
in accordance with an individualized education program, at no cost 47867  
for those services, if the child is placed in, or referred to, 47868  
that nonpublic school or facility by the department of education 47869  
or a school district. 47870

The IEP team shall review the individualized education 47871  
program of each child with a disability periodically, but at least 47872

annually, to determine whether the annual goals for the child are 47873  
being achieved, and shall revise the individualized education 47874  
program as appropriate. 47875

The state board shall establish procedures and standards to 47876  
assure that to the maximum extent appropriate, children with 47877  
disabilities, including children in public or private institutions 47878  
or other care facilities, shall be educated with children who are 47879  
not disabled. Special classes, separate schools, or other removal 47880  
of children with disabilities from the regular educational 47881  
environment shall be used only when the nature or severity of a 47882  
child's disability is such that education in regular classes with 47883  
supplementary aids and services cannot be achieved satisfactorily. 47884

If an agency directly affected by a placement decision 47885  
objects to such decision, an impartial hearing officer, appointed 47886  
by the department of education from a list prepared by the 47887  
department, shall conduct a hearing to review the placement 47888  
decision. The agencies that are parties to a hearing shall divide 47889  
the costs of such hearing equally. The decision of the hearing 47890  
officer shall be final, except that any party to the hearing who 47891  
is aggrieved by the findings or the decision of the hearing 47892  
officer may appeal the findings or decision in accordance with 47893  
division (H) of section 3323.05 of the Revised Code or the parent 47894  
of any child affected by such decision may present a complaint in 47895  
accordance with that section. 47896

**Sec. 3323.07.** The state board of education shall authorize 47897  
the establishment and maintenance of special education and related 47898  
services for all children with disabilities who are at least three 47899  
years of age and less than twenty-two years of age, including 47900  
children with disabilities who have been suspended or expelled 47901  
from school, and may authorize special education and related 47902  
services for children with disabilities who are less than three 47903



years of age in accordance with rules adopted by the state board. 47904  
The state board shall require the boards of education of school 47905  
districts, shall authorize the department of ~~mental health~~ mental 47906  
health and addiction services and the department of developmental 47907  
disabilities, and may authorize any other educational agency, to 47908  
establish and maintain such special education and related services 47909  
in accordance with standards adopted by the state board. 47910

**Sec. 3323.08.** (A) Each school district shall submit a plan to 47911  
the superintendent of public instruction that provides assurances 47912  
that the school district will provide for the education of 47913  
children with disabilities within its jurisdiction and has in 47914  
effect policies, procedures, and programs that are consistent with 47915  
the policies and procedures adopted by the state board of 47916  
education in accordance with section 612 of the "Individuals with 47917  
Disabilities Education Improvement Act of 2004," 20 U.S.C. 1412, 47918  
and that meet the conditions applicable to school districts under 47919  
section 613 of that act, 20 U.S.C. 1413. 47920

Each district's plan shall do all of the following: 47921

(1) Provide, as specified in section 3323.11 of the Revised 47922  
Code and in accordance with standards established by the state 47923  
board, for an organizational structure and necessary and qualified 47924  
staffing and supervision for the identification of and provision 47925  
of special education and related services for children with 47926  
disabilities; 47927

(2) Provide, as specified by section 3323.03 of the Revised 47928  
Code and in accordance with standards established by the state 47929  
board, for the identification, location, and evaluation of all 47930  
children with disabilities residing in the district, including 47931  
children with disabilities who are homeless children or are wards 47932  
of the state and children with disabilities attending private 47933  
schools and who are in need of special education and related 47934

services. A practical method shall be developed and implemented to 47935  
determine which children with disabilities are currently receiving 47936  
needed special education and related services. 47937

(3) Provide, as specified by section 3323.07 of the Revised 47938  
Code and standards established by the state board, for the 47939  
establishment and maintenance of special education and related 47940  
services for children with disabilities who are at least three 47941  
years of age and less than twenty-two years of age, including 47942  
children with disabilities who have been suspended or expelled 47943  
from school. 47944

(4) Provide, as specified by section 3323.04 of the Revised 47945  
Code and in accordance with standards adopted by the state board, 47946  
for an individualized education program for each child with a 47947  
disability who is at least three years of age and less than 47948  
twenty-two years of age residing within the district; 47949

(5) Provide, as specified by section 3323.02 of the Revised 47950  
Code and in accordance with standards established by the state 47951  
board, for special education and related services and a free 47952  
appropriate public education for every child with a disability who 47953  
is at least three years of age and less than twenty-two years of 47954  
age, including children with disabilities who have been suspended 47955  
or expelled from school; 47956

(6) Provide procedural safeguards and prior written notice as 47957  
required under section 3323.05 of the Revised Code and the 47958  
standards established by the state board; 47959

(7) Outline the steps that have been or are being taken to 47960  
comply with standards established by the state board. 47961

(B)(1) A school district may arrange, by a cooperative 47962  
agreement or contract with one or more school districts or with a 47963  
cooperative education or joint vocational school district or an 47964  
educational service center, to provide for the identification, 47965

location, and evaluation of children with disabilities, and to 47966  
provide special education and related services for such children 47967  
that meet the standards established by the state board. A school 47968  
district may arrange, by a cooperative agreement or contract, for 47969  
the provision of related services for children with disabilities 47970  
that meet the standards established by the state board. 47971

(2) A school district shall arrange by interagency agreement 47972  
with one or more school districts or with a cooperative education 47973  
or joint vocational school district or an educational service 47974  
center or other providers of early learning services to provide 47975  
for the identification, location, evaluation of children with 47976  
disabilities of ages birth through five years of age and for the 47977  
transition of children with disabilities at age three in 47978  
accordance with the standards established by the state board. A 47979  
school district may arrange by interagency agreement with 47980  
providers of early learning services to provide special education 47981  
and related services for such children that meet the standards 47982  
established by the state board. 47983

(3) If at the time an individualized education program is 47984  
developed for a child a school district is not providing special 47985  
education and related services required by that individualized 47986  
education program, the school district may arrange by contract 47987  
with a nonpublic entity for the provision of the special education 47988  
and related services, provided the special education and related 47989  
services meet the standards for special education and related 47990  
services established by the state board and is provided within the 47991  
state. 47992

(4) Any cooperative agreement or contract under division 47993  
(B)(1) or (2) of this section involving a local school district 47994  
shall be approved by the governing board of the educational 47995  
service center which serves that district. 47996

(C) No plan of a local school district shall be submitted to 47997

the superintendent of public instruction until it has been 47998  
approved by the superintendent of the educational service center 47999  
which serves that district. 48000

(D) Upon approval of a school district's plan by the 48001  
superintendent of public instruction, the district shall 48002  
immediately certify students for state funds under section 3317.03 48003  
of the Revised Code to implement and maintain such plan. ~~The~~ 48004  
~~district also shall request approval of classroom units under~~ 48005  
~~division (B) of section 3317.05 of the Revised Code for which the~~ 48006  
~~district has adequately identified preschool children with~~ 48007  
~~disabilities and shall, in accordance with procedures adopted by~~ 48008  
~~the state board, request approval of units under division (C) of~~ 48009  
~~section 3317.05 of the Revised Code.~~ The district shall, in 48010  
accordance with guidelines adopted by the state board, identify 48011  
problems relating to the provision of qualified personnel and 48012  
adequate facilities, and indicate the extent to which the cost of 48013  
programs required under the plan will exceed anticipated state 48014  
reimbursement. Each school district shall immediately implement 48015  
the identification, location, and evaluation of children with 48016  
disabilities in accordance with this chapter, and shall implement 48017  
those parts of the plan involving placement and provision of 48018  
special education and related services. 48019

**Sec. 3323.09.** (A) As used in this section: 48020

(1) "Home" has the meaning given in section 3313.64 of the 48021  
Revised Code. 48022

(2) "Preschool child" means a child who is at least age three 48023  
but under age six on the thirtieth day of September of an academic 48024  
year. 48025

(B) Each county DD board shall establish special education 48026  
programs for all children with disabilities who in accordance with 48027  
section 3323.04 of the Revised Code have been placed in special 48028

education programs operated by the county board and for preschool 48029  
children who are developmentally delayed or at risk of being 48030  
developmentally delayed. The board annually shall submit to the 48031  
department of education a plan for the provision of these programs 48032  
~~and, if applicable, a request for approval of units under section~~ 48033  
~~3317.05 of the Revised Code.~~ The superintendent of public 48034  
instruction shall review the plan and approve or modify it in 48035  
accordance with rules adopted by the state board of education 48036  
under section 3301.07 of the Revised Code. The superintendent of 48037  
public instruction shall compile the plans submitted by county 48038  
boards and shall submit a comprehensive plan to the state board. 48039

A county DD board may combine transportation for children 48040  
enrolled in classes funded under ~~section~~ sections 3317.0213 or 48041  
3317.20 ~~or units approved under section 3317.05~~ with 48042  
transportation for children and adults enrolled in programs and 48043  
services offered by the board under Chapter 5126. of the Revised 48044  
Code. 48045

(C) A county DD board that during the school year provided 48046  
special education pursuant to this section for any child with 48047  
mental disabilities under twenty-two years of age shall prepare 48048  
and submit the following reports and statements: 48049

(1) The board shall prepare a statement for each child who at 48050  
the time of receiving such special education was a resident of a 48051  
home and was not in the legal or permanent custody of an Ohio 48052  
resident or a government agency in this state, and whose natural 48053  
or adoptive parents are not known to have been residents of this 48054  
state subsequent to the child's birth. The statement shall contain 48055  
the child's name, the name of the child's school district of 48056  
residence, the name of the county board providing the special 48057  
education, and the number of months, including any fraction of a 48058  
month, it was provided. Not later than the thirtieth day of June, 48059  
the board shall forward a certified copy of such statement to both 48060

the director of developmental disabilities and to the home. 48061

Within thirty days after its receipt of a statement, the home 48062  
shall pay tuition to the county board computed in the manner 48063  
prescribed by section 3323.141 of the Revised Code. 48064

(2) The board shall prepare a report for each school district 48065  
that is the school district of residence of one or more of such 48066  
children for whom statements are not required by division (C)(1) 48067  
of this section. The report shall contain the name of the county 48068  
board providing special education, the name of each child 48069  
receiving special education, the number of months, including 48070  
fractions of a month, that the child received it, and the name of 48071  
the child's school district of residence. Not later than the 48072  
thirtieth day of June, the board shall forward certified copies of 48073  
each report to the school district named in the report, the 48074  
superintendent of public instruction, and the director of 48075  
developmental disabilities. 48076

**Sec. 3323.091.** (A) The department of ~~mental health~~ mental 48077  
health and addiction services, the department of developmental 48078  
disabilities, the department of youth services, and the department 48079  
of rehabilitation and correction shall establish and maintain 48080  
special education programs for children with disabilities in 48081  
institutions under their jurisdiction according to standards 48082  
adopted by the state board of education. 48083

(B) ~~The superintendent of each state institution required to~~ 48084  
~~provide services under division (A) of this section, and each~~ 48085  
~~county DD board, providing special education for preschool~~ 48086  
~~children with disabilities under this chapter may apply to the~~ 48087  
~~state department of education for unit funding, which shall be~~ 48088  
~~paid in accordance with sections 3317.052 and 3317.053 of the~~ 48089  
~~Revised Code.~~ 48090

The superintendent of each state institution required to 48091

provide services under division (A) of this section may apply to 48092  
the department of education for special education and related 48093  
services ~~weighted~~ funding for children with disabilities other 48094  
than preschool children with disabilities, calculated in 48095  
accordance with section 3317.201 of the Revised Code. 48096

Each county DD board providing special education for children 48097  
with disabilities other than preschool children with disabilities 48098  
may apply to the department of education for ~~base cost and~~ 48099  
opportunity funds, special education and related services ~~weighted~~ 48100  
funding, and targeted assistance funds calculated in accordance 48101  
with section 3317.20 of the Revised Code. 48102

(C) In addition to the authorization to apply for state 48103  
funding described in division (B) of this section, each state 48104  
institution required to provide services under division (A) of 48105  
this section is entitled to tuition payments calculated in the 48106  
manner described in division (C) of this section. 48107

On or before the thirtieth day of June of each year, the 48108  
superintendent of each institution that during the school year 48109  
provided special education pursuant to this section shall prepare 48110  
a statement for each child with a disability under twenty-two 48111  
years of age who has received special education. The statement 48112  
shall contain the child's data verification code assigned pursuant 48113  
to division (D)(2) of section 3301.0714 of the Revised Code and 48114  
the name of the child's school district of residence. Within sixty 48115  
days after receipt of such statement, the department of education 48116  
shall perform one of the following: 48117

(1) For any child except a preschool child with a disability 48118  
described in division (C)(2) of this section, pay to the 48119  
institution submitting the statement an amount equal to the 48120  
tuition calculated under division (A) of section 3317.08 of the 48121  
Revised Code for the period covered by the statement, and deduct 48122  
the same from the amount of state funds, if any, payable under 48123

Chapter 3317. of the Revised Code, to the child's school district 48124  
of residence or, if the amount of such state funds is 48125  
insufficient, require the child's school district of residence to 48126  
pay the institution submitting the statement an amount equal to 48127  
the amount determined under this division. 48128

(2) For any preschool child with a disability ~~not included in~~ 48129  
~~a unit approved under division (B) of section 3317.05 of the~~ 48130  
~~Revised Code~~, perform the following: 48131

(a) Pay to the institution submitting the statement an amount 48132  
equal to the tuition calculated under division (B) of section 48133  
3317.08 of the Revised Code for the period covered by the 48134  
statement, except that in calculating the tuition under that 48135  
section the operating expenses of the institution submitting the 48136  
statement under this section shall be used instead of the 48137  
operating expenses of the school district of residence; 48138

(b) Deduct from the amount of state funds, if any, payable 48139  
under Chapter 3317. of the Revised Code to the child's school 48140  
district of residence an amount equal to the amount paid under 48141  
division (C)(2)(a) of this section. 48142

**Sec. 3323.13.** (A) If a child who is a school resident of one 48143  
school district receives special education from another district, 48144  
the board of education of the district providing the education, 48145  
subject to division (C) of this section, may require the payment 48146  
by the board of education of the district of residence of a sum 48147  
not to exceed one of the following, as applicable: 48148

(1) For any child except a preschool child with a disability 48149  
described in division (A)(2) of this section, the tuition of the 48150  
district providing the education for a child of normal needs of 48151  
the same school grade. The determination of the amount of such 48152  
tuition shall be in the manner provided for by division (A) of 48153  
section 3317.08 of the Revised Code. 48154



(2) For any preschool child with a disability ~~not included in~~ 48155  
~~a unit approved under division (B) of section 3317.05 of the~~ 48156  
~~Revised Code~~, the tuition of the district providing the education 48157  
for the child as calculated under division (B) of section 3317.08 48158  
of the Revised Code, multiplied by 0.50. 48159

(B) The board of the district of residence may contract with 48160  
the board of another district for the transportation of such child 48161  
into any school in such other district, on terms agreed upon by 48162  
such boards. Upon direction of the state board of education, the 48163  
board of the district of residence shall pay for the child's 48164  
transportation and the tuition. 48165

(C) The board of education of a district providing the 48166  
education for a child shall be entitled to require payment from 48167  
the district of residence under this section or section 3323.14 of 48168  
the Revised Code only if the district providing the education has 48169  
done at least one of the following: 48170

(1) Invited the district of residence to send representatives 48171  
to attend the meetings of the team developing the child's 48172  
individualized education program; 48173

(2) Received from the district of residence a copy of the 48174  
individualized education program or a multifactored evaluation 48175  
developed for the child by the district of residence; 48176

(3) Informed the district of residence in writing that the 48177  
district is providing the education for the child. 48178

As used in division (C)(2) of this section, "multifactored 48179  
evaluation" means an evaluation, conducted by a multidisciplinary 48180  
team, of more than one area of the child's functioning so that no 48181  
single procedure shall be the sole criterion for determining an 48182  
appropriate educational program placement for the child. 48183

**Sec. 3323.14.** ~~This section does not apply to any preschool~~ 48184

~~child with a disability except if included in a unit approved 48185~~  
~~under division (B) of section 3317.05 of the Revised Code. 48186~~

(A) Where a child who is a school resident of one school 48187  
district receives special education from another district and the 48188  
per capita cost to the educating district for that child exceeds 48189  
the sum of the amount received by the educating district for that 48190  
child under division (A) of section 3317.08 of the Revised Code 48191  
and the amount received by the district from the state board of 48192  
education for that child, then the board of education of the 48193  
district of residence shall pay to the board of the school 48194  
district that is providing the special education such excess cost 48195  
as is determined by using a formula approved by the department of 48196  
education and agreed upon in contracts entered into by the boards 48197  
of the districts concerned at the time the district providing such 48198  
special education accepts the child for enrollment. The department 48199  
shall certify the amount of the payments under Chapter 3317. of 48200  
the Revised Code for such pupils with disabilities for each school 48201  
year ending on the thirtieth day of July. 48202

(B) In the case of a child described in division (A) of this 48203  
section who has been placed in a home, as defined in section 48204  
3313.64 of the Revised Code, pursuant to the order of a court and 48205  
who is not subject to section 3323.141 of the Revised Code, the 48206  
district providing the child with special education and related 48207  
services may charge to the child's district of residence the 48208  
excess cost determined by formula approved by the department, 48209  
regardless of whether the district of residence has entered into a 48210  
contract with the district providing the services. If the district 48211  
providing the services chooses to charge excess costs, the 48212  
district may report the amount calculated under this division to 48213  
the department. 48214

(C) If a district providing special education for a child 48215  
reports an amount for the excess cost of those services, as 48216

authorized and calculated under division (A) or (B) of this 48217  
section, the department shall pay that amount of excess cost to 48218  
the district providing the services and shall deduct that amount 48219  
from the child's district of residence in accordance with division 48220  
(K) of section 3317.023 of the Revised Code. 48221

**Sec. 3323.141.** (A) When a child who is not in the legal or 48222  
permanent custody of an Ohio resident or a government agency in 48223  
this state and whose natural or adoptive parents are not known to 48224  
have been residents of this state subsequent to the child's birth 48225  
is a resident of a home as defined in section 3313.64 of the 48226  
Revised Code and receives special education and related services 48227  
from a school district or county ~~MR/DD~~ DD board, the home shall 48228  
pay tuition to the board providing the special education. 48229

(B) In the case of a child described in division (A) of this 48230  
section who receives special education and related services from a 48231  
school district, tuition shall be the amount determined under 48232  
division (B)(1) or (2) of this section. 48233

(1) For a child other than a child described in division 48234  
(B)(2) of this section the tuition shall be an amount equal to the 48235  
sum of the following: 48236

(a) Tuition as determined in the manner provided for by 48237  
division (B) of section 3317.081 of the Revised Code for the 48238  
district that provides the special education; 48239

(b) Such excess cost as is determined by using a formula 48240  
established by rule of the department of education. The excess 48241  
cost computed in this section shall not be used as excess cost 48242  
computed under section 3323.14 of the Revised Code. 48243

(2) For a child who is a preschool child with a disability 48244  
~~not included in a unit approved under division (B) of section~~ 48245  
~~3317.05 of the Revised Code,~~ the tuition shall be computed as 48246

follows: 48247

(a) Determine the amount of the tuition of the district 48248  
providing the education for the child as calculated under division 48249  
(B) of section 3317.08 of the Revised Code; 48250

(b) For each type of special education service included in 48251  
the computation of the amount of tuition under division (B)(2)(a) 48252  
of this section, divide the amount determined for that computation 48253  
under division (B)(2) of section 3317.08 of the Revised Code by 48254  
the total number of preschool children with disabilities used for 48255  
that computation under division (B)(3) of section 3317.08 of the 48256  
Revised Code; 48257

(c) Determine the sum of the quotients obtained under 48258  
division (B)(2)(b) of this section; 48259

(d) Determine the sum of the amounts determined under 48260  
divisions (B)(2)(a) and (c) of this section. 48261

(C) In the case of a child described in division (A) of this 48262  
section who receives special education and related services from a 48263  
county ~~MR/DD~~ DD board, tuition shall be the amount determined 48264  
under division (C)(1) or (2) of this section. 48265

(1) For a child other than a child described in division 48266  
(C)(2) of this section, the tuition shall be an amount equal to 48267  
such board's per capita cost of providing special education and 48268  
related services for children at least three but less than 48269  
twenty-two years of age as determined by using a formula 48270  
established by rule of the department of developmental 48271  
disabilities. 48272

(2) For a child who is a preschool child with a disability 48273  
~~not included in a unit approved under division (B) of section~~ 48274  
~~3317.05 of the Revised Code~~, the tuition shall equal the sum of 48275  
the amounts of each such board's per capita cost of providing each 48276  
of the special education or related service that the child 48277

receives. The calculation of tuition shall be made by using a 48278  
formula established by rule of the department of developmental 48279  
disabilities. The formula for the calculation of per capita costs 48280  
under division (C)(2) of this section shall be based only on each 48281  
such ~~MR/DD~~ DD board's cost of providing each type of special 48282  
education or related service to preschool children with 48283  
disabilities ~~not included in a unit approved under division (B) of~~ 48284  
~~section 3317.05 of the Revised Code.~~ 48285

(D) If a home fails to pay the tuition required under this 48286  
section, the board of education or county ~~MR/DD~~ DD board providing 48287  
the education may recover in a civil action the tuition and the 48288  
expenses incurred in prosecuting the action, including court costs 48289  
and reasonable attorney's fees. If the prosecuting attorney or 48290  
city director of law represents the board in such action, costs 48291  
and reasonable attorney's fees awarded by the court, based upon 48292  
the time spent preparing and presenting the case by the 48293  
prosecuting attorney, director, or a designee of either, shall be 48294  
deposited in the county or city general fund. 48295

~~Sec. 3323.142. This section does not apply to any preschool 48296  
child with a disability except if included in a unit approved 48297  
under division (B) of section 3317.05 of the Revised Code.~~ 48298

As used in this section, "per pupil amount" for a preschool 48299  
child with a disability included in such an approved unit means 48300  
the amount determined by dividing the amount received for the 48301  
classroom unit in which the child has been placed by the number of 48302  
children in the unit. For any other child, "per pupil amount" 48303  
means the amount paid for the child under section 3317.20 of the 48304  
Revised Code. 48305

When a school district places or has placed a child with a 48306  
county DD board for special education, but another district is 48307  
responsible for tuition under section 3313.64 or 3313.65 of the 48308

Revised Code and the child is not a resident of the territory 48309  
served by the county DD board, the board may charge the district 48310  
responsible for tuition with the educational costs in excess of 48311  
the per pupil amount received by the board under Chapter 3317. of 48312  
the Revised Code. The amount of the excess cost shall be 48313  
determined by the formula established by rule of the department of 48314  
education under section 3323.14 of the Revised Code, and the 48315  
payment for such excess cost shall be made by the school district 48316  
directly to the county DD board. 48317

A school district board of education and the county DD board 48318  
that serves the school district may negotiate and contract, at or 48319  
after the time of placement, for payments by the board of 48320  
education to the county DD board for additional services provided 48321  
to a child placed with the county DD board and whose 48322  
individualized education program established pursuant to section 48323  
3323.08 of the Revised Code requires additional services that are 48324  
not routinely provided children in the county DD board's program 48325  
but are necessary to maintain the child's enrollment and 48326  
participation in the program. Additional services may include, but 48327  
are not limited to, specialized supplies and equipment for the 48328  
benefit of the child and instruction, training, or assistance 48329  
provided by staff members other than staff members for which 48330  
funding is received under Chapter 3317. of the Revised Code. 48331

**Sec. 3326.11.** Each science, technology, engineering, and 48332  
mathematics school established under this chapter and its 48333  
governing body shall comply with sections 9.90, 9.91, 109.65, 48334  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 48335  
3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 48336  
3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 48337  
3313.536, 3313.539, 3313.608, 3313.6012, 3313.6013, 3313.6014, 48338  
3313.6015, 3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 48339  
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 48340

3313.667, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 48341  
3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 3313.814, 48342  
3313.816, 3313.817, 3313.86, ~~3313.88~~, 3313.96, 3319.073, 3319.21, 48343  
3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 48344  
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 48345  
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 48346  
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 48347  
4123., 4141., and 4167. of the Revised Code as if it were a school 48348  
district. 48349

Sec. 3326.112. The governing body of each STEM school shall 48350  
comply with the standards for financial reporting adopted under 48351  
division (B)(2) of section 3301.07 of the Revised Code. 48352

**Sec. 3326.20.** (A) As used in this section, "native student" 48353  
means a student entitled to attend school in the school district 48354  
under section 3313.64 or 3313.65 of the Revised Code. 48355

(B) Unless either the proposal for the establishment of a 48356  
science, technology, engineering, and mathematics school, as it 48357  
was approved by the STEM committee under section 3326.03 of the 48358  
Revised Code, ~~otherwise~~ provides for the transportation of 48359  
students to and from the STEM school, or the parent of a native 48360  
student or that student opts to receive the transportation subsidy 48361  
prescribed by section 3327.02 of the Revised Code, the board of 48362  
education of each city, local, and exempted village school 48363  
district shall provide transportation to and from school for its 48364  
~~district's~~ native students enrolled in the STEM school in the same 48365  
manner that section 3327.01 of the Revised Code requires for its 48366  
native students enrolled in nonpublic schools. 48367

**Sec. 3326.31.** As used in sections 3326.31 to 3326.50 of the 48368  
Revised Code: 48369

(A) ~~"Applicable special education weight" means the multiple~~ 48370

~~specified in section 3317.013 of the Revised Code for a disability~~ 48371  
~~described in that section.~~ 48372

~~(B) "Applicable vocational education weight" means the~~ 48373  
~~multiple specified in section 3317.014 of the Revised Code for~~ 48374  
~~vocational education programs or classes described in that section~~ 48375

(1) "Category one career-technical education student" means a 48376  
student who is receiving the career-technical education services 48377  
described in division (A) of section 3317.014 of the Revised Code. 48378

(2) "Category two career-technical student" means a student 48379  
who is receiving the career-technical education services described 48380  
in division (B) of section 3317.014 of the Revised Code. 48381

(3) "Category three career-technical student" means a student 48382  
who is receiving the career-technical education services described 48383  
in division (C) of section 3317.014 of the Revised Code. 48384

(4) "Category four career-technical student" means a student 48385  
who is receiving the career-technical education services described 48386  
in division (D) of section 3317.014 of the Revised Code. 48387

(5) "Category five career-technical education student" means 48388  
a student who is receiving the career-technical education services 48389  
described in division (E) of section 3317.014 of the Revised Code. 48390

(B)(1) "Category one limited English proficient student" 48391  
means a limited English proficient student described in division 48392  
(A) of section 3317.016 of the Revised Code. 48393

(2) "Category two limited English proficient student" means a 48394  
limited English proficient student described in division (B) of 48395  
section 3317.016 of the Revised Code. 48396

(3) "Category three limited English proficient student" means 48397  
a limited English proficient student described in division (C) of 48398  
section 3317.016 of the Revised Code. 48399

(C)(1) "Category one special education student" means a 48400



student who is receiving special education services for a 48401  
disability specified in division (A) of section 3317.013 of the 48402  
Revised Code. 48403

(2) "Category two special education student" means a student 48404  
who is receiving special education services for a disability 48405  
specified in division (B) of section 3317.013 of the Revised Code. 48406

(3) "Category three special education student" means a 48407  
student who is receiving special education services for a 48408  
disability specified in division (C) of section 3317.013 of the 48409  
Revised Code. 48410

(4) "Category four special education student" means a student 48411  
who is receiving special education services for a disability 48412  
specified in division (D) of section 3317.013 of the Revised Code. 48413

(5) "Category five special education student" means a student 48414  
who is receiving special education services for a disability 48415  
specified in division (E) of section 3317.013 of the Revised Code. 48416

(6) "Category six special education student" means a student 48417  
who is receiving special education services for a disability 48418  
specified in division (F) of section 3317.013 of the Revised Code. 48419

~~(C)~~(D) "Formula amount" has the same meaning as in section 48420  
3317.02 of the Revised Code. 48421

~~(D)~~(E) "IEP" means an individualized education program as 48422  
defined in section 3323.01 of the Revised Code. 48423

~~(E)~~ A student is "included in the poverty student count of 48424  
the student's resident district" if the student's family receives 48425  
assistance under the Ohio works first program. 48426

(F) "Resident district" means the school district in which a 48427  
student is entitled to attend school under section 3313.64 or 48428  
3313.65 of the Revised Code. 48429

(G) "State education aid" has the same meaning as in section 48430

5751.20 of the Revised Code. 48431

**Sec. 3326.32.** Each science, technology, engineering, and 48432  
mathematics school shall report to the department of education, in 48433  
the form and manner required by the department, all of the 48434  
following information: 48435

(A) The total number of students enrolled in the school; 48436

(B) The number of students who are receiving special 48437  
education and related services pursuant to an IEP; 48438

(C) For each student reported under division (B) of this 48439  
section, which category specified in divisions (A) to (F) of 48440  
section 3317.013 of the Revised Code applies to the student; 48441

(D) The full-time equivalent number of students who are 48442  
enrolled in ~~vocational~~ career-technical education programs or 48443  
classes described in each of divisions (A) ~~and~~, (B), (C), (D), and 48444  
(E) of section 3317.014 of the Revised Code that are provided by 48445  
the STEM school; 48446

(E) The number of students who are limited English proficient 48447  
students and which category specified in divisions (A) to (C) of 48448  
section 3317.016 of the Revised Code applies to each student; 48449

(F) The number of students reported under division (A) of 48450  
this section who are economically disadvantaged, as defined by the 48451  
department. A student shall not be categorically excluded from the 48452  
number reported under division (F) of this section based on 48453  
anything other than family income. 48454

(G) The resident district of each student; 48455

~~(F)~~(H) Any additional information the department determines 48456  
necessary to make payments under this chapter. 48457

**Sec. 3326.33.** ~~Payments and deductions under this section for 48458  
fiscal years 2012 and 2013 shall be made in accordance with 48459~~

~~section 3326.39 of the Revised Code.~~ 48460

For each student enrolled in a science, technology, 48461  
engineering, and mathematics school established under this 48462  
chapter, on a full-time equivalency basis, the department of 48463  
education annually shall deduct from the state education aid of a 48464  
student's resident school district and, if necessary, from the 48465  
payment made to the district under sections 321.24 and 323.156 of 48466  
the Revised Code and pay to the school the sum of the following: 48467

~~(A) The sum of the formula amount plus the per pupil amount 48468  
of the base funding supplements specified in divisions (C)(1) to 48469  
(4) of section 3317.012 of the Revised Code.~~ 48470

~~(B) If the student is receiving special education and related 48471  
services pursuant to an IEP, the product of the applicable special 48472  
education weight times the formula amount;~~ 48473

~~(C) If the student is enrolled in vocational education 48474  
programs or classes that are described in section 3317.014 of the 48475  
Revised Code, are provided by the school, and are comparable as 48476  
determined by the superintendent of public instruction to school 48477  
district vocational education programs and classes eligible for 48478  
state weighted funding under section 3317.014 of the Revised Code, 48479  
the product of the applicable vocational education weight times 48480  
the formula amount times the percentage of time the student spends 48481  
in the vocational education programs or classes;~~ 48482

~~(D) If the student is included in the poverty student count 48483  
of the student's resident district, the per pupil amount of the 48484  
district's payment under division (C) of section 3317.029 of the 48485  
Revised Code;~~ 48486

~~(E) If the student is identified as limited English 48487  
proficient and the student's resident district receives a payment 48488  
for services to limited English proficient students under division 48489  
(F) of section 3317.029 of the Revised Code, the per pupil amount 48490~~

~~of the district's payment under that division, calculated in the same manner as per pupil payments are calculated under division (C)(6) of section 3314.08 of the Revised Code;~~

~~(F) If the student's resident district receives a payment under division (G), (H), or (I) of section 3317.029 of the Revised Code, the per pupil amount of the district's payments under each division, calculated in the same manner as per pupil payments are calculated under divisions (C)(7) and (8) of section 3314.08 of the Revised Code;~~

~~(G) If the student's resident district receives a parity aid payment under section 3317.0217 of the Revised Code, the per pupil amount calculated for the district under division (C) or (D) of that section An opportunity grant in an amount equal to the formula amount;~~

(B) The per pupil amount of targeted assistance funds calculated under division (A) of section 3317.0217 of the Revised Code for the student's resident district, as determined by the department, X 0.25;

(C) Additional state aid for special education and related services provided under Chapter 3323. of the Revised Code as follows:

(1) If the student is a category one special education student, the formula amount X the multiple specified in division (A) of section 3317.013 of the Revised Code;

(2) If the student is a category two special education student, the formula amount X the multiple specified in division (B) of section 3317.013 of the Revised Code;

(3) If the student is a category three special education student, the formula amount X the multiple specified in division (C) of section 3317.013 of the Revised Code;

<u>(4) If the student is a category four special education student, the formula amount X the multiple specified in division (D) of section 3317.013 of the Revised Code;</u>	48521 48522 48523
<u>(5) If the student is a category five special education student, the formula amount X the multiple specified in division (E) of section 3317.013 of the Revised Code;</u>	48524 48525 48526
<u>(6) If the student is a category six special education student, the formula amount X the multiple specified in division (F) of section 3317.013 of the Revised Code.</u>	48527 48528 48529
<u>(D) If the student is in kindergarten through third grade, \$300, in fiscal year 2014, or \$303, in fiscal year 2015;</u>	48530 48531
<u>(E) If the student is economically disadvantaged, an amount equal to the following:</u>	48532 48533
<u>(\$340, in fiscal year 2014, or \$343, in fiscal year 2015) X (the resident district's economically disadvantaged index)</u>	48534 48535
<u>(F) Limited English proficiency funds, as follows:</u>	48536
<u>(1) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;</u>	48537 48538 48539
<u>(2) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;</u>	48540 48541 48542
<u>(3) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.</u>	48543 48544 48545
<u>(G) Career-technical education funds as follows:</u>	48546
<u>(1) If the student is a category one career-technical education student, the formula amount X the multiple specified in division (A) of section 3317.014 of the Revised Code;</u>	48547 48548 48549
<u>(2) If the student is a category two career-technical</u>	48550

education student, the formula amount X the multiple specified in 48551  
division (B) of section 3317.014 of the Revised Code; 48552

(3) If the student is a category three career-technical 48553  
education student, the formula amount X the multiple specified in 48554  
division (C) of section 3317.014 of the Revised Code; 48555

(4) If the student is a category four career-technical 48556  
education student, the formula amount X the multiple specified in 48557  
division (D) of section 3317.014 of the Revised Code; 48558

(5) If the student is a category five career-technical 48559  
education student, the formula amount X the multiple specified in 48560  
division (E) of section 3317.014 of the Revised Code. 48561

Deduction and payment of funds under division (G) of this 48562  
section is subject to approval under section 3317.161 of the 48563  
Revised Code. 48564

**Sec. 3326.34.** If a science, technology, engineering, and 48565  
mathematics school established under this chapter incurs costs for 48566  
a fiscal year for a student receiving special education and 48567  
related services pursuant to an IEP for a disability described in 48568  
divisions (B) to (F) of section 3317.013 of the Revised Code that 48569  
exceed the threshold catastrophic cost for serving the student as 48570  
specified in division ~~(C)(3)(b)~~(B) of section ~~3317.022~~ 3317.0214 48571  
of the Revised Code, the STEM school may submit to the 48572  
superintendent of public instruction documentation, as prescribed 48573  
by the superintendent, of all its costs for that student. Upon 48574  
submission of documentation for a student of the type and in the 48575  
manner prescribed, the department of education shall pay to the 48576  
school an amount equal to the school's costs for the student in 48577  
excess of the threshold catastrophic costs. 48578

The school shall only report under this section, and the 48579  
department shall only pay for, the costs of educational expenses 48580

and the related services provided to the student in accordance 48581  
with the student's IEP. Any legal fees, court costs, or other 48582  
costs associated with any cause of action relating to the student 48583  
may not be included in the amount. 48584

**Sec. 3326.38.** A science, technology, engineering, and 48585  
mathematics school may do ~~all~~ both of the following: 48586

~~(A) Apply to the department of education for gifted unit 48587  
funding;~~ 48588

~~(B)~~ Apply to any state or federal agency for grants that a 48589  
school district or public school may receive under federal or 48590  
state law or any appropriations act of the general assembly; 48591

~~(C)~~(B) Apply to any private entity or foundation for 48592  
additional funds. 48593

**Sec. 3326.45.** (A) The governing body of a science, 48594  
technology, engineering, and mathematics school may contract with 48595  
the governing board of an educational service center or the board 48596  
of education of a joint vocational school district for the 48597  
provision of services to the STEM school or to any student 48598  
enrolled in the school. Services provided under the contract and 48599  
the amount to be paid for those services shall be mutually agreed 48600  
to by the parties to the contract, and shall be specified in the 48601  
contract. 48602

(B) A contract entered into under this section may require an 48603  
educational service center to provide any one or a combination of 48604  
the following services to a STEM school: 48605

(1) Supervisory teachers; 48606

(2) In-service and continuing education programs for 48607  
personnel of the STEM school; 48608

(3) Curriculum services as provided to the client school 48609

districts of the service center; 48610

(4) Research and development programs; 48611

(5) Academic instruction for which the service center 48612  
governing board employs teachers; 48613

(6) Assistance in the provision of special accommodations and 48614  
classes for students with disabilities. 48615

Services described in division (B) of this section shall be 48616  
provided to the STEM school in the same manner they are provided 48617  
to client school districts of the service center, unless otherwise 48618  
specified in the contract. The contract shall specify whether the 48619  
service center will receive a per-pupil payment from the 48620  
department of education for the provision of these services and, 48621  
if so, the amount of the per-pupil payment, ~~which shall not exceed~~ 48622  
~~the per pupil amount paid to the service center under division (F)~~ 48623  
~~of section 3317.11 of the Revised Code for each student in the~~ 48624  
~~service center ADM.~~ 48625

(C) For each contract entered into under this section, the 48626  
department shall deduct the amount owed by the STEM school from 48627  
the state funds due to the STEM school under this chapter and 48628  
shall pay that amount to the educational service center or joint 48629  
vocational school district that is party to the contract. ~~In the~~ 48630  
~~ease of a contract with an educational service center that~~ 48631  
~~specifies per pupil payments for the provision of services~~ 48632  
~~described in division (B) of this section, the department also~~ 48633  
~~shall pay the service center the amount calculated under division~~ 48634  
~~(H) of section 3317.11 of the Revised Code.~~ 48635

(D) No contract entered into under this section shall be 48636  
valid unless a copy is filed with the department by the first day 48637  
of the school year for which the contract is in effect. 48638

(E) As used in this section, "client school district" ~~has the~~ 48639  
~~same meaning as in section 3317.11 of the Revised Code~~ means a 48640



city, exempted village, or local school district that has entered 48641  
into an agreement under section 3313.843 or 3313.845 of the 48642  
Revised Code to receive any services from an educational service 48643  
center. 48644

**Sec. 3327.01.** Notwithstanding division (D) of section 3311.19 48645  
and division (D) of section 3311.52 of the Revised Code, this 48646  
section and sections 3327.011, ~~3327.012~~, and 3327.02 of the 48647  
Revised Code do not apply to any joint vocational or cooperative 48648  
education school district. 48649

~~In (A) Except as provided in division (D) of this section or~~ 48650  
~~section 3314.091 or 3327.02 of the Revised Code, in~~ all city, 48651  
local, and exempted village school districts where resident school 48652  
pupils in grades kindergarten through eight live more than two 48653  
miles from the school for which the state board of education 48654  
prescribes minimum standards pursuant to division (D) of section 48655  
3301.07 of the Revised Code and to which they are assigned by the 48656  
board of education of the district of residence or to and from the 48657  
nonpublic or community school which they attend, the board of 48658  
education shall provide transportation for such pupils to and from 48659  
~~such that school except as provided in section 3327.02 of the~~ 48660  
~~Revised Code.~~ 48661

(B) In all city, local, and exempted village school districts 48662  
where pupil transportation is required under a career-technical 48663  
plan approved by the state board of education under section 48664  
3313.90 of the Revised Code, for any student attending a 48665  
career-technical program operated by another school district, 48666  
including a joint vocational school district, as prescribed under 48667  
that section, the board of education of the student's district of 48668  
residence shall provide transportation from the public high school 48669  
operated by that district to which the student is assigned to the 48670  
career-technical program. 48671

~~In (C) Except as provided in division (D) of this section or section 3314.091 or 3327.02 of the Revised Code, in all city, local, and exempted village school districts, the board may provide transportation for resident school pupils in grades nine through twelve to and from the high school to which they are assigned by the board of education of the district of residence or to and from the nonpublic or community high school which they attend for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code.~~

(D)(1) A board of education shall not be required to transport elementary or high school pupils to and from a nonpublic or community school where such transportation would require more than thirty minutes of direct travel time as measured by school bus from the public school building to which the pupils would be assigned if attending the public school designated by the district of residence.

~~Where it is impractical to transport a pupil by school conveyance, a board of education may offer payment, in lieu of providing such transportation in accordance with section 3327.02 of the Revised Code.~~

(2) A board of education shall not be required to transport elementary or high school pupils to and from a nonpublic or community school on Saturday or Sunday, unless a board of education and a nonpublic or community school have an agreement in place to do so before the effective date of this amendment.

(E) In all city, local, and exempted village school districts, the board shall provide transportation for all children who are so disabled that they are unable to walk to and from the school for which the state board of education prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and which they attend. In case of dispute whether the

child is able to walk to and from the school, the health 48704  
commissioner shall be the judge of such ability. In all city, 48705  
exempted village, and local school districts, the board shall 48706  
provide transportation to and from school or special education 48707  
classes for ~~educable~~ mentally ~~retarded~~ disabled children in 48708  
accordance with standards adopted by the state board of education. 48709

(F) When transportation of pupils is provided the conveyance 48710  
shall be run on a time schedule that shall be adopted and put in 48711  
force by the board not later than ten days after the beginning of 48712  
the school term. 48713

The cost of any transportation service authorized by this 48714  
section shall be paid first out of federal funds, if any, 48715  
available for the purpose of pupil transportation, and secondly 48716  
out of state appropriations, in accordance with regulations 48717  
adopted by the state board of education. 48718

(G) No transportation of any pupils shall be provided by any 48719  
board of education to or from any school which in the selection of 48720  
pupils, faculty members, or employees, practices discrimination 48721  
against any person on the grounds of race, color, religion, or 48722  
national origin. 48723

(H) No transportation to or from school of pupils in grades 48724  
kindergarten through five shall be provided by way of transit 48725  
buses as defined in section 5735.01 of the Revised Code. 48726

**Sec. 3327.02.** (A) As used in this section: 48727

(1) "Community school" means a community school established 48728  
under Chapter 3314. of the Revised Code. 48729

(2) "Parent" has the same meaning as in section 3313.98 of 48730  
the Revised Code. 48731

(3) "Resident school district" means the city, exempted 48732  
village, or local school district in which a student is entitled 48733

to attend school under section 3313.64 or 3313.65 of the Revised Code. 48734  
48735

(4) "School year" has the same meaning as in section 3313.62 of the Revised Code. 48736  
48737

(5) "State education aid" has the same meaning as in section 5751.20 of the Revised Code. 48738  
48739

(6) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code. 48740  
48741  
48742

(B) Beginning July 1, 2014, the board of education of a city, exempted village, or local school district is not required to provide transportation to and from school for a student attending one of the district's schools or a community school, STEM school, or nonpublic school under division (A) or (C) of section 3327.01 of the Revised Code, if the student's parent or the student, if at least eighteen years old and no guardian or custodian is currently appointed for the student, opts instead to receive the subsidy prescribed by division (D) of this section. The parent or student may exercise that option on an annual basis by submitting an application to the department of education and by notifying the district board in accordance with procedures and deadlines prescribed by the department. The department shall prescribe deadlines for that application and notice so that the district board has sufficient time to take the exercise of the parent's or student's option into account when planning its transportation routes and schedules for the succeeding school year. The department shall not accept an application that is submitted after the deadline. The department shall award a subsidy as long as the parent or student complies with the application and notice procedures. The award shall be for one school year at a time and may be renewed if the parent or student again submits an application to the department and notice to the district board in 48743  
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accordance with the prescribed procedures and deadlines. The 48766  
parent or student shall use the subsidy to pay the cost of the 48767  
student's transportation to and from school for the entire school 48768  
year. 48769

(C) The subsidy prescribed by this section is not available 48770  
for any of the following: 48771

(1) A student attending a community school or nonpublic 48772  
school that is more than thirty minutes of direct travel time, as 48773  
measured by school bus, from the building of the student's 48774  
resident school district to which the student would be assigned if 48775  
attending school in the district, as provided in division (D) of 48776  
section 3327.01 of the Revised Code; 48777

(2) A student attending a community school that either: 48778

(a) Has an agreement with the student's resident school 48779  
district for the community school to transport students to that 48780  
school under division (A) of section 3314.091 of the Revised Code; 48781

(b) Accepts responsibility to transport students to the 48782  
school under division (B) of that section. 48783

(3) A student who attends a school district other than the 48784  
student's resident school district under an open enrollment policy 48785  
adopted in accordance with section 3313.98 of the Revised Code; 48786

(4) A student who attends school in a school district under 48787  
division (I) of section 3313.64 of the Revised Code. 48788

(D) The amount of the subsidy awarded for each student under 48789  
this section shall equal the lesser of the following: 48790

(1) The statewide average cost of pupil transportation for 48791  
the previous school year; 48792

(2) The average cost of pupil transportation for the previous 48793  
school year for the student's resident school district. 48794

The department shall pay that amount to the student's parent 48795

or the student, if at least eighteen years old and no guardian or 48796  
custodian is currently appointed for the student, in quarterly 48797  
periodic payments. 48798

(E) The department shall deduct the amount of each subsidy 48799  
awarded for a student under this section from the state education 48800  
aid of the student's resident school district and, if necessary, 48801  
from that district's payments under sections 321.24 and 323.156 of 48802  
the Revised Code. 48803

The department shall include the student in the calculation 48804  
of the district's transportation payment under section 3317.0212 48805  
of the Revised Code and the operating appropriations act. 48806

(F) This section has no effect on a school district's 48807  
responsibility to transport a student to and from a 48808  
college-preparatory boarding school established under Chapter 48809  
3328. of the Revised Code. 48810

(G) The state board of education shall adopt rules under 48811  
Chapter 119. of the Revised Code prescribing procedures necessary 48812  
to implement this section. 48813

**Sec. 3327.07.** (A) The governing authority of a chartered 48814  
nonpublic school that transports a student enrolled in the school 48815  
to and from school may charge the parent or guardian of the 48816  
student a fee for the transportation, if the governing authority 48817  
purchased the vehicle that transports the student using no state 48818  
or federal funds. The fee shall not exceed the per student cost of 48819  
the transportation, as determined by the governing authority. 48820

(B) If the parent or guardian of a student who is enrolled in 48821  
a chartered nonpublic school opts to receive the subsidy 48822  
prescribed by section 3327.02 of the Revised Code, instead of 48823  
transportation by a school district under section 3327.01 of the 48824  
Revised Code, and the governing authority of the chartered 48825

nonpublic school transports the student to and from school in a 48826  
vehicle that the governing authority purchased using no state or 48827  
federal funds, the governing authority may charge the parent or 48828  
guardian a fee for transportation. 48829

(C) The parent or guardian of a student who is enrolled in a 48830  
chartered nonpublic school and is eligible for transportation by a 48831  
school district under section 3327.01 of the Revised Code may 48832  
decline that transportation and accept transportation from the 48833  
chartered nonpublic school. The governing authority of a chartered 48834  
nonpublic school may charge a fee under division (A) of this 48835  
section regardless of whether a student is eligible for 48836  
transportation under section 3327.01 of the Revised Code. 48837

(D) The offering by the governing authority of a chartered 48838  
nonpublic school of transportation to and from the school does not 48839  
relieve any school district board of education from any duty 48840  
imposed by section 3327.01 of the Revised Code with respect to the 48841  
chartered nonpublic school's students. 48842

**Sec. 3328.27.** The board of trustees of each 48843  
college-preparatory boarding school shall comply with the 48844  
standards for financial reporting adopted under division (B)(2) of 48845  
section 3301.07 of the Revised Code. 48846

**Sec. 3333.041.** (A) On or before the last day of December of 48847  
each year, the chancellor of the Ohio board of regents shall 48848  
submit to the governor and, in accordance with section 101.68 of 48849  
the Revised Code, the general assembly a report or reports 48850  
concerning all of the following: 48851

(1) The status of graduates of Ohio school districts at state 48852  
institutions of higher education during the twelve-month period 48853  
ending on the thirtieth day of September of the current calendar 48854  
year. The report shall list, by school district, the number of 48855

graduates of each school district who attended a state institution 48856  
of higher education and the percentage of each district's 48857  
graduates enrolled in a state institution of higher education 48858  
during the reporting period who were required during such period 48859  
by the college or university, as a prerequisite to enrolling in 48860  
those courses generally required for first-year students, to 48861  
enroll in a remedial course in English, including composition or 48862  
reading, mathematics, and any other area designated by the 48863  
chancellor. The chancellor also shall make the information 48864  
described in division (A)(1) of this section available to the 48865  
board of education of each city, exempted village, and local 48866  
school district. 48867

Each state institution of higher education shall, by the 48868  
first day of November of each year, submit to the chancellor in 48869  
the form specified by the chancellor the information the 48870  
chancellor requires to compile the report. 48871

(2) Aggregate academic growth data for students assigned to 48872  
graduates of teacher preparation programs approved under section 48873  
3333.048 of the Revised Code who teach English language arts or 48874  
mathematics in any of grades four to eight in a public school in 48875  
Ohio. For this purpose, the chancellor shall use the value-added 48876  
progress dimension prescribed by section 3302.021 of the Revised 48877  
Code or the alternative student academic progress measure if 48878  
adopted under division (C)(1)(e) of section 3302.03 of the Revised 48879  
Code. The chancellor shall aggregate the data by graduating class 48880  
for each approved teacher preparation program, except that if a 48881  
particular class has ten or fewer graduates to which this section 48882  
applies, the chancellor shall report the data for a group of 48883  
classes over a three-year period. In no case shall the report 48884  
identify any individual graduate. The department of education 48885  
shall share any data necessary for the report with the chancellor. 48886

(3) The following information with respect to the Ohio 48887



tuition trust authority: 48888

(a) The name of each investment manager that is a minority 48889  
business enterprise or a women's business enterprise with which 48890  
the chancellor contracts; 48891

(b) The amount of assets managed by investment managers that 48892  
are minority business enterprises or women's business enterprises, 48893  
expressed as a percentage of assets managed by investment managers 48894  
with which the chancellor has contracted; 48895

(c) Efforts by the chancellor to increase utilization of 48896  
investment managers that are minority business enterprises or 48897  
women's business enterprises. 48898

~~(4) The status of implementation of faculty improvement 48899  
programs under section 3345.28 of the Revised Code. The report 48900  
shall include, but need not be limited to, the following: the 48901  
number of professional leave grants made by each institution; the 48902  
purpose of each professional leave; and a statement of the cost to 48903  
the institution of each professional leave, to the extent that the 48904  
cost exceeds the salary of the faculty member on professional 48905  
leave. 48906~~

~~(5) The number and types of biobased products purchased under 48907  
section 125.092 of the Revised Code and the amount of money spent 48908  
by state institutions of higher education for those biobased 48909  
products as that information is provided to the chancellor under 48910  
division (A) of section 3345.692 of the Revised Code. 48911~~

(6) A description of dual enrollment programs, as defined in 48912  
section 3313.6013 of the Revised Code, that are offered by school 48913  
districts, community schools established under Chapter 3314. of 48914  
the Revised Code, STEM schools established under Chapter 3326. of 48915  
the Revised Code, college-preparatory boarding schools established 48916  
under Chapter 3328. of the Revised Code, and chartered nonpublic 48917  
high schools. The chancellor also shall post the information on 48918

the chancellor's web site. 48919

~~(7) The academic and economic impact of the Ohio innovation 48920~~

~~partnership established under section 3333.61 of the Revised Code. 48921~~

~~At a minimum, the report shall include the following: 48922~~

~~(a) Progress and performance metrics for each initiative that 48923~~

~~received an award in the previous fiscal year; 48924~~

~~(b) Economic indicators of the impact of each initiative, and 48925~~

~~all initiatives as a whole, on the regional economies and the 48926~~

~~statewide economy; 48927~~

~~(e)(5) The chancellor's strategy in assigning choose Ohio 48928~~

~~first scholarships, as established under section 3333.61 of the 48929~~

~~Revised Code, among state universities and colleges and how the 48930~~

~~actual awards fit that strategy. 48931~~

~~(8)(6) The academic and economic impact of the Ohio 48932~~

~~co-op/internship program established under section 3333.72 of the 48933~~

~~Revised Code. At a minimum, the report shall include the 48934~~

~~following: 48935~~

~~(a) Progress and performance metrics for each initiative that 48936~~

~~received an award in the previous fiscal year; 48937~~

~~(b) Economic indicators of the impact of each initiative, and 48938~~

~~all initiatives as a whole, on the regional economies and the 48939~~

~~statewide economy; 48940~~

~~(c) The chancellor's strategy in allocating awards among 48941~~

~~state institutions of higher education and how the actual awards 48942~~

~~fit that strategy. 48943~~

~~(B) As used in this section: 48944~~

~~(1) "Minority business enterprise" has the same meaning as in 48945~~

~~section 122.71 of the Revised Code. 48946~~

~~(2) "State institution of higher education" and "state 48947~~

~~university" have the same meanings as in section 3345.011 of the 48948~~

Revised Code. 48949

(3) "State university or college" has the same meaning as in 48950  
section 3345.12 of the Revised Code. 48951

(4) "Women's business enterprise" means a business, or a 48952  
partnership, corporation, limited liability company, or joint 48953  
venture of any kind, that is owned and controlled by women who are 48954  
United States citizens and residents of this state. 48955

Sec. 3333.049. No nonprofit institution that holds a 48956  
certificate of authorization issued under Chapter 1713. of the 48957  
Revised Code shall be liable for a breach of confidentiality 48958  
arising from the institution's submission of student data or 48959  
records to the board of regents or any other state agency in 48960  
compliance with any law, rule, or regulation, provided that the 48961  
breach occurs as a result of one of the following: 48962

(A) An action by a third party during and after the 48963  
transmission of the data or records by the institution but prior 48964  
to receipt of the data or records by the board of regents or other 48965  
state agency; 48966

(B) An action by the board of regents or the state agency. 48967

This provision shall apply to the submission of any student 48968  
data or records that are subject to any laws of this state or, to 48969  
the extent permitted, any federal law, including the "Family 48970  
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 48971  
U.S.C. 1232g. 48972

Sec. 3333.124. There is hereby created in the state treasury 48973  
the Ohio college opportunity grant program reserve fund. Not later 48974  
than the first day of July of each fiscal year, the chancellor of 48975  
the Ohio board of regents shall certify to the director of budget 48976  
and management the unencumbered balance of the general revenue 48977  
fund appropriations made in the immediately preceding fiscal year 48978

for purposes of the Ohio college opportunity grant program created 48979  
in section 3333.122 of the Revised Code. Upon receipt of the 48980  
certification, the director may transfer an amount not exceeding 48981  
the certified amount from the general revenue fund to the Ohio 48982  
college opportunity grant program reserve fund. Moneys in the Ohio 48983  
college opportunity grant program reserve fund shall be used to 48984  
pay grant obligations in excess of the general revenue fund 48985  
appropriations made for that purpose. 48986

The director may transfer any unencumbered balance from the 48987  
Ohio college opportunity grant program reserve fund to the general 48988  
revenue fund. 48989

**Sec. 3333.342.** (A) The chancellor of the Ohio board of 48990  
regents may designate a "certificate of value" for a certificate 48991  
program at any adult career-technical education institution or 48992  
state institution of higher education, as defined under section 48993  
3345.011 of the Revised Code, based on the standards adopted under 48994  
division (B) of this section. 48995

(B) The chancellor shall develop standards for designation of 48996  
the certificates of value for certificate programs at adult 48997  
career-technical education institutions and state institutions of 48998  
higher education. The standards shall include at least the 48999  
following considerations: 49000

(1) The quality of the certificate program; 49001

(2) The ability to transfer agreed-upon technical courses 49002  
completed through an adult career-technical education institution 49003  
to a state institution of higher education without unnecessary 49004  
duplication or institutional barriers; 49005

(3) The extent to which the certificate program encourages a 49006  
student to obtain an associate's or bachelor's degree; 49007

(4) The extent to which the certificate program increases a 49008

student's likelihood to complete other certificate programs or an 49009  
associate's or bachelor's degree; 49010

(5) The ability of the certificate program to meet the 49011  
expectations of the workplace and higher education; 49012

(6) The extent to which the certificate program is aligned 49013  
with the strengths of the regional economy; 49014

(7) The extent to which the certificate program increases the 49015  
amount of individuals who remain in or enter the state's 49016  
workforce; 49017

(8) The extent of a certificate program's relationship with 49018  
private companies in the state to fill potential job growth. 49019

(C) The designation of a certificate of value under this 49020  
section shall expire six years after its designation date. 49021

(D) The chancellor may revoke a designation prior to its 49022  
expiration date if the chancellor determines that the program no 49023  
longer complies with the standards developed under division (B) of 49024  
this section. 49025

(E) Any revocation of a certificate of value under this 49026  
section shall become effective one hundred eighty days after the 49027  
date the revocation was declared by the chancellor. 49028

(F) Any adult career-technical education institution or state 49029  
institution of higher education that desires to be eligible to 49030  
receive a designation of certificate of value for one or more of 49031  
its certificate programs shall comply with all records and data 49032  
requests required by the chancellor. 49033

**Sec. ~~3333.90~~ 3333.59.** (A) As used in this section: 49034

(1) "Allocated state share of instruction" means, for any 49035  
fiscal year, the amount of the state share of instruction 49036  
appropriated to the Ohio board of regents by the general assembly 49037

that is allocated to a community or technical college or community 49038  
or technical college district for such fiscal year. 49039

(2) "Issuing authority" has the same meaning as in section 49040  
154.01 of the Revised Code. 49041

(3) "Bond service charges" has the same meaning as in section 49042  
154.01 of the Revised Code. 49043

(4) "Chancellor" means the chancellor of the Ohio board of 49044  
regents. 49045

(5) "Community or technical college" or "college" means any 49046  
of the following state-supported or state-assisted institutions of 49047  
higher education: 49048

(a) A community college as defined in section 3354.01 of the 49049  
Revised Code; 49050

(b) A technical college as defined in section 3357.01 of the 49051  
Revised Code; 49052

(c) A state community college as defined in section 3358.01 49053  
of the Revised Code. 49054

(6) "Community or technical college district" or "district" 49055  
means any of the following institutions of higher education that 49056  
are state-supported or state-assisted: 49057

(a) A community college district as defined in section 49058  
3354.01 of the Revised Code; 49059

(b) A technical college district as defined in section 49060  
3357.01 of the Revised Code; 49061

(c) A state community college district as defined in section 49062  
3358.01 of the Revised Code. 49063

(7) "Credit enhancement facilities" has the same meaning as 49064  
in section 133.01 of the Revised Code. 49065

(8) "Obligations" has the meaning as in section 154.01 or 49066

3345.12 of the Revised Code, as the context requires. 49067

(B) The board of trustees of any community or technical 49068  
college district authorizing the issuance of obligations under 49069  
section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10 of the 49070  
Revised Code, or for whose benefit and on whose behalf the issuing 49071  
authority proposes to issue obligations under section 154.25 of 49072  
the Revised Code, may adopt a resolution requesting the chancellor 49073  
to enter into an agreement with the community or technical college 49074  
district and the primary paying agent or fiscal agent for such 49075  
obligations, providing for the withholding and deposit of funds 49076  
otherwise due the district or the community or technical college 49077  
it operates in respect of its allocated state share of 49078  
instruction, for the payment of bond service charges on such 49079  
obligations. 49080

The board of trustees shall deliver to the chancellor a copy 49081  
of the resolution and any additional pertinent information the 49082  
chancellor may require. 49083

The chancellor and the office of budget and management, and 49084  
the issuing authority in the case of obligations to be issued by 49085  
the issuing authority, shall evaluate each request received from a 49086  
community or technical college district under this section. The 49087  
chancellor, with the advice and consent of the director of budget 49088  
and management and the issuing authority in the case of 49089  
obligations to be issued by the issuing authority, shall approve 49090  
each request if all of the following conditions are met: 49091

(1) Approval of the request will enhance the marketability of 49092  
the obligations for which the request is made; 49093

(2) The chancellor and the office of budget and management, 49094  
and the issuing authority in the case of obligations to be issued 49095  
by the issuing authority, have no reason to believe the requesting 49096  
community or technical college district or the community or 49097

technical college it operates will be unable to pay when due the 49098  
bond service charges on the obligations for which the request is 49099  
made, and bond service charges on those obligations are therefore 49100  
not anticipated to be paid pursuant to this section from the 49101  
allocated state share of instruction for purposes of Section 17 of 49102  
Article VIII, Ohio Constitution. 49103

(3) Any other pertinent conditions established in rules 49104  
adopted under division (H) of this section. 49105

(C) If the chancellor approves the request of a community or 49106  
technical college district to withhold and deposit funds pursuant 49107  
to this section, the chancellor shall enter into a written 49108  
agreement with the district and the primary paying agent or fiscal 49109  
agent for the obligations, which agreement shall provide for the 49110  
withholding of funds pursuant to this section for the payment of 49111  
bond service charges on those obligations. The agreement may also 49112  
include both of the following: 49113

(1) Provisions for certification by the district to the 49114  
chancellor, prior to the deadline for payment of the applicable 49115  
bond service charges, whether the district and the community or 49116  
technical college it operates are able to pay those bond service 49117  
charges when due; 49118

(2) Requirements that the district or the community or 49119  
technical college it operates deposits amounts for the payment of 49120  
those bond service charges with the primary paying agent or fiscal 49121  
agent for the obligations prior to the date on which the bond 49122  
service charges are due to the owners or holders of the 49123  
obligations. 49124

(D) Whenever a district or the community or technical college 49125  
it operates notifies the chancellor that it will not be able to 49126  
pay the bond service charges when they are due, subject to the 49127  
withholding provisions of this section, or whenever the applicable 49128



paying agent or fiscal agent notifies the chancellor that it has 49129  
not timely received from a district or from the college it 49130  
operates the full amount needed for payment of the bond service 49131  
charges when due to the holders or owners of such obligations, the 49132  
chancellor shall immediately contact the district or college and 49133  
the paying agent or fiscal agent to confirm that the district and 49134  
the college are not able to make the required payment by the date 49135  
on which it is due. 49136

If the chancellor confirms that the district and the college 49137  
are not able to make the payment and the payment will not be made 49138  
pursuant to a credit enhancement facility, the chancellor shall 49139  
promptly pay to the applicable primary paying agent or fiscal 49140  
agent the lesser of the amount due for bond service charges or the 49141  
amount of the next periodic distribution scheduled to be made to 49142  
the district or to the college in respect of its allocated state 49143  
share of instruction. If this amount is insufficient to pay the 49144  
total amount then due the agent for the payment of bond service 49145  
charges, the chancellor shall continue to pay to the agent from 49146  
each periodic distribution thereafter, and until the full amount 49147  
due the agent for unpaid bond service charges is paid in full, the 49148  
lesser of the remaining amount due the agent for bond service 49149  
charges or the amount of the next periodic distribution scheduled 49150  
to be made to the district or college in respect of its allocated 49151  
state share of instruction. 49152

(E) The chancellor may make any payments under this section 49153  
by direct deposit of funds by electronic transfer. 49154

Any amount received by a paying agent or fiscal agent under 49155  
this section shall be applied only to the payment of bond service 49156  
charges on the obligations of the community or technical college 49157  
district or community or technical college subject to this section 49158  
or to the reimbursement of the provider of a credit enhancement 49159  
facility that has paid the bond service charges. 49160

(F) The chancellor may make payments under this section to 49161  
paying agents or fiscal agents during any fiscal biennium of the 49162  
state only from and to the extent that money is appropriated to 49163  
the board of regents by the general assembly for distribution 49164  
during such biennium for the state share of instruction and only 49165  
to the extent that a portion of the state share of instruction has 49166  
been allocated to the community or technical college district or 49167  
community or technical college. Obligations of the issuing 49168  
authority or of a community or technical college district to which 49169  
this section is made applicable do not constitute an obligation or 49170  
a debt or a pledge of the faith, credit, or taxing power of the 49171  
state, and the holders or owners of those obligations have no 49172  
right to have excises or taxes levied or appropriations made by 49173  
the general assembly for the payment of bond service charges on 49174  
the obligations, and the obligations shall contain a statement to 49175  
that effect. The agreement for or the actual withholding and 49176  
payment of money under this section does not constitute the 49177  
assumption by the state of any debt of a community or technical 49178  
college district or a community or technical college, and bond 49179  
service charges on the related obligations are not anticipated to 49180  
be paid from the state general revenue fund for purposes of 49181  
Section 17 of Article VIII, Ohio Constitution. 49182

(G) In the case of obligations subject to the withholding 49183  
provisions of this section, the issuing community or technical 49184  
college district, or the issuing authority in the case of 49185  
obligations issued by the issuing authority, shall appoint a 49186  
paying agent or fiscal agent who is not an officer or employee of 49187  
the district or college. 49188

(H) The chancellor, with the advice and consent of the office 49189  
of budget and management, may adopt reasonable rules not 49190  
inconsistent with this section for the implementation of this 49191  
section to secure payment of bond service charges on obligations 49192

issued by a community or technical college district or by the 49193  
issuing authority for the benefit of a community or technical 49194  
college district or the community or technical college it 49195  
operates. Those rules shall include criteria for the evaluation 49196  
and approval or denial of community or technical college district 49197  
requests for withholding under this section. 49198

(I) The authority granted by this section is in addition to 49199  
and not a limitation on any other authorizations granted by or 49200  
pursuant to law for the same or similar purposes. 49201

Sec. 3333.613. There is hereby created in the state treasury 49202  
the choose Ohio first scholarship reserve fund. Not later than the 49203  
first day of July of each fiscal year, the chancellor of the Ohio 49204  
board of regents shall certify to the director of budget and 49205  
management the unencumbered balance of the general revenue fund 49206  
appropriations made in the immediately preceding fiscal year for 49207  
purposes of the choose Ohio first scholarship program created in 49208  
section 3333.61 of the Revised Code. Upon receipt of the 49209  
certification, the director may transfer an amount not exceeding 49210  
the certified amount from the general revenue fund to the choose 49211  
Ohio first scholarship reserve fund. Moneys in the choose Ohio 49212  
first scholarship reserve fund shall be used to pay scholarship 49213  
obligations in excess of the general revenue fund appropriations 49214  
made for that purpose. 49215

The director may transfer any unencumbered balance from the 49216  
choose Ohio first scholarship reserve fund to the general revenue 49217  
fund. 49218

**Sec. 3333.82.** (A) The chancellor of the Ohio board of regents 49219  
shall establish a clearinghouse of interactive distance learning 49220  
courses and other distance learning courses delivered via a 49221  
computer-based method offered by school districts, community 49222

schools, STEM schools, state institutions of higher education, 49223  
private colleges and universities, and other nonprofit and 49224  
for-profit course providers for sharing with other school 49225  
districts, community schools, STEM schools, state institutions of 49226  
higher education, private colleges and universities, and 49227  
individuals for the fee set pursuant to section 3333.84 of the 49228  
Revised Code. The chancellor shall not be responsible for the 49229  
content of courses offered through the clearinghouse; however, all 49230  
such courses shall be delivered only in accordance with technical 49231  
specifications approved by the chancellor and on a common 49232  
statewide platform administered by the chancellor. 49233

The clearinghouse's distance learning program for students in 49234  
grades kindergarten to twelve shall be based on the following 49235  
principles: 49236

(1) All Ohio students shall have access to high quality 49237  
distance learning courses at any point in their educational 49238  
careers. 49239

(2) All students shall be able to customize their education 49240  
using distance learning courses offered through the clearinghouse 49241  
and no student shall be denied access to any course in the 49242  
clearinghouse in which the student is eligible to enroll. 49243

(3) Students may take distance learning courses for all or 49244  
any portion of their curriculum requirements and may utilize a 49245  
combination of distance learning courses and courses taught in a 49246  
traditional classroom setting. 49247

(4) Students may earn an unlimited number of academic credits 49248  
through distance learning courses. 49249

(5) Students may take distance learning courses at any time 49250  
of the calendar year. 49251

(6) Student advancement to higher coursework shall be based 49252  
on a demonstration of subject area competency instead of 49253

completion of any particular number of hours of instruction. 49254

(B) To offer a course through the clearinghouse, a course 49255  
provider shall apply to the chancellor in a form and manner 49256  
prescribed by the chancellor. The application for each course 49257  
shall describe the course of study in as much detail as required 49258  
by the chancellor, whether an instructor is provided, the 49259  
qualification and credentials of the instructor, the number of 49260  
hours of instruction, and any other information required by the 49261  
chancellor. The chancellor may require course providers to include 49262  
in their applications information recommended by the state board 49263  
of education under former section 3353.30 of the Revised Code. 49264

(C) The chancellor shall review the technical specifications 49265  
of each application submitted under division (B) of this section. 49266  
In reviewing applications, the chancellor may consult with the 49267  
department of education; however, the responsibility to either 49268  
approve or not approve a course for the clearinghouse belongs to 49269  
the chancellor. The chancellor may request additional information 49270  
from a course provider that submits an application under division 49271  
(B) of this section, if the chancellor determines that such 49272  
information is necessary. The chancellor may negotiate changes in 49273  
the proposal to offer a course, if the chancellor determines that 49274  
changes are necessary in order to approve the course. 49275

(D) The chancellor shall catalog each course approved for the 49276  
clearinghouse, through a print or electronic medium, displaying 49277  
the following: 49278

(1) Information necessary for a student and the student's 49279  
parent, guardian, or custodian and the student's school district, 49280  
community school, STEM school, college, or university to decide 49281  
whether to enroll in or subscribe to the course; 49282

(2) Instructions for enrolling in that course, including 49283  
deadlines for enrollment. 49284

(E) Any expenses related to the installation of a course into the common statewide platform shall be borne by the course provider. 49285  
49286  
49287

(F) ~~The eTech Ohio commission, in consultation with the chancellor and the state board, shall distribute information to students and parents describing the clearinghouse. The information shall be provided in an easily understandable format~~ The chancellor may contract with an entity to perform any or all of the chancellor's duties under sections 3333.81 to 3333.88 of the Revised Code. 49288  
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**Sec. ~~3353.01~~ 3333.89.** As used in ~~this chapter~~ sections 3333.90 to 3333.92 of the Revised Code: 49295  
49296

(A) "Educational television or radio" means television or radio programs which serve the educational needs of the community and which meet the requirements of the federal communications commission for noncommercial educational television or radio. 49297  
49298  
49299  
49300

(B) "Educational telecommunications network" means a system of connected educational television, radio, or radio reading service facilities and coordinated programs established and operated or controlled by the ~~eTech~~ chancellor of the Ohio commission board of regents, pursuant to this chapter sections 3333.90 to 3333.92 of the Revised Code. 49301  
49302  
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(C) "Transmission" means the sending out of television, radio, or radio reading service programs, either directly to the public, or to broadcasting stations or services for simultaneous broadcast or rebroadcast. 49307  
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49310

(D) "Transmission facilities" means structures, equipment, material, and services used in the transmission of educational television, radio, or radio reading service programs. 49311  
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(E) "Interconnection facilities" means the equipment, 49314

material, and services used to link one location to another 49315  
location or to several locations by means of telephone line, 49316  
coaxial cable, microwave relays, or other available technologies. 49317

(F) "Broadcasting station" means a properly licensed 49318  
noncommercial educational television or radio station, 49319  
appropriately staffed and equipped to produce programs or lessons 49320  
and to broadcast programs. 49321

(G) "Radio reading service" means a nonprofit organization 49322  
that disseminates news and other information to blind and 49323  
physically handicapped persons. 49324

(H) "Affiliate" means an educational telecommunication 49325  
entity, including a television or radio broadcasting station or 49326  
radio reading service. 49327

Sec. 3333.90. (A) The chancellor of the Ohio board of regents 49328  
shall do all of the following regarding the management and 49329  
oversight of the state's educational telecommunications 49330  
activities: 49331

(1) Own or operate transmission facilities and 49332  
interconnection facilities, or contract for transmission 49333  
facilities and interconnection facilities, for an educational 49334  
television, radio, or radio reading service network; 49335

(2) Establish standards for interconnection facilities used 49336  
by the chancellor in the transmission of educational television, 49337  
radio, or radio reading service programming; 49338

(3) Enter into agreements with noncommercial educational 49339  
television or radio broadcasting stations or radio reading 49340  
services for the operation of the interconnection; 49341

(4) Enter into agreements with noncommercial educational 49342  
television or radio broadcasting stations or radio reading 49343  
services for the production and use of educational television, 49344

radio, or radio reading service programs to be transmitted by the 49345  
educational telecommunications network; 49346

(5) Act as consultant with educational television and 49347  
educational radio stations and radio reading services toward 49348  
coordination within the state of the distribution of federal funds 49349  
that may become available for equipment for educational 49350  
broadcasting or radio reading services; 49351

(6) Make payments to noncommercial Ohio educational 49352  
television or radio broadcasting stations or radio reading 49353  
services to sustain the operation of such stations or services; 49354

(7) Execute contracts and other agreements necessary and 49355  
desirable to carry out the purposes of this section. 49356

(B) Sections 9.331 to 9.335 and Chapters 123., 124., 125., 49357  
and 153. of the Revised Code do not apply to contracts, programs, 49358  
projects, or activities of the chancellor carried out under this 49359  
section. 49360

(C) All employees of the former eTech Ohio commission who 49361  
transferred to the office of the chancellor, as a result of the 49362  
transfer to the chancellor of the state's educational 49363  
telecommunications activities, and who when employed by that 49364  
commission or a predecessor agency were included in a bargaining 49365  
unit established under Chapter 4117. of the Revised Code, shall 49366  
continue to be included in that bargaining unit, are public 49367  
employees as defined in section 4117.01 of the Revised Code, and 49368  
may collectively bargain with the chancellor in accordance with 49369  
that chapter. Otherwise, any employee hired by the chancellor 49370  
after the abolishment of the commission, either to fill vacancies 49371  
or to fill new positions related to the chancellor's duties under 49372  
this section, shall be exempt from Chapter 4117. of the Revised 49373  
Code and shall not be public employees as defined in section 49374  
4117.01 of the Revised Code. 49375



**Sec. ~~3353.05~~ 3333.91.** Any taxing authority as defined in 49376  
section 5705.01 of the Revised Code located in a county may pay to 49377  
any noncommercial educational television or radio broadcasting 49378  
station or radio reading service located in the county or serving 49379  
any part of the county an amount not to exceed five cents annually 49380  
on each one thousand dollars of the total value of all property 49381  
within the county as listed and assessed for taxation at the close 49382  
of the fiscal year immediately preceding the year in which the 49383  
payment is made. 49384

**Sec. ~~3353.06~~ 3333.92.** (A) The affiliates services fund is 49385  
hereby created in the state treasury. The ~~eTech Ohio commission~~ 49386  
chancellor of the Ohio board of regents shall deposit any money it 49387  
receives for services provided to affiliates to the credit of the 49388  
fund, including: 49389

(1) Reimbursements for services provided to stations; 49390

(2) Charges levied for maintenance of telecommunications, 49391  
broadcasting, or transmission equipment; 49392

(3) Contract or grant payments from affiliates. 49393

(B) The ~~commission~~ chancellor shall use money credited to the 49394  
affiliates services fund for any commission operating purposes, 49395  
including: 49396

(1) The purchase, repair, or maintenance of 49397  
telecommunications, broadcasting, or transmission equipment; 49398

(2) The purchase or lease of educational programming; 49399

(3) The purchase of tape and maintenance of a media library; 49400

(4) Professional development programs and services; 49401

(5) Administrative expenses. 49402

**Sec. ~~3353.07~~ 3333.93.** (A) There is hereby created the Ohio 49403

government telecommunications service. The Ohio government 49404  
telecommunications service shall provide the state government and 49405  
affiliated organizations with multimedia support including audio, 49406  
visual, and internet services, multimedia streaming, and hosting 49407  
multimedia programs. 49408

Services relating to the official activities of the general 49409  
assembly and the executive offices provided by the Ohio government 49410  
telecommunications service shall be funded through grants to a 49411  
public television broadcasting station that will manage the staff 49412  
and provide the services of the Ohio government telecommunications 49413  
service. The Ohio educational television stations shall select a 49414  
member station to manage the Ohio government telecommunications 49415  
service. The Ohio government telecommunications service shall 49416  
receive grants from, or contract with, any of the three branches 49417  
of Ohio government, and their affiliates, to provide additional 49418  
services. Services provided by the Ohio government 49419  
telecommunications service shall not be used for political 49420  
purposes included in campaign materials, or otherwise used to 49421  
influence an election, legislation, issue, judicial decision, or 49422  
other policy of state government. 49423

(B)(1) There is hereby created the legislative programming 49424  
committee of the Ohio government telecommunications service that 49425  
shall consist of the president of the senate, speaker of the house 49426  
of representatives, minority leader of the senate, and minority 49427  
leader of the house of representatives, or their designees, and 49428  
the clerks of the senate and house of representatives as 49429  
nonvoting, ex officio members. By a vote of a majority of its 49430  
members, the program committee may add additional members to the 49431  
committee. 49432

(2) The legislative programming committee shall adopt rules 49433  
that govern the operation of the Ohio government 49434  
telecommunications service relating to the general assembly and 49435

any affiliated organizations. 49436

**Sec. ~~3353.11~~ 3333.94.** There is hereby created in the state 49437  
treasury the governmental telecommunications operating fund. The 49438  
fund shall consist of money received from contract services of the 49439  
Ohio government telecommunications service and shall be used for 49440  
operations or equipment breakdowns related to the service. Only 49441  
the Ohio government telecommunications service may authorize the 49442  
spending of money in the fund. All investment earnings of the fund 49443  
shall be credited to the fund. Once the fund has a balance of 49444  
zero, the fund shall cease to exist. 49445

**Sec. 3335.35.** There is hereby created the "~~Ohio cooperative~~ 49446  
OSU extension service fund," which shall be under the custody and 49447  
control of the board of trustees of the Ohio state university and 49448  
shall consist of all moneys appropriated, given, granted, or 49449  
bequeathed to the university for the use of ~~the Ohio cooperative~~ 49450  
OSU extension service by the United States, this state, any 49451  
political subdivision of this state, or any person. The board 49452  
shall have responsibility for expenditure of all moneys in the 49453  
fund in accordance with state and federal law and memoranda of 49454  
agreement between the university and the United States department 49455  
of agriculture. 49456

**Sec. 3335.36.** The board of trustees of the Ohio state 49457  
university may employ such employees as it considers appropriate 49458  
for the conduct of educational programs of ~~the Ohio cooperative~~ 49459  
OSU extension service and may provide for the payment from the 49460  
~~Ohio cooperative~~ OSU extension service fund created by section 49461  
3335.35 of the Revised Code of reasonable compensation to such 49462  
employees and of reasonable expenses incurred by them in the 49463  
discharge of their duties, including expenses of travel and of 49464  
maintaining, equipping, and supplying their offices. 49465

The employees shall cooperate with the department of 49466  
agriculture, the Ohio agricultural research and development 49467  
center, the department of education, and the United States 49468  
department of agriculture, for the purpose of making available the 49469  
educational materials of ~~the OSU extension service~~. ~~Such~~ The 49470  
employees shall represent the university and shall conduct 49471  
educational activities related to agriculture, natural resources, 49472  
~~home economics~~ community development, family ~~living~~ and consumer 49473  
sciences, and 4-H programs for the citizens of this state through 49474  
personal instruction, bulletins, practical demonstrations, mass 49475  
media, and otherwise, subject to such rules as may be prescribed 49476  
by the board of trustees of the university. ~~Such~~ The employees 49477  
shall have offices provided by the county or other political 49478  
subdivision in which they serve in which bulletins and other 49479  
educational materials of value to the people may be consulted and 49480  
through which the employees may be reached. 49481

The board of trustees of the Ohio state university may hire 49482  
or use employees of ~~the Ohio cooperative OSU extension service~~ to 49483  
carry out the functions and duties of a director of economic 49484  
development under division (B) of section 307.07 of the Revised 49485  
Code pursuant to any agreement with a county under division (A)(2) 49486  
of section 307.07 of the Revised Code. 49487

**Sec. 3335.37.** The board of county commissioners of any county 49488  
may levy a tax, within the limitations prescribed by law, and 49489  
appropriate money from the proceeds thereof or from the general 49490  
fund of the county to be paid to the Ohio state university to the 49491  
credit of the ~~Ohio cooperative OSU extension service~~ fund created 49492  
by section 3335.35 of the Revised Code and expended for the 49493  
purposes prescribed in section 3335.36 of the Revised Code for the 49494  
benefit of the citizens of ~~such~~ that county. Any money paid into 49495  
the fund under this section that aggregates more than ten per cent 49496  
of the county appropriation in the preceding year and that remains 49497

unexpended for two years from the time of ~~such~~ the payment shall 49498  
be returned to the county from which it came unless the board of 49499  
county commissioners determines by resolution to contribute it to 49500  
~~the Ohio cooperative~~ OSU extension ~~service~~ for general purposes. 49501  
49502

**Sec. 3335.38.** The board of trustees of the Ohio state 49503  
university shall establish a farm financial management institute 49504  
in ~~the Ohio cooperative~~ OSU extension ~~service~~ to train interested 49505  
and qualified persons to assist farmers needing help with farm 49506  
financial management problems. 49507

Participation shall be open to all interested persons, but 49508  
the following persons shall be given priority as to enrollment: 49509  
employees or representatives of banks and other farm credit 49510  
agencies, agricultural teachers, and faculty and employees of the 49511  
Ohio state university and ~~the Ohio cooperative~~ OSU extension 49512  
~~service~~ who agree to assist Ohio farmers in completing and 49513  
understanding the coordinated financial statement and other 49514  
subjects. A fee may be charged participants, as determined by ~~the~~ 49515  
OSU extension ~~service~~, but may be waived for those participants 49516  
granted priority status at enrollment. 49517

**Sec. 3345.05.** (A) All registration fees, nonresident tuition 49518  
fees, academic fees for the support of off-campus instruction, 49519  
laboratory and course fees when so assessed and collected, student 49520  
health fees for the support of a student health service, all other 49521  
fees, deposits, charges, receipts, and income from all or part of 49522  
the students, all subsidy or other payments from state 49523  
appropriations, and all other fees, deposits, charges, receipts, 49524  
income, and revenue received by each state institution of higher 49525  
education, the Ohio state university hospitals and their ancillary 49526  
facilities, the Ohio agricultural research and development center, 49527  
and ~~the Ohio state university cooperative~~ OSU extension ~~service~~ 49528

shall be held and administered by the respective boards of 49529  
trustees of the state institution of higher education; provided, 49530  
that such fees, deposits, charges, receipts, income and revenue, 49531  
to the extent required by resolutions, trust agreements, 49532  
indentures, leases, and agreements adopted, made, or entered into 49533  
under Chapter 154. or section 3345.07, 3345.11, or 3345.12 of the 49534  
Revised Code, shall be held, administered, transferred, and 49535  
applied in accordance therewith. 49536

(B) The Ohio board of regents shall require annual reporting 49537  
by the Ohio agricultural research and development center and by 49538  
each university and college receiving state aid in such form and 49539  
detail as determined by the board in consultation with such 49540  
center, universities and colleges, and the director of budget and 49541  
management. 49542

(C) Notwithstanding any provision of the Revised Code to the 49543  
contrary, the title to investments made by the board of trustees 49544  
of a state institution of higher education with funds derived from 49545  
any of the sources described in division (A) of this section shall 49546  
not be vested in the state or the political subdivision but shall 49547  
be held in trust by the board. Such investments shall be made 49548  
pursuant to an investment policy adopted by the board in public 49549  
session that requires all fiduciaries to discharge their duties 49550  
with the care, skill, prudence, and diligence under the 49551  
circumstances then prevailing that a prudent person acting in like 49552  
capacity and familiar with such matters would use in the conduct 49553  
of an enterprise of a like character and with like aims. The 49554  
policy also shall require at least the following: 49555

(1) A stipulation that investment of at least twenty-five per 49556  
cent of the average amount of the investment portfolio over the 49557  
course of the previous fiscal year be invested in securities of 49558  
the United States government or of its agencies or 49559  
instrumentalities, the treasurer of state's pooled investment 49560

program, obligations of this state or any political subdivision of 49561  
this state, certificates of deposit of any national bank located 49562  
in this state, written repurchase agreements with any eligible 49563  
Ohio financial institution that is a member of the federal reserve 49564  
system or federal home loan bank, money market funds, or bankers 49565  
acceptances maturing in two hundred seventy days or less which are 49566  
eligible for purchase by the federal reserve system, as a reserve; 49567

(2) Eligible funds above those that meet the conditions of 49568  
division (C)(1) of this section may be pooled with other 49569  
institutional funds and invested in accordance with section 49570  
1715.52 of the Revised Code. 49571

(3) The establishment of an investment committee. 49572

(D) The investment committee established under division 49573  
(C)(3) of this section shall meet at least quarterly. The 49574  
committee shall review and recommend revisions to the board's 49575  
investment policy and shall advise the board on its investments 49576  
made under division (C) of this section in an effort to assist it 49577  
in meeting its obligations as a fiduciary as described in division 49578  
(C) of this section. The committee shall be authorized to retain 49579  
the services of an investment advisor who meets both of the 49580  
following qualifications: 49581

(1) The advisor is either: 49582

(a) Licensed by the division of securities under section 49583  
1707.141 of the Revised Code; 49584

(b) Registered with the securities and exchange commission. 49585

(2) The advisor either: 49586

(a) Has experience in the management of investments of public 49587  
funds, especially in the investment of state-government investment 49588  
portfolios; 49589

(b) Is an eligible institution referenced in section 135.03 49590

of the Revised Code. 49591

(E) As used in this section, "state institution of higher 49592  
education" means a state institution of higher education as 49593  
defined in section 3345.011 of the Revised Code. 49594

**Sec. 3345.06.** (A) Subject to divisions (B) and (C) of this 49595  
section, a graduate of the twelfth grade shall be entitled to 49596  
admission without examination to any college or university which 49597  
is supported wholly or in part by the state, but for unconditional 49598  
admission may be required to complete such units not included in 49599  
the graduate's high school course as may be prescribed, not less 49600  
than two years prior to the graduate's entrance, by the faculty of 49601  
the institution. 49602

(B) Beginning with the 2014-2015 academic year, each state 49603  
university listed in section 3345.011 of the Revised Code, except 49604  
for Central state university, Shawnee state university, and 49605  
Youngstown state university, shall permit a resident of this state 49606  
who entered ninth grade for the first time on or after July 1, 49607  
2010, to begin undergraduate coursework at the university only if 49608  
the person has successfully completed the Ohio core curriculum for 49609  
high school graduation prescribed in division (C) of section 49610  
3313.603 of the Revised Code, unless one of the following applies: 49611

(1) The person has earned at least ten semester hours, or the 49612  
equivalent, at a community college, state community college, 49613  
university branch, technical college, or another post-secondary 49614  
institution except a state university to which division (B) of 49615  
this section applies, in courses that are college-credit-bearing 49616  
and may be applied toward the requirements for a degree. The 49617  
university shall grant credit for successful completion of those 49618  
courses pursuant to any applicable articulation and transfer 49619  
policy of the Ohio board of regents or any agreements the 49620  
university has entered into in accordance with policies and 49621



procedures adopted under section 3333.16, 3313.161, or 3333.162 of 49622  
the Revised Code. The university may count college credit that the 49623  
student earned while in high school through the post-secondary 49624  
enrollment options program under Chapter 3365. of the Revised 49625  
Code, or through other dual enrollment programs, toward the 49626  
requirements of division (B)(1) of this section if the credit may 49627  
be applied toward a degree. 49628

(2) The person qualified to graduate from high school under 49629  
division (D) or (F) of section 3313.603 of the Revised Code and 49630  
has successfully completed the topics or courses that the person 49631  
lacked to graduate under division (C) of that section at any 49632  
post-secondary institution or at a summer program at the state 49633  
university. A state university may admit a person for enrollment 49634  
contingent upon completion of such topics or courses or summer 49635  
program. 49636

(3) The person met the high school graduation requirements by 49637  
successfully completing the person's individualized education 49638  
program developed under section 3323.08 of the Revised Code. 49639

~~(3)~~(4) The person is receiving or has completed the final 49640  
year of instruction at home as authorized under section 3321.04 of 49641  
the Revised Code, or has graduated from a nonchartered, nonpublic 49642  
school in Ohio, and demonstrates mastery of the academic content 49643  
and skills in reading, writing, and mathematics needed to 49644  
successfully complete introductory level coursework at an 49645  
institution of higher education and to avoid remedial coursework. 49646

~~(4)~~(5) The person is a high school student participating in 49647  
the post-secondary enrollment options program under Chapter 3365. 49648  
of the Revised Code or another dual enrollment program. 49649

(C) A state university subject to division (B) of this 49650  
section may delay admission for or admit conditionally an 49651  
undergraduate student who has successfully completed the Ohio core 49652

curriculum if the university determines the student requires 49653  
academic remedial or developmental coursework. The university may 49654  
delay admission pending, or make admission conditional upon, the 49655  
student's successful completion of the academic remedial or 49656  
developmental coursework at a university branch, community 49657  
college, state community college, or technical college. 49658

(D) This section does not deny the right of a college of law, 49659  
medicine, or other specialized education to require college 49660  
training for admission, or the right of a department of music or 49661  
other art to require particular preliminary training or talent. 49662

**Sec. 3345.12.** (A) As used in this section and sections 49663  
3345.07 and 3345.11 of the Revised Code, in other sections of the 49664  
Revised Code that make reference to this section unless the 49665  
context does not permit, and in related bond proceedings unless 49666  
otherwise expressly provided: 49667

(1) "State university or college" means each of the state 49668  
universities identified in section 3345.011 of the Revised Code 49669  
and the northeast Ohio medical university, and includes its board 49670  
of trustees. 49671

(2) "Institution of higher education" or "institution" means 49672  
a state university or college, or a community college district, 49673  
technical college district, university branch district, or state 49674  
community college, and includes the applicable board of trustees 49675  
or, in the case of a university branch district, any other 49676  
managing authority. 49677

(3) "Housing and dining facilities" means buildings, 49678  
structures, and other improvements, and equipment, real estate, 49679  
and interests in real estate therefor, to be used for or in 49680  
connection with dormitories or other living quarters and 49681  
accommodations, or related dining halls or other food service and 49682  
preparation facilities, for students, members of the faculty, 49683

officers, or employees of the institution of higher education, and 49684  
their spouses and families. 49685

(4) "Auxiliary facilities" means buildings, structures, and 49686  
other improvements, and equipment, real estate, and interests in 49687  
real estate therefor, to be used for or in connection with student 49688  
activity or student service facilities, housing and dining 49689  
facilities, dining halls, and other food service and preparation 49690  
facilities, vehicular parking facilities, bookstores, athletic and 49691  
recreational facilities, faculty centers, auditoriums, assembly 49692  
and exhibition halls, hospitals, infirmaries and other medical and 49693  
health facilities, research, and continuing education facilities. 49694

(5) "Education facilities" means buildings, structures, and 49695  
other improvements, and equipment, real estate, and interests in 49696  
real estate therefor, to be used for or in connection with, 49697  
classrooms or other instructional facilities, libraries, 49698  
administrative and office facilities, and other facilities, other 49699  
than auxiliary facilities, to be used directly or indirectly for 49700  
or in connection with the conduct of the institution of higher 49701  
education. 49702

(6) "Facilities" means housing and dining facilities, 49703  
auxiliary facilities, or education facilities, and includes any 49704  
one, part of, or any combination of such facilities, and further 49705  
includes site improvements, utilities, machinery, furnishings, and 49706  
any separate or connected buildings, structures, improvements, 49707  
sites, open space and green space areas, utilities or equipment to 49708  
be used in, or in connection with the operation or maintenance of, 49709  
or supplementing or otherwise related to the services or 49710  
facilities to be provided by, such facilities. 49711

(7) "Obligations" means bonds or notes or other evidences of 49712  
obligation, including interest coupons pertaining thereto, 49713  
authorized to be issued under this section or section 3345.07, 49714  
3345.11, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised 49715

Code. 49716

(8) "Bond service charges" means principal, including any 49717  
mandatory sinking fund or redemption requirements for the 49718  
retirement of obligations or assurances, interest, or interest 49719  
equivalent and other accreted amounts, and any call premium 49720  
required to be paid on obligations or assurances. 49721

(9) "Bond proceedings" means the resolutions, trust 49722  
agreement, indenture, and other agreements and credit enhancement 49723  
facilities, and amendments and supplements to the foregoing, or 49724  
any one or more or combination thereof, authorizing, awarding, or 49725  
providing for the terms and conditions applicable to, or providing 49726  
for the security or liquidity of, obligations or assurances, and 49727  
the provisions contained in those obligations or assurances. 49728

(10) "Costs of facilities" means the costs of acquiring, 49729  
constructing, reconstructing, rehabilitating, remodeling, 49730  
renovating, enlarging, improving, equipping, or furnishing 49731  
facilities, and the financing thereof, including the cost of 49732  
clearance and preparation of the site and of any land to be used 49733  
in connection with facilities, the cost of any indemnity and 49734  
surety bonds and premiums on insurance, all related direct 49735  
administrative expenses and allocable portions of direct costs of 49736  
the institution of higher education or state agency, cost of 49737  
engineering, architectural services, design, plans, specifications 49738  
and surveys, estimates of cost, legal fees, fees and expenses of 49739  
trustees, depositories, bond registrars, and paying agents for the 49740  
obligations, cost of issuance of the obligations and financing 49741  
costs and fees and expenses of financial advisers and consultants 49742  
in connection therewith, interest on the obligations from the date 49743  
thereof to the time when interest is to be covered by available 49744  
receipts or other sources other than proceeds of the obligations, 49745  
amounts necessary to establish reserves as required by the bond 49746  
proceedings, costs of audits, the reimbursements of all moneys 49747

advanced or applied by or borrowed from the institution or others, 49748  
from whatever source provided, including any temporary advances 49749  
from state appropriations, for the payment of any item or items of 49750  
cost of facilities, and all other expenses necessary or incident 49751  
to planning or determining feasibility or practicability with 49752  
respect to facilities, and such other expenses as may be necessary 49753  
or incident to the acquisition, construction, reconstruction, 49754  
rehabilitation, remodeling, renovation, enlargement, improvement, 49755  
equipment, and furnishing of facilities, the financing thereof and 49756  
the placing of them in use and operation, including any one, part 49757  
of, or combination of such classes of costs and expenses. 49758

(11) "Available receipts" means all moneys received by the 49759  
institution of higher education, including income, revenues, and 49760  
receipts from the operation, ownership, or control of facilities 49761  
or entrepreneurial projects, grants, gifts, donations, and pledges 49762  
and receipts therefrom, receipts from fees and charges, and the 49763  
proceeds of the sale of obligations or assurances, including 49764  
proceeds of obligations or assurances issued to refund obligations 49765  
or assurances previously issued, but excluding any special fee, 49766  
and receipts therefrom, charged pursuant to division (D) of 49767  
section 154.21 of the Revised Code. 49768

(12) "Credit enhancement facilities" has the meaning given in 49769  
division (H) of section 133.01 of the Revised Code. 49770

(13) "Financing costs" has the meaning given in division (K) 49771  
of section 133.01 of the Revised Code. 49772

(14) "Interest" or "interest equivalent" has the meaning 49773  
given in division (R) of section 133.01 of the Revised Code. 49774

(15) "Assurances" means bonds, notes, or other evidence of 49775  
indebtedness, including interest coupons pertaining thereto, 49776  
authorized to be issued under section 3345.36 of the Revised Code. 49777

(16) "Entrepreneurial project" has the same meaning as in 49778

section 3345.36 of the Revised Code. 49779

(17) "Costs of entrepreneurial projects" means any costs 49780  
related to the establishment or development of entrepreneurial 49781  
projects pursuant to a resolution adopted under section 3345.36 of 49782  
the Revised Code. 49783

(B) Obligations issued under section 3345.07 or 3345.11 of 49784  
the Revised Code by a state university or college shall be 49785  
authorized by resolution of its board of trustees. Obligations 49786  
issued by any other institution of higher education shall be 49787  
authorized by resolution of its board of trustees, or managing 49788  
directors in the case of certain university branch districts, as 49789  
applicable. Sections 9.96 and 9.98 to 9.983 of the Revised Code 49790  
apply to obligations and assurances. Obligations and assurances 49791  
may be issued to pay costs of facilities or entrepreneurial 49792  
projects even if the institution anticipates the possibility of a 49793  
future state appropriation to pay all or a portion of such costs. 49794

(C) Obligations and assurances shall be secured by a pledge 49795  
of and lien on all or such part of the available receipts of the 49796  
institution of higher education as it provides for in the bond 49797  
proceedings, excluding moneys raised by taxation and state 49798  
appropriations except as permitted by section ~~3333.90~~ 3333.59 of 49799  
the Revised Code. Such pledge and lien may be made prior to all 49800  
other expenses, claims, or payments, excepting any pledge of such 49801  
available receipts previously made to the contrary and except as 49802  
provided by any existing restrictions on the use thereof, or such 49803  
pledge and lien may be made subordinate to such other expenses, 49804  
claims, or payments, as provided in the bond proceedings. 49805  
Obligations or assurances may be additionally secured by covenants 49806  
of the institution to make, fix, adjust, collect, and apply such 49807  
charges, rates, fees, rentals, and other items of available 49808  
receipts as will produce pledged available receipts sufficient to 49809  
meet bond service charges, reserve, and other requirements 49810

provided for in the bond proceedings. Notwithstanding this and any 49811  
other sections of the Revised Code, the holders or owners of the 49812  
obligations or assurances shall not be given the right and shall 49813  
have no right to have excises or taxes levied by the general 49814  
assembly for the payment of bond service charges thereon, and each 49815  
such obligation or assurance shall bear on its face a statement to 49816  
that effect and to the effect that the right to such payment is 49817  
limited to the available receipts and special funds pledged to 49818  
such purpose under the bond proceedings. 49819

All pledged available receipts and funds and the proceeds of 49820  
obligations or assurances are trust funds and, subject to the 49821  
provisions of this section and the applicable bond proceedings, 49822  
shall be held, deposited, invested, reinvested, disbursed, 49823  
applied, and used to such extent, in such manner, at such times, 49824  
and for such purposes, as are provided in the bond proceedings. 49825

(D) The bond proceedings for obligations or assurances shall 49826  
provide for the purpose thereof and the principal amount or 49827  
maximum principal amount, and provide for or authorize the manner 49828  
of determining the principal maturity or maturities, the sale 49829  
price including any permitted discount, the interest rate or 49830  
rates, which may be a variable rate or rates, or the maximum 49831  
interest rate, the date of the obligations or assurances and the 49832  
date or dates of payment of interest thereon, their denominations, 49833  
the manner of sale thereof, and the establishment within or 49834  
without the state of a place or places of payment of bond service 49835  
charges. The bond proceedings also shall provide for a pledge of 49836  
and lien on available receipts of the institution of higher 49837  
education as provided in division (C) of this section, and a 49838  
pledge of and lien on such fund or funds provided in the bond 49839  
proceedings arising from available receipts, which pledges and 49840  
liens may provide for parity with obligations or assurances 49841  
theretofore or thereafter issued by the institution. The available 49842

receipts so pledged and thereafter received by the institution and 49843  
the funds so pledged are immediately subject to the lien of such 49844  
pledge without any physical delivery thereof or further act, and 49845  
the lien of any such pledge is valid and binding against all 49846  
parties having claims of any kind against the institution, 49847  
irrespective of whether such parties have notice thereof, and 49848  
shall create a perfected security interest for all purposes of 49849  
Chapter 1309. of the Revised Code, without the necessity for 49850  
separation or delivery of funds or for the filing or recording of 49851  
the bond proceedings by which such pledge is created or any 49852  
certificate, statement, or other document with respect thereto; 49853  
and the pledge of such available receipts and funds shall be 49854  
effective and the money therefrom and thereof may be applied to 49855  
the purposes for which pledged without necessity for any act of 49856  
appropriation. 49857

(E) The bond proceedings may contain additional provisions 49858  
customary or appropriate to the financing or to the obligations or 49859  
assurances or to particular obligations and assurances, including: 49860

(1) The acquisition, construction, reconstruction, equipment, 49861  
furnishing, improvement, operation, alteration, enlargement, 49862  
maintenance, insurance, and repair of facilities or 49863  
entrepreneurial projects, and the duties of the institution of 49864  
higher education with reference thereto; 49865

(2) The terms of the obligations or assurances, including 49866  
provisions for their redemption prior to maturity at the option of 49867  
the institution of higher education at such price or prices and 49868  
under such terms and conditions as are provided in the bond 49869  
proceedings; 49870

(3) Limitations on the purposes to which the proceeds of the 49871  
obligations or assurances may be applied; 49872

(4) The rates or rentals or other charges for the use of or 49873



right to use the facilities or entrepreneurial projects financed 49874  
by the obligations or assurances, or other properties the revenues 49875  
or receipts from which are pledged to the obligations or 49876  
assurances, and rules for assuring any applicable use and 49877  
occupancy thereof, including limitations upon the right to modify 49878  
such rates, rentals, other charges, or regulations; 49879

(5) The use and expenditure of the pledged available receipts 49880  
in such manner and to such extent as shall be determined, which 49881  
may include provision for the payment of the expenses of 49882  
operation, maintenance, and repair of facilities or 49883  
entrepreneurial projects so that such expenses, or part thereof, 49884  
shall be paid or provided as a charge prior or subsequent to the 49885  
payment of bond service charges and any other payments required to 49886  
be made by the bond proceedings; 49887

(6) Limitations on the issuance of additional obligations or 49888  
assurances; 49889

(7) The terms of any trust agreement or indenture securing 49890  
the obligations or assurances or under which the same may be 49891  
issued; 49892

(8) The deposit, investment, and application of funds, and 49893  
the safeguarding of funds on hand or on deposit without regard to 49894  
Chapter 131. or 135. of the Revised Code, and any bank or trust 49895  
company or other financial institution that acts as depository of 49896  
any moneys under the bond proceedings shall furnish such 49897  
indemnifying bonds or pledge such securities as required by the 49898  
bond proceedings or otherwise by the institution of higher 49899  
education; 49900

(9) The binding effect of any or every provision of the bond 49901  
proceedings upon such officer, board, commission, authority, 49902  
agency, department, or other person or body as may from time to 49903  
time have the authority under law to take such actions as may be 49904

necessary to perform all or any part of the duty required by such 49905  
provision; 49906

(10) Any provision that may be made in a trust agreement or 49907  
indenture; 49908

(11) Any other or additional agreements with respect to the 49909  
facilities of the institution of higher education or its 49910  
entrepreneurial projects, their operation, the available receipts 49911  
and funds pledged, and insurance of facilities or entrepreneurial 49912  
projects and of the institution, its officers and employees. 49913

(F) Such obligations or assurances may have the seal of the 49914  
institution of higher education or a facsimile thereof affixed 49915  
thereto or printed thereon and shall be executed by such officers 49916  
as are designated in the bond proceedings, which execution may be 49917  
by facsimile signatures. Any obligations or assurances may be 49918  
executed by an officer who, on the date of execution, is the 49919  
proper officer although on the date of such obligations or 49920  
assurances such person was not the proper officer. In case any 49921  
officer whose signature or a facsimile of whose signature appears 49922  
on any such obligation or assurance ceases to be such officer 49923  
before delivery thereof, such signature or facsimile is 49924  
nevertheless valid and sufficient for all purposes as if the 49925  
person had remained such officer until such delivery; and in case 49926  
the seal of the institution has been changed after a facsimile of 49927  
the seal has been imprinted on such obligations or assurances, 49928  
such facsimile seal continues to be sufficient as to such 49929  
obligations or assurances and obligations or assurances issued in 49930  
substitution or exchange therefor. 49931

(G) All such obligations or assurances are negotiable 49932  
instruments and securities under Chapter 1308. of the Revised 49933  
Code, subject to the provisions of the bond proceedings as to 49934  
registration. The obligations or assurances may be issued in 49935  
coupon or in registered form, or both. Provision may be made for 49936

the registration of any obligations or assurances with coupons 49937  
attached thereto as to principal alone or as to both principal and 49938  
interest, their exchange for obligations or assurances so 49939  
registered, and for the conversion or reconversion into 49940  
obligations or assurances with coupons attached thereto of any 49941  
obligations or assurances registered as to both principal and 49942  
interest, and for reasonable charges for such registration, 49943  
exchange, conversion, and reconversion. 49944

(H) Pending preparation of definitive obligations or 49945  
assurances, the institution of higher education may issue interim 49946  
receipts or certificates which shall be exchanged for such 49947  
definitive obligations or assurances. 49948

(I) Such obligations or assurances may be secured 49949  
additionally by a trust agreement or indenture between the 49950  
institution of higher education and a corporate trustee, which may 49951  
be any trust company or bank having the powers of a trust company 49952  
within or without this state but authorized to exercise trust 49953  
powers within this state. Any such agreement or indenture may 49954  
contain the resolution authorizing the issuance of the obligations 49955  
or assurances, any provisions that may be contained in the bond 49956  
proceedings as authorized by this section, and other provisions 49957  
which are customary or appropriate in an agreement or indenture of 49958  
such type, including: 49959

(1) Maintenance of each pledge, trust agreement, and 49960  
indenture, or other instrument comprising part of the bond 49961  
proceedings until the institution of higher education has fully 49962  
paid the bond service charges on the obligations or assurances 49963  
secured thereby, or provision therefor has been made; 49964

(2) In the event of default in any payments required to be 49965  
made by the bond proceedings, or any other agreement of the 49966  
institution of higher education made as a part of the contract 49967  
under which the obligations or assurances were issued, enforcement 49968

of such payments or agreement by mandamus, the appointment of a receiver, suit in equity, action at law, or any combination of the foregoing;

(3) The rights and remedies of the holders of obligations or assurances and of the trustee, and provisions for protecting and enforcing them, including limitations on rights of individual holders of obligations or assurances;

(4) The replacement of any obligations or assurances that become mutilated or are destroyed, lost, or stolen;

(5) Such other provisions as the trustee and the institution of higher education agree upon, including limitations, conditions, or qualifications relating to any of the foregoing.

(J) Each duty of the institution of higher education and its officers or employees, undertaken pursuant to the bond proceedings or any related agreement or lease made under authority of law, is hereby established as a duty of such institution, and of each such officer or employee having authority to perform such duty, specially enjoined by law resulting from an office, trust, or station within the meaning of section 2731.01 of the Revised Code. The persons who are at the time the members of the board of trustees or the managing directors of the institution or its officers or employees are not liable in their personal capacities on such obligations or assurances, or lease, or other agreement of the institution.

(K) The authority to issue obligations or assurances includes authority to:

(1) Issue obligations or assurances in the form of bond anticipation notes and to renew them from time to time by the issuance of new notes. Such notes are payable solely from the available receipts and funds that may be pledged to the payment of such bonds, or from the proceeds of such bonds or renewal notes,

or both, as the institution of higher education provides in its 50000  
resolution authorizing such notes. Such notes may be additionally 50001  
secured by covenants of the institution to the effect that it will 50002  
do such or all things necessary for the issuance of such bonds or 50003  
renewal notes in appropriate amount, and either exchange such 50004  
bonds or renewal notes therefor or apply the proceeds thereof to 50005  
the extent necessary, to make full payment of the bond service 50006  
charges on such notes at the time or times contemplated, as 50007  
provided in such resolution. Subject to the provisions of this 50008  
division, all references to obligations or assurances in this 50009  
section apply to such anticipation notes. 50010

(2) Issue obligations or assurances to refund, including 50011  
funding and retirement of, obligations or assurances previously 50012  
issued to pay costs of facilities or entrepreneurial projects. 50013  
Such obligations or assurances may be issued in amounts sufficient 50014  
for payment of the principal amount of the obligations or 50015  
assurances to be so refunded, any redemption premiums thereon, 50016  
principal maturities of any obligations or assurances maturing 50017  
prior to the redemption of any other obligations or assurances on 50018  
a parity therewith to be so refunded, interest accrued or to 50019  
accrue to the maturity date or dates of redemption of such 50020  
obligations or assurances, and any expenses incurred or to be 50021  
incurred in connection with such refunding or the issuance of the 50022  
obligations or assurances. 50023

(L) Obligations and assurances are lawful investments for 50024  
banks, societies for savings, savings and loan associations, 50025  
deposit guarantee associations, trust companies, trustees, 50026  
fiduciaries, insurance companies, including domestic for life and 50027  
domestic not for life, trustees or other officers having charge of 50028  
sinking and bond retirement or other special funds of political 50029  
subdivisions and taxing districts of this state, the commissioners 50030  
of the sinking fund, the administrator of workers' compensation in 50031

accordance with the investment policy approved by the bureau of 50032  
workers' compensation board of directors pursuant to section 50033  
4121.12 of the Revised Code, the state teachers retirement system, 50034  
the public employees retirement system, the school employees 50035  
retirement system, and the Ohio police and fire pension fund, 50036  
notwithstanding any other provisions of the Revised Code or rules 50037  
adopted pursuant thereto by any state agency with respect to 50038  
investments by them, and are also acceptable as security for the 50039  
deposit of public moneys. 50040

(M) All facilities or entrepreneurial projects purchased, 50041  
acquired, constructed, or owned by an institution of higher 50042  
education, or financed in whole or in part by obligations or 50043  
assurances issued by an institution, and used for the purposes of 50044  
the institution or other publicly owned and controlled college or 50045  
university, is public property used exclusively for a public 50046  
purpose, and such property and the income therefrom is exempt from 50047  
all taxation and assessment within this state, including ad 50048  
valorem and excise taxes. The obligations or assurances, the 50049  
transfer thereof, and the income therefrom, including any profit 50050  
made on the sale thereof, are at all times free from taxation 50051  
within the state. The transfer of tangible personal property by 50052  
lease under authority of this section or section 3345.07, 3345.11, 50053  
3345.36, 3354.121, 3355.091, 3357.112, or 3358.10 of the Revised 50054  
Code is not a sale as used in Chapter 5739. of the Revised Code. 50055

(N) The authority granted by this section is cumulative with 50056  
the authority granted to institutions of higher education under 50057  
Chapter 154. of the Revised Code, and nothing in this section 50058  
impairs or limits the authority granted by Chapter 154. of the 50059  
Revised Code. In any lease, agreement, or commitment made by an 50060  
institution of higher education under Chapter 154. of the Revised 50061  
Code, it may agree to restrict or subordinate any pledge it may 50062  
thereafter make under authority of this section. 50063

(O) Title to lands acquired under this section and sections 50064  
3345.07 and 3345.11 of the Revised Code by a state university or 50065  
college shall be taken in the name of the state. 50066

(P) Except where costs of facilities or entrepreneurial 50067  
projects are to be paid in whole or in part from funds 50068  
appropriated by the general assembly, section 125.81 of the 50069  
Revised Code and the requirement for certification with respect 50070  
thereto under section 153.04 of the Revised Code do not apply to 50071  
such facilities or entrepreneurial projects. 50072

(Q) A state university or college may sell or lease lands or 50073  
interests in land owned by it or by the state for its use, or 50074  
facilities authorized to be acquired or constructed by it under 50075  
section 3345.07 or 3345.11 of the Revised Code, to permit the 50076  
purchasers or lessees thereof to acquire, construct, equip, 50077  
furnish, reconstruct, alter, enlarge, remodel, renovate, 50078  
rehabilitate, improve, maintain, repair, or maintain and operate 50079  
thereon and to provide by lease or otherwise to such institution, 50080  
facilities authorized in section 3345.07 or 3345.11 of the Revised 50081  
Code or entrepreneurial projects authorized under section 3345.36 50082  
of the Revised Code. Such land or interests therein shall be sold 50083  
for such appraised value, or leased, and on such terms as the 50084  
board of trustees determines. All deeds or other instruments 50085  
relating to such sales or leases shall be executed by such officer 50086  
of the state university or college as the board of trustees 50087  
designates. The state university or college shall hold, invest, or 50088  
use the proceeds of such sales or leases for the same purposes for 50089  
which proceeds of borrowings may be used under sections 3345.07 50090  
and 3345.11 of the Revised Code or, if the proceeds relate to the 50091  
sale or lease of entrepreneurial projects, for purposes of section 50092  
3345.36 of the Revised Code. 50093

(R) An institution of higher education may pledge available 50094  
receipts, to the extent permitted by division (C) of this section 50095

with respect to obligations, to secure the payments to be made by 50096  
it under any lease, lease with option to purchase, or 50097  
lease-purchase agreement authorized under this section or section 50098  
3345.07, 3345.11, 3345.36, 3354.121, 3355.091, 3357.112, or 50099  
3358.10 of the Revised Code. 50100

Sec. 3345.48. (A) As used in this section: 50101

(1) "Cohort" means a group of students who will complete 50102  
their bachelor's degree requirements and graduate from a state 50103  
university at the same time. A cohort may include transfer 50104  
students and other selected undergraduate student academic 50105  
programs as determined by the board of trustees of a state 50106  
university. 50107

(2) "Eligible student" means an undergraduate student who: 50108

(a) Is enrolled full-time in a bachelor's degree program at a 50109  
state university; 50110

(b) Is a resident of this state, as defined by the chancellor 50111  
of the Ohio board of regents under section 3333.31 of the Revised 50112  
Code. 50113

(3) "State university" has the same meaning as in section 50114  
3345.011 of the Revised Code. 50115

(B) The board of trustees of a state university may establish 50116  
an undergraduate tuition guarantee program that allows eligible 50117  
students in the same cohort to pay a fixed rate for general and 50118  
instructional fees for four years. A board of trustees may include 50119  
room and board and any additional fees in the program. 50120

If the board of trustees chooses to establish such a program, 50121  
the board shall adopt rules for the program that include, but are 50122  
not limited to, all of the following: 50123

(1) The number of credit hours required to earn an 50124  
undergraduate degree in each major; 50125



(2) A guarantee that the general and instructional fees for each student in the cohort shall remain constant for four years so long as the student complies with the requirements of the program, except that, notwithstanding any law to the contrary, the board may increase the guaranteed amount by up to six per cent above what has been charged in the previous academic year one time for the first cohort enrolled under the tuition guarantee program. If the board of trustees determines that economic conditions or other circumstances require an increase for the first cohort of above six per cent, the board shall submit a request to increase the amount by a specified percentage to the Ohio board of regents. The board of regents, based on information the board of regents requires from the board of trustees, shall approve or disapprove such a request. There shall be no other increase of general and instructional fees for that cohort or for subsequent cohorts under the program unless the general assembly approves such an increase for all tuition guarantee programs established under this section.

(3) A benchmark by which the board sets annual increases in general and instructional fees. This benchmark and any subsequent change to the benchmark shall be subject to approval of the board of regents.

(4) Eligibility requirements for students to participate in the program;

(5) Student rights and privileges under the program;

(6) Consequences to the university for students unable to complete a degree program within four years, as follows:

(a) For a student who could not complete the program in four years due to a lack of available classes or space in classes provided by the university, the university shall provide the necessary course or courses for completion to the student free of charge.

(b) For a student who could not complete the program in four years due to military service or other circumstances beyond a student's control, as determined by the board of trustees, the university shall provide the necessary course or courses for completion to the student at the student's initial cohort rate. 50157  
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(c) For a student who did not complete the program in four years for any other reason, as determined by the board of trustees, the university shall provide the necessary course or courses for completion to the student at a rate determined through a method established by the board under division (B)(7) of this section. 50162  
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(7) Guidelines for adjusting a student's annual charges if the student, due to circumstances under the student's control, is unable to complete a degree program within four years; 50168  
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(8) A requirement that the rules adopted under division (B) of this section be published or posted in the university handbook, course catalog, and web site. 50171  
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(C) If a board of trustees implements a program under this section, the board shall submit the rules adopted under division (B) of this section to the board of regents for approval before beginning implementation of the program. 50174  
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The board of regents shall not unreasonably withhold approval of a program if the program conforms in principle with the parameters and guidelines of this section. 50178  
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(D) A board of trustees of a state university may establish an undergraduate tuition guarantee program for nonresident students. 50181  
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(E) Within five years after the effective date of this section, the board of regents shall publish on its web site a report that includes all of the following: 50184  
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(1) The state universities that have adopted an undergraduate tuition guarantee program under this section; 50187  
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(2) The details of each undergraduate tuition guarantee program established under this section; 50189  
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(3) Comparative data, including general and instructional fees, room and board, graduation rates, and retention rates, from all state universities. 50191  
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(F) As used in this section, "Ohio board of regents" and "board of regents" means the board of regents itself and not the chancellor of the Ohio board of regents, as otherwise prescribed under section 3333.031 of the Revised Code. 50194  
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**Sec. 3345.81.** Not later than May 1, 2014, and biennially thereafter, each institution of higher education, as defined by section 3345.12 of the Revised Code, shall submit to the chancellor of the Ohio board of regents, for each campus under the authority of that institution, a campus-specific completion plan designed to increase college completion rates. The chancellor shall prescribe a format for all plans required under this section, which may include specific strategies, targets, and metrics that promote student access, retention, progression, and completion of each student's chosen program of study. Institutions shall submit each campus plan in accordance with this format and shall include all required content, as prescribed by the chancellor. Each plan shall be consistent with the mission and strategic priorities of the campus and shall examine and, as appropriate, include all of the following: 50198  
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(A) Increased alignment of the institution's programs with programs of other educational institutions from preschool through higher education; 50213  
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(B) A communications strategy; 50216

(C) A guidance plan to provide current and potential students with broadened awareness of advance standing programs, as defined by section 3313.6013 of the Revised Code, and the connections between college completion and career opportunities. The guidance plan also shall also include financial literacy and planning for students and their families. 50217  
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(D) Increased support to ensure success for first-year students, such as increased access to career counseling and mentoring, improvements to remediation course design and subject matter, and other support programs; 50223  
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(E) The development of institutional systems to streamline and accelerate a student's progress toward completion, such as a coordinated system for the transfer of academic credit or a system that awards academic credit for alternative study, work, or military experience; 50227  
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50231

(F) Incentives and rewards for successful student progression within, and completion of, each student's chosen program. 50232  
50233

**Sec. 3350.15.** The northeast Ohio medical university may enter into a partnership with Cleveland state university to establish the northeast Ohio medical university academic campus at Cleveland state university, to enable fifty per cent or more of the medical curriculum taught to students enrolled under this partnership to be based in Cleveland at Cleveland state university, local hospitals, and community- and neighborhood-based primary care clinics. Cleveland state university shall not receive state capital appropriations to pay for facilities for the academic campus. 50234  
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50243

**Sec. 3365.01.** As used in this chapter: 50244

(A) "College" means any state-assisted college or university described in section 3333.041 of the Revised Code, any nonprofit 50245  
50246

institution holding a certificate of authorization pursuant to 50247  
Chapter 1713. of the Revised Code, any private institution exempt 50248  
from regulation under Chapter 3332. of the Revised Code as 50249  
prescribed in section 3333.046 of the Revised Code, and any 50250  
institution holding a certificate of registration from the state 50251  
board of career colleges and schools and program authorization for 50252  
an associate or bachelor's degree program issued under section 50253  
3332.05 of the Revised Code. 50254

(B) "School district," except as specified in division (G) of 50255  
this section, means any school district to which a student is 50256  
admitted under section 3313.64, 3313.65, 3313.98, or 3317.08 of 50257  
the Revised Code and does not include a joint vocational or 50258  
cooperative education school district. 50259

(C) "Parent" has the same meaning as in section 3313.64 of 50260  
the Revised Code. 50261

(D) "Participant" means a student enrolled in a college under 50262  
the post-secondary enrollment options program established by this 50263  
chapter, including a student who has been excused from the 50264  
compulsory attendance law for the purpose of home instruction 50265  
under section 3321.04 of the Revised Code. 50266

(E) "Secondary grade" means the ninth through twelfth grades. 50267

(F) "School foundation payments" means the amount required to 50268  
be paid to a school district for a fiscal year under Chapter 3317. 50269  
of the Revised Code. 50270

(G) "Tuition base" means, ~~with respect to a participant's~~ 50271  
~~school district, the sum of the formula amount plus the per pupil~~ 50272  
~~amount of the base funding supplements specified in divisions~~ 50273  
~~(C)(1) to (4) of section 3317.012~~ 3317.02 of the Revised Code for 50274  
the applicable fiscal year ~~2009~~. 50275

~~The participant's "school district" in the case of a~~ 50276  
~~participant enrolled in a community school shall be the school~~ 50277

~~district in which the student is entitled to attend school under  
section 3313.64 or 3313.65 of the Revised Code.~~ 50278  
50279

(H) "Educational program" means enrollment in one or more 50280  
school districts, in a nonpublic school, or in a college under 50281  
division (B) of section 3365.04 of the Revised Code. 50282

(I) "Nonpublic school" means a chartered or nonchartered 50283  
school for which minimum standards are prescribed by the state 50284  
board of education pursuant to division (D) of section 3301.07 of 50285  
the Revised Code. 50286

(J) "School year" means the year beginning on the first day 50287  
of July and ending on the thirtieth day of June. 50288

(K) "Community school" means any school established pursuant 50289  
to Chapter 3314. of the Revised Code that includes secondary 50290  
grades. 50291

(L) "STEM school" means a science, technology, engineering, 50292  
and mathematics school established under Chapter 3326. of the 50293  
Revised Code. 50294

**Sec. 3365.02.** There is hereby established the post-secondary 50295  
enrollment options program under which a secondary grade student 50296  
who is a resident of this state may enroll at a college, on a 50297  
full- or part-time basis, and complete nonsectarian courses for 50298  
high school and college credit. 50299

Secondary grade students in a nonpublic school may 50300  
participate in the post-secondary enrollment options program if 50301  
the chief administrator of such school notifies the department of 50302  
education by the first day of April prior to the school year in 50303  
which the school's students will participate. 50304

The state board of education, after consulting with the board 50305  
of regents, shall adopt rules governing the program. The rules 50306  
shall include: 50307

(A) Requirements for school districts, community schools, or participating nonpublic schools to provide information about the program prior to the first day of March of each year to all students enrolled in grades eight through eleven;

(B) A requirement that a student or the student's parent inform the district board of education, the governing authority of a community school, the STEM school chief administrative officer, or the nonpublic school administrator by the thirtieth day of March of the student's intent to participate in the program during the following school year. The rule shall provide that any student who fails to provide the notification by the required date may not participate in the program during the following school year without the written consent of the district superintendent, the governing authority of a community school, the STEM school chief administrative officer, or the nonpublic school administrator.

(C) Requirements that school districts, community schools, and STEM schools provide counseling services to students in grades eight through eleven and to their parents before the students participate in the program under this chapter to ensure that students and parents are fully aware of the possible risks and consequences of participation. Counseling information shall include without limitation:

- (1) Program eligibility;
- (2) The process for granting academic credits;
- (3) Financial arrangements for tuition, books, materials, and fees;
- (4) Criteria for any transportation aid;
- (5) Available support services;
- (6) Scheduling;
- (7) The consequences of failing or not completing a course in

which the student enrolls and the effect of the grade attained in 50338  
the course being included in the student's grade point average, if 50339  
applicable; 50340

(8) The effect of program participation on the student's 50341  
ability to complete the district's or school's graduation 50342  
requirements; 50343

(9) The academic and social responsibilities of students and 50344  
parents under the program; 50345

(10) Information about and encouragement to use the 50346  
counseling services of the college in which the student intends to 50347  
enroll. 50348

(D) A requirement that the student and the student's parent 50349  
sign a form, provided by the school district or school, stating 50350  
that they have received the counseling required by division (C) of 50351  
this section and that they understand the responsibilities they 50352  
must assume in the program; 50353

(E) The options required by section 3365.04 of the Revised 50354  
Code; 50355

~~(F) A requirement that a student may not enroll in any 50356  
specific college course through the program if the student has 50357  
taken high school courses in the same subject area as that college 50358  
course and has failed to attain a cumulative grade point average 50359  
of at least 3.0 on a 4.0 scale, or the equivalent, in such 50360  
completed high school courses~~ A requirement that student 50361  
participation in the program be based solely on a participating 50362  
college's established admission standards. 50363

Sec. 3365.022. (A) Beginning July 1, 2013, a student who has 50364  
been excused from the compulsory attendance law for the purpose of 50365  
home instruction under section 3321.04 of the Revised Code, and is 50366  
the equivalent of a ninth, tenth, eleventh, or twelfth grader may 50367



participate in the post-secondary enrollment options program 50368  
established under this chapter. 50369

(B)(1) If a student meets the criteria established in 50370  
division (A) of this section and wishes to participate in the 50371  
post-secondary enrollment options program, the parent or guardian 50372  
of that student shall notify the department of education by the 50373  
first day of April prior to the school year in which the student 50374  
wishes to participate. 50375

(2) For the 2013-2014 school year, the department may accept 50376  
applications at a later date if that student wishes to participate 50377  
in the program during the 2013-2014 school year. 50378

(C) Pursuant to rules adopted by the state board of education 50379  
under section 3365.02 of the Revised Code, payments to a 50380  
participating college, in which home-instructed students enrolled 50381  
pursuant to this section, shall be made in the same manner as 50382  
payments made for participating students from nonpublic secondary 50383  
schools, pursuant to section 3365.07 of the Revised Code. 50384

**Sec. 3365.07.** (A) The rules adopted under section 3365.02 of 50385  
the Revised Code shall specify a method for each of the following: 50386

(1) Determining, with respect to any participant, the 50387  
percentage of a full-time educational program constituted by the 50388  
participant's total educational program. That percentage shall be 50389  
the participant's full-time equivalency percentage for purposes of 50390  
the computation required by division (B)(1) of this section. 50391

(2) In the case of a participant who is not enrolled in a 50392  
participating nonpublic school, determining the percentage of a 50393  
participant's school day during which the participant is 50394  
participating in each of the following: 50395

(a) Programs provided by the city, local, or exempted village 50396  
school district, a community school, or a STEM school; 50397

(b) Programs provided by a joint vocational school district; 50398

(c) Programs provided by a college under division (B) of 50399  
section 3365.04 of the Revised Code. 50400

The sum of divisions (A)(2)(a) to (c) of this section shall equal 50401  
one hundred per cent. 50402

(3) In the case of a participant who is not enrolled in a 50403  
participating nonpublic school, determining the percentage of a 50404  
participant's enrollment that shall be deemed to be enrollment in 50405  
a joint vocational school district and the percentage that shall 50406  
be deemed to be enrollment in a city, local, or exempted village 50407  
school district. The sum of such percentages shall equal one 50408  
hundred per cent. 50409

(4) In the case of a participant who is enrolled in a 50410  
participating nonpublic school, determining the percentage of a 50411  
participant's school day during which the participant is 50412  
participating in programs provided by a college under division (B) 50413  
of section 3365.04 of the Revised Code. 50414

(B) Each July, unless provided otherwise in an alternative 50415  
funding agreement entered into under rules adopted under section 50416  
3365.12 of the Revised Code, the department of education shall pay 50417  
each college for any participant enrolled in the college in the 50418  
prior school year under division (B) of section 3365.04 of the 50419  
Revised Code an amount computed as follows: 50420

(1) Multiply the tuition base by the participant's full-time 50421  
equivalency percentage and multiply the resulting amount by a 50422  
percentage equal to the percentage of the participant's school day 50423  
apportioned to the college under division (A)(2)(c) or (4) of this 50424  
section, as applicable. 50425

(2) Pay the college the lesser of: 50426

(a) The amount computed under division (B)(1) of this 50427

section; 50428

(b) The actual costs that would have been the responsibility 50429  
of the participant had the participant elected to enroll under 50430  
division (A) of section 3365.04 of the Revised Code, as verified 50431  
by the department, of tuition, textbooks, materials, and fees 50432  
directly related to any courses elected by the participant during 50433  
the prior school year under division (B) of section 3365.04 of the 50434  
Revised Code. 50435

(C) The department shall not reimburse ~~any~~ a college for any 50436  
of the following: 50437

(1) A college course taken by a participant under division 50438  
(A) of section 3365.04 of the Revised Code; 50439

(2) A college course taken by a participant that is included 50440  
in or equivalent to a course included in either a transfer module 50441  
or the transfer assurance guide developed by the chancellor. 50442

(D) If the participant was not enrolled in a participating 50443  
nonpublic school, the amount paid under division (B) of this 50444  
section for each participant shall be subtracted from the school 50445  
foundation payments made to the participant's school district or, 50446  
if the participant was enrolled in a community school or a STEM 50447  
school, from the payments made to the participant's school under 50448  
section 3314.08 or 3326.33 of the Revised Code. If the participant 50449  
was enrolled in a joint vocational school district, a portion of 50450  
the amount shall be subtracted from the payments to the joint 50451  
vocational school district and a portion shall be subtracted from 50452  
the payments to the participant's city, local, or exempted village 50453  
school district. The amount of the payment subtracted from the 50454  
city, local, or exempted village school district shall be computed 50455  
as follows: 50456

(1) Add the following: 50457

(a) The percentage of the participant's enrollment in the 50458

school district, determined under division (A)(3) of this section; 50459  
and 50460

(b) Twenty-five per cent times the percentage of the 50461  
participant's enrollment in the joint vocational school district, 50462  
determined under division (A)(3) of this section. 50463

(2) Multiply the sum obtained under division (D)(1) of this 50464  
section by the amount computed under division (B)(2) of this 50465  
section. 50466

The balance of the payment shall be subtracted from the joint 50467  
vocational district's school foundation payments. 50468

(E) If the participant was enrolled in a participating 50469  
nonpublic school, the amount paid under division (B) of this 50470  
section shall be subtracted from moneys set aside by the general 50471  
assembly for such purpose from funds appropriated for the purposes 50472  
of section 3317.06 of the Revised Code. 50473

**Sec. 3365.12.** The superintendent of public instruction and 50474  
the chancellor of the Ohio board of regents jointly may adopt 50475  
rules in accordance with Chapter 119. of the Revised Code 50476  
permitting a board of education of a school district or joint 50477  
vocational school district, governing authority of a community 50478  
school, governing body of a STEM school, or governing authority of 50479  
a participating nonpublic school to enter into an agreement with a 50480  
college or university to use an alternate funding formula to 50481  
calculate, or an alternate method to transmit, the amount the 50482  
college or university would be paid for a student participating in 50483  
a program under this chapter, including the program known as 50484  
seniors to sophomores. 50485

Rules adopted under this section may include, but need not be 50486  
limited to, any of the following alternative funding options: 50487

(A) Direct payment of funds necessary to support students 50488

participating in a program under this chapter, including the 50489  
seniors to sophomores program, by the school district, joint 50490  
vocational school district, community school, STEM school, or any 50491  
combination thereof, to the college or university in which the 50492  
student enrolled; 50493

(B) Alternate funding formulas to calculate the amount of 50494  
money to be paid to colleges for participants; 50495

(C) A negotiated amount to be paid, as agreed by the school 50496  
district, joint vocational school district, community school, or 50497  
STEM school and the college or university. 50498

Rules adopted under this section shall prohibit any 50499  
alternative funding option to include charging a student 50500  
participating in the program under this chapter any tuition or 50501  
fees. 50502

**Sec. 3501.01.** As used in the sections of the Revised Code 50503  
relating to elections and political communications: 50504

(A) "General election" means the election held on the first 50505  
Tuesday after the first Monday in each November. 50506

(B) "Regular municipal election" means the election held on 50507  
the first Tuesday after the first Monday in November in each 50508  
odd-numbered year. 50509

(C) "Regular state election" means the election held on the 50510  
first Tuesday after the first Monday in November in each 50511  
even-numbered year. 50512

(D) "Special election" means any election other than those 50513  
elections defined in other divisions of this section. A special 50514  
election may be held only on the first Tuesday after the first 50515  
Monday in February, May, August, or November, or on the day 50516  
authorized by a particular municipal or county charter for the 50517  
holding of a primary election, except that in any year in which a 50518

presidential primary election is held, no special election shall 50519  
be held in February or May, except as authorized by a municipal or 50520  
county charter, but may be held on the first Tuesday after the 50521  
first Monday in March. 50522

(E)(1) "Primary" or "primary election" means an election held 50523  
for the purpose of nominating persons as candidates of political 50524  
parties for election to offices, and for the purpose of electing 50525  
persons as members of the controlling committees of political 50526  
parties and as delegates and alternates to the conventions of 50527  
political parties. Primary elections shall be held on the first 50528  
Tuesday after the first Monday in May of each year except in years 50529  
in which a presidential primary election is held. 50530

(2) "Presidential primary election" means a primary election 50531  
as defined by division (E)(1) of this section at which an election 50532  
is held for the purpose of choosing delegates and alternates to 50533  
the national conventions of the major political parties pursuant 50534  
to section 3513.12 of the Revised Code. Unless otherwise 50535  
specified, presidential primary elections are included in 50536  
references to primary elections. In years in which a presidential 50537  
primary election is held, all primary elections shall be held on 50538  
the first Tuesday after the first Monday in March except as 50539  
otherwise authorized by a municipal or county charter. 50540

(F) "Political party" means any group of voters meeting the 50541  
requirements set forth in section 3517.01 of the Revised Code for 50542  
the formation and existence of a political party. 50543

(1) "Major political party" means any political party 50544  
organized under the laws of this state whose candidate for 50545  
governor or nominees for presidential electors received no less 50546  
than twenty per cent of the total vote cast for such office at the 50547  
most recent regular state election. 50548

(2) "Intermediate political party" means any political party 50549

organized under the laws of this state whose candidate for 50550  
governor or nominees for presidential electors received less than 50551  
twenty per cent but not less than ten per cent of the total vote 50552  
cast for such office at the most recent regular state election. 50553

(3) "Minor political party" means any political party 50554  
organized under the laws of this state whose candidate for 50555  
governor or nominees for presidential electors received less than 50556  
ten per cent but not less than five per cent of the total vote 50557  
cast for such office at the most recent regular state election or 50558  
which has filed with the secretary of state, subsequent to any 50559  
election in which it received less than five per cent of such 50560  
vote, a petition signed by qualified electors equal in number to 50561  
at least one per cent of the total vote cast for such office in 50562  
the last preceding regular state election, except that a newly 50563  
formed political party shall be known as a minor political party 50564  
until the time of the first election for governor or president 50565  
which occurs not less than twelve months subsequent to the 50566  
formation of such party, after which election the status of such 50567  
party shall be determined by the vote for the office of governor 50568  
or president. 50569

(G) "Dominant party in a precinct" or "dominant political 50570  
party in a precinct" means that political party whose candidate 50571  
for election to the office of governor at the most recent regular 50572  
state election at which a governor was elected received more votes 50573  
than any other person received for election to that office in such 50574  
precinct at such election. 50575

(H) "Candidate" means any qualified person certified in 50576  
accordance with the provisions of the Revised Code for placement 50577  
on the official ballot of a primary, general, or special election 50578  
to be held in this state, or any qualified person who claims to be 50579  
a write-in candidate, or who knowingly assents to being 50580  
represented as a write-in candidate by another at either a 50581

primary, general, or special election to be held in this state. 50582

(I) "Independent candidate" means any candidate who claims 50583  
not to be affiliated with a political party, and whose name has 50584  
been certified on the office-type ballot at a general or special 50585  
election through the filing of a statement of candidacy and 50586  
nominating petition, as prescribed in section 3513.257 of the 50587  
Revised Code. 50588

(J) "Nonpartisan candidate" means any candidate whose name is 50589  
required, pursuant to section 3505.04 of the Revised Code, to be 50590  
listed on the nonpartisan ballot, including all candidates for 50591  
judicial office, for member of any board of education, for 50592  
municipal or township offices in which primary elections are not 50593  
held for nominating candidates by political parties, and for 50594  
offices of municipal corporations having charters that provide for 50595  
separate ballots for elections for these offices. 50596

(K) "Party candidate" means any candidate who claims to be a 50597  
member of a political party, whose name has been certified on the 50598  
office-type ballot at a general or special election through the 50599  
filing of a declaration of candidacy and petition of candidate, 50600  
and who has won the primary election of the candidate's party for 50601  
the public office the candidate seeks or is selected by party 50602  
committee in accordance with section 3513.31 of the Revised Code. 50603

(L) "Officer of a political party" includes, but is not 50604  
limited to, any member, elected or appointed, of a controlling 50605  
committee, whether representing the territory of the state, a 50606  
district therein, a county, township, a city, a ward, a precinct, 50607  
or other territory, of a major, intermediate, or minor political 50608  
party. 50609

(M) "Question or issue" means any question or issue certified 50610  
in accordance with the Revised Code for placement on an official 50611  
ballot at a general or special election to be held in this state. 50612



(N) "Elector" or "qualified elector" means a person having the qualifications provided by law to be entitled to vote.	50613 50614
(O) "Voter" means an elector who votes at an election.	50615
(P) "Voting residence" means that place of residence of an elector which shall determine the precinct in which the elector may vote.	50616 50617 50618
(Q) "Precinct" means a district within a county established by the board of elections of such county within which all qualified electors having a voting residence therein may vote at the same polling place.	50619 50620 50621 50622
(R) "Polling place" means that place provided for each precinct at which the electors having a voting residence in such precinct may vote.	50623 50624 50625
(S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code.	50626 50627 50628
(T) "Political subdivision" means a county, township, city, village, or school district.	50629 50630
(U) "Election officer" or "election official" means any of the following:	50631 50632
(1) Secretary of state;	50633
(2) Employees of the secretary of state serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor;	50634 50635 50636 50637
(3) Director of a board of elections;	50638
(4) Deputy director of a board of elections;	50639
(5) Member of a board of elections;	50640
(6) Employees of a board of elections;	50641

(7) Precinct polling place judges; 50642

(8) Employees appointed by the boards of elections on a 50643  
temporary or part-time basis. 50644

(V) "Acknowledgment notice" means a notice sent by a board of 50645  
elections, on a form prescribed by the secretary of state, 50646  
informing a voter registration applicant or an applicant who 50647  
wishes to change the applicant's residence or name of the status 50648  
of the application; the information necessary to complete or 50649  
update the application, if any; and if the application is 50650  
complete, the precinct in which the applicant is to vote. 50651

(W) "Confirmation notice" means a notice sent by a board of 50652  
elections, on a form prescribed by the secretary of state, to a 50653  
registered elector to confirm the registered elector's current 50654  
address. 50655

(X) "Designated agency" means an office or agency in the 50656  
state that provides public assistance or that provides 50657  
state-funded programs primarily engaged in providing services to 50658  
persons with disabilities and that is required by the National 50659  
Voter Registration Act of 1993 to implement a program designed and 50660  
administered by the secretary of state for registering voters, or 50661  
any other public or government office or agency that implements a 50662  
program designed and administered by the secretary of state for 50663  
registering voters, including the department of job and family 50664  
services, the program administered under section 3701.132 of the 50665  
Revised Code by the department of health, the department of ~~mental~~ 50666  
~~health~~ mental health and addiction services, the department of 50667  
developmental disabilities, the rehabilitation services 50668  
commission, and any other agency the secretary of state 50669  
designates. "Designated agency" does not include public high 50670  
schools and vocational schools, public libraries, or the office of 50671  
a county treasurer. 50672

(Y) "National Voter Registration Act of 1993" means the 50673  
"National Voter Registration Act of 1993," 107 Stat. 77, 42 50674  
U.S.C.A. 1973gg. 50675

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act 50676  
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 50677

(AA) "Photo identification" means a document that meets each 50678  
of the following requirements: 50679

(1) It shows the name of the individual to whom it was 50680  
issued, which shall conform to the name in the poll list or 50681  
signature pollbook. 50682

(2) It shows the current address of the individual to whom it 50683  
was issued, which shall conform to the address in the poll list or 50684  
signature pollbook, except for a driver's license or a state 50685  
identification card issued under section 4507.50 of the Revised 50686  
Code, which may show either the current or former address of the 50687  
individual to whom it was issued, regardless of whether that 50688  
address conforms to the address in the poll list or signature 50689  
pollbook. 50690

(3) It shows a photograph of the individual to whom it was 50691  
issued. 50692

(4) It includes an expiration date that has not passed. 50693

(5) It was issued by the government of the United States or 50694  
this state. 50695

**Sec. 3599.45.** (A) As used in this section: 50696

"Candidate," "campaign committee," and "contribution" have 50697  
the same meanings as in section 3517.01 of the Revised Code. 50698

"Medicaid provider" has the same meaning as in section 50699  
5164.01 of the Revised Code. 50700

(B) No candidate for the office of attorney general or county 50701

prosecutor or such a candidate's campaign committee shall 50702  
knowingly accept any contribution from a medicaid provider of 50703  
~~services or goods under contract with the department of job and~~ 50704  
~~family services pursuant to the medicaid program of Title XIX of~~ 50705  
~~the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as~~ 50706  
~~amended,~~ or from any person having an ownership interest in the 50707  
medicaid provider. 50708

~~As used in this section "candidate," "campaign committee,"~~ 50709  
~~and "contribution" have the same meaning as in section 3517.01 of~~ 50710  
~~the Revised Code.~~ 50711

~~(B)(C)~~ Whoever violates this section is guilty of a 50712  
misdemeanor of the first degree. 50713

**Sec. 3701.023.** (A) The department of health shall review 50714  
applications for eligibility for the program for medically 50715  
handicapped children that are submitted to the department by city 50716  
and general health districts and physician providers approved in 50717  
accordance with division (C) of this section. The department shall 50718  
determine whether the applicants meet the medical and financial 50719  
eligibility requirements established by the director of health 50720  
pursuant to division (A)(1) of section 3701.021 of the Revised 50721  
Code, and by the department in the manual of operational 50722  
procedures and guidelines for the program for medically 50723  
handicapped children developed pursuant to division (B) of that 50724  
section. Referrals of potentially eligible children for the 50725  
program may be submitted to the department on behalf of the child 50726  
by parents, guardians, public health nurses, or any other 50727  
interested person. The department of health may designate other 50728  
agencies to refer applicants to the department of health. 50729

(B) In accordance with the procedures established in rules 50730  
adopted under division (A)(4) of section 3701.021 of the Revised 50731  
Code, the department of health shall authorize a provider or 50732

providers to provide to any Ohio resident under twenty-one years 50733  
of age, without charge to the resident or the resident's family 50734  
and without restriction as to the economic status of the resident 50735  
or the resident's family, diagnostic services necessary to 50736  
determine whether the resident has a medically handicapping or 50737  
potentially medically handicapping condition. 50738

(C) The department of health shall review the applications of 50739  
health professionals, hospitals, medical equipment suppliers, and 50740  
other individuals, groups, or agencies that apply to become 50741  
providers. The department shall enter into a written agreement 50742  
with each applicant who is determined, pursuant to the 50743  
requirements set forth in rules adopted under division (A)(2) of 50744  
section 3701.021 of the Revised Code, to be eligible to be a 50745  
provider in accordance with the provider agreement required by the 50746  
~~medical assistance~~ medicaid ~~program established under section~~ 50747  
~~5111.01 of the Revised Code.~~ No provider shall charge a medically 50748  
handicapped child or the child's parent or guardian for services 50749  
authorized by the department under division (B) or (D) of this 50750  
section. 50751

The department, in accordance with rules adopted under 50752  
division (A)(3) of section 3701.021 of the Revised Code, may 50753  
disqualify any provider from further participation in the program 50754  
for violating any requirement set forth in rules adopted under 50755  
division (A)(2) of that section. The disqualification shall not 50756  
take effect until a written notice, specifying the requirement 50757  
violated and describing the nature of the violation, has been 50758  
delivered to the provider and the department has afforded the 50759  
provider an opportunity to appeal the disqualification under 50760  
division (H) of this section. 50761

(D) The department of health shall evaluate applications from 50762  
city and general health districts and approved physician providers 50763  
for authorization to provide treatment services, service 50764

coordination, and related goods to children determined to be 50765  
eligible for the program for medically handicapped children 50766  
pursuant to division (A) of this section. The department shall 50767  
authorize necessary treatment services, service coordination, and 50768  
related goods for each eligible child in accordance with an 50769  
individual plan of treatment for the child. As an alternative, the 50770  
department may authorize payment of health insurance premiums on 50771  
behalf of eligible children when the department determines, in 50772  
accordance with criteria set forth in rules adopted under division 50773  
(A)(9) of section 3701.021 of the Revised Code, that payment of 50774  
the premiums is cost-effective. 50775

(E) The department of health shall pay, from appropriations 50776  
to the department, any necessary expenses, including but not 50777  
limited to, expenses for diagnosis, treatment, service 50778  
coordination, supportive services, transportation, and accessories 50779  
and their upkeep, provided to medically handicapped children, 50780  
provided that the provision of the goods or services is authorized 50781  
by the department under division (B) or (D) of this section. Money 50782  
appropriated to the department of health may also be expended for 50783  
reasonable administrative costs incurred by the program. The 50784  
department of health also may purchase liability insurance 50785  
covering the provision of services under the program for medically 50786  
handicapped children by physicians and other health care 50787  
professionals. 50788

Payments made to providers by the department of health 50789  
pursuant to this division for inpatient hospital care, outpatient 50790  
care, and all other medical assistance furnished to eligible 50791  
recipients shall be made in accordance with rules adopted by the 50792  
director of health pursuant to division (A) of section 3701.021 of 50793  
the Revised Code. 50794

The departments of health and ~~job and family services~~ 50795  
medicaid shall jointly implement procedures to ensure that 50796

duplicate payments are not made under the program for medically 50797  
handicapped children and the ~~medical assistance~~ medicaid program 50798  
~~established under section 5111.01 of the Revised Code~~ and to 50799  
identify and recover duplicate payments. 50800

(F) At the time of applying for participation in the program 50801  
for medically handicapped children, a medically handicapped child 50802  
or the child's parent or guardian shall disclose the identity of 50803  
any third party against whom the child or the child's parent or 50804  
guardian has or may have a right of recovery for goods and 50805  
services provided under division (B) or (D) of this section. The 50806  
department of health shall require a medically handicapped child 50807  
who receives services from the program or the child's parent or 50808  
guardian to apply for all third-party benefits for which the child 50809  
may be eligible and require the child, parent, or guardian to 50810  
apply all third-party benefits received to the amount determined 50811  
under division (E) of this section as the amount payable for goods 50812  
and services authorized under division (B) or (D) of this section. 50813  
The department is the payer of last resort and shall pay for 50814  
authorized goods or services, up to the amount determined under 50815  
division (E) of this section for the authorized goods or services, 50816  
only to the extent that payment for the authorized goods or 50817  
services is not made through third-party benefits. When a third 50818  
party fails to act on an application or claim for benefits by a 50819  
medically handicapped child or the child's parent or guardian, the 50820  
department shall pay for the goods or services only after ninety 50821  
days have elapsed since the date the child, parents, or guardians 50822  
made an application or claim for all third-party benefits. 50823  
Third-party benefits received shall be applied to the amount 50824  
determined under division (E) of this section. Third-party 50825  
payments for goods and services not authorized under division (B) 50826  
or (D) of this section shall not be applied to payment amounts 50827  
determined under division (E) of this section. Payment made by the 50828  
department shall be considered payment in full of the amount 50829

determined under division (E) of this section. Medicaid payments 50830  
for persons eligible for the ~~medical assistance~~ medicaid program 50831  
~~established under section 5111.01 of the Revised Code~~ shall be 50832  
considered payment in full of the amount determined under division 50833  
(E) of this section. 50834

(G) The department of health shall administer a program to 50835  
provide services to Ohio residents who are twenty-one or more 50836  
years of age who have cystic fibrosis and who meet the eligibility 50837  
requirements established in rules adopted by the director of 50838  
health pursuant to division (A)(7) of section 3701.021 of the 50839  
Revised Code, subject to all provisions of this section, but not 50840  
subject to section 3701.024 of the Revised Code. 50841

(H) The department of health shall provide for appeals, in 50842  
accordance with rules adopted under section 3701.021 of the 50843  
Revised Code, of denials of applications for the program for 50844  
medically handicapped children under division (A) or (D) of this 50845  
section, disqualification of providers, or amounts paid under 50846  
division (E) of this section. Appeals under this division are not 50847  
subject to Chapter 119. of the Revised Code. 50848

The department may designate ombudspersons to assist 50849  
medically handicapped children or their parents or guardians, upon 50850  
the request of the children, parents, or guardians, in filing 50851  
appeals under this division and to serve as children's, parents', 50852  
or guardians' advocates in matters pertaining to the 50853  
administration of the program for medically handicapped children 50854  
and eligibility for program services. The ombudspersons shall 50855  
receive no compensation but shall be reimbursed by the department, 50856  
in accordance with rules of the office of budget and management, 50857  
for their actual and necessary travel expenses incurred in the 50858  
performance of their duties. 50859

(I) The department of health, and city and general health 50860  
districts providing service coordination pursuant to division 50861



(A)(2) of section 3701.024 of the Revised Code, shall provide 50862  
service coordination in accordance with the standards set forth in 50863  
the rules adopted under section 3701.021 of the Revised Code, 50864  
without charge, and without restriction as to economic status. 50865

(J)(1) The department of health may establish a manufacturer 50866  
discount program under which a manufacturer of a drug or 50867  
nutritional formula is permitted to enter into an agreement with 50868  
the department to provide a discount on the price of the drug or 50869  
nutritional formula distributed to medically handicapped children 50870  
participating in the program for medically handicapped children. 50871  
The program shall be administered in accordance with rules adopted 50872  
under section 3701.021 of the Revised Code. 50873

(2) If a manufacturer enters into an agreement with the 50874  
department as described in division (J)(1) of this section, the 50875  
manufacturer and the department may negotiate the amount and terms 50876  
of the discount. 50877

(3) In lieu of establishing a discount program as described 50878  
in division (J)(1) of this section, the department and a 50879  
manufacturer of a drug or nutritional formula may discuss a 50880  
donation of drugs, nutritional formulas, or money by the 50881  
manufacturer to the department. 50882

**Sec. 3701.024.** (A)(1) Under a procedure established in rules 50883  
adopted under section 3701.021 of the Revised Code, the department 50884  
of health shall determine the amount each county shall provide 50885  
annually for the program for medically handicapped children, based 50886  
on a proportion of the county's total general property tax 50887  
duplicate, not to exceed one-tenth of a mill, and charge the 50888  
county for any part of expenses incurred under the program for 50889  
treatment services on behalf of medically handicapped children 50890  
having legal settlement in the county that is not paid from 50891  
federal funds or through the ~~medical assistance~~ medicaid program 50892

~~established under section 5111.01 of the Revised Code. The~~ 50893  
department shall not charge the county for expenses exceeding the 50894  
difference between the amount determined under division (A)(1) of 50895  
this section and any amounts retained under divisions (A)(2) and 50896  
(3) of this section. 50897

All amounts collected by the department under division (A)(1) 50898  
of this section shall be deposited into the state treasury to the 50899  
credit of the medically handicapped children-county assessment 50900  
fund, which is hereby created. The fund shall be used by the 50901  
department to comply with sections 3701.021 to 3701.028 of the 50902  
Revised Code. 50903

(2) The department, in accordance with rules adopted under 50904  
section 3701.021 of the Revised Code, may allow each county to 50905  
retain up to ten per cent of the amount determined under division 50906  
(A)(1) of this section to provide funds to city or general health 50907  
districts of the county with which the districts shall provide 50908  
service coordination, public health nursing, or transportation 50909  
services for medically handicapped children. 50910

(3) In addition to any amount retained under division (A)(2) 50911  
of this section, the department, in accordance with rules adopted 50912  
under section 3701.021 of the Revised Code, may allow counties 50913  
that it determines have significant numbers of potentially 50914  
eligible medically handicapped children to retain an amount equal 50915  
to the difference between: 50916

(a) Twenty-five per cent of the amount determined under 50917  
division (A)(1) of this section; 50918

(b) Any amount retained under division (A)(2) of this 50919  
section. 50920

Counties shall use amounts retained under division (A)(3) of 50921  
this section to provide funds to city or general health districts 50922  
of the county with which the districts shall conduct outreach 50923

activities to increase participation in the program for medically 50924  
handicapped children. 50925

(4) Prior to any increase in the millage charged to a county, 50926  
the director of health shall hold a public hearing on the proposed 50927  
increase and shall give notice of the hearing to each board of 50928  
county commissioners that would be affected by the increase at 50929  
least thirty days prior to the date set for the hearing. Any 50930  
county commissioner may appear and give testimony at the hearing. 50931  
Any increase in the millage any county is required to provide for 50932  
the program for medically handicapped children shall be 50933  
determined, and notice of the amount of the increase shall be 50934  
provided to each affected board of county commissioners, no later 50935  
than the first day of June of the fiscal year next preceding the 50936  
fiscal year in which the increase will take effect. 50937

(B) Each board of county commissioners shall establish a 50938  
medically handicapped children's fund and shall appropriate 50939  
thereto an amount, determined in accordance with division (A)(1) 50940  
of this section, for the county's share in providing medical, 50941  
surgical, and other aid to medically handicapped children residing 50942  
in such county and for the purposes specified in divisions (A)(2) 50943  
and (3) of this section. Each county shall use money retained 50944  
under divisions (A)(2) and (3) of this section only for the 50945  
purposes specified in those divisions. 50946

**Sec. 3701.027.** The department of health shall administer 50947  
funds received from the "Maternal and Child Health Block Grant," 50948  
Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 50949  
U.S.C.A. 701, as amended, for programs including the program for 50950  
medically handicapped children, and to provide technical 50951  
assistance and consultation to city and general health districts 50952  
and local health planning organizations in implementing local, 50953  
community-based, family-centered, coordinated systems of care for 50954

medically handicapped children. The department may make grants to 50955  
persons and other entities for the provision of services with the 50956  
funds. In addition, the department may use the funds to purchase 50957  
liability insurance covering the provision of services under the 50958  
programs by physicians and other health care professionals, and to 50959  
pay health insurance premiums on behalf of medically handicapped 50960  
children participating in the program for medically handicapped 50961  
children when the department determines, in accordance with 50962  
criteria set forth in rules adopted under division (A)(9) of 50963  
section 3701.021 of the Revised Code, that payment of the premiums 50964  
is cost effective. 50965

In determining eligibility for services provided with funds 50966  
received from the "Maternal and Child Health Block Grant," the 50967  
department may use the application form established under section 50968  
~~5111.013~~ 5163.40 of the Revised Code. The department may require 50969  
applicants to furnish their social security numbers. Funds from 50970  
the "Maternal and Child Health Block Grant" that are administered 50971  
for the purpose of providing family planning services shall be 50972  
distributed in accordance with section 3701.033 of the Revised 50973  
Code. 50974

Sec. 3701.033. (A) This section establishes the order of 50975  
priority to be followed by the department of health when 50976  
distributing funds for the purpose of providing family planning 50977  
services, including funds the department receives through the 50978  
"Maternal and Child Health Block Grant," Title V of the "Social 50979  
Security Act," 95 Stat. 818 (1981), 42 U.S.C. 701, as amended, and 50980  
funds the department receives through Title X of the "Public 50981  
Health Service Act," 84 Stat. 1504 (1970), 42 U.S.C. 300a, as 50982  
amended. This section does not apply to grants awarded by the 50983  
department under section 3701.046 of the Revised Code. 50984

(B) With respect to each period during which funds from a 50985

particular source are distributed for the purpose of providing 50986  
family planning services, the department is subject to both of the 50987  
following when distributing the funds to applicants seeking those 50988  
funds: 50989

(1) Foremost priority shall be given to public entities that 50990  
are operated by state or local government entities and that 50991  
provide or are able to provide family planning services. 50992

(2) If any funds remain after the department distributes 50993  
funds to public entities under division (B)(1) of this section, 50994  
the department may distribute funds to nonpublic entities. If 50995  
funds are distributed to nonpublic entities, the department shall 50996  
distribute the funds in the following order of descending 50997  
priority: 50998

(a) Nonpublic entities that are federally qualified health 50999  
centers or federally qualified health center look-alikes, both as 51000  
defined in section 3701.047 of the Revised Code, or community 51001  
action agencies, as defined in section 122.66 of the Revised Code; 51002

(b) Nonpublic entities that provide comprehensive primary and 51003  
preventive care services in addition to family planning services; 51004

(c) Nonpublic entities that provide family planning services, 51005  
but do not provide comprehensive primary and preventive care 51006  
services. 51007

**Sec. 3701.13.** The department of health shall have supervision 51008  
of all matters relating to the preservation of the life and health 51009  
of the people and have ultimate authority in matters of quarantine 51010  
and isolation, which it may declare and enforce, when neither 51011  
exists, and modify, relax, or abolish, when either has been 51012  
established. The department may approve methods of immunization 51013  
against the diseases specified in section 3313.671 of the Revised 51014  
Code for the purpose of carrying out the provisions of that 51015

section and take such actions as are necessary to encourage 51016  
vaccination against those diseases. 51017

The department may make special or standing orders or rules 51018  
for preventing the use of fluoroscopes for nonmedical purposes 51019  
~~which~~ that emit doses of radiation likely to be harmful to any 51020  
person, for preventing the spread of contagious or infectious 51021  
diseases, for governing the receipt and conveyance of remains of 51022  
deceased persons, and for such other sanitary matters as are best 51023  
controlled by a general rule. Whenever possible, the department 51024  
shall work in cooperation with the health commissioner of a 51025  
general or city health district. ~~It~~ The department may make and 51026  
enforce orders in local matters or reassign substantive authority 51027  
for mandatory programs from a general or city health district to 51028  
another general or city health district when an emergency exists, 51029  
or when the board of health of a general or city health district 51030  
has neglected or refused to act with sufficient promptness or 51031  
efficiency, or when such board has not been established as 51032  
provided by sections 3709.02, 3709.03, 3709.05, 3709.06, 3709.11, 51033  
3709.12, and 3709.14 of the Revised Code. In such cases, the 51034  
necessary expense incurred shall be paid by the general health 51035  
district or city for which the services are rendered. 51036

The department of health may require general or city health 51037  
districts to enter into agreements for shared services under 51038  
section 9.482 of the Revised Code. 51039

As a condition precedent to receiving funding from the 51040  
department of health, the director of health may require general 51041  
or city health districts to be accredited not later than July 1, 51042  
2018, by an accreditation body approved by the director. 51043

The department may make evaluative studies of the nutritional 51044  
status of Ohio residents, and of the food and nutrition-related 51045  
programs operating within the state. Every agency of the state, at 51046  
the request of the department, shall provide information and 51047

otherwise assist in the execution of such studies. 51048

**Sec. 3701.132.** The department of health is hereby designated 51049  
as the state agency to administer the "special supplemental 51050  
nutrition program for women, infants, and children" established 51051  
under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 51052  
1786, as amended. The director of health may adopt rules pursuant 51053  
to Chapter 119. of the Revised Code as necessary for administering 51054  
the program. The rules may include civil money penalties for 51055  
violations of the rules. 51056

In determining eligibility for services provided under the 51057  
program, the department may use the application form established 51058  
under section ~~5111.013~~ 5163.40 of the Revised Code for the healthy 51059  
start program. The department may require applicants to furnish 51060  
their social security numbers. 51061

If the department determines that a vendor has committed an 51062  
act with respect to the program that federal statutes or 51063  
regulations or state statutes or rules prohibit, the department 51064  
shall take action against the vendor in the manner required by 7 51065  
C.F.R. part 246, including imposition of a civil money penalty in 51066  
accordance with 7 C.F.R. 246.12, or rules adopted under this 51067  
section. 51068

**Sec. 3701.243.** (A) Except as provided in this section or 51069  
section 3701.248 of the Revised Code, no person or agency of state 51070  
or local government that acquires the information while providing 51071  
any health care service or while in the employ of a health care 51072  
facility or health care provider shall disclose or compel another 51073  
to disclose any of the following: 51074

(1) The identity of any individual on whom an HIV test is 51075  
performed; 51076

(2) The results of an HIV test in a form that identifies the 51077

individual tested; 51078

(3) The identity of any individual diagnosed as having AIDS 51079  
or an AIDS-related condition. 51080

(B)(1) Except as provided in divisions (B)(2), (C), (D), and 51081  
(F) of this section, the results of an HIV test or the identity of 51082  
an individual on whom an HIV test is performed or who is diagnosed 51083  
as having AIDS or an AIDS-related condition may be disclosed only 51084  
to the following: 51085

(a) The individual who was tested or the individual's legal 51086  
guardian, and the individual's spouse or any sexual partner; 51087

(b) A person to whom disclosure is authorized by a written 51088  
release, executed by the individual tested or by the individual's 51089  
legal guardian and specifying to whom disclosure of the test 51090  
results or diagnosis is authorized and the time period during 51091  
which the release is to be effective; 51092

(c) The individual's physician; 51093

(d) The department of health or a health commissioner to 51094  
which reports are made under section 3701.24 of the Revised Code; 51095

(e) A health care facility or provider that procures, 51096  
processes, distributes, or uses a human body part from a deceased 51097  
individual, donated for a purpose specified in Chapter 2108. of 51098  
the Revised Code, and that needs medical information about the 51099  
deceased individual to ensure that the body part is medically 51100  
acceptable for its intended purpose; 51101

(f) Health care facility staff committees or accreditation or 51102  
oversight review organizations conducting program monitoring, 51103  
program evaluation, or service reviews; 51104

(g) A health care provider, emergency medical services 51105  
worker, or peace officer who sustained a significant exposure to 51106  
the body fluids of another individual, if that individual was 51107



tested pursuant to division (E)(6) of section 3701.242 of the Revised Code, except that the identity of the individual tested shall not be revealed;

(h) To law enforcement authorities pursuant to a search warrant or a subpoena issued by or at the request of a grand jury, a prosecuting attorney, a city director of law or similar chief legal officer of a municipal corporation, or a village solicitor, in connection with a criminal investigation or prosecution.

(2) The results of an HIV test or a diagnosis of AIDS or an AIDS-related condition may be disclosed to a health care provider, or an authorized agent or employee of a health care facility or a health care provider, if the provider, agent, or employee has a medical need to know the information and is participating in the diagnosis, care, or treatment of the individual on whom the test was performed or who has been diagnosed as having AIDS or an AIDS-related condition.

This division does not impose a standard of disclosure different from the standard for disclosure of all other specific information about a patient to health care providers and facilities. Disclosure may not be requested or made solely for the purpose of identifying an individual who has a positive HIV test result or has been diagnosed as having AIDS or an AIDS-related condition in order to refuse to treat the individual. Referral of an individual to another health care provider or facility based on reasonable professional judgment does not constitute refusal to treat the individual.

(3) Not later than ninety days after November 1, 1989, each health care facility in this state shall establish a protocol to be followed by employees and individuals affiliated with the facility in making disclosures authorized by division (B)(2) of this section. A person employed by or affiliated with a health care facility who determines in accordance with the protocol

established by the facility that a disclosure is authorized by 51140  
division (B)(2) of this section is immune from liability to any 51141  
person in a civil action for damages for injury, death, or loss to 51142  
person or property resulting from the disclosure. 51143

(C)(1) Any person or government agency may seek access to or 51144  
authority to disclose the HIV test records of an individual in 51145  
accordance with the following provisions: 51146

(a) The person or government agency shall bring an action in 51147  
a court of common pleas requesting disclosure of or authority to 51148  
disclose the results of an HIV test of a specific individual, who 51149  
shall be identified in the complaint by a pseudonym but whose name 51150  
shall be communicated to the court confidentially, pursuant to a 51151  
court order restricting the use of the name. The court shall 51152  
provide the individual with notice and an opportunity to 51153  
participate in the proceedings if the individual is not named as a 51154  
party. Proceedings shall be conducted in chambers unless the 51155  
individual agrees to a hearing in open court. 51156

(b) The court may issue an order granting the plaintiff 51157  
access to or authority to disclose the test results only if the 51158  
court finds by clear and convincing evidence that the plaintiff 51159  
has demonstrated a compelling need for disclosure of the 51160  
information that cannot be accommodated by other means. In 51161  
assessing compelling need, the court shall weigh the need for 51162  
disclosure against the privacy right of the individual tested and 51163  
against any disservice to the public interest that might result 51164  
from the disclosure, such as discrimination against the individual 51165  
or the deterrence of others from being tested. 51166

(c) If the court issues an order, it shall guard against 51167  
unauthorized disclosure by specifying the persons who may have 51168  
access to the information, the purposes for which the information 51169  
shall be used, and prohibitions against future disclosure. 51170

(2) A person or government agency that considers it necessary to disclose the results of an HIV test of a specific individual in an action in which it is a party may seek authority for the disclosure by filing an in camera motion with the court in which the action is being heard. In hearing the motion, the court shall employ procedures for confidentiality similar to those specified in division (C)(1) of this section. The court shall grant the motion only if it finds by clear and convincing evidence that a compelling need for the disclosure has been demonstrated.

(3) Except for an order issued in a criminal prosecution or an order under division (C)(1) or (2) of this section granting disclosure of the result of an HIV test of a specific individual, a court shall not compel a blood bank, hospital blood center, or blood collection facility to disclose the result of HIV tests performed on the blood of voluntary donors in a way that reveals the identity of any donor.

(4) In a civil action in which the plaintiff seeks to recover damages from an individual defendant based on an allegation that the plaintiff contracted the HIV virus as a result of actions of the defendant, the prohibitions against disclosure in this section do not bar discovery of the results of any HIV test given to the defendant or any diagnosis that the defendant suffers from AIDS or an AIDS-related condition.

(D) The results of an HIV test or the identity of an individual on whom an HIV test is performed or who is diagnosed as having AIDS or an AIDS-related condition may be disclosed to a federal, state, or local government agency, or the official representative of such an agency, for purposes of the ~~medical assistance~~ medicaid program established under ~~section 5111.01 of the Revised Code, the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935) 42 U.S.C.A. 301, as amended,~~ or any other public assistance program.

(E) Any disclosure pursuant to this section shall be in 51203  
writing and accompanied by a written statement that includes the 51204  
following or substantially similar language: "This information has 51205  
been disclosed to you from confidential records protected from 51206  
disclosure by state law. You shall make no further disclosure of 51207  
this information without the specific, written, and informed 51208  
release of the individual to whom it pertains, or as otherwise 51209  
permitted by state law. A general authorization for the release of 51210  
medical or other information is not sufficient for the purpose of 51211  
the release of HIV test results or diagnoses." 51212

(F) An individual who knows that the individual has received 51213  
a positive result on an HIV test or has been diagnosed as having 51214  
AIDS or an AIDS-related condition shall disclose this information 51215  
to any other person with whom the individual intends to make 51216  
common use of a hypodermic needle or engage in sexual conduct as 51217  
defined in section 2907.01 of the Revised Code. An individual's 51218  
compliance with this division does not prohibit a prosecution of 51219  
the individual for a violation of division (B) of section 2903.11 51220  
of the Revised Code. 51221

(G) Nothing in this section prohibits the introduction of 51222  
evidence concerning an HIV test of a specific individual in a 51223  
criminal proceeding. 51224

**Sec. 3701.261.** (A) As used in this section, "state 51225  
university" has the same meaning as in section 3345.011 of the 51226  
Revised Code. 51227

(B) The director of health shall: 51228

(1) Establish a population-based cancer registry, which shall 51229  
be known as the Ohio cancer incidence surveillance system, to 51230  
monitor the incidence of various types of malignant diseases in 51231  
Ohio, make appropriate epidemiologic studies to determine any 51232  
causal relations of such diseases with occupational, nutritional, 51233

environmental, or infectious conditions, and alleviate or 51234  
eliminate any such conditions; 51235

(2) Advise, consult, cooperate with, and assist, by contract 51236  
or otherwise, agencies of the state and federal government, 51237  
agencies of the governments of other states, agencies of political 51238  
subdivisions of this state, universities, private organizations, 51239  
corporations, and associations for the purposes of division 51240  
~~(A)~~(B)(1) of this section; 51241

(3) Accept and administer grants from the federal government 51242  
or other sources, public or private, for carrying out any of the 51243  
functions enumerated in divisions ~~(A)~~(B)(1) and (2) of this 51244  
section. 51245

~~(B)~~(C) The Ohio cancer incidence surveillance system shall 51246  
follow a model of cancer data collection as set forth by the 51247  
survey epidemiology and end results system (SEERS). 51248

(D) The department may, by contract, designate a state 51249  
university as an agent to implement some or all of this section 51250  
and section 3701.262 of the Revised Code and the rules adopted 51251  
under those sections. 51252

**Sec. 3701.262.** (A) As used in this section ~~and section 51253  
3701.263 of the Revised Code:~~ 51254

(1) "Physician" means a person who holds a valid certificate 51255  
issued under Chapter 4731. of the Revised Code authorizing the 51256  
person to practice medicine ~~or~~ and surgery or osteopathic medicine 51257  
and surgery. 51258

(2) "Dentist" means a person who is licensed under Chapter 51259  
4715. of the Revised Code to practice dentistry. 51260

(3) "Hospital" has the same meaning as in section 3727.01 of 51261  
the Revised Code. 51262

(4) "Cancer" includes those diseases specified by rule of the 51263

director of health under division (B)(2) of this section. 51264

(B) The director of health shall adopt rules in accordance 51265  
with Chapter 119. of the Revised Code to do all of the following: 51266

(1) Establish the Ohio cancer incidence surveillance system 51267  
required by section 3701.261 of the Revised Code; 51268

(2) Specify the types of cancer and other tumorous and 51269  
precancerous diseases to be reported to the department of health 51270  
under division (D) of this section; 51271

(3) Establish reporting requirements for information 51272  
concerning diagnosed cancer cases as the director considers 51273  
necessary to conduct epidemiologic surveys of cancer in this 51274  
state; 51275

(4) Establish standards that must be met by research projects 51276  
to be eligible to receive information concerning individual cancer 51277  
patients from the department of health ~~under division (B) of~~ 51278  
~~section 3701.263 of the Revised Code.~~ 51279

(C) The department of health shall record in the registry all 51280  
reports of cancer received by it. In the development and 51281  
administration of the cancer registry the department may use 51282  
information compiled by public or private cancer registries and 51283  
may contract for the collection and analysis of, and research 51284  
related to, the information recorded under this section. 51285

(D)(1) Each physician, dentist, hospital, or person providing 51286  
diagnostic or treatment services to patients with cancer shall 51287  
report each case of cancer to the department. Any person required 51288  
to report pursuant to this section may elect to report to the 51289  
department through an existing cancer registry if the registry 51290  
meets the reporting standards established by the director and 51291  
reports to the department. 51292

(2) No person shall fail to make the cancer reports required 51293

by division (D)(1) of this section. 51294

(E) All physicians, dentists, hospitals, or persons providing 51295  
diagnostic or treatment services to patients with cancer shall 51296  
grant to the department or its authorized representative access to 51297  
all records that identify cases of cancer or establish 51298  
characteristics of cancer, the treatment of cancer, or the medical 51299  
status of any identified cancer patient. 51300

(F) The Arthur G. James cancer hospital and Richard J. Solove 51301  
research institute of the Ohio state university, shall analyze and 51302  
evaluate the cancer reports collected pursuant to this section. 51303  
The department shall publish and make available to the public 51304  
reports summarizing the information collected. Reports shall be 51305  
made on a calendar year basis and published not later than ninety 51306  
days after the end of each calendar year. 51307

(G) Furnishing information, including records, reports, 51308  
statements, notes, memoranda, or other information, to the 51309  
department of health, either voluntarily or as required by this 51310  
section, or to a person or governmental entity designated as a 51311  
medical research project by the department, does not subject a 51312  
physician, dentist, hospital, or person providing diagnostic or 51313  
treatment services to patients with cancer to liability in an 51314  
action for damages or other relief for furnishing the information. 51315

(H) This section does not affect the authority of any person 51316  
or facility providing diagnostic or treatment services to patients 51317  
with cancer to maintain facility-based tumor registries, in 51318  
addition to complying with the reporting requirements of this 51319  
section. 51320

~~(I) No person shall fail to make the cancer reports required 51321  
by division (D) of this section. 51322~~

**Sec. 3701.264.** There is hereby created the Ohio cancer 51323

incidence surveillance system advisory board. The board shall 51324  
consist of the director of health, who shall serve as chair of the 51325  
board, and one representative, appointed by the governor, from 51326  
each medical school accredited by the liaison committee on medical 51327  
education and each osteopathic medical school accredited by the 51328  
American osteopathic association in Ohio. In addition, the 51329  
director of health shall appoint up to three additional members of 51330  
the board. Vacancies on the board shall be filled in the same 51331  
manner as the initial appointments. Members shall serve without 51332  
compensation. 51333

The board shall provide oversight of the collection and 51334  
analysis of data by the Ohio cancer incidence surveillance system 51335  
to the director of health and the Arthur G. James cancer hospital 51336  
and Richard J. Solove research institute of the Ohio state 51337  
university and advise in the implementation of sections 3701.261 51338  
~~to 3701.263~~ and 3701.262 of the Revised Code. The board shall meet 51339  
and conduct its business as directed by the chair. 51340

~~The board shall report to the finance committees of both 51341  
houses of the general assembly, not later than March 1, 2001, on 51342  
the progress made in implementing sections 3701.261 to 3701.263 of 51343  
the Revised Code. 51344~~

The board is not subject to sections 101.82 to 101.87 of the 51345  
Revised Code. 51346

**Sec. 3701.342.** ~~After consultation with the public health 51347  
standards task force established under section 3701.343 of the 51348  
Revised Code, the~~ The director of health shall adopt rules 51349  
establishing minimum standards and optimum achievable standards 51350  
for boards of health and local health departments. The minimum 51351  
standards shall assure that boards of health and local health 51352  
departments provide for: 51353



(A) Analysis and prevention of communicable disease;	51354
(B) Analysis of the causes of, and appropriate treatment for, the leading causes of morbidity and mortality;	51355 51356
(C) The administration and management of the local health department;	51357 51358
(D) Access to primary health care by medically underserved individuals;	51359 51360
(E) Environmental health management programs;	51361
(F) Health promotion services designed to encourage individual and community wellness;	51362 51363
<u>(G) Annual completion of two continuing education units by each member of a board of health.</u>	51364 51365
The director shall adopt rules establishing a formula for distribution of state health district subsidy funds to boards of health and local health departments. The formula shall provide no subsidy funds to a board or department unless it meets minimum standards and shall provide higher funding levels for boards and districts that meet optimum achievable standards.	51366 51367 51368 51369 51370 51371
Notwithstanding section 119.03 of the Revised Code, rules adopted under this section shall not take effect unless approved by concurrent resolution of the general assembly.	51372 51373 51374
<b>Sec. 3701.344.</b> As used in this section and sections 3701.345, 3701.346, and 3701.347 of the Revised Code:	51375 51376
(A) "Private water system" means any water system for the provision of water for human consumption, if such system has fewer than fifteen service connections and does not regularly serve an average of at least twenty-five individuals daily at least sixty days out of the year. A private water system includes any well, spring, cistern, pond, or hauled water and any equipment for the	51377 51378 51379 51380 51381 51382

collection, transportation, filtration, disinfection, treatment, 51383  
or storage of such water extending from and including the source 51384  
of the water to the point of discharge from any pressure tank or 51385  
other storage vessel; to the point of discharge from the water 51386  
pump where no pressure tank or other storage vessel is present; 51387  
or, in the case of multiple service connections serving more than 51388  
one dwelling, to the point of discharge from each service 51389  
connection. "Private water system" does not include the water 51390  
service line extending from the point of discharge to a structure. 51391

(B) Notwithstanding section 3701.347 of the Revised Code and 51392  
subject to division (C) of this section, rules adopted by the 51393  
director of health regarding private water systems shall provide 51394  
for the following: 51395

(1) Except as otherwise provided in this division, boards of 51396  
health of city or general health districts shall be given the 51397  
exclusive power to establish fees in accordance with section 51398  
3709.09 of the Revised Code for administering and enforcing such 51399  
rules. Such fees shall establish a different rate for 51400  
administering and enforcing the rules relative to private water 51401  
systems serving single-family dwelling houses and nonsingle-family 51402  
dwelling houses. Except for an amount established by the director, 51403  
pursuant to division (B)(5) of this section, for each new private 51404  
water system installation, no portion of any fee for administering 51405  
and enforcing such rules shall be returned to the department of 51406  
health. If the director of health determines that a board of 51407  
health of a city or general health district is unable to 51408  
administer and enforce a private water system program in the 51409  
district, the director shall administer and enforce such a program 51410  
in the district and establish fees for such administration and 51411  
enforcement. 51412

(2) Boards of health of city or general health districts 51413  
shall be given the exclusive power to determine the number of 51414

inspections necessary for determining the safe drinking 51415  
characteristics of a private water system. 51416

(3) Private water systems contractors, as a condition of 51417  
doing business in this state, shall annually register with, and 51418  
comply with surety bonding requirements of, the department of 51419  
health. No such contractor shall be permitted to register if the 51420  
contractor fails to comply with all applicable rules adopted by 51421  
the director and the board of health of the city or general health 51422  
district. The annual registration fee for private water systems 51423  
contractors shall be sixty-five dollars. The director, by rule 51424  
adopted in accordance with Chapter 119. of the Revised Code, may 51425  
increase the annual registration fee. 51426

(4) Subject to rules adopted by the director, boards of 51427  
health of city or general health districts shall have the option 51428  
of determining whether bacteriological examinations shall be 51429  
performed at approved laboratories of the state or at approved 51430  
private laboratories. 51431

(5) The director may establish fees for each new private 51432  
water system installation, which shall be collected by the 51433  
appropriate board of health and transmitted to the director 51434  
pursuant to section 3709.092 of the Revised Code. 51435

(6) All fees received by the director of health under 51436  
divisions (B)(1), (3), and (5) of this section shall be deposited 51437  
in the state treasury to the credit of the general operations fund 51438  
created in section 3701.83 of the Revised Code for use in the 51439  
administration and enforcement of sections 3701.344 to 3701.347 of 51440  
the Revised Code and the rules pertaining to private water systems 51441  
adopted under those sections. 51442

(C) To the extent that rules adopted under division (B) of 51443  
this section require health districts to follow specific 51444  
procedures or use prescribed forms, no such procedure or form 51445

shall be implemented until it is approved by majority vote of an approval board of health commissioners, hereby created. Members of the board shall be the officers of the association of Ohio health commissioners, or any successor organization, and membership on the board shall be coterminous with holding an office of the association. No health district is required to follow a procedure or use a form required by a rule adopted under division (B) of this section without the approval of the board.

(D) A board of health shall collect well log filing fees on behalf of the division of soil and water resources in the department of natural resources in accordance with section 1521.05 of the Revised Code and rules adopted under it. The fees shall be submitted to the division quarterly as provided in those rules.

(E) A water system that does not provide water for human consumption shall not be required to obtain a permit or license issued under, pay any fees assessed or levied under, or comply with any rule adopted under sections 3701.34 to 3701.347 of the Revised Code.

**Sec. 3701.507.** (A) To assist in implementing sections 3701.503 to 3701.509 of the Revised Code, the medically handicapped children's medical advisory council created in section 3701.025 of the Revised Code shall appoint a permanent infant hearing screening subcommittee. The subcommittee shall consist of the following members:

- (1) One otolaryngologist;
- (2) One neonatologist;
- (3) One pediatrician;
- (4) One neurologist;
- (5) One hospital administrator;
- (6) Two or more audiologists who are experienced in infant

hearing screening and evaluation;	51476
(7) One speech-language pathologist licensed under section 4753.07 of the Revised Code;	51477 51478
(8) Two persons who are each a parent of a hearing-impaired child;	51479 51480
(9) One geneticist;	51481
(10) One epidemiologist;	51482
(11) One adult who is deaf or hearing impaired;	51483
(12) One representative from an organization for the deaf or hearing impaired;	51484 51485
(13) One family advocate;	51486
(14) One nurse from a well-baby neonatal nursery;	51487
(15) One nurse from a special care neonatal nursery;	51488
(16) One teacher of the deaf who works with infants and toddlers;	51489 51490
(17) One representative of the health insurance industry;	51491
(18) One representative of the bureau for children with medical handicaps;	51492 51493
(19) One representative of the department of education;	51494
(20) One representative of the Ohio department of <del>job and family services who has responsibilities regarding</del> medicaid;	51495 51496
(21) Any other person the advisory council appoints.	51497
(B) The infant hearing subcommittee shall:	51498
(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;	51499 51500 51501
(2) Advise and make recommendations regarding proposed rules	51502

prior to their adoption by the director under section 3701.508 of the Revised Code; 51503  
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(3) Consult with the director of health and advise and make recommendations regarding program development and implementation under sections 3701.503 to 3701.509 of the Revised Code, including all of the following: 51505  
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(a) Establishment under section 3701.504 of the Revised Code of the statewide hearing screening, tracking, and early intervention program to identify newborn and infant hearing impairment; 51509  
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(b) Identification of locations where hearing evaluations may be conducted; 51513  
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(c) Recommendations for methods and techniques of hearing screening and hearing evaluation; 51515  
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(d) Referral, data recording and compilation, and procedures to encourage follow-up hearing care; 51517  
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(e) Maintenance of a register of newborns and infants who do not pass the hearing screening; 51519  
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(f) Preparation of the information required by section 3701.506 of the Revised Code. 51521  
51522

**Sec. 3701.5010.** (A) As used in this section: 51523

(1) "Critical congenital heart defects screening" means the identification of a newborn that may have a critical congenital heart defect, through the use of a physiologic test; 51524  
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(2) "Freestanding birthing center" has the same meaning as in section 3702.141 of the Revised Code; 51527  
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(3) "Hospital," "maternity unit," "newborn," and "physician" have the same meanings as in section 3701.503 of the Revised Code. 51529  
51530

(B) Except as provided in division (C) of this section, each 51531

hospital and each freestanding birthing center shall conduct a 51532  
critical congenital heart defects screening on each newborn born 51533  
in the hospital or center, unless the newborn is being transferred 51534  
to another hospital. The screening shall be performed after the 51535  
newborn reaches twenty-four hours of age but before discharge. If 51536  
the newborn is transferred to another hospital, that hospital 51537  
shall conduct the screening when determined to be medically 51538  
appropriate. 51539

The hospital or center shall promptly notify the newborn's 51540  
parent, guardian, or custodian and attending physician of the 51541  
screening results. The hospital or center shall notify the 51542  
department of health of the screening results for each newborn 51543  
screened. 51544

(C) A hospital or freestanding birthing center shall not 51545  
conduct a critical congenital heart defects screening if the 51546  
newborn's parent objects on the grounds that the screening 51547  
conflicts with the parent's religious tenets and practices. 51548

(D) The director of health shall establish and maintain a 51549  
statewide tracking and monitoring system to ensure that universal 51550  
critical congenital heart defects screening is implemented. 51551

(E) The director shall adopt rules in accordance with Chapter 51552  
119. of the Revised Code establishing standards and procedures for 51553  
the screening required by this section, including all of the 51554  
following: 51555

(1) Identifying the critical congenital heart defects to be 51556  
included in the screening; 51557

(2) Specifying equipment to be used for and methods of 51558  
screening for critical congenital heart defects; 51559

(3) Designating the person or persons who will be responsible 51560  
for causing screenings and rescreenings to be performed; 51561

(4) Providing notice to the newborn's parent, guardian, or custodian of the required initial screening and the possibility that rescreenings may be necessary; 51562  
51563  
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(5) Communicating to the newborn's parent, guardian, or custodian and attending physician the results of the screening and any rescreenings; 51565  
51566  
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(6) Causing rescreenings to be performed when initial screenings have abnormal results; 51568  
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(7) Referring newborns who receive abnormal screening or rescreening results to providers of follow-up services. 51570  
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Sec. 3701.541. As used in this section, "board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code. 51572  
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Any state funds or funds from the federal government distributed by the department of health to a board of health or a city or general health district shall be distributed directly to the board or district. The department shall not distribute any such funds on a regional basis. 51576  
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**Sec. 3701.74.** (A) As used in this section and section 3701.741 of the Revised Code: 51581  
51582

(1) "Ambulatory care facility" means a facility that provides medical, diagnostic, or surgical treatment to patients who do not require hospitalization, including a dialysis center, ambulatory surgical facility, cardiac catheterization facility, diagnostic imaging center, extracorporeal shock wave lithotripsy center, home health agency, inpatient hospice, birthing center, radiation therapy center, emergency facility, and an urgent care center. "Ambulatory care facility" does not include the private office of a physician or dentist, whether the office is for an individual or 51583  
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group practice.	51592
(2) "Chiropractor" means an individual licensed under Chapter 4734. of the Revised Code to practice chiropractic.	51593 51594
(3) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.	51595 51596 51597
(4) "Health care practitioner" means all of the following:	51598
(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	51599 51600
(b) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	51601 51602
(c) An optometrist licensed under Chapter 4725. of the Revised Code;	51603 51604
(d) A dispensing optician, spectacle dispensing optician, contact lens dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;	51605 51606 51607 51608
(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	51609 51610
(f) A physician;	51611
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	51612 51613
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	51614 51615
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	51616 51617
(j) A chiropractor;	51618
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	51619 51620

(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	51621 51622
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	51623 51624
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	51625 51626
(o) A professional clinical counselor, professional counselor, social worker, or independent social worker licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	51627 51628 51629 51630
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	51631 51632
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	51633 51634
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	51635 51636 51637
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	51638 51639 51640
(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	51641 51642
(7) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; a residential facility licensed under section <del>5119.22</del> <u>5119.34</u> of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; a nursing facility <del>or intermediate care facility for the mentally retarded</del> , as those <del>terms</del> are defined in section <del>5111.20</del> <u>5165.01</u> of the Revised Code;	51643 51644 51645 51646 51647 51648 51649 51650

~~a facility or portion of a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended, as defined in section 5165.01 of the Revised Code; and an intermediate care facility for the mentally retarded, as defined in section 5124.01 of the Revised Code.~~

(8) "Medical record" means data in any form that pertains to a patient's medical history, diagnosis, prognosis, or medical condition and that is generated and maintained by a health care provider in the process of the patient's health care treatment.

(9) "Medical records company" means a person who stores, locates, or copies medical records for a health care provider, or is compensated for doing so by a health care provider, and charges a fee for providing medical records to a patient or patient's representative.

(10) "Patient" means either of the following:

(a) An individual who received health care treatment from a health care provider;

(b) A guardian, as defined in section 1337.11 of the Revised Code, of an individual described in division (A)(10)(a) of this section.

(11) "Patient's personal representative" means a minor patient's parent or other person acting in loco parentis, a court-appointed guardian, or a person with durable power of attorney for health care for a patient, the executor or administrator of the patient's estate, or the person responsible for the patient's estate if it is not to be probated. "Patient's personal representative" does not include an insurer authorized under Title XXXIX of the Revised Code to do the business of sickness and accident insurance in this state, a health insuring corporation holding a certificate of authority under Chapter 1751.

of the Revised Code, or any other person not named in this 51682  
division. 51683

(12) "Pharmacy" has the same meaning as in section 4729.01 of 51684  
the Revised Code. 51685

(13) "Physician" means a person authorized under Chapter 51686  
4731. of the Revised Code to practice medicine and surgery, 51687  
osteopathic medicine and surgery, or podiatric medicine and 51688  
surgery. 51689

(14) "Authorized person" means a person to whom a patient has 51690  
given written authorization to act on the patient's behalf 51691  
regarding the patient's medical record. 51692

(B) A patient, a patient's personal representative or an 51693  
authorized person who wishes to examine or obtain a copy of part 51694  
or all of a medical record shall submit to the health care 51695  
provider a written request signed by the patient, personal 51696  
representative, or authorized person dated not more than one year 51697  
before the date on which it is submitted. The request shall 51698  
indicate whether the copy is to be sent to the requestor, 51699  
physician or chiropractor, or held for the requestor at the office 51700  
of the health care provider. Within a reasonable time after 51701  
receiving a request that meets the requirements of this division 51702  
and includes sufficient information to identify the record 51703  
requested, a health care provider that has the patient's medical 51704  
records shall permit the patient to examine the record during 51705  
regular business hours without charge or, on request, shall 51706  
provide a copy of the record in accordance with section 3701.741 51707  
of the Revised Code, except that if a physician or chiropractor 51708  
who has treated the patient determines for clearly stated 51709  
treatment reasons that disclosure of the requested record is 51710  
likely to have an adverse effect on the patient, the health care 51711  
provider shall provide the record to a physician or chiropractor 51712  
designated by the patient. The health care provider shall take 51713

reasonable steps to establish the identity of the person making 51714  
the request to examine or obtain a copy of the patient's record. 51715

(C) If a health care provider fails to furnish a medical 51716  
record as required by division (B) of this section, the patient, 51717  
personal representative, or authorized person who requested the 51718  
record may bring a civil action to enforce the patient's right of 51719  
access to the record. 51720

(D)(1) This section does not apply to medical records whose 51721  
release is covered by section 173.20 or 3721.13 of the Revised 51722  
Code, by Chapter 1347. or 5122. of the Revised Code, by 42 C.F.R. 51723  
part 2, "Confidentiality of Alcohol and Drug Abuse Patient 51724  
Records," or by 42 C.F.R. 483.10. 51725

(2) Nothing in this section is intended to supersede the 51726  
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 51727  
and 2305.252 of the Revised Code. 51728

**Sec. 3701.741.** (A) Each health care provider and medical 51729  
records company shall provide copies of medical records in 51730  
accordance with this section. 51731

(B) Except as provided in divisions (C) and (E) of this 51732  
section, a health care provider or medical records company that 51733  
receives a request for a copy of a patient's medical record shall 51734  
charge not more than the amounts set forth in this section. 51735

(1) If the request is made by the patient or the patient's 51736  
personal representative, total costs for copies and all services 51737  
related to those copies shall not exceed the sum of the following: 51738

(a) Except as provided in division (B)(1)(b) of this section, 51739  
with respect to data recorded on paper or electronically, the 51740  
following amounts adjusted in accordance with section 3701.742 of 51741  
the Revised Code: 51742

(i) Two dollars and seventy-four cents per page for the first 51743

ten pages; 51744

(ii) Fifty-seven cents per page for pages eleven through 51745  
fifty; 51746

(iii) Twenty-three cents per page for pages fifty-one and 51747  
higher; 51748

(b) With respect to data resulting from an x-ray, magnetic 51749  
resonance imaging (MRI), or computed axial tomography (CAT) scan 51750  
and recorded on paper or film, one dollar and eighty-seven cents 51751  
per page; 51752

(c) The actual cost of any related postage incurred by the 51753  
health care provider or medical records company. 51754

(2) If the request is made other than by the patient or the 51755  
patient's personal representative, total costs for copies and all 51756  
services related to those copies shall not exceed the sum of the 51757  
following: 51758

(a) An initial fee of sixteen dollars and eighty-four cents 51759  
adjusted in accordance with section 3701.742 of the Revised Code, 51760  
which shall compensate for the records search; 51761

(b) Except as provided in division (B)(2)(c) of this section, 51762  
with respect to data recorded on paper or electronically, the 51763  
following amounts adjusted in accordance with section 3701.742 of 51764  
the Revised Code: 51765

(i) One dollar and eleven cents per page for the first ten 51766  
pages; 51767

(ii) Fifty-seven cents per page for pages eleven through 51768  
fifty; 51769

(iii) Twenty-three cents per page for pages fifty-one and 51770  
higher. 51771

(c) With respect to data resulting from an x-ray, magnetic 51772  
resonance imaging (MRI), or computed axial tomography (CAT) scan 51773

and recorded on paper or film, one dollar and eighty-seven cents 51774  
per page; 51775

(d) The actual cost of any related postage incurred by the 51776  
health care provider or medical records company. 51777

(C)(1) On request, a health care provider or medical records 51778  
company shall provide one copy of the patient's medical record and 51779  
one copy of any records regarding treatment performed subsequent 51780  
to the original request, not including copies of records already 51781  
provided, without charge to the following: 51782

(a) The bureau of workers' compensation, in accordance with 51783  
Chapters 4121. and 4123. of the Revised Code and the rules adopted 51784  
under those chapters; 51785

(b) The industrial commission, in accordance with Chapters 51786  
4121. and 4123. of the Revised Code and the rules adopted under 51787  
those chapters; 51788

(c) The department of ~~job and family services~~ medicaid or a 51789  
county department of job and family services, in accordance with 51790  
Chapters ~~5101.~~ 5160., 5161., 5162., 5163., 5164., 5165., 5166., 51791  
and ~~5111.~~ 5167. of the Revised Code and the rules adopted under 51792  
those chapters; 51793

(d) The attorney general, in accordance with sections 2743.51 51794  
to 2743.72 of the Revised Code and any rules that may be adopted 51795  
under those sections; 51796

(e) A patient, patient's personal representative, or 51797  
authorized person if the medical record is necessary to support a 51798  
claim under Title II or Title XVI of the "Social Security Act," 49 51799  
Stat. 620 (1935), 42 U.S.C.A. 401 and 1381, as amended, and the 51800  
request is accompanied by documentation that a claim has been 51801  
filed. 51802

(2) Nothing in division (C)(1) of this section requires a 51803

health care provider or medical records company to provide a copy 51804  
without charge to any person or entity not listed in division 51805  
(C)(1) of this section. 51806

(D) Division (C) of this section shall not be construed to 51807  
supersede any rule of the bureau of workers' compensation, the 51808  
industrial commission, or the department of ~~job and family~~ 51809  
~~services~~ medicaid. 51810

(E) A health care provider or medical records company may 51811  
enter into a contract with either of the following for the copying 51812  
of medical records at a fee other than as provided in division (B) 51813  
of this section: 51814

(1) A patient, a patient's personal representative, or an 51815  
authorized person; 51816

(2) An insurer authorized under Title XXXIX of the Revised 51817  
Code to do the business of sickness and accident insurance in this 51818  
state or health insuring corporations holding a certificate of 51819  
authority under Chapter 1751. of the Revised Code. 51820

(F) This section does not apply to medical records the 51821  
copying of which is covered by section 173.20 of the Revised Code 51822  
or by 42 C.F.R. 483.10. 51823

**Sec. 3701.742.** ~~Not later than January 31, 2006, the~~ The 51824  
amounts specified in division (B) of section 3701.741 of the 51825  
Revised Code ~~and, not later than the first day of January of each~~ 51826  
~~year thereafter,~~ shall be adjusted annually in accordance with 51827  
this section. These amounts plus any amounts previously computed 51828  
by annual adjustments made under this section, shall be increased 51829  
or decreased by the average percentage of increase or decrease in 51830  
the consumer price index for all urban consumers (United States 51831  
city average, all items), prepared by the United States department 51832  
of labor, bureau of labor statistics, for the 51833



~~twelve calendar month period prior to the immediately preceding~~ 51834  
~~first day of January calendar year over the calendar year~~ 51835  
immediately preceding ~~twelve calendar month period~~ that year, as 51836  
reported by the bureau. The director of health shall make this 51837  
determination and adjust the amounts accordingly. The director 51838  
shall ~~provide a list of the adjusted amounts to any party upon~~ 51839  
~~request and the department of health shall make the~~ a list of the 51840  
adjusted amounts available to the public on ~~its~~ the internet web 51841  
site maintained by the department of health. 51842

**Sec. 3701.78.** (A) There is hereby created the commission on 51843  
minority health, consisting of twenty-one members. The governor 51844  
shall appoint to the commission nine members from among health 51845  
researchers, health planners, and health professionals. The 51846  
governor also shall appoint two members who are representatives of 51847  
the lupus awareness and education program. The speaker of the 51848  
house of representatives shall appoint to the commission two 51849  
members of the house of representatives, not more than one of whom 51850  
is a member of the same political party, and the president of the 51851  
senate shall appoint to the commission two members of the senate, 51852  
not more than one of whom is a member of the same political party. 51853  
The following shall be members of the commission: the directors of 51854  
health, ~~mental health~~ mental health and addiction services, 51855  
developmental disabilities, ~~alcohol and drug addiction services,~~ 51856  
and job and family services, or their designees, the medicaid 51857  
director, or the director's designee; and the superintendent of 51858  
public instruction, or the superintendent's designee, ~~shall be~~ 51859  
~~members of the commission. The~~ 51860

The commission shall elect a chairperson from among its 51861  
members. ~~Of~~ 51862

Of the members appointed by the governor, five shall be 51863  
appointed to initial terms of one year, and four shall be 51864

appointed to initial terms of two years. Thereafter, all members 51865  
appointed by the governor shall be appointed to terms of two 51866  
years. All members of the commission appointed by the speaker of 51867  
the house of representatives or the president of the senate shall 51868  
be nonvoting members of the commission and be appointed within 51869  
thirty days after the commencement of the first regular session of 51870  
each general assembly, and shall serve until the expiration of the 51871  
session of the general assembly during which they were appointed. 51872  
~~Members~~ 51873

Members of the commission shall serve without compensation, 51874  
but shall be reimbursed for the actual and necessary expenses they 51875  
incur in the performance of their official duties. 51876

(B) The commission shall promote health and the prevention of 51877  
disease among members of minority groups. Each year the commission 51878  
shall distribute grants from available funds to community-based 51879  
health groups to be used to promote health and the prevention of 51880  
disease among members of minority groups. As used in this 51881  
division, "minority group" means any of the following economically 51882  
disadvantaged groups: Blacks, American Indians, Hispanics, and 51883  
Orientals. The commission shall adopt and maintain rules pursuant 51884  
to Chapter 119. of the Revised Code to provide for the 51885  
distribution of these grants. No group shall qualify to receive a 51886  
grant from the commission unless it receives at least twenty per 51887  
cent of its funds from sources other than grants distributed under 51888  
this section. 51889

(C) The commission may appoint such employees as it considers 51890  
necessary to carry out its duties under this section. The 51891  
department of health shall provide office space for the 51892  
commission. 51893

(D) The commission shall meet at the call of its chairperson 51894  
to conduct its official business. A majority of the voting members 51895  
of the commission constitute a quorum. The votes of at least eight 51896

voting members of the commission are necessary for the commission 51897  
to take any official action or to approve the distribution of 51898  
grants under this section. 51899

**Sec. 3701.83.** (A) There is hereby created in the state 51900  
treasury the general operations fund. Moneys in the fund shall be 51901  
used for the purposes specified in sections 3701.04, 3701.344, 51902  
3702.20, 3710.15, 3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 51903  
3729.07, 3733.43, 3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 51904  
3749.04, 3749.07, 4747.04, ~~4751.04~~, and 4769.09 of the Revised 51905  
Code. 51906

(B) The alcohol testing program fund is hereby created in the 51907  
state treasury. The director of health shall use the fund to 51908  
administer and enforce the alcohol testing and permit program 51909  
authorized by section 3701.143 of the Revised Code. 51910

The fund shall receive transfers from the liquor control fund 51911  
created under section 4301.12 of the Revised Code. All investment 51912  
earnings of the alcohol testing program fund shall be credited to 51913  
the fund. 51914

**Sec. 3701.881.** (A) As used in this section: 51915

(1) "Applicant" means a person who is under final 51916  
consideration for employment with a home health agency in a 51917  
full-time, part-time, or temporary position that involves 51918  
providing direct care to an individual or is referred to a home 51919  
health agency by an employment service for such a position. 51920

(2) "Community-based long-term care agency provider" ~~has the~~ 51921  
~~same meaning~~ means a provider as defined in section 173.39 of the 51922  
Revised Code. 51923

(3) "Community-based long-term care subcontractor" means a 51924  
subcontractor as defined in section 173.38 of the Revised Code. 51925

<u>(4)</u> "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	51926 51927
<del>(4)</del> <u>(5)</u> "Direct care" means any of the following:	51928
(a) Any service identified in divisions (A) <del>(7)</del> <u>(8)</u> (a) to (f) of this section that is provided in a patient's place of residence used as the patient's home;	51929 51930 51931
(b) Any activity that requires the person performing the activity to be routinely alone with a patient or to routinely have access to a patient's personal property or financial documents regarding a patient;	51932 51933 51934 51935
(c) For each home health agency individually, any other routine service or activity that the chief administrator of the home health agency designates as direct care.	51936 51937 51938
<del>(5)</del> <u>(6)</u> "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.	51939 51940 51941
<del>(6)</del> <u>(7)</u> "Employee" means a person employed by a home health agency in a full-time, part-time, or temporary position that involves providing direct care to an individual and a person who works in such a position due to being referred to a home health agency by an employment service.	51942 51943 51944 51945 51946
<del>(7)</del> <u>(8)</u> "Home health agency" means a person or government entity, other than a nursing home, residential care facility, hospice care program, or pediatric respite care program, that has the primary function of providing any of the following services to a patient at a place of residence used as the patient's home:	51947 51948 51949 51950 51951
(a) Skilled nursing care;	51952
(b) Physical therapy;	51953
(c) Speech-language pathology;	51954
(d) Occupational therapy;	51955

(e) Medical social services;	51956
(f) Home health aide services.	51957
<del>(8)</del> <u>(9)</u> "Home health aide services" means any of the following services provided by an employee of a home health agency:	51958 51959
(a) Hands-on bathing or assistance with a tub bath or shower;	51960
(b) Assistance with dressing, ambulation, and toileting;	51961
(c) Catheter care but not insertion;	51962
(d) Meal preparation and feeding.	51963
<del>(9)</del> <u>(10)</u> "Hospice care program" and "pediatric respite care program" have the same meanings as in section 3712.01 of the Revised Code.	51964 51965 51966
<del>(10)</del> <u>(11)</u> "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.	51967 51968 51969
<del>(11)</del> <u>(12)</u> "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	51970 51971
<del>(12)</del> <u>(13)</u> "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code.	51972 51973 51974
<del>(13)</del> <u>(14)</u> "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code.	51975 51976
<del>(14)</del> <u>(15)</u> "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code.	51977 51978
<del>(15)</del> <u>(16)</u> "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker.	51979 51980 51981
<del>(16)</del> <u>(17)</u> "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code.	51982 51983

~~(17)~~(18) "Waiver agency" has the same meaning as in section 51984  
~~5111.033~~ 5164.342 of the Revised Code. 51985

(B) No home health agency shall employ an applicant or 51986  
continue to employ an employee in a position that involves 51987  
providing direct care to an individual if any of the following 51988  
apply: 51989

(1) A review of the databases listed in division (D) of this 51990  
section reveals any of the following: 51991

(a) That the applicant or employee is included in one or more 51992  
of the databases listed in divisions (D)(1) to (5) of this 51993  
section; 51994

(b) That there is in the state nurse aide registry 51995  
established under section 3721.32 of the Revised Code a statement 51996  
detailing findings by the director of health that the applicant or 51997  
employee neglected or abused a long-term care facility or 51998  
residential care facility resident or misappropriated property of 51999  
such a resident; 52000

(c) That the applicant or employee is included in one or more 52001  
of the databases, if any, specified in rules adopted under this 52002  
section and the rules prohibit the home health agency from 52003  
employing an applicant or continuing to employ an employee 52004  
included in such a database in a position that involves providing 52005  
direct care to an individual. 52006

(2) After the applicant or employee is provided, pursuant to 52007  
division (E)(2)(a) of this section, a copy of the form prescribed 52008  
pursuant to division (C)(1) of section 109.572 of the Revised Code 52009  
and the standard impression sheet prescribed pursuant to division 52010  
(C)(2) of that section, the applicant or employee fails to 52011  
complete the form or provide the applicant's or employee's 52012  
fingerprint impressions on the standard impression sheet. 52013

(3) Except as provided in rules adopted under this section, 52014

the applicant or employee is found by a criminal records check 52015  
required by this section to have been convicted of, pleaded guilty 52016  
to, or been found eligible for intervention in lieu of conviction 52017  
for a disqualifying offense. 52018

(C) Except as provided by division (F) of this section, the 52019  
chief administrator of a home health agency shall inform each 52020  
applicant of both of the following at the time of the applicant's 52021  
initial application for employment or referral to the home health 52022  
agency by an employment service for a position that involves 52023  
providing direct care to an individual: 52024

(1) That a review of the databases listed in division (D) of 52025  
this section will be conducted to determine whether the home 52026  
health agency is prohibited by division (B)(1) of this section 52027  
from employing the applicant in the position; 52028

(2) That, unless the database review reveals that the 52029  
applicant may not be employed in the position, a criminal records 52030  
check of the applicant will be conducted and the applicant is 52031  
required to provide a set of the applicant's fingerprint 52032  
impressions as part of the criminal records check. 52033

(D) As a condition of employing any applicant in a position 52034  
that involves providing direct care to an individual, the chief 52035  
administrator of a home health agency shall conduct a database 52036  
review of the applicant in accordance with rules adopted under 52037  
this section. If rules adopted under this section so require, the 52038  
chief administrator of a home health agency shall conduct a 52039  
database review of an employee in accordance with the rules as a 52040  
condition of continuing to employ the employee in a position that 52041  
involves providing direct care to an individual. However, the 52042  
chief administrator is not required to conduct a database review 52043  
of an applicant or employee if division (F) of this section 52044  
applies. A database review shall determine whether the applicant 52045  
or employee is included in any of the following: 52046

(1) The excluded parties list system that is maintained by 52047  
the United States general services administration pursuant to 52048  
subpart 9.4 of the federal acquisition regulation and available at 52049  
the federal web site known as the system for award management; 52050

(2) The list of excluded individuals and entities maintained 52051  
by the office of inspector general in the United States department 52052  
of health and human services pursuant to ~~section 1128 of the~~ 52053  
"Social Security Act," ~~94 Stat. 2619 (1980)~~ sections 1128 and 52054  
1156, 42 U.S.C. 1320a-7, ~~as amended, and section 1156 of the~~ 52055  
~~"Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. and 1320c-5,~~ 52056  
~~as amended;~~ 52057

(3) The registry of MR/DD employees established under section 52058  
5123.52 of the Revised Code; 52059

(4) The internet-based sex offender and child-victim offender 52060  
database established under division (A)(11) of section 2950.13 of 52061  
the Revised Code; 52062

(5) The internet-based database of inmates established under 52063  
section 5120.66 of the Revised Code; 52064

(6) The state nurse aide registry established under section 52065  
3721.32 of the Revised Code; 52066

(7) Any other database, if any, specified in rules adopted 52067  
under this section. 52068

(E)(1) As a condition of employing any applicant in a 52069  
position that involves providing direct care to an individual, the 52070  
chief administrator of a home health agency shall request the 52071  
superintendent of the bureau of criminal identification and 52072  
investigation to conduct a criminal records check of the 52073  
applicant. If rules adopted under this section so require, the 52074  
chief administrator of a home health agency shall request the 52075  
superintendent to conduct a criminal records check of an employee 52076  
at times specified in the rules as a condition of continuing to 52077



employ the employee in a position that involves providing direct 52078  
care to an individual. However, the chief administrator is not 52079  
required to request the criminal records check of the applicant or 52080  
the employee if division (F) of this section applies or the home 52081  
health agency is prohibited by division (B)(1) of this section 52082  
from employing the applicant or continuing to employ the employee 52083  
in a position that involves providing direct care to an 52084  
individual. If an applicant or employee for whom a criminal 52085  
records check request is required by this section does not present 52086  
proof of having been a resident of this state for the five-year 52087  
period immediately prior to the date upon which the criminal 52088  
records check is requested or does not provide evidence that 52089  
within that five-year period the superintendent has requested 52090  
information about the applicant from the federal bureau of 52091  
investigation in a criminal records check, the chief administrator 52092  
shall request that the superintendent obtain information from the 52093  
federal bureau of investigation as a part of the criminal records 52094  
check. Even if an applicant or employee for whom a criminal 52095  
records check request is required by this section presents proof 52096  
that the applicant or employee has been a resident of this state 52097  
for that five-year period, the chief administrator may request 52098  
that the superintendent include information from the federal 52099  
bureau of investigation in the criminal records check. 52100

(2) The chief administrator shall do all of the following: 52101

(a) Provide to each applicant and employee for whom a 52102  
criminal records check request is required by this section a copy 52103  
of the form prescribed pursuant to division (C)(1) of section 52104  
109.572 of the Revised Code and a standard impression sheet 52105  
prescribed pursuant to division (C)(2) of that section; 52106

(b) Obtain the completed form and standard impression sheet 52107  
from each applicant and employee; 52108

(c) Forward the completed form and standard impression sheet 52109

to the superintendent at the time the chief administrator requests 52110  
the criminal records check. 52111

(3) A home health agency shall pay to the bureau of criminal 52112  
identification and investigation the fee prescribed pursuant to 52113  
division (C)(3) of section 109.572 of the Revised Code for each 52114  
criminal records check the agency requests under this section. A 52115  
home health agency may charge an applicant a fee not exceeding the 52116  
amount the agency pays to the bureau under this section if both of 52117  
the following apply: 52118

(a) The home health agency notifies the applicant at the time 52119  
of initial application for employment of the amount of the fee and 52120  
that, unless the fee is paid, the applicant will not be considered 52121  
for employment. 52122

(b) The medicaid program ~~established under Chapter 5111. of~~ 52123  
~~the Revised Code~~ does not reimburse the home health agency for the 52124  
fee it pays to the bureau under this section. 52125

(F) Divisions (C) to (E) of this section do not apply with 52126  
regard to an applicant or employee if the applicant or employee is 52127  
referred to a home health agency by an employment service that 52128  
supplies full-time, part-time, or temporary staff for positions 52129  
that involve providing direct care to an individual and both of 52130  
the following apply: 52131

(1) The chief administrator of the home health agency 52132  
receives from the employment service confirmation that a review of 52133  
the databases listed in division (D) of this section was conducted 52134  
with regard to the applicant or employee. 52135

(2) The chief administrator of the home health agency 52136  
receives from the employment service, applicant, or employee a 52137  
report of the results of a criminal records check of the applicant 52138  
or employee that has been conducted by the superintendent within 52139  
the one-year period immediately preceding the following: 52140

(a) In the case of an applicant, the date of the applicant's 52141  
referral by the employment service to the home health agency; 52142

(b) In the case of an employee, the date by which the home 52143  
health agency would otherwise have to request a criminal records 52144  
check of the employee under division (E) of this section. 52145

(G)(1) A home health agency may employ conditionally an 52146  
applicant for whom a criminal records check request is required by 52147  
this section before obtaining the results of the criminal records 52148  
check if the agency is not prohibited by division (B) of this 52149  
section from employing the applicant in a position that involves 52150  
providing direct care to an individual and either of the following 52151  
applies: 52152

(a) The chief administrator of the home health agency 52153  
requests the criminal records check in accordance with division 52154  
(E) of this section not later than five business days after the 52155  
applicant begins conditional employment. 52156

(b) The applicant is referred to the home health agency by an 52157  
employment service, the employment service or the applicant 52158  
provides the chief administrator of the agency a letter that is on 52159  
the letterhead of the employment service, the letter is dated and 52160  
signed by a supervisor or another designated official of the 52161  
employment service, and the letter states all of the following: 52162

(i) That the employment service has requested the 52163  
superintendent to conduct a criminal records check regarding the 52164  
applicant; 52165

(ii) That the requested criminal records check is to include 52166  
a determination of whether the applicant has been convicted of, 52167  
pleaded guilty to, or been found eligible for intervention in lieu 52168  
of conviction for a disqualifying offense; 52169

(iii) That the employment service has not received the 52170  
results of the criminal records check as of the date set forth on 52171

the letter; 52172

(iv) That the employment service promptly will send a copy of 52173  
the results of the criminal records check to the chief 52174  
administrator of the home health agency when the employment 52175  
service receives the results. 52176

(2) If a home health agency employs an applicant 52177  
conditionally pursuant to division (G)(1)(b) of this section, the 52178  
employment service, on its receipt of the results of the criminal 52179  
records check, promptly shall send a copy of the results to the 52180  
chief administrator of the agency. 52181

(3) A home health agency that employs an applicant 52182  
conditionally pursuant to division (G)(1)(a) or (b) of this 52183  
section shall terminate the applicant's employment if the results 52184  
of the criminal records check, other than the results of any 52185  
request for information from the federal bureau of investigation, 52186  
are not obtained within the period ending sixty days after the 52187  
date the request for the criminal records check is made. 52188  
Regardless of when the results of the criminal records check are 52189  
obtained, if the results indicate that the applicant has been 52190  
convicted of, pleaded guilty to, or been found eligible for 52191  
intervention in lieu of conviction for a disqualifying offense, 52192  
the home health agency shall terminate the applicant's employment 52193  
unless circumstances specified in rules adopted under this section 52194  
that permit the agency to employ the applicant exist and the 52195  
agency chooses to employ the applicant. Termination of employment 52196  
under this division shall be considered just cause for discharge 52197  
for purposes of division (D)(2) of section 4141.29 of the Revised 52198  
Code if the applicant makes any attempt to deceive the home health 52199  
agency about the applicant's criminal record. 52200

(H) The report of any criminal records check conducted by the 52201  
bureau of criminal identification and investigation in accordance 52202  
with section 109.572 of the Revised Code and pursuant to a request 52203

made under this section is not a public record for the purposes of 52204  
section 149.43 of the Revised Code and shall not be made available 52205  
to any person other than the following: 52206

(1) The applicant or employee who is the subject of the 52207  
criminal records check or the applicant's or employee's 52208  
representative; 52209

(2) The home health agency requesting the criminal records 52210  
check or its representative; 52211

(3) The administrator of any other facility, agency, or 52212  
program that provides direct care to individuals that is owned or 52213  
operated by the same entity that owns or operates the home health 52214  
agency that requested the criminal records check; 52215

(4) The employment service that requested the criminal 52216  
records check; 52217

(5) The director of health and the staff of the department of 52218  
health who monitor a home health agency's compliance with this 52219  
section; 52220

(6) The director of aging or the director's designee if 52221  
either of the following apply: 52222

(a) In the case of a criminal records check requested by a 52223  
home health agency, the home health agency also is a 52224  
community-based long-term care ~~agency~~ provider or community-based 52225  
long-term care subcontractor; 52226

(b) In the case of a criminal records check requested by an 52227  
employment service, the employment service makes the request for 52228  
an applicant or employee the employment service refers to a home 52229  
health agency that also is a community-based long-term care ~~agency~~ 52230  
provider or community-based long-term care subcontractor. 52231

(7) The medicaid director ~~of job and family services~~ and the 52232  
staff of the department of ~~job and family services~~ medicaid who 52233

are involved in the administration of the medicaid program if 52234  
either of the following apply: 52235

(a) In the case of a criminal records check requested by a 52236  
home health agency, the home health agency also is a waiver 52237  
agency; 52238

(b) In the case of a criminal records check requested by an 52239  
employment service, the employment service makes the request for 52240  
an applicant or employee the employment service refers to a home 52241  
health agency that also is a waiver agency. 52242

(8) Any court, hearing officer, or other necessary individual 52243  
involved in a case dealing with any of the following: 52244

(a) A denial of employment of the applicant or employee; 52245

(b) Employment or unemployment benefits of the applicant or 52246  
employee; 52247

(c) A civil or criminal action regarding the medicaid 52248  
program. 52249

(I) In a tort or other civil action for damages that is 52250  
brought as the result of an injury, death, or loss to person or 52251  
property caused by an applicant or employee who a home health 52252  
agency employs in a position that involves providing direct care 52253  
to an individual, all of the following shall apply: 52254

(1) If the home health agency employed the applicant or 52255  
employee in good faith and reasonable reliance on the report of a 52256  
criminal records check requested under this section, the agency 52257  
shall not be found negligent solely because of its reliance on the 52258  
report, even if the information in the report is determined later 52259  
to have been incomplete or inaccurate. 52260

(2) If the home health agency employed the applicant in good 52261  
faith on a conditional basis pursuant to division (G) of this 52262  
section, the agency shall not be found negligent solely because it 52263

employed the applicant prior to receiving the report of a criminal records check requested under this section. 52264  
52265

(3) If the home health agency in good faith employed the applicant or employee according to the personal character standards established in rules adopted under this section, the agency shall not be found negligent solely because the applicant or employee had been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. 52266  
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(J) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. 52273  
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(1) The rules may do the following: 52275

(a) Require employees to undergo database reviews and criminal records checks under this section; 52276  
52277

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements; 52278  
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(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section. 52281  
52282  
52283

(2) The rules shall specify all of the following: 52284

(a) The procedures for conducting database reviews under this section; 52285  
52286

(b) If the rules require employees to undergo database reviews and criminal records checks under this section, the times at which the database reviews and criminal records checks are to be conducted; 52287  
52288  
52289  
52290

(c) If the rules specify other databases to be checked as part of the database reviews, the circumstances under which a home health agency is prohibited from employing an applicant or 52291  
52292  
52293

continuing to employ an employee who is found by a database review 52294  
to be included in one or more of those databases; 52295

(d) Circumstances under which a home health agency may employ 52296  
an applicant or employee who is found by a criminal records check 52297  
required by this section to have been convicted of, pleaded guilty 52298  
to, or been found eligible for intervention in lieu of conviction 52299  
for a disqualifying offense but meets personal character 52300  
standards. 52301

**Sec. 3701.921.** There is hereby established the patient 52302  
centered medical home education program in the department of 52303  
health. For the purpose of advancing education in the patient 52304  
centered medical home model of care, the director of health may 52305  
implement and administer the program pursuant to sections 3701.922 52306  
to 3701.929 of the Revised Code. The patient centered medical home 52307  
model of care is an enhanced model of primary care in which care 52308  
teams attend to the multifaceted needs of patients, providing 52309  
whole person comprehensive and coordinate patient centered care. 52310

To the extent that funds are available, the program shall 52311  
include the patient centered medical home education pilot project 52312  
and may include any other ~~pilot~~ projects the director establishes 52313  
pursuant to division (A)(3) of section 3701.922 of the Revised 52314  
Code. 52315

**Sec. 3701.922.** (A) The director of health may do any of the 52316  
following to implement and administer the patient centered medical 52317  
home education program: 52318

(1) Develop and implement programs of education or training 52319  
on the patient centered medical home model of care or other 52320  
similar enhanced models of coordinated patient centered care that 52321  
are intended to address the multifaceted needs of patients and 52322  
provide whole person comprehensive and coordinated patient 52323



centered care; 52324

(2) Advise, consult, cooperate with, and assist, by contract 52325  
or other arrangement, government agencies or institutions or 52326  
private organizations, corporations, or associations in the 52327  
development and promotion of programs pertaining to the evaluation 52328  
and implementation of the patient centered medical home model of 52329  
care or other similar enhanced models of coordinated patient 52330  
centered care; 52331

(3) Establish ~~pilot~~ projects that ~~do any of the following:~~ 52332

~~(a) Evaluate or implement the patient centered medical home 52333  
model of care or other similar enhanced models of coordinated 52334  
patient centered care;~~ 52335

~~(b) Provide~~ provide education or training on the patient 52336  
centered medical home model of care or other similar enhanced 52337  
models of coordinated patient centered care. 52338

(4) Seek and administer state funds or grants from other 52339  
sources to carry out any functions of the patient centered medical 52340  
home education program. 52341

Any funds or grants received by the director for purposes of 52342  
the program shall be used for the program. 52343

(B) The director may adopt rules as necessary to implement 52344  
and administer the patient centered medical home education 52345  
program, including rules that define what constitutes a "patient 52346  
centered medical home" for purposes of an entity authorized to 52347  
provide care coordination services. The rules shall be adopted in 52348  
accordance with Chapter 119. of the Revised Code. 52349

**Sec. 3701.94.** There is hereby established the patient 52350  
centered medical home program in the department of health. The 52351  
patient centered medical home model of care is an advanced model 52352  
of primary care in which care teams attend to the multifaceted 52353

needs of patients, providing whole person comprehensive and 52354  
coordinated patient centered care. 52355

Sec. 3701.941. (A) As part of the patient centered medical 52356  
home program established under section 3701.94 of the Revised 52357  
Code, the department of health shall establish a voluntary patient 52358  
centered medical home certification program. 52359

(B) Each primary care practice, that seeks a patient centered 52360  
medical home certificate shall submit an application on a form 52361  
prepared by the department. The department may require an 52362  
application fee and annual renewal fee as determined by the 52363  
department. If the department establishes a fee under this 52364  
section, the fee shall be in an amount that is sufficient to cover 52365  
the cost of any on-site evaluations conducted by the department or 52366  
an entity under contract with the department pursuant to section 52367  
3701.942 of the Revised Code. 52368

(C) A practice certified under this section shall do all of 52369  
the following: 52370

(1) Meet any standards developed by national independent 52371  
accrediting and medical home organizations, as determined by the 52372  
department; 52373

(2) Develop a systematic follow-up procedure for patients, 52374  
including the use of health information technology and patient 52375  
registries; 52376

(3) Implement and maintain health information technology that 52377  
meets the requirements of 42 U.S.C. 300jj; 52378

(4) Comply with the reporting requirements of section 52379  
3701.942 of the Revised Code; 52380

(5) Meet any process, outcome, and quality standards 52381  
specified by the department of health; 52382

<u>(6) Meet any other requirements established by the</u>	52383
<u>department.</u>	52384
<u>(D) The department shall seek to do all of the following</u>	52385
<u>through the certification of patient centered medical homes:</u>	52386
<u>(1) Expand, enhance, and encourage the use of primary care</u>	52387
<u>providers, including primary care physicians, advanced practice</u>	52388
<u>registered nurses, and physician assistants, as personal</u>	52389
<u>clinicians;</u>	52390
<u>(2) Develop a focus on delivering high-quality, efficient,</u>	52391
<u>and effective health care services;</u>	52392
<u>(3) Encourage patient centered care and the provision of care</u>	52393
<u>that is appropriate for a patient's race, ethnicity, and language;</u>	52394
<u>(4) Encourage the education and active participation of</u>	52395
<u>patients and patients' families or legal guardians, as</u>	52396
<u>appropriate, in decision making and care plan development;</u>	52397
<u>(5) Provide patients with consistent, ongoing contact with a</u>	52398
<u>personal clinician or team of clinical professionals to ensure</u>	52399
<u>continuous and appropriate care;</u>	52400
<u>(6) Ensure that patient centered medical homes develop and</u>	52401
<u>maintain appropriate comprehensive care plans for patients with</u>	52402
<u>complex or chronic conditions, including an assessment of health</u>	52403
<u>risks and chronic conditions;</u>	52404
<u>(7) Ensure that patient centered medical homes plan for</u>	52405
<u>transition of care from youth to adult to senior;</u>	52406
<u>(8) Enable and encourage use of a range of qualified health</u>	52407
<u>care professionals, including dedicated care coordinators, in a</u>	52408
<u>manner that enables those professionals to practice to the fullest</u>	52409
<u>extent of their professional licenses.</u>	52410
<b><u>Sec. 3701.942. (A) Each certified patient centered medical</u></b>	52411

home shall report health care quality and performance information 52412  
to the department of health, including any data necessary for 52413  
monitoring compliance with certification standards and for 52414  
evaluating the impact of patient centered medical homes on health 52415  
care quality, cost, and outcomes. 52416

(B) The department may contract with a private entity to 52417  
evaluate the effectiveness of certified patient centered medical 52418  
homes. The department may provide the entity with data collected 52419  
under division (A) of this section. 52420

(C) The department may contract with national independent 52421  
accrediting and medical home organizations to provide on-site 52422  
evaluation of primary care practices and verification of data 52423  
collected under division (A) of this section. 52424

(D) Data collected under this section is not a public record 52425  
under section 149.43 of the Revised Code. 52426

**Sec. 3701.943.** (A) The department of health shall submit a 52427  
report to the governor and, in accordance with section 101.68 of 52428  
the Revised Code, the general assembly, evaluating the patient 52429  
centered medical home program not later than three years after 52430  
rules adopted pursuant to section 3701.944 of the Revised Code 52431  
first become effective. The department shall submit a second 52432  
report not later than five years after those rules first become 52433  
effective. 52434

(B) The reports submitted under division (A) of this section 52435  
shall include all of the following: 52436

(1) The number of patients receiving primary care services 52437  
from certified patient centered medical homes and the number and 52438  
characteristics of those patients with complex or chronic 52439  
conditions. To the extent available, information regarding the 52440  
income, race, ethnicity, and language of patients shall be 52441

<u>included in the reports;</u>	52442
<u>(2) The number and geographic distribution of certified patient centered medical homes;</u>	52443 52444
<u>(3) Performance of and quality of care measures implemented by certified patient centered medical homes;</u>	52445 52446
<u>(4) Preventive care measures implemented by certified patient centered medical homes;</u>	52447 52448
<u>(5) Payment arrangements of certified patient centered medical homes;</u>	52449 52450
<u>(6) Costs related to implementation of the patient centered medical home program and payment of care coordination fees;</u>	52451 52452
<u>(7) The estimated effect of certified patient centered medical homes on health disparities;</u>	52453 52454
<u>(8) The estimated savings from establishing the patient centered medical home program, as those savings apply to the fee for service, managed care, and state-based purchasing sectors.</u>	52455 52456 52457
<u>Sec. 3701.944. The department of health shall adopt rules in accordance with Chapter 119. of the Revised Code to do all of the following:</u>	52458 52459 52460
<u>(A) Considering the goals set forth in section 3701.941 of the Revised Code, establish standards and procedures for certifying a primary care practice as a patient centered medical home;</u>	52461 52462 52463 52464
<u>(B) Specify the types of medical practices that constitute primary care practices for the purpose of certifying patient centered medical homes;</u>	52465 52466 52467
<u>(C) Specify the health care quality and performance information that certified patient centered medical homes must report to the department pursuant to section 3701.942 of the</u>	52468 52469 52470

Revised Code. 52471

**Sec. 3701.95.** (A) As used in this section, "direct care services" and "direct care worker" have the same meanings as in section 191.061 of the Revised Code. 52472  
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(B) Not later than October 1, 2014, the director of health shall establish a direct care worker certification program. The director may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement the program. The rules may address standards, procedures, and application fees charged for certification. 52475  
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(C) For purposes of the program, the director shall do both of the following: 52481  
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(1) Specify the minimum standards that must be met by a direct care worker to attain certification, which may include standards pertaining to education, experience, and continuing education requirements, as well as standards for compliance with administrative requirements. 52483  
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(2) Specify a procedure for determining whether a direct care worker satisfies the standards specified under division (C)(1) of this section. 52488  
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**Sec. 3701.99.** (A) Whoever violates division (C) of section 3701.23, division (C) of section 3701.232, division (C) of section 3701.24, division (B) of section 3701.25, division ~~(I)~~(D)(2) of section 3701.262, ~~division (D) of section 3701.263,~~ or sections 3701.46 to 3701.55 of the Revised Code is guilty of a minor misdemeanor on a first offense; on each subsequent offense, the person is guilty of a misdemeanor of the fourth degree. 52491  
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(B) Whoever violates section 3701.82 of the Revised Code is guilty of a misdemeanor of the first degree. 52498  
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(C) Whoever violates section 3701.352 or 3701.81 of the Revised Code is guilty of a misdemeanor of the second degree.

**Sec. 3702.51.** As used in sections 3702.51 to 3702.62 of the Revised Code:

(A) "Applicant" means any person that submits an application for a certificate of need and who is designated in the application as the applicant.

(B) "Person" means any individual, corporation, business trust, estate, firm, partnership, association, joint stock company, insurance company, government unit, or other entity.

(C) "Certificate of need" means a written approval granted by the director of health to an applicant to authorize conducting a reviewable activity.

(D) "Service area" means the current and projected primary and secondary service areas to which the long-term care facility is, or will be, providing long-term care services.

(E) "Primary service area" means the geographic region, usually comprised of the Ohio zip code in which the long-term care facility is located and contiguous zip codes, from which approximately seventy-five to eighty per cent of the facility's residents currently originate or are expected to originate.

(F) "Secondary service area" means the geographic region, usually comprised of Ohio zip codes not included in the primary service area, excluding isolated exceptions, from which the facility's remaining residents currently originate or are expected to originate.

(G) "Third-party payer" means a health insuring corporation licensed under Chapter 1751. of the Revised Code, a health maintenance organization as defined in division (I) of this section, an insurance company that issues sickness and accident

insurance in conformity with Chapter 3923. of the Revised Code, a 52530  
state-financed health insurance program under Chapter 3701.7, or 52531  
4123.7, ~~or 5111.~~ of the Revised Code, the medicaid program, or any 52532  
self-insurance plan. 52533

(H) "Government unit" means the state and any county, 52534  
municipal corporation, township, or other political subdivision of 52535  
the state, or any department, division, board, or other agency of 52536  
the state or a political subdivision. 52537

(I) "Health maintenance organization" means a public or 52538  
private organization organized under the law of any state that is 52539  
qualified under section 1310(d) of Title XIII of the "Public 52540  
Health Service Act," 87 Stat. 931 (1973), 42 U.S.C. 300e-9. 52541

(J) "Existing long-term care facility" means either of the 52542  
following: 52543

(1) A long-term care facility that is licensed or otherwise 52544  
authorized to operate in this state in accordance with applicable 52545  
law, including a county home or a county nursing home that is 52546  
certified under Title XVIII or Title XIX of the "Social Security 52547  
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, is staffed 52548  
and equipped to provide long-term care services, and is actively 52549  
providing long-term care services; 52550

(2) A long-term care facility that is licensed or otherwise 52551  
authorized to operate in this state in accordance with applicable 52552  
law, including a county home or a county nursing home that is 52553  
certified under Title XVIII or Title XIX of the "Social Security 52554  
Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or that has 52555  
beds registered under section 3701.07 of the Revised Code as 52556  
skilled nursing beds or long-term care beds and has provided 52557  
long-term care services for at least three hundred sixty-five 52558  
consecutive days within the twenty-four months immediately 52559  
preceding the date a certificate of need application is filed with 52560



the director of health. 52561

(K) "State" means the state of Ohio, including, but not 52562  
limited to, the general assembly, the supreme court, the offices 52563  
of all elected state officers, and all departments, boards, 52564  
offices, commissions, agencies, institutions, and other 52565  
instrumentalities of the state of Ohio. "State" does not include 52566  
political subdivisions. 52567

(L) "Political subdivision" means a municipal corporation, 52568  
township, county, school district, and all other bodies corporate 52569  
and politic responsible for governmental activities only in 52570  
geographic areas smaller than that of the state to which the 52571  
sovereign immunity of the state attaches. 52572

(M) "Affected person" means: 52573

(1) An applicant for a certificate of need, including an 52574  
applicant whose application was reviewed comparatively with the 52575  
application in question; 52576

(2) The person that requested the reviewability ruling in 52577  
question; 52578

(3) Any person that resides or regularly uses long-term care 52579  
facilities within the service area served or to be served by the 52580  
long-term care services that would be provided under the 52581  
certificate of need or reviewability ruling in question; 52582

(4) Any long-term care facility that is located in the 52583  
service area where the long-term care services would be provided 52584  
under the certificate of need or reviewability ruling in question; 52585

(5) Third-party payers that reimburse long-term care 52586  
facilities for services in the service area where the long-term 52587  
care services would be provided under the certificate of need or 52588  
reviewability ruling in question. 52589

(N) "Long-term care facility" means any of the following: 52590

- (1) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code; 52591  
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- (2) The portion of any facility, including a county home or county nursing home, that is certified as a skilled nursing facility or a nursing facility under Title XVIII or XIX of the "Social Security Act"; 52594  
52595  
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- (3) The portion of any hospital that contains beds registered under section 3701.07 of the Revised Code as skilled nursing beds or long-term care beds. 52598  
52599  
52600
- (0) "Long-term care bed" or "bed" means a bed that is categorized as one of the following: 52601  
52602
- (1) A bed that is located in a facility that is a nursing home licensed under section 3721.02 of the Revised Code or a facility licensed by a political subdivision certified under section 3721.09 of the Revised Code and is included in the authorized maximum licensed capacity of the facility; 52603  
52604  
52605  
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52607
- (2) A bed that is located in the portion of any facility, including a county home or county nursing home, that is certified as a skilled nursing facility under the medicare program or a nursing facility under the medicaid program and is included in the authorized maximum certified capacity of that portion of the facility; 52608  
52609  
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52613
- (3) A bed that is registered under section 3701.07 of the Revised Code as a skilled nursing bed, a long-term care bed, or a special skilled nursing bed; 52614  
52615  
52616
- (4) A bed in a county home or county nursing home that has been certified under section 5155.38 of the Revised Code as having been in operation on July 1, 1993, and is eligible for licensure as a nursing home bed; 52617  
52618  
52619  
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(5) A bed held as an approved bed under a certificate of need 52621  
approved by the director. 52622

A bed cannot simultaneously be both a bed described in 52623  
division (O)(1), (2), (3), or (4) of this section and a bed 52624  
described in division (O)(5) of this section. 52625

(P) "Reviewability ruling" means a ruling issued by the 52626  
director of health under division (A) of section 3702.52 of the 52627  
Revised Code as to whether a particular proposed project is or is 52628  
not a reviewable activity. 52629

(Q) "County nursing home" has the same meaning as in section 52630  
5155.31 of the Revised Code. 52631

(R) "Principal participant" means both of the following: 52632

(1) A person who has an ownership or controlling interest of 52633  
at least five per cent in an applicant, in a long-term care 52634  
facility that is the subject of an application for a certificate 52635  
of need, or in the owner or operator of the applicant or such a 52636  
facility; 52637

(2) An officer, director, trustee, or general partner of an 52638  
applicant, of a long-term care facility that is the subject of an 52639  
application for a certificate of need, or of the owner or operator 52640  
of the applicant or such a facility. 52641

(S) "Actual harm but not immediate jeopardy deficiency" means 52642  
a deficiency that, under 42 C.F.R. 488.404, either constitutes a 52643  
pattern of deficiencies resulting in actual harm that is not 52644  
immediate jeopardy or represents widespread deficiencies resulting 52645  
in actual harm that is not immediate jeopardy. 52646

(T) "Immediate jeopardy deficiency" means a deficiency that, 52647  
under 42 C.F.R. 488.404, either constitutes a pattern of 52648  
deficiencies resulting in immediate jeopardy to resident health or 52649  
safety or represents widespread deficiencies resulting in 52650

immediate jeopardy to resident health or safety. 52651

(U) "Existing bed" or "existing long-term care bed" means a 52652  
bed from an existing long-term care facility, a bed described in 52653  
division (0)(5) of this section, or a bed correctly reported as a 52654  
long-term care bed pursuant to section 5155.38 of the Revised 52655  
Code. 52656

**Sec. 3702.521.** (A) Reviews of applications for certificates 52657  
of need to recategorize hospital beds to skilled nursing beds 52658  
shall be conducted in accordance with this division and rules 52659  
adopted by the director of health. 52660

(1) No hospital recategorizing beds shall apply for a 52661  
certificate of need for more than twenty skilled nursing beds. 52662

(2) No beds for which a certificate of need is requested 52663  
under this division shall be reviewed under or counted in any 52664  
formula developed under rules adopted by the director for the 52665  
purpose of determining the number of long-term care beds that may 52666  
be needed within the state. 52667

(3) No beds shall be approved under this division unless the 52668  
hospital certifies and demonstrates in the application that the 52669  
beds will be dedicated to patients with a length of stay of no 52670  
more than thirty days. 52671

(4) No beds shall be approved under this division unless the 52672  
hospital can satisfactorily demonstrate in the application that it 52673  
is routinely unable to place the patients planned for the beds in 52674  
accessible skilled nursing facilities. 52675

(5) In developing rules to implement this division, the 52676  
director shall give special attention to the required 52677  
documentation of the need for such beds, including the efforts 52678  
made by the hospital to place patients in suitable skilled nursing 52679  
facilities, and special attention to the appropriate size of units 52680

with such beds given the historical pattern of the applicant 52681  
hospital's documented difficulty in placing skilled nursing 52682  
patients. 52683

(B) For assistance in monitoring the use of hospital beds 52684  
recategorized as skilled nursing beds after August 5, 1989, the 52685  
director shall adopt rules specifying appropriate quarterly 52686  
procedures for reporting to the department of health. 52687

(C) A patient may stay in a hospital bed that, after August 52688  
5, 1989, has been recategorized as a skilled nursing bed for more 52689  
than thirty days if the hospital is able to demonstrate that it 52690  
made a good faith effort to place the patient in an accessible 52691  
skilled nursing facility acceptable to the patient within the 52692  
thirty-day period, but was unable to do so. 52693

(D) No hospital bed recategorized after August 5, 1989, as a 52694  
skilled nursing bed shall be covered by a provider agreement under 52695  
the ~~medical assistance~~ medicaid program ~~established under Chapter~~ 52696  
~~5111. of the Revised Code.~~ 52697

(E) Nothing in this section requires a hospital to place a 52698  
patient in any nursing home if the patient does not wish to be 52699  
placed in the nursing home. Nothing in this section limits the 52700  
ability of a hospital to file a certificate of need application 52701  
for the addition of long-term care beds that meet the definition 52702  
of "home" in section 3721.01 of the Revised Code. Nothing in this 52703  
section limits the ability of the director to grant certificates 52704  
of need necessary for hospitals to engage in demonstration 52705  
projects authorized by the federal government for the purpose of 52706  
enhancing long-term quality of care and cost containment. Nothing 52707  
in this section limits the ability of hospitals to develop swing 52708  
bed programs in accordance with federal regulations. 52709

No hospital that is granted a certificate of need after 52710  
August 5, 1989, to recategorize hospital beds as skilled nursing 52711

beds is subject to sections 3721.01 to 3721.09 of the Revised 52712  
Code. If the portion of the hospital in which the recategorized 52713  
beds are located is certified as a skilled nursing facility under 52714  
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 52715  
U.S.C.A. 301, as amended, that portion of the hospital is subject 52716  
to sections 3721.10 to 3721.17 and sections 3721.21 to 3721.34 of 52717  
the Revised Code. If the beds are registered pursuant to section 52718  
3701.07 of the Revised Code as long-term care beds, the beds are 52719  
subject to sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of the 52720  
Revised Code. 52721

**Sec. 3702.55.** A person that the director of health determines 52722  
has violated section 3702.53 of the Revised Code shall cease 52723  
conducting the activity that constitutes the violation or 52724  
utilizing the facility resulting from the violation not later than 52725  
thirty days after the person receives the notice mailed under 52726  
section 3702.532 of the Revised Code or, if the person appeals the 52727  
director's determination under section 3702.60 of the Revised 52728  
Code, thirty days after the person receives an order upholding the 52729  
director's determination that is not subject to further appeal. 52730

If any person determined to have violated section 3702.53 of 52731  
the Revised Code fails to cease conducting an activity or using a 52732  
facility as required by this section or if the person continues to 52733  
seek payment or reimbursement for services rendered or costs 52734  
incurred in conducting the activity as prohibited by section 52735  
3702.56 of the Revised Code, in addition to the penalties imposed 52736  
under section 3702.54 or 3702.541 of the Revised Code: 52737

(A) The director of health may refuse to include any beds 52738  
involved in the activity in the bed capacity of a hospital for 52739  
purposes of registration under section 3701.07 of the Revised 52740  
Code; 52741

(B) The director of health may refuse to license, or may 52742

revoke a license or reduce bed capacity previously granted to, a 52743  
hospice care program under section 3712.04 of the Revised Code; a 52744  
nursing home, residential care facility, or home for the aging 52745  
under section 3721.02 of the Revised Code; or any beds within any 52746  
of those facilities that are involved in the activity; 52747

(C) A political subdivision certified under section 3721.09 52748  
of the Revised Code may refuse to license, or may revoke a license 52749  
or reduce bed capacity previously granted to, a nursing home, 52750  
residential care facility, or home for the aging, or any beds 52751  
within any of those facilities that are involved in the activity; 52752

(D) The director of ~~mental health~~ mental health and addiction 52753  
services may refuse to license under section ~~5119.20~~ 5119.33 of 52754  
the Revised Code, or may revoke a license or reduce bed capacity 52755  
previously granted to, a hospital receiving mentally ill persons 52756  
or beds within such a hospital that are involved in the activity; 52757

(E) The department of ~~job and family services~~ medicaid may 52758  
refuse to enter into a provider agreement that includes a 52759  
facility, beds, or services that result from the activity. 52760

**Sec. 3702.62.** Sections 3702.51 to 3702.61 of the Revised Code 52761  
do not apply to any part of a long-term care facility's campus 52762  
that is certified as an intermediate care facility for the 52763  
mentally retarded ~~under Title XIX of the "Social Security Act," 79~~ 52764  
~~Stat. 343 (1965), 42 U.S.C. 1396 et seq., as amended,~~ as defined 52765  
in section 5124.01 of the Revised Code. 52766

**Sec. 3702.74.** (A) A primary care physician who has signed a 52767  
letter of intent under section 3702.73 of the Revised Code and the 52768  
director of health may enter into a contract for the physician's 52769  
participation in the physician loan repayment program. The 52770  
physician's employer or other funding source may also be a party 52771  
to the contract. 52772

(B) The contract shall include all of the following obligations: 52773  
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(1) The primary care physician agrees to provide primary care services in the health resource shortage area identified in the letter of intent for at least two years; 52775  
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(2) When providing primary care services in the health resource shortage area, the primary care physician agrees to do all of the following: 52778  
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(a) Provide primary care services for a minimum of forty hours per week, of which at least twenty-one hours will be spent providing patient care in an outpatient or ambulatory setting; 52781  
52782  
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(b) Provide primary care services without regard to a patient's ability to pay; 52784  
52785

(c) Meet the ~~conditions prescribed by the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and the department of job and family services requirements for participation in the a~~ medicaid program established under Chapter 5111. of the Revised Code provider agreement and enter into a ~~contract~~ the agreement with the department of medicaid to provide primary care services to medicaid recipients ~~of the medical assistance program.~~ 52786  
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(3) The department of health agrees, as provided in section 3702.75 of the Revised Code, to repay, so long as the primary care physician performs the service obligation agreed to under division (B)(1) of this section, all or part of the principal and interest of a government or other educational loan taken by the primary care physician for expenses described in section 3702.75 of the Revised Code; 52794  
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(4) The primary care physician agrees to pay the department of health an amount established by rules adopted under section 3702.79 of the Revised Code if the physician fails to complete the 52801  
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service obligation agreed to under division (B)(1) of this 52804  
section. 52805

(C) The contract may include any other terms agreed upon by 52806  
the parties. 52807

**Sec. 3702.91.** (A) An individual who has signed a letter of 52808  
intent under section 3702.90 of the Revised Code may enter into a 52809  
contract with the director of health for participation in the 52810  
dentist loan repayment program. The dentist's employer or other 52811  
funding source may also be a party to the contract. 52812

(B) The contract shall include all of the following 52813  
obligations: 52814

(1) The individual agrees to provide dental services in the 52815  
dental health resource shortage area identified in the letter of 52816  
intent for at least two years. 52817

(2) When providing dental services in the dental health 52818  
resource shortage area, the individual agrees to do all of the 52819  
following: 52820

(a) Provide dental services for a minimum of forty hours per 52821  
week; 52822

(b) Provide dental services without regard to a patient's 52823  
ability to pay; 52824

(c) Meet the ~~conditions prescribed by the "Social Security~~ 52825  
~~Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, and the~~ 52826  
~~department of job and family services requirements for~~ 52827  
~~participation in the a medicaid program established under Chapter~~ 52828  
~~5111. of the Revised Code provider agreement and enter into a~~ 52829  
~~contract the agreement with the department of medicaid to provide~~ 52830  
dental services to medicaid recipients. 52831

(3) The department of health agrees, as provided in section 52832  
3702.85 of the Revised Code, to repay, so long as the individual 52833

performs the service obligation agreed to under division (B)(1) of 52834  
this section, all or part of the principal and interest of a 52835  
government or other educational loan taken by the individual for 52836  
expenses described in section 3702.85 of the Revised Code. 52837

(4) The individual agrees to pay the department of health an 52838  
amount established by rules adopted under section 3702.86 of the 52839  
Revised Code, if the individual fails to complete the service 52840  
obligation agreed to under division (B)(1) of this section. 52841

(C) The contract may include any other terms agreed upon by 52842  
the parties. 52843

(D) Not later than the thirty-first day of January of each 52844  
year, the department of health shall mail to each individual to 52845  
whom or on whose behalf repayment is made under the dentist loan 52846  
repayment program a statement showing the amount of principal and 52847  
interest repaid by the department pursuant to the contract in the 52848  
preceding year. The statement shall be sent by ordinary mail with 52849  
address correction and forwarding requested in the manner 52850  
prescribed by the United States postal service. 52851

**Sec. 3704.144.** (A) Gifts, grants, and contributions for the 52852  
purpose of adding pollution control equipment to diesel-powered 52853  
school buses and converting diesel-powered school buses to 52854  
alternative fuels, including contributions that are made pursuant 52855  
to the settlement of an administrative action or civil action that 52856  
is brought at the request of the director of environmental 52857  
protection pursuant to Chapter 3704., 3714., 3734., 6109., or 52858  
6111. of the Revised Code, shall be credited to the clean diesel 52859  
school bus fund, which is hereby created in the state treasury. 52860  
The director shall use money credited to the fund to make grants 52861  
to school districts in the state and to county boards of 52862  
developmental disabilities for the purpose of adding pollution 52863  
control equipment to diesel-powered school buses and converting 52864

diesel-powered school buses to alternative fuels by means of 52865  
certified engine configurations and verified technologies that are 52866  
consistent with the requirements of section 793 and any 52867  
regulations adopted under that section and to pay the 52868  
environmental protection agency's costs incurred in administering 52869  
this section. In addition, the director may use money credited to 52870  
the fund to make grants to school districts and to county boards 52871  
of developmental disabilities for the purpose of maintaining 52872  
pollution control equipment that is installed on diesel-powered 52873  
school buses ~~and to pay the additional cost incurred by a school~~ 52874  
~~district or a county board for using ultra low sulfur diesel fuel~~ 52875  
~~instead of diesel fuel for the operation of diesel powered school~~ 52876  
~~buses.~~ 52877

(B) In making grants under this section, the director shall 52878  
give priority to school districts and to county boards of 52879  
developmental disabilities that are located in a county that is 52880  
designated as nonattainment by the United States environmental 52881  
protection agency for the fine particulate national ambient air 52882  
quality standard under the federal Clean Air Act. In addition, the 52883  
director may give a higher priority to a school district or a 52884  
county board of developmental disabilities that employs additional 52885  
measures that reduce air pollution from the district's or the 52886  
county board's school bus fleet. 52887

(C) The director shall adopt rules establishing procedures 52888  
and requirements that are necessary to implement this section, 52889  
including procedures and requirements governing applications for 52890  
grants. 52891

(D) As used in this section: 52892

(1) "Alternative fuel" has the same meaning as in section 52893  
125.831 of the Revised Code. 52894

(2) "Certified engine configuration" and "section 793" have 52895

the same meanings as in section 122.861 of the Revised Code. 52896

(3) "Verified technology" means a pollution control 52897  
technology, including retrofit technology and auxiliary power 52898  
unit, that has been verified by the administrator of the United 52899  
States environmental protection agency or the California air 52900  
resources board. 52901

**Sec. 3706.01.** As used in this chapter: 52902

(A) "Governmental agency" means a department, division, or 52903  
other unit of state government, a municipal corporation, county, 52904  
township, and other political subdivision, or any other public 52905  
corporation or agency having the power to acquire, construct, or 52906  
operate air quality facilities, the United States or any agency 52907  
thereof, and any agency, commission, or authority established 52908  
pursuant to an interstate compact or agreement. 52909

(B) "Person" means any individual, firm, partnership, 52910  
association, or corporation, or any combination thereof. 52911

(C) "Air contaminant" means particulate matter, dust, fumes, 52912  
gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or 52913  
odorous substance, or any combination thereof. 52914

(D) "Air pollution" means the presence in the ambient air of 52915  
one or more air contaminants in sufficient quantity and of such 52916  
characteristics and duration as to injure human health or welfare, 52917  
plant or animal life, or property, or that unreasonably interferes 52918  
with the comfortable enjoyment of life or property. 52919

(E) "Ambient air" means that portion of the atmosphere 52920  
outside of buildings and other enclosures, stacks, or ducts that 52921  
surrounds human, plant, or animal life, or property. 52922

(F) "Emission" means the release into the outdoor atmosphere 52923  
of an air contaminant. 52924

(G) "Air quality facility" means any of the following: 52925

(1) Any method, modification or replacement of property,	52926
process, device, structure, or equipment that removes, reduces,	52927
prevents, contains, alters, conveys, stores, disperses, or	52928
disposes of air contaminants or substances containing air	52929
contaminants, or that renders less noxious or reduces the	52930
concentration of air contaminants in the ambient air, including,	52931
without limitation, facilities and expenditures that qualify as	52932
air pollution control facilities under section 103 (C)(4)(F) of	52933
the Internal Revenue Code of 1954, as amended, and regulations	52934
adopted thereunder;	52935
(2) Motor vehicle inspection stations operated in accordance	52936
with, and any equipment used for motor vehicle inspections	52937
conducted under, section 3704.14 of the Revised Code and rules	52938
adopted under it;	52939
(3) Ethanol or other biofuel facilities, including any	52940
equipment used at the ethanol or other biofuel facility for the	52941
production of ethanol or other biofuels;	52942
(4) Any property or portion thereof used for the collection,	52943
storage, treatment, utilization, processing, or final disposal of	52944
a by-product or solid waste resulting from any method, process,	52945
device, structure, or equipment that removes, reduces, prevents,	52946
contains, alters, conveys, stores, disperses, or disposes of air	52947
contaminants, or that renders less noxious or reduces the	52948
concentration of air contaminants in the ambient air;	52949
(5) Any property, device, or equipment that promotes the	52950
reduction of emissions of air contaminants into the ambient air	52951
through improvements in the efficiency of energy utilization or	52952
energy conservation;	52953
(6) Any coal research and development project conducted under	52954
Chapter 1555. of the Revised Code;	52955
(7) As determined by the director of the Ohio coal	52956

development office, any property or portion thereof that is used 52957  
for the collection, storage, treatment, utilization, processing, 52958  
or final disposal of a by-product resulting from a coal research 52959  
and development project as defined in section 1555.01 of the 52960  
Revised Code or from the use of clean coal technology, excluding 52961  
any property or portion thereof that is used primarily for other 52962  
subsequent commercial purposes; 52963

(8) Any property or portion thereof that is part of the 52964  
FutureGen project of the United States department of energy or 52965  
related to the siting of the FutureGen project; 52966

(9) Any property, device, or equipment that promotes the 52967  
reduction of emissions of air contaminants into the ambient air 52968  
through the generation of clean, renewable energy with renewable 52969  
energy resources or advanced energy resources as defined in 52970  
section 3706.25 of the Revised Code; 52971

(10) Any property, device, structure or equipment necessary 52972  
for the manufacture and production of equipment described as an 52973  
air quality facility under this chapter; 52974

(11) Any property, device, or equipment related to the 52975  
recharging or refueling of vehicles that promotes the reduction of 52976  
emissions of air contaminants into the ambient air through the use 52977  
of an alternative fuel as defined in section 125.831 of the 52978  
Revised Code or the use of a renewable energy resource as defined 52979  
in section 3706.25 of the Revised Code. 52980

"Air quality facility" further includes any property or 52981  
system to be used in whole or in part for any of the purposes in 52982  
divisions (G)(1) to ~~(10)~~(11) of this section, whether another 52983  
purpose is also served, and any property or system incidental to 52984  
or that has to do with, or the end purpose of which is, any of the 52985  
foregoing. Air quality facilities that are defined in this 52986  
division for industry, commerce, distribution, or research, 52987

including public utility companies, are hereby determined to be 52988  
those that qualify as facilities for the control of air pollution 52989  
and thermal pollution related to air under Section 13 of Article 52990  
VIII, Ohio Constitution. 52991

(H) "Project" or "air quality project" means any air quality 52992  
facility, including undivided or other interests therein, acquired 52993  
or to be acquired or constructed or to be constructed by the Ohio 52994  
air quality development authority under this chapter, or acquired 52995  
or to be acquired or constructed or to be constructed by a 52996  
governmental agency or person with all or a part of the cost 52997  
thereof being paid from a loan or grant from the authority under 52998  
this chapter or otherwise paid from the proceeds of air quality 52999  
revenue bonds, including all buildings and facilities that the 53000  
authority determines necessary for the operation of the project, 53001  
together with all property, rights, easements, and interests that 53002  
may be required for the operation of the project. 53003

(I) "Cost" as applied to an air quality project means the 53004  
cost of acquisition and construction, the cost of acquisition of 53005  
all land, rights-of-way, property rights, easements, franchise 53006  
rights, and interests required for such acquisition and 53007  
construction, the cost of demolishing or removing any buildings or 53008  
structures on land so acquired, including the cost of acquiring 53009  
any lands to which such buildings or structures may be moved, the 53010  
cost of acquiring or constructing and equipping a principal office 53011  
and sub-offices of the authority, the cost of diverting highways, 53012  
interchange of highways, and access roads to private property, 53013  
including the cost of land or easements for such access roads, the 53014  
cost of public utility and common carrier relocation or 53015  
duplication, the cost of all machinery, furnishings, and 53016  
equipment, financing charges, interest prior to and during 53017  
construction and for no more than eighteen months after completion 53018  
of construction, engineering, expenses of research and development 53019

with respect to air quality facilities, the cost of any commodity 53020  
contract, including fees and expenses related thereto, legal 53021  
expenses, plans, specifications, surveys, studies, estimates of 53022  
cost and revenues, working capital, other expenses necessary or 53023  
incident to determining the feasibility or practicability of 53024  
acquiring or constructing such project, administrative expense, 53025  
and such other expense as may be necessary or incident to the 53026  
acquisition or construction of the project, the financing of such 53027  
acquisition or construction, including the amount authorized in 53028  
the resolution of the authority providing for the issuance of air 53029  
quality revenue bonds to be paid into any special funds from the 53030  
proceeds of such bonds, and the financing of the placing of such 53031  
project in operation. Any obligation, cost, or expense incurred by 53032  
any governmental agency or person for surveys, borings, 53033  
preparation of plans and specifications, and other engineering 53034  
services, or any other cost described above, in connection with 53035  
the acquisition or construction of a project may be regarded as a 53036  
part of the cost of that project and may be reimbursed out of the 53037  
proceeds of air quality revenue bonds as authorized by this 53038  
chapter. 53039

(J) "Owner" includes an individual, copartnership, 53040  
association, or corporation having any title or interest in any 53041  
property, rights, easements, or interests authorized to be 53042  
acquired by this chapter. 53043

(K) "Revenues" means all rentals and other charges received 53044  
by the authority for the use or services of any air quality 53045  
project, any gift or grant received with respect to any air 53046  
quality project, any moneys received with respect to the lease, 53047  
sublease, sale, including installment sale or conditional sale, or 53048  
other disposition of an air quality project, moneys received in 53049  
repayment of and for interest on any loans made by the authority 53050  
to a person or governmental agency, whether from the United States 53051



or any department, administration, or agency thereof, or 53052  
otherwise, proceeds of such bonds to the extent that use thereof 53053  
for payment of principal of, premium, if any, or interest on the 53054  
bonds is authorized by the authority, amounts received or 53055  
otherwise derived from a commodity contract or from the sale of 53056  
the related commodity under such a contract, proceeds from any 53057  
insurance, condemnation, or guaranty pertaining to a project or 53058  
property mortgaged to secure bonds or pertaining to the financing 53059  
of the project, and income and profit from the investment of the 53060  
proceeds of air quality revenue bonds or of any revenues. 53061

(L) "Public roads" includes all public highways, roads, and 53062  
streets in the state, whether maintained by the state, county, 53063  
city, township, or other political subdivision. 53064

(M) "Public utility facilities" includes tracks, pipes, 53065  
mains, conduits, cables, wires, towers, poles, and other equipment 53066  
and appliances of any public utility. 53067

(N) "Construction," unless the context indicates a different 53068  
meaning or intent, includes reconstruction, enlargement, 53069  
improvement, or providing furnishings or equipment. 53070

(O) "Air quality revenue bonds," unless the context indicates 53071  
a different meaning or intent, includes air quality revenue notes, 53072  
air quality revenue renewal notes, and air quality revenue 53073  
refunding bonds, except that notes issued in anticipation of the 53074  
issuance of bonds shall have a maximum maturity of five years as 53075  
provided in section 3706.05 of the Revised Code and notes or 53076  
renewal notes issued as the definitive obligation may be issued 53077  
maturing at such time or times with a maximum maturity of forty 53078  
years from the date of issuance of the original note. 53079

(P) "Solid waste" means any garbage; refuse; sludge from a 53080  
waste water treatment plant, water supply treatment plant, or air 53081  
pollution control facility; and other discarded material, 53082

including solid, liquid, semisolid, or contained gaseous material 53083  
resulting from industrial, commercial, mining, and agricultural 53084  
operations, and from community activities, but not including solid 53085  
or dissolved material in domestic sewage, or solid or dissolved 53086  
material in irrigation return flows or industrial discharges that 53087  
are point sources subject to permits under section 402 of the 53088  
"Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 53089  
880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or 53090  
byproduct material as defined by the "Atomic Energy Act of 1954," 53091  
68 Stat. 921, 42 U.S.C.A. 2011, as amended. 53092

(Q) "Sludge" means any solid, semisolid, or liquid waste, 53093  
other than a recyclable by-product, generated from a municipal, 53094  
commercial, or industrial waste water treatment plant, water 53095  
supply plant, or air pollution control facility or any other such 53096  
wastes having similar characteristics and effects. 53097

(R) "Ethanol or other biofuel facility" means a plant at 53098  
which ethanol or other biofuel is produced. 53099

(S) "Ethanol" means fermentation ethyl alcohol derived from 53100  
agricultural products, including potatoes, cereal, grains, cheese 53101  
whey, and sugar beets; forest products; or other renewable or 53102  
biomass resources, including residue and waste generated from the 53103  
production, processing, and marketing of agricultural products, 53104  
forest products, and other renewable or biomass resources, that 53105  
meets all of the specifications in the American society for 53106  
testing and materials (ASTM) specification D 4806-88 and is 53107  
denatured as specified in Parts 20 and 21 of Title 27 of the Code 53108  
of Federal Regulations. 53109

(T) "Biofuel" means any fuel that is made from cellulosic 53110  
biomass resources, including renewable organic matter, crop waste 53111  
residue, wood, aquatic plants and other crops, animal waste, solid 53112  
waste, or sludge, and that is used for the production of energy 53113  
for transportation or other purposes. 53114

(U) "FutureGen project" means the buildings, equipment, and 53115  
real property and functionally related buildings, equipment, and 53116  
real property, including related research projects that support 53117  
the development and operation of the buildings, equipment, and 53118  
real property, designated by the United States department of 53119  
energy and the FutureGen industrial alliance, inc., as the 53120  
coal-fueled, zero-emissions power plant designed to prove the 53121  
technical and economic feasibility of producing electricity and 53122  
hydrogen from coal and nearly eliminating carbon dioxide emissions 53123  
through capture and permanent storage. 53124

(V) "Commodity contract" means a contract or series of 53125  
contracts entered into in connection with the acquisition or 53126  
construction of air quality facilities for the purchase or sale of 53127  
a commodity that is eligible for prepayment with the proceeds of 53128  
federally tax exempt bonds under sections 103, 141, and 148 of the 53129  
Internal Revenue Code of 1986, as amended, and regulations adopted 53130  
under it. 53131

**Sec. 3707.511.** (A) As used in this section, ~~"physician":~~ 53132

"Physician" means a person authorized under Chapter 4731. of 53133  
the Revised Code to practice medicine and surgery or osteopathic 53134  
medicine and surgery. 53135

"Chiropractor" means a person licensed under Chapter 4734. of 53136  
the Revised Code to practice chiropractic. 53137

(B) A youth sports organization shall provide to the parent, 53138  
guardian, or other person having care or charge of an individual 53139  
who wishes to practice for or compete in an athletic activity 53140  
organized by a youth sports organization the concussion and head 53141  
injury information sheet required by section 3707.52 of the 53142  
Revised Code. The organization shall provide the information sheet 53143  
annually for each sport or other category of athletic activity for 53144  
or in which the individual practices or competes. 53145

(C)(1) No individual shall act as a coach or referee for a youth sports organization unless the individual holds a pupil-activity program permit issued under section 3319.303 of the Revised Code for coaching interscholastic athletics or presents evidence that the individual has successfully completed, within the previous three years, a training program in recognizing the symptoms of concussions and head injuries to which the department of health has provided a link on its internet web site under section 3707.52 of the Revised Code.

(2) The youth sports organization for which the individual intends to act as a coach or referee shall inform the individual of the requirement described in division (C)(1) of this section.

(D) If an individual practicing for or competing in an athletic event organized by a youth sports organization exhibits signs, symptoms, or behaviors consistent with having sustained a concussion or head injury while participating in the practice or competition, the individual shall be removed from the practice or competition by one of the following:

(1) The individual who is serving as the individual's coach during that practice or competition;

(2) An individual who is serving as a referee during that practice or competition;

(3) An official of the youth sports organization who is supervising that practice or competition.

(E)(1) If an individual is removed from practice or competition under division (D) of this section, the coach, referee, or official who removed the individual shall not allow the individual, on the same day the individual is removed, to return to that practice or competition or to participate in any other practice or competition for which the coach, referee, or official is responsible. Thereafter, the coach, referee, or

official shall not allow the student to return to that practice or 53177  
competition or to participate in any other practice or competition 53178  
for which the coach, referee, or official is responsible until 53179  
both of the following conditions are satisfied: 53180

(a) The individual's condition is assessed by ~~either~~ any of 53181  
the following: 53182

(i) A physician; 53183

(ii) A chiropractor; 53184

(iii) Any other licensed health care provider the youth 53185  
sports organization, pursuant to division (E)(2) of this section, 53186  
authorizes to assess an individual who has been removed from 53187  
practice or competition under division (D) of this section. 53188

(b) The individual receives written clearance that it is safe 53189  
for the individual to return to practice or competition from a 53190  
physician, chiropractor, or ~~from~~ another licensed health care 53191  
provider authorized pursuant to division (E)(2) of this section to 53192  
grant the clearance. 53193

(2) A youth sports organization may authorize a licensed 53194  
health care provider who is not a physician or a chiropractor to 53195  
make an assessment or grant a clearance for purposes of division 53196  
(E)(1) of this section only if the provider is acting in 53197  
accordance with one of the following, as applicable to the 53198  
provider's authority to practice in this state: 53199

(a) In consultation with a physician; 53200

(b) Pursuant to the referral of a physician; 53201

(c) In collaboration with a physician; 53202

(d) Under the supervision of a physician. 53203

(3) A physician, chiropractor, or other licensed health care 53204  
provider who makes an assessment or grants a clearance for 53205  
purposes of division (E)(1) of this section may be a volunteer. 53206

(F)(1) A youth sports organization or official, employee, or volunteer of a youth sports organization, including a coach or referee, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton misconduct.

(2) This section does not eliminate, limit, or reduce any other immunity or defense that a public entity, public official, or public employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

**Sec. 3709.01.** The state shall be divided into health districts. Each city constitutes a health district and shall be known as a "city health district."

The townships and villages in each county shall be combined into a health district and shall be known as a "general health district."

As provided for in sections 3709.051, 3709.07, ~~3709.071~~, and 3709.10 of the Revised Code, there may be a union of two or more ~~contiguous~~ general health districts, ~~not to exceed five~~, a union of two or more ~~contiguous~~ city health districts to form a single city health district, or a union of a general health district and one or more city health districts located within or partially within such general health district.

**Sec. 3709.051.** Two or more ~~contiguous~~ city health districts may be united to form a single city health district by a majority affirmative vote of the legislative authority of each city affected by the union.

If at least three per cent of the qualified electors residing within each of two or more ~~contiguous~~ city health districts sign a

petition proposing a union into a single city health district, an 53237  
election shall be held as provided in this section to determine 53238  
whether a single city health district shall be formed. The 53239  
petition for union may specify regarding the board of health of 53240  
the new district: 53241

(A) The qualifications for membership; 53242

(B) The term of office; 53243

(C) The number of members or a method by which the number may 53244  
be determined from time to time; 53245

(D) The method of appointment. 53246

Such petition shall be filed with the boards of county 53247  
commissioners of the respective counties affected, subject to 53248  
approval of the director of health, and such boards shall promptly 53249  
certify the text of the proposal to the boards of election for the 53250  
purpose of having the proposal placed on the ballot at the next 53251  
general election occurring more than ninety days after such 53252  
certification. The election procedures provided in Chapter 3505. 53253  
of the Revised Code for questions and issues shall apply to the 53254  
election. If a majority of the electors voting on the proposal in 53255  
each of the health districts affected vote in favor thereof, the 53256  
union of such districts into a single city health district shall 53257  
be established on the second succeeding first day of January. 53258

**Sec. 3709.10.** When it is proposed that two or more ~~contiguous~~ 53259  
general health districts, ~~not to exceed five,~~ unite in the 53260  
formation of one general health district, the district advisory 53261  
council of each general health district shall meet and vote on the 53262  
question of union. An affirmative majority vote of the district 53263  
advisory council shall be required for approval. When the district 53264  
advisory councils have voted affirmatively on the question, they 53265  
shall meet in joint session and shall elect a board of health for 53266

the combined districts. Each original general health district 53267  
shall be entitled to at least one member on the board of health of 53268  
the combined districts. 53269

When such union is completed, ~~such~~ the district shall 53270  
constitute a general health district and shall be governed in the 53271  
manner provided for general health districts. When two or more 53272  
general health districts unite to form one district, the office of 53273  
the board of health shall be located at the county seat of the 53274  
county selected by the joint board of district advisory councils. 53275

When two or more general health districts have been combined 53276  
into a single district, the county auditor of the county selected 53277  
by the joint board of district advisory councils as the location 53278  
of the central office of the board of health shall be the auditor 53279  
of such district and the county treasurer of such county shall be 53280  
the custodian of the health funds of such district. When the 53281  
budget of such combined general health district is a matter for 53282  
consideration, the members of the budget commissions of the 53283  
counties constituting the district shall sit as a joint board for 53284  
considering and acting on such budget. 53285

**Sec. 3712.051.** (A) As used in this division, "person" does 53286  
not include a member of an interdisciplinary team, as defined in 53287  
section 3712.01 of the Revised Code, or any individual who is 53288  
employed by a person or public agency licensed under section 53289  
3712.041 of the Revised Code. 53290

Except as provided in division (B) of this section, no person 53291  
or public agency, other than a person or public agency licensed 53292  
pursuant to section 3712.041 of the Revised Code, shall hold 53293  
itself out as providing a pediatric respite care program, or 53294  
provide a pediatric respite care program, or use the term 53295  
"pediatric respite care program" or any term containing "pediatric 53296  
respite care" to describe or refer to a health program, facility, 53297



or agency. 53298

(B) Division (A) of this section does not apply to any of the 53299  
following: 53300

(1) A hospital; 53301

(2) A nursing home or residential care facility, as those 53302  
terms are defined in section 3721.01 of the Revised Code; 53303

(3) A home health agency, if it provides services under 53304  
contract with a person or public agency providing a pediatric 53305  
respite care program licensed under section 3712.041 of the 53306  
Revised Code; 53307

(4) A regional, state, or national nonprofit organization 53308  
whose members are providers of pediatric respite care programs, 53309  
individuals interested in pediatric respite care programs, or 53310  
both, as long as the organization does not provide or represent 53311  
that it provides pediatric respite care programs; 53312

(5) A person or government entity certified under section 53313  
5123.161 of the Revised Code as a supported living provider; 53314

(6) A residential facility licensed under section 5123.19 of 53315  
the Revised Code; 53316

(7) A respite care home certified under section 5126.05 of 53317  
the Revised Code; 53318

(8) A person providing respite care under a family support 53319  
services program established under section 5126.11 of the Revised 53320  
Code; 53321

(9) A person or government entity providing respite care 53322  
under a medicaid waiver component that the department of 53323  
developmental disabilities administers pursuant to section 53324  
~~5111.871~~ 5166.21 of the Revised Code. 53325

(C) The department of health shall petition the court of 53326  
common pleas of any county in which a person or public agency, 53327

without a license granted under section 3712.041 of the Revised Code, is holding itself out as providing a pediatric respite care program, is providing a pediatric respite care program, or is representing a health program, facility, or agency as a pediatric respite care program, for an order enjoining that person or public agency from conducting those activities without a license. The court has jurisdiction to grant injunctive relief upon a showing that the respondent named in the petition is conducting those activities without a license.

Any person or public agency may request the department to petition the court for injunctive relief under this division, and the department shall do so if it determines that the person or public agency named in the request is violating division (A) of this section.

**Sec. 3712.07.** (A) As used in this section, "terminal care facility for the homeless" means a facility that provides accommodations to homeless individuals who are terminally ill.

(B) A person or public agency licensed under this chapter to provide a hospice care program may enter into an agreement with a terminal care facility for the homeless under which hospice care program services may be provided to individuals residing at the facility, if all of the following apply:

(1) Each resident of the facility has been diagnosed by a physician as having a terminal condition and an anticipated life expectancy of six months or less;

(2) No resident of the facility has a relative or other person willing or capable of providing the care necessary to cope with ~~his~~ the resident's terminal illness or is financially capable of hiring a person to provide such care;

(3) Each resident of the facility is under the direct care of

a physician; 53358

(4) No resident of the facility requires the staff of the 53359  
facility to administer medication by injection; 53360

(5) The facility does not receive any remuneration, directly 53361  
or indirectly, from the residents; 53362

(6) The facility does not receive any remuneration, directly 53363  
or indirectly, from the ~~medical assistance~~ medicaid program 53364  
~~established under section 5111.01 of the Revised Code or the~~ 53365  
~~medicare program established under Title XVIII of the "Social~~ 53366  
~~Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;~~ 53367

(7) The facility meets all applicable state and federal 53368  
health and safety standards, including standards for fire 53369  
prevention, maintenance of safe and sanitary conditions, and 53370  
proper preparation and storage of foods. 53371

(C) Hospice care program services may be provided at a 53372  
terminal care facility for the homeless only by the personnel of 53373  
the person or public agency that has entered into an agreement 53374  
with the facility under this section. 53375

(D) A terminal care facility for the homeless that has 53376  
entered into an agreement under this section may assist its 53377  
residents with the self-administration of medication if the 53378  
medication has been prescribed by a physician and is not 53379  
administered by injection. In the event that a resident has 53380  
entered the final stages of dying and is no longer mentally alert, 53381  
the facility may administer medication to that resident if the 53382  
medication has been prescribed by a physician and is not 53383  
administered by injection. Determinations of whether an individual 53384  
has entered the final stages of dying and is no longer mentally 53385  
alert shall be based on directions from the personnel who provide 53386  
hospice care program services at the facility. 53387

Sec. 3712.09. (A) As used in this section: 53388

(1) "Applicant" means a person who is under final 53389  
consideration for employment with a hospice care program or 53390  
pediatric respite care program in a full-time, part-time, or 53391  
temporary position that involves providing direct care to an older 53392  
adult or pediatric respite care patient. "Applicant" does not 53393  
include a person who provides direct care as a volunteer without 53394  
receiving or expecting to receive any form of remuneration other 53395  
than reimbursement for actual expenses. 53396

(2) "Criminal records check" has the same meaning as in 53397  
section 109.572 of the Revised Code. 53398

(3) "Older adult" means a person age sixty or older. 53399

(B)(1) Except as provided in division (I) of this section, 53400  
the chief administrator of a hospice care program or pediatric 53401  
respite care program shall request that the superintendent of the 53402  
bureau of criminal identification and investigation conduct a 53403  
criminal records check of each applicant. If an applicant for whom 53404  
a criminal records check request is required under this division 53405  
does not present proof of having been a resident of this state for 53406  
the five-year period immediately prior to the date the criminal 53407  
records check is requested or provide evidence that within that 53408  
five-year period the superintendent has requested information 53409  
about the applicant from the federal bureau of investigation in a 53410  
criminal records check, the chief administrator shall request that 53411  
the superintendent obtain information from the federal bureau of 53412  
investigation as part of the criminal records check of the 53413  
applicant. Even if an applicant for whom a criminal records check 53414  
request is required under this division presents proof of having 53415  
been a resident of this state for the five-year period, the chief 53416  
administrator may request that the superintendent include 53417  
information from the federal bureau of investigation in the 53418

criminal records check. 53419

(2) A person required by division (B)(1) of this section to 53420  
request a criminal records check shall do both of the following: 53421

(a) Provide to each applicant for whom a criminal records 53422  
check request is required under that division a copy of the form 53423  
prescribed pursuant to division (C)(1) of section 109.572 of the 53424  
Revised Code and a standard fingerprint impression sheet 53425  
prescribed pursuant to division (C)(2) of that section, and obtain 53426  
the completed form and impression sheet from the applicant; 53427

(b) Forward the completed form and impression sheet to the 53428  
superintendent of the bureau of criminal identification and 53429  
investigation. 53430

(3) An applicant provided the form and fingerprint impression 53431  
sheet under division (B)(2)(a) of this section who fails to 53432  
complete the form or provide fingerprint impressions shall not be 53433  
employed in any position for which a criminal records check is 53434  
required by this section. 53435

(C)(1) Except as provided in rules adopted by the director of 53436  
health in accordance with division (F) of this section and subject 53437  
to division (C)(2) of this section, no hospice care program or 53438  
pediatric respite care program shall employ a person in a position 53439  
that involves providing direct care to an older adult or pediatric 53440  
respite care patient if the person has been convicted of or 53441  
pleaded guilty to any of the following: 53442

(a) A violation of section 2903.01, 2903.02, 2903.03, 53443  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 53444  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 53445  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 53446  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 53447  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 53448  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 53449

2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 53450  
2925.22, 2925.23, or 3716.11 of the Revised Code. 53451

(b) A violation of an existing or former law of this state, 53452  
any other state, or the United States that is substantially 53453  
equivalent to any of the offenses listed in division (C)(1)(a) of 53454  
this section. 53455

(2)(a) A hospice care program or pediatric respite care 53456  
program may employ conditionally an applicant for whom a criminal 53457  
records check request is required under division (B) of this 53458  
section prior to obtaining the results of a criminal records check 53459  
regarding the individual, provided that the program shall request 53460  
a criminal records check regarding the individual in accordance 53461  
with division (B)(1) of this section not later than five business 53462  
days after the individual begins conditional employment. In the 53463  
circumstances described in division (I)(2) of this section, a 53464  
hospice care program or pediatric respite care program may employ 53465  
conditionally an applicant who has been referred to the hospice 53466  
care program or pediatric respite care program by an employment 53467  
service that supplies full-time, part-time, or temporary staff for 53468  
positions involving the direct care of older adults or pediatric 53469  
respite care patients and for whom, pursuant to that division, a 53470  
criminal records check is not required under division (B) of this 53471  
section. 53472

(b) A hospice care program or pediatric respite care program 53473  
that employs an individual conditionally under authority of 53474  
division (C)(2)(a) of this section shall terminate the 53475  
individual's employment if the results of the criminal records 53476  
check requested under division (B) of this section or described in 53477  
division (I)(2) of this section, other than the results of any 53478  
request for information from the federal bureau of investigation, 53479  
are not obtained within the period ending thirty days after the 53480  
date the request is made. Regardless of when the results of the 53481

criminal records check are obtained, if the results indicate that 53482  
the individual has been convicted of or pleaded guilty to any of 53483  
the offenses listed or described in division (C)(1) of this 53484  
section, the program shall terminate the individual's employment 53485  
unless the program chooses to employ the individual pursuant to 53486  
division (F) of this section. Termination of employment under this 53487  
division shall be considered just cause for discharge for purposes 53488  
of division (D)(2) of section 4141.29 of the Revised Code if the 53489  
individual makes any attempt to deceive the program about the 53490  
individual's criminal record. 53491

(D)(1) Each hospice care program or pediatric respite care 53492  
program shall pay to the bureau of criminal identification and 53493  
investigation the fee prescribed pursuant to division (C)(3) of 53494  
section 109.572 of the Revised Code for each criminal records 53495  
check conducted pursuant to a request made under division (B) of 53496  
this section. 53497

(2) A hospice care program or pediatric respite care program 53498  
may charge an applicant a fee not exceeding the amount the program 53499  
pays under division (D)(1) of this section. A program may collect 53500  
a fee only if both of the following apply: 53501

(a) The program notifies the person at the time of initial 53502  
application for employment of the amount of the fee and that, 53503  
unless the fee is paid, the person will not be considered for 53504  
employment; 53505

(b) The ~~medical assistance~~ medicaid program ~~established under~~ 53506  
~~Chapter 5111. of the Revised Code~~ does not reimburse the program 53507  
the fee it pays under division (D)(1) of this section. 53508

(E) The report of a criminal records check conducted pursuant 53509  
to a request made under this section is not a public record for 53510  
the purposes of section 149.43 of the Revised Code and shall not 53511  
be made available to any person other than the following: 53512

- (1) The individual who is the subject of the criminal records check or the individual's representative; 53513  
53514
- (2) The chief administrator of the program requesting the criminal records check or the administrator's representative; 53515  
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- (3) The administrator of any other facility, agency, or program that provides direct care to older adults or pediatric respite care patients that is owned or operated by the same entity that owns or operates the hospice care program or pediatric respite care program; 53517  
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- (4) A court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment of the applicant or dealing with employment or unemployment benefits of the applicant; 53522  
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- (5) Any person to whom the report is provided pursuant to, and in accordance with, division (I)(1) or (2) of this section. 53526  
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- (F) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which a hospice care program or pediatric respite care program may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but meets personal character standards set by the director. 53528  
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- (G) The chief administrator of a hospice care program or pediatric respite care program shall inform each individual, at the time of initial application for a position that involves providing direct care to an older adult or pediatric respite care patient, that the individual is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the individual comes under final consideration for employment. 53535  
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- (H) In a tort or other civil action for damages that is 53543



brought as the result of an injury, death, or loss to person or 53544  
property caused by an individual who a hospice care program or 53545  
pediatric respite care program employs in a position that involves 53546  
providing direct care to older adults or pediatric respite care 53547  
patients, all of the following shall apply: 53548

(1) If the program employed the individual in good faith and 53549  
reasonable reliance on the report of a criminal records check 53550  
requested under this section, the program shall not be found 53551  
negligent solely because of its reliance on the report, even if 53552  
the information in the report is determined later to have been 53553  
incomplete or inaccurate; 53554

(2) If the program employed the individual in good faith on a 53555  
conditional basis pursuant to division (C)(2) of this section, the 53556  
program shall not be found negligent solely because it employed 53557  
the individual prior to receiving the report of a criminal records 53558  
check requested under this section; 53559

(3) If the program in good faith employed the individual 53560  
according to the personal character standards established in rules 53561  
adopted under division (F) of this section, the program shall not 53562  
be found negligent solely because the individual prior to being 53563  
employed had been convicted of or pleaded guilty to an offense 53564  
listed or described in division (C)(1) of this section. 53565

(I)(1) The chief administrator of a hospice care program or 53566  
pediatric respite care program is not required to request that the 53567  
superintendent of the bureau of criminal identification and 53568  
investigation conduct a criminal records check of an applicant if 53569  
the applicant has been referred to the program by an employment 53570  
service that supplies full-time, part-time, or temporary staff for 53571  
positions involving the direct care of older adults or pediatric 53572  
respite care patients and both of the following apply: 53573

(a) The chief administrator receives from the employment 53574

service or the applicant a report of the results of a criminal 53575  
records check regarding the applicant that has been conducted by 53576  
the superintendent within the one-year period immediately 53577  
preceding the applicant's referral; 53578

(b) The report of the criminal records check demonstrates 53579  
that the person has not been convicted of or pleaded guilty to an 53580  
offense listed or described in division (C)(1) of this section, or 53581  
the report demonstrates that the person has been convicted of or 53582  
pleaded guilty to one or more of those offenses, but the hospice 53583  
care program or pediatric respite care program chooses to employ 53584  
the individual pursuant to division (F) of this section. 53585

(2) The chief administrator of a hospice care program or 53586  
pediatric respite care program is not required to request that the 53587  
superintendent of the bureau of criminal identification and 53588  
investigation conduct a criminal records check of an applicant and 53589  
may employ the applicant conditionally as described in this 53590  
division, if the applicant has been referred to the program by an 53591  
employment service that supplies full-time, part-time, or 53592  
temporary staff for positions involving the direct care of older 53593  
adults or pediatric respite care patients and if the chief 53594  
administrator receives from the employment service or the 53595  
applicant a letter from the employment service that is on the 53596  
letterhead of the employment service, dated, and signed by a 53597  
supervisor or another designated official of the employment 53598  
service and that states that the employment service has requested 53599  
the superintendent to conduct a criminal records check regarding 53600  
the applicant, that the requested criminal records check will 53601  
include a determination of whether the applicant has been 53602  
convicted of or pleaded guilty to any offense listed or described 53603  
in division (C)(1) of this section, that, as of the date set forth 53604  
on the letter, the employment service had not received the results 53605  
of the criminal records check, and that, when the employment 53606

service receives the results of the criminal records check, it 53607  
promptly will send a copy of the results to the hospice care 53608  
program or pediatric respite care program. If a hospice care 53609  
program or pediatric respite care program employs an applicant 53610  
conditionally in accordance with this division, the employment 53611  
service, upon its receipt of the results of the criminal records 53612  
check, promptly shall send a copy of the results to the hospice 53613  
care program or pediatric respite care program, and division 53614  
(C)(2)(b) of this section applies regarding the conditional 53615  
employment. 53616

**Sec. 3713.06.** (A) Any person required to register under 53617  
division (A) of section 3713.02 of the Revised Code who imports 53618  
bedding or stuffed toys into this state for retail sale or use in 53619  
this state and any person required to register under division (A) 53620  
of section 3713.02 of the Revised Code who manufactures bedding or 53621  
stuffed toys in this state for retail sale or use in this state 53622  
shall submit a report to the superintendent of industrial 53623  
compliance, in a form and manner prescribed by the superintendent. 53624  
The form shall be submitted once ~~every six months~~ per year and 53625  
shall show the total number of items of bedding or stuffed toys 53626  
imported into this state or manufactured in this state. Each 53627  
report shall be accompanied by a fee of four cents for each item 53628  
of bedding or stuffed toy imported into this state or manufactured 53629  
in this state. 53630

(B) Every importer, manufacturer, or wholesaler of stuffed 53631  
toys or articles of bedding, and every mobile home and 53632  
recreational vehicle dealer, conversion van dealer, secondhand 53633  
dealer, and auction house shall retain records, designated by the 53634  
superintendent in rule, for the time period established in rule. 53635

(C) Every importer, manufacturer, or wholesaler of stuffed 53636  
toys or articles of bedding, and every mobile home and 53637

recreational vehicle dealer, conversion van dealer, secondhand 53638  
dealer, and auction house shall make sufficient investigation of 53639  
its records to ensure that the information reported to the 53640  
superintendent under division (A) of this section is accurate. 53641

**Sec. 3714.07.** (A)(1) For the purpose of assisting boards of 53642  
health and the environmental protection agency in administering 53643  
and enforcing this chapter and rules adopted under it, there is 53644  
hereby levied a fee of thirty cents per cubic yard or sixty cents 53645  
per ton, as applicable, on both of the following: 53646

(a) The disposal of construction and demolition debris at a 53647  
construction and demolition debris facility that is licensed under 53648  
this chapter or at a solid waste facility that is licensed under 53649  
Chapter 3734. of the Revised Code; 53650

(b) The disposal of asbestos or asbestos-containing materials 53651  
or products at a construction and demolition debris facility that 53652  
is licensed under this chapter or at a solid waste facility that 53653  
is licensed under Chapter 3734. of the Revised Code. 53654

(2) The owner or operator of a construction and demolition 53655  
debris facility or a solid waste facility shall determine if cubic 53656  
yards or tons will be used as the unit of measurement. If basing 53657  
the fee on cubic yards, the owner or operator shall utilize either 53658  
the maximum cubic yard capacity of the container, or the hauling 53659  
volume of the vehicle, that transports the construction and 53660  
demolition debris to the facility or the cubic yards actually 53661  
logged for disposal by the owner or operator in accordance with 53662  
rules adopted under section 3714.02 of the Revised Code. If basing 53663  
the fee on tonnage, the owner or operator shall use certified 53664  
scales to determine the tonnage of construction and demolition 53665  
debris that is disposed of. 53666

(3) The owner or operator of a construction and demolition 53667  
debris facility or a solid waste facility shall calculate the 53668

amount of money generated from the fee levied under division 53669  
(A)(1) of this section and shall hold that amount as a trustee for 53670  
the health district having jurisdiction over the facility, if that 53671  
district is on the approved list under section 3714.09 of the 53672  
Revised Code, or for the state. The owner or operator shall 53673  
prepare and file with the appropriate board of health or the 53674  
director of environmental protection monthly returns indicating 53675  
the total volume or weight, as applicable, of construction and 53676  
demolition debris and asbestos or asbestos-containing materials or 53677  
products disposed of at the facility and the total amount of money 53678  
generated during that month from the fee levied under division 53679  
(A)(1) of this section on the disposal of construction and 53680  
demolition debris and asbestos or asbestos-containing materials or 53681  
products. Not later than thirty days after the last day of the 53682  
month to which the return applies, the owner or operator shall 53683  
mail to the board of health or the director the return for that 53684  
month together with the amount of money calculated under division 53685  
(A)(3) of this section on the disposal of construction and 53686  
demolition debris and asbestos or asbestos-containing materials or 53687  
products during that month or may submit the return and money 53688  
electronically in a manner approved by the director. The owner or 53689  
operator may request, in writing, an extension of not more than 53690  
thirty days after the last day of the month to which the return 53691  
applies. A request for extension may be denied. If the owner or 53692  
operator submits the money late, the owner or operator shall pay a 53693  
penalty of ten per cent of the amount of the money due for each 53694  
month that it is late. 53695

(4) Of the money that is submitted by a construction and 53696  
demolition debris facility or a solid waste facility on a per 53697  
cubic yard or per ton basis under this section, a board of health 53698  
shall transmit three cents per cubic yard or six cents per ton, as 53699  
applicable, to the director not later than forty-five days after 53700  
the receipt of the money. The money retained by a board of health 53701

under this section shall be paid into a special fund, which is 53702  
hereby created in each health district, and used solely ~~to~~ for the 53703  
following purposes: 53704

(a) To administer and enforce this chapter and rules adopted 53705  
under it; 53706

(b) To abate accumulations of construction and demolition 53707  
debris as provided in section 3714.074 of the Revised Code. 53708

The director shall transmit all money received under this 53709  
section to the treasurer of state to be credited to the 53710  
construction and demolition debris facility oversight fund, which 53711  
is hereby created in the state treasury. The fund shall be 53712  
administered by the director, and money credited to the fund shall 53713  
be used exclusively for the administration and enforcement of this 53714  
chapter and rules adopted under it. 53715

(B) The board of health of a health district or the director 53716  
may enter into an agreement with the owner or operator of a 53717  
construction and demolition debris facility or a solid waste 53718  
facility for the quarterly payment of money generated from the 53719  
disposal fee as calculated in division (A)(3) of this section. The 53720  
board of health shall notify the director of any such agreement. 53721  
Not later than forty-five days after receipt of the quarterly 53722  
payment, the board of health shall transmit the amount established 53723  
in division (A)(4) of this section to the director. The money 53724  
retained by the board of health shall be deposited in the special 53725  
fund of the district as required under that division. Upon receipt 53726  
of the money from a board of health, the director shall transmit 53727  
the money to the treasurer of state to be credited to the 53728  
construction and demolition debris facility oversight fund. 53729

(C) If a construction and demolition debris facility or a 53730  
solid waste facility is located within the territorial boundaries 53731  
of a municipal corporation or the unincorporated area of a 53732

township, the municipal corporation or township may appropriate up to four cents per cubic yard or up to eight cents per ton of the disposal fee required to be paid by the facility under division (A)(1) of this section for the same purposes that a municipal corporation or township may levy a fee under division (C) of section 3734.57 of the Revised Code.

The legislative authority of the municipal corporation or township may appropriate the money from the fee by enacting an ordinance or adopting a resolution establishing the amount of the fee to be appropriated. Upon doing so, the legislative authority shall mail a certified copy of the ordinance or resolution to the board of health of the health district in which the construction and demolition debris facility or the solid waste facility is located or, if the facility is located in a health district that is not on the approved list under section 3714.09 of the Revised Code, to the director. Upon receipt of the copy of the ordinance or resolution and not later than forty-five days after receipt of money generated from the fee, the board or the director, as applicable, shall transmit to the treasurer or other appropriate officer of the municipal corporation or clerk of the township that portion of the money generated from the disposal fee by the owner or operator of the facility that is required by the ordinance or resolution to be paid to that municipal corporation or township.

Money received by the treasurer or other appropriate officer of a municipal corporation under this division shall be paid into the general fund of the municipal corporation. Money received by the clerk of a township under this division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the clerk of the township, as appropriate, shall maintain separate records of the money received under this division.

The legislative authority of a municipal corporation or

township may cease appropriating money under this division by 53765  
repealing the ordinance or resolution that was enacted or adopted 53766  
under this division. 53767

The director shall adopt rules in accordance with Chapter 53768  
119. of the Revised Code establishing requirements for prorating 53769  
the amount of the fee that may be appropriated under this division 53770  
by a municipal corporation or township in which only a portion of 53771  
a construction and demolition debris facility is located within 53772  
the territorial boundaries of the municipal corporation or 53773  
township. 53774

(D) The board of county commissioners of a county in which a 53775  
construction and demolition debris facility or a solid waste 53776  
facility is located may appropriate up to three cents per cubic 53777  
yard or up to six cents per ton of the disposal fee required to be 53778  
paid by the facility under division (A)(1) of this section for the 53779  
same purposes that a solid waste management district may levy a 53780  
fee under division (B) of section 3734.57 of the Revised Code. 53781

The board of county commissioners may appropriate the money 53782  
from the fee by adopting a resolution establishing the amount of 53783  
the fee to be appropriated. Upon doing so, the board of county 53784  
commissioners shall mail a certified copy of the resolution to the 53785  
board of health of the health district in which the construction 53786  
and demolition debris facility or the solid waste facility is 53787  
located or, if the facility is located in a health district that 53788  
is not on the approved list under section 3714.09 of the Revised 53789  
Code, to the director. Upon receipt of the copy of the resolution 53790  
and not later than forty-five days after receipt of money 53791  
generated from the fee, the board of health or the director, as 53792  
applicable, shall transmit to the treasurer of the county that 53793  
portion of the money generated from the disposal fee by the owner 53794  
or operator of the facility that is required by the resolution to 53795  
be paid to that county. 53796



Money received by a county treasurer under this division 53797  
shall be paid into the general fund of the county. The county 53798  
treasurer shall maintain separate records of the money received 53799  
under this division. 53800

A board of county commissioners may cease appropriating money 53801  
under this division by repealing the resolution that was adopted 53802  
under this division. 53803

(E)(1) This section does not apply to the disposal of 53804  
construction and demolition debris at a solid waste facility that 53805  
is licensed under Chapter 3734. of the Revised Code if there is no 53806  
construction and demolition debris facility licensed under this 53807  
chapter within thirty-five miles of the solid waste facility as 53808  
determined by a facility's property boundaries. 53809

(2) This section does not apply to the disposal of 53810  
construction and demolition debris at a solid waste facility that 53811  
is licensed under Chapter 3734. of the Revised Code if the owner 53812  
or operator of the facility chooses to collect fees on the 53813  
disposal of the construction and demolition debris and asbestos or 53814  
asbestos-containing materials or products that are identical to 53815  
the fees that are collected under Chapters 343. and 3734. of the 53816  
Revised Code on the disposal of solid wastes at that facility. 53817

(3) This section does not apply to the disposal of source 53818  
separated materials that are exclusively composed of reinforced or 53819  
nonreinforced concrete, asphalt, clay tile, building or paving 53820  
brick, or building or paving stone at a construction and 53821  
demolition debris facility that is licensed under this chapter 53822  
when either of the following applies: 53823

(a) The materials are placed within the limits of 53824  
construction and demolition debris placement at the facility as 53825  
specified in the license issued to the facility under section 53826  
3714.06 of the Revised Code, are not placed within the unloading 53827

zone of the facility, and are used as a fire prevention measure in 53828  
accordance with rules adopted by the director under section 53829  
3714.02 of the Revised Code. 53830

(b) The materials are not placed within the unloading zone of 53831  
the facility or within the limits of construction and demolition 53832  
debris placement at the facility as specified in the license 53833  
issued to the facility under section 3714.06 of the Revised Code, 53834  
but are used as fill material, either alone or in conjunction with 53835  
clean soil, sand, gravel, or other clean aggregates, in legitimate 53836  
fill operations for construction purposes at the facility or to 53837  
bring the facility up to a consistent grade. 53838

Sec. 3714.074. (A) A board of health may use money in the 53839  
board's special fund created in section 3714.07 of the Revised 53840  
Code for the purpose specified in division (B) of this section if 53841  
both of the following apply: 53842

(1) It is the end of the fiscal year. 53843

(2) The board determines that it has more money in the fund 53844  
than is necessary for the board to administer and enforce this 53845  
chapter and rules adopted under it for the following fiscal year. 53846

(B) A board of health may use excess money as described in 53847  
division (A) of this section to abate accumulations of 53848  
construction and demolition debris at a location for which a 53849  
license has not been issued pursuant to section 3714.05 of the 53850  
Revised Code if all of the following apply to the property on 53851  
which the accumulations are located: 53852

(1) The construction and demolition debris was placed on the 53853  
property under either of the following circumstances: 53854

(a) After the owner of the property acquired title to it; 53855

(b) Before the owner of the property acquired title to it if 53856  
the owner acquired title to the property by bequest or devise. 53857

(2) The owner of the property did not have knowledge that the construction and demolition debris was being placed on the property, or the owner posted on the property signs prohibiting dumping or took other action to prevent the placing of construction and demolition debris on the property. 53858  
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(3) The owner of the property did not participate in or consent to the placement of the construction and demolition debris on the property. 53863  
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(4) The owner of the property did not receive any financial benefit from the placement of the construction and demolition debris on the property or from having the construction and demolition debris on the property. 53866  
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(5) Title to the property was not transferred to the owner of that property for the purpose of avoiding liability for violations of this chapter or rules adopted under it. 53870  
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(6) The person responsible for the placement of the construction and demolition debris on the property, in placing the construction and demolition debris on the property, was not acting as an agent for the owner of the property. 53873  
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**Sec. 3717.08.** (A) The director of agriculture and director of health shall strive to increase consumer confidence in the state's food supply by promoting food safety awareness and education. The efforts of the director of agriculture and director of health shall be made, when appropriate and available, through partnerships with representatives of retail food establishments, representatives of food service operations, and representatives of the academic community, including ~~the Ohio state university~~ OSU extension ~~service~~. 53877  
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(B) As part of their promotion of food safety awareness, the director of agriculture and the director of health shall do the 53886  
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following: 53888

(1) Develop training programs regarding the Ohio uniform food 53889  
safety code. The directors may offer the training programs 53890  
separately but shall coordinate the content of the programs to the 53891  
greatest extent practicable. The training programs shall be made 53892  
available to the employees of the department of agriculture, 53893  
employees of the department of health, representatives of boards 53894  
of health and the health officials employed by the boards, 53895  
representatives of retail food establishments, and representatives 53896  
of food service operations. 53897

(2) Co-sponsor a biennial statewide food safety conference. 53898  
Additional statewide food safety conferences may be held as 53899  
considered appropriate by the director of agriculture and director 53900  
of health. 53901

**Sec. 3718.06.** (A) A board of health shall establish fees in 53902  
accordance with section 3709.09 of the Revised Code for the 53903  
purpose of carrying out its duties under this chapter and rules 53904  
adopted under it, including fees for installation permits, 53905  
operation permits, and alteration permits issued by the board. All 53906  
fees so established and collected by the board shall be deposited 53907  
in a special fund of the district to be used exclusively by the 53908  
board in carrying out those duties. 53909

(B) In accordance with Chapter 119. of the Revised Code, the 53910  
director of health may establish by rule a fee to be collected 53911  
from applicants for installation permits and alteration permits 53912  
issued under rules adopted under this chapter. The director of 53913  
health shall use not more than ~~seventy-five~~ ninety per cent of the 53914  
proceeds from that fee for administering and enforcing this 53915  
chapter and the rules adopted under it by the director. The 53916  
director shall use not less than ~~twenty-five~~ ten per cent of the 53917  
proceeds from that fee to establish a program in cooperation with 53918

boards of health to fund installation and evaluation of sewage 53919  
treatment system new technology pilot projects through grants or 53920  
other agreements. In the selection of pilot projects, the director 53921  
shall consult with the sewage treatment system technical advisory 53922  
committee. A board of health shall collect and transmit the fee to 53923  
the director pursuant to section 3709.092 of the Revised Code. 53924

**Sec. 3719.61.** Nothing in the laws dealing with drugs of abuse 53925  
shall be construed to prohibit treatment of narcotic drug 53926  
dependent persons by the continuing maintenance of their 53927  
dependence through the administration of methadone in accordance 53928  
with the rules adopted by the department of ~~alcohol and drug~~ 53929  
~~addiction services~~ mental health and addiction services under 53930  
section ~~3793.11~~ 5119.39 of the Revised Code, when all of the 53931  
following apply: 53932

(A) The likelihood that any person undergoing maintenance 53933  
treatment will be cured of dependence on narcotic drugs is remote, 53934  
the treatment is prescribed for the purpose of alleviating or 53935  
controlling the patient's drug dependence, and the patient's 53936  
prognosis while undergoing treatment is at least a partial 53937  
improvement in the patient's asocial or antisocial behavior 53938  
patterns; 53939

(B) In the case of an inpatient in a hospital or clinic, the 53940  
amount of the maintenance drug dispensed at any one time does not 53941  
exceed the quantity necessary for a single dose, and the dose is 53942  
administered to the patient immediately; 53943

(C) In the case of an outpatient, the amount of the 53944  
maintenance drug dispensed at any one time shall be determined by 53945  
the patient's treatment provider taking into account the patient's 53946  
progress in the treatment program and the patient's needs for 53947  
gainful employment, education, and responsible homemaking, except 53948  
that in no event shall the dosage be greater than the amount 53949

permitted by federal law and rules adopted by the department 53950  
pursuant to section ~~3793.11~~ 5119.39 of the Revised Code; 53951

(D) The drug is not dispensed in any case to replace or 53952  
supplement any part of a supply of the drug previously dispensed, 53953  
or when there is reasonable cause to believe it will be used or 53954  
disposed of unlawfully; 53955

(E) The drug is dispensed through a program licensed and 53956  
operated in accordance with section ~~3793.11~~ 5119.39 of the Revised 53957  
Code. 53958

**Sec. 3721.01.** (A) As used in sections 3721.01 to 3721.09 and 53959  
3721.99 of the Revised Code: 53960

(1)(a) "Home" means an institution, residence, or facility 53961  
that provides, for a period of more than twenty-four hours, 53962  
whether for a consideration or not, accommodations to three or 53963  
more unrelated individuals who are dependent upon the services of 53964  
others, including a nursing home, residential care facility, home 53965  
for the aging, and a veterans' home operated under Chapter 5907. 53966  
of the Revised Code. 53967

(b) "Home" also means both of the following: 53968

(i) Any facility that a person, as defined in section 3702.51 53969  
of the Revised Code, proposes for certification as a skilled 53970  
nursing facility or nursing facility under Title XVIII or XIX of 53971  
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 53972  
as amended, and for which a certificate of need, other than a 53973  
certificate to recategorize hospital beds as described in section 53974  
3702.521 of the Revised Code or division (R)(7)(d) of the version 53975  
of section 3702.51 of the Revised Code in effect immediately prior 53976  
to April 20, 1995, has been granted to the person under sections 53977  
3702.51 to 3702.62 of the Revised Code after August 5, 1989; 53978

(ii) A county home or district home that is or has been 53979

licensed as a residential care facility. 53980

(c) "Home" does not mean any of the following: 53981

(i) Except as provided in division (A)(1)(b) of this section, 53982  
a public hospital or hospital as defined in section 3701.01 or 53983  
5122.01 of the Revised Code; 53984

(ii) A residential facility as defined in section ~~5119.22~~ 53985  
5119.34 of the Revised Code; 53986

(iii) A residential facility as defined in section 5123.19 of 53987  
the Revised Code; 53988

(iv) ~~An alcohol or drug~~ A community addiction ~~program~~ 53989  
services provider as defined in section ~~3793.01~~ 5119.01 of the 53990  
Revised Code; 53991

(v) A facility licensed to provide methadone treatment under 53992  
section ~~3793.11~~ 5119.39 of the Revised Code; 53993

(vi) A facility providing services under contract with the 53994  
department of developmental disabilities under section 5123.18 of 53995  
the Revised Code; 53996

(vii) A facility operated by a hospice care program licensed 53997  
under section 3712.04 of the Revised Code that is used exclusively 53998  
for care of hospice patients; 53999

(viii) A facility operated by a pediatric respite care 54000  
program licensed under section 3712.041 of the Revised Code that 54001  
is used exclusively for care of pediatric respite care patients; 54002

(ix) A facility, infirmary, or other entity that is operated 54003  
by a religious order, provides care exclusively to members of 54004  
religious orders who take vows of celibacy and live by virtue of 54005  
their vows within the orders as if related, and does not 54006  
participate in the medicare program ~~established under Title XVIII~~ 54007  
~~of the "Social Security Act"~~ or the medical assistance medicaid 54008  
program ~~established under Chapter 5111. of the Revised Code and~~ 54009

~~Title XIX of the "Social Security Act,"~~ if on January 1, 1994, the 54010  
facility, infirmary, or entity was providing care exclusively to 54011  
members of the religious order; 54012

(x) A county home or district home that has never been 54013  
licensed as a residential care facility. 54014

(2) "Unrelated individual" means one who is not related to 54015  
the owner or operator of a home or to the spouse of the owner or 54016  
operator as a parent, grandparent, child, grandchild, brother, 54017  
sister, niece, nephew, aunt, uncle, or as the child of an aunt or 54018  
uncle. 54019

(3) "Mental impairment" does not mean mental illness as 54020  
defined in section 5122.01 of the Revised Code or mental 54021  
retardation as defined in section 5123.01 of the Revised Code. 54022

(4) "Skilled nursing care" means procedures that require 54023  
technical skills and knowledge beyond those the untrained person 54024  
possesses and that are commonly employed in providing for the 54025  
physical, mental, and emotional needs of the ill or otherwise 54026  
incapacitated. "Skilled nursing care" includes, but is not limited 54027  
to, the following: 54028

(a) Irrigations, catheterizations, application of dressings, 54029  
and supervision of special diets; 54030

(b) Objective observation of changes in the patient's 54031  
condition as a means of analyzing and determining the nursing care 54032  
required and the need for further medical diagnosis and treatment; 54033

(c) Special procedures contributing to rehabilitation; 54034

(d) Administration of medication by any method ordered by a 54035  
physician, such as hypodermically, rectally, or orally, including 54036  
observation of the patient after receipt of the medication; 54037

(e) Carrying out other treatments prescribed by the physician 54038  
that involve a similar level of complexity and skill in 54039



administration. 54040

(5)(a) "Personal care services" means services including, but 54041  
not limited to, the following: 54042

(i) Assisting residents with activities of daily living; 54043

(ii) Assisting residents with self-administration of 54044  
medication, in accordance with rules adopted under section 3721.04 54045  
of the Revised Code; 54046

(iii) Preparing special diets, other than complex therapeutic 54047  
diets, for residents pursuant to the instructions of a physician 54048  
or a licensed dietitian, in accordance with rules adopted under 54049  
section 3721.04 of the Revised Code. 54050

(b) "Personal care services" does not include "skilled 54051  
nursing care" as defined in division (A)(4) of this section. A 54052  
facility need not provide more than one of the services listed in 54053  
division (A)(5)(a) of this section to be considered to be 54054  
providing personal care services. 54055

(6) "Nursing home" means a home used for the reception and 54056  
care of individuals who by reason of illness or physical or mental 54057  
impairment require skilled nursing care and of individuals who 54058  
require personal care services but not skilled nursing care. A 54059  
nursing home is licensed to provide personal care services and 54060  
skilled nursing care. 54061

(7) "Residential care facility" means a home that provides 54062  
either of the following: 54063

(a) Accommodations for seventeen or more unrelated 54064  
individuals and supervision and personal care services for three 54065  
or more of those individuals who are dependent on the services of 54066  
others by reason of age or physical or mental impairment; 54067

(b) Accommodations for three or more unrelated individuals, 54068  
supervision and personal care services for at least three of those 54069

individuals who are dependent on the services of others by reason 54070  
of age or physical or mental impairment, and, to at least one of 54071  
those individuals, any of the skilled nursing care authorized by 54072  
section 3721.011 of the Revised Code. 54073

(8) "Home for the aging" means a home that provides services 54074  
as a residential care facility and a nursing home, except that the 54075  
home provides its services only to individuals who are dependent 54076  
on the services of others by reason of both age and physical or 54077  
mental impairment. 54078

The part or unit of a home for the aging that provides 54079  
services only as a residential care facility is licensed as a 54080  
residential care facility. The part or unit that may provide 54081  
skilled nursing care beyond the extent authorized by section 54082  
3721.011 of the Revised Code is licensed as a nursing home. 54083

(9) "County home" and "district home" mean a county home or 54084  
district home operated under Chapter 5155. of the Revised Code. 54085

(B) The director of health may further classify homes. For 54086  
the purposes of this chapter, any residence, institution, hotel, 54087  
congregate housing project, or similar facility that meets the 54088  
definition of a home under this section is such a home regardless 54089  
of how the facility holds itself out to the public. 54090

(C) For purposes of this chapter, personal care services or 54091  
skilled nursing care shall be considered to be provided by a 54092  
facility if they are provided by a person employed by or 54093  
associated with the facility or by another person pursuant to an 54094  
agreement to which neither the resident who receives the services 54095  
nor the resident's sponsor is a party. 54096

(D) Nothing in division (A)(4) of this section shall be 54097  
construed to permit skilled nursing care to be imposed on an 54098  
individual who does not require skilled nursing care. 54099

Nothing in division (A)(5) of this section shall be construed 54100

to permit personal care services to be imposed on an individual 54101  
who is capable of performing the activity in question without 54102  
assistance. 54103

(E) Division (A)(1)(c)(ix) of this section does not prohibit 54104  
a facility, infirmary, or other entity described in that division 54105  
from seeking licensure under sections 3721.01 to 3721.09 of the 54106  
Revised Code or certification under Title XVIII or XIX of the 54107  
"Social Security Act." However, such a facility, infirmary, or 54108  
entity that applies for licensure or certification must meet the 54109  
requirements of those sections or titles and the rules adopted 54110  
under them and obtain a certificate of need from the director of 54111  
health under section 3702.52 of the Revised Code. 54112

(F) Nothing in this chapter, or rules adopted pursuant to it, 54113  
shall be construed as authorizing the supervision, regulation, or 54114  
control of the spiritual care or treatment of residents or 54115  
patients in any home who rely upon treatment by prayer or 54116  
spiritual means in accordance with the creed or tenets of any 54117  
recognized church or religious denomination. 54118

**Sec. 3721.011.** (A) In addition to providing accommodations, 54119  
supervision, and personal care services to its residents, a 54120  
residential care facility may do the following: 54121

(1) Provide the following skilled nursing care to its 54122  
residents: 54123

(a) Supervision of special diets; 54124

(b) Application of dressings, in accordance with rules 54125  
adopted under section 3721.04 of the Revised Code; 54126

(c) Subject to division (B)(1) of this section, 54127  
administration of medication. 54128

(2) Subject to division (C) of this section, provide other 54129  
skilled nursing care on a part-time, intermittent basis for not 54130

more than a total of one hundred twenty days in a twelve-month period; 54131  
54132

(3) Provide skilled nursing care for more than one hundred 54133  
twenty days in a twelve-month period to a resident when the 54134  
requirements of division (D) of this section are met. 54135

A residential care facility may not admit or retain an 54136  
individual requiring skilled nursing care that is not authorized 54137  
by this section. A residential care facility may not provide 54138  
skilled nursing care beyond the limits established by this 54139  
section. 54140

(B)(1) A residential care facility may admit or retain an 54141  
individual requiring medication, including biologicals, only if 54142  
the individual's personal physician has determined in writing that 54143  
the individual is capable of self-administering the medication or 54144  
the facility provides for the medication to be administered to the 54145  
individual by a home health agency certified under Title XVIII of 54146  
the "Social Security Act," 79 Stat. 620 (1965), 42 U.S.C. 1395, as 54147  
amended; a hospice care program licensed under Chapter 3712. of 54148  
the Revised Code; or a member of the staff of the residential care 54149  
facility who is qualified to perform medication administration. 54150  
Medication may be administered in a residential care facility only 54151  
by the following persons authorized by law to administer 54152  
medication: 54153

(a) A registered nurse licensed under Chapter 4723. of the 54154  
Revised Code; 54155

(b) A licensed practical nurse licensed under Chapter 4723. 54156  
of the Revised Code who holds proof of successful completion of a 54157  
course in medication administration approved by the board of 54158  
nursing and who administers the medication only at the direction 54159  
of a registered nurse or a physician authorized under Chapter 54160  
4731. of the Revised Code to practice medicine and surgery or 54161

osteopathic medicine and surgery;	54162
(c) A medication aide certified under Chapter 4723. of the Revised Code;	54163 54164
(d) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	54165 54166 54167
(2) In assisting a resident with self-administration of medication, any member of the staff of a residential care facility may do the following:	54168 54169 54170
(a) Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container;	54171 54172
(b) Assist a resident by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to section 3721.04 of the Revised Code, and handing it to the resident. If the resident is physically unable to open the container, a staff member may open the container for the resident.	54173 54174 54175 54176 54177
(c) Assist a physically impaired but mentally alert resident, such as a resident with arthritis, cerebral palsy, or Parkinson's disease, in removing oral or topical medication from containers and in consuming or applying the medication, upon request by or with the consent of the resident. If a resident is physically unable to place a dose of medicine to the resident's mouth without spilling it, a staff member may place the dose in a container and place the container to the mouth of the resident.	54178 54179 54180 54181 54182 54183 54184 54185
(C) Except as provided in division (D) of this section, a residential care facility may admit or retain individuals who require skilled nursing care beyond the supervision of special diets, application of dressings, or administration of medication, only if the care will be provided on a part-time, intermittent basis for not more than a total of one hundred twenty days in any twelve-month period. In accordance with Chapter 119. of the	54186 54187 54188 54189 54190 54191 54192

Revised Code, the director of health shall adopt rules specifying 54193  
what constitutes the need for skilled nursing care on a part-time, 54194  
intermittent basis. The director shall adopt rules that are 54195  
consistent with rules pertaining to home health care adopted by 54196  
the ~~medicaid~~ director ~~of job and family services~~ for the medicaid 54197  
program ~~established under Chapter 5111. of the Revised Code.~~ 54198  
Skilled nursing care provided pursuant to this division may be 54199  
provided by a home health agency certified ~~under Title XVIII of~~ 54200  
~~the "Social Security Act for participation in the medicare~~ 54201  
~~program,"~~ a hospice care program licensed under Chapter 3712. of 54202  
the Revised Code, or a member of the staff of a residential care 54203  
facility who is qualified to perform skilled nursing care. 54204

A residential care facility that provides skilled nursing 54205  
care pursuant to this division shall do both of the following: 54206

(1) Evaluate each resident receiving the skilled nursing care 54207  
at least once every seven days to determine whether the resident 54208  
should be transferred to a nursing home; 54209

(2) Meet the skilled nursing care needs of each resident 54210  
receiving the care. 54211

(D)(1) A residential care facility may admit or retain an 54212  
individual who requires skilled nursing care for more than one 54213  
hundred twenty days in any twelve-month period only if the 54214  
facility has entered into a written agreement with each of the 54215  
following: 54216

(a) The individual or individual's sponsor; 54217

(b) The individual's personal physician; 54218

(c) Unless the individual's personal physician oversees the 54219  
skilled nursing care, the provider of the skilled nursing care; 54220

(d) If the individual is a hospice patient as defined in 54221  
section 3712.01 of the Revised Code, a hospice care program 54222

licensed under Chapter 3712. of the Revised Code. 54223

(2) The agreement required by division (D)(1) of this section 54224  
shall include all of the following provisions: 54225

(a) That the individual will be provided skilled nursing care 54226  
in the facility only if a determination has been made that the 54227  
individual's needs can be met at the facility; 54228

(b) That the individual will be retained in the facility only 54229  
if periodic redeterminations are made that the individual's needs 54230  
are being met at the facility; 54231

(c) That the redeterminations will be made according to a 54232  
schedule specified in the agreement; 54233

(d) If the individual is a hospice patient, that the 54234  
individual has been given an opportunity to choose the hospice 54235  
care program that best meets the individual's needs; 54236

(e) Unless the individual is a hospice patient, that the 54237  
individual's personal physician has determined that the skilled 54238  
nursing care the individual needs is routine. 54239

(E) Notwithstanding any other provision of this chapter, a 54240  
residential care facility in which residents receive skilled 54241  
nursing care pursuant to this section is not a nursing home. 54242

**Sec. 3721.02.** (A) As used in this section, "residential 54243  
facility" means a residential facility licensed under section 54244  
~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, 54245  
supervision, and personal care services for three to sixteen 54246  
unrelated adults. 54247

(B) The director of health shall license homes and establish 54248  
procedures to be followed in inspecting and licensing homes. The 54249  
director may inspect a home at any time. Each home shall be 54250  
inspected by the director at least once prior to the issuance of a 54251  
license and at least once every fifteen months thereafter. The 54252

state fire marshal or a township, municipal, or other legally 54253  
constituted fire department approved by the marshal shall also 54254  
inspect a home prior to issuance of a license, at least once every 54255  
fifteen months thereafter, and at any other time requested by the 54256  
director. A home does not have to be inspected prior to issuance 54257  
of a license by the director, state fire marshal, or a fire 54258  
department if ownership of the home is assigned or transferred to 54259  
a different person and the home was licensed under this chapter 54260  
immediately prior to the assignment or transfer. The director may 54261  
enter at any time, for the purposes of investigation, any 54262  
institution, residence, facility, or other structure that has been 54263  
reported to the director or that the director has reasonable cause 54264  
to believe is operating as a nursing home, residential care 54265  
facility, or home for the aging without a valid license required 54266  
by section 3721.05 of the Revised Code or, in the case of a county 54267  
home or district home, is operating despite the revocation of its 54268  
residential care facility license. The director may delegate the 54269  
director's authority and duties under this chapter to any 54270  
division, bureau, agency, or official of the department of health. 54271

(C) A single facility may be licensed both as a nursing home 54272  
pursuant to this chapter and as a residential facility pursuant to 54273  
section ~~5119.22~~ 5119.34 of the Revised Code if the director 54274  
determines that the part or unit to be licensed as a nursing home 54275  
can be maintained separate and discrete from the part or unit to 54276  
be licensed as a residential facility. 54277

(D) In determining the number of residents in a home for the 54278  
purpose of licensing, the director shall consider all the 54279  
individuals for whom the home provides accommodations as one group 54280  
unless one of the following is the case: 54281

(1) The home is a home for the aging, in which case all the 54282  
individuals in the part or unit licensed as a nursing home shall 54283  
be considered as one group, and all the individuals in the part or 54284



unit licensed as a rest home shall be considered as another group. 54285

(2) The home is both a nursing home and a residential 54286  
facility. In that case, all the individuals in the part or unit 54287  
licensed as a nursing home shall be considered as one group, and 54288  
all the individuals in the part or unit licensed as an adult care 54289  
facility shall be considered as another group. 54290

(3) The home maintains, in addition to a nursing home or 54291  
residential care facility, a separate and discrete part or unit 54292  
that provides accommodations to individuals who do not require or 54293  
receive skilled nursing care and do not receive personal care 54294  
services from the home, in which case the individuals in the 54295  
separate and discrete part or unit shall not be considered in 54296  
determining the number of residents in the home if the separate 54297  
and discrete part or unit is in compliance with the Ohio basic 54298  
building code established by the board of building standards under 54299  
Chapters 3781. and 3791. of the Revised Code and the home permits 54300  
the director, on request, to inspect the separate and discrete 54301  
part or unit and speak with the individuals residing there, if 54302  
they consent, to determine whether the separate and discrete part 54303  
or unit meets the requirements of this division. 54304

(E)(1) The director of health shall charge the following 54305  
application fee and annual renewal licensing and inspection fee 54306  
for each fifty persons or part thereof of a home's licensed 54307  
capacity: 54308

(a) For state fiscal year 2010, two hundred twenty dollars; 54309

(b) For state fiscal year 2011, two hundred seventy dollars; 54310

(c) For each state fiscal year thereafter, three hundred 54311  
twenty dollars. 54312

(2) All fees collected by the director for the issuance or 54313  
renewal of licenses shall be deposited into the state treasury to 54314  
the credit of the general operations fund created in section 54315

3701.83 of the Revised Code for use only in administering and 54316  
enforcing this chapter and rules adopted under it. 54317

(F)(1) Except as otherwise provided in this section, the 54318  
results of an inspection or investigation of a home that is 54319  
conducted under this section, including any statement of 54320  
deficiencies and all findings and deficiencies cited in the 54321  
statement on the basis of the inspection or investigation, shall 54322  
be used solely to determine the home's compliance with this 54323  
chapter or another chapter of the Revised Code in any action or 54324  
proceeding other than an action commenced under division (I) of 54325  
section 3721.17 of the Revised Code. Those results of an 54326  
inspection or investigation, that statement of deficiencies, and 54327  
the findings and deficiencies cited in that statement shall not be 54328  
used in any court or in any action or proceeding that is pending 54329  
in any court and are not admissible in evidence in any action or 54330  
proceeding unless that action or proceeding is an appeal of an 54331  
action by the department of health under this chapter or is an 54332  
action by any department or agency of the state to enforce this 54333  
chapter or another chapter of the Revised Code. 54334

(2) Nothing in division (E)(1) of this section prohibits the 54335  
results of an inspection or investigation conducted under this 54336  
section from being used in a criminal investigation or 54337  
prosecution. 54338

**Sec. 3721.022.** (A) As used in this section: 54339

(1) "Nursing facility" has the same meaning as in section 54340  
~~5111.20~~ 5165.01 of the Revised Code. 54341

(2) "Deficiency" and "survey" have the same meanings as in 54342  
section ~~5111.35~~ 5165.60 of the Revised Code. 54343

(3) "Title XIX" and "Title XVIII" have the same meanings as 54344  
in section 5165.01 of the Revised Code. 54345

(B) The department of health is hereby designated the state agency responsible for establishing and maintaining health standards and serving as the state survey agency for the purposes of ~~Titles~~ Title XVIII and Title XIX of the "~~Social Security Act,~~" ~~49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.~~ The department shall carry out these functions in accordance with the regulations, guidelines, and procedures issued under ~~Titles~~ Title XVIII and Title XIX by the United States secretary of health and human services and with sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. The director of health shall enter into agreements with regard to these functions with the department of ~~job and family services~~ medicaid and the United States department of health and human services. The director may also enter into agreements with the department of ~~job and family services~~ medicaid under which the department of health is designated to perform functions under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code.

The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary to implement the survey and certification requirements for skilled nursing facilities and nursing facilities established by the United States secretary of health and human services under ~~Titles~~ Title XVIII and Title XIX of the "~~Social Security Act,~~" and the survey requirements established under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. The rules shall include an informal process by which a facility may obtain up to two reviews of any deficiencies that have been cited on a statement of deficiencies made by the department of health under 42 C.F.R. Part 488 and cause the facility to be in noncompliance as defined in 42 C.F.R. 488.301. The first review shall be conducted by an employee of the department who did not participate in and was not otherwise involved in any way with the survey. A facility that is not satisfied with the results of a first review may receive a second

review on payment of a fee to the department. The amount of the 54379  
fee shall be specified in rules adopted under this section. The 54380  
fee shall be deposited into the state treasury to the credit of 54381  
the general operations fund created in section 3701.83 of the 54382  
Revised Code for use in the implementation of this section. The 54383  
second review shall be conducted by either of the following as 54384  
selected by the facility: a hearing officer employed by the 54385  
department or a hearing officer included on a list the department 54386  
shall provide the facility. A final determination that any 54387  
deficiency citation is unjustified shall be reflected clearly in 54388  
all records relating to the survey. 54389

The director need not adopt as rules any of the regulations, 54390  
guidelines, or procedures issued under ~~Titles~~ Title XVIII and 54391  
Title XIX of the "~~Social Security Act~~" by the United States 54392  
secretary of health and human services. 54393

**Sec. 3721.024.** As used in this section, "nursing facility" 54394  
has the same meaning as in section ~~5111.20~~ 5165.01 of the Revised 54395  
Code. 54396

The department of health may establish a program of 54397  
recognition of nursing facilities that provide the highest quality 54398  
care to residents who are medicaid recipients ~~of medical~~ 54399  
~~assistance under Chapter 5111. of the Revised Code.~~ The program 54400  
may be funded with public funds appropriated by the general 54401  
assembly for the purpose of the program or any funds appropriated 54402  
for nursing home licensure. 54403

**Sec. 3721.027.** (A) As used in this section, "survey" has the 54404  
same meaning as in section 5165.60 of the Revised Code. 54405

(B) The department of health shall investigate within ten 54406  
working days after referral, in accordance with procedures and 54407  
criteria to be established by the department of health and the 54408

department of aging, any unresolved complaint that the office of 54409  
the state long-term care ~~ombudsperson~~ ombudsman has investigated 54410  
and found to be valid and refers to the department of health. This 54411  
requirement does not supersede federal requirements for survey 54412  
agency complaint investigations. 54413

**Sec. 3721.042.** The director of health may not deny a nursing 54414  
home license to a facility seeking a license under this chapter as 54415  
a nursing home on the grounds that the facility does not satisfy a 54416  
requirement established in rules adopted under section 3721.04 of 54417  
the Revised Code regarding the toilet rooms and dining and 54418  
recreational areas of nursing homes if all of the following 54419  
requirements are met: 54420

(A) The facility seeks a license under this chapter because 54421  
it is a county home or district home being sold under section 54422  
5155.31 of the Revised Code to a person who may not operate the 54423  
facility without a nursing home license under this chapter. 54424

(B) The requirement would not have applied to the facility 54425  
had the facility been a nursing home first licensed under this 54426  
chapter before October 20, 2001. 54427

(C) The facility was a nursing facility, as defined in 54428  
section ~~5111.20~~ 5165.01 of the Revised Code, on the date 54429  
immediately preceding the date the facility is sold to the person 54430  
seeking the license. 54431

**Sec. 3721.071.** The buildings in which a home is housed shall 54432  
be equipped with both an automatic fire extinguishing system and 54433  
fire alarm system. Such systems shall conform to standards set 54434  
forth in the regulations of the board of building standards and 54435  
the state fire marshal. 54436

The time for compliance with the requirements imposed by this 54437  
section shall be January 1, 1975, except that the date for 54438

compliance with the automatic fire extinguishing requirements is 54439  
extended to January 1, 1976, provided the buildings of the home 54440  
are otherwise in compliance with fire safety laws and regulations 54441  
and: 54442

(A) The home within thirty days after August 4, 1975, files a 54443  
written plan with the state fire marshal's office that: 54444

(1) Outlines the interim safety procedures which shall be 54445  
carried out to reduce the possibility of a fire; 54446

(2) Provides evidence that the home has entered into an 54447  
agreement for a fire safety inspection to be conducted not less 54448  
than monthly by a qualified independent safety engineer consultant 54449  
or a township, municipal, or other legally constituted fire 54450  
department, or by a township or municipal fire prevention officer; 54451

(3) Provides verification that the home has entered into a 54452  
valid contract for the installation of an automatic fire 54453  
extinguishing system or fire alarm system, or both, as required to 54454  
comply with this section; 54455

(4) Includes a statement regarding the expected date for the 54456  
completion of the fire extinguishing system or fire alarm system, 54457  
or both. 54458

(B) Inspections by a qualified independent safety engineer 54459  
consultant or a township, municipal, or other legally constituted 54460  
fire department, or by a township or municipal fire prevention 54461  
officer are initiated no later than sixty days after August 4, 54462  
1975, and are conducted no less than monthly thereafter, and 54463  
reports of the consultant, fire department, or fire prevention 54464  
officer identifying existing hazards and recommended corrective 54465  
actions are submitted to the state fire marshal, the division of 54466  
industrial compliance in the department of commerce, and the 54467  
department of health. 54468

It is the express intent of the general assembly that the 54469

department of ~~job and family services~~ medicaid shall terminate 54470  
~~payments under Title XIX of the "Social Security Act," 49 Stat.~~ 54471  
~~620 (1935), 42 U.S.C. 301, as amended, to~~ the medicaid provider 54472  
agreements of those homes ~~which~~ that do not comply with the 54473  
requirements of this section for the submission of a written fire 54474  
safety plan and the deadline for entering into contracts for the 54475  
installation of systems. 54476

Sec. 3721.072. (A) As used in this section: 54477

(1) "Advance care planning" means providing each nursing home 54478  
resident, or the resident's sponsor if the resident is unable to 54479  
participate, on admission to the nursing home and quarterly 54480  
thereafter, with the opportunity to discuss the resident's care 54481  
goals. 54482

(2) "Overhead paging" means sending audible announcements via 54483  
an electronic sound amplification and distribution system 54484  
throughout part or all of a nursing home to staff, residents, 54485  
residents' families, or others. 54486

(3) "Quality improvement project" means a project listed by 54487  
the department of aging under the nursing home quality initiative 54488  
established under section 173.60 of the Revised Code. 54489

(B) Beginning July 1, 2013, each nursing home shall 54490  
participate in at least one quality improvement project each year. 54491  
Each nursing facility shall select the project in which it will 54492  
participate from the list the department of aging makes available 54493  
pursuant to section 173.60 of the Revised Code. 54494

(C) Beginning July 1, 2015, each nursing home shall 54495  
participate in advance care planning with all residents or their 54496  
sponsors. 54497

(D) Beginning July 1, 2015, each nursing home shall prohibit 54498  
the use of overhead paging within the nursing home, except that 54499

the nursing home may permit the use of overhead paging for matters 54500  
of urgent public safety or urgent clinical operations and in 54501  
accordance with the preferences of the nursing home's residents. 54502  
The nursing home shall develop a written policy regarding its use 54503  
of overhead paging and make the policy available to staff, 54504  
residents, and residents' families. 54505

**Sec. 3721.08.** (A) As used in this section, "real and present 54506  
danger" means imminent danger of serious physical or 54507  
life-threatening harm to one or more occupants of a home. 54508

(B) The director of health may petition the court of common 54509  
pleas of the county in which the home is located for an order 54510  
enjoining any person from operating a home without a license or 54511  
enjoining a county home or district home that has had its license 54512  
revoked from continuing to operate. The court shall have 54513  
jurisdiction to grant such injunctive relief upon a showing that 54514  
the respondent named in the petition is operating a home without a 54515  
license or that the county home or district home named in the 54516  
petition is operating despite the revocation of its license. The 54517  
court shall have jurisdiction to grant such injunctive relief 54518  
against the operation of a home without a valid license regardless 54519  
of whether the home meets essential licensing requirements. 54520

(C) Unless the department of ~~job and family services~~ medicaid 54521  
or contracting agency has taken action under section ~~5111.51~~ 54522  
5165.77 of the Revised Code to appoint a temporary manager or seek 54523  
injunctive relief, if, in the judgment of the director of health, 54524  
real and present danger exists at any home, the director may 54525  
petition the court of common pleas of the county in which the home 54526  
is located for such injunctive relief as is necessary to close the 54527  
home, transfer one or more occupants to other homes or other 54528  
appropriate care settings, or otherwise eliminate the real and 54529  
present danger. The court shall have the jurisdiction to grant 54530



such injunctive relief upon a showing that there is real and present danger. 54531  
54532

(D)(1) If the director determines that real and present danger exists at a home and elects not to immediately seek injunctive relief under division (C) of this section, the director may give written notice of proposed action to the home. The notice shall specify all of the following: 54533  
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54535  
54536  
54537

(a) The nature of the conditions giving rise to the real and present danger; 54538  
54539

(b) The measures that the director determines the home must take to respond to the conditions; 54540  
54541

(c) The date on which the director intends to seek injunctive relief under division (C) of this section if the director determines that real and present danger exists at the home. 54542  
54543  
54544

(2) If the home notifies the director, within the time specified pursuant to division (D)(1)(c) of this section, that it believes the conditions giving rise to the real and present danger have been substantially corrected, the director shall conduct an inspection to determine whether real and present danger exists. If the director determines on the basis of the inspection that real and present danger exists, the director may petition under division (C) of this section for injunctive relief. 54545  
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(E)(1) If in the judgment of the director of health conditions exist at a home that will give rise to real and present danger if not corrected, the director shall give written notice of proposed action to the home. The notice shall specify all of the following: 54553  
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54555  
54556  
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(a) The nature of the conditions giving rise to the director's judgment; 54558  
54559

(b) The measures that the director determines the home must 54560

take to respond to the conditions; 54561

(c) The date, which shall be no less than ten days after the 54562  
notice is delivered, on which the director intends to seek 54563  
injunctive relief under division (C) of this section if the 54564  
conditions are not substantially corrected and the director 54565  
determines that a real and present danger exists. 54566

(2) If the home notifies the director, within the period of 54567  
time specified pursuant to division (E)(1)(c) of this section, 54568  
that the conditions giving rise to the director's determination 54569  
have been substantially corrected, the director shall conduct an 54570  
inspection. If the director determines on the basis of the 54571  
inspection that the conditions have not been corrected and a real 54572  
and present danger exists, the director may petition under 54573  
division (C) of this section for injunctive relief. 54574

(F)(1) A court that grants injunctive relief under division 54575  
(C) of this section may also appoint a special master who, subject 54576  
to division (F)(2) of this section, shall have such powers and 54577  
authority over the home and length of appointment as the court 54578  
considers necessary. Subject to division (F)(2) of this section, 54579  
the salary of a special master and any costs incurred by a special 54580  
master shall be the obligation of the home. 54581

(2) No special master shall enter into any employment 54582  
contract on behalf of a home, or purchase with the home's funds 54583  
any capital goods totaling more than ten thousand dollars, unless 54584  
the special master has obtained approval for the contract or 54585  
purchase from the home's operator or the court. 54586

(G) If the director takes action under division (C), (D), or 54587  
(E) of this section, the director may also appoint employees of 54588  
the department of health to conduct on-site monitoring of the 54589  
home. Appointment of monitors is not subject to appeal under 54590  
Chapter 119. or any other section of the Revised Code. No employee 54591

of a home for which monitors are appointed, no person employed by 54592  
the home within the previous two years, and no person who 54593  
currently has a consulting contract with the department or a home, 54594  
shall be appointed under this division. Every monitor shall have 54595  
the professional qualifications necessary to monitor correction of 54596  
the conditions that give rise to or, in the director's judgment, 54597  
will give rise to real and present danger. The number of monitors 54598  
present at a home at any given time shall not exceed one for every 54599  
fifty residents, or fraction thereof. 54600

(H) On finding that the real and present danger for which 54601  
injunctive relief was granted under division (C) of this section 54602  
has been eliminated and that the home's operator has demonstrated 54603  
the capacity to prevent the real and present danger from 54604  
recurring, the court shall terminate its jurisdiction over the 54605  
home and return control and management of the home to the 54606  
operator. If the real and present danger cannot be eliminated 54607  
practicably within a reasonable time following appointment of a 54608  
special master, the court may order the special master to close 54609  
the home and transfer all residents to other homes or other 54610  
appropriate care settings. 54611

(I) The director of health shall give notice of proposed 54612  
action under divisions (D) and (E) of this section to both of the 54613  
following: 54614

(1) The home's administrator; 54615

(2) If the home is operated by an organization described in 54616  
subsection 501(c)(3) and tax exempt under subsection 501(a) of the 54617  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as 54618  
amended, the board of trustees of the organization; or, if the 54619  
home is not operated by such an organization, the owner of the 54620  
home. 54621

Notices shall be delivered by certified mail or hand 54622

delivery. If notices are mailed, they shall be addressed to the 54623  
persons specified in divisions (I)(1) and (2) of this section, as 54624  
indicated in the department of health's records. If they are hand 54625  
delivered, they shall be delivered to persons who would reasonably 54626  
appear to the average prudent person to have authority to accept 54627  
them. 54628

(J) If ownership of a home is assigned or transferred to a 54629  
different person, the new owner is responsible and liable for 54630  
compliance with any notice of proposed action or order issued 54631  
under this section prior to the effective date of the assignment 54632  
or transfer. 54633

**Sec. 3721.10.** As used in sections 3721.10 to 3721.18 of the 54634  
Revised Code: 54635

(A) "Home" means all of the following: 54636

(1) A home as defined in section 3721.01 of the Revised Code; 54637

(2) Any facility or part of a facility not defined as a home 54638  
under section 3721.01 of the Revised Code that is ~~certified as a~~ 54639  
skilled nursing facility ~~under Title XVIII of the "Social Security~~ 54640  
~~Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395 and 1396, as amended,~~ 54641  
~~or as a~~ or nursing facility, both as defined in section ~~5111.20~~ 54642  
5165.01 of the Revised Code; 54643

(3) A county home or district home operated pursuant to 54644  
Chapter 5155. of the Revised Code. 54645

(B) "Resident" means a resident or a patient of a home. 54646

(C) "Administrator" means all of the following: 54647

(1) With respect to a home as defined in section 3721.01 of 54648  
the Revised Code, a nursing home administrator as defined in 54649  
section 4751.01 of the Revised Code; 54650

(2) With respect to a facility or part of a facility not 54651

defined as a home in section 3721.01 of the Revised Code that is 54652  
authorized to provide skilled nursing facility or nursing facility 54653  
services, the administrator of the facility or part of a facility; 54654

(3) With respect to a county home or district home, the 54655  
superintendent appointed under Chapter 5155. of the Revised Code. 54656

(D) "Sponsor" means an adult relative, friend, or guardian of 54657  
a resident who has an interest or responsibility in the resident's 54658  
welfare. 54659

(E) "Residents' rights advocate" means: 54660

(1) An employee or representative of any state or local 54661  
government entity that has a responsibility regarding residents 54662  
and that has registered with the department of health under 54663  
division (B) of section 3701.07 of the Revised Code; 54664

(2) An employee or representative of any private nonprofit 54665  
corporation or association that qualifies for tax-exempt status 54666  
under section 501(a) of the "Internal Revenue Code of 1986," 100 54667  
Stat. 2085, 26 U.S.C.A. 1, as amended, and that has registered 54668  
with the department of health under division (B) of section 54669  
3701.07 of the Revised Code and whose purposes include educating 54670  
and counseling residents, assisting residents in resolving 54671  
problems and complaints concerning their care and treatment, and 54672  
assisting them in securing adequate services to meet their needs; 54673

(3) A member of the general assembly. 54674

(F) "Physical restraint" means, but is not limited to, any 54675  
article, device, or garment that interferes with the free movement 54676  
of the resident and that the resident is unable to remove easily, 54677  
a geriatric chair, or a locked room door. 54678

(G) "Chemical restraint" means any medication bearing the 54679  
American hospital formulary service therapeutic class ~~4-00~~ 4:00, 54680  
28:16:08, 28:24:08, or 28:24:92 that alters the functioning of the 54681

central nervous system in a manner that limits physical and 54682  
cognitive functioning to the degree that the resident cannot 54683  
attain the resident's highest practicable physical, mental, and 54684  
psychosocial well-being. 54685

(H) "Ancillary service" means, but is not limited to, 54686  
podiatry, dental, hearing, vision, physical therapy, occupational 54687  
therapy, speech therapy, and psychological and social services. 54688

(I) "Facility" means a facility, or part of a facility, 54689  
certified as a nursing facility or skilled nursing facility ~~under~~ 54690  
~~Title XVIII or Title XIX of the "Social Security Act, both as~~ 54691  
~~defined in section 5165.01 of the Revised Code."~~ "Facility" does 54692  
not include an intermediate care facility for the mentally 54693  
retarded, as defined in section ~~5111.20~~ 5124.01 of the Revised 54694  
Code. 54695

~~(J) "Medicare" means the program established by Title XVIII~~ 54696  
~~of the "Social Security Act."~~ 54697

~~(K) "Medicaid" means the program established by Title XIX of~~ 54698  
~~the "Social Security Act" and Chapter 5111. of the Revised Code.~~ 54699

**Sec. 3721.12.** (A) The administrator of a home shall: 54700

(1) With the advice of residents, their sponsors, or both, 54701  
establish and review at least annually, written policies regarding 54702  
the applicability and implementation of residents' rights under 54703  
sections 3721.10 to 3721.17 of the Revised Code, the 54704  
responsibilities of residents regarding the rights, and the home's 54705  
grievance procedure established under division (A)(2) of this 54706  
section. The administrator is responsible for the development of, 54707  
and adherence to, procedures implementing the policies. 54708

(2) Establish a grievance committee for review of complaints 54709  
by residents. The grievance committee shall be comprised of the 54710  
home's staff and residents, sponsors, or outside representatives 54711

in a ratio of not more than one staff member to every two residents, sponsors, or outside representatives. 54712  
54713

(3) Furnish to each resident and sponsor prior to or at the time of admission, and to each member of the home's staff, at least one of each of the following: 54714  
54715  
54716

(a) A copy of the rights established under sections 3721.10 to 3721.17 of the Revised Code; 54717  
54718

(b) A written explanation of the provisions of sections 3721.16 to 3721.162 of the Revised Code; 54719  
54720

(c) A copy of the home's policies and procedures established under this section; 54721  
54722

(d) A copy of the home's rules; 54723

(e) A copy of the addresses and telephone numbers of the board of health of the health district of the county in which the home is located, the county department of job and family services of the county in which the home is located, the state departments of health and ~~job and family services~~ medicaid, the state and local offices of the department of aging, and any Ohio nursing home ~~ombudsman~~ ombudsman program. 54724  
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(B) Written acknowledgment of the receipt of copies of the materials listed in this section shall be made part of the resident's record and the staff member's personnel record. 54731  
54732  
54733

(C) The administrator shall post all of the following prominently within the home: 54734  
54735

(1) A copy of the rights of residents as listed in division (A) of section 3721.13 of the Revised Code; 54736  
54737

(2) A copy of the home's rules and its policies and procedures regarding the rights and responsibilities of residents; 54738  
54739

(3) A notice that a copy of this chapter, rules of the department of health applicable to the home, and federal 54740  
54741

regulations adopted under the medicare and medicaid programs, and 54742  
the materials required to be available in the home under section 54743  
3721.021 of the Revised Code, are available for inspection in the 54744  
home at reasonable hours; 54745

(4) A list of residents' rights advocates; 54746

(5) A notice that the following are available in a place 54747  
readily accessible to residents: 54748

(a) If the home is licensed under section 3721.02 of the 54749  
Revised Code, a copy of the most recent licensure inspection 54750  
report prepared for the home under that section; 54751

(b) If the home is a facility, a copy of the most recent 54752  
statement of deficiencies issued to the home under section ~~5111.42~~ 54753  
5165.68 of the Revised Code. 54754

(D) The administrator of a home may, with the advice of 54755  
residents, their sponsors, or both, establish written policies 54756  
regarding the applicability and administration of any additional 54757  
residents' rights beyond those set forth in sections 3721.10 to 54758  
3721.17 of the Revised Code, and the responsibilities of residents 54759  
regarding the rights. Policies established under this division 54760  
shall be reviewed, and procedures developed and adhered to as in 54761  
division (A)(1) of this section. 54762

**Sec. 3721.121.** (A) As used in this section: 54763

(1) "Adult day-care program" means a program operated 54764  
pursuant to rules adopted by the director of health under section 54765  
3721.04 of the Revised Code and provided by and on the same site 54766  
as homes licensed under this chapter. 54767

(2) "Applicant" means a person who is under final 54768  
consideration for employment with a home or adult day-care program 54769  
in a full-time, part-time, or temporary position that involves 54770  
providing direct care to an older adult. "Applicant" does not 54771



include a person who provides direct care as a volunteer without 54772  
receiving or expecting to receive any form of remuneration other 54773  
than reimbursement for actual expenses. 54774

(3) "Community-based long-term care services provider" means 54775  
a provider as defined in section 173.39 of the Revised Code. 54776

(4) "Criminal records check" has the same meaning as in 54777  
section 109.572 of the Revised Code. 54778

~~(4)~~(5) "Home" means a home as defined in section 3721.10 of 54779  
the Revised Code. 54780

~~(5)~~(6) "Older adult" means a person age sixty or older. 54781

(B)(1) Except as provided in division (I) of this section, 54782  
the chief administrator of a home or adult day-care program shall 54783  
request that the superintendent of the bureau of criminal 54784  
identification and investigation conduct a criminal records check 54785  
of each applicant. If an applicant for whom a criminal records 54786  
check request is required under this division does not present 54787  
proof of having been a resident of this state for the five-year 54788  
period immediately prior to the date the criminal records check is 54789  
requested or provide evidence that within that five-year period 54790  
the superintendent has requested information about the applicant 54791  
from the federal bureau of investigation in a criminal records 54792  
check, the chief administrator shall request that the 54793  
superintendent obtain information from the federal bureau of 54794  
investigation as part of the criminal records check of the 54795  
applicant. Even if an applicant for whom a criminal records check 54796  
request is required under this division presents proof of having 54797  
been a resident of this state for the five-year period, the chief 54798  
administrator may request that the superintendent include 54799  
information from the federal bureau of investigation in the 54800  
criminal records check. 54801

(2) A person required by division (B)(1) of this section to 54802

request a criminal records check shall do both of the following: 54803

(a) Provide to each applicant for whom a criminal records 54804  
check request is required under that division a copy of the form 54805  
prescribed pursuant to division (C)(1) of section 109.572 of the 54806  
Revised Code and a standard fingerprint impression sheet 54807  
prescribed pursuant to division (C)(2) of that section, and obtain 54808  
the completed form and impression sheet from the applicant; 54809

(b) Forward the completed form and impression sheet to the 54810  
superintendent of the bureau of criminal identification and 54811  
investigation. 54812

(3) An applicant provided the form and fingerprint impression 54813  
sheet under division (B)(2)(a) of this section who fails to 54814  
complete the form or provide fingerprint impressions shall not be 54815  
employed in any position for which a criminal records check is 54816  
required by this section. 54817

(C)(1) Except as provided in rules adopted by the director of 54818  
health in accordance with division (F) of this section and subject 54819  
to division (C)(2) of this section, no home or adult day-care 54820  
program shall employ a person in a position that involves 54821  
providing direct care to an older adult if the person has been 54822  
convicted of or pleaded guilty to any of the following: 54823

(a) A violation of section 2903.01, 2903.02, 2903.03, 54824  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 54825  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 54826  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 54827  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 54828  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 54829  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 54830  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 54831  
2925.22, 2925.23, or 3716.11 of the Revised Code. 54832

(b) A violation of an existing or former law of this state, 54833

any other state, or the United States that is substantially 54834  
equivalent to any of the offenses listed in division (C)(1)(a) of 54835  
this section. 54836

(2)(a) A home or an adult day-care program may employ 54837  
conditionally an applicant for whom a criminal records check 54838  
request is required under division (B) of this section prior to 54839  
obtaining the results of a criminal records check regarding the 54840  
individual, provided that the home or program shall request a 54841  
criminal records check regarding the individual in accordance with 54842  
division (B)(1) of this section not later than five business days 54843  
after the individual begins conditional employment. In the 54844  
circumstances described in division (I)(2) of this section, a home 54845  
or adult day-care program may employ conditionally an applicant 54846  
who has been referred to the home or adult day-care program by an 54847  
employment service that supplies full-time, part-time, or 54848  
temporary staff for positions involving the direct care of older 54849  
adults and for whom, pursuant to that division, a criminal records 54850  
check is not required under division (B) of this section. 54851

(b) A home or adult day-care program that employs an 54852  
individual conditionally under authority of division (C)(2)(a) of 54853  
this section shall terminate the individual's employment if the 54854  
results of the criminal records check requested under division (B) 54855  
of this section or described in division (I)(2) of this section, 54856  
other than the results of any request for information from the 54857  
federal bureau of investigation, are not obtained within the 54858  
period ending thirty days after the date the request is made. 54859  
Regardless of when the results of the criminal records check are 54860  
obtained, if the results indicate that the individual has been 54861  
convicted of or pleaded guilty to any of the offenses listed or 54862  
described in division (C)(1) of this section, the home or program 54863  
shall terminate the individual's employment unless the home or 54864  
program chooses to employ the individual pursuant to division (F) 54865

of this section. Termination of employment under this division 54866  
shall be considered just cause for discharge for purposes of 54867  
division (D)(2) of section 4141.29 of the Revised Code if the 54868  
individual makes any attempt to deceive the home or program about 54869  
the individual's criminal record. 54870

(D)(1) Each home or adult day-care program shall pay to the 54871  
bureau of criminal identification and investigation the fee 54872  
prescribed pursuant to division (C)(3) of section 109.572 of the 54873  
Revised Code for each criminal records check conducted pursuant to 54874  
a request made under division (B) of this section. 54875

(2) A home or adult day-care program may charge an applicant 54876  
a fee not exceeding the amount the home or program pays under 54877  
division (D)(1) of this section. A home or program may collect a 54878  
fee only if both of the following apply: 54879

(a) The home or program notifies the person at the time of 54880  
initial application for employment of the amount of the fee and 54881  
that, unless the fee is paid, the person will not be considered 54882  
for employment; 54883

(b) The ~~medical assistance~~ medicaid program ~~established under~~ 54884  
~~Chapter 5111. of the Revised Code~~ does not reimburse the home or 54885  
program the fee it pays under division (D)(1) of this section. 54886

(E) The report of any criminal records check conducted 54887  
pursuant to a request made under this section is not a public 54888  
record for the purposes of section 149.43 of the Revised Code and 54889  
shall not be made available to any person other than the 54890  
following: 54891

(1) The individual who is the subject of the criminal records 54892  
check or the individual's representative; 54893

(2) The chief administrator of the home or program requesting 54894  
the criminal records check or the administrator's representative; 54895

(3) The administrator of any other facility, agency, or program that provides direct care to older adults that is owned or operated by the same entity that owns or operates the home or program; 54896  
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(4) A court, hearing officer, or other necessary individual involved in a case dealing with a denial of employment of the applicant or dealing with employment or unemployment benefits of the applicant; 54900  
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(5) Any person to whom the report is provided pursuant to, and in accordance with, division (I)(1) or (2) of this section; 54904  
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(6) The board of nursing for purposes of accepting and processing an application for a medication aide certificate issued under Chapter 4723. of the Revised Code; 54906  
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(7) The director of aging or the director's designee if the criminal records check is requested by the chief administrator of a home that is also a community-based long-term care services provider. 54909  
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(F) In accordance with section 3721.11 of the Revised Code, the director of health shall adopt rules to implement this section. The rules shall specify circumstances under which a home or adult day-care program may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but meets personal character standards set by the director. 54913  
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(G) The chief administrator of a home or adult day-care program shall inform each individual, at the time of initial application for a position that involves providing direct care to an older adult, that the individual is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the individual comes under final consideration for employment. 54920  
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(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an individual who a home or adult day-care program employs in a position that involves providing direct care to older adults, all of the following shall apply:

(1) If the home or program employed the individual in good faith and reasonable reliance on the report of a criminal records check requested under this section, the home or program shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate;

(2) If the home or program employed the individual in good faith on a conditional basis pursuant to division (C)(2) of this section, the home or program shall not be found negligent solely because it employed the individual prior to receiving the report of a criminal records check requested under this section;

(3) If the home or program in good faith employed the individual according to the personal character standards established in rules adopted under division (F) of this section, the home or program shall not be found negligent solely because the individual prior to being employed had been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section.

(I)(1) The chief administrator of a home or adult day-care program is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant if the applicant has been referred to the home or program by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults and both of the following apply:

(a) The chief administrator receives from the employment service or the applicant a report of the results of a criminal records check regarding the applicant that has been conducted by the superintendent within the one-year period immediately preceding the applicant's referral;

(b) The report of the criminal records check demonstrates that the person has not been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section, or the report demonstrates that the person has been convicted of or pleaded guilty to one or more of those offenses, but the home or adult day-care program chooses to employ the individual pursuant to division (F) of this section.

(2) The chief administrator of a home or adult day-care program is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant and may employ the applicant conditionally as described in this division, if the applicant has been referred to the home or program by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults and if the chief administrator receives from the employment service or the applicant a letter from the employment service that is on the letterhead of the employment service, dated, and signed by a supervisor or another designated official of the employment service and that states that the employment service has requested the superintendent to conduct a criminal records check regarding the applicant, that the requested criminal records check will include a determination of whether the applicant has been convicted of or pleaded guilty to any offense listed or described in division (C)(1) of this section, that, as of the date set forth on the letter, the employment service had not received the results of the criminal records check, and that, when the employment

service receives the results of the criminal records check, it 54990  
promptly will send a copy of the results to the home or adult 54991  
day-care program. If a home or adult day-care program employs an 54992  
applicant conditionally in accordance with this division, the 54993  
employment service, upon its receipt of the results of the 54994  
criminal records check, promptly shall send a copy of the results 54995  
to the home or adult day-care program, and division (C)(2)(b) of 54996  
this section applies regarding the conditional employment. 54997

**Sec. 3721.13.** (A) The rights of residents of a home shall 54998  
include, but are not limited to, the following: 54999

(1) The right to a safe and clean living environment pursuant 55000  
to the medicare and medicaid programs and applicable state laws 55001  
and rules adopted by the director of health; 55002

(2) The right to be free from physical, verbal, mental, and 55003  
emotional abuse and to be treated at all times with courtesy, 55004  
respect, and full recognition of dignity and individuality; 55005

(3) Upon admission and thereafter, the right to adequate and 55006  
appropriate medical treatment and nursing care and to other 55007  
ancillary services that comprise necessary and appropriate care 55008  
consistent with the program for which the resident contracted. 55009  
This care shall be provided without regard to considerations such 55010  
as race, color, religion, national origin, age, or source of 55011  
payment for care. 55012

(4) The right to have all reasonable requests and inquiries 55013  
responded to promptly; 55014

(5) The right to have clothes and bed sheets changed as the 55015  
need arises, to ensure the resident's comfort or sanitation; 55016

(6) The right to obtain from the home, upon request, the name 55017  
and any specialty of any physician or other person responsible for 55018  
the resident's care or for the coordination of care; 55019



(7) The right, upon request, to be assigned, within the 55020  
capacity of the home to make the assignment, to the staff 55021  
physician of the resident's choice, and the right, in accordance 55022  
with the rules and written policies and procedures of the home, to 55023  
select as the attending physician a physician who is not on the 55024  
staff of the home. If the cost of a physician's services is to be 55025  
met under a federally supported program, the physician shall meet 55026  
the federal laws and regulations governing such services. 55027

(8) The right to participate in decisions that affect the 55028  
resident's life, including the right to communicate with the 55029  
physician and employees of the home in planning the resident's 55030  
treatment or care and to obtain from the attending physician 55031  
complete and current information concerning medical condition, 55032  
prognosis, and treatment plan, in terms the resident can 55033  
reasonably be expected to understand; the right of access to all 55034  
information in the resident's medical record; and the right to 55035  
give or withhold informed consent for treatment after the 55036  
consequences of that choice have been carefully explained. When 55037  
the attending physician finds that it is not medically advisable 55038  
to give the information to the resident, the information shall be 55039  
made available to the resident's sponsor on the resident's behalf, 55040  
if the sponsor has a legal interest or is authorized by the 55041  
resident to receive the information. The home is not liable for a 55042  
violation of this division if the violation is found to be the 55043  
result of an act or omission on the part of a physician selected 55044  
by the resident who is not otherwise affiliated with the home. 55045

(9) The right to withhold payment for physician visitation if 55046  
the physician did not visit the resident; 55047

(10) The right to confidential treatment of personal and 55048  
medical records, and the right to approve or refuse the release of 55049  
these records to any individual outside the home, except in case 55050  
of transfer to another home, hospital, or health care system, as 55051

required by law or rule, or as required by a third-party payment 55052  
contract; 55053

(11) The right to privacy during medical examination or 55054  
treatment and in the care of personal or bodily needs; 55055

(12) The right to refuse, without jeopardizing access to 55056  
appropriate medical care, to serve as a medical research subject; 55057

(13) The right to be free from physical or chemical 55058  
restraints or prolonged isolation except to the minimum extent 55059  
necessary to protect the resident from injury to self, others, or 55060  
to property and except as authorized in writing by the attending 55061  
physician for a specified and limited period of time and 55062  
documented in the resident's medical record. Prior to authorizing 55063  
the use of a physical or chemical restraint on any resident, the 55064  
attending physician shall make a personal examination of the 55065  
resident and an individualized determination of the need to use 55066  
the restraint on that resident. 55067

Physical or chemical restraints or isolation may be used in 55068  
an emergency situation without authorization of the attending 55069  
physician only to protect the resident from injury to self or 55070  
others. Use of the physical or chemical restraints or isolation 55071  
shall not be continued for more than twelve hours after the onset 55072  
of the emergency without personal examination and authorization by 55073  
the attending physician. The attending physician or a staff 55074  
physician may authorize continued use of physical or chemical 55075  
restraints for a period not to exceed thirty days, and at the end 55076  
of this period and any subsequent period may extend the 55077  
authorization for an additional period of not more than thirty 55078  
days. The use of physical or chemical restraints shall not be 55079  
continued without a personal examination of the resident and the 55080  
written authorization of the attending physician stating the 55081  
reasons for continuing the restraint. 55082

If physical or chemical restraints are used under this 55083  
division, the home shall ensure that the restrained resident 55084  
receives a proper diet. In no event shall physical or chemical 55085  
restraints or isolation be used for punishment, incentive, or 55086  
convenience. 55087

(14) The right to the pharmacist of the resident's choice and 55088  
the right to receive pharmaceutical supplies and services at 55089  
reasonable prices not exceeding applicable and normally accepted 55090  
prices for comparably packaged pharmaceutical supplies and 55091  
services within the community; 55092

(15) The right to exercise all civil rights, unless the 55093  
resident has been adjudicated incompetent pursuant to Chapter 55094  
2111. of the Revised Code and has not been restored to legal 55095  
capacity, as well as the right to the cooperation of the home's 55096  
administrator in making arrangements for the exercise of the right 55097  
to vote; 55098

(16) The right of access to opportunities that enable the 55099  
resident, at the resident's own expense or at the expense of a 55100  
third-party payer, to achieve the resident's fullest potential, 55101  
including educational, vocational, social, recreational, and 55102  
habilitation programs; 55103

(17) The right to consume a reasonable amount of alcoholic 55104  
beverages at the resident's own expense, unless not medically 55105  
advisable as documented in the resident's medical record by the 55106  
attending physician or unless contradictory to written admission 55107  
policies; 55108

(18) The right to use tobacco at the resident's own expense 55109  
under the home's safety rules and under applicable laws and rules 55110  
of the state, unless not medically advisable as documented in the 55111  
resident's medical record by the attending physician or unless 55112  
contradictory to written admission policies; 55113

(19) The right to retire and rise in accordance with the 55114  
resident's reasonable requests, if the resident does not disturb 55115  
others or the posted meal schedules and upon the home's request 55116  
remains in a supervised area, unless not medically advisable as 55117  
documented by the attending physician; 55118

(20) The right to observe religious obligations and 55119  
participate in religious activities; the right to maintain 55120  
individual and cultural identity; and the right to meet with and 55121  
participate in activities of social and community groups at the 55122  
resident's or the group's initiative; 55123

(21) The right upon reasonable request to private and 55124  
unrestricted communications with the resident's family, social 55125  
worker, and any other person, unless not medically advisable as 55126  
documented in the resident's medical record by the attending 55127  
physician, except that communications with public officials or 55128  
with the resident's attorney or physician shall not be restricted. 55129  
Private and unrestricted communications shall include, but are not 55130  
limited to, the right to: 55131

(a) Receive, send, and mail sealed, unopened correspondence; 55132

(b) Reasonable access to a telephone for private 55133  
communications; 55134

(c) Private visits at any reasonable hour. 55135

(22) The right to assured privacy for visits by the spouse, 55136  
or if both are residents of the same home, the right to share a 55137  
room within the capacity of the home, unless not medically 55138  
advisable as documented in the resident's medical record by the 55139  
attending physician; 55140

(23) The right upon reasonable request to have room doors 55141  
closed and to have them not opened without knocking, except in the 55142  
case of an emergency or unless not medically advisable as 55143  
documented in the resident's medical record by the attending 55144

physician; 55145

(24) The right to retain and use personal clothing and a 55146  
reasonable amount of possessions, in a reasonably secure manner, 55147  
unless to do so would infringe on the rights of other residents or 55148  
would not be medically advisable as documented in the resident's 55149  
medical record by the attending physician; 55150

(25) The right to be fully informed, prior to or at the time 55151  
of admission and during the resident's stay, in writing, of the 55152  
basic rate charged by the home, of services available in the home, 55153  
and of any additional charges related to such services, including 55154  
charges for services not covered under the medicare or medicaid 55155  
program. The basic rate shall not be changed unless thirty days' 55156  
notice is given to the resident or, if the resident is unable to 55157  
understand this information, to the resident's sponsor. 55158

(26) The right of the resident and person paying for the care 55159  
to examine and receive a bill at least monthly for the resident's 55160  
care from the home that itemizes charges not included in the basic 55161  
rates; 55162

(27)(a) The right to be free from financial exploitation; 55163

(b) The right to manage the resident's own personal financial 55164  
affairs, or, if the resident has delegated this responsibility in 55165  
writing to the home, to receive upon written request at least a 55166  
quarterly accounting statement of financial transactions made on 55167  
the resident's behalf. The statement shall include: 55168

(i) A complete record of all funds, personal property, or 55169  
possessions of a resident from any source whatsoever, that have 55170  
been deposited for safekeeping with the home for use by the 55171  
resident or the resident's sponsor; 55172

(ii) A listing of all deposits and withdrawals transacted, 55173  
which shall be substantiated by receipts which shall be available 55174  
for inspection and copying by the resident or sponsor. 55175

(28) The right of the resident to be allowed unrestricted access to the resident's property on deposit at reasonable hours, unless requests for access to property on deposit are so persistent, continuous, and unreasonable that they constitute a nuisance;

(29) The right to receive reasonable notice before the resident's room or roommate is changed, including an explanation of the reason for either change.

(30) The right not to be transferred or discharged from the home unless the transfer is necessary because of one of the following:

(a) The welfare and needs of the resident cannot be met in the home.

(b) The resident's health has improved sufficiently so that the resident no longer needs the services provided by the home.

(c) The safety of individuals in the home is endangered.

(d) The health of individuals in the home would otherwise be endangered.

(e) The resident has failed, after reasonable and appropriate notice, to pay or to have the medicare or medicaid program pay on the resident's behalf, for the care provided by the home. A resident shall not be considered to have failed to have the resident's care paid for if the resident has applied for medicaid, unless both of the following are the case:

(i) The resident's application, or a substantially similar previous application, has been denied ~~by the county department of job and family services.~~

(ii) If the resident appealed the denial ~~pursuant to division (C) of section 5101.35 of the Revised Code, the director of job and family services has upheld the denial~~ was upheld.

(f) The home's license has been revoked, the home is being 55206  
closed pursuant to section 3721.08, sections ~~5111.35~~ 5165.60 to 55207  
~~5111.62~~ 5165.89, or section 5155.31 of the Revised Code, or the 55208  
home otherwise ceases to operate. 55209

(g) The resident is a recipient of medicaid, and the home's 55210  
participation in the medicaid program is involuntarily terminated 55211  
or denied. 55212

(h) The resident is a beneficiary under the medicare program, 55213  
and the home's participation in the medicare program is 55214  
involuntarily terminated or denied. 55215

(31) The right to voice grievances and recommend changes in 55216  
policies and services to the home's staff, to employees of the 55217  
department of health, or to other persons not associated with the 55218  
operation of the home, of the resident's choice, free from 55219  
restraint, interference, coercion, discrimination, or reprisal. 55220  
This right includes access to a residents' rights advocate, and 55221  
the right to be a member of, to be active in, and to associate 55222  
with persons who are active in organizations of relatives and 55223  
friends of nursing home residents and other organizations engaged 55224  
in assisting residents. 55225

(32) The right to have any significant change in the 55226  
resident's health status reported to the resident's sponsor. As 55227  
soon as such a change is known to the home's staff, the home shall 55228  
make a reasonable effort to notify the sponsor within twelve 55229  
hours. 55230

(B) A sponsor may act on a resident's behalf to assure that 55231  
the home does not deny the residents' rights under sections 55232  
3721.10 to 3721.17 of the Revised Code. 55233

(C) Any attempted waiver of the rights listed in division (A) 55234  
of this section is void. 55235

Sec. 3721.14. To assist in the implementation of the rights	55236
granted in division (A) of section 3721.13 of the Revised Code,	55237
each home shall provide:	55238
(A) Appropriate staff training to implement each resident's	55239
rights under division (A) of section 3721.13 of the Revised Code,	55240
including, but not limited to, explaining:	55241
(1) The resident's rights and the staff's responsibility in	55242
the implementation of the rights;	55243
(2) The staff's obligation to provide all residents who have	55244
similar needs with comparable service.	55245
(B) Arrangements for a resident's needed ancillary services;	55246
(C) Protected areas outside the home for residents to enjoy	55247
outdoor activity, within the capacity of the facility, consistent	55248
with applicable laws and rules;	55249
(D) Adequate indoor space, which need not be dedicated to	55250
that purpose, for families of residents to meet privately with	55251
families of other residents;	55252
(E) Access to the following persons to enter the home during	55253
reasonable hours, except where such access would interfere with	55254
resident care or the privacy of residents:	55255
(1) Employees of the department of health, department of	55256
<del>mental health</del> <u>mental health and addiction services</u> , department of	55257
developmental disabilities, department of aging, department of job	55258
and family services, and county departments of job and family	55259
services;	55260
(2) Prospective residents and their sponsors;	55261
(3) A resident's sponsors;	55262
(4) Residents' rights advocates;	55263
(5) A resident's attorney;	55264



(6) A minister, priest, rabbi, or other person ministering to a resident's religious needs. 55265  
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(F) In writing, a description of the home's grievance procedures. 55267  
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**Sec. 3721.15.** (A) Authorization from a resident or a sponsor with a power of attorney for a home to manage the resident's financial affairs shall be in writing and shall be attested to by a witness who is not connected in any manner whatsoever with the home or its administrator. The home shall maintain accounts pursuant to division (A)(27) of section 3721.13 of the Revised Code. Upon the resident's transfer, discharge, or death, the account shall be closed and a final accounting made. All remaining funds shall be returned to the resident or resident's sponsor, except in the case of death, when all remaining funds shall be transferred or used in accordance with section ~~5111.113~~ 5162.22 of the Revised Code. 55269  
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(B) A home that manages a resident's financial affairs shall deposit the resident's funds in excess of one hundred dollars, and may deposit the resident's funds that are one hundred dollars or less, in an interest-bearing account separate from any of the home's operating accounts. Interest earned on the resident's funds shall be credited to the resident's account. A resident's funds that are one hundred dollars or less and have not been deposited in an interest-bearing account may be deposited in a noninterest-bearing account or petty cash fund. 55281  
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(C) Each resident whose financial affairs are managed by a home shall be promptly notified by the home when the total of the amount of funds in the resident's accounts and the petty cash fund plus other nonexempt resources reaches two hundred dollars less than the maximum amount permitted a recipient of medicaid. The notice shall include an explanation of the potential effect on the 55290  
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resident's eligibility for medicaid if the amount in the 55296  
resident's accounts and the petty cash fund, plus the value of 55297  
other nonexempt resources, exceeds the maximum assets a medicaid 55298  
recipient may retain. 55299

(D) Each home that manages the financial affairs of residents 55300  
shall purchase a surety bond or otherwise provide assurance 55301  
satisfactory to the director of health, or, in the case of a home 55302  
that participates in the medicaid program, to the medicaid 55303  
~~director of job and family services~~, to assure the security of all 55304  
residents' funds managed by the home. 55305

**Sec. 3721.16.** For each resident of a home, notice of a 55306  
proposed transfer or discharge shall be in accordance with this 55307  
section. 55308

(A)(1) The administrator of a home shall notify a resident in 55309  
writing, and the resident's sponsor in writing by certified mail, 55310  
return receipt requested, in advance of any proposed transfer or 55311  
discharge from the home. The administrator shall send a copy of 55312  
the notice to the state department of health. The notice shall be 55313  
provided at least thirty days in advance of the proposed transfer 55314  
or discharge, unless any of the following applies: 55315

(a) The resident's health has improved sufficiently to allow 55316  
a more immediate discharge or transfer to a less skilled level of 55317  
care; 55318

(b) The resident has resided in the home less than thirty 55319  
days; 55320

(c) An emergency arises in which the safety of individuals in 55321  
the home is endangered; 55322

(d) An emergency arises in which the health of individuals in 55323  
the home would otherwise be endangered; 55324

(e) An emergency arises in which the resident's urgent 55325

medical needs necessitate a more immediate transfer or discharge. 55326

In any of the circumstances described in divisions (A)(1)(a) 55327  
to (e) of this section, the notice shall be provided as many days 55328  
in advance of the proposed transfer or discharge as is 55329  
practicable. 55330

(2) The notice required under division (A)(1) of this section 55331  
shall include all of the following: 55332

(a) The reasons for the proposed transfer or discharge; 55333

(b) The proposed date the resident is to be transferred or 55334  
discharged; 55335

(c) Subject to division (A)(3) of this section, a proposed 55336  
location to which the resident may relocate and a notice that the 55337  
resident and resident's sponsor may choose another location to 55338  
which the resident will relocate; 55339

(d) Notice of the right of the resident and the resident's 55340  
sponsor to an impartial hearing at the home on the proposed 55341  
transfer or discharge, and of the manner in which and the time 55342  
within which the resident or sponsor may request a hearing 55343  
pursuant to section 3721.161 of the Revised Code; 55344

(e) A statement that the resident will not be transferred or 55345  
discharged before the date specified in the notice unless the home 55346  
and the resident or, if the resident is not competent to make a 55347  
decision, the home and the resident's sponsor, agree to an earlier 55348  
date; 55349

(f) The address of the legal services office of the 55350  
department of health; 55351

(g) The name, address, and telephone number of a 55352  
representative of the state long-term care ~~ombuds~~ombudsman 55353  
program and, if the resident or patient has a developmental 55354  
disability or mental illness, the name, address, and telephone 55355

number of the Ohio protection and advocacy system. 55356

(3) The proposed location to which a resident may relocate as 55357  
specified pursuant to division (A)(2)(c) of this section in the 55358  
proposed transfer or discharge notice shall be capable of meeting 55359  
the resident's health-care and safety needs. The proposed location 55360  
for relocation need not have accepted the resident at the time the 55361  
notice is issued to the resident and resident's sponsor. 55362

(B) No home shall transfer or discharge a resident before the 55363  
date specified in the notice required by division (A) of this 55364  
section unless the home and the resident or, if the resident is 55365  
not competent to make a decision, the home and the resident's 55366  
sponsor, agree to an earlier date. 55367

(C) Transfer or discharge actions shall be documented in the 55368  
resident's medical record by the home if there is a medical basis 55369  
for the action. 55370

(D) A resident or resident's sponsor may challenge a transfer 55371  
or discharge by requesting an impartial hearing pursuant to 55372  
section 3721.161 of the Revised Code, unless the transfer or 55373  
discharge is required because of one of the following reasons: 55374

(1) The home's license has been revoked under this chapter; 55375

(2) The home is being closed pursuant to section 3721.08, 55376  
sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89, or section 5155.31 of 55377  
the Revised Code; 55378

(3) The resident is a recipient of medicaid and the home's 55379  
participation in the medicaid program has been involuntarily 55380  
terminated or denied by the federal government; 55381

(4) The resident is a beneficiary under the medicare program 55382  
and the home's certification under the medicare program has been 55383  
involuntarily terminated or denied by the federal government. 55384

(E) If a resident is transferred or discharged pursuant to 55385

this section, the home from which the resident is being 55386  
transferred or discharged shall provide the resident with adequate 55387  
preparation prior to the transfer or discharge to ensure a safe 55388  
and orderly transfer or discharge from the home, and the home or 55389  
alternative setting to which the resident is to be transferred or 55390  
discharged shall have accepted the resident for transfer or 55391  
discharge. 55392

(F) At the time of a transfer or discharge of a resident who 55393  
is a recipient of medicaid from a home to a hospital or for 55394  
therapeutic leave, the home shall provide notice in writing to the 55395  
resident and in writing by certified mail, return receipt 55396  
requested, to the resident's sponsor, specifying the number of 55397  
days, if any, during which the resident will be permitted under 55398  
the medicaid program to return and resume residence in the home 55399  
and specifying the medicaid program's coverage of the days during 55400  
which the resident is absent from the home. An individual who is 55401  
absent from a home for more than the number of days specified in 55402  
the notice and continues to require the services provided by the 55403  
facility shall be given priority for the first available bed in a 55404  
semi-private room. 55405

**Sec. 3721.17.** (A) Any resident who believes that the 55406  
resident's rights under sections 3721.10 to 3721.17 of the Revised 55407  
Code have been violated may file a grievance under procedures 55408  
adopted pursuant to division (A)(2) of section 3721.12 of the 55409  
Revised Code. 55410

When the grievance committee determines a violation of 55411  
sections 3721.10 to 3721.17 of the Revised Code has occurred, it 55412  
shall notify the administrator of the home. If the violation 55413  
cannot be corrected within ten days, or if ten days have elapsed 55414  
without correction of the violation, the grievance committee shall 55415  
refer the matter to the department of health. 55416

(B) Any person who believes that a resident's rights under sections 3721.10 to 3721.17 of the Revised Code have been violated may report or cause reports to be made of the information directly to the department of health. No person who files a report is liable for civil damages resulting from the report.

(C)(1) Within thirty days of receiving a complaint under this section, the department of health shall investigate any complaint referred to it by a home's grievance committee and any complaint from any source that alleges that the home provided substantially less than adequate care or treatment, or substantially unsafe conditions, or, within seven days of receiving a complaint, refer it to the attorney general, if the attorney general agrees to investigate within thirty days.

(2) Within thirty days of receiving a complaint under this section, the department of health may investigate any alleged violation of sections 3721.10 to 3721.17 of the Revised Code, or of rules, policies, or procedures adopted pursuant to those sections, not covered by division (C)(1) of this section, or it may, within seven days of receiving a complaint, refer the complaint to the grievance committee at the home where the alleged violation occurred, or to the attorney general if the attorney general agrees to investigate within thirty days.

(D) If, after an investigation, the department of health finds probable cause to believe that a violation of sections 3721.10 to 3721.17 of the Revised Code, or of rules, policies, or procedures adopted pursuant to those sections, has occurred at a home that is certified under the medicare or medicaid program, it shall cite one or more findings or deficiencies under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. If the home is not so certified, the department shall hold an adjudicative hearing within thirty days under Chapter 119. of the Revised Code.

(E) Upon a finding at an adjudicative hearing under division 55449  
(D) of this section that a violation of sections 3721.10 to 55450  
3721.17 of the Revised Code, or of rules, policies, or procedures 55451  
adopted pursuant thereto, has occurred, the department of health 55452  
shall make an order for compliance, set a reasonable time for 55453  
compliance, and assess a fine pursuant to division (F) of this 55454  
section. The fine shall be paid to the general revenue fund only 55455  
if compliance with the order is not shown to have been made within 55456  
the reasonable time set in the order. The department of health may 55457  
issue an order prohibiting the continuation of any violation of 55458  
sections 3721.10 to 3721.17 of the Revised Code. 55459

Findings at the hearings conducted under this section may be 55460  
appealed pursuant to Chapter 119. of the Revised Code, except that 55461  
an appeal may be made to the court of common pleas of the county 55462  
in which the home is located. 55463

The department of health shall initiate proceedings in court 55464  
to collect any fine assessed under this section that is unpaid 55465  
thirty days after the violator's final appeal is exhausted. 55466

(F) Any home found, pursuant to an adjudication hearing under 55467  
division (D) of this section, to have violated sections 3721.10 to 55468  
3721.17 of the Revised Code, or rules, policies, or procedures 55469  
adopted pursuant to those sections may be fined not less than one 55470  
hundred nor more than five hundred dollars for a first offense. 55471  
For each subsequent offense, the home may be fined not less than 55472  
two hundred nor more than one thousand dollars. 55473

A violation of sections 3721.10 to 3721.17 of the Revised 55474  
Code is a separate offense for each day of the violation and for 55475  
each resident who claims the violation. 55476

(G) No home or employee of a home shall retaliate against any 55477  
person who: 55478

(1) Exercises any right set forth in sections 3721.10 to 55479

3721.17 of the Revised Code, including, but not limited to, filing 55480  
a complaint with the home's grievance committee or reporting an 55481  
alleged violation to the department of health; 55482

(2) Appears as a witness in any hearing conducted under this 55483  
section or section 3721.162 of the Revised Code; 55484

(3) Files a civil action alleging a violation of sections 55485  
3721.10 to 3721.17 of the Revised Code, or notifies a county 55486  
prosecuting attorney or the attorney general of a possible 55487  
violation of sections 3721.10 to 3721.17 of the Revised Code. 55488

If, under the procedures outlined in this section, a home or 55489  
its employee is found to have retaliated, the violator may be 55490  
fined up to one thousand dollars. 55491

(H) When legal action is indicated, any evidence of criminal 55492  
activity found in an investigation under division (C) of this 55493  
section shall be given to the prosecuting attorney in the county 55494  
in which the home is located for investigation. 55495

(I)(1)(a) Any resident whose rights under sections 3721.10 to 55496  
3721.17 of the Revised Code are violated has a cause of action 55497  
against any person or home committing the violation. 55498

(b) An action under division (I)(1)(a) of this section may be 55499  
commenced by the resident or by the resident's legal guardian or 55500  
other legally authorized representative on behalf of the resident 55501  
or the resident's estate. If the resident or the resident's legal 55502  
guardian or other legally authorized representative is unable to 55503  
commence an action under that division on behalf of the resident, 55504  
the following persons in the following order of priority have the 55505  
right to and may commence an action under that division on behalf 55506  
of the resident or the resident's estate: 55507

(i) The resident's spouse; 55508

(ii) The resident's parent or adult child; 55509



(iii) The resident's guardian if the resident is a minor 55510  
child; 55511

(iv) The resident's brother or sister; 55512

(v) The resident's niece, nephew, aunt, or uncle. 55513

(c) Notwithstanding any law as to priority of persons 55514  
entitled to commence an action, if more than one eligible person 55515  
within the same level of priority seeks to commence an action on 55516  
behalf of a resident or the resident's estate, the court shall 55517  
determine, in the best interest of the resident or the resident's 55518  
estate, the individual to commence the action. A court's 55519  
determination under this division as to the person to commence an 55520  
action on behalf of a resident or the resident's estate shall bar 55521  
another person from commencing the action on behalf of the 55522  
resident or the resident's estate. 55523

(d) The result of an action commenced pursuant to division 55524  
(I)(1)(a) of this section by a person authorized under division 55525  
(I)(1)(b) of this section shall bind the resident or the 55526  
resident's estate that is the subject of the action. 55527

(e) A cause of action under division (I)(1)(a) of this 55528  
section shall accrue, and the statute of limitations applicable to 55529  
that cause of action shall begin to run, based upon the violation 55530  
of a resident's rights under sections 3721.10 to 3721.17 of the 55531  
Revised Code, regardless of the party commencing the action on 55532  
behalf of the resident or the resident's estate as authorized 55533  
under divisions (I)(1)(b) and (c) of this section. 55534

(2)(a) The plaintiff in an action filed under division (I)(1) 55535  
of this section may obtain injunctive relief against the violation 55536  
of the resident's rights. The plaintiff also may recover 55537  
compensatory damages based upon a showing, by a preponderance of 55538  
the evidence, that the violation of the resident's rights resulted 55539  
from a negligent act or omission of the person or home and that 55540

the violation was the proximate cause of the resident's injury, 55541  
death, or loss to person or property. 55542

(b) If compensatory damages are awarded for a violation of 55543  
the resident's rights, section 2315.21 of the Revised Code shall 55544  
apply to an award of punitive or exemplary damages for the 55545  
violation. 55546

(c) The court, in a case in which only injunctive relief is 55547  
granted, may award to the prevailing party reasonable attorney's 55548  
fees limited to the work reasonably performed. 55549

(3) Division (I)(2) (b) of this section shall be considered 55550  
to be purely remedial in operation and shall be applied in a 55551  
remedial manner in any civil action in which this section is 55552  
relevant, whether the action is pending in court or commenced on 55553  
or after July 9, 1998. 55554

(4) Within thirty days after the filing of a complaint in an 55555  
action for damages brought against a home under division (I)(1)(a) 55556  
of this section by or on behalf of a resident or former resident 55557  
of the home, the plaintiff or plaintiff's counsel shall send 55558  
written notice of the filing of the complaint to the department of 55559  
~~job and family services~~ medicaid if the department has a right of 55560  
recovery under section ~~5101.58~~ 5160.37 of the Revised Code against 55561  
the liability of the home for the cost of ~~medical~~ medicaid 55562  
services ~~and care~~ arising out of injury, disease, or disability of 55563  
the resident or former resident. 55564

**Sec. 3721.19.** (A) As used in this section: 55565

(1) "Home" and "residential care facility" have the same 55566  
meanings as in section 3721.01 of the Revised Code; 55567

(2) "Provider agreement" has the same meaning as in section 55568  
5165.01 of the Revised Code. 55569

(3) "Sponsor" and "residents' rights advocate" have the same 55570

meanings as in section 3721.10 of the Revised Code. 55571

A home licensed under this chapter that is not a party to a 55572  
provider agreement, ~~as defined in section 5111.20 of the Revised~~ 55573  
~~Code,~~ shall provide each prospective resident, before admission, 55574  
with the following information, orally and in a separate written 55575  
notice on which is printed in a conspicuous manner: "This home is 55576  
not a participant in the ~~medical assistance~~ medicaid program 55577  
administered by the Ohio department of ~~job and family services~~ 55578  
medicaid. Consequently, you may be discharged from this home if 55579  
you are unable to pay for the services provided by this home." 55580

If the prospective resident has a sponsor whose identity is 55581  
made known to the home, the home shall also inform the sponsor, 55582  
before admission of the resident, of the home's status relative to 55583  
the ~~medical assistance~~ medicaid program. Written acknowledgement 55584  
of the receipt of the information shall be provided by the 55585  
resident and, if the prospective resident has a sponsor who has 55586  
been identified to the home, by the sponsor. The written 55587  
acknowledgement shall be made part of the resident's record by the 55588  
home. 55589

No home shall terminate its ~~status as a provider under the~~ 55590  
~~medicaid program agreement~~ unless it has complied with section 55591  
~~5111.66~~ 5165.50 of the Revised Code and, at least ninety days 55592  
prior to such termination, provided written notice to the 55593  
residents of the home and their sponsors of such action. This 55594  
requirement shall not apply in cases where the department of ~~job~~ 55595  
~~and family services~~ medicaid terminates a home's provider 55596  
agreement or provider status. 55597

(B) A home licensed under this chapter as a residential care 55598  
facility shall provide notice to each prospective resident or the 55599  
individual's sponsor of the services offered by the facility and 55600  
the types of skilled nursing care that the facility may provide. A 55601  
residential care facility that, pursuant to section 3721.012 of 55602

the Revised Code, has a policy of entering into risk agreements 55603  
with residents or their sponsors shall provide each prospective 55604  
resident or the individual's sponsor a written explanation of the 55605  
policy and the provisions that may be contained in a risk 55606  
agreement. At the time the information is provided, the facility 55607  
shall obtain a statement signed by the individual receiving the 55608  
information acknowledging that the individual received the 55609  
information. The facility shall maintain on file the individual's 55610  
signed statement. 55611

(C) A resident has a cause of action against a home for 55612  
breach of any duty imposed by this section. The action may be 55613  
commenced by the resident, or on the resident's behalf by the 55614  
resident's sponsor or a residents' rights advocate, by the filing 55615  
of a civil action in the court of common pleas of the county in 55616  
which the home is located, or in the court of common pleas of 55617  
Franklin county. 55618

If the court finds that a breach of any duty imposed by this 55619  
section has occurred, the court shall enjoin the home from 55620  
discharging the resident from the home until arrangements 55621  
satisfactory to the court are made for the orderly transfer of the 55622  
resident to another mode of health care including, but not limited 55623  
to, another home, and may award the resident and a person or 55624  
public agency that brings an action on behalf of a resident 55625  
reasonable attorney's fees. If a home discharges a resident to 55626  
whom or to whose sponsor information concerning its status 55627  
relative to the ~~medical assistance~~ medicaid program was not 55628  
provided as required under this section, the court shall grant any 55629  
appropriate relief including, but not limited to, actual damages, 55630  
reasonable attorney's fees, and costs. 55631

**Sec. 3727.01.** (A) As used in this section, "health 55632  
maintenance organization" means a public or private organization 55633

organized under the law of any state that is qualified under 55634  
section 1310(d) of Title XIII of the "Public Health Service Act," 55635  
87 Stat. 931 (1973), 42 U.S.C. 300e-9, or that does all of the 55636  
following: 55637

(1) Provides or otherwise makes available to enrolled 55638  
participants health care services including at least the following 55639  
basic health care services: usual physician services, 55640  
hospitalization, laboratory, x-ray, emergency and preventive 55641  
service, and out-of-area coverage; 55642

(2) Is compensated, except for copayments, for the provision 55643  
of basic health care services to enrolled participants by a 55644  
payment that is paid on a periodic basis without regard to the 55645  
date the health care services are provided and that is fixed 55646  
without regard to the frequency, extent, or kind of health service 55647  
actually provided; 55648

(3) Provides physician services primarily in either of the 55649  
following ways: 55650

(a) Directly through physicians who are either employees or 55651  
partners of the organization; 55652

(b) Through arrangements with individual physicians or one or 55653  
more groups of physicians organized on a group-practice or 55654  
individual-practice basis. 55655

(B) As used in this chapter: 55656

(1) "Children's hospital" means any of the following: 55657

(a) A hospital registered under section 3701.07 of the 55658  
Revised Code that provides general pediatric medical and surgical 55659  
care, and in which at least seventy-five per cent of annual 55660  
inpatient discharges for the preceding two calendar years were 55661  
individuals less than eighteen years of age; 55662

(b) A distinct portion of a hospital registered under section 55663

3701.07 of the Revised Code that provides general pediatric 55664  
medical and surgical care, has a total of at least one hundred 55665  
fifty registered pediatric special care and pediatric acute care 55666  
beds, and in which at least seventy-five per cent of annual 55667  
inpatient discharges for the preceding two calendar years were 55668  
individuals less than eighteen years of age; 55669

(c) A distinct portion of a hospital, if the hospital is 55670  
registered under section 3701.07 of the Revised Code as a 55671  
children's hospital and the children's hospital meets all the 55672  
requirements of division (B)(1)(a) of this section. 55673

(2) "Hospital" means an institution classified as a hospital 55674  
under section 3701.07 of the Revised Code in which are provided to 55675  
inpatients diagnostic, medical, surgical, obstetrical, 55676  
psychiatric, or rehabilitation care for a continuous period longer 55677  
than twenty-four hours or a hospital operated by a health 55678  
maintenance organization. "Hospital" does not include a facility 55679  
licensed under Chapter 3721. of the Revised Code, a health care 55680  
facility operated by the department of ~~mental health~~ mental health 55681  
and addiction services or the department of developmental 55682  
disabilities, a health maintenance organization that does not 55683  
operate a hospital, the office of any private licensed health care 55684  
professional, whether organized for individual or group practice, 55685  
or a clinic that provides ambulatory patient services and where 55686  
patients are not regularly admitted as inpatients. "Hospital" also 55687  
does not include an institution for the sick that is operated 55688  
exclusively for patients who use spiritual means for healing and 55689  
for whom the acceptance of medical care is inconsistent with their 55690  
religious beliefs, accredited by a national accrediting 55691  
organization, exempt from federal income taxation under section 55692  
501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 55693  
U.S.C.A. 1, as amended, and providing twenty-four hour nursing 55694  
care pursuant to the exemption in division (E) of section 4723.32 55695

of the Revised Code from the licensing requirements of Chapter 55696  
4723. of the Revised Code. 55697

(3) "Joint commission" means the commission formerly known as 55698  
the joint commission on accreditation of healthcare organizations 55699  
or the joint commission on accreditation of hospitals. 55700

**Sec. 3734.28.** Except as otherwise provided in sections 55701  
3734.281 and 3734.282 of the Revised Code, moneys collected under 55702  
sections 3734.122, 3734.13, 3734.20, 3734.22, 3734.24, and 3734.26 55703  
of the Revised Code and under the "Comprehensive Environmental 55704  
Response, Compensation, and Liability Act of 1980," 94 Stat. 2767, 55705  
42 U.S.C.A. 9601, et seq., as amended, including moneys recovered 55706  
under division (B)(1) of this section, shall be paid into the 55707  
state treasury to the credit of the hazardous waste clean-up fund, 55708  
which is hereby created. In addition, both of the following shall 55709  
be credited to the fund: 55710

(A) Moneys recovered for costs paid from the fund for 55711  
activities described in divisions (A)(1) and (2) of section 55712  
3745.12 of the Revised Code; 55713

(B) Natural resource damage assessment costs recovered under 55714  
any of the following: 55715

(1) The "Comprehensive Environmental Response, Compensation, 55716  
and Liability Act of 1980," 94 Stat. 2767, 42 U.S.C. 9601, et 55717  
seq., as amended; 55718

(2) The "Oil Pollution Act of 1990," 104 Stat. 484, 33 U.S.C. 55719  
2701, et seq., as amended; 55720

(3) ~~The Federal Water Pollution Control Act as defined in~~ 55721  
~~section 6111.01 of the Revised Code~~ "Clean Water Act of 1977," 91 55722  
Stat. 1566, 33 U.S.C. 1321, et seq., as amended; 55723

(4) Any other applicable federal or state law. 55724

The environmental protection agency shall use the moneys in 55725

the fund for the purposes set forth in division (D) of section 55726  
3734.122, sections 3734.19, 3734.20, 3734.21, 3734.23, 3734.25, 55727  
3734.26, and 3734.27, divisions (A)(1) and (2) of section 3745.12, 55728  
and Chapter 3746. of the Revised Code, including any related 55729  
enforcement expenses and administrative expenses of any related 55730  
closure or corrective action program. In addition, the agency 55731  
shall use the moneys in the fund to pay the state's long-term 55732  
operation and maintenance costs or matching share for actions 55733  
taken under the "Comprehensive Environmental Response, 55734  
Compensation, and Liability Act of 1980," as amended. If those 55735  
moneys are reimbursed by grants or other moneys from the United 55736  
States or any other person, the moneys shall be placed in the fund 55737  
and not in the general revenue fund. 55738

The director of environmental protection may enter into 55739  
contracts and grant agreements with federal, state, or local 55740  
government agencies, nonprofit organizations, and colleges and 55741  
universities for the purpose of carrying out the responsibilities 55742  
of the environmental protection agency for which money may be 55743  
expended from the fund. 55744

**Sec. 3734.57.** (A) The following fees are hereby levied on the 55745  
transfer or disposal of solid wastes in this state: 55746

(1) One dollar per ton through June 30, ~~2014~~ 2016, ~~one-half~~ 55747  
thirty per cent of the proceeds of which shall be deposited in the 55748  
state treasury to the credit of the hazardous waste facility 55749  
management fund created in section 3734.18 of the Revised Code and 55750  
~~one-half~~ seventy per cent of the proceeds of which shall be 55751  
deposited in the state treasury to the credit of the hazardous 55752  
waste clean-up fund created in section 3734.28 of the Revised 55753  
Code; 55754

(2) An additional one dollar per ton through June 30, ~~2014~~ 55755  
2016, the proceeds of which shall be deposited in the state 55756



treasury to the credit of the solid waste fund, which is hereby 55757  
created. The environmental protection agency shall use money in 55758  
the solid waste fund to pay the costs of administering and 55759  
enforcing the laws pertaining to solid wastes, infectious wastes, 55760  
and construction and demolition debris, including, without 55761  
limitation, ground water evaluations related to solid wastes, 55762  
infectious wastes, and construction and demolition debris, under 55763  
this chapter and Chapter 3714. of the Revised Code and any rules 55764  
adopted under them, providing compliance assistance to small 55765  
businesses, and paying a share of the administrative costs of the 55766  
environmental protection agency pursuant to section 3745.014 of 55767  
the Revised Code. 55768

(3) An additional two dollars and fifty cents per ton through 55769  
June 30, ~~2014~~ 2016, the proceeds of which shall be deposited in 55770  
the state treasury to the credit of the environmental protection 55771  
fund created in section 3745.015 of the Revised Code; 55772

(4) An additional twenty-five cents per ton through June 30, 55773  
~~2013~~ 2016, the proceeds of which shall be deposited in the state 55774  
treasury to the credit of the soil and water conservation district 55775  
assistance fund created in section 1515.14 of the Revised Code. 55776

In the case of solid wastes that are taken to a solid waste 55777  
transfer facility located in this state prior to being transported 55778  
for disposal at a solid waste disposal facility located in this 55779  
state or outside of this state, the fees levied under this 55780  
division shall be collected by the owner or operator of the 55781  
transfer facility as a trustee for the state. The amount of fees 55782  
required to be collected under this division at such a transfer 55783  
facility shall equal the total tonnage of solid wastes received at 55784  
the facility multiplied by the fees levied under this division. In 55785  
the case of solid wastes that are not taken to a solid waste 55786  
transfer facility located in this state prior to being transported 55787  
to a solid waste disposal facility, the fees shall be collected by 55788

the owner or operator of the solid waste disposal facility as a 55789  
trustee for the state. The amount of fees required to be collected 55790  
under this division at such a disposal facility shall equal the 55791  
total tonnage of solid wastes received at the facility that was 55792  
not previously taken to a solid waste transfer facility located in 55793  
this state multiplied by the fees levied under this division. Fees 55794  
levied under this division do not apply to materials separated 55795  
from a mixed waste stream for recycling by a generator or 55796  
materials removed from the solid waste stream through recycling, 55797  
as "recycling" is defined in rules adopted under section 3734.02 55798  
of the Revised Code. 55799

The owner or operator of a solid waste transfer facility or 55800  
disposal facility, as applicable, shall prepare and file with the 55801  
director of environmental protection each month a return 55802  
indicating the total tonnage of solid wastes received at the 55803  
facility during that month and the total amount of the fees 55804  
required to be collected under this division during that month. In 55805  
addition, the owner or operator of a solid waste disposal facility 55806  
shall indicate on the return the total tonnage of solid wastes 55807  
received from transfer facilities located in this state during 55808  
that month for which the fees were required to be collected by the 55809  
transfer facilities. The monthly returns shall be filed on a form 55810  
prescribed by the director. Not later than thirty days after the 55811  
last day of the month to which a return applies, the owner or 55812  
operator shall mail to the director the return for that month 55813  
together with the fees required to be collected under this 55814  
division during that month as indicated on the return or may 55815  
submit the return and fees electronically in a manner approved by 55816  
the director. If the return is filed and the amount of the fees 55817  
due is paid in a timely manner as required in this division, the 55818  
owner or operator may retain a discount of three-fourths of one 55819  
per cent of the total amount of the fees that are required to be 55820  
paid as indicated on the return. 55821

The owner or operator may request an extension of not more than thirty days for filing the return and remitting the fees, provided that the owner or operator has submitted such a request in writing to the director together with a detailed description of why the extension is requested, the director has received the request not later than the day on which the return is required to be filed, and the director has approved the request. If the fees are not remitted within thirty days after the last day of the month to which the return applies or are not remitted by the last day of an extension approved by the director, the owner or operator shall not retain the three-fourths of one per cent discount and shall pay an additional ten per cent of the amount of the fees for each month that they are late. For purposes of calculating the late fee, the first month in which fees are late begins on the first day after the deadline has passed for timely submitting the return and fees, and one additional month shall be counted every thirty days thereafter.

The owner or operator of a solid waste facility may request a refund or credit of fees levied under this division and remitted to the director that have not been paid to the owner or operator. Such a request shall be made only if the fees have not been collected by the owner or operator, have become a debt that has become worthless or uncollectable for a period of six months or more, and may be claimed as a deduction, including a deduction claimed if the owner or operator keeps accounts on an accrual basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted under it. Prior to making a request for a refund or credit, an owner or operator shall make reasonable efforts to collect the applicable fees. A request for a refund or credit shall not include any costs resulting from those efforts to collect unpaid fees.

A request for a refund or credit of fees shall be made in

writing, on a form prescribed by the director, and shall be 55854  
supported by evidence that may be required in rules adopted by the 55855  
director under this chapter. After reviewing the request, and if 55856  
the request and evidence submitted with the request indicate that 55857  
a refund or credit is warranted, the director shall grant a refund 55858  
to the owner or operator or shall permit a credit to be taken by 55859  
the owner or operator on a subsequent monthly return submitted by 55860  
the owner or operator. The amount of a refund or credit shall not 55861  
exceed an amount that is equal to ninety days' worth of fees owed 55862  
to an owner or operator by a particular debtor of the owner or 55863  
operator. A refund or credit shall not be granted by the director 55864  
to an owner or operator more than once in any twelve-month period 55865  
for fees owed to the owner or operator by a particular debtor. 55866

If, after receiving a refund or credit from the director, an 55867  
owner or operator receives payment of all or part of the fees, the 55868  
owner or operator shall remit the fees with the next monthly 55869  
return submitted to the director together with a written 55870  
explanation of the reason for the submittal. 55871

For purposes of computing the fees levied under this division 55872  
or division (B) of this section, any solid waste transfer or 55873  
disposal facility that does not use scales as a means of 55874  
determining gate receipts shall use a conversion factor of three 55875  
cubic yards per ton of solid waste or one cubic yard per ton for 55876  
baled waste, as applicable. 55877

The fees levied under this division and divisions (B) and (C) 55878  
of this section are in addition to all other applicable fees and 55879  
taxes and shall be paid by the customer or a political subdivision 55880  
to the owner or operator of a solid waste transfer or disposal 55881  
facility. In the alternative, the fees shall be paid by a customer 55882  
or political subdivision to a transporter of waste who 55883  
subsequently transfers the fees to the owner or operator of such a 55884  
facility. The fees shall be paid notwithstanding the existence of 55885

any provision in a contract that the customer or a political 55886  
subdivision may have with the owner or operator or with a 55887  
transporter of waste to the facility that would not require or 55888  
allow such payment regardless of whether the contract was entered 55889  
prior to or after October 16, 2009. For those purposes, "customer" 55890  
means a person who contracts with, or utilizes the solid waste 55891  
services of, the owner or operator of a solid waste transfer or 55892  
disposal facility or a transporter of solid waste to such a 55893  
facility. 55894

(B) For the purposes specified in division (G) of this 55895  
section, the solid waste management policy committee of a county 55896  
or joint solid waste management district may levy fees upon the 55897  
following activities: 55898

(1) The disposal at a solid waste disposal facility located 55899  
in the district of solid wastes generated within the district; 55900

(2) The disposal at a solid waste disposal facility within 55901  
the district of solid wastes generated outside the boundaries of 55902  
the district, but inside this state; 55903

(3) The disposal at a solid waste disposal facility within 55904  
the district of solid wastes generated outside the boundaries of 55905  
this state. 55906

The solid waste management plan of the county or joint 55907  
district approved under section 3734.521 or 3734.55 of the Revised 55908  
Code and any amendments to it, or the resolution adopted under 55909  
this division, as appropriate, shall establish the rates of the 55910  
fees levied under divisions (B)(1), (2), and (3) of this section, 55911  
if any, and shall specify whether the fees are levied on the basis 55912  
of tons or cubic yards as the unit of measurement. A solid waste 55913  
management district that levies fees under this division on the 55914  
basis of cubic yards shall do so in accordance with division (A) 55915  
of this section. 55916

The fee levied under division (B)(1) of this section shall be 55917  
not less than one dollar per ton nor more than two dollars per 55918  
ton, the fee levied under division (B)(2) of this section shall be 55919  
not less than two dollars per ton nor more than four dollars per 55920  
ton, and the fee levied under division (B)(3) of this section 55921  
shall be not more than the fee levied under division (B)(1) of 55922  
this section. 55923

Prior to the approval of the solid waste management plan of a 55924  
district under section 3734.55 of the Revised Code, the solid 55925  
waste management policy committee of a district may levy fees 55926  
under this division by adopting a resolution establishing the 55927  
proposed amount of the fees. Upon adopting the resolution, the 55928  
committee shall deliver a copy of the resolution to the board of 55929  
county commissioners of each county forming the district and to 55930  
the legislative authority of each municipal corporation and 55931  
township under the jurisdiction of the district and shall prepare 55932  
and publish the resolution and a notice of the time and location 55933  
where a public hearing on the fees will be held. Upon adopting the 55934  
resolution, the committee shall deliver written notice of the 55935  
adoption of the resolution; of the amount of the proposed fees; 55936  
and of the date, time, and location of the public hearing to the 55937  
director and to the fifty industrial, commercial, or institutional 55938  
generators of solid wastes within the district that generate the 55939  
largest quantities of solid wastes, as determined by the 55940  
committee, and to their local trade associations. The committee 55941  
shall make good faith efforts to identify those generators within 55942  
the district and their local trade associations, but the 55943  
nonprovision of notice under this division to a particular 55944  
generator or local trade association does not invalidate the 55945  
proceedings under this division. The publication shall occur at 55946  
least thirty days before the hearing. After the hearing, the 55947  
committee may make such revisions to the proposed fees as it 55948  
considers appropriate and thereafter, by resolution, shall adopt 55949

the revised fee schedule. Upon adopting the revised fee schedule, 55950  
the committee shall deliver a copy of the resolution doing so to 55951  
the board of county commissioners of each county forming the 55952  
district and to the legislative authority of each municipal 55953  
corporation and township under the jurisdiction of the district. 55954  
Within sixty days after the delivery of a copy of the resolution 55955  
adopting the proposed revised fees by the policy committee, each 55956  
such board and legislative authority, by ordinance or resolution, 55957  
shall approve or disapprove the revised fees and deliver a copy of 55958  
the ordinance or resolution to the committee. If any such board or 55959  
legislative authority fails to adopt and deliver to the policy 55960  
committee an ordinance or resolution approving or disapproving the 55961  
revised fees within sixty days after the policy committee 55962  
delivered its resolution adopting the proposed revised fees, it 55963  
shall be conclusively presumed that the board or legislative 55964  
authority has approved the proposed revised fees. The committee 55965  
shall determine if the resolution has been ratified in the same 55966  
manner in which it determines if a draft solid waste management 55967  
plan has been ratified under division (B) of section 3734.55 of 55968  
the Revised Code. 55969

The committee may amend the schedule of fees levied pursuant 55970  
to a resolution adopted and ratified under this division by 55971  
adopting a resolution establishing the proposed amount of the 55972  
amended fees. The committee may repeal the fees levied pursuant to 55973  
such a resolution by adopting a resolution proposing to repeal 55974  
them. Upon adopting such a resolution, the committee shall proceed 55975  
to obtain ratification of the resolution in accordance with this 55976  
division. 55977

Not later than fourteen days after declaring the new fees to 55978  
be ratified or the fees to be repealed under this division, the 55979  
committee shall notify by certified mail the owner or operator of 55980  
each solid waste disposal facility that is required to collect the 55981

fees of the ratification and the amount of the fees or of the 55982  
repeal of the fees. Collection of any fees shall commence or 55983  
collection of repealed fees shall cease on the first day of the 55984  
second month following the month in which notification is sent to 55985  
the owner or operator. 55986

Fees levied under this division also may be established, 55987  
amended, or repealed by a solid waste management policy committee 55988  
through the adoption of a new district solid waste management 55989  
plan, the adoption of an amended plan, or the amendment of the 55990  
plan or amended plan in accordance with sections 3734.55 and 55991  
3734.56 of the Revised Code or the adoption or amendment of a 55992  
district plan in connection with a change in district composition 55993  
under section 3734.521 of the Revised Code. 55994

Not later than fourteen days after the director issues an 55995  
order approving a district's solid waste management plan, amended 55996  
plan, or amendment to a plan or amended plan that establishes, 55997  
amends, or repeals a schedule of fees levied by the district, the 55998  
committee shall notify by certified mail the owner or operator of 55999  
each solid waste disposal facility that is required to collect the 56000  
fees of the approval of the plan or amended plan, or the amendment 56001  
to the plan, as appropriate, and the amount of the fees, if any. 56002  
In the case of an initial or amended plan approved under section 56003  
3734.521 of the Revised Code in connection with a change in 56004  
district composition, other than one involving the withdrawal of a 56005  
county from a joint district, the committee, within fourteen days 56006  
after the change takes effect pursuant to division (G) of that 56007  
section, shall notify by certified mail the owner or operator of 56008  
each solid waste disposal facility that is required to collect the 56009  
fees that the change has taken effect and of the amount of the 56010  
fees, if any. Collection of any fees shall commence or collection 56011  
of repealed fees shall cease on the first day of the second month 56012  
following the month in which notification is sent to the owner or 56013



operator. 56014

If, in the case of a change in district composition involving 56015  
the withdrawal of a county from a joint district, the director 56016  
completes the actions required under division (G)(1) or (3) of 56017  
section 3734.521 of the Revised Code, as appropriate, forty-five 56018  
days or more before the beginning of a calendar year, the policy 56019  
committee of each of the districts resulting from the change that 56020  
obtained the director's approval of an initial or amended plan in 56021  
connection with the change, within fourteen days after the 56022  
director's completion of the required actions, shall notify by 56023  
certified mail the owner or operator of each solid waste disposal 56024  
facility that is required to collect the district's fees that the 56025  
change is to take effect on the first day of January immediately 56026  
following the issuance of the notice and of the amount of the fees 56027  
or amended fees levied under divisions (B)(1) to (3) of this 56028  
section pursuant to the district's initial or amended plan as so 56029  
approved or, if appropriate, the repeal of the district's fees by 56030  
that initial or amended plan. Collection of any fees set forth in 56031  
such a plan or amended plan shall commence on the first day of 56032  
January immediately following the issuance of the notice. If such 56033  
an initial or amended plan repeals a schedule of fees, collection 56034  
of the fees shall cease on that first day of January. 56035

If, in the case of a change in district composition involving 56036  
the withdrawal of a county from a joint district, the director 56037  
completes the actions required under division (G)(1) or (3) of 56038  
section 3734.521 of the Revised Code, as appropriate, less than 56039  
forty-five days before the beginning of a calendar year, the 56040  
director, on behalf of each of the districts resulting from the 56041  
change that obtained the director's approval of an initial or 56042  
amended plan in connection with the change proceedings, shall 56043  
notify by certified mail the owner or operator of each solid waste 56044  
disposal facility that is required to collect the district's fees 56045

that the change is to take effect on the first day of January 56046  
immediately following the mailing of the notice and of the amount 56047  
of the fees or amended fees levied under divisions (B)(1) to (3) 56048  
of this section pursuant to the district's initial or amended plan 56049  
as so approved or, if appropriate, the repeal of the district's 56050  
fees by that initial or amended plan. Collection of any fees set 56051  
forth in such a plan or amended plan shall commence on the first 56052  
day of the second month following the month in which notification 56053  
is sent to the owner or operator. If such an initial or amended 56054  
plan repeals a schedule of fees, collection of the fees shall 56055  
cease on the first day of the second month following the month in 56056  
which notification is sent to the owner or operator. 56057

If the schedule of fees that a solid waste management 56058  
district is levying under divisions (B)(1) to (3) of this section 56059  
is amended or repealed, the fees in effect immediately prior to 56060  
the amendment or repeal shall continue to be collected until 56061  
collection of the amended fees commences or collection of the 56062  
repealed fees ceases, as applicable, as specified in this 56063  
division. In the case of a change in district composition, money 56064  
so received from the collection of the fees of the former 56065  
districts shall be divided among the resulting districts in 56066  
accordance with division (B) of section 343.012 of the Revised 56067  
Code and the agreements entered into under division (B) of section 56068  
343.01 of the Revised Code to establish the former and resulting 56069  
districts and any amendments to those agreements. 56070

For the purposes of the provisions of division (B) of this 56071  
section establishing the times when newly established or amended 56072  
fees levied by a district are required to commence and the 56073  
collection of fees that have been amended or repealed is required 56074  
to cease, "fees" or "schedule of fees" includes, in addition to 56075  
fees levied under divisions (B)(1) to (3) of this section, those 56076  
levied under section 3734.573 or 3734.574 of the Revised Code. 56077

(C) For the purposes of defraying the added costs to a 56078  
municipal corporation or township of maintaining roads and other 56079  
public facilities and of providing emergency and other public 56080  
services, and compensating a municipal corporation or township for 56081  
reductions in real property tax revenues due to reductions in real 56082  
property valuations resulting from the location and operation of a 56083  
solid waste disposal facility within the municipal corporation or 56084  
township, a municipal corporation or township in which such a 56085  
solid waste disposal facility is located may levy a fee of not 56086  
more than twenty-five cents per ton on the disposal of solid 56087  
wastes at a solid waste disposal facility located within the 56088  
boundaries of the municipal corporation or township regardless of 56089  
where the wastes were generated. 56090

The legislative authority of a municipal corporation or 56091  
township may levy fees under this division by enacting an 56092  
ordinance or adopting a resolution establishing the amount of the 56093  
fees. Upon so doing the legislative authority shall mail a 56094  
certified copy of the ordinance or resolution to the board of 56095  
county commissioners or directors of the county or joint solid 56096  
waste management district in which the municipal corporation or 56097  
township is located or, if a regional solid waste management 56098  
authority has been formed under section 343.011 of the Revised 56099  
Code, to the board of trustees of that regional authority, the 56100  
owner or operator of each solid waste disposal facility in the 56101  
municipal corporation or township that is required to collect the 56102  
fee by the ordinance or resolution, and the director of 56103  
environmental protection. Although the fees levied under this 56104  
division are levied on the basis of tons as the unit of 56105  
measurement, the legislative authority, in its ordinance or 56106  
resolution levying the fees under this division, may direct that 56107  
the fees be levied on the basis of cubic yards as the unit of 56108  
measurement based upon a conversion factor of three cubic yards 56109  
per ton generally or one cubic yard per ton for baled wastes. 56110

Not later than five days after enacting an ordinance or 56111  
adopting a resolution under this division, the legislative 56112  
authority shall so notify by certified mail the owner or operator 56113  
of each solid waste disposal facility that is required to collect 56114  
the fee. Collection of any fee levied on or after March 24, 1992, 56115  
shall commence on the first day of the second month following the 56116  
month in which notification is sent to the owner or operator. 56117

(D)(1) The fees levied under divisions (A), (B), and (C) of 56118  
this section do not apply to the disposal of solid wastes that: 56119

(a) Are disposed of at a facility owned by the generator of 56120  
the wastes when the solid waste facility exclusively disposes of 56121  
solid wastes generated at one or more premises owned by the 56122  
generator regardless of whether the facility is located on a 56123  
premises where the wastes are generated; 56124

(b) Are generated from the combustion of coal, or from the 56125  
combustion of primarily coal, regardless of whether the disposal 56126  
facility is located on the premises where the wastes are 56127  
generated; 56128

(c) Are asbestos or asbestos-containing materials or products 56129  
disposed of at a construction and demolition debris facility that 56130  
is licensed under Chapter 3714. of the Revised Code or at a solid 56131  
waste facility that is licensed under this chapter. 56132

(2) Except as provided in section 3734.571 of the Revised 56133  
Code, any fees levied under division (B)(1) of this section apply 56134  
to solid wastes originating outside the boundaries of a county or 56135  
joint district that are covered by an agreement for the joint use 56136  
of solid waste facilities entered into under section 343.02 of the 56137  
Revised Code by the board of county commissioners or board of 56138  
directors of the county or joint district where the wastes are 56139  
generated and disposed of. 56140

(3) When solid wastes, other than solid wastes that consist 56141

of scrap tires, are burned in a disposal facility that is an 56142  
incinerator or energy recovery facility, the fees levied under 56143  
divisions (A), (B), and (C) of this section shall be levied upon 56144  
the disposal of the fly ash and bottom ash remaining after burning 56145  
of the solid wastes and shall be collected by the owner or 56146  
operator of the sanitary landfill where the ash is disposed of. 56147

(4) When solid wastes are delivered to a solid waste transfer 56148  
facility, the fees levied under divisions (B) and (C) of this 56149  
section shall be levied upon the disposal of solid wastes 56150  
transported off the premises of the transfer facility for disposal 56151  
and shall be collected by the owner or operator of the solid waste 56152  
disposal facility where the wastes are disposed of. 56153

(5) The fees levied under divisions (A), (B), and (C) of this 56154  
section do not apply to sewage sludge that is generated by a waste 56155  
water treatment facility holding a national pollutant discharge 56156  
elimination system permit and that is disposed of through 56157  
incineration, land application, or composting or at another 56158  
resource recovery or disposal facility that is not a landfill. 56159

(6) The fees levied under divisions (A), (B), and (C) of this 56160  
section do not apply to solid wastes delivered to a solid waste 56161  
composting facility for processing. When any unprocessed solid 56162  
waste or compost product is transported off the premises of a 56163  
composting facility and disposed of at a landfill, the fees levied 56164  
under divisions (A), (B), and (C) of this section shall be 56165  
collected by the owner or operator of the landfill where the 56166  
unprocessed waste or compost product is disposed of. 56167

(7) When solid wastes that consist of scrap tires are 56168  
processed at a scrap tire recovery facility, the fees levied under 56169  
divisions (A), (B), and (C) of this section shall be levied upon 56170  
the disposal of the fly ash and bottom ash or other solid wastes 56171  
remaining after the processing of the scrap tires and shall be 56172  
collected by the owner or operator of the solid waste disposal 56173

facility where the ash or other solid wastes are disposed of. 56174

(8) The director of environmental protection may issue an 56175  
order exempting from the fees levied under this section solid 56176  
wastes, including, but not limited to, scrap tires, that are 56177  
generated, transferred, or disposed of as a result of a contract 56178  
providing for the expenditure of public funds entered into by the 56179  
administrator or regional administrator of the United States 56180  
environmental protection agency, the director of environmental 56181  
protection, or the director of administrative services on behalf 56182  
of the director of environmental protection for the purpose of 56183  
remediating conditions at a hazardous waste facility, solid waste 56184  
facility, or other location at which the administrator or regional 56185  
administrator or the director of environmental protection has 56186  
reason to believe that there is a substantial threat to public 56187  
health or safety or the environment or that the conditions are 56188  
causing or contributing to air or water pollution or soil 56189  
contamination. An order issued by the director of environmental 56190  
protection under division (D)(8) of this section shall include a 56191  
determination that the amount of the fees not received by a solid 56192  
waste management district as a result of the order will not 56193  
adversely impact the implementation and financing of the 56194  
district's approved solid waste management plan and any approved 56195  
amendments to the plan. Such an order is a final action of the 56196  
director of environmental protection. 56197

(E) The fees levied under divisions (B) and (C) of this 56198  
section shall be collected by the owner or operator of the solid 56199  
waste disposal facility where the wastes are disposed of as a 56200  
trustee for the county or joint district and municipal corporation 56201  
or township where the wastes are disposed of. Moneys from the fees 56202  
levied under division (B) of this section shall be forwarded to 56203  
the board of county commissioners or board of directors of the 56204  
district in accordance with rules adopted under division (H) of 56205

this section. Moneys from the fees levied under division (C) of 56206  
this section shall be forwarded to the treasurer or such other 56207  
officer of the municipal corporation as, by virtue of the charter, 56208  
has the duties of the treasurer or to the fiscal officer of the 56209  
township, as appropriate, in accordance with those rules. 56210

(F) Moneys received by the treasurer or other officer of the 56211  
municipal corporation under division (E) of this section shall be 56212  
paid into the general fund of the municipal corporation. Moneys 56213  
received by the fiscal officer of the township under that division 56214  
shall be paid into the general fund of the township. The treasurer 56215  
or other officer of the municipal corporation or the township 56216  
fiscal officer, as appropriate, shall maintain separate records of 56217  
the moneys received from the fees levied under division (C) of 56218  
this section. 56219

(G) Moneys received by the board of county commissioners or 56220  
board of directors under division (E) of this section or section 56221  
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 56222  
shall be paid to the county treasurer, or other official acting in 56223  
a similar capacity under a county charter, in a county district or 56224  
to the county treasurer or other official designated by the board 56225  
of directors in a joint district and kept in a separate and 56226  
distinct fund to the credit of the district. If a regional solid 56227  
waste management authority has been formed under section 343.011 56228  
of the Revised Code, moneys received by the board of trustees of 56229  
that regional authority under division (E) of this section shall 56230  
be kept by the board in a separate and distinct fund to the credit 56231  
of the district. Moneys in the special fund of the county or joint 56232  
district arising from the fees levied under division (B) of this 56233  
section and the fee levied under division (A) of section 3734.573 56234  
of the Revised Code shall be expended by the board of county 56235  
commissioners or directors of the district in accordance with the 56236  
district's solid waste management plan or amended plan approved 56237

under section 3734.521, 3734.55, or 3734.56 of the Revised Code 56238  
exclusively for the following purposes: 56239

(1) Preparation of the solid waste management plan of the 56240  
district under section 3734.54 of the Revised Code, monitoring 56241  
implementation of the plan, and conducting the periodic review and 56242  
amendment of the plan required by section 3734.56 of the Revised 56243  
Code by the solid waste management policy committee; 56244

(2) Implementation of the approved solid waste management 56245  
plan or amended plan of the district, including, without 56246  
limitation, the development and implementation of solid waste 56247  
recycling or reduction programs; 56248

(3) Providing financial assistance to boards of health within 56249  
the district, if solid waste facilities are located within the 56250  
district, for enforcement of this chapter and rules, orders, and 56251  
terms and conditions of permits, licenses, and variances adopted 56252  
or issued under it, other than the hazardous waste provisions of 56253  
this chapter and rules adopted and orders and terms and conditions 56254  
of permits issued under those provisions; 56255

(4) Providing financial assistance to each county within the 56256  
district to defray the added costs of maintaining roads and other 56257  
public facilities and of providing emergency and other public 56258  
services resulting from the location and operation of a solid 56259  
waste facility within the county under the district's approved 56260  
solid waste management plan or amended plan; 56261

(5) Pursuant to contracts entered into with boards of health 56262  
within the district, if solid waste facilities contained in the 56263  
district's approved plan or amended plan are located within the 56264  
district, for paying the costs incurred by those boards of health 56265  
for collecting and analyzing samples from public or private water 56266  
wells on lands adjacent to those facilities; 56267

(6) Developing and implementing a program for the inspection 56268



of solid wastes generated outside the boundaries of this state 56269  
that are disposed of at solid waste facilities included in the 56270  
district's approved solid waste management plan or amended plan; 56271

(7) Providing financial assistance to boards of health within 56272  
the district for the enforcement of section 3734.03 of the Revised 56273  
Code or to local law enforcement agencies having jurisdiction 56274  
within the district for enforcing anti-littering laws and 56275  
ordinances; 56276

(8) Providing financial assistance to boards of health of 56277  
health districts within the district that are on the approved list 56278  
under section 3734.08 of the Revised Code to defray the costs to 56279  
the health districts for the participation of their employees 56280  
responsible for enforcement of the solid waste provisions of this 56281  
chapter and rules adopted and orders and terms and conditions of 56282  
permits, licenses, and variances issued under those provisions in 56283  
the training and certification program as required by rules 56284  
adopted under division (L) of section 3734.02 of the Revised Code; 56285

(9) Providing financial assistance to individual municipal 56286  
corporations and townships within the district to defray their 56287  
added costs of maintaining roads and other public facilities and 56288  
of providing emergency and other public services resulting from 56289  
the location and operation within their boundaries of a 56290  
composting, energy or resource recovery, incineration, or 56291  
recycling facility that either is owned by the district or is 56292  
furnishing solid waste management facility or recycling services 56293  
to the district pursuant to a contract or agreement with the board 56294  
of county commissioners or directors of the district; 56295

(10) Payment of any expenses that are agreed to, awarded, or 56296  
ordered to be paid under section 3734.35 of the Revised Code and 56297  
of any administrative costs incurred pursuant to that section. In 56298  
the case of a joint solid waste management district, if the board 56299  
of county commissioners of one of the counties in the district is 56300

negotiating on behalf of affected communities, as defined in that 56301  
section, in that county, the board shall obtain the approval of 56302  
the board of directors of the district in order to expend moneys 56303  
for administrative costs incurred. 56304

Prior to the approval of the district's solid waste 56305  
management plan under section 3734.55 of the Revised Code, moneys 56306  
in the special fund of the district arising from the fees shall be 56307  
expended for those purposes in the manner prescribed by the solid 56308  
waste management policy committee by resolution. 56309

Notwithstanding division (G)(6) of this section as it existed 56310  
prior to October 29, 1993, or any provision in a district's solid 56311  
waste management plan prepared in accordance with division 56312  
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 56313  
prior to that date, any moneys arising from the fees levied under 56314  
division (B)(3) of this section prior to January 1, 1994, may be 56315  
expended for any of the purposes authorized in divisions (G)(1) to 56316  
(10) of this section. 56317

(H) The director shall adopt rules in accordance with Chapter 56318  
119. of the Revised Code prescribing procedures for collecting and 56319  
forwarding the fees levied under divisions (B) and (C) of this 56320  
section to the boards of county commissioners or directors of 56321  
county or joint solid waste management districts and to the 56322  
treasurers or other officers of municipal corporations and the 56323  
fiscal officers of townships. The rules also shall prescribe the 56324  
dates for forwarding the fees to the boards and officials and may 56325  
prescribe any other requirements the director considers necessary 56326  
or appropriate to implement and administer divisions (A), (B), and 56327  
(C) of this section. 56328

**Sec. 3734.901.** (A)(1) For the purpose of providing revenue to 56329  
defray the cost of administering and enforcing the scrap tire 56330  
provisions of this chapter, rules adopted under those provisions, 56331

and terms and conditions of orders, variances, and licenses issued 56332  
under those provisions; to abate accumulations of scrap tires; to 56333  
make grants supporting market development activities for scrap 56334  
tires and synthetic rubber from tire manufacturing processes and 56335  
tire recycling processes and to support scrap tire amnesty and 56336  
cleanup events; to make loans to promote the recycling or recovery 56337  
of energy from scrap tires; and to defray the costs of 56338  
administering and enforcing sections 3734.90 to 3734.9014 of the 56339  
Revised Code, a fee of fifty cents per tire is hereby levied on 56340  
the sale of tires. The proceeds of the fee shall be deposited in 56341  
the state treasury to the credit of the scrap tire management fund 56342  
created in section 3734.82 of the Revised Code. The fee is levied 56343  
from the first day of the calendar month that begins next after 56344  
thirty days from October 29, 1993, through June 30, ~~2013~~ 2016. 56345

(2) Beginning on July 1, 2011, and ending on June 30, ~~2013~~ 56346  
2016, there is hereby levied an additional fee of fifty cents per 56347  
tire on the sale of tires the proceeds of which shall be deposited 56348  
in the state treasury to the credit of the soil and water 56349  
conservation district assistance fund created in section 1515.14 56350  
of the Revised Code. 56351

(B) Only one sale of the same article shall be used in 56352  
computing the amount of the fee due. 56353

**Sec. 3734.907.** (A) Any person required to pay the fee imposed 56354  
by section 3734.901 of the Revised Code is personally liable for 56355  
the fee. The tax commissioner may make an assessment, based upon 56356  
any information in the commissioner's possession, against any 56357  
person who fails to file a return or pay any fee, interest, or 56358  
additional charge as required by sections 3734.90 to 3734.9014 of 56359  
the Revised Code. The commissioner shall give the person assessed 56360  
written notice of the assessment in the manner provided in section 56361  
5703.37 of the Revised Code. With the notice, the commissioner 56362

shall provide instructions on how to petition for reassessment and 56363  
request a hearing on the petition. 56364

(B) When the information in the possession of the tax 56365  
commissioner indicates that a person liable for the fee imposed by 56366  
section 3734.901 of the Revised Code has not paid the full amount 56367  
of fee due, the commissioner may audit a representative sample of 56368  
the person's business and may issue an assessment based on the 56369  
audit. 56370

(C) A penalty of up to fifteen per cent may be added to all 56371  
amounts assessed under this section. The commissioner may adopt 56372  
rules providing for the imposition and remission of the penalties. 56373

(D) Unless the person assessed files with the tax 56374  
commissioner within sixty days after service of the notice of 56375  
assessment, either personally or by certified mail, a written 56376  
petition for reassessment signed by the person assessed or that 56377  
person's authorized agent having knowledge of the facts, the 56378  
assessment becomes final and the amount of the assessment is due 56379  
and payable from the person assessed to the treasurer of state. 56380  
The petition shall indicate the objections of the person assessed, 56381  
but additional objections may be raised in writing if received by 56382  
the commissioner prior to the date shown on the final 56383  
determination. If the petition has been properly filed, the 56384  
commissioner shall proceed under section 5703.60 of the Revised 56385  
Code. 56386

(E) After an assessment becomes final, if any portion of the 56387  
assessment, including accrued interest, remains unpaid, a 56388  
certified copy of the tax commissioner's entry making the 56389  
assessment final may be filed in the office of the clerk of the 56390  
court of common pleas in the county in which the person assessed 56391  
resides or in which the person's business is conducted. If the 56392  
person assessed maintains no place of business in this state and 56393  
is not a resident of this state, the certified copy of the entry 56394

may be filed in the office of the clerk of the court of common 56395  
pleas of Franklin county. 56396

Immediately upon the filing of the entry, the clerk shall 56397  
enter a judgment for the state against the person assessed in the 56398  
amount shown on the entry. The judgment may be filed by the clerk 56399  
in a loose-leaf book entitled "special judgments for state tire 56400  
fee," and shall have the same effect as other judgments. Execution 56401  
shall issue upon the judgment upon the request of the tax 56402  
commissioner, and all laws applicable to sales on execution shall 56403  
apply to sales made under the judgment. 56404

~~The portion of~~ If the assessment is not paid in its entirety 56405  
within sixty days after the day the assessment was issued, the 56406  
portion of the assessment consisting of tax due shall bear 56407  
interest at the rate per annum prescribed by section 5703.47 of 56408  
the Revised Code from the day the commissioner issues the 56409  
assessment until the day the assessment is paid or until it is 56410  
certified to the attorney general for collection under section 56411  
131.02 of the Revised Code, whichever comes first. If the unpaid 56412  
portion of the assessment is certified to the attorney general for 56413  
collection, the entire unpaid portion of the assessment shall bear 56414  
interest at the rate per annum prescribed by section 5703.47 of 56415  
the Revised Code from the date of certification until the date it 56416  
is paid in its entirety. Interest shall be paid in the same manner 56417  
as the fee and may be collected by the issuance of an assessment 56418  
under this section. 56419

(F) If the tax commissioner believes that collection of the 56420  
fee will be jeopardized unless proceedings to collect or secure 56421  
collection of the fee are instituted without delay, the 56422  
commissioner may issue a jeopardy assessment against the person 56423  
liable for the fee. Immediately upon the issuance of the jeopardy 56424  
assessment, the commissioner shall file an entry with the clerk of 56425  
the court of common pleas in the manner prescribed by division (E) 56426

of this section. Notice of the jeopardy assessment shall be served 56427  
on the person assessed or the person's legal representative, as 56428  
provided in section 5703.37 of the Revised Code, within five days 56429  
of the filing of the entry with the clerk. The total amount 56430  
assessed is immediately due and payable, unless the person 56431  
assessed files a petition for reassessment in accordance with 56432  
division (D) of this section and provides security in a form 56433  
satisfactory to the commissioner and in an amount sufficient to 56434  
satisfy the unpaid balance of the assessment. Full or partial 56435  
payment of the assessment does not prejudice the commissioner's 56436  
consideration of the petition for reassessment. 56437

(G) All money collected by the tax commissioner under this 56438  
section shall be paid to the treasurer of state as revenue arising 56439  
from the fee imposed by section 3734.901 of the Revised Code. 56440

**Sec. 3735.58.** (A) The director of ~~mental health~~ mental health 56441  
and addiction services, the director of developmental 56442  
disabilities, or the director of rehabilitation and correction may 56443  
enter into contracts for the sale of land not needed by their 56444  
departments and under their jurisdiction or supervision to 56445  
metropolitan housing authorities for use by such an authority for 56446  
a housing project or projects. Such contract may contain such 56447  
conditions and terms as are, in the discretion of the directors, 56448  
in the best interests of the state and the welfare of the 56449  
residents of the state. 56450

(B) The director may, upon receipt of a request from a 56451  
metropolitan housing authority, request the approval of the 56452  
governor to sell and convey land not needed by the director's 56453  
department and under the director's jurisdiction or supervision to 56454  
an authority, subject to such terms and conditions consistent with 56455  
the public interest and welfare of the residents of the state as 56456  
the director considers necessary. The governor, with the approval 56457

of the controlling board, may approve the request. Such property 56458  
shall be appraised at its fair market value before it is conveyed. 56459  
The director of administrative services shall cause it to be 56460  
appraised by three disinterested persons and shall determine the 56461  
fee which each appraiser shall receive, not to exceed fifty 56462  
dollars. All appraisal fees shall be paid by the authority which 56463  
shall deposit with the director one hundred fifty dollars before 56464  
the appraisal is made. If the deposit exceeds the appraisal fee, 56465  
the balance shall be returned to the authority. The appraisal 56466  
value, when approved by the director, is the purchase price. If 56467  
the purchase price is not paid within ninety days after notice to 56468  
the authority of the approved appraisal value, the director shall 56469  
withdraw approval of the appraisal value and no deed shall be 56470  
delivered to the authority without the written approval of the 56471  
director of the purchase price. If the purchase price is paid 56472  
within ninety days, a deed shall be prepared and recorded pursuant 56473  
to section 5301.13 of the Revised Code. 56474

(C) Moneys received from sales of land to a metropolitan 56475  
housing authority shall be placed in the state treasury in special 56476  
funds, to be used for such purposes of the department of ~~mental~~ 56477  
~~health~~ mental health and addiction services, the department of 56478  
developmental disabilities, or the department of rehabilitation 56479  
and correction as is appropriate. 56480

**Sec. 3737.02.** (A) The fire marshal may collect fees to cover 56481  
the costs of performing inspections and other duties that the fire 56482  
marshal is authorized or required by law to perform. Except as 56483  
provided in division (B) of this section, all fees collected by 56484  
the fire marshal shall be deposited to the credit of the fire 56485  
marshal's fund. 56486

(B) All of the following shall be credited to the underground 56487  
storage tank administration fund, which is hereby created in the 56488

state treasury: 56489

(1) Fees collected under sections 3737.88 and 3737.881 of the Revised Code for operation of the underground storage tank and underground storage tank installer certification programs, ~~moneys;~~ 56490  
56491  
56492

(2) Moneys recovered under section 3737.89 of the Revised Code for the state's costs of undertaking corrective or enforcement actions under that section or section 3737.882 of the Revised Code, ~~and fines;~~ 56493  
56494  
56495  
56496

(3) Fines and penalties collected under section 3737.882 of the Revised Code ~~shall be credited to the underground storage tank administration fund, which is hereby created in the state treasury. All;~~ 56497  
56498  
56499  
56500

(4) Amounts repaid for underground storage tank revolving loans under section 3737.883 of the Revised Code. 56501  
56502

(C) All interest earned on moneys credited to the underground storage tank administration fund shall be credited to the fund. Moneys credited to the underground storage tank administration fund shall be used by the fire marshal for implementation and enforcement of underground storage tank, corrective action, and installer certification programs under sections 3737.88 to 3737.89 of the Revised Code. Only moneys described in divisions (B)(3) and (4) of this section shall be used by the fire marshal to make underground storage tank revolving loans under section 3737.883 of the Revised Code, and no other moneys may be used to make those loans. 56503  
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~~(C)~~(D) The fire marshal shall take all actions necessary to obtain any federal funding available to carry out the fire marshal's responsibilities under sections 3737.88 to 3737.89 of the Revised Code and federal laws regarding the cleaning up of releases of petroleum, as "release" is defined in section 3737.87 of the Revised Code, including, without limitation, any federal 56514  
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funds that are available to reimburse the state for the costs of 56520  
undertaking corrective actions for such releases of petroleum. The 56521  
state may, when appropriate, return to the United States any 56522  
federal funds recovered under sections 3737.882 and 3737.89 of the 56523  
Revised Code. 56524

**Sec. 3737.83.** The fire marshal shall, as part of the state 56525  
fire code, adopt rules to: 56526

(A) Establish minimum standards of performance for fire 56527  
protection equipment and fire fighting equipment; 56528

(B) Establish minimum standards of training, fix minimum 56529  
qualifications, and require certificates for all persons who 56530  
engage in the business for profit of installing, testing, 56531  
repairing, or maintaining fire protection equipment; 56532

(C) Provide for the issuance of certificates required under 56533  
division (B) of this section and establish the fees to be charged 56534  
for such certificates. A certificate shall be granted, renewed, or 56535  
revoked according to rules the fire marshal shall adopt. 56536

(D) Establish minimum standards of flammability for consumer 56537  
goods in any case where the federal government or any department 56538  
or agency thereof has established, or may from time to time 56539  
establish standards of flammability for consumer goods. The 56540  
standards established by the fire marshal shall be identical to 56541  
the minimum federal standards. 56542

In any case where the federal government or any department or 56543  
agency thereof, establishes standards of flammability for consumer 56544  
goods subsequent to the adoption of a flammability standard by the 56545  
fire marshal, standards previously adopted by the fire marshal 56546  
shall not continue in effect to the extent such standards are not 56547  
identical to the minimum federal standards. 56548

With respect to the adoption of minimum standards of 56549

flammability, this division shall supersede any authority granted 56550  
a political subdivision by any other section of the Revised Code. 56551

(E) Establish minimum standards pursuant to section 5104.05 56552  
of the Revised Code for fire prevention and fire safety in child 56553  
day-care centers and in type A family day-care homes, as defined 56554  
in section 5104.01 of the Revised Code. 56555

(F) Establish minimum standards for fire prevention and 56556  
safety in a residential facility licensed under section ~~5119.22~~ 56557  
5119.34 of the Revised Code that provides accommodations, 56558  
supervision, and personal care services for three to sixteen 56559  
unrelated adults. The fire marshal shall adopt the rules under 56560  
this division in consultation with the director of ~~mental health~~ 56561  
mental health and addiction services and interested parties 56562  
designated by the director of ~~mental health~~ mental health and 56563  
addiction services. 56564

**Sec. 3737.841.** As used in this section and section 3737.842 56565  
of the Revised Code: 56566

(A) "Public occupancy" means all of the following: 56567

(1) Any state correctional institution as defined in section 56568  
2967.01 of the Revised Code and any county, multicounty, 56569  
municipal, or municipal-county jail or workhouse; 56570

(2) Any hospital as defined in section 3727.01 of the Revised 56571  
Code, any hospital licensed by the department of ~~mental health~~ 56572  
mental health and addiction services under section ~~5119.20~~ 5119.33 56573  
of the Revised Code, and any institution, hospital, or other place 56574  
established, controlled, or supervised by the department of ~~mental~~ 56575  
~~health~~ mental health and addiction services under Chapter 5119. of 56576  
the Revised Code; 56577

(3) Any nursing home, residential care facility, or home for 56578  
the aging as defined in section 3721.01 of the Revised Code and 56579

any residential facility licensed under section ~~5119.22~~ 5119.34 of 56580  
the Revised Code that provides accommodations, supervision, and 56581  
personal care services for three to sixteen unrelated adults; 56582

(4) Any child day-care center and any type A family day-care 56583  
home as defined in section 5104.01 of the Revised Code; 56584

(5) Any public auditorium or stadium; 56585

(6) Public assembly areas of hotels and motels containing 56586  
more than ten articles of seating furniture. 56587

(B) "Sell" includes sell, offer or expose for sale, barter, 56588  
trade, deliver, give away, rent, consign, lease, possess for sale, 56589  
or dispose of in any other commercial manner. 56590

(C) Except as provided in division (D) of this section, 56591  
"seating furniture" means any article of furniture, including 56592  
children's furniture, that can be used as a support for an 56593  
individual, or an individual's limbs or feet, when sitting or 56594  
resting in an upright or reclining position and that either: 56595

(1) Is made with loose or attached cushions or pillows; 56596

(2) Is stuffed or filled in whole or in part with any filling 56597  
material; 56598

(3) Is or can be stuffed or filled in whole or in part with 56599  
any substance or material, concealed by fabric or any other 56600  
covering. 56601

"Seating furniture" includes the cushions or pillows 56602  
belonging to or forming a part of the furniture, the structural 56603  
unit, and the filling material and its container or covering. 56604

(D) "Seating furniture" does not include, except if intended 56605  
for use by children or in facilities designed for the care or 56606  
treatment of humans, any of the following: 56607

(1) Cushions or pads intended solely for outdoor use; 56608

(2) Any article with a smooth surface that contains no more than one-half inch of filling material, if that article does not have an upholstered horizontal surface meeting an upholstered vertical surface;

(3) Any article manufactured solely for recreational use or physical fitness purposes, including weight-lifting benches, gymnasium mats or pads, and sidehorses.

(E) "Filling material" means cotton, wool, kapok, feathers, down, hair, liquid, or any other natural or artificial material or substance that is used or can be used as stuffing in seating furniture.

**Sec. 3737.88.** (A)(1) The fire marshal shall have responsibility for implementation of the underground storage tank program and corrective action program for releases of petroleum from underground storage tanks established by the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 6901, as amended. To implement the programs, the fire marshal may adopt, amend, and rescind such rules, conduct such inspections, require annual registration of underground storage tanks, issue such citations and orders to enforce those rules, enter into environmental covenants in accordance with sections 5301.80 to 5301.92 of the Revised Code, and perform such other duties, as are consistent with those programs. The fire marshal, by rule, may delegate the authority to conduct inspections of underground storage tanks to certified fire safety inspectors.

(2) In the place of any rules regarding release containment and release detection for underground storage tanks adopted under division (A)(1) of this section, the fire marshal, by rule, shall designate areas as being sensitive for the protection of human health and the environment and adopt alternative rules regarding release containment and release detection methods for new and

upgraded underground storage tank systems located in those areas. 56640  
In designating such areas, the fire marshal shall take into 56641  
consideration such factors as soil conditions, hydrogeology, water 56642  
use, and the location of public and private water supplies. Not 56643  
later than July 11, 1990, the fire marshal shall file the rules 56644  
required under this division with the secretary of state, director 56645  
of the legislative service commission, and joint committee on 56646  
agency rule review in accordance with divisions (B) and (H) of 56647  
section 119.03 of the Revised Code. 56648

(3) Notwithstanding sections 3737.87 to 3737.89 of the 56649  
Revised Code, a person who is not a responsible person, as 56650  
determined by the fire marshal pursuant to this chapter, may 56651  
conduct a voluntary action in accordance with Chapter 3746. of the 56652  
Revised Code and rules adopted under it for either of the 56653  
following: 56654

(a) A class C release; 56655

(b) A release, other than a class C release, that is subject 56656  
to the rules adopted by the fire marshal under division (B) of 56657  
section 3737.882 of the Revised Code pertaining to a corrective 56658  
action, provided that both of the following apply: 56659

(i) The voluntary action also addresses hazardous substances 56660  
or petroleum that is not subject to the rules adopted under 56661  
division (B) of section 3737.882 of the Revised Code pertaining to 56662  
a corrective action. 56663

(ii) The fire marshal has not issued an administrative order 56664  
concerning the release or referred the release to the attorney 56665  
general for enforcement. 56666

The director of environmental protection, pursuant to section 56667  
3746.12 of the Revised Code, may issue a covenant not to sue to 56668  
any person who properly completes a voluntary action with respect 56669  
to any such release in accordance with Chapter 3746. of the 56670

Revised Code and rules adopted under it. 56671

(B) Before adopting any rule under this section or section 56672  
3737.881 or 3737.882 of the Revised Code, the fire marshal shall 56673  
file written notice of the proposed rule with the chairperson of 56674  
the state fire council, and, within sixty days after notice is 56675  
filed, the council may file responses to or comments on and may 56676  
recommend alternative or supplementary rules to the fire marshal. 56677  
At the end of the sixty-day period or upon the filing of 56678  
responses, comments, or recommendations by the council, the fire 56679  
marshal may adopt the rule filed with the council or any 56680  
alternative or supplementary rule recommended by the council. 56681

(C) The state fire council may recommend courses of action to 56682  
be taken by the fire marshal in carrying out the fire marshal's 56683  
duties under this section. The council shall file its 56684  
recommendations in the office of the fire marshal, and, within 56685  
sixty days after the recommendations are filed, the fire marshal 56686  
shall file with the chairperson of the council comments on, and 56687  
proposed action in response to, the recommendations. 56688

(D) For the purpose of sections 3737.87 to 3737.89 of the 56689  
Revised Code, the fire marshal shall adopt, and may amend and 56690  
rescind, rules identifying or listing hazardous substances. The 56691  
rules shall be consistent with and equivalent in scope, coverage, 56692  
and content to regulations identifying or listing hazardous 56693  
substances adopted under the "Comprehensive Environmental 56694  
Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 56695  
42 U.S.C.A. 9602, as amended, except that the fire marshal shall 56696  
not identify or list as a hazardous substance any hazardous waste 56697  
identified or listed in rules adopted under division (A) of 56698  
section 3734.12 of the Revised Code. 56699

(E) Except as provided in division (A)(3) of this section, 56700  
the fire marshal shall have exclusive jurisdiction to regulate the 56701  
storage, treatment, and disposal of petroleum contaminated soil 56702

generated from corrective actions undertaken in response to 56703  
releases of petroleum from underground storage tank systems. The 56704  
fire marshal may adopt, amend, or rescind such rules as the fire 56705  
marshal considers to be necessary or appropriate to regulate the 56706  
storage, treatment, or disposal of petroleum contaminated soil so 56707  
generated. 56708

(F) The fire marshal shall adopt, amend, and rescind rules 56709  
under sections 3737.88 to ~~3737.882~~ 3737.883 of the Revised Code in 56710  
accordance with Chapter 119. of the Revised Code. 56711

Sec. 3737.883. (A) As used in this section, "political 56712  
subdivision" has the same meaning as in section 2744.01 of the 56713  
Revised Code, but includes a community improvement corporation as 56714  
that term is defined in section 1724.01 of the Revised Code. 56715

(B) A political subdivision may do any of the following for 56716  
an underground storage tank located within its territorial 56717  
boundaries if the responsible person is not identifiable or if the 56718  
state fire marshal determines that an identified responsible 56719  
person is unable to pay the costs of the action to be taken by the 56720  
political subdivision: 56721

(1) Initiate, continue, or properly complete the removal of 56722  
an underground storage tank system; 56723

(2) Initiate, continue, or properly complete an assessment of 56724  
the site of an underground storage tank or the site of an 56725  
underground storage tank system; 56726

(3) Initiate, continue, or properly complete a corrective 56727  
action. 56728

(C) The state fire marshal or the state fire marshal's 56729  
designee shall administer an underground storage tank revolving 56730  
loan program under which the state fire marshal issues loans to 56731  
assist with the costs of actions described in divisions (B)(1) to 56732

(3) of this section. The state fire marshal shall issue a loan 56733  
under the program to a political subdivision that meets the 56734  
application requirements of division (D) of this section and 56735  
agrees to written terms and conditions of the loan with the state 56736  
fire marshal. 56737

(D) A political subdivision shall apply to the state fire 56738  
marshal for a loan under this section on a form prescribed by the 56739  
state fire marshal. In the application, the political subdivision 56740  
shall do all of the following: 56741

(1) Describe the action for which it is requesting a loan; 56742

(2) State the requested loan amount; 56743

(3) Explain how the political subdivision plans to spend, of 56744  
its own funds, in undertaking the action for which the loan is 56745  
requested, an amount equal to at least five per cent of the 56746  
requested loan amount; 56747

(4) Provide any other information requested by the state fire 56748  
marshal. 56749

(E) The state fire marshal shall consult with the director of 56750  
development services before issuing any loan under this section. 56751

(F) A loan issued under this section shall not carry 56752  
interest. No loan issued under this section shall have a term of 56753  
more than ten years. The political subdivision shall repay a loan 56754  
issued under this section to the state fire marshal. 56755

(G) If, at any time after the expenditure of loan funds by a 56756  
political subdivision under this section, the state fire marshal 56757  
or any law enforcement agency identifies the responsible person or 56758  
determines, for any reason, that the previously identified 56759  
responsible person was or is able to pay the costs of the action 56760  
for which the loan was issued, the political subdivision may bring 56761  
any appropriate proceedings against the responsible person to 56762



recover the costs incurred by the political subdivision. The 56763  
proceedings may be brought in either the court of common pleas 56764  
having jurisdiction where the underground storage tank is located 56765  
or the court of common pleas of Franklin county. 56766

(H)(1) The state fire marshal shall adopt and may amend and 56767  
rescind rules as necessary for the administration and operation of 56768  
the underground storage tank revolving loan program. The rules may 56769  
do any of the following: 56770

(a) Further define the entities considered "political 56771  
subdivisions" eligible to receive loans; 56772

(b) Establish qualifying criteria for loan recipients; 56773

(c) Establish criteria for awarding loans, loan amounts, loan 56774  
payment terms, and permissible expenditures of loan funds, 56775  
including methods that the state fire marshal may use to verify 56776  
the proper use of loan funds or to obtain reimbursement for or the 56777  
return of improperly used loan funds. 56778

(2) The state fire marshal may adopt and may amend and 56779  
rescind rules for the issuance of emergency underground storage 56780  
tank revolving loans to qualifying entities during a natural 56781  
disaster or another similar event as defined in the rules. 56782

**Sec. ~~3737.883~~ 3737.884.** On receipt of a notice pursuant to 56783  
section 3123.43 of the Revised Code, the state fire marshal shall 56784  
comply with sections 3123.41 to 3123.50 of the Revised Code and 56785  
any applicable rules adopted under section 3123.63 of the Revised 56786  
Code with respect to a certificate issued pursuant to section 56787  
3737.34, 3737.65, 3737.83, or 3737.881 of the Revised Code. 56788

**Sec. 3742.30.** Each child at risk of lead poisoning shall 56789  
undergo a blood lead screening test to determine whether the child 56790  
has lead poisoning. The at-risk children shall undergo the test at 56791  
times determined by rules the director of health shall adopt in 56792

accordance with Chapter 119. of the Revised Code that are 56793  
consistent with the guidelines established by the centers for 56794  
disease control and prevention in the public health service of the 56795  
United States department of health and human services. The rules 56796  
shall specify which children are at risk of lead poisoning. 56797

Neither this section nor the rules adopted under it affect 56798  
the coverage of blood lead screening tests by any publicly funded 56799  
health program, including the medicaid program ~~established by~~ 56800  
~~Chapter 5111. of the Revised Code.~~ Neither this section nor the 56801  
rules adopted under it apply to a child if a parent of the child 56802  
objects to the test on the grounds that the test conflicts with 56803  
the parent's religious tenets and practices. 56804

**Sec. 3742.31.** (A) The director of health shall establish, 56805  
promote, and maintain a child lead poisoning prevention program. 56806  
The program shall provide statewide coordination of screening, 56807  
diagnosis, and treatment services for children under age six, 56808  
including both of the following: 56809

(1) Collecting the social security numbers of all children 56810  
screened, diagnosed, or treated as part of the program's case 56811  
management system; 56812

(2) Disclosing to the ~~office of medical assistance in the~~ 56813  
department of ~~job and family services~~ medicaid on at least an 56814  
annual basis the identity and lead screening test results of each 56815  
child screened pursuant to section 3742.30 of the Revised Code. 56816  
The director shall collect and disseminate information relating to 56817  
child lead poisoning and controlling lead hazards. 56818

(B) The director of health shall operate the child lead 56819  
poisoning prevention program in accordance with rules adopted 56820  
under section 3742.50 of the Revised Code. The director may enter 56821  
into an interagency agreement with one or more other state 56822

agencies to perform one or more of the program's duties. The 56823  
director shall supervise and direct an agency's performance of 56824  
such a duty. 56825

**Sec. 3742.32.** (A) The director of health shall appoint an 56826  
advisory council to assist in the ongoing development and 56827  
implementation of the child lead poisoning prevention program 56828  
created under section 3742.31 of the Revised Code. The advisory 56829  
council shall consist of the following members: 56830

(1) A representative of the ~~office of medical assistance in~~ 56831  
the department of ~~job and family services~~ medicaid; 56832

(2) A representative of the bureau of child care in the 56833  
department of job and family services; 56834

(3) A representative of the department of environmental 56835  
protection; 56836

(4) A representative of the department of education; 56837

(5) A representative of the ~~department of~~ development 56838  
services agency; 56839

(6) A representative of the Ohio apartment owner's 56840  
association; 56841

(7) A representative of the Ohio help end lead poisoning 56842  
coalition; 56843

(8) A representative of the Ohio environmental health 56844  
association; 56845

(9) An Ohio representative of the national paint and coatings 56846  
association. 56847

(B) The advisory council shall do both of the following: 56848

(1) Provide the director with advice regarding the policies 56849  
the child lead poisoning prevention program should emphasize, 56850  
preferred methods of financing the program, and any other matter 56851

relevant to the program's operation; 56852

(2) Submit a report of the state's activities to the 56853  
governor, president of the senate, and speaker of the house of 56854  
representatives on or before the first day of March each year. 56855

(C) The advisory council is not subject to sections 101.82 to 56856  
101.87 of the Revised Code. 56857

**Sec. 3742.51.** (A) There is hereby created in the state 56858  
treasury the lead poisoning prevention fund. The fund shall 56859  
include all moneys appropriated to the department of health for 56860  
the administration and enforcement of sections 3742.31 to 3742.50 56861  
of the Revised Code and the rules adopted under those sections. 56862  
Any grants, contributions, or other moneys collected by the 56863  
department for purposes of preventing lead poisoning shall be 56864  
deposited in the state treasury to the credit of the fund. 56865

(B) Moneys in the fund shall be used solely for the purposes 56866  
of the child lead poisoning prevention program established under 56867  
section 3742.31 of the Revised Code, including providing financial 56868  
assistance to individuals who are unable to pay for the following: 56869

(1) Costs associated with obtaining lead tests and lead 56870  
poisoning treatment for children under six years of age who are 56871  
not covered by private medical insurance or are underinsured, are 56872  
not eligible for the medicaid program ~~established under Chapter~~ 56873  
~~5111. of the Revised Code~~ or any other government health program, 56874  
and do not have access to another source of funds to cover the 56875  
cost of lead tests and any indicated treatments; 56876

(2) Costs associated with having lead abatement performed or 56877  
having the preventive treatments specified in section 3742.41 of 56878  
the Revised Code performed. 56879

**Sec. 3745.11.** (A) Applicants for and holders of permits, 56880  
licenses, variances, plan approvals, and certifications issued by 56881

the director of environmental protection pursuant to Chapters 56882  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 56883  
to the environmental protection agency for each such issuance and 56884  
each application for an issuance as provided by this section. No 56885  
fee shall be charged for any issuance for which no application has 56886  
been submitted to the director. 56887

(B) Except as otherwise provided in division (C)(2) of this 56888  
section, beginning July 1, 1994, each person who owns or operates 56889  
an air contaminant source and who is required to apply for and 56890  
obtain a Title V permit under section 3704.036 of the Revised Code 56891  
shall pay the fees set forth in this division. For the purposes of 56892  
this division, total emissions of air contaminants may be 56893  
calculated using engineering calculations, emissions factors, 56894  
material balance calculations, or performance testing procedures, 56895  
as authorized by the director. 56896

The following fees shall be assessed on the total actual 56897  
emissions from a source in tons per year of the regulated 56898  
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 56899  
organic compounds, and lead: 56900

(1) Fifteen dollars per ton on the total actual emissions of 56901  
each such regulated pollutant during the period July through 56902  
December 1993, to be collected no sooner than July 1, 1994; 56903

(2) Twenty dollars per ton on the total actual emissions of 56904  
each such regulated pollutant during calendar year 1994, to be 56905  
collected no sooner than April 15, 1995; 56906

(3) Twenty-five dollars per ton on the total actual emissions 56907  
of each such regulated pollutant in calendar year 1995, and each 56908  
subsequent calendar year, to be collected no sooner than the 56909  
fifteenth day of April of the year next succeeding the calendar 56910  
year in which the emissions occurred. 56911

The fees levied under this division do not apply to that 56912

portion of the emissions of a regulated pollutant at a facility 56913  
that exceed four thousand tons during a calendar year. 56914

(C)(1) The fees assessed under division (B) of this section 56915  
are for the purpose of providing funding for the Title V permit 56916  
program. 56917

(2) The fees assessed under division (B) of this section do 56918  
not apply to emissions from any electric generating unit 56919  
designated as a Phase I unit under Title IV of the federal Clean 56920  
Air Act prior to calendar year 2000. Those fees shall be assessed 56921  
on the emissions from such a generating unit commencing in 56922  
calendar year 2001 based upon the total actual emissions from the 56923  
generating unit during calendar year 2000 and shall continue to be 56924  
assessed each subsequent calendar year based on the total actual 56925  
emissions from the generating unit during the preceding calendar 56926  
year. 56927

(3) The director shall issue invoices to owners or operators 56928  
of air contaminant sources who are required to pay a fee assessed 56929  
under division (B) or (D) of this section. Any such invoice shall 56930  
be issued no sooner than the applicable date when the fee first 56931  
may be collected in a year under the applicable division, shall 56932  
identify the nature and amount of the fee assessed, and shall 56933  
indicate that the fee is required to be paid within thirty days 56934  
after the issuance of the invoice. 56935

(D)(1) Except as provided in division (D)(3) of this section, 56936  
from January 1, 1994, through December 31, 2003, each person who 56937  
owns or operates an air contaminant source; who is required to 56938  
apply for a permit to operate pursuant to rules adopted under 56939  
division (G), or a variance pursuant to division (H), of section 56940  
3704.03 of the Revised Code; and who is not required to apply for 56941  
and obtain a Title V permit under section 3704.036 of the Revised 56942  
Code shall pay a single fee based upon the sum of the actual 56943  
annual emissions from the facility of the regulated pollutants 56944

particulate matter, sulfur dioxide, nitrogen oxides, organic		56945
compounds, and lead in accordance with the following schedule:		56946
Total tons per year		56947
of regulated pollutants	Annual fee	56948
emitted	per facility	56949
More than 0, but less than 50	\$ 75	56950
50 or more, but less than 100	300	56951
100 or more	700	56952
(2) Except as provided in division (D)(3) of this section,		56953
beginning January 1, 2004, each person who owns or operates an air		56954
contaminant source; who is required to apply for a permit to		56955
operate pursuant to rules adopted under division (G), or a		56956
variance pursuant to division (H), of section 3704.03 of the		56957
Revised Code; and who is not required to apply for and obtain a		56958
Title V permit under section 3704.03 of the Revised Code shall pay		56959
a single fee based upon the sum of the actual annual emissions		56960
from the facility of the regulated pollutants particulate matter,		56961
sulfur dioxide, nitrogen oxides, organic compounds, and lead in		56962
accordance with the following schedule:		56963
Total tons per year		56964
of regulated pollutants	Annual fee	56965
emitted	per facility	56966
More than 0, but less than 10	\$ 100	56967
10 or more, but less than 50	200	56968
50 or more, but less than 100	300	56969
100 or more	700	56970
(3)(a) As used in division (D) of this section, "synthetic		56971
minor facility" means a facility for which one or more permits to		56972
install or permits to operate have been issued for the air		56973
contaminant sources at the facility that include terms and		56974
conditions that lower the facility's potential to emit air		56975
contaminants below the major source thresholds established in		56976

rules adopted under section 3704.036 of the Revised Code. 56977

(b) Beginning January 1, 2000, through June 30, ~~2014~~ 2016, 56978  
each person who owns or operates a synthetic minor facility shall 56979  
pay an annual fee based on the sum of the actual annual emissions 56980  
from the facility of particulate matter, sulfur dioxide, nitrogen 56981  
dioxide, organic compounds, and lead in accordance with the 56982  
following schedule: 56983

Combined total tons per year of all regulated pollutants emitted	Annual fee per facility	
Less than 10	\$ 170	56987
10 or more, but less than 20	340	56988
20 or more, but less than 30	670	56989
30 or more, but less than 40	1,010	56990
40 or more, but less than 50	1,340	56991
50 or more, but less than 60	1,680	56992
60 or more, but less than 70	2,010	56993
70 or more, but less than 80	2,350	56994
80 or more, but less than 90	2,680	56995
90 or more, but less than 100	3,020	56996
100 or more	3,350	56997

(4) The fees assessed under division (D)(1) of this section 56998  
shall be collected annually no sooner than the fifteenth day of 56999  
April, commencing in 1995. The fees assessed under division (D)(2) 57000  
of this section shall be collected annually no sooner than the 57001  
fifteenth day of April, commencing in 2005. The fees assessed 57002  
under division (D)(3) of this section shall be collected no sooner 57003  
than the fifteenth day of April, commencing in 2000. The fees 57004  
assessed under division (D) of this section in a calendar year 57005  
shall be based upon the sum of the actual emissions of those 57006  
regulated pollutants during the preceding calendar year. For the 57007  
purpose of division (D) of this section, emissions of air 57008



contaminants may be calculated using engineering calculations, 57009  
emission factors, material balance calculations, or performance 57010  
testing procedures, as authorized by the director. The director, 57011  
by rule, may require persons who are required to pay the fees 57012  
assessed under division (D) of this section to pay those fees 57013  
biennially rather than annually. 57014

(E)(1) Consistent with the need to cover the reasonable costs 57015  
of the Title V permit program, the director annually shall 57016  
increase the fees prescribed in division (B) of this section by 57017  
the percentage, if any, by which the consumer price index for the 57018  
most recent calendar year ending before the beginning of a year 57019  
exceeds the consumer price index for calendar year 1989. Upon 57020  
calculating an increase in fees authorized by division (E)(1) of 57021  
this section, the director shall compile revised fee schedules for 57022  
the purposes of division (B) of this section and shall make the 57023  
revised schedules available to persons required to pay the fees 57024  
assessed under that division and to the public. 57025

(2) For the purposes of division (E)(1) of this section: 57026

(a) The consumer price index for any year is the average of 57027  
the consumer price index for all urban consumers published by the 57028  
United States department of labor as of the close of the 57029  
twelve-month period ending on the thirty-first day of August of 57030  
that year. 57031

(b) If the 1989 consumer price index is revised, the director 57032  
shall use the revision of the consumer price index that is most 57033  
consistent with that for calendar year 1989. 57034

(F) Each person who is issued a permit to install pursuant to 57035  
rules adopted under division (F) of section 3704.03 of the Revised 57036  
Code on or after July 1, 2003, shall pay the fees specified in the 57037  
following schedules: 57038

(1) Fuel-burning equipment (boilers, furnaces, or process 57039

heaters used in the process of burning fuel for the primary		57040
purpose of producing heat or power by indirect heat transfer)		57041
Input capacity (maximum)		57042
(million British thermal units per hour)	Permit to install	57043
Greater than 0, but less than 10	\$ 200	57044
10 or more, but less than 100	400	57045
100 or more, but less than 300	1000	57046
300 or more, but less than 500	2250	57047
500 or more, but less than 1000	3750	57048
1000 or more, but less than 5000	6000	57049
5000 or more	9000	57050
Units burning exclusively natural gas, number two fuel oil,		57051
or both shall be assessed a fee that is one-half the applicable		57052
amount shown in division (F)(1) of this section.		57053
(2) Combustion turbines and stationary internal combustion		57054
engines designed to generate electricity		57055
Generating capacity (mega watts)	Permit to install	57056
0 or more, but less than 10	\$ 25	57057
10 or more, but less than 25	150	57058
25 or more, but less than 50	300	57059
50 or more, but less than 100	500	57060
100 or more, but less than 250	1000	57061
250 or more	2000	57062
(3) Incinerators		57063
Input capacity (pounds per hour)	Permit to install	57064
0 to 100	\$ 100	57065
101 to 500	500	57066
501 to 2000	1000	57067
2001 to 20,000	1500	57068
more than 20,000	3750	57069
(4)(a) Process		57070

Process weight rate (pounds per hour)	Permit to install	57071
0 to 1000	\$ 200	57072
1001 to 5000	500	57073
5001 to 10,000	750	57074
10,001 to 50,000	1000	57075
more than 50,000	1250	57076

In any process where process weight rate cannot be 57077  
ascertained, the minimum fee shall be assessed. A boiler, furnace, 57078  
combustion turbine, stationary internal combustion engine, or 57079  
process heater designed to provide direct heat or power to a 57080  
process not designed to generate electricity shall be assessed a 57081  
fee established in division (F)(4)(a) of this section. A 57082  
combustion turbine or stationary internal combustion engine 57083  
designed to generate electricity shall be assessed a fee 57084  
established in division (F)(2) of this section. 57085

(b) Notwithstanding division (F)(4)(a) of this section, any 57086  
person issued a permit to install pursuant to rules adopted under 57087  
division (F) of section 3704.03 of the Revised Code shall pay the 57088  
fees set forth in division (F)(4)(c) of this section for a process 57089  
used in any of the following industries, as identified by the 57090  
applicable two-digit, three-digit, or four-digit standard 57091  
industrial classification code according to the Standard 57092  
Industrial Classification Manual published by the United States 57093  
office of management and budget in the executive office of the 57094  
president, 1987, as revised: 57095

Major group 10, metal mining; 57096

Major group 12, coal mining; 57097

Major group 14, mining and quarrying of nonmetallic minerals; 57098

Industry group 204, grain mill products; 57099

2873 Nitrogen fertilizers; 57100

2874 Phosphatic fertilizers; 57101

3281 Cut stone and stone products;		57102
3295 Minerals and earth, ground or otherwise treated;		57103
4221 Grain elevators (storage only);		57104
5159 Farm related raw materials;		57105
5261 Retail nurseries and lawn and garden supply stores.		57106
(c) The fees set forth in the following schedule apply to the		57107
issuance of a permit to install pursuant to rules adopted under		57108
division (F) of section 3704.03 of the Revised Code for a process		57109
identified in division (F)(4)(b) of this section:		57110
Process weight rate (pounds per	Permit to install	57111
hour)		
0 to 10,000	\$ 200	57112
10,001 to 50,000	400	57113
50,001 to 100,000	500	57114
100,001 to 200,000	600	57115
200,001 to 400,000	750	57116
400,001 or more	900	57117
(5) Storage tanks		57118
Gallons (maximum useful capacity)	Permit to install	57119
0 to 20,000	\$ 100	57120
20,001 to 40,000	150	57121
40,001 to 100,000	250	57122
100,001 to 500,000	400	57123
500,001 or greater	750	57124
(6) Gasoline/fuel dispensing facilities		57125
For each gasoline/fuel		57126
dispensing facility (includes all	Permit to install	57127
units at the facility)	\$ 100	57128
(7) Dry cleaning facilities		57129
For each dry cleaning		57130

facility (includes all units	Permit to install	57131
at the facility)	\$ 100	57132
(8) Registration status		57133
For each source covered	Permit to install	57134
by registration status	\$ 75	57135
(G) An owner or operator who is responsible for an asbestos		57136
demolition or renovation project pursuant to rules adopted under		57137
section 3704.03 of the Revised Code shall pay the fees set forth		57138
in the following schedule:		57139
Action	Fee	57140
Each notification	\$75	57141
Asbestos removal	\$3/unit	57142
Asbestos cleanup	\$4/cubic yard	57143
For purposes of this division, "unit" means any combination of		57144
linear feet or square feet equal to fifty.		57145
(H) A person who is issued an extension of time for a permit		57146
to install an air contaminant source pursuant to rules adopted		57147
under division (F) of section 3704.03 of the Revised Code shall		57148
pay a fee equal to one-half the fee originally assessed for the		57149
permit to install under this section, except that the fee for such		57150
an extension shall not exceed two hundred dollars.		57151
(I) A person who is issued a modification to a permit to		57152
install an air contaminant source pursuant to rules adopted under		57153
section 3704.03 of the Revised Code shall pay a fee equal to		57154
one-half of the fee that would be assessed under this section to		57155
obtain a permit to install the source. The fee assessed by this		57156
division only applies to modifications that are initiated by the		57157
owner or operator of the source and shall not exceed two thousand		57158
dollars.		57159
(J) Notwithstanding division (F) of this section, a person		57160
who applies for or obtains a permit to install pursuant to rules		57161

adopted under division (F) of section 3704.03 of the Revised Code 57162  
after the date actual construction of the source began shall pay a 57163  
fee for the permit to install that is equal to twice the fee that 57164  
otherwise would be assessed under the applicable division unless 57165  
the applicant received authorization to begin construction under 57166  
division (W) of section 3704.03 of the Revised Code. This division 57167  
only applies to sources for which actual construction of the 57168  
source begins on or after July 1, 1993. The imposition or payment 57169  
of the fee established in this division does not preclude the 57170  
director from taking any administrative or judicial enforcement 57171  
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 57172  
of the Revised Code, or a rule adopted under any of them, in 57173  
connection with a violation of rules adopted under division (F) of 57174  
section 3704.03 of the Revised Code. 57175

As used in this division, "actual construction of the source" 57176  
means the initiation of physical on-site construction activities 57177  
in connection with improvements to the source that are permanent 57178  
in nature, including, without limitation, the installation of 57179  
building supports and foundations and the laying of underground 57180  
pipework. 57181

(K)(1) Money received under division (B) of this section 57182  
shall be deposited in the state treasury to the credit of the 57183  
Title V clean air fund created in section 3704.035 of the Revised 57184  
Code. Annually, fifty cents per ton of each fee assessed under 57185  
division (B) of this section on actual emissions from a source and 57186  
received by the environmental protection agency pursuant to that 57187  
division shall be transferred using an interstate transfer voucher 57188  
to the state treasury to the credit of the small business 57189  
assistance fund created in section 3706.19 of the Revised Code. In 57190  
addition, annually, the amount of money necessary for the 57191  
operation of the office of ombudsperson as determined under 57192  
division (B) of that section shall be transferred to the state 57193

treasury to the credit of the small business ombudsperson fund 57194  
created by that section. 57195

(2) Money received by the agency pursuant to divisions (D), 57196  
(F), (G), (H), (I), and (J) of this section shall be deposited in 57197  
the state treasury to the credit of the non-Title V clean air fund 57198  
created in section 3704.035 of the Revised Code. 57199

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 57200  
or (c) of this section, a person issued a water discharge permit 57201  
or renewal of a water discharge permit pursuant to Chapter 6111. 57202  
of the Revised Code shall pay a fee based on each point source to 57203  
which the issuance is applicable in accordance with the following 57204  
schedule: 57205

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	57207
1,001 to 5000	100	57208
5,001 to 50,000	200	57209
50,001 to 100,000	300	57210
100,001 to 300,000	525	57211
over 300,000	750	57212

(b) Notwithstanding the fee schedule specified in division 57213  
(L)(1)(a) of this section, the fee for a water discharge permit 57214  
that is applicable to coal mining operations regulated under 57215  
Chapter 1513. of the Revised Code shall be two hundred fifty 57216  
dollars per mine. 57217

(c) Notwithstanding the fee schedule specified in division 57218  
(L)(1)(a) of this section, the fee for a water discharge permit 57219  
for a public discharger identified by I in the third character of 57220  
the permittee's NPDES permit number shall not exceed seven hundred 57221  
fifty dollars. 57222

(2) A person applying for a plan approval for a wastewater 57223  
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 57224

of the Revised Code shall pay a fee of one hundred dollars plus 57225  
sixty-five one-hundredths of one per cent of the estimated project 57226  
cost through June 30, ~~2014~~ 2016, and one hundred dollars plus 57227  
two-tenths of one per cent of the estimated project cost on and 57228  
after July 1, ~~2014~~ 2016, except that the total fee shall not 57229  
exceed fifteen thousand dollars through June 30, ~~2014~~ 2016, and 57230  
five thousand dollars on and after July 1, ~~2014~~ 2016. The fee 57231  
shall be paid at the time the application is submitted. 57232

(3) A person issued a modification of a water discharge 57233  
permit shall pay a fee equal to one-half the fee that otherwise 57234  
would be charged for a water discharge permit, except that the fee 57235  
for the modification shall not exceed four hundred dollars. 57236

(4) A person who has entered into an agreement with the 57237  
director under section 6111.14 of the Revised Code shall pay an 57238  
administrative service fee for each plan submitted under that 57239  
section for approval that shall not exceed the minimum amount 57240  
necessary to pay administrative costs directly attributable to 57241  
processing plan approvals. The director annually shall calculate 57242  
the fee and shall notify all persons who have entered into 57243  
agreements under that section, or who have applied for agreements, 57244  
of the amount of the fee. 57245

(5)(a)(i) Not later than January 30, ~~2012~~ 2014, and January 57246  
30, ~~2013~~ 2015, a person holding an NPDES discharge permit issued 57247  
pursuant to Chapter 6111. of the Revised Code with an average 57248  
daily discharge flow of five thousand gallons or more shall pay a 57249  
nonrefundable annual discharge fee. Any person who fails to pay 57250  
the fee at that time shall pay an additional amount that equals 57251  
ten per cent of the required annual discharge fee. 57252

(ii) The billing year for the annual discharge fee 57253  
established in division (L)(5)(a)(i) of this section shall consist 57254  
of a twelve-month period beginning on the first day of January of 57255  
the year preceding the date when the annual discharge fee is due. 57256



In the case of an existing source that permanently ceases to discharge during a billing year, the director shall reduce the annual discharge fee, including the surcharge applicable to certain industrial facilities pursuant to division (L)(5)(c) of this section, by one-twelfth for each full month during the billing year that the source was not discharging, but only if the person holding the NPDES discharge permit for the source notifies the director in writing, not later than the first day of October of the billing year, of the circumstances causing the cessation of discharge.

(iii) The annual discharge fee established in division (L)(5)(a)(i) of this section, except for the surcharge applicable to certain industrial facilities pursuant to division (L)(5)(c) of this section, shall be based upon the average daily discharge flow in gallons per day calculated using first day of May through thirty-first day of October flow data for the period two years prior to the date on which the fee is due. In the case of NPDES discharge permits for new sources, the fee shall be calculated using the average daily design flow of the facility until actual average daily discharge flow values are available for the time period specified in division (L)(5)(a)(iii) of this section. The annual discharge fee may be prorated for a new source as described in division (L)(5)(a)(ii) of this section.

(b) An NPDES permit holder that is a public discharger shall pay the fee specified in the following schedule:

Average daily discharge flow	Fee due by	
	January 30,	
	<del>2012</del> <u>2014</u> , and	
	January 30, <del>2013</del>	
	<u>2015</u>	
5,000 to 49,999	\$ 200	
50,000 to 100,000	500	

100,001 to 250,000	1,050	57288
250,001 to 1,000,000	2,600	57289
1,000,001 to 5,000,000	5,200	57290
5,000,001 to 10,000,000	10,350	57291
10,000,001 to 20,000,000	15,550	57292
20,000,001 to 50,000,000	25,900	57293
50,000,001 to 100,000,000	41,400	57294
100,000,001 or more	62,100	57295

Public dischargers owning or operating two or more publicly owned treatment works serving the same political subdivision, as "treatment works" is defined in section 6111.01 of the Revised Code, and that serve exclusively political subdivisions having a population of fewer than one hundred thousand shall pay an annual discharge fee under division (L)(5)(b) of this section that is based on the combined average daily discharge flow of the treatment works.

(c) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

Average daily discharge flow	Fee due by January 30, <del>2012</del> <u>2014</u> , and January 30, <del>2013</del> <u>2015</u>	
5,000 to 49,999	\$ 250	57312
50,000 to 250,000	1,200	57313
250,001 to 1,000,000	2,950	57314
1,000,001 to 5,000,000	5,850	57315
5,000,001 to 10,000,000	8,800	57316
10,000,001 to 20,000,000	11,700	57317
20,000,001 to 100,000,000	14,050	57318

100,000,001 to 250,000,000	16,400	57319
250,000,001 or more	18,700	57320

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(5)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, ~~2012~~ 2014, and not later than January 30, ~~2013~~ 2015. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals ten per cent of the amount of the surcharge.

(d) Notwithstanding divisions (L)(5)(b) and (c) of this section, a public discharger identified by I in the third character of the permittee's NPDES permit number and an industrial discharger identified by I, J, L, V, W, X, Y, or Z in the third character of the permittee's NPDES permit number shall pay a nonrefundable annual discharge fee of one hundred eighty dollars not later than January 30, ~~2012~~ 2014, and not later than January 30, ~~2013~~ 2015. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee.

(6) Each person obtaining a national pollutant discharge elimination system general or individual permit for municipal storm water discharge shall pay a nonrefundable storm water discharge fee of one hundred dollars per square mile of area permitted. The fee shall not exceed ten thousand dollars and shall be payable on or before January 30, 2004, and the thirtieth day of January of each year thereafter. Any person who fails to pay the fee on the date specified in division (L)(6) of this section shall pay an additional amount per year equal to ten per cent of the annual fee that is unpaid.

(7) The director shall transmit all moneys collected under

division (L) of this section to the treasurer of state for deposit 57351  
into the state treasury to the credit of the surface water 57352  
protection fund created in section 6111.038 of the Revised Code. 57353

(8) As used in division (L) of this section: 57354

(a) "NPDES" means the federally approved national pollutant 57355  
discharge elimination system program for issuing, modifying, 57356  
revoking, reissuing, terminating, monitoring, and enforcing 57357  
permits and imposing and enforcing pretreatment requirements under 57358  
Chapter 6111. of the Revised Code and rules adopted under it. 57359

(b) "Public discharger" means any holder of an NPDES permit 57360  
identified by P in the second character of the NPDES permit number 57361  
assigned by the director. 57362

(c) "Industrial discharger" means any holder of an NPDES 57363  
permit identified by I in the second character of the NPDES permit 57364  
number assigned by the director. 57365

(d) "Major discharger" means any holder of an NPDES permit 57366  
classified as major by the regional administrator of the United 57367  
States environmental protection agency in conjunction with the 57368  
director. 57369

(M) Through June 30, ~~2014~~ 2016, a person applying for a 57370  
license or license renewal to operate a public water system under 57371  
section 6109.21 of the Revised Code shall pay the appropriate fee 57372  
established under this division at the time of application to the 57373  
director. Any person who fails to pay the fee at that time shall 57374  
pay an additional amount that equals ten per cent of the required 57375  
fee. The director shall transmit all moneys collected under this 57376  
division to the treasurer of state for deposit into the drinking 57377  
water protection fund created in section 6109.30 of the Revised 57378  
Code. 57379

Except as provided in ~~division~~ divisions (M)(4) and (5) of 57380  
this section, fees required under this division shall be 57381

calculated and paid in accordance with the following schedule: 57382

(1) For the initial license required under section 6109.21 of 57383  
the Revised Code for any public water system that is a community 57384  
water system as defined in section 6109.01 of the Revised Code, 57385  
and for each license renewal required for such a system prior to 57386  
January 31, ~~2014~~ 2016, the fee is: 57387

Number of service connections	Fee amount	
Not more than 49	\$ 112	57389
50 to 99	176	57390
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	57392
2,500 to 4,999	1.48	57393
5,000 to 7,499	1.42	57394
7,500 to 9,999	1.34	57395
10,000 to 14,999	1.16	57396
15,000 to 24,999	1.10	57397
25,000 to 49,999	1.04	57398
50,000 to 99,999	.92	57399
100,000 to 149,999	.86	57400
150,000 to 199,999	.80	57401
200,000 or more	.76	57402

A public water system may determine how it will pay the total 57403  
amount of the fee calculated under division (M)(1) of this 57404  
section, including the assessment of additional user fees that may 57405  
be assessed on a volumetric basis. 57406

As used in division (M)(1) of this section, "service 57407  
connection" means the number of active or inactive pipes, 57408  
goosenecks, pigtails, and any other fittings connecting a water 57409  
main to any building outlet. 57410

(2) For the initial license required under section 6109.21 of 57411  
the Revised Code for any public water system that is not a 57412  
community water system and serves a nontransient population, and 57413

for each license renewal required for such a system prior to 57414  
January 31, ~~2014~~ 2016, the fee is: 57415

Population served	Fee amount	
Fewer than 150	\$ 112	57417
150 to 299	176	57418
300 to 749	384	57419
750 to 1,499	628	57420
1,500 to 2,999	1,268	57421
3,000 to 7,499	2,816	57422
7,500 to 14,999	5,510	57423
15,000 to 22,499	9,048	57424
22,500 to 29,999	12,430	57425
30,000 or more	16,820	57426

As used in division (M)(2) of this section, "population 57427  
served" means the total number of individuals having access to the 57428  
water supply during a twenty-four-hour period for at least sixty 57429  
days during any calendar year. In the absence of a specific 57430  
population count, that number shall be calculated at the rate of 57431  
three individuals per service connection. 57432

(3) For the initial license required under section 6109.21 of 57433  
the Revised Code for any public water system that is not a 57434  
community water system and serves a transient population, and for 57435  
each license renewal required for such a system prior to January 57436  
31, ~~2014~~ 2016, the fee is: 57437

Number of wells or sources, other than surface water, supplying system	Fee amount	
1	\$112	57439
2	112	57440
3	176	57441
4	278	57442
5	568	57443

System designated as using a 57444

surface water source 792 57445

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2014~~ 2016, and fifteen thousand dollars on and after July 1, ~~2014~~ 2016. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2014~~ 2016, the following fee, on a per

survey basis, shall be charged any person for services rendered by 57476  
the state in the evaluation of laboratories and laboratory 57477  
personnel for compliance with accepted analytical techniques and 57478  
procedures established pursuant to Chapter 6109. of the Revised 57479  
Code for determining the qualitative characteristics of water: 57480  
    microbiological 57481  
        MMO-MUG \$2,000 57482  
        MF 2,100 57483  
        MMO-MUG and MF 2,550 57484  
    organic chemical 5,400 57485  
    trace metals 5,400 57486  
    standard chemistry 2,800 57487  
    limited chemistry 1,550 57488

On and after July 1, ~~2014~~ 2016, the following fee, on a per 57489  
survey basis, shall be charged any such person: 57490  
    microbiological \$ 1,650 57491  
    organic chemicals 3,500 57492  
    trace metals 3,500 57493  
    standard chemistry 1,800 57494  
    limited chemistry 1,000 57495

The fee for those services shall be paid at the time the request 57496  
for the survey is made. Through June 30, ~~2014~~ 2016, an individual 57497  
laboratory shall not be assessed a fee under this division more 57498  
than once in any three-year period unless the person requests the 57499  
addition of analytical methods or analysts, in which case the 57500  
person shall pay eighteen hundred dollars for each additional 57501  
survey requested. 57502

- As used in division (N)(3) of this section: 57503
- (a) "MF" means microfiltration. 57504
  - (b) "MMO" means minimal medium ONPG. 57505
  - (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 57506



(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 57507

The director shall transmit all moneys collected under this 57508  
division to the treasurer of state for deposit into the drinking 57509  
water protection fund created in section 6109.30 of the Revised 57510  
Code. 57511

(O) Any person applying to the director to take an 57512  
examination for certification as an operator of a water supply 57513  
system or wastewater system under Chapter 6109. or 6111. of the 57514  
Revised Code that is administered by the director, at the time the 57515  
application is submitted, shall pay a fee in accordance with the 57516  
following schedule through November 30, ~~2014~~ 2016: 57517

Class A operator	\$ 80	57518
Class I operator	105	57519
Class II operator	120	57520
Class III operator	130	57521
Class IV operator	145	57522

On and after December 1, ~~2014~~ 2016, the applicant shall pay a 57523  
fee in accordance with the following schedule: 57524

Class A operator	\$ 50	57525
Class I operator	70	57526
Class II operator	80	57527
Class III operator	90	57528
Class IV operator	100	57529

Any person applying to the director for certification as an 57530  
operator of a water supply system or wastewater system who has 57531  
passed an examination administered by an examination provider 57532  
approved by the director shall pay a certification fee of 57533  
forty-five dollars. 57534

A person shall pay a biennial certification renewal fee for 57535  
each applicable class of certification in accordance with the 57536  
following schedule: 57537

Class A operator	\$25	57538
Class I operator	35	57539
Class II operator	45	57540
Class III operator	55	57541
Class IV operator	65	57542

If a certification renewal fee is received by the director 57543  
more than thirty days, but not more than one year after the 57544  
expiration date of the certification, the person shall pay a 57545  
certification renewal fee in accordance with the following 57546  
schedule: 57547

Class A operator	\$45	57548
Class I operator	55	57549
Class II operator	65	57550
Class III operator	75	57551
Class IV operator	85	57552

A person who requests a replacement certificate shall pay a 57553  
fee of twenty-five dollars at the time the request is made. 57554

Any person applying to be a water supply system or wastewater 57555  
treatment system examination provider shall pay an application fee 57556  
of five hundred dollars. Any person approved by the director as a 57557  
water supply system or wastewater treatment system examination 57558  
provider shall pay an annual fee that is equal to ten per cent of 57559  
the fees that the provider assesses and collects for administering 57560  
water supply system or wastewater treatment system certification 57561  
examinations in this state for the calendar year. The fee shall be 57562  
paid not later than forty-five days after the end of a calendar 57563  
year. 57564

The director shall transmit all moneys collected under this 57565  
division to the treasurer of state for deposit into the drinking 57566  
water protection fund created in section 6109.30 of the Revised 57567  
Code. 57568

(P) Any person submitting an application for an industrial 57569

water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code.

(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal or treatment capacity, or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars. A person issued a modification of a permit for a solid waste disposal facility or an infectious waste treatment facility that does not involve an increase in the total disposal or treatment capacity of the facility shall pay a fee of one thousand dollars. A person issued a permit to install a new, or modify an existing, solid waste transfer facility under that chapter shall pay a fee of two thousand five hundred dollars. A person issued a permit to install a new or to modify an existing solid waste incineration or composting facility, or an existing infectious waste treatment

facility using incineration as its principal method of treatment, 57603  
under that chapter shall pay a fee of one thousand dollars. The 57604  
increases in the permit fees under this division resulting from 57605  
the amendments made by Amended Substitute House Bill 592 of the 57606  
117th general assembly do not apply to any person who submitted an 57607  
application for a permit to install a new, or modify an existing, 57608  
solid waste disposal facility under that chapter prior to 57609  
September 1, 1987; any such person shall pay the permit fee 57610  
established in this division as it existed prior to June 24, 1988. 57611  
In addition to the applicable permit fee under this division, a 57612  
person issued a permit to install or modify a solid waste facility 57613  
or an infectious waste treatment facility under that chapter who 57614  
fails to pay the permit fee to the director in compliance with 57615  
division (V) of this section shall pay an additional ten per cent 57616  
of the amount of the fee for each week that the permit fee is 57617  
late. 57618

Permit and late payment fees paid to the director under this 57619  
division shall be credited to the general revenue fund. 57620

(R)(1) A person issued a registration certificate for a scrap 57621  
tire collection facility under section 3734.75 of the Revised Code 57622  
shall pay a fee of two hundred dollars, except that if the 57623  
facility is owned or operated by a motor vehicle salvage dealer 57624  
licensed under Chapter 4738. of the Revised Code, the person shall 57625  
pay a fee of twenty-five dollars. 57626

(2) A person issued a registration certificate for a new 57627  
scrap tire storage facility under section 3734.76 of the Revised 57628  
Code shall pay a fee of three hundred dollars, except that if the 57629  
facility is owned or operated by a motor vehicle salvage dealer 57630  
licensed under Chapter 4738. of the Revised Code, the person shall 57631  
pay a fee of twenty-five dollars. 57632

(3) A person issued a permit for a scrap tire storage 57633  
facility under section 3734.76 of the Revised Code shall pay a fee 57634

of one thousand dollars, except that if the facility is owned or 57635  
operated by a motor vehicle salvage dealer licensed under Chapter 57636  
4738. of the Revised Code, the person shall pay a fee of fifty 57637  
dollars. 57638

(4) A person issued a permit for a scrap tire monocell or 57639  
monofill facility under section 3734.77 of the Revised Code shall 57640  
pay a fee of ten dollars per thousand cubic yards of disposal 57641  
capacity or one thousand dollars, whichever is greater, except 57642  
that the total fee for any such permit shall not exceed eighty 57643  
thousand dollars. 57644

(5) A person issued a registration certificate for a scrap 57645  
tire recovery facility under section 3734.78 of the Revised Code 57646  
shall pay a fee of one hundred dollars. 57647

(6) A person issued a permit for a scrap tire recovery 57648  
facility under section 3734.78 of the Revised Code shall pay a fee 57649  
of one thousand dollars. 57650

(7) In addition to the applicable registration certificate or 57651  
permit fee under divisions (R)(1) to (6) of this section, a person 57652  
issued a registration certificate or permit for any such scrap 57653  
tire facility who fails to pay the registration certificate or 57654  
permit fee to the director in compliance with division (V) of this 57655  
section shall pay an additional ten per cent of the amount of the 57656  
fee for each week that the fee is late. 57657

(8) The registration certificate, permit, and late payment 57658  
fees paid to the director under divisions (R)(1) to (7) of this 57659  
section shall be credited to the scrap tire management fund 57660  
created in section 3734.82 of the Revised Code. 57661

(S)(1) Except as provided by divisions (L), (M), (N), (O), 57662  
(P), and (S)(2) of this section, division (A)(2) of section 57663  
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 57664  
and rules adopted under division (T)(1) of this section, any 57665

person applying for a registration certificate under section 57666  
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 57667  
variance, or plan approval under Chapter 3734. of the Revised Code 57668  
shall pay a nonrefundable fee of fifteen dollars at the time the 57669  
application is submitted. 57670

Except as otherwise provided, any person applying for a 57671  
permit, variance, or plan approval under Chapter 6109. or 6111. of 57672  
the Revised Code shall pay a nonrefundable fee of one hundred 57673  
dollars at the time the application is submitted through June 30, 57674  
~~2014~~ 2016, and a nonrefundable fee of fifteen dollars at the time 57675  
the application is submitted on and after July 1, ~~2014~~ 2016. 57676  
Except as provided in division (S)(3) of this section, through 57677  
June 30, ~~2014~~ 2016, any person applying for a national pollutant 57678  
discharge elimination system permit under Chapter 6111. of the 57679  
Revised Code shall pay a nonrefundable fee of two hundred dollars 57680  
at the time of application for the permit. On and after July 1, 57681  
~~2014~~ 2016, such a person shall pay a nonrefundable fee of fifteen 57682  
dollars at the time of application. 57683

In addition to the application fee established under division 57684  
(S)(1) of this section, any person applying for a national 57685  
pollutant discharge elimination system general storm water 57686  
construction permit shall pay a nonrefundable fee of twenty 57687  
dollars per acre for each acre that is permitted above five acres 57688  
at the time the application is submitted. However, the per acreage 57689  
fee shall not exceed three hundred dollars. In addition, any 57690  
person applying for a national pollutant discharge elimination 57691  
system general storm water industrial permit shall pay a 57692  
nonrefundable fee of one hundred fifty dollars at the time the 57693  
application is submitted. 57694

The director shall transmit all moneys collected under 57695  
division (S)(1) of this section pursuant to Chapter 6109. of the 57696  
Revised Code to the treasurer of state for deposit into the 57697

drinking water protection fund created in section 6109.30 of the Revised Code. 57698  
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The director shall transmit all moneys collected under division (S)(1) of this section pursuant to Chapter 6111. of the Revised Code and under division (S)(3) of this section to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. 57700  
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If a registration certificate is issued under section 3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of the application fee paid shall be deducted from the amount of the registration certificate fee due under division (R)(1), (2), or (5) of this section, as applicable. 57705  
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If a person submits an electronic application for a registration certificate, permit, variance, or plan approval for which an application fee is established under division (S)(1) of this section, the person shall pay the applicable application fee as expeditiously as possible after the submission of the electronic application. An application for a registration certificate, permit, variance, or plan approval for which an application fee is established under division (S)(1) of this section shall not be reviewed or processed until the applicable application fee, and any other fees established under this division, are paid. 57710  
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(2) Division (S)(1) of this section does not apply to an application for a registration certificate for a scrap tire collection or storage facility submitted under section 3734.75 or 3734.76 of the Revised Code, as applicable, if the owner or operator of the facility or proposed facility is a motor vehicle salvage dealer licensed under Chapter 4738. of the Revised Code. 57721  
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(3) A person applying for coverage under a national pollutant discharge elimination system general discharge permit for 57727  
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household sewage treatment systems shall pay the following fees: 57729

(a) A nonrefundable fee of two hundred dollars at the time of 57730  
application for initial permit coverage; 57731

(b) A nonrefundable fee of one hundred dollars at the time of 57732  
application for a renewal of permit coverage. 57733

(T) The director may adopt, amend, and rescind rules in 57734  
accordance with Chapter 119. of the Revised Code that do all of 57735  
the following: 57736

(1) Prescribe fees to be paid by applicants for and holders 57737  
of any license, permit, variance, plan approval, or certification 57738  
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 57739  
the Revised Code that are not specifically established in this 57740  
section. The fees shall be designed to defray the cost of 57741  
processing, issuing, revoking, modifying, denying, and enforcing 57742  
the licenses, permits, variances, plan approvals, and 57743  
certifications. 57744

The director shall transmit all moneys collected under rules 57745  
adopted under division (T)(1) of this section pursuant to Chapter 57746  
6109. of the Revised Code to the treasurer of state for deposit 57747  
into the drinking water protection fund created in section 6109.30 57748  
of the Revised Code. 57749

The director shall transmit all moneys collected under rules 57750  
adopted under division (T)(1) of this section pursuant to Chapter 57751  
6111. of the Revised Code to the treasurer of state for deposit 57752  
into the surface water protection fund created in section 6111.038 57753  
of the Revised Code. 57754

(2) Exempt the state and political subdivisions thereof, 57755  
including education facilities or medical facilities owned by the 57756  
state or a political subdivision, or any person exempted from 57757  
taxation by section 5709.07 or 5709.12 of the Revised Code, from 57758  
any fee required by this section; 57759



(3) Provide for the waiver of any fee, or any part thereof, 57760  
otherwise required by this section whenever the director 57761  
determines that the imposition of the fee would constitute an 57762  
unreasonable cost of doing business for any applicant, class of 57763  
applicants, or other person subject to the fee; 57764

(4) Prescribe measures that the director considers necessary 57765  
to carry out this section. 57766

(U) When the director reasonably demonstrates that the direct 57767  
cost to the state associated with the issuance of a permit to 57768  
install, license, variance, plan approval, or certification 57769  
exceeds the fee for the issuance or review specified by this 57770  
section, the director may condition the issuance or review on the 57771  
payment by the person receiving the issuance or review of, in 57772  
addition to the fee specified by this section, the amount, or any 57773  
portion thereof, in excess of the fee specified under this 57774  
section. The director shall not so condition issuances for which a 57775  
fee is prescribed in division (L)(1)(b) of this section. 57776

(V) Except as provided in divisions (L), (M), and (P) of this 57777  
section or unless otherwise prescribed by a rule of the director 57778  
adopted pursuant to Chapter 119. of the Revised Code, all fees 57779  
required by this section are payable within thirty days after the 57780  
issuance of an invoice for the fee by the director or the 57781  
effective date of the issuance of the license, permit, variance, 57782  
plan approval, or certification. If payment is late, the person 57783  
responsible for payment of the fee shall pay an additional ten per 57784  
cent of the amount due for each month that it is late. 57785

(W) As used in this section, "fuel-burning equipment," 57786  
"fuel-burning equipment input capacity," "incinerator," 57787  
"incinerator input capacity," "process," "process weight rate," 57788  
"storage tank," "gasoline dispensing facility," "dry cleaning 57789  
facility," "design flow discharge," and "new source treatment 57790  
works" have the meanings ascribed to those terms by applicable 57791

rules or standards adopted by the director under Chapter 3704. or 57792  
6111. of the Revised Code. 57793

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 57794  
(J) of this section, and in any other provision of this section 57795  
pertaining to fees paid pursuant to Chapter 3704. of the Revised 57796  
Code: 57797

(1) "Facility," "federal Clean Air Act," "person," and "Title 57798  
V permit" have the same meanings as in section 3704.01 of the 57799  
Revised Code. 57800

(2) "Title V permit program" means the following activities 57801  
as necessary to meet the requirements of Title V of the federal 57802  
Clean Air Act and 40 C.F.R. part 70, including at least: 57803

(a) Preparing and adopting, if applicable, generally 57804  
applicable rules or guidance regarding the permit program or its 57805  
implementation or enforcement; 57806

(b) Reviewing and acting on any application for a Title V 57807  
permit, permit revision, or permit renewal, including the 57808  
development of an applicable requirement as part of the processing 57809  
of a permit, permit revision, or permit renewal; 57810

(c) Administering the permit program, including the 57811  
supporting and tracking of permit applications, compliance 57812  
certification, and related data entry; 57813

(d) Determining which sources are subject to the program and 57814  
implementing and enforcing the terms of any Title V permit, not 57815  
including any court actions or other formal enforcement actions; 57816

(e) Emission and ambient monitoring; 57817

(f) Modeling, analyses, or demonstrations; 57818

(g) Preparing inventories and tracking emissions; 57819

(h) Providing direct and indirect support to small business 57820  
stationary sources to determine and meet their obligations under 57821

the federal Clean Air Act pursuant to the small business 57822  
stationary source technical and environmental compliance 57823  
assistance program required by section 507 of that act and 57824  
established in sections 3704.18, 3704.19, and 3706.19 of the 57825  
Revised Code. 57826

(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) 57827  
of this section, each sewage sludge facility shall pay a 57828  
nonrefundable annual sludge fee equal to three dollars and fifty 57829  
cents per dry ton of sewage sludge, including the dry tons of 57830  
sewage sludge in materials derived from sewage sludge, that the 57831  
sewage sludge facility treats or disposes of in this state. The 57832  
annual volume of sewage sludge treated or disposed of by a sewage 57833  
sludge facility shall be calculated using the first day of January 57834  
through the thirty-first day of December of the calendar year 57835  
preceding the date on which payment of the fee is due. 57836

(2)(a) Except as provided in division (Y)(2)(d) of this 57837  
section, each sewage sludge facility shall pay a minimum annual 57838  
sewage sludge fee of one hundred dollars. 57839

(b) The annual sludge fee required to be paid by a sewage 57840  
sludge facility that treats or disposes of exceptional quality 57841  
sludge in this state shall be thirty-five per cent less per dry 57842  
ton of exceptional quality sludge than the fee assessed under 57843  
division (Y)(1) of this section, subject to the following 57844  
exceptions: 57845

(i) Except as provided in division (Y)(2)(d) of this section, 57846  
a sewage sludge facility that treats or disposes of exceptional 57847  
quality sludge shall pay a minimum annual sewage sludge fee of one 57848  
hundred dollars. 57849

(ii) A sewage sludge facility that treats or disposes of 57850  
exceptional quality sludge shall not be required to pay the annual 57851  
sludge fee for treatment or disposal in this state of exceptional 57852

quality sludge generated outside of this state and contained in 57853  
bags or other containers not greater than one hundred pounds in 57854  
capacity. 57855

A thirty-five per cent reduction for exceptional quality 57856  
sludge applies to the maximum annual fees established under 57857  
division (Y)(3) of this section. 57858

(c) A sewage sludge facility that transfers sewage sludge to 57859  
another sewage sludge facility in this state for further treatment 57860  
prior to disposal in this state shall not be required to pay the 57861  
annual sludge fee for the tons of sewage sludge that have been 57862  
transferred. In such a case, the sewage sludge facility that 57863  
disposes of the sewage sludge shall pay the annual sludge fee. 57864  
However, the facility transferring the sewage sludge shall pay the 57865  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 57866  
of this section. 57867

In the case of a sewage sludge facility that treats sewage 57868  
sludge in this state and transfers it out of this state to another 57869  
entity for disposal, the sewage sludge facility in this state 57870  
shall be required to pay the annual sludge fee for the tons of 57871  
sewage sludge that have been transferred. 57872

(d) A sewage sludge facility that generates sewage sludge 57873  
resulting from an average daily discharge flow of less than five 57874  
thousand gallons per day is not subject to the fees assessed under 57875  
division (Y) of this section. 57876

(3) No sewage sludge facility required to pay the annual 57877  
sludge fee shall be required to pay more than the maximum annual 57878  
fee for each disposal method that the sewage sludge facility uses. 57879  
The maximum annual fee does not include the additional amount that 57880  
may be charged under division (Y)(5) of this section for late 57881  
payment of the annual sludge fee. The maximum annual fee for the 57882  
following methods of disposal of sewage sludge is as follows: 57883

(a) Incineration: five thousand dollars; 57884

(b) Preexisting land reclamation project or disposal in a 57885  
landfill: five thousand dollars; 57886

(c) Land application, land reclamation, surface disposal, or 57887  
any other disposal method not specified in division (Y)(3)(a) or 57888  
(b) of this section: twenty thousand dollars. 57889

(4)(a) In the case of an entity that generates sewage sludge 57890  
or a sewage sludge facility that treats sewage sludge and 57891  
transfers the sewage sludge to an incineration facility for 57892  
disposal, the incineration facility, and not the entity generating 57893  
the sewage sludge or the sewage sludge facility treating the 57894  
sewage sludge, shall pay the annual sludge fee for the tons of 57895  
sewage sludge that are transferred. However, the entity or 57896  
facility generating or treating the sewage sludge shall pay the 57897  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 57898  
of this section. 57899

(b) In the case of an entity that generates sewage sludge and 57900  
transfers the sewage sludge to a landfill for disposal or to a 57901  
sewage sludge facility for land reclamation or surface disposal, 57902  
the entity generating the sewage sludge, and not the landfill or 57903  
sewage sludge facility, shall pay the annual sludge fee for the 57904  
tons of sewage sludge that are transferred. 57905

(5) Not later than the first day of April of the calendar 57906  
year following March 17, 2000, and each first day of April 57907  
thereafter, the director shall issue invoices to persons who are 57908  
required to pay the annual sludge fee. The invoice shall identify 57909  
the nature and amount of the annual sludge fee assessed and state 57910  
the first day of May as the deadline for receipt by the director 57911  
of objections regarding the amount of the fee and the first day of 57912  
July as the deadline for payment of the fee. 57913

Not later than the first day of May following receipt of an 57914

invoice, a person required to pay the annual sludge fee may submit 57915  
objections to the director concerning the accuracy of information 57916  
regarding the number of dry tons of sewage sludge used to 57917  
calculate the amount of the annual sludge fee or regarding whether 57918  
the sewage sludge qualifies for the exceptional quality sludge 57919  
discount established in division (Y)(2)(b) of this section. The 57920  
director may consider the objections and adjust the amount of the 57921  
fee to ensure that it is accurate. 57922

If the director does not adjust the amount of the annual 57923  
sludge fee in response to a person's objections, the person may 57924  
appeal the director's determination in accordance with Chapter 57925  
119. of the Revised Code. 57926

Not later than the first day of June, the director shall 57927  
notify the objecting person regarding whether the director has 57928  
found the objections to be valid and the reasons for the finding. 57929  
If the director finds the objections to be valid and adjusts the 57930  
amount of the annual sludge fee accordingly, the director shall 57931  
issue with the notification a new invoice to the person 57932  
identifying the amount of the annual sludge fee assessed and 57933  
stating the first day of July as the deadline for payment. 57934

Not later than the first day of July, any person who is 57935  
required to do so shall pay the annual sludge fee. Any person who 57936  
is required to pay the fee, but who fails to do so on or before 57937  
that date shall pay an additional amount that equals ten per cent 57938  
of the required annual sludge fee. 57939

(6) The director shall transmit all moneys collected under 57940  
division (Y) of this section to the treasurer of state for deposit 57941  
into the surface water protection fund created in section 6111.038 57942  
of the Revised Code. The moneys shall be used to defray the costs 57943  
of administering and enforcing provisions in Chapter 6111. of the 57944  
Revised Code and rules adopted under it that govern the use, 57945  
storage, treatment, or disposal of sewage sludge. 57946

(7) Beginning in fiscal year 2001, and every two years 57947  
thereafter, the director shall review the total amount of moneys 57948  
generated by the annual sludge fees to determine if that amount 57949  
exceeded six hundred thousand dollars in either of the two 57950  
preceding fiscal years. If the total amount of moneys in the fund 57951  
exceeded six hundred thousand dollars in either fiscal year, the 57952  
director, after review of the fee structure and consultation with 57953  
affected persons, shall issue an order reducing the amount of the 57954  
fees levied under division (Y) of this section so that the 57955  
estimated amount of moneys resulting from the fees will not exceed 57956  
six hundred thousand dollars in any fiscal year. 57957

If, upon review of the fees under division (Y)(7) of this 57958  
section and after the fees have been reduced, the director 57959  
determines that the total amount of moneys collected and 57960  
accumulated is less than six hundred thousand dollars, the 57961  
director, after review of the fee structure and consultation with 57962  
affected persons, may issue an order increasing the amount of the 57963  
fees levied under division (Y) of this section so that the 57964  
estimated amount of moneys resulting from the fees will be 57965  
approximately six hundred thousand dollars. Fees shall never be 57966  
increased to an amount exceeding the amount specified in division 57967  
(Y)(7) of this section. 57968

Notwithstanding section 119.06 of the Revised Code, the 57969  
director may issue an order under division (Y)(7) of this section 57970  
without the necessity to hold an adjudicatory hearing in 57971  
connection with the order. The issuance of an order under this 57972  
division is not an act or action for purposes of section 3745.04 57973  
of the Revised Code. 57974

(8) As used in division (Y) of this section: 57975

(a) "Sewage sludge facility" means an entity that performs 57976  
treatment on or is responsible for the disposal of sewage sludge. 57977

(b) "Sewage sludge" means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works as defined in section 6111.01 of the Revised Code. "Sewage sludge" includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes. "Sewage sludge" does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator, grit and screenings generated during preliminary treatment of domestic sewage in a treatment works, animal manure, residue generated during treatment of animal manure, or domestic septage.

(c) "Exceptional quality sludge" means sewage sludge that meets all of the following qualifications:

(i) Satisfies the class A pathogen standards in 40 C.F.R. 503.32(a);

(ii) Satisfies one of the vector attraction reduction requirements in 40 C.F.R. 503.33(b)(1) to (b)(8);

(iii) Does not exceed the ceiling concentration limitations for metals listed in table one of 40 C.F.R. 503.13;

(iv) Does not exceed the concentration limitations for metals listed in table three of 40 C.F.R. 503.13.

(d) "Treatment" means the preparation of sewage sludge for final use or disposal and includes, but is not limited to, thickening, stabilization, and dewatering of sewage sludge.

(e) "Disposal" means the final use of sewage sludge, including, but not limited to, land application, land reclamation, surface disposal, or disposal in a landfill or an incinerator.

(f) "Land application" means the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil for the purposes of conditioning the soil or



fertilizing crops or vegetation grown in the soil. 58008

(g) "Land reclamation" means the returning of disturbed land 58009  
to productive use. 58010

(h) "Surface disposal" means the placement of sludge on an 58011  
area of land for disposal, including, but not limited to, 58012  
monofills, surface impoundments, lagoons, waste piles, or 58013  
dedicated disposal sites. 58014

(i) "Incinerator" means an entity that disposes of sewage 58015  
sludge through the combustion of organic matter and inorganic 58016  
matter in sewage sludge by high temperatures in an enclosed 58017  
device. 58018

(j) "Incineration facility" includes all incinerators owned 58019  
or operated by the same entity and located on a contiguous tract 58020  
of land. Areas of land are considered to be contiguous even if 58021  
they are separated by a public road or highway. 58022

(k) "Annual sludge fee" means the fee assessed under division 58023  
(Y)(1) of this section. 58024

(l) "Landfill" means a sanitary landfill facility, as defined 58025  
in rules adopted under section 3734.02 of the Revised Code, that 58026  
is licensed under section 3734.05 of the Revised Code. 58027

(m) "Preexisting land reclamation project" means a 58028  
property-specific land reclamation project that has been in 58029  
continuous operation for not less than five years pursuant to 58030  
approval of the activity by the director and includes the 58031  
implementation of a community outreach program concerning the 58032  
activity. 58033

**Sec. 3745.113.** (A) A person that applies for a state isolated 58034  
wetland permit under Chapter 6111. of the Revised Code and rules 58035  
adopted under it shall pay an application fee of two hundred 58036  
dollars at the time of application. 58037

In addition, that person shall pay, at the time of application, a review fee of five hundred dollars per acre of the wetlands to be impacted.

However, the review fee shall not exceed five thousand dollars per application. In addition, if an application is denied, the director of environmental protection shall refund to the applicant one-half of the amount of the review fee paid by the applicant under division (A) of this section.

(B) If a person conducts any activities for which an individual state isolated wetland permit is required under Chapter 6111. of the Revised Code and rules adopted under it without first obtaining such a permit, the person shall pay twice the amount of the application and review fees that the person otherwise would have been required to pay under division (A) of this section, not to exceed ten thousand dollars.

(C) All moneys collected under this section shall be deposited in the state treasury to the credit of the ~~dredge and fill~~ surface water protection fund created in section ~~6111.029~~ 6111.038 of the Revised Code.

(D) Fees established under this section shall not apply to any agency or department of the state or to any county, township, or municipal corporation in this state.

**Sec. 3769.08.** (A) Any person holding a permit to conduct a horse-racing meeting may provide a place in the race meeting grounds or enclosure at which the permit holder may conduct and supervise the pari-mutuel system of wagering by patrons of legal age on the live racing programs and simulcast racing programs conducted by the permit holder.

The pari-mutuel method of wagering upon the live racing programs and simulcast racing programs held at or conducted within

such race track, and at the time of such horse-racing meeting, or 58068  
at other times authorized by the state racing commission, shall 58069  
not be unlawful. No other place, except that provided and 58070  
designated by the permit holder and except as provided in section 58071  
3769.26 of the Revised Code, nor any other method or system of 58072  
betting or wagering on live racing programs and simulcast racing 58073  
programs, except the pari-mutuel system, shall be used or 58074  
permitted by the permit holder; nor, except as provided in section 58075  
3769.089 or 3769.26 of the Revised Code, shall the pari-mutuel 58076  
system of wagering be conducted by the permit holder on any races 58077  
except the races at the race track, grounds, or enclosure for 58078  
which the person holds a permit. Each permit holder may retain as 58079  
a commission an amount not to exceed eighteen per cent of the 58080  
total of all moneys wagered on live racing programs and simulcast 58081  
racing programs. 58082

The pari-mutuel wagering authorized by this section is 58083  
subject to sections 3769.25 to 3769.28 of the Revised Code. 58084

(B) At the close of each racing day, each permit holder 58085  
authorized to conduct thoroughbred racing, out of the amount 58086  
retained on that day by the permit holder, shall pay by check, 58087  
draft, or money order to the tax commissioner, as a tax, a sum 58088  
equal to the following percentages of the total of all moneys 58089  
wagered on live racing programs on that day and shall separately 58090  
compute and pay by check, draft, or money order to the tax 58091  
commissioner, as a tax, a sum equal to the following percentages 58092  
of the total of all money wagered on simulcast racing programs on 58093  
that day: 58094

(1) One per cent of the first two hundred thousand dollars 58095  
wagered, or any part of that amount; 58096

(2) Two per cent of the next one hundred thousand dollars 58097  
wagered, or any part of that amount; 58098

(3) Three per cent of the next one hundred thousand dollars 58099  
wagered, or any part of that amount; 58100

(4) Four per cent of all sums over four hundred thousand 58101  
dollars wagered. 58102

Except as otherwise provided in section 3769.089 of the 58103  
Revised Code, each permit holder authorized to conduct 58104  
thoroughbred racing shall use for purse money a sum equal to fifty 58105  
per cent of the pari-mutuel revenues retained by the permit holder 58106  
as a commission after payment of the state tax. This fifty per 58107  
cent payment shall be in addition to the purse distribution from 58108  
breakage specified in this section. 58109

Subject to division (M) of this section, from the moneys paid 58110  
to the tax commissioner by thoroughbred racing permit holders, 58111  
one-half of one per cent of the total of all moneys so wagered on 58112  
a racing day shall be paid into the Ohio fairs fund created by 58113  
section 3769.082 of the Revised Code, one and one-eighth per cent 58114  
of the total of all moneys so wagered on a racing day shall be 58115  
paid into the Ohio thoroughbred race fund created by section 58116  
3769.083 of the Revised Code, and one-quarter of one per cent of 58117  
the total of all moneys wagered on a racing day by each permit 58118  
holder shall be paid into the state racing commission operating 58119  
fund created by section 3769.03 of the Revised Code. The required 58120  
payment to the state racing commission operating fund does not 58121  
apply to county and independent fairs and agricultural societies. 58122  
The remaining moneys may be retained by the permit holder, except 58123  
as provided in this section with respect to the odd cents 58124  
redistribution. Amounts paid into the nursing home franchise 58125  
permit fee fund pursuant to this section and section 3769.26 of 58126  
the Revised Code shall be used solely for the support of the 58127  
PASSPORT program as determined in appropriations made by the 58128  
general assembly. If the PASSPORT program is abolished, the amount 58129  
that would have been paid to the nursing home franchise permit fee 58130

fund under this chapter shall be paid to the general revenue fund 58131  
of the state. As used in this chapter, "PASSPORT program" ~~means~~ 58132  
~~the PASSPORT program created under~~ has the same meaning as in 58133  
section ~~173.40~~ 173.51 of the Revised Code. 58134

The total amount paid to the Ohio thoroughbred race fund 58135  
under this section and division (A) of section 3769.087 of the 58136  
Revised Code shall not exceed by more than six per cent the total 58137  
amount paid to this fund under this section and division (A) of 58138  
that section during the immediately preceding calendar year. 58139

Each year, the total amount calculated for payment into the 58140  
Ohio fairs fund under this division, division (C) of this section, 58141  
and division (A) of section 3769.087 of the Revised Code shall be 58142  
an amount calculated using the percentages specified in this 58143  
division, division (C) of this section, and division (A) of 58144  
section 3769.087 of the Revised Code. 58145

A permit holder may contract with a thoroughbred horsemen's 58146  
organization for the organization to act as a representative of 58147  
all thoroughbred owners and trainers participating in a 58148  
horse-racing meeting conducted by the permit holder. A 58149  
"thoroughbred horsemen's organization" is any corporation or 58150  
association that represents, through membership or otherwise, more 58151  
than one-half of the aggregate of all thoroughbred owners and 58152  
trainers who were licensed and actively participated in racing 58153  
within this state during the preceding calendar year. Except as 58154  
otherwise provided in this paragraph, any moneys received by a 58155  
thoroughbred horsemen's organization shall be used exclusively for 58156  
the benefit of thoroughbred owners and trainers racing in this 58157  
state through the administrative purposes of the organization, 58158  
benevolent activities on behalf of the horsemen, promotion of the 58159  
horsemen's rights and interests, and promotion of equine research. 58160  
A thoroughbred horsemen's organization may expend not more than an 58161  
aggregate of five per cent of its annual gross receipts, or a 58162

larger amount as approved by the organization, for dues, 58163  
assessments, and other payments to all other local, national, or 58164  
international organizations having as their primary purposes the 58165  
promotion of thoroughbred horse racing, thoroughbred horsemen's 58166  
rights, and equine research. 58167

(C) Except as otherwise provided in division (B) of this 58168  
section, at the close of each racing day, each permit holder 58169  
authorized to conduct harness or quarter horse racing, out of the 58170  
amount retained that day by the permit holder, shall pay by check, 58171  
draft, or money order to the tax commissioner, as a tax, a sum 58172  
equal to the following percentages of the total of all moneys 58173  
wagered on live racing programs and shall separately compute and 58174  
pay by check, draft, or money order to the tax commissioner, as a 58175  
tax, a sum equal to the following percentages of the total of all 58176  
money wagered on simulcast racing programs on that day: 58177

(1) One per cent of the first two hundred thousand dollars 58178  
wagered, or any part of that amount; 58179

(2) Two per cent of the next one hundred thousand dollars 58180  
wagered, or any part of that amount; 58181

(3) Three per cent of the next one hundred thousand dollars 58182  
wagered, or any part of that amount; 58183

(4) Four per cent of all sums over four hundred thousand 58184  
dollars wagered. 58185

Except as otherwise provided in division (B) and subject to 58186  
division (M) of this section, from the moneys paid to the tax 58187  
commissioner by permit holders authorized to conduct harness or 58188  
quarter horse racing, one-half of one per cent of all moneys 58189  
wagered on that racing day shall be paid into the Ohio fairs fund; 58190  
from the moneys paid to the tax commissioner by permit holders 58191  
authorized to conduct harness racing, five-eighths of one per cent 58192  
of all moneys wagered on that racing day shall be paid into the 58193

Ohio standardbred development fund; and from the moneys paid to 58194  
the tax commissioner by permit holders authorized to conduct 58195  
quarter horse racing, five-eighths of one per cent of all moneys 58196  
wagered on that racing day shall be paid into the Ohio quarter 58197  
horse development fund. 58198

(D) In addition, subject to division (M) of this section, 58199  
beginning on January 1, 1996, from the money paid to the tax 58200  
commissioner as a tax under this section and division (A) of 58201  
section 3769.087 of the Revised Code by harness horse permit 58202  
holders, one-half of one per cent of the amount wagered on a 58203  
racing day shall be paid into the Ohio standardbred development 58204  
fund. Beginning January 1, 1998, the payment to the Ohio 58205  
standardbred development fund required under this division does 58206  
not apply to county agricultural societies or independent 58207  
agricultural societies. 58208

The total amount paid to the Ohio standardbred development 58209  
fund under this division, division (C) of this section, and 58210  
division (A) of section 3769.087 of the Revised Code and the total 58211  
amount paid to the Ohio quarter horse development fund under this 58212  
division and division (A) of that section shall not exceed by more 58213  
than six per cent the total amount paid into the fund under this 58214  
division, division (C) of this section, and division (A) of 58215  
section 3769.087 of the Revised Code in the immediately preceding 58216  
calendar year. 58217

(E) Subject to division (M) of this section, from the money 58218  
paid as a tax under this chapter by harness and quarter horse 58219  
permit holders, one-quarter of one per cent of the total of all 58220  
moneys wagered on a racing day by each permit holder shall be paid 58221  
into the state racing commission operating fund created by section 58222  
3769.03 of the Revised Code. This division does not apply to 58223  
county and independent fairs and agricultural societies. 58224

(F) Except as otherwise provided in section 3769.089 of the 58225

Revised Code, each permit holder authorized to conduct harness racing shall pay to the harness horsemen's purse pool a sum equal to fifty per cent of the pari-mutuel revenues retained by the permit holder as a commission after payment of the state tax. This fifty per cent payment is to be in addition to the purse distribution from breakage specified in this section.

(G) In addition, each permit holder authorized to conduct harness racing shall be allowed to retain the odd cents of all redistribution to be made on all mutual contributions exceeding a sum equal to the next lowest multiple of ten.

Forty per cent of that portion of that total sum of such odd cents shall be used by the permit holder for purse money for Ohio sired, bred, and owned colts, for purse money for Ohio bred horses, and for increased purse money for horse races. Upon the formation of the corporation described in section 3769.21 of the Revised Code to establish a harness horsemen's health and retirement fund, twenty-five per cent of that portion of that total sum of odd cents shall be paid at the close of each racing day by the permit holder to that corporation to establish and fund the health and retirement fund. Until that corporation is formed, that twenty-five per cent shall be paid at the close of each racing day by the permit holder to the tax commissioner or the tax commissioner's agent in the county seat of the county in which the permit holder operates race meetings. The remaining thirty-five per cent of that portion of that total sum of odd cents shall be retained by the permit holder.

(H) In addition, each permit holder authorized to conduct thoroughbred racing shall be allowed to retain the odd cents of all redistribution to be made on all mutuel contributions exceeding a sum equal to the next lowest multiple of ten. Twenty per cent of that portion of that total sum of such odd cents shall be used by the permit holder for increased purse money for horse



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racers. Upon the formation of the corporation described in section 3769.21 of the Revised Code to establish a thoroughbred horsemen's health and retirement fund, forty-five per cent of that portion of that total sum of odd cents shall be paid at the close of each racing day by the permit holder to that corporation to establish and fund the health and retirement fund. Until that corporation is formed, that forty-five per cent shall be paid by the permit holder to the tax commissioner or the tax commissioner's agent in the county seat of the county in which the permit holder operates race meetings, at the close of each racing day. The remaining thirty-five per cent of that portion of that total sum of odd cents shall be retained by the permit holder.

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(I) In addition, each permit holder authorized to conduct quarter horse racing shall be allowed to retain the odd cents of all redistribution to be made on all mutuel contributions exceeding a sum equal to the next lowest multiple of ten, subject to a tax of twenty-five per cent on that portion of the total sum of such odd cents that is in excess of two thousand dollars during a calendar year, which tax shall be paid at the close of each racing day by the permit holder to the tax commissioner or the tax commissioner's agent in the county seat of the county within which the permit holder operates race meetings. Forty per cent of that portion of that total sum of such odd cents shall be used by the permit holder for increased purse money for horse races. The remaining thirty-five per cent of that portion of that total sum of odd cents shall be retained by the permit holder.

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(J)(1) To encourage the improvement of racing facilities for the benefit of the public, breeders, and horse owners, and to increase the revenue to the state from the increase in pari-mutuel wagering resulting from those improvements, the taxes paid by a permit holder to the state as provided for in this chapter shall be reduced by three-fourths of one per cent of the total amount

wagered for those permit holders who make capital improvements to 58290  
existing race tracks or construct new race tracks. The percentage 58291  
of the reduction that may be taken each racing day shall equal 58292  
seventy-five per cent of the taxes levied under divisions (B) and 58293  
(C) of this section and section 3769.087 of the Revised Code, and 58294  
division (F)(2) of section 3769.26 of the Revised Code, as 58295  
applicable, divided by the calculated amount each fund should 58296  
receive under divisions (B) and (C) of this section and section 58297  
3769.087 of the Revised Code, and division (F)(2) of section 58298  
3769.26 of the Revised Code and the reduction provided for in this 58299  
division. If the resulting percentage is less than one, that 58300  
percentage shall be multiplied by the amount of the reduction 58301  
provided for in this division. Otherwise, the permit holder shall 58302  
receive the full reduction provided for in this division. The 58303  
amount of the allowable reduction not received shall be carried 58304  
forward and applied against future tax liability. After any 58305  
reductions expire, any reduction carried forward shall be treated 58306  
as a reduction as provided for in this division. 58307

If more than one permit holder is authorized to conduct 58308  
racing at the facility that is being built or improved, the cost 58309  
of the new race track or capital improvement shall be allocated 58310  
between or among all the permit holders in the ratio that the 58311  
permit holders' number of racing days bears to the total number of 58312  
racing days conducted at the facility. 58313

A reduction for a new race track or a capital improvement 58314  
shall start from the day racing is first conducted following the 58315  
date actual construction of the new race track or each capital 58316  
improvement is completed and the construction cost has been 58317  
approved by the racing commission, unless otherwise provided in 58318  
this section. A reduction for a new race track or a capital 58319  
improvement shall continue for a period of twenty-five years for 58320  
new race tracks and for fifteen years for capital improvements if 58321

the construction of the capital improvement or new race track 58322  
commenced prior to March 29, 1988, and for a period of ten years 58323  
for new race tracks or capital improvements if the construction of 58324  
the capital improvement or new race track commenced on or after 58325  
March 29, 1988, but before June 6, 2001, or until the total tax 58326  
reduction reaches seventy per cent of the approved cost of the new 58327  
race track or capital improvement, as allocated to each permit 58328  
holder, whichever occurs first. A reduction for a new race track 58329  
or a capital improvement approved after June 6, 2001, shall 58330  
continue until the total tax reduction reaches one hundred per 58331  
cent of the approved cost of the new race track or capital 58332  
improvement, as allocated to each permit holder. 58333

A reduction granted for a new race track or a capital 58334  
improvement, the application for which was approved by the racing 58335  
commission after March 29, 1988, but before June 6, 2001, shall 58336  
not commence nor shall the ten-year period begin to run until all 58337  
prior tax reductions with respect to the same race track have 58338  
ended. The total tax reduction because of capital improvements 58339  
shall not during any one year exceed for all permit holders using 58340  
any one track three-fourths of one per cent of the total amount 58341  
wagered, regardless of the number of capital improvements made. 58342  
Several capital improvements to a race track may be consolidated 58343  
in an application if the racing commission approved the 58344  
application prior to March 29, 1988. No permit holder may receive 58345  
a tax reduction for a capital improvement approved by the racing 58346  
commission on or after March 29, 1988, at a race track until all 58347  
tax reductions have ended for all prior capital improvements 58348  
approved by the racing commission under this section or section 58349  
3769.20 of the Revised Code at that race track. If there are two 58350  
or more permit holders operating meetings at the same track, they 58351  
may consolidate their applications. The racing commission shall 58352  
notify the tax commissioner when the reduction of tax begins and 58353  
when it ends. 58354

Each fiscal year the racing commission shall submit a report 58355  
to the tax commissioner, the office of budget and management, and 58356  
the legislative service commission. The report shall identify each 58357  
capital improvement project undertaken under this division and in 58358  
progress at each race track, indicate the total cost of each 58359  
project, state the tax reduction that resulted from each project 58360  
during the immediately preceding fiscal year, estimate the tax 58361  
reduction that will result from each project during the current 58362  
fiscal year, state the total tax reduction that resulted from all 58363  
such projects at all race tracks during the immediately preceding 58364  
fiscal year, and estimate the total tax reduction that will result 58365  
from all such projects at all race tracks during the current 58366  
fiscal year. 58367

(2) In order to qualify for the reduction in tax, a permit 58368  
holder shall apply to the racing commission in such form as the 58369  
commission may require and shall provide full details of the new 58370  
race track or capital improvement, including a schedule for its 58371  
construction and completion, and set forth the costs and expenses 58372  
incurred in connection with it. The racing commission shall not 58373  
approve an application unless the permit holder shows that a 58374  
contract for the new race track or capital improvement has been 58375  
let under an unrestricted competitive bidding procedure, unless 58376  
the contract is exempted by the controlling board because of its 58377  
unusual nature. In determining whether to approve an application, 58378  
the racing commission shall consider whether the new race track or 58379  
capital improvement will promote the safety, convenience, and 58380  
comfort of the racing public and horse owners and generally tend 58381  
towards the improvement of racing in this state. 58382

(3) If a new race track or capital improvement is approved by 58383  
the racing commission and construction has started, the tax 58384  
reduction may be authorized by the commission upon presentation of 58385  
copies of paid bills in excess of one hundred thousand dollars or 58386

ten per cent of the approved cost, whichever is greater. After the 58387  
initial authorization, the permit holder shall present copies of 58388  
paid bills. If the permit holder is in substantial compliance with 58389  
the schedule for construction and completion of the new race track 58390  
or capital improvement, the racing commission may authorize the 58391  
continuation of the tax reduction upon the presentation of the 58392  
additional paid bills. The total amount of the tax reduction 58393  
authorized shall not exceed the percentage of the approved cost of 58394  
the new race track or capital improvement specified in division 58395  
(J)(1) of this section. The racing commission may terminate any 58396  
tax reduction immediately if a permit holder fails to complete the 58397  
new race track or capital improvement, or to substantially comply 58398  
with the schedule for construction and completion of the new race 58399  
track or capital improvement. If a permit holder fails to complete 58400  
a new race track or capital improvement, the racing commission 58401  
shall order the permit holder to repay to the state the total 58402  
amount of tax reduced. The normal tax paid by the permit holder 58403  
shall be increased by three-fourths of one per cent of the total 58404  
amount wagered until the total amount of the additional tax 58405  
collected equals the total amount of tax reduced. 58406

(4) As used in this section: 58407

(a) "Capital improvement" means an addition, replacement, or 58408  
remodeling of a structural unit of a race track facility costing 58409  
at least one hundred thousand dollars, including, but not limited 58410  
to, the construction of barns used exclusively for the race track 58411  
facility, backstretch facilities for horsemen, paddock facilities, 58412  
new pari-mutuel and totalizator equipment and appurtenances to 58413  
that equipment purchased by the track, new access roads, new 58414  
parking areas, the complete reconstruction, reshaping, and 58415  
leveling of the racing surface and appurtenances, the installation 58416  
of permanent new heating or air conditioning, roof replacement or 58417  
restoration, installations of a permanent nature forming a part of 58418

the track structure, and construction of buildings that are 58419  
located on a permit holder's premises. "Capital improvement" does 58420  
not include the cost of replacement of equipment that is not 58421  
permanently installed, ordinary repairs, painting, and maintenance 58422  
required to keep a race track facility in ordinary operating 58423  
condition. 58424

(b) "New race track" includes the reconstruction of a race 58425  
track damaged by fire or other cause that has been declared by the 58426  
racing commission, as a result of the damage, to be an inadequate 58427  
facility for the safe operation of horse racing. 58428

(c) "Approved cost" includes all debt service and interest 58429  
costs that are associated with a capital improvement or new race 58430  
track and that the racing commission approves for a tax reduction 58431  
under division (J) of this section. 58432

(5) The racing commission shall not approve an application 58433  
for a tax reduction under this section if it has reasonable cause 58434  
to believe that the actions or negligence of the permit holder 58435  
substantially contributed to the damage suffered by the track due 58436  
to fire or other cause. The racing commission shall obtain any 58437  
data or information available from a fire marshal, law enforcement 58438  
official, or insurance company concerning any fire or other damage 58439  
suffered by a track, prior to approving an application for a tax 58440  
reduction. 58441

(6) The approved cost to which a tax reduction applies shall 58442  
be determined by generally accepted accounting principles and 58443  
verified by an audit of the permit holder's records upon 58444  
completion of the project by the racing commission, or by an 58445  
independent certified public accountant selected by the permit 58446  
holder and approved by the commission. 58447

(K) No other license or excise tax or fee, except as provided 58448  
in sections 3769.01 to 3769.14 of the Revised Code, shall be 58449

assessed or collected from such licensee by any county, township, 58450  
district, municipal corporation, or other body having power to 58451  
assess or collect a tax or fee. That portion of the tax paid under 58452  
this section by permit holders for racing conducted at and during 58453  
the course of an agricultural exposition or fair, and that portion 58454  
of the tax that would have been paid by eligible permit holders 58455  
into the nursing home franchise permit fee fund as a result of 58456  
racing conducted at and during the course of an agricultural 58457  
exposition or fair, shall be deposited into the state treasury to 58458  
the credit of the horse racing tax fund, which is hereby created 58459  
for the use of the agricultural societies of the several counties 58460  
in which the taxes originate. The state racing commission shall 58461  
determine eligible permit holders for purposes of the preceding 58462  
sentence, taking into account the breed of horse, the racing 58463  
dates, the geographic proximity to the fair, and the best 58464  
interests of Ohio racing. On the first day of any month on which 58465  
there is money in the fund, the tax commissioner shall provide for 58466  
payment to the treasurer of each agricultural society the amount 58467  
of the taxes collected under this section upon racing conducted at 58468  
and during the course of any exposition or fair conducted by the 58469  
society. 58470

(L) From the tax paid under this section by harness track 58471  
permit holders, the tax commissioner shall pay into the Ohio 58472  
thoroughbred race fund a sum equal to a percentage of the amount 58473  
wagered upon which the tax is paid. The percentage shall be 58474  
determined by the tax commissioner and shall be rounded to the 58475  
nearest one-hundredth. The percentage shall be such that, when 58476  
multiplied by the amount wagered upon which tax was paid by the 58477  
harness track permit holders in the most recent year for which 58478  
final figures are available, it results in a sum that 58479  
substantially equals the same amount of tax paid by the tax 58480  
commissioner during that year into the Ohio fairs fund from taxes 58481  
paid by thoroughbred permit holders. This division does not apply 58482

to county and independent fairs and agricultural societies. 58483

(M) Twenty-five per cent of the taxes levied on thoroughbred 58484  
racing permit holders, harness racing permit holders, and quarter 58485  
horse racing permit holders under this section, division (A) of 58486  
section 3769.087 of the Revised Code, and division (F)(2) of 58487  
section 3769.26 of the Revised Code shall be paid into the nursing 58488  
home franchise permit fee fund. The tax commissioner shall pay any 58489  
money remaining, after the payment into the nursing home franchise 58490  
permit fee fund and the reductions provided for in division (J) of 58491  
this section and in section 3769.20 of the Revised Code, into the 58492  
Ohio fairs fund, Ohio thoroughbred race fund, Ohio standardbred 58493  
development fund, Ohio quarter horse fund, and state racing 58494  
commission operating fund as prescribed in this section and 58495  
division (A) of section 3769.087 of the Revised Code. The tax 58496  
commissioner shall thereafter use and apply the balance of the 58497  
money paid as a tax by any permit holder to cover any shortage in 58498  
the accounts of such funds resulting from an insufficient payment 58499  
as a tax by any other permit holder. The moneys received by the 58500  
tax commissioner shall be deposited weekly and paid by the tax 58501  
commissioner into the funds to cover the total aggregate amount 58502  
due from all permit holders to the funds, as calculated under this 58503  
section and division (A) of section 3769.087 of the Revised Code, 58504  
as applicable. If, after the payment into the nursing home 58505  
franchise permit fee fund, sufficient funds are not available from 58506  
the tax deposited by the tax commissioner to pay the required 58507  
amounts into the Ohio fairs fund, Ohio standardbred development 58508  
fund, Ohio thoroughbred race fund, Ohio quarter horse fund, and 58509  
the state racing commission operating fund, the tax commissioner 58510  
shall prorate on a proportional basis the amount paid to each of 58511  
the funds. Any shortage to the funds as a result of a proration 58512  
shall be applied against future deposits for the same calendar 58513  
year when funds are available. After this application, the tax 58514  
commissioner shall pay any remaining money paid as a tax by all 58515



permit holders into the nursing home franchise permit fee fund. 58516  
This division does not apply to permit holders conducting racing 58517  
at the course of an agricultural exposition or fair as described 58518  
in division (K) of this section. 58519

**Sec. 3769.088.** (A) If any permit holder required by this 58520  
chapter to pay the taxes levied by sections 3769.08, 3769.087, 58521  
3769.26, and 3769.28 of the Revised Code fails to pay the taxes, 58522  
the tax commissioner may make an assessment against the permit 58523  
holder based upon any information in the commissioner's 58524  
possession. 58525

A penalty of up to fifteen per cent may be added to the 58526  
amount of every assessment made under this section. The 58527  
commissioner may adopt rules providing for the imposition and 58528  
remission of penalties added to assessments made under this 58529  
section. 58530

The commissioner shall give the party assessed written notice 58531  
of the assessment in the manner provided in section 5703.37 of the 58532  
Revised Code. With the notice, the commissioner shall provide 58533  
instructions on how to petition for reassessment and request a 58534  
hearing on the petition. 58535

(B) Unless the party assessed files with the tax commissioner 58536  
within sixty days after service of the notice of assessment, 58537  
either personally or by certified mail, a written petition for 58538  
reassessment signed by the party assessed or that party's 58539  
authorized agent having knowledge of the facts, the assessment 58540  
becomes final and the amount of the assessment is due and payable 58541  
from the party assessed to the commissioner. The petition shall 58542  
indicate the objections of the party assessed, but additional 58543  
objections may be raised in writing if received by the 58544  
commissioner prior to the date shown on the final determination. 58545  
If the petition has been properly filed, the commissioner shall 58546

proceed under section 5703.60 of the Revised Code. 58547

(C) After an assessment becomes final, if any portion of the 58548  
assessment remains unpaid, including accrued interest, a certified 58549  
copy of the tax commissioner's entry making the assessment final 58550  
may be filed in the office of the clerk of the court of common 58551  
pleas in the county in which the place, track, or enclosure for 58552  
which the permit was issued is located or the county in which the 58553  
party assessed resides or has its principal place of business. If 58554  
the party assessed maintains no place of business in this state 58555  
and is not a resident of this state, the certified copy of the 58556  
entry may be filed in the office of the clerk of the court of 58557  
common pleas of Franklin county. 58558

Immediately upon the filing of the entry, the clerk shall 58559  
enter a judgment for the state against the party assessed in the 58560  
amount shown on the entry. The judgment may be filed by the clerk 58561  
in a loose-leaf book entitled "special judgments for state horse 58562  
racing tax," and shall have the same effect as other judgments. 58563  
Execution shall issue upon the judgment upon the request of the 58564  
tax commissioner, and all laws applicable to sales on execution 58565  
shall apply to sales made under the judgment. 58566

~~The portion of~~ If the assessment is not paid in its entirety 58567  
within sixty days after the day the assessment was issued, the 58568  
portion of the assessment consisting of tax due shall bear 58569  
interest at the rate per annum prescribed by section 5703.47 of 58570  
the Revised Code from the day the tax commissioner issues the 58571  
assessment until the day the assessment is paid or until it is 58572  
certified to the attorney general for collection under section 58573  
131.02 of the Revised Code, whichever comes first. If the unpaid 58574  
portion of the assessment is certified to the attorney general for 58575  
collection, the entire unpaid portion of the assessment shall bear 58576  
interest at the rate per annum prescribed by section 5703.47 of 58577  
the Revised Code from the date of certification until the date it 58578

is paid in its entirety. Interest shall be paid in the same manner 58579  
as the tax and may be collected by the issuance of an assessment 58580  
under this section. 58581

(D) All money collected by the tax commissioner under this 58582  
section shall be treated as revenue arising from the taxes imposed 58583  
by sections 3769.08, 3769.087, 3769.26, and 3769.28 of the Revised 58584  
Code. 58585

**Sec. 3770.02.** (A) Subject to the advice and consent of the 58586  
senate, the governor shall appoint a director of the state lottery 58587  
commission who shall serve at the pleasure of the governor. The 58588  
director shall devote full time to the duties of the office and 58589  
shall hold no other office or employment. The director shall meet 58590  
all requirements for appointment as a member of the commission and 58591  
shall, by experience and training, possess management skills that 58592  
equip the director to administer an enterprise of the nature of a 58593  
state lottery. The director shall receive an annual salary in 58594  
accordance with pay range 48 of section 124.152 of the Revised 58595  
Code. 58596

(B)(1) The director shall attend all meetings of the 58597  
commission and shall act as its secretary. The director shall keep 58598  
a record of all commission proceedings and shall keep the 58599  
commission's records, files, and documents at the commission's 58600  
principal office. All records of the commission's meetings shall 58601  
be available for inspection by any member of the public, upon a 58602  
showing of good cause and prior notification to the director. 58603

(2) The director shall be the commission's executive officer 58604  
and shall be responsible for keeping all commission records and 58605  
supervising and administering the state lottery in accordance with 58606  
this chapter, and carrying out all commission rules adopted under 58607  
section 3770.03 of the Revised Code. 58608

(C)(1) The director shall appoint an assistant director, 58609

deputy directors of marketing, operations, sales, finance, public 58610  
relations, security, and administration, and as many regional 58611  
managers as are required. The director may also appoint necessary 58612  
professional, technical, and clerical assistants. All such 58613  
officers and employees shall be appointed and compensated pursuant 58614  
to Chapter 124. of the Revised Code. Regional and assistant 58615  
regional managers, sales representatives, and any lottery 58616  
executive account representatives shall remain in the unclassified 58617  
service. 58618

(2) The director, in consultation with the director of 58619  
administrative services, may establish standards of proficiency 58620  
and productivity for commission field representatives. 58621

(D) The director shall request the bureau of criminal 58622  
identification and investigation, the department of public safety, 58623  
or any other state, local, or federal agency to supply the 58624  
director with the criminal records of any job applicant and may 58625  
periodically request the criminal records of commission employees. 58626  
At or prior to the time of making such a request, the director 58627  
shall require a job applicant or commission employee to obtain 58628  
fingerprint cards prescribed by the superintendent of the bureau 58629  
of criminal identification and investigation at a qualified law 58630  
enforcement agency, and the director shall cause these fingerprint 58631  
cards to be forwarded to the bureau of criminal identification and 58632  
investigation and the federal bureau of investigation. The 58633  
commission shall assume the cost of obtaining the fingerprint 58634  
cards and shall pay to each agency supplying criminal records for 58635  
each investigation under this division a reasonable fee, as 58636  
determined by the agency. 58637

(E) The director shall license lottery sales agents pursuant 58638  
to section 3770.05 of the Revised Code and, when it is considered 58639  
necessary, may revoke or suspend the license of any lottery sales 58640  
agent. The director may license video lottery technology 58641

providers, independent testing laboratories, and gaming employees, 58642  
and promulgate rules relating thereto. When the director considers 58643  
it necessary, the director may suspend or revoke the license of a 58644  
video lottery technology provider, independent testing laboratory, 58645  
or gaming employee, including suspension or revocation without 58646  
affording an opportunity for a prior hearing under section 119.07 58647  
of the Revised Code when the public safety, convenience, or trust 58648  
requires immediate action. 58649

(F) The director shall confer at least once each month with 58650  
the commission, at which time the director shall advise it 58651  
regarding the operation and administration of the lottery. The 58652  
director shall make available at the request of the commission all 58653  
documents, files, and other records pertaining to the operation 58654  
and administration of the lottery. The director shall prepare and 58655  
make available to the commission each month a complete and 58656  
accurate accounting of lottery revenues, prize money disbursements 58657  
and the cost of goods and services awarded as prizes, operating 58658  
expenses, and all other relevant financial information, including 58659  
an accounting of all transfers made from any lottery funds in the 58660  
custody of the treasurer of state to benefit education. 58661

(G) The director may enter into contracts for the operation 58662  
or promotion of the lottery pursuant to Chapter 125. of the 58663  
Revised Code. 58664

(H)(1) Pursuant to rules adopted by the commission under 58665  
section 3770.03 of the Revised Code, the director shall require 58666  
any lottery sales agents to ~~either mail directly to the commission~~ 58667  
~~or~~ deposit to the credit of the state lottery fund, in banking 58668  
institutions designated by the treasurer of state, net proceeds 58669  
due the commission as determined by the director, ~~and to file with~~ 58670  
~~the director or the director's designee reports of their receipts~~ 58671  
~~and transactions in the sale of lottery tickets in the form~~ 58672  
~~required by the director.~~ 58673

(2) Pursuant to rules adopted by the commission under Chapter 58674  
119. of the Revised Code, the director may impose penalties for 58675  
the failure of a sales agent to transfer funds to the commission 58676  
in a timely manner. Penalties may include monetary penalties, 58677  
immediate suspension or revocation of a license, or any other 58678  
penalty the commission adopts by rule. 58679

(I) The director may arrange for any person, or any banking 58680  
institution, to perform functions and services in connection with 58681  
the operation of the lottery as the director may consider 58682  
necessary to carry out this chapter. 58683

(J)(1) As used in this chapter, "statewide joint lottery 58684  
game" means a lottery game that the commission sells solely within 58685  
this state under an agreement with other lottery jurisdictions to 58686  
sell the same lottery game solely within their statewide or other 58687  
jurisdictional boundaries. 58688

(2) If the governor directs the director to do so, the 58689  
director shall enter into an agreement with other lottery 58690  
jurisdictions to conduct statewide joint lottery games. If the 58691  
governor signs the agreement personally or by means of an 58692  
authenticating officer pursuant to section 107.15 of the Revised 58693  
Code, the director then may conduct statewide joint lottery games 58694  
under the agreement. 58695

(3) The entire net proceeds from any statewide joint lottery 58696  
games shall be used to fund elementary, secondary, vocational, and 58697  
special education programs in this state. 58698

(4) The commission shall conduct any statewide joint lottery 58699  
games in accordance with rules it adopts under division (B)(5) of 58700  
section 3770.03 of the Revised Code. 58701

(K)(1) The director shall enter into an agreement with the 58702  
department of ~~alcohol and drug addiction services~~ mental health 58703  
and addiction services under which the department shall provide a 58704

program of gambling addiction services on behalf of the 58705  
commission. The commission shall pay the costs of the program 58706  
provided pursuant to the agreement. 58707

(2) As used in this section, "gambling addiction services" 58708  
has the same meaning as in section ~~3793.01~~ 5119.01 of the Revised 58709  
Code. 58710

**Sec. 3770.06.** (A) There is hereby created the state lottery 58711  
gross revenue fund, which shall be in the custody of the treasurer 58712  
of state but shall not be part of the state treasury. All gross 58713  
revenues received from sales of lottery tickets, fines, fees, and 58714  
related proceeds in connection with the statewide lottery and all 58715  
gross proceeds from statewide joint lottery games shall be 58716  
deposited into the fund. The treasurer of state shall invest any 58717  
portion of the fund not needed for immediate use in the same 58718  
manner as, and subject to all provisions of law with respect to 58719  
the investment of, state funds. The treasurer of state shall 58720  
disburse money from the fund on order of the director of the state 58721  
lottery commission or the director's designee. 58722

Except for gross proceeds from statewide joint lottery games, 58723  
all revenues of the state lottery gross revenue fund that are not 58724  
paid to holders of winning lottery tickets, that are not required 58725  
to meet short-term prize liabilities, that are not credited to 58726  
lottery sales agents in the form of bonuses, commissions, or 58727  
reimbursements, that are not paid to financial institutions to 58728  
reimburse those institutions for sales agent nonsufficient funds, 58729  
and that are collected from sales agents for remittance to 58730  
insurers under contract to provide sales agent bonding services 58731  
shall be transferred to the state lottery fund, which is hereby 58732  
created in the state treasury. In addition, all revenues of the 58733  
state lottery gross revenue fund that represent the gross proceeds 58734  
from the statewide joint lottery games and that are not paid to 58735

holders of winning lottery tickets, that are not required to meet 58736  
short-term prize liabilities, that are not credited to lottery 58737  
sales agents in the form of bonuses, commissions, or 58738  
reimbursements, and that are not necessary to cover operating 58739  
expenses associated with those games or to otherwise comply with 58740  
the agreements signed by the governor that the director enters 58741  
into under division (J) of section 3770.02 of the Revised Code or 58742  
the rules the commission adopts under division (B)(5) of section 58743  
3770.03 of the Revised Code shall be transferred to the state 58744  
lottery fund. All investment earnings of the fund shall be 58745  
credited to the fund. Moneys shall be disbursed from the fund 58746  
pursuant to vouchers approved by the director. Total disbursements 58747  
for monetary prize awards to holders of winning lottery tickets in 58748  
connection with the statewide lottery and purchases of goods and 58749  
services awarded as prizes to holders of winning lottery tickets 58750  
shall be of an amount equal to at least fifty per cent of the 58751  
total revenue accruing from the sale of lottery tickets. 58752

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 58753  
there is hereby established in the state treasury the lottery 58754  
profits education fund. Whenever, in the judgment of the director 58755  
of the state lottery commission, the amount to the credit of the 58756  
state lottery fund that does not represent proceeds from statewide 58757  
joint lottery games is in excess of that needed to meet the 58758  
maturing obligations of the commission and as working capital for 58759  
its further operations, the director of the state lottery 58760  
commission shall recommend the amount of the excess to be 58761  
transferred to the lottery profits education fund, and the 58762  
director of budget and management may transfer the excess to the 58763  
lottery profits education fund in connection with the statewide 58764  
lottery. In addition, whenever, in the judgment of the director of 58765  
the state lottery commission, the amount to the credit of the 58766  
state lottery fund that represents proceeds from statewide joint 58767  
lottery games equals the entire net proceeds of those games as 58768



described in division (B)(5) of section 3770.03 of the Revised Code and the rules adopted under that division, the director of the state lottery commission shall recommend the amount of the proceeds to be transferred to the lottery profits education fund, and the director of budget and management may transfer those proceeds to the lottery profits education fund. Investment earnings of the lottery profits education fund shall be credited to the fund.

The lottery profits education fund shall be used solely for the support of elementary, secondary, vocational, and special education programs as determined in appropriations made by the general assembly, or as provided in applicable bond proceedings for the payment of debt service on obligations issued to pay costs of capital facilities, including those for a system of common schools throughout the state pursuant to section 2n of Article VIII, Ohio Constitution. When determining the availability of money in the lottery profits education fund, the director of budget and management may consider all balances and estimated revenues of the fund.

(C) There is hereby established in the state treasury the deferred prizes trust fund. With the approval of the director of budget and management, an amount sufficient to fund annuity prizes shall be transferred from the state lottery fund and credited to the trust fund. The treasurer of state shall credit all earnings arising from investments purchased under this division to the trust fund. Within sixty days after the end of each fiscal year, the treasurer of state shall certify to the director of budget and management whether the actuarial amount of the trust fund is sufficient over the fund's life for continued funding of all remaining deferred prize liabilities as of the last day of the fiscal year just ended. Also, within that sixty days, the director of budget and management shall certify the amount of investment

earnings necessary to have been credited to the trust fund during 58801  
the fiscal year just ending to provide for such continued funding 58802  
of deferred prizes. Any earnings credited in excess of the latter 58803  
certified amount shall be transferred to the lottery profits 58804  
education fund. 58805

To provide all or a part of the amounts necessary to fund 58806  
deferred prizes awarded by the commission in connection with the 58807  
statewide lottery, the treasurer of state, in consultation with 58808  
the commission, may invest moneys contained in the deferred prizes 58809  
trust fund which represents proceeds from the statewide lottery in 58810  
obligations of the type permitted for the investment of state 58811  
funds but whose maturities are thirty years or less. 58812  
Notwithstanding the requirements of any other section of the 58813  
Revised Code, to provide all or part of the amounts necessary to 58814  
fund deferred prizes awarded by the commission in connection with 58815  
statewide joint lottery games, the treasurer of state, in 58816  
consultation with the commission, may invest moneys in the trust 58817  
fund which represent proceeds derived from the statewide joint 58818  
lottery games in accordance with the rules the commission adopts 58819  
under division (B)(5) of section 3770.03 of the Revised Code. 58820  
Investments of the trust fund are not subject to the provisions of 58821  
division (A)(10) of section 135.143 of the Revised Code limiting 58822  
to twenty-five per cent the amount of the state's total average 58823  
portfolio that may be invested in debt interests and limiting to 58824  
one-half of one per cent the amount that may be invested in debt 58825  
interests of a single issuer. 58826

All purchases made under this division shall be effected on a 58827  
delivery versus payment method and shall be in the custody of the 58828  
treasurer of state. 58829

The treasurer of state may retain an investment advisor, if 58830  
necessary. The commission shall pay any costs incurred by the 58831  
treasurer of state in retaining an investment advisor. 58832

(D) The auditor of state shall conduct annual audits of all 58833  
funds and any other audits as the auditor of state or the general 58834  
assembly considers necessary. The auditor of state may examine all 58835  
records, files, and other documents of the commission, and records 58836  
of lottery sales agents that pertain to their activities as 58837  
agents, for purposes of conducting authorized audits. 58838

(E) The state lottery commission shall establish an internal 58839  
audit ~~program~~ plan before the beginning of each fiscal year, 58840  
subject to the approval of the ~~auditor office~~ of ~~state internal~~ 58841  
audit in the office of budget and management. At the end of each 58842  
fiscal year, the commission shall prepare and submit an annual 58843  
report to the ~~auditor office~~ of ~~state internal audit~~ for the 58844  
~~auditor of state's~~ office's review and approval, specifying the 58845  
internal audit work completed by the end of that fiscal year and 58846  
reporting on compliance with the annual internal audit ~~program~~. 58847  
~~The form and content of the report shall be prescribed by the~~ 58848  
~~auditor of state under division (C) of section 117.20 of the~~ 58849  
~~Revised Code~~ plan. 58850

~~(E)~~(F) Whenever, in the judgment of the director of budget 58851  
and management, an amount of net state lottery proceeds is 58852  
necessary to be applied to the payment of debt service on 58853  
obligations, all as defined in sections 151.01 and 151.03 of the 58854  
Revised Code, the director shall transfer that amount directly 58855  
from the state lottery fund or from the lottery profits education 58856  
fund to the bond service fund defined in those sections. The 58857  
provisions of this division are subject to any prior pledges or 58858  
obligation of those amounts to the payment of bond service charges 58859  
as defined in division (C) of section 3318.21 of the Revised Code, 58860  
as referred to in division (B) of this section. 58861

**Sec. 3772.03.** (A) To ensure the integrity of casino gaming, 58862  
the commission shall have authority to complete the functions of 58863

licensing, regulating, investigating, and penalizing casino operators, management companies, holding companies, key employees, casino gaming employees, and gaming-related vendors. The commission also shall have jurisdiction over all persons participating in casino gaming authorized by Section 6(C) of Article XV, Ohio Constitution, and this chapter.

(B) All rules adopted by the commission under this chapter shall be adopted under procedures established in Chapter 119. of the Revised Code. The commission may contract for the services of experts and consultants to assist the commission in carrying out its duties under this section.

(C) Within six months of September 10, 2010, the commission shall adopt initial rules as are necessary for completing the functions stated in division (A) of this section and for addressing the subjects enumerated in division (D) of this section.

(D) The commission shall adopt, and as advisable and necessary shall amend or repeal, rules that include all of the following:

(1) The prevention of practices detrimental to the public interest;

(2) Prescribing the method of applying, and the form of application, that an applicant for a license under this chapter must follow as otherwise described in this chapter;

(3) Prescribing the information to be furnished by an applicant or licensee as described in section 3772.11 of the Revised Code;

(4) Describing the certification standards and duties of an independent testing laboratory certified under section 3772.31 of the Revised Code and the relationship between the commission, the laboratory, the gaming-related vendor, and the casino operator;

(5) The minimum amount of insurance that must be maintained by a casino operator, management company, holding company, or gaming-related vendor;	58895 58896 58897
(6) The approval process for <del>a significant</del> <u>any</u> change in <del>ownership</del> or transfer of control of a <del>licensee</del> <u>casino operator</u> as provided in section 3772.091 of the Revised Code;	58898 58899 58900
(7) The design of gaming supplies, devices, and equipment to be distributed by gaming-related vendors;	58901 58902
(8) Identifying the casino gaming that is permitted, identifying the gaming supplies, devices, and equipment, that are permitted, defining the area in which the permitted casino gaming may be conducted, and specifying the method of operation according to which the permitted casino gaming is to be conducted as provided in section 3772.20 of the Revised Code, and requiring gaming devices and equipment to meet the standards of this state;	58903 58904 58905 58906 58907 58908 58909
(9) Tournament play in any casino facility;	58910
(10) Establishing and implementing a voluntary exclusion program that provides all of the following:	58911 58912
(a) Except as provided by commission rule, a person who participates in the program shall agree to refrain from entering a casino facility.	58913 58914 58915
(b) The name of a person participating in the program shall be included on a list of persons excluded from all casino facilities.	58916 58917 58918
(c) Except as provided by commission rule, no person who participates in the program shall petition the commission for admittance into a casino facility.	58919 58920 58921
(d) The list of persons participating in the program and the personal information of those persons shall be confidential and shall only be disseminated by the commission to a casino operator	58922 58923 58924

and the agents and employees of the casino operator for purposes 58925  
of enforcement and to other entities, upon request of the 58926  
participant and agreement by the commission. 58927

(e) A casino operator shall make all reasonable attempts as 58928  
determined by the commission to cease all direct marketing efforts 58929  
to a person participating in the program. 58930

(f) A casino operator shall not cash the check of a person 58931  
participating in the program or extend credit to the person in any 58932  
manner. However, the program shall not exclude a casino operator 58933  
from seeking the payment of a debt accrued by a person before 58934  
participating in the program. 58935

(g) Any and all locations at which a person may register as a 58936  
participant in the program shall be published. 58937

(11) Requiring the commission to adopt standards regarding 58938  
the marketing materials of a licensed casino operator, including 58939  
allowing the commission to prohibit marketing materials that are 58940  
contrary to the adopted standards; 58941

(12) Requiring that the records, including financial 58942  
statements, of any casino operator, management company, holding 58943  
company, and gaming-related vendor be maintained in the manner 58944  
prescribed by the commission and made available for inspection 58945  
upon demand by the commission, but shall be subject to section 58946  
3772.16 of the Revised Code; 58947

(13) Permitting a licensed casino operator, management 58948  
company, key employee, or casino gaming employee to question a 58949  
person suspected of violating this chapter; 58950

(14) The chips, tokens, tickets, electronic cards, or similar 58951  
objects that may be purchased by means of an agreement under which 58952  
credit is extended to a wagerer by a casino operator; 58953

(15) Establishing standards for provisional key employee 58954

licenses for a person who is required to be licensed as a key 58955  
employee and is in exigent circumstances and standards for 58956  
provisional licenses for casino gaming employees who submit 58957  
complete applications and are compliant under an instant 58958  
background check. A provisional license shall be valid not longer 58959  
than three months. A provisional license may be renewed one time, 58960  
at the commission's discretion, for an additional three months. In 58961  
establishing standards with regard to instant background checks 58962  
the commission shall take notice of criminal records checks as 58963  
they are conducted under section 311.41 of the Revised Code using 58964  
electronic fingerprint reading devices. 58965

(16) Establishing approval procedures for third-party 58966  
engineering or accounting firms, as described in section 3772.09 58967  
of the Revised Code; 58968

(17) Prescribing the manner in which winnings, compensation 58969  
from casino gaming, and gross revenue must be computed and 58970  
reported by a licensee as described in Chapter 5753. of the 58971  
Revised Code; 58972

(18) Prescribing conditions under which a licensee's license 58973  
may be suspended or revoked as described in section 3772.04 of the 58974  
Revised Code; 58975

(19) Prescribing the manner and procedure of all hearings to 58976  
be conducted by the commission or by any hearing examiner; 58977

(20) Prescribing technical standards and requirements that 58978  
are to be met by security and surveillance equipment that is used 58979  
at and standards and requirements to be met by personnel who are 58980  
employed at casino facilities, and standards and requirements for 58981  
the provision of security at and surveillance of casino 58982  
facilities; 58983

(21) Prescribing requirements for a casino operator to 58984  
provide unarmed security services at a casino facility by licensed 58985

casino employees, and the training that shall be completed by	58986
these employees;	58987
(22) Prescribing standards according to which casino	58988
operators shall keep accounts and standards according to which	58989
casino accounts shall be audited, and establish means of assisting	58990
the tax commissioner in levying and collecting the gross casino	58991
revenue tax levied under section 5753.02 of the Revised Code;	58992
(23) Defining penalties for violation of commission rules and	58993
a process for imposing such penalties subject to the review of the	58994
joint committee on gaming and wagering;	58995
(24) Establishing standards for decertifying contractors that	58996
violate statutes or rules of this state or the federal government;	58997
(25) Establishing standards for the repair of casino gaming	58998
equipment;	58999
(26) Establishing procedures to ensure that casino operators,	59000
management companies, and holding companies are compliant with the	59001
compulsive and problem gambling plan submitted under section	59002
3772.18 of the Revised Code;	59003
(27) Prescribing, for institutional investors in or holding	59004
companies of a casino operator, management company, holding	59005
company, or gaming-related vendor that fall below the threshold	59006
needed to be considered an institutional investor or a holding	59007
company, standards regarding what any employees, members, or	59008
owners of those investors or holding companies may do and shall	59009
not do in relation to casino facilities and casino gaming in this	59010
state, which standards shall rationally relate to the need to	59011
proscribe conduct that is inconsistent with passive institutional	59012
investment status;	59013
(28) Providing for any other thing necessary and proper for	59014
successful and efficient regulation of casino gaming under this	59015
chapter.	59016



(E) The commission shall employ and assign gaming agents as 59017  
necessary to assist the commission in carrying out the duties of 59018  
this chapter. In order to maintain employment as a gaming agent, 59019  
the gaming agent shall successfully complete all continuing 59020  
training programs required by the commission and shall not have 59021  
been convicted of or pleaded guilty or no contest to a 59022  
disqualifying offense as defined in section 3772.07 of the Revised 59023  
Code. 59024

(F) The commission, as a law enforcement agency, and its 59025  
gaming agents, as law enforcement officers as defined in section 59026  
2901.01 of the Revised Code, shall have authority with regard to 59027  
the detection and investigation of, the seizure of evidence 59028  
allegedly relating to, and the apprehension and arrest of persons 59029  
allegedly committing gaming offenses, and shall have access to 59030  
casino facilities to carry out the requirements of this chapter. 59031

(G) The commission may eject or exclude or authorize the 59032  
ejection or exclusion of and a gaming agent may eject a person 59033  
from a casino facility for any of the following reasons: 59034

(1) The person's name is on the list of persons voluntarily 59035  
excluding themselves from all casinos in a program established 59036  
according to rules adopted by the commission; 59037

(2) The person violates or conspires to violate this chapter 59038  
or a rule adopted thereunder; or 59039

(3) The commission determines that the person's conduct or 59040  
reputation is such that the person's presence within a casino 59041  
facility may call into question the honesty and integrity of the 59042  
casino gaming operations or interfere with the orderly conduct of 59043  
the casino gaming operations. 59044

(H) A person, other than a person participating in a 59045  
voluntary exclusion program, may petition the commission for a 59046  
public hearing on the person's ejection or exclusion under this 59047

chapter. 59048

(I) A casino operator or management company shall have the 59049  
same authority to eject or exclude a person from the management 59050  
company's casino facilities as authorized in division (G) of this 59051  
section. The licensee shall immediately notify the commission of 59052  
an ejection or exclusion. 59053

(J) The commission shall submit a written annual report with 59054  
the governor, president and minority leader of the senate, speaker 59055  
and minority leader of the house of representatives, and joint 59056  
committee on gaming and wagering before the first day of September 59057  
each year. The annual report shall include a statement describing 59058  
the receipts and disbursements of the commission, relevant 59059  
financial data regarding casino gaming, including gross revenues 59060  
and disbursements made under this chapter, actions taken by the 59061  
commission, an update on casino operators', management companies', 59062  
and holding companies' compulsive and problem gambling plans and 59063  
the voluntary exclusion program and list, and any additional 59064  
information that the commission considers useful or that the 59065  
governor, president or minority leader of the senate, speaker or 59066  
minority leader of the house of representatives, or joint 59067  
committee on gaming and wagering requests. 59068

(K) Notwithstanding any law to the contrary, beginning on 59069  
July 1, 2011, the commission shall assume jurisdiction over and 59070  
oversee the regulation of skill-based amusement machines as is 59071  
provided in the law of this state. 59072

**Sec. 3772.062.** (A) The executive director of the commission 59073  
shall enter into an agreement with the department of ~~alcohol and~~ 59074  
~~drug addiction services~~ mental health and addiction services under 59075  
which the department provides a program of gambling and addiction 59076  
services on behalf of the commission. 59077

(B) The executive director of the commission, in conjunction 59078

with the department of ~~alcohol and drug addiction services~~ mental 59079  
health and addiction services and the state lottery commission, 59080  
shall establish, operate, and publicize an in-state, toll-free 59081  
telephone number Ohio residents may call to obtain basic 59082  
information about problem gambling, the gambling addiction 59083  
services available to problem gamblers, and how a problem gambler 59084  
may obtain help. The telephone number shall be staffed twenty-four 59085  
hours per day, seven days a week, to respond to inquiries and 59086  
provide that information. The costs of establishing, operating, 59087  
and publicizing the telephone number shall be paid for with money 59088  
in the problem casino gambling and addictions fund. 59089

**Sec. 3772.091.** (A) ~~No~~ A casino operator license issued under 59090  
this chapter is transferable, subject to approval by the 59091  
commission. ~~Except as provided in division (B) of this section,~~ 59092  
~~new majority ownership interest or~~ Any such transfer shall require 59093  
the filing of an application for transferring a casino operator 59094  
license and submission of an application fee with the commission 59095  
before the transfer may be approved. 59096

(B) A new majority ownership interest in or change in or 59097  
transfer of control of a licensee casino operator shall require a 59098  
new license commission approval. ~~The commission may reopen a~~ 59099  
~~licensing investigation at any time. A significant~~ Any such 59100  
ownership interest in or change in or transfer of control, ~~as~~ 59101  
~~determined by the commission,~~ shall require the filing of an 59102  
application for ~~a new~~ transferring the casino operator license and 59103  
submission of ~~a license~~ an application fee with the commission 59104  
before ~~any such~~ the ownership interest in or the change in or 59105  
transfer of control ~~is~~ may be approved. ~~A change in or transfer of~~ 59106  
~~control to an immediate family member is not considered a~~ 59107  
~~significant change under this section~~ 59108

(C) An application for transferring a casino operator license 59109

shall be made under oath on forms prescribed by the commission and 59110  
shall contain the information required by section 3772.11 of the 59111  
Revised Code and the rules adopted thereunder. 59112

(D) The fee to obtain an application for transferring a 59113  
casino operator license shall be the same as is required to obtain 59114  
an application under division (C) of section 3772.17 of the 59115  
Revised Code. Such an application fee may be increased to the 59116  
extent that the actual review and investigation costs relating to 59117  
an applicant exceed the fee set forth in this division. This 59118  
application fee is nonrefundable and shall be deposited into the 59119  
casino control commission fund. 59120

(E) In the determination of whether to approve the transfer 59121  
of a casino operator license, the applicant shall prove their 59122  
suitability for licensure by clear and convincing evidence and the 59123  
commission shall consider all the factors established in this 59124  
chapter that pertain to the granting of a casino operator license. 59125

(F) The commission may reopen a licensing investigation at 59126  
any time. 59127

~~(B) An initial license shall not be considered transferred,~~ 59128  
~~and a new license shall not be required, when an initial licensee~~ 59129  
~~that is licensed before June 1, 2013, does or has done both of the~~ 59130  
~~following:~~ 59131

~~(1) Obtains a majority ownership interest in, or a change in~~ 59132  
~~or transfer of control of, another initial licensee for the same~~ 59133  
~~casino facility; and~~ 59134

~~(2) Was investigated under this chapter as a parent,~~ 59135  
~~affiliate, subsidiary, key employee, or partner, or joint venturer~~ 59136  
~~with another initial licensee that has held for the same casino~~ 59137  
~~facility a majority ownership interest in or control of the~~ 59138  
~~initial license when the initial license was issued and when such~~ 59139  
~~an initial licensee obtains a majority ownership interest in or a~~ 59140

<del>change in or transfer of control.</del>	59141
<del>(C)(G) As used in this section:</del>	59142
<del>(1) "Control", "control" means either of the following:</del>	59143
<del>(a)(1) Either:</del>	59144
<del>(i)(a) Holding fifty per cent or more of the outstanding voting securities of a licensee; or</del>	59145 59146
<del>(ii)(b) For an unincorporated licensee, having the right to fifty per cent or more of the profits of the licensee, or having the right in the event of dissolution to fifty per cent or more of the assets of the licensee.</del>	59147 59148 59149 59150
<del>(b)(2) Having the contractual power presently to designate fifty per cent or more of the directors of a for-profit or not-for-profit corporation, or in the case of trusts described in paragraphs (c)(3) to (5) of 16 C.F.R. 801.1, the trustees of such a trust.</del>	59151 59152 59153 59154 59155
<del>(2) "Initial license" means the first plenary license issued to an initial licensee.</del>	59156 59157
<del>(3) "Initial licensee" means any of the persons issued an initial license to conduct or participate in conducting casino gaming at each casino facility as either a casino operator, a management company, or a holding company of a casino operator or management company.</del>	59158 59159 59160 59161 59162
<u>Sec. 3772.092. (A) Except as provided in division (A) of section 3772.091 of the Revised Code, no license issued under this chapter is transferable.</u>	59163 59164 59165
<u>(B) Except as provided in division (B) of section 3772.091 of the Revised Code, a new majority ownership interest in or a change in or transfer of control of a licensee shall require a new license. Any such ownership interest in or change in or transfer</u>	59166 59167 59168 59169

of control shall require the filing of the applicable application 59170  
for a new license and submission of the applicable application and 59171  
license fees with the commission before the new license may be 59172  
issued. 59173

(C) An application for the applicable new license shall be 59174  
made under oath on forms prescribed by the commission and shall 59175  
contain the information required by this chapter and the rules 59176  
adopted thereunder. 59177

(D) The applicable application and license fees shall be in 59178  
the amounts prescribed in section 3772.17 of the Revised Code and 59179  
the rules adopted thereunder. Such an application fee may be 59180  
increased to the extent that the actual review and investigation 59181  
costs relating to an applicant exceed the fee set forth in this 59182  
division. The application fee is nonrefundable and shall be 59183  
deposited into the casino control commission fund. 59184

(E) In the determination of whether to approve the 59185  
application for a new license, the applicant shall prove their 59186  
suitability for licensure by clear and convincing evidence and the 59187  
commission shall consider all of the factors established in this 59188  
chapter that pertain to the granting of such a license. 59189

(F) The commission may reopen a licensing investigation at 59190  
any time. 59191

(G) As used in this section, "control" has the same meaning 59192  
as in division (G) of section 3772.091 of the Revised Code. 59193

**Sec. 3781.112.** (A) As used in this section, "secured 59194  
facility" means any of the following: 59195

(1) A maternity unit, newborn care nursery, or maternity home 59196  
licensed under Chapter 3711. of the Revised Code; 59197

(2) A pediatric intensive care unit subject to rules adopted 59198  
by the director of health pursuant to section 3702.11 of the 59199

Revised Code; 59200

(3) A children's hospital, as defined in section 3727.01 of 59201  
the Revised Code; 59202

(4) A hospital that is licensed under section ~~5119.20~~ 5119.33 59203  
of the Revised Code to receive mentally ill persons; 59204

(5) The portion of a nursing home licensed under section 59205  
3721.02 of the Revised Code or in accordance with section 3721.09 59206  
of the Revised Code in which specialized care is provided to 59207  
residents of the nursing home who have physical or mental 59208  
conditions that require a resident to be restricted in the 59209  
resident's freedom of movement for the health and safety of the 59210  
resident, the staff attending the resident, or the general public. 59211

(B) A secured facility may take reasonable steps in 59212  
accordance with rules the board of building standards adopts under 59213  
division (A) of section 3781.10 of the Revised Code and in 59214  
accordance with the state fire code the fire marshal adopts under 59215  
section 3737.82 of the Revised Code, to deny egress to confine and 59216  
protect patients or residents of the secured facility who are not 59217  
capable of self-preservation. A secured facility that wishes to 59218  
deny egress to those patients or residents may use delayed-egress 59219  
doors and electronically coded doors to deny egress, on the 59220  
condition that those doors are installed and used in accordance 59221  
with rules the board of building standards adopts under division 59222  
(A) of section 3781.10 of the Revised Code and in accordance with 59223  
the state fire code the fire marshal adopts under section 3737.82 59224  
of the Revised Code. A secured facility also may install 59225  
controlled-egress locks, in compliance with rules the board of 59226  
building standards adopts under division (A) of section 3781.10 of 59227  
the Revised Code and in compliance with the state fire code the 59228  
fire marshal adopts under section 3737.82 of the Revised Code, in 59229  
areas of the secured facility where patients or residents who have 59230  
physical or mental conditions that would endanger the patients or 59231

residents, the staff attending the patients or residents, or the  
general public if those patients or residents are not restricted  
in their freedom of movement. A secured facility that uses  
delayed-egress doors and electronically coded doors,  
controlled-egress locks, or both, shall do both of the following:

(1) Provide continuous, twenty-four-hour custodial care to  
the patients or residents of the facility;

(2) Establish a system to evacuate patients or residents in  
the event of fire or other emergency.

**Sec. 3798.01.** As used in this chapter:

(A) "Administrative safeguards," "physical safeguards," and  
"technical safeguards" have the same meanings as in 45 C.F.R.  
164.304.

(B) "Approved health information exchange" means a health  
information exchange that has been approved or reapproved by the  
director of job and family services pursuant to the approval or  
reapproval process, as applicable, the director establishes in  
rules adopted under division (A) of section 3798.15 of the Revised  
Code or that has been certified by the office of the national  
coordinator for health information technology in the United States  
department of health and human services.

(C) "Covered entity," "disclosure," "health care provider,"  
"health information," "individually identifiable health  
information," "protected health information," and "use" have the  
same meanings as in 45 C.F.R. 160.103.

(D) "Designated record set" has the same meaning as in 45  
C.F.R. 164.501.

(E) "Direct exchange" means the activity of electronic  
transmission of health information through a direct connection  
between the electronic record systems of health care providers



without the use of a health information exchange. 59262

(F) "Health care component" and "hybrid entity" have the same 59263  
meanings as in 45 C.F.R. 164.103. 59264

(G) "Health information exchange" means any person or 59265  
governmental entity that provides in this state a technical 59266  
infrastructure to connect computer systems or other electronic 59267  
devices used by covered entities to facilitate the secure 59268  
transmission of health information. "Health information exchange" 59269  
excludes health care providers engaged in direct exchange, 59270  
including direct exchange through the use of a health information 59271  
service provider. 59272

(H) "HIPAA privacy rule" means the standards for privacy of 59273  
individually identifiable health information in 45 C.F.R. part 160 59274  
and in 45 C.F.R. part 164, subparts A and E. 59275

(I) "Interoperability" means the capacity of two or more 59276  
information systems to exchange information in an accurate, 59277  
effective, secure, and consistent manner. 59278

(J) "Minor" means an unemancipated person under eighteen 59279  
years of age or a mentally or physically disabled person under 59280  
twenty-one years of age who meets criteria specified in rules 59281  
adopted by the director of job and family services under section 59282  
3798.13 of the Revised Code. 59283

(K) "More stringent" has the same meaning as in 45 C.F.R. 59284  
160.202. 59285

(L) "Office of health transformation" means the office of 59286  
health transformation created by executive order 2011-02K or a 59287  
successor governmental entity responsible for health system 59288  
oversight in this state. 59289

(M) "Personal representative" means a person who has 59290  
authority under applicable law to make decisions related to health 59291

care on behalf of an adult or emancipated minor, or the parent, 59292  
legal guardian, or other person acting in loco parentis who is 59293  
authorized under law to make health care decisions on behalf of an 59294  
unemancipated minor. "Personal representative" does not include 59295  
the parent or legal guardian of, or another person acting in loco 59296  
parentis to, a minor who consents to the minor's own receipt of 59297  
health care or a minor who makes medical decisions on the minor's 59298  
own behalf pursuant to law, court approval, or because the minor's 59299  
parent, legal guardian, or other person acting in loco parentis 59300  
has assented to an agreement of confidentiality between the 59301  
provider and the minor. 59302

(N) "Political subdivision" means a municipal corporation, 59303  
township, county, school district, or other body corporate and 59304  
politic responsible for governmental activities in a geographic 59305  
area smaller than that of the state. 59306

(O) "State agency" means any one or more of the following: 59307

(1) The department of aging; 59308

(2) The department of ~~alcohol and drug addiction services~~ 59309  
mental health and addiction services; 59310

(3) The department of developmental disabilities; 59311

(4) The department of education; 59312

(5) The department of health; 59313

(6) The department of insurance; 59314

(7) The department of job and family services; 59315

(8) The department of ~~mental health~~ medicaid; 59316

(9) The department of rehabilitation and correction; 59317

(10) The department of youth services; 59318

(11) The bureau of workers' compensation; 59319

(12) The rehabilitation services commission; 59320

(13) The office of the attorney general;	59321
(14) A health care licensing board created under Title XLVII of the Revised Code that possesses individually identifiable health information.	59322 59323 59324
<b>Sec. 3901.3814.</b> Sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code do not apply to the following:	59325 59326
(A) Policies offering coverage that is regulated under Chapters 3935. and 3937. of the Revised Code;	59327 59328
(B) An employer's self-insurance plan and any of its administrators, as defined in section 3959.01 of the Revised Code, to the extent that federal law supersedes, preempts, prohibits, or otherwise precludes the application of any provisions of those sections to the plan and its administrators;	59329 59330 59331 59332 59333
(C) A third-party payer for coverage provided under the medicare advantage program operated under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;	59334 59335 59336 59337
(D) A third-party payer for coverage provided under the medicaid program <del>operated under Title XIX of the "Social Security Act,"</del> except that if a federal waiver applied for under section <del>5111.178</del> <u>5167.25</u> of the Revised Code is granted or the <u>medicaid</u> director <del>of job and family services</del> determines that this provision can be implemented without a waiver, sections 3901.38 and 3901.381 to 3901.3813 of the Revised Code apply to claims submitted electronically or non-electronically that are made with respect to coverage of medicaid recipients by health insuring corporations licensed under Chapter 1751. of the Revised Code, instead of the prompt payment requirements of 42 C.F.R. 447.46;	59338 59339 59340 59341 59342 59343 59344 59345 59346 59347 59348
(E) A third-party payer for coverage provided under the triccare program offered by the United States department of	59349 59350

defense. 59351

**Sec. 3903.14.** (A) The superintendent of insurance as 59352  
rehabilitator may appoint one or more special deputies, who shall 59353  
have all the powers and responsibilities of the rehabilitator 59354  
granted under this section, and the superintendent may employ such 59355  
clerks and assistants as considered necessary. The compensation of 59356  
the special deputies, clerks, and assistants and all expenses of 59357  
taking possession of the insurer and of conducting the proceedings 59358  
shall be fixed by the superintendent, with the approval of the 59359  
court and shall be paid out of the funds or assets of the insurer. 59360  
The persons appointed under this section shall serve at the 59361  
pleasure of the superintendent. In the event that the property of 59362  
the insurer does not contain sufficient cash or liquid assets to 59363  
defray the costs incurred, the superintendent may advance the 59364  
costs so incurred out of any appropriation for the maintenance of 59365  
the department of insurance. Any amounts so advanced for expenses 59366  
of administration shall be repaid to the superintendent for the 59367  
use of the department out of the first available money of the 59368  
insurer. 59369

(B) The rehabilitator may take such action as the 59370  
rehabilitator considers necessary or appropriate to reform and 59371  
revitalize the insurer. The rehabilitator shall have all the 59372  
powers of the directors, officers, and managers, whose authority 59373  
shall be suspended, except as they are redelegated by the 59374  
rehabilitator. The rehabilitator shall have full power to direct 59375  
and manage, to hire and discharge employees subject to any 59376  
contract rights they may have, and to deal with the property and 59377  
business of the insurer. 59378

(C) If it appears to the rehabilitator that there has been 59379  
criminal or tortious conduct, or breach of any contractual or 59380  
fiduciary obligation detrimental to the insurer by any officer, 59381

manager, agent, director, trustee, broker, employee, or other 59382  
person, the rehabilitator may pursue all appropriate legal 59383  
remedies on behalf of the insurer. 59384

(D) If the rehabilitator determines that reorganization, 59385  
consolidation, conversion, reinsurance, merger, or other 59386  
transformation of the insurer is appropriate, the rehabilitator 59387  
shall prepare a plan to effect such changes. Upon application of 59388  
the rehabilitator for approval of the plan, and after such notice 59389  
and hearings as the court may prescribe, the court may either 59390  
approve or disapprove the plan proposed, or may modify it and 59391  
approve it as modified. Any plan approved under this section shall 59392  
be, in the judgment of the court, fair and equitable to all 59393  
parties concerned. If the plan is approved, the rehabilitator 59394  
shall carry out the plan. In the case of a life insurer, the plan 59395  
proposed may include the imposition of liens upon the policies of 59396  
the company, if all rights of shareholders are first relinquished. 59397  
A plan for a life insurer may also propose imposition of a 59398  
moratorium upon loan and cash surrender rights under policies, for 59399  
such period and to such an extent as may be necessary. 59400

(E) In the case of a medicaid health insuring corporation 59401  
that has posted a bond or deposited securities in accordance with 59402  
section 1751.271 of the Revised Code, the plan proposed under 59403  
division (D) of this section may include the use of the proceeds 59404  
of the bond or securities to first pay the claims of contracted 59405  
providers for covered health care services provided to medicaid 59406  
recipients, then next to pay other claimants with any remaining 59407  
funds, consistent with the priorities set forth in sections 59408  
3903.421 and 3903.42 of the Revised Code. 59409

(F) The rehabilitator shall have the power under sections 59410  
3903.26 and 3903.27 of the Revised Code to avoid fraudulent 59411  
transfers. 59412

(G) As used in this section: 59413

(1) "Contracted provider" means a provider with a contract with a medicaid health insuring corporation to provide covered health care services to medicaid recipients.

(2) "Medicaid recipient" means a person ~~eligible for assistance under~~ enrolled in the medicaid program ~~operated pursuant to Chapter 5111. of the Revised Code.~~

**Sec. 3905.40.** There shall be paid to the superintendent of insurance the following fees:

(A) Each insurance company doing business in this state shall pay:

(1) For filing a copy of its charter or deed of settlement, two hundred fifty dollars;

(2) For filing each statement, one hundred seventy-five dollars;

(3) For each certificate of authority or license, one hundred seventy-five, and for each certified copy thereof, five dollars;

(4) For each copy of a paper filed in the superintendent's office, twenty cents per page;

(5) For issuing certificates of deposits or certified copies thereof, five dollars for the first certificate or copy and one dollar for each additional certificate or copy;

(6) For issuing certificates of compliance or certified copies thereof, sixty dollars;

(7) For affixing the seal of office and certifying documents, other than those enumerated herein, two dollars;

(8) For each agent appointment and each annual renewal of an agent appointment, not more than twenty dollars;

~~(9) For each termination of an agent appointment, five dollars.~~

(B) Each domestic life insurance company doing business in 59443  
this state shall pay for annual valuation of its policies, one 59444  
cent on every one thousand dollars of insurance. 59445

(C) Each applicant for licensure as an insurance agent except 59446  
applicants for licensure as surety bail bond agents, surplus line 59447  
brokers, and portable electronics insurance vendors shall pay ten 59448  
dollars for each line of authority requested. Fees collected under 59449  
this division shall be credited to the department of insurance 59450  
operating fund created in section 3901.021 of the Revised Code. 59451

(D) Each domestic mutual life insurance company shall pay for 59452  
verifying that any amendment to its articles of incorporation was 59453  
regularly adopted, two hundred fifty dollars with each application 59454  
for verification. Any such amendment shall be considered to have 59455  
been regularly adopted when approved by the affirmative vote of 59456  
two-thirds of the policyholders present in person or by proxy at 59457  
any annual meeting of policyholders or at a special meeting of 59458  
policyholders called for that purpose. 59459

(E) Each insurance agent doing business in this state shall 59460  
pay a biennial license renewal fee of twenty-five dollars, except 59461  
the following insurance agents are not required to pay that 59462  
license renewal fee: 59463

(1) Individual resident agents who have met their continuing 59464  
education requirements under section 3905.481 of the Revised Code; 59465

(2) Surety bail bond agents; 59466

(3) Surplus line brokers; 59467

(4) Portable electronics insurance vendors. 59468

(F) Each applicant for licensure as a portable electronics 59469  
insurance vendor with a portable electronics insurance limited 59470  
lines license and each licensed vendor doing business in this 59471  
state shall pay the following fees prescribed by the 59472

superintendent: 59473

(1) For vendors engaged in portable electronic transactions 59474  
at more than ten locations in this state, an application fee not 59475  
to exceed five thousand dollars for an initial license and a 59476  
biennial license renewal fee not to exceed two thousand five 59477  
hundred dollars for each renewal thereafter; 59478

(2) For vendors engaged in portable electronic transactions 59479  
at ten or fewer locations in this state, an application fee not to 59480  
exceed three thousand dollars for an initial license and a 59481  
biennial license renewal fee not to exceed one thousand dollars 59482  
for each renewal thereafter. 59483

(G) All fees collected by the superintendent under this 59484  
section except any fees collected under divisions (A)(2), (3), and 59485  
(6) of this section shall be credited to the department of 59486  
insurance operating fund created under section 3901.021 of the 59487  
Revised Code. 59488

**Sec. 3905.483.** (A) There is hereby created the insurance 59489  
agent education advisory council to advise the superintendent of 59490  
insurance in carrying out the duties imposed under sections 59491  
3905.04 and 3905.481 to 3905.486 of the Revised Code. 59492

(B) The council shall be composed of the superintendent, or 59493  
the superintendent's designee, and twelve members appointed by the 59494  
superintendent, as follows: 59495

(1) One representative of the association of Ohio life 59496  
insurance companies; 59497

(2) One representative of the independent insurance agents of 59498  
Ohio; 59499

(3) One representative of the Ohio association of health 59500  
underwriters; 59501

(4) One representative of the national association of 59502



insurance and financial advisors-Ohio; 59503

(5) One representative of the Ohio insurance institute; 59504

(6) One representative of the professional insurance agents 59505  
association of Ohio; 59506

(7) One representative of the Ohio land title association; 59507

(8) Two insurance agents each of whom has been licensed 59508  
continuously during the five-year period immediately preceding the 59509  
agent's appointment; 59510

(9) One representative of an insurance company admitted to 59511  
transact business in this state; 59512

(10) Two representatives of consumers, one of whom shall be 59513  
at least ~~sixty~~ fifty years of age. 59514

(C)(1) Of the initial eleven appointments made by the 59515  
superintendent, three shall be for terms ending December 31, 1994, 59516  
four shall be for terms ending December 31, 1995, and four shall 59517  
be for terms ending December 31, 1996. Thereafter, terms of office 59518  
shall be for three years, each term ending on the thirty-first day 59519  
of December of the third year. 59520

(2) The initial appointment of the twelfth member made by the 59521  
superintendent under division (B)(7) of this section, pursuant to 59522  
Am. Sub. S.B. 129 of the 124th general assembly, shall be for a 59523  
term ending December 31, 2003. Thereafter, the term of office 59524  
shall be for three years, ending on the thirty-first day of 59525  
December of the third year. 59526

(D) Each member shall hold office from the date of 59527  
appointment until the end of the term for which the member was 59528  
appointed. Any member appointed to fill a vacancy occurring prior 59529  
to the expiration of the term for which the member's predecessor 59530  
was appointed shall hold office for the remainder of such term. 59531  
Any member shall continue in office subsequent to the expiration 59532

date of the member's term until the member's successor takes 59533  
office, or until a period of sixty days has elapsed, whichever 59534  
occurs first. A vacancy shall be filled in the same manner as the 59535  
original appointment. 59536

(E) Initial appointments to the council shall be made no 59537  
later than thirty days after April 16, 1993. The initial 59538  
appointment of the twelfth member to the council under division 59539  
(B)(7) of this section, pursuant to Am. Sub. S.B. 129 of the 124th 59540  
general assembly, shall be made no later than December 31, 2002. 59541

(F) Any member is eligible for reappointment. The 59542  
superintendent, after notice and opportunity for a hearing, may 59543  
remove for cause any member the superintendent appoints. 59544

(G) The superintendent or the superintendent's designee shall 59545  
serve as chairperson of the council. Meetings shall be held upon 59546  
the call of the chairperson and as may be provided by procedures 59547  
adopted by the superintendent. Seven members of the council 59548  
constitute a quorum. 59549

(H) Each member shall receive mileage and necessary and 59550  
actual expenses while engaged in the business of the council. 59551

**Sec. 3905.862.** Upon the expiration or cancellation of a 59552  
surety bail bond agent's appointment, the agent shall not engage 59553  
or attempt to engage in any activity requiring such an 59554  
appointment. However, an insurer that cancels the appointment of a 59555  
surety bail bond agent may authorize the agent to continue to 59556  
attempt the arrest and surrender of a defendant for whom a bail 59557  
bond had been written prior to the cancellation and to seek 59558  
discharge of forfeitures and judgments. 59559

~~An insurer that cancels the appointment of a surety bail bond 59560  
agent or allows that appointment to expire shall pay to the 59561  
superintendent of insurance a fee pursuant to division (A)(9) of 59562~~

~~section 3905.40 of the Revised Code.~~ 59563

**Sec. 3916.06.** (A)(1) With each application for a viatical 59564  
settlement, a viatical settlement provider or viatical settlement 59565  
broker shall disclose at least the following to a viator no later 59566  
than the time all parties sign the application for the viatical 59567  
settlement contract: 59568

(a) That there are possible alternatives to viatical 59569  
settlement contracts, including any accelerated death benefits 59570  
offered under the viator's policy; 59571

(b) That some or all of the proceeds of the viatical 59572  
settlement may be subject to federal income taxation and state 59573  
franchise and income taxation, and that assistance should be 59574  
sought from a professional tax advisor; 59575

(c) That the proceeds of the viatical settlement could be 59576  
subject to the claims of creditors; 59577

(d) That receipt of the proceeds of the viatical settlement 59578  
may adversely affect the viator's eligibility for ~~medical~~ 59579  
~~assistance under Chapter 5111. of the Revised Code~~ the medicaid 59580  
program or other government benefits or entitlements, and that 59581  
advice should be obtained from the appropriate government 59582  
agencies; 59583

(e) That the viator has a right to rescind the viatical 59584  
settlement contract for at least fifteen calendar days after the 59585  
viator receives the viatical settlement proceeds, as provided in 59586  
section 3916.08 of the Revised Code. If the insured dies during 59587  
the rescission period, the viatical settlement contract shall be 59588  
deemed to have been rescinded, subject to repayment of all 59589  
viatical settlement proceeds to the viatical settlement company. 59590

(f) That funds will be sent to the viator within three 59591  
business days after the viatical settlement provider has received 59592

written acknowledgment from the insurer or group administrator 59593  
that ownership of the policy or interest in the certificate has 59594  
been transferred and that the beneficiary has been designated 59595  
pursuant to the viatical settlement contract; 59596

(g) That entering into a viatical settlement contract may 59597  
cause other rights or benefits, including conversion rights and 59598  
waiver of premium benefits that may exist under the policy, to be 59599  
forfeited by the viator and that assistance should be sought from 59600  
a financial advisor. 59601

(h) That following execution of the viatical settlement 59602  
contract, the viatical settlement provider or the authorized 59603  
representative of the viatical settlement provider may contact the 59604  
insured for the purpose of determining the insured's health status 59605  
and to confirm the insured's residential or business address and 59606  
telephone number or for other purposes permitted by law. Any such 59607  
contact shall be limited to once in any three-month period if the 59608  
insured has a life expectancy of more than one year or to once per 59609  
month if the insured has a life expectancy of one year or less. 59610

(2) The viatical settlement provider or viatical settlement 59611  
broker shall provide the disclosures under division (A)(1) of this 59612  
section in a separate document that is signed by the viator and 59613  
the viatical settlement provider or viatical settlement broker. 59614

(3) Disclosure to a viator under division (A)(1) of this 59615  
section shall include distribution of a brochure describing the 59616  
process of viatical settlements. The viatical settlement provider 59617  
or viatical settlement broker shall use the NAIC's form for the 59618  
brochure unless another form is developed or approved by the 59619  
superintendent. 59620

(4) The disclosure document under division (A)(1) of this 59621  
section shall contain the following language: 59622

"All medical, financial, or personal information solicited or 59623

obtained by a viatical settlement provider or viatical settlement broker about an insured, including the insured's identity or the identity of family members, a spouse, or a significant other may be disclosed as necessary to effect the viatical settlement between the viator and the viatical settlement provider. If you are asked to provide this information, you will be asked to consent to the disclosure. The information may be provided to someone who buys the policy or provides funds for the purchase. You may be asked to renew your permission to share information every two years."

(B)(1) A viatical settlement provider shall disclose at least the following to a viator prior to the date the viatical settlement contract is signed by all the necessary parties:

(a) The affiliation, if any, between the viatical settlement provider and the issuer of the policy to be viaticated;

(b) The name, business address, and telephone number of the viatical settlement provider;

(c) Regarding a viatical settlement broker, the amount and method of calculating the broker's compensation. As used in this division, "compensation" includes anything of value paid or given to a viatical settlement broker for the placement of a policy or certificate.

(d) Any affiliations or contractual arrangements between the viatical settlement provider and the viatical settlement broker;

(e) If a policy to be viaticated has been issued as a joint policy or involves family riders or any coverage of a life other than the insured under the policy to be viaticated, the possible loss of coverage on the other lives under the policy and that advice should be sought from the viator's insurance agent or the company issuing the policy;

(f) The dollar amount of the current death benefit payable to

the viatical settlement provider under the policy, and, if known, 59655  
the availability of any additional guaranteed insurance benefits, 59656  
the dollar amount of any accidental death and dismemberment 59657  
benefits under the policy, and the extent to which the viator's 59658  
interest in those benefits will be transferred as a result of the 59659  
viatical settlement contract. 59660

(g) That an escrow agent shall provide escrow services to the 59661  
parties pursuant to a written agreement, signed by the viatical 59662  
settlement provider, the viatical settlement broker, and the 59663  
viator. At the close of escrow, the escrow agent will distribute 59664  
the proceeds of the sale to the viator, minus any compensation to 59665  
be paid to any other persons who provided services and to whom the 59666  
viator has agreed to compensate out of the gross amount offered by 59667  
the viatical settlement purchaser. All persons receiving any form 59668  
of compensation under the escrow agreement shall be clearly 59669  
identified, including name, business address, telephone number, 59670  
and tax identification number. 59671

(2) The viatical settlement broker shall disclose at least 59672  
the following to a viator prior to the execution of the viatical 59673  
settlement contract: 59674

(a) The name, business address, and telephone number of the 59675  
viatical settlement broker; 59676

(b) A full, complete, and accurate description of all offers, 59677  
counteroffers, acceptances, and rejections relating to the 59678  
proposed viatical settlement contract; 59679

(c) Any affiliations or contractual agreements between the 59680  
viatical settlement broker and any person making an offer in 59681  
connection with the proposed viatical settlement contract; 59682

(d) The amount and method of calculating the viatical 59683  
settlement broker's compensation and, if any portion of the 59684  
viatical settlement broker's compensation is taken from the 59685

viatical settlement offer, the total amount of the viatical 59686  
settlement offer and the viatical settlement broker's compensation 59687  
as a percentage of that total. As used in this division, 59688  
"compensation" includes anything of value paid or given to a 59689  
viatical settlement broker related to the settlement of a policy. 59690

(3) The viatical settlement provider or viatical settlement 59691  
broker shall conspicuously display the disclosures required under 59692  
divisions (B)(1) and (2) of this section in the viatical 59693  
settlement contract or in a separate document signed by the viator 59694  
and the viatical settlement provider or viatical settlement 59695  
broker, as appropriate. 59696

(C) If the viatical settlement provider transfers ownership 59697  
or changes the beneficiary of the policy, the viatical settlement 59698  
provider shall communicate in writing the change in ownership or 59699  
beneficiary to the insured within twenty days after the change. 59700

**Sec. 3923.24.** (A) Notwithstanding section 3901.71 of the 59701  
Revised Code, every certificate furnished by an insurer in 59702  
connection with, or pursuant to any provision of, any group 59703  
sickness and accident insurance policy delivered, issued for 59704  
delivery, renewed, or used in this state on or after January 1, 59705  
1972, every policy of sickness and accident insurance delivered, 59706  
issued for delivery, renewed, or used in this state on or after 59707  
January 1, 1972, and every multiple employer welfare arrangement 59708  
offering an insurance program, which provides that coverage of an 59709  
unmarried dependent child of a parent or legal guardian will 59710  
terminate upon attainment of the limiting age for dependent 59711  
children specified in the contract shall also provide in substance 59712  
both of the following: 59713

(1) Once an unmarried child has attained the limiting age for 59714  
dependent children, as provided in the policy, upon the request of 59715  
the insured, the insurer shall offer to cover the unmarried child 59716

until the child attains twenty-eight years of age if all of the following are true:

(a) The child is the natural child, stepchild, or adopted child of the insured.

(b) The child is a resident of this state or a full-time student at an accredited public or private institution of higher education.

(c) The child is not employed by an employer that offers any health benefit plan under which the child is eligible for coverage.

(d) The child is not eligible for ~~coverage under~~ the medicaid program ~~established under Chapter 5111. of the Revised Code~~ or the medicare program ~~established under Title XVIII of the "Social Security Act," 42 U.S.C. 1395.~~

(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of a dependent child if the child is and continues to be both of the following:

(a) Incapable of self-sustaining employment by reason of mental retardation or physical handicap;

(b) Primarily dependent upon the policyholder or certificate holder for support and maintenance.

(B) Proof of such incapacity and dependence for purposes of division (A)(2) of this section shall be furnished by the policyholder or by the certificate holder to the insurer within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually after the two-year period following the child's attainment of the limiting age, the insurer may require proof satisfactory to it of the continuance of such incapacity and dependency.

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(C) Nothing in this section shall require an insurer to cover a dependent child who is mentally retarded or physically handicapped if the contract is underwritten on evidence of insurability based on health factors set forth in the application, or if such dependent child does not satisfy the conditions of the contract as to any requirement for evidence of insurability or other provision of the contract, satisfaction of which is required for coverage thereunder to take effect. In any such case, the terms of the contract shall apply with regard to the coverage or exclusion of the dependent from such coverage. Nothing in this section shall apply to accidental death or dismemberment benefits provided by any such policy of sickness and accident insurance.

(D) Nothing in this section shall do any of the following:

(1) Require that any policy offer coverage for dependent children or provide coverage for an unmarried dependent child's children as dependents on the policy;

(2) Require an employer to pay for any part of the premium for an unmarried dependent child that has attained the limiting age for dependents, as provided in the policy;

(3) Require an employer to offer health insurance coverage to the dependents of any employee.

(E) This section does not apply to any policies or certificates covering only accident, credit, dental, disability income, long-term care, hospital indemnity, medicare supplement, specified disease, or vision care; coverage under a one-time-limited-duration policy of not longer than six months; coverage issued as a supplement to liability insurance; insurance arising out of a workers' compensation or similar law; automobile medical-payment insurance; or insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy or

equivalent self-insurance. 59778

(F) As used in this section, "health benefit plan" has the 59779  
same meaning as in section 3924.01 of the Revised Code and also 59780  
includes both of the following: 59781

(1) A public employee benefit plan; 59782

(2) A health benefit plan as regulated under the "Employee 59783  
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 59784

**Sec. 3923.241.** (A) Notwithstanding section 3901.71 of the 59785  
Revised Code, any public employee benefit plan that provides that 59786  
coverage of an unmarried dependent child will terminate upon 59787  
attainment of the limiting age for dependent children specified in 59788  
the plan shall also provide in substance both of the following: 59789

(1) Once an unmarried child has attained the limiting age for 59790  
dependent children, as provided in the plan, upon the request of 59791  
the employee, the public employee benefit plan shall offer to 59792  
cover the unmarried child until the child attains twenty-eight 59793  
years of age if all of the following are true: 59794

(a) The child is the natural child, stepchild, or adopted 59795  
child of the employee. 59796

(b) The child is a resident of this state or a full-time 59797  
student at an accredited public or private institution of higher 59798  
education. 59799

(c) The child is not employed by an employer that offers any 59800  
health benefit plan under which the child is eligible for 59801  
coverage. 59802

(d) The child is not eligible for ~~coverage under~~ the medicaid 59803  
program ~~established under Chapter 5111. of the Revised Code~~ or the 59804  
medicare program ~~established under Title XVIII of the "Social~~ 59805  
~~Security Act," 42 U.S.C. 1395.~~ 59806

(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of a dependent child if the child is and continues to be both of the following:

(a) Incapable of self-sustaining employment by reason of mental retardation or physical handicap;

(b) Primarily dependent upon the plan member for support and maintenance.

(B) Proof of incapacity and dependence for purposes of division (A)(2) of this section shall be furnished to the public employee benefit plan within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually, the public employee benefit plan may require proof satisfactory to it of the continuance of such incapacity and dependency.

(C) Nothing in this section shall do any of the following:

(1) Require that any public employee benefit plan offer coverage for dependent children or provide coverage for an unmarried dependent child's children as dependents on the public employee benefit plan;

(2) Require an employer to pay for any part of the premium for an unmarried dependent child that has attained the limiting age for dependents, as provided in the plan;

(3) Require an employer to offer health insurance coverage to the dependents of any employee.

(D) This section does not apply to any public employee benefit plan covering only accident, credit, dental, disability income, long-term care, hospital indemnity, medicare supplement, specified disease, or vision care; coverage under a one-time-limited-duration policy of not longer than six months;

coverage issued as a supplement to liability insurance; insurance 59837  
arising out of a workers' compensation or similar law; automobile 59838  
medical-payment insurance; or insurance under which benefits are 59839  
payable with or without regard to fault and which is statutorily 59840  
required to be contained in any liability insurance policy or 59841  
equivalent self-insurance. 59842

(E) As used in this section, "health benefit plan" has the 59843  
same meaning as in section 3924.01 of the Revised Code and also 59844  
includes both of the following: 59845

(1) A public employee benefit plan; 59846

(2) A health benefit plan as regulated under the "Employee 59847  
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 59848

**Sec. 3923.281.** (A) As used in this section: 59849

(1) "Biologically based mental illness" means schizophrenia, 59850  
schizoaffective disorder, major depressive disorder, bipolar 59851  
disorder, paranoia and other psychotic disorders, 59852  
obsessive-compulsive disorder, and panic disorder, as these terms 59853  
are defined in the most recent edition of the diagnostic and 59854  
statistical manual of mental disorders published by the American 59855  
psychiatric association. 59856

(2) "Policy of sickness and accident insurance" has the same 59857  
meaning as in section 3923.01 of the Revised Code, but excludes 59858  
any hospital indemnity, medicare supplement, long-term care, 59859  
disability income, one-time-limited-duration policy of not longer 59860  
than six months, supplemental benefit, or other policy that 59861  
provides coverage for specific diseases or accidents only; any 59862  
policy that provides coverage for workers' compensation claims 59863  
compensable pursuant to Chapters 4121. and 4123. of the Revised 59864  
Code; and any policy that provides coverage to ~~beneficiaries~~ 59865  
~~enrolled in Title XIX of the "Social Security Act," 49 Stat. 620~~ 59866

~~(1935), 42 U.S.C.A. 301, as amended, known as the medical assistance program or medicaid, as provided by the Ohio department of job and family services under Chapter 5111. of the Revised Code recipients.~~

(B) Notwithstanding section 3901.71 of the Revised Code, and subject to division (E) of this section, every policy of sickness and accident insurance shall provide benefits for the diagnosis and treatment of biologically based mental illnesses on the same terms and conditions as, and shall provide benefits no less extensive than, those provided under the policy of sickness and accident insurance for the treatment and diagnosis of all other physical diseases and disorders, if both of the following apply:

(1) The biologically based mental illness is clinically diagnosed by a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; a psychologist licensed under Chapter 4732. of the Revised Code; a professional clinical counselor, professional counselor, or independent social worker licensed under Chapter 4757. of the Revised Code; or a clinical nurse specialist licensed under Chapter 4723. of the Revised Code whose nursing specialty is mental health.

(2) The prescribed treatment is not experimental or investigational, having proven its clinical effectiveness in accordance with generally accepted medical standards.

(C) Division (B) of this section applies to all coverages and terms and conditions of the policy of sickness and accident insurance, including, but not limited to, coverage of inpatient hospital services, outpatient services, and medication; maximum lifetime benefits; copayments; and individual and family deductibles.

(D) Nothing in this section shall be construed as prohibiting

a sickness and accident insurance company from taking any of the 59898  
following actions: 59899

(1) Negotiating separately with mental health care providers 59900  
with regard to reimbursement rates and the delivery of health care 59901  
services; 59902

(2) Offering policies that provide benefits solely for the 59903  
diagnosis and treatment of biologically based mental illnesses; 59904

(3) Managing the provision of benefits for the diagnosis or 59905  
treatment of biologically based mental illnesses through the use 59906  
of pre-admission screening, by requiring beneficiaries to obtain 59907  
authorization prior to treatment, or through the use of any other 59908  
mechanism designed to limit coverage to that treatment determined 59909  
to be necessary; 59910

(4) Enforcing the terms and conditions of a policy of 59911  
sickness and accident insurance. 59912

(E) An insurer that offers any policy of sickness and 59913  
accident insurance is not required to provide benefits for the 59914  
diagnosis and treatment of biologically based mental illnesses 59915  
pursuant to division (B) of this section if all of the following 59916  
apply: 59917

(1) The insurer submits documentation certified by an 59918  
independent member of the American academy of actuaries to the 59919  
superintendent of insurance showing that incurred claims for 59920  
diagnostic and treatment services for biologically based mental 59921  
illnesses for a period of at least six months independently caused 59922  
the insurer's costs for claims and administrative expenses for the 59923  
coverage of all other physical diseases and disorders to increase 59924  
by more than one per cent per year. 59925

(2) The insurer submits a signed letter from an independent 59926  
member of the American academy of actuaries to the superintendent 59927  
of insurance opining that the increase described in division 59928

(E)(1) of this section could reasonably justify an increase of 59929  
more than one per cent in the annual premiums or rates charged by 59930  
the insurer for the coverage of all other physical diseases and 59931  
disorders. 59932

(3) The superintendent of insurance makes the following 59933  
determinations from the documentation and opinion submitted 59934  
pursuant to divisions (E)(1) and (2) of this section: 59935

(a) Incurred claims for diagnostic and treatment services for 59936  
biologically based mental illnesses for a period of at least six 59937  
months independently caused the insurer's costs for claims and 59938  
administrative expenses for the coverage of all other physical 59939  
diseases and disorders to increase by more than one per cent per 59940  
year. 59941

(b) The increase in costs reasonably justifies an increase of 59942  
more than one per cent in the annual premiums or rates charged by 59943  
the insurer for the coverage of all other physical diseases and 59944  
disorders. 59945

Any determination made by the superintendent under this 59946  
division is subject to Chapter 119. of the Revised Code. 59947

**Sec. 3923.443.** (A)(1) No agent shall sell, solicit, or 59948  
negotiate long-term care insurance on or after September 1, 2008, 59949  
without completing an initial eight-hour partnership program 59950  
training course as described in division (B) of this section. 59951

(2)(a) Any agent that sells, solicits, or negotiates any 59952  
long-term care insurance shall complete at least four hours of 59953  
continuing education in every twenty-four-month period commencing 59954  
on the first day of January of the year immediately following the 59955  
year of the issuance of the agent's license. 59956

(b) No agent shall fail to complete the continuing education 59957  
requirements in division (A)(2)(a) of this section in the 59958

twenty-four-month period described in that division. 59959

(B) The initial training course and continuing education 59960  
required under division (A) of this section may be approved by the 59961  
superintendent of insurance as continuing education courses under 59962  
sections 3905.481 to 3905.486 of the Revised Code and shall 59963  
consist of combined topics related to long-term care insurance, 59964  
long-term care services, and state long-term care insurance 59965  
partnership programs, including all of the following: 59966

(1) State and federal regulations and requirements and the 59967  
relationship between state long-term care insurance partnership 59968  
programs and other public and private coverage of long-term care 59969  
services, including medicaid; 59970

(2) Available long-term care services and providers; 59971

(3) Changes or improvements in long-term care services or 59972  
providers; 59973

(4) Alternatives to the purchase of private long-term care 59974  
insurance; 59975

(5) The effect of inflation on benefits and the importance of 59976  
inflation protection; 59977

(6) Consumer suitability standards and guidelines; 59978

(7) Any other topics required by the superintendent. 59979

(C) The initial training and continuing education required by 59980  
division (A) of this section shall not include training that is 59981  
specific to a particular insurer or company product or that 59982  
includes any sales or marketing information, materials, or 59983  
training other than those required by state or federal law. 59984

(D) A resident agent shall satisfy the training and 59985  
continuing education required by division (A) of this section by 59986  
completing long-term care courses that are approved by the 59987  
superintendent. A nonresident agent may satisfy the training and 59988



continuing education required by division (A) of this section by 59989  
completing the training requirements in any other state, provided 59990  
that the course is approved for credit by the insurance department 59991  
of that state prior to the agent taking the course. 59992

(E) Each insurer shall obtain records of the initial training 59993  
and continuing education completed by agents of that insurer 59994  
pursuant to division (A) of this section as well as the training 59995  
completed by the insurer's agents concerning the distribution of 59996  
the insurer's partnership program policies and shall make those 59997  
records available to the superintendent upon request. 59998

(F) Each insurer shall maintain records with respect to the 59999  
training of its agents concerning the distribution of the 60000  
insurer's partnership program policies. Each insurer shall provide 60001  
documentation to the superintendent that will allow the 60002  
superintendent to provide assurance to the medicaid director ~~of~~ 60003  
~~job and family services~~ that agents have received the training 60004  
required by this section and that agents have demonstrated an 60005  
understanding of the partnership program policies and their 60006  
relationship to public and private coverage of long-term care in 60007  
this state, including medicaid. The superintendent may audit each 60008  
insurer's records annually to verify that the insurer is 60009  
maintaining the records required by this division. The 60010  
superintendent shall make the records provided to the 60011  
superintendent pursuant to division (E) of this section available 60012  
to the director. 60013

**Sec. 3923.49.** The department of insurance shall establish an 60014  
outreach program to educate consumers about the following: 60015

(A) The need for long-term care insurance; 60016

(B) Mechanisms for financing long-term care; 60017

(C) The availability of long-term care insurance; 60018

(D) The resource protection provided by the Ohio long-term care insurance program under section ~~5111.18~~ 5164.86 of the Revised Code;

(E) That a consumer who purchased a long-term care insurance policy that does not meet the requirements of section 3923.50 of the Revised Code may purchase a policy that meets those requirements.

The department shall develop and make available to consumers information to assist them in choosing long-term care insurance coverage.

**Sec. 3923.50.** For the purposes of the Ohio long-term care insurance program established under section ~~5111.18~~ 5164.86 of the Revised Code, the department of insurance shall notify the department of ~~job and family services~~ medicaid of all long-term care insurance policies that meet all of the following requirements:

(A) Comply with sections 3923.41 to 3923.48 of the Revised Code and the rules adopted under section 3923.47 of the Revised Code;

(B) Provide benefits for home and community-based services in addition to nursing home care;

(C) Include case management services in its coverage of home and community-based services;

(D) Provide five per cent inflation protection compounded annually;

(E) Provide for the keeping of records and explanation-of-benefit reports on insurance payments that count toward resource exclusion for the ~~medical assistance~~ medicaid program;

(F) Provide the information the medicaid director ~~of job and~~

~~family services~~ determines is necessary to document the extent of 60049  
resource exclusion and to evaluate the Ohio long-term care 60050  
insurance program; 60051

(G) Comply with other requirements established in rules 60052  
adopted under this section. 60053

The superintendent of insurance shall adopt rules in 60054  
accordance with Chapter 119. of the Revised Code establishing 60055  
requirements under division (G) of this section that policies must 60056  
meet to qualify under the Ohio long-term care insurance program. 60057  
The superintendent shall consult with the departments of aging and 60058  
~~job and family services~~ medicaid in adopting those rules. 60059

**Sec. 3923.601.** (A)(1) This section applies to both of the 60060  
following: 60061

(a) A sickness and accident insurer that issues or requires 60062  
the use of a standardized identification card or an electronic 60063  
technology for submission and routing of prescription drug claims 60064  
pursuant to a policy, contract, or agreement for health care 60065  
services; 60066

(b) A person that a sickness and accident insurer contracts 60067  
with to issue a standardized identification card or an electronic 60068  
technology described in division (A)(1)(a) of this section. 60069

(2) Notwithstanding division (A)(1) of this section, this 60070  
section does not apply to the issuance or required use of a 60071  
standardized identification card or an electronic technology for 60072  
the submission and routing of prescription drug claims in 60073  
connection with any of the following: 60074

(a) Any individual or group policy of sickness and accident 60075  
insurance covering only accident, credit, dental, disability 60076  
income, long-term care, hospital indemnity, medicare supplement, 60077  
medicare, tricare, specified disease, or vision care; coverage 60078

under a one-time-limited-duration policy of not longer than six 60079  
months; coverage issued as a supplement to liability insurance; 60080  
insurance arising out of workers' compensation or similar law; 60081  
automobile medical payment insurance; or insurance under which 60082  
benefits are payable with or without regard to fault and which is 60083  
statutorily required to be contained in any liability insurance 60084  
policy or equivalent self-insurance. 60085

(b) Coverage provided under the medicaid, ~~as defined in~~ 60086  
~~section 5111.01 of the Revised Code~~ program. 60087

(c) Coverage provided under an employer's self-insurance plan 60088  
or by any of its administrators, as defined in section 3959.01 of 60089  
the Revised Code, to the extent that federal law supersedes, 60090  
preempts, prohibits, or otherwise precludes the application of 60091  
this section to the plan and its administrators. 60092

(B) A standardized identification card or an electronic 60093  
technology issued or required to be used as provided in division 60094  
(A)(1) of this section shall contain uniform prescription drug 60095  
information in accordance with either division (B)(1) or (2) of 60096  
this section. 60097

(1) The standardized identification card or the electronic 60098  
technology shall be in a format and contain information fields 60099  
approved by the national council for prescription drug programs or 60100  
a successor organization, as specified in the council's or 60101  
successor organization's pharmacy identification card 60102  
implementation guide in effect on the first day of October most 60103  
immediately preceding the issuance or required use of the 60104  
standardized identification card or the electronic technology. 60105

(2) If the insurer or person under contract with the insurer 60106  
to issue a standardized identification card or an electronic 60107  
technology requires the information for the submission and routing 60108  
of a claim, the standardized identification card or the electronic 60109

technology shall contain any of the following information: 60110

(a) The insurer's name; 60111

(b) The insured's name, group number, and identification 60112  
number; 60113

(c) A telephone number to inquire about pharmacy-related 60114  
issues; 60115

(d) The issuer's international identification number, labeled 60116  
as "ANSI BIN" or "RxBIN"; 60117

(e) The processor's control number, labeled as "RxPCN"; 60118

(f) The insured's pharmacy benefits group number if different 60119  
from the insured's medical group number, labeled as "RxGrp." 60120

(C) If the standardized identification card or the electronic 60121  
technology issued or required to be used as provided in division 60122  
(A)(1) of this section is also used for submission and routing of 60123  
nonpharmacy claims, the designation "Rx" is required to be 60124  
included as part of the labels identified in divisions (B)(2)(d) 60125  
and (e) of this section if the issuer's international 60126  
identification number or the processor's control number is 60127  
different for medical and pharmacy claims. 60128

(D) Each sickness and accident insurer described in division 60129  
(A) of this section shall annually file a certificate with the 60130  
superintendent of insurance certifying that it or any person it 60131  
contracts with to issue a standardized identification card or 60132  
electronic technology for submission and routing of prescription 60133  
drug claims complies with this section. 60134

(E)(1) Except as provided in division (E)(2) of this section, 60135  
if there is a change in the information contained in the 60136  
standardized identification card or the electronic technology 60137  
issued to an insured, the insurer or person under contract with 60138  
the insurer to issue a standardized identification card or an 60139

electronic technology shall issue a new card or electronic 60140  
technology to the insured. 60141

(2) An insurer or person under contract with the insurer is 60142  
not required under division (E)(1) of this section to issue a new 60143  
card or electronic technology to an insured more than once during 60144  
a twelve-month period. 60145

(F) Nothing in this section shall be construed as requiring 60146  
an insurer to produce more than one standardized identification 60147  
card or one electronic technology for use by insureds accessing 60148  
health care benefits provided under a policy of sickness and 60149  
accident insurance. 60150

**Sec. 3923.83.** (A)(1) This section applies to both of the 60151  
following: 60152

(a) A public employee benefit plan that issues or requires 60153  
the use of a standardized identification card or an electronic 60154  
technology for submission and routing of prescription drug claims 60155  
pursuant to a policy, contract, or agreement for health care 60156  
services; 60157

(b) A person or entity that a public employee benefit plan 60158  
contracts with to issue a standardized identification card or an 60159  
electronic technology described in division (A)(1)(a) of this 60160  
section. 60161

(2) Notwithstanding division (A)(1) of this section, this 60162  
section does not apply to the issuance or required use of a 60163  
standardized identification card or an electronic technology for 60164  
the submission and routing of prescription drug claims in 60165  
connection with either of the following: 60166

(a) Any individual or group policy of insurance covering only 60167  
accident, credit, dental, disability income, long-term care, 60168  
hospital indemnity, medicare supplement, medicare, tricare, 60169

specified disease, or vision care; coverage under a 60170  
one-time-limited-duration policy of not longer than six months; 60171  
coverage issued as a supplement to liability insurance; insurance 60172  
arising out of workers' compensation or similar law; automobile 60173  
medical payment insurance; or insurance under which benefits are 60174  
payable with or without regard to fault and which is statutorily 60175  
required to be contained in any liability insurance policy or 60176  
equivalent self-insurance. 60177

(b) Coverage provided under the medicaid, ~~as defined in~~ 60178  
~~section 5111.01 of the Revised Code~~ program. 60179

(B) A standardized identification card or an electronic 60180  
technology issued or required to be used as provided in division 60181  
(A)(1) of this section shall contain uniform prescription drug 60182  
information in accordance with either division (B)(1) or (2) of 60183  
this section. 60184

(1) The standardized identification card or the electronic 60185  
technology shall be in a format and contain information fields 60186  
approved by the national council for prescription drug programs or 60187  
a successor organization, as specified in the council's or 60188  
successor organization's pharmacy identification card 60189  
implementation guide in effect on the first day of October most 60190  
immediately preceding the issuance or required use of the 60191  
standardized identification card or the electronic technology. 60192

(2) If the public employee benefit plan or person under 60193  
contract with the plan to issue a standardized identification card 60194  
or an electronic technology requires the information for the 60195  
submission and routing of a claim, the standardized identification 60196  
card or the electronic technology shall contain any of the 60197  
following information: 60198

(a) The plan's name; 60199

(b) The insured's name, group number, and identification 60200

number; 60201

(c) A telephone number to inquire about pharmacy-related 60202  
issues; 60203

(d) The issuer's international identification number, labeled 60204  
as "ANSI BIN" or "RxBIN"; 60205

(e) The processor's control number, labeled as "RxPCN"; 60206

(f) The insured's pharmacy benefits group number if different 60207  
from the insured's medical group number, labeled as "RxGrp." 60208

(C) If the standardized identification card or the electronic 60209  
technology issued or required to be used as provided in division 60210  
(A)(1) of this section is also used for submission and routing of 60211  
nonpharmacy claims, the designation "Rx" is required to be 60212  
included as part of the labels identified in divisions (B)(2)(d) 60213  
and (e) of this section if the issuer's international 60214  
identification number or the processor's control number is 60215  
different for medical and pharmacy claims. 60216

(D)(1) Except as provided in division (D)(2) of this section, 60217  
if there is a change in the information contained in the 60218  
standardized identification card or the electronic technology 60219  
issued to an insured, the public employee benefit plan or person 60220  
under contract with the plan to issue a standardized 60221  
identification card or electronic technology shall issue a new 60222  
card or electronic technology to the insured. 60223

(2) A public employee benefit plan or person under contract 60224  
with the plan is not required under division (D)(1) of this 60225  
section to issue a new card or electronic technology to an insured 60226  
more than once during a twelve-month period. 60227

~~(F)~~(E) Nothing in this section shall be construed as 60228  
requiring a public employee benefit plan to produce more than one 60229  
standardized identification card or one electronic technology for 60230



use by insureds accessing health care benefits provided under a 60231  
health benefit plan. 60232

**Sec. 3924.41.** (A) As used in sections 3924.41 and 3924.42 of 60233  
the Revised Code, "health insurer" means any sickness and accident 60234  
insurer or health insuring corporation. "Health insurer" also 60235  
includes any group health plan as defined in section 607 of the 60236  
federal "Employee Retirement Income Security Act of 1974," 88 60237  
Stat. 832, 29 U.S.C.A. 1167. 60238

(B) Notwithstanding any other provision of the Revised Code, 60239  
no health insurer shall take into consideration the availability 60240  
of, or eligibility for, ~~medical assistance~~ the medicaid program in 60241  
this state ~~under Chapter 5111. of the Revised Code~~ or in any other 60242  
state ~~pursuant to Title XIX of the "Social Security Act," 49 Stat.~~ 60243  
~~620 (1935), 42 U.S.C.A. 301, as amended,~~ when determining an 60244  
individual's eligibility for coverage or when making payments to 60245  
or on behalf of an enrollee, subscriber, policyholder, or 60246  
certificate holder. 60247

**Sec. 3924.42.** No health insurer shall impose requirements on 60248  
the department of ~~job and family services~~ medicaid, when it has 60249  
been assigned the rights of an individual who is eligible for 60250  
~~medical assistance under Chapter 5111. of the Revised Code~~ 60251  
medicaid and who is covered under a health care policy, contract, 60252  
or plan issued by the health insurer, that are different from the 60253  
requirements applicable to an agent or assignee of any other 60254  
individual so covered. 60255

**Sec. 3963.01.** As used in this chapter: 60256

(A) "Affiliate" means any person or entity that has ownership 60257  
or control of a contracting entity, is owned or controlled by a 60258  
contracting entity, or is under common ownership or control with a 60259  
contracting entity. 60260

(B) "Basic health care services" has the same meaning as in 60261  
division (A) of section 1751.01 of the Revised Code, except that 60262  
it does not include any services listed in that division that are 60263  
provided by a pharmacist or nursing home. 60264

(C) "Contracting entity" means any person that has a primary 60265  
business purpose of contracting with participating providers for 60266  
the delivery of health care services. 60267

(D) "Credentialing" means the process of assessing and 60268  
validating the qualifications of a provider applying to be 60269  
approved by a contracting entity to provide basic health care 60270  
services, specialty health care services, or supplemental health 60271  
care services to enrollees. 60272

(E) "Edit" means adjusting one or more procedure codes billed 60273  
by a participating provider on a claim for payment or a practice 60274  
that results in any of the following: 60275

(1) Payment for some, but not all of the procedure codes 60276  
originally billed by a participating provider; 60277

(2) Payment for a different procedure code than the procedure 60278  
code originally billed by a participating provider; 60279

(3) A reduced payment as a result of services provided to an 60280  
enrollee that are claimed under more than one procedure code on 60281  
the same service date. 60282

(F) "Electronic claims transport" means to accept and 60283  
digitize claims or to accept claims already digitized, to place 60284  
those claims into a format that complies with the electronic 60285  
transaction standards issued by the United States department of 60286  
health and human services pursuant to the "Health Insurance 60287  
Portability and Accountability Act of 1996," 110 Stat. 1955, 42 60288  
U.S.C. 1320d, et seq., as those electronic standards are 60289  
applicable to the parties and as those electronic standards are 60290  
updated from time to time, and to electronically transmit those 60291

claims to the appropriate contracting entity, payer, or 60292  
third-party administrator. 60293

(G) "Enrollee" means any person eligible for health care 60294  
benefits under a health benefit plan, including an eligible 60295  
recipient of medicaid ~~under Chapter 5111. of the Revised Code~~, and 60296  
includes all of the following terms: 60297

(1) "Enrollee" and "subscriber" as defined by section 1751.01 60298  
of the Revised Code; 60299

(2) "Member" as defined by section 1739.01 of the Revised 60300  
Code; 60301

(3) "Insured" and "plan member" pursuant to Chapter 3923. of 60302  
the Revised Code; 60303

(4) "Beneficiary" as defined by section 3901.38 of the 60304  
Revised Code. 60305

(H) "Health care contract" means a contract entered into, 60306  
materially amended, or renewed between a contracting entity and a 60307  
participating provider for the delivery of basic health care 60308  
services, specialty health care services, or supplemental health 60309  
care services to enrollees. 60310

(I) "Health care services" means basic health care services, 60311  
specialty health care services, and supplemental health care 60312  
services. 60313

(J) "Material amendment" means an amendment to a health care 60314  
contract that decreases the participating provider's payment or 60315  
compensation, changes the administrative procedures in a way that 60316  
may reasonably be expected to significantly increase the 60317  
provider's administrative expenses, or adds a new product. A 60318  
material amendment does not include any of the following: 60319

(1) A decrease in payment or compensation resulting solely 60320  
from a change in a published fee schedule upon which the payment 60321

or compensation is based and the date of applicability is clearly identified in the contract; 60322  
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(2) A decrease in payment or compensation that was anticipated under the terms of the contract, if the amount and date of applicability of the decrease is clearly identified in the contract; 60324  
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(3) An administrative change that may significantly increase the provider's administrative expense, the specific applicability of which is clearly identified in the contract; 60328  
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(4) Changes to an existing prior authorization, precertification, notification, or referral program that do not substantially increase the provider's administrative expense; 60331  
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(5) Changes to an edit program or to specific edits if the participating provider is provided notice of the changes pursuant to division (A)(1) of section 3963.04 of the Revised Code and the notice includes information sufficient for the provider to determine the effect of the change; 60334  
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(6) Changes to a health care contract described in division (B) of section 3963.04 of the Revised Code. 60339  
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(K) "Participating provider" means a provider that has a health care contract with a contracting entity and is entitled to reimbursement for health care services rendered to an enrollee under the health care contract. 60341  
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(L) "Payer" means any person that assumes the financial risk for the payment of claims under a health care contract or the reimbursement for health care services provided to enrollees by participating providers pursuant to a health care contract. 60345  
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(M) "Primary enrollee" means a person who is responsible for making payments for participation in a health care plan or an enrollee whose employment or other status is the basis of 60349  
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eligibility for enrollment in a health care plan. 60352

(N) "Procedure codes" includes the American medical 60353  
association's current procedural terminology code, the American 60354  
dental association's current dental terminology, and the centers 60355  
for medicare and medicaid services health care common procedure 60356  
coding system. 60357

(O) "Product" means one of the following types of categories 60358  
of coverage for which a participating provider may be obligated to 60359  
provide health care services pursuant to a health care contract: 60360

(1) A health maintenance organization or other product 60361  
provided by a health insuring corporation; 60362

(2) A preferred provider organization; 60363

(3) Medicare; 60364

(4) Medicaid; 60365

(5) Workers' compensation. 60366

(P) "Provider" means a physician, podiatrist, dentist, 60367  
chiropractor, optometrist, psychologist, physician assistant, 60368  
advanced practice registered nurse, occupational therapist, 60369  
massage therapist, physical therapist, professional counselor, 60370  
professional clinical counselor, hearing aid dealer, orthotist, 60371  
prosthetist, home health agency, hospice care program, pediatric 60372  
respite care program, or hospital, or a provider organization or 60373  
physician-hospital organization that is acting exclusively as an 60374  
administrator on behalf of a provider to facilitate the provider's 60375  
participation in health care contracts. "Provider" does not mean a 60376  
pharmacist, pharmacy, nursing home, or a provider organization or 60377  
physician-hospital organization that leases the provider 60378  
organization's or physician-hospital organization's network to a 60379  
third party or contracts directly with employers or health and 60380  
welfare funds. 60381

(Q) "Specialty health care services" has the same meaning as 60382  
in section 1751.01 of the Revised Code, except that it does not 60383  
include any services listed in division (B) of section 1751.01 of 60384  
the Revised Code that are provided by a pharmacist or a nursing 60385  
home. 60386

(R) "Supplemental health care services" has the same meaning 60387  
as in division (B) of section 1751.01 of the Revised Code, except 60388  
that it does not include any services listed in that division that 60389  
are provided by a pharmacist or nursing home. 60390

**Sec. 3963.04.** (A)(1) If an amendment to a health care 60391  
contract is not a material amendment, the contracting entity shall 60392  
provide the participating provider notice of the amendment at 60393  
least fifteen days prior to the effective date of the amendment. 60394  
The contracting entity shall provide all other notices to the 60395  
participating provider pursuant to the health care contract. 60396

(2) A material amendment to a health care contract shall 60397  
occur only if the contracting entity provides to the participating 60398  
provider the material amendment in writing and notice of the 60399  
material amendment not later than ninety days prior to the 60400  
effective date of the material amendment. The notice shall be 60401  
conspicuously entitled "Notice of Material Amendment to Contract." 60402

(3) If within fifteen days after receiving the material 60403  
amendment and notice described in division (A)(2) of this section, 60404  
the participating provider objects in writing to the material 60405  
amendment, and there is no resolution of the objection, either 60406  
party may terminate the health care contract upon written notice 60407  
of termination provided to the other party not later than sixty 60408  
days prior to the effective date of the material amendment. 60409

(4) If the participating provider does not object to the 60410  
material amendment in the manner described in division (A)(3) of 60411  
this section, the material amendment shall be effective as 60412

specified in the notice described in division (A)(2) of this section. 60413  
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(B)(1) Division (A) of this section does not apply if the delay caused by compliance with that division could result in imminent harm to an enrollee, if the material amendment of a health care contract is required by state or federal law, rule, or regulation, or if the provider affirmatively accepts the material amendment in writing and agrees to an earlier effective date than otherwise required by division (A)(2) of this section. 60415  
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(2) This section does not apply under any of the following circumstances: 60422  
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(a) The participating provider's payment or compensation is based on the current medicaid or medicare physician fee schedule, and the change in payment or compensation results solely from a change in that physician fee schedule. 60424  
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(b) A routine change or update of the health care contract is made in response to any addition, deletion, or revision of any service code, procedure code, or reporting code, or a pricing change is made by any third party source. 60428  
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For purposes of division (B)(2)(b) of this section: 60432

(i) "Service code, procedure code, or reporting code" means the current procedural terminology (CPT), current dental terminology (CDT), the healthcare common procedure coding system (HCPCS), the international classification of diseases (ICD), or the drug topics redbook average wholesale price (AWP). 60433  
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(ii) "Third party source" means the American medical association, American dental association, the centers for medicare and medicaid services, the national center for health statistics, the department of health and human services office of the inspector general, the Ohio department of insurance, or the Ohio department of ~~job and family services~~ medicaid. 60438  
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(C) Notwithstanding divisions (A) and (B) of this section, a health care contract may be amended by operation of law as required by any applicable state or federal law, rule, or regulation. Nothing in this section shall be construed to require the renegotiation of a health care contract that is in existence before ~~the effective date of this section~~ June 25, 2008, until the time that the contract is renewed or materially amended.

**Sec. 4104.33.** There is hereby created the historical boilers licensing board consisting of seven members, three of whom shall be appointed by the governor with the advice and consent of the senate. The governor shall make initial appointments to the board within ninety days after October 24, 2002. Of the initial members appointed by the governor, one shall be for a term ending three years after October 24, 2002, one shall be for a term ending four years after October 24, 2002, and one shall be for a term ending five years after October 24, 2002. Thereafter, terms of office shall be for five years, each term ending on the same day of the same month of the year as did the term that it succeeds. Of the three members the governor appoints, one member shall be an employee of the division of boiler inspection in the department of commerce; one member shall be an independent mechanical engineer who is not involved in selling or inspecting historical boilers; and one shall be an active member of an association that represents managers of fairs or festivals.

Two members of the board shall be appointed by the president of the senate and two members of the board shall be appointed by the speaker of the house of representatives. The president and speaker shall make initial appointments to the board within ninety days after October 24, 2002. Of the initial members appointed by the president, one shall be for a term ending four years after October 24, 2002 and one shall be for a term ending five years after October 24, 2002. Of the initial members appointed by the



speaker, one shall be for a term ending three years after October 60476  
24, 2002 and one shall be for a term ending five years after 60477  
October 24, 2002. Thereafter, terms of office shall be for five 60478  
years, each term ending on the same day of the same month of the 60479  
year as did the term that it succeeds. Of the four members 60480  
appointed by the president and speaker, each shall own a 60481  
historical boiler and also have at least ten years of experience 60482  
in the operation of historical boilers, and each of these four 60483  
members shall reside in a different region of the state. 60484

Each member shall hold office from the date of the member's 60485  
appointment until the end of the term for which the member was 60486  
appointed. Members may be reappointed. Vacancies shall be filled 60487  
~~in the manner provided for initial appointments by the director of~~ 60488  
commerce, and shall not require the advice and consent of the 60489  
senate. Any member appointed to fill a vacancy occurring prior to 60490  
the expiration date of the term for which the member's predecessor 60491  
was appointed shall hold office as a member for the remainder of 60492  
that term. A member shall continue in office subsequent to the 60493  
expiration date of the member's term until the successor takes 60494  
office or until a period of sixty days has elapsed, whichever 60495  
occurs first. 60496

The members of the board, annually, shall elect, by majority 60497  
vote, a chairperson from among their members. The board shall meet 60498  
at least once annually and at other times at the call of the 60499  
chairperson. Board members shall receive their actual and 60500  
necessary expenses incurred in the discharge of their duties as 60501  
board members. 60502

The superintendent of industrial compliance shall furnish 60503  
office space, staff, and supplies to the board as the 60504  
superintendent determines are necessary for the board to carry out 60505  
its official duties under sections 4104.33 to 4104.37 of the 60506  
Revised Code. 60507

Sec. 4112.01. (A) As used in this chapter: 60508

(1) "Person" includes one or more individuals, partnerships, 60509  
associations, organizations, corporations, legal representatives, 60510  
trustees, trustees in bankruptcy, receivers, and other organized 60511  
groups of persons. "Person" also includes, but is not limited to, 60512  
any owner, lessor, assignor, builder, manager, broker, 60513  
salesperson, appraiser, agent, employee, lending institution, and 60514  
the state and all political subdivisions, authorities, agencies, 60515  
boards, and commissions of the state. 60516

(2) "Employer" includes the state, any political subdivision 60517  
of the state, any person employing four or more persons within the 60518  
state, and any person acting directly or indirectly in the 60519  
interest of an employer, but shall not include a religious 60520  
corporation, association, educational institution, or society with 60521  
respect to the employment of individuals of a particular religion 60522  
to perform work connected with the carrying on by such 60523  
corporation, association, educational institution, or society. 60524

(3) "Employee" means an individual employed by any employer 60525  
but does not include any individual employed in the domestic 60526  
service of any person. 60527

(4) "Labor organization" includes any organization that 60528  
exists, in whole or in part, for the purpose of collective 60529  
bargaining or of dealing with employers concerning grievances, 60530  
terms or conditions of employment, or other mutual aid or 60531  
protection in relation to employment. 60532

(5) "Employment agency" includes any person regularly 60533  
undertaking, with or without compensation, to procure 60534  
opportunities to work or to procure, recruit, refer, or place 60535  
employees. 60536

(6) "Commission" means the Ohio civil rights commission 60537

created by section 4112.03 of the Revised Code. 60538

(7) "Discriminate" includes segregate or separate. 60539

(8) "Unlawful discriminatory practice" means any act 60540  
prohibited by section 4112.02, 4112.021, or 4112.022 of the 60541  
Revised Code. 60542

(9) "Place of public accommodation" means any inn, 60543  
restaurant, eating house, barbershop, public conveyance by air, 60544  
land, or water, theater, store, other place for the sale of 60545  
merchandise, or any other place of public accommodation or 60546  
amusement of which the accommodations, advantages, facilities, or 60547  
privileges are available to the public. 60548

(10) "Housing accommodations" includes any building or 60549  
structure, or portion of a building or structure, that is used or 60550  
occupied or is intended, arranged, or designed to be used or 60551  
occupied as the home residence, dwelling, dwelling unit, or 60552  
sleeping place of one or more individuals, groups, or families 60553  
whether or not living independently of each other; and any vacant 60554  
land offered for sale or lease. "Housing accommodations" also 60555  
includes any housing accommodations held or offered for sale or 60556  
rent by a real estate broker, salesperson, or agent, by any other 60557  
person pursuant to authorization of the owner, by the owner, or by 60558  
the owner's legal representative. 60559

(11) "Restrictive covenant" means any specification limiting 60560  
the transfer, rental, lease, or other use of any housing 60561  
accommodations because of race, color, religion, sex, military 60562  
status, familial status, national origin, disability, or ancestry, 60563  
or any limitation based upon affiliation with or approval by any 60564  
person, directly or indirectly, employing race, color, religion, 60565  
sex, military status, familial status, national origin, 60566  
disability, or ancestry as a condition of affiliation or approval. 60567

(12) "Burial lot" means any lot for the burial of deceased 60568

persons within any public burial ground or cemetery, including, 60569  
but not limited to, cemeteries owned and operated by municipal 60570  
corporations, townships, or companies or associations incorporated 60571  
for cemetery purposes. 60572

(13) "Disability" means a physical or mental impairment that 60573  
substantially limits one or more major life activities, including 60574  
the functions of caring for one's self, performing manual tasks, 60575  
walking, seeing, hearing, speaking, breathing, learning, and 60576  
working; a record of a physical or mental impairment; or being 60577  
regarded as having a physical or mental impairment. 60578

(14) Except as otherwise provided in section 4112.021 of the 60579  
Revised Code, "age" means at least forty years old. 60580

(15) "Familial status" means either of the following: 60581

(a) One or more individuals who are under eighteen years of 60582  
age and who are domiciled with a parent or guardian having legal 60583  
custody of the individual or domiciled, with the written 60584  
permission of the parent or guardian having legal custody, with a 60585  
designee of the parent or guardian; 60586

(b) Any person who is pregnant or in the process of securing 60587  
legal custody of any individual who is under eighteen years of 60588  
age. 60589

(16)(a) Except as provided in division (A)(16)(b) of this 60590  
section, "physical or mental impairment" includes any of the 60591  
following: 60592

(i) Any physiological disorder or condition, cosmetic 60593  
disfigurement, or anatomical loss affecting one or more of the 60594  
following body systems: neurological; musculoskeletal; special 60595  
sense organs; respiratory, including speech organs; 60596  
cardiovascular; reproductive; digestive; genito-urinary; hemic and 60597  
lymphatic; skin; and endocrine; 60598

(ii) Any mental or psychological disorder, including, but not limited to, mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities; 60599  
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(iii) Diseases and conditions, including, but not limited to, orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction, and alcoholism. 60602  
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(b) "Physical or mental impairment" does not include any of the following: 60608  
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(i) Homosexuality and bisexuality; 60610

(ii) Transvestism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or other sexual behavior disorders; 60611  
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(iii) Compulsive gambling, kleptomania, or pyromania; 60614

(iv) Psychoactive substance use disorders resulting from the current illegal use of a controlled substance or the current use of alcoholic beverages. 60615  
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(17) "Dwelling unit" means a single unit of residence for a family of one or more persons. 60618  
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(18) "Common use areas" means rooms, spaces, or elements inside or outside a building that are made available for the use of residents of the building or their guests, and includes, but is not limited to, hallways, lounges, lobbies, laundry rooms, refuse rooms, mail rooms, recreational areas, and passageways among and between buildings. 60620  
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(19) "Public use areas" means interior or exterior rooms or spaces of a privately or publicly owned building that are made available to the general public. 60626  
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(20) "Controlled substance" has the same meaning as in 60629  
section 3719.01 of the Revised Code. 60630

(21) "Disabled tenant" means a tenant or prospective tenant 60631  
who is a person with a disability. 60632

(22) "Military status" means a person's status in "service in 60633  
the uniformed services" as defined in section 5923.05 of the 60634  
Revised Code. 60635

(23) "Aggrieved person" includes both of the following: 60636

(a) Any person who claims to have been injured by any 60637  
unlawful discriminatory practice described in division (H) of 60638  
section 4112.02 of the Revised Code; 60639

(b) Any person who believes that the person will be injured 60640  
by, any unlawful discriminatory practice described in division (H) 60641  
of section 4112.02 of the Revised Code that is about to occur. 60642

(B) For the purposes of divisions (A) to (F) of section 60643  
4112.02 of the Revised Code, the terms "because of sex" and "on 60644  
the basis of sex" include, but are not limited to, because of or 60645  
on the basis of pregnancy, any illness arising out of and 60646  
occurring during the course of a pregnancy, childbirth, or related 60647  
medical conditions. Women affected by pregnancy, childbirth, or 60648  
related medical conditions shall be treated the same for all 60649  
employment-related purposes, including receipt of benefits under 60650  
fringe benefit programs, as other persons not so affected but 60651  
similar in their ability or inability to work, and nothing in 60652  
division (B) of section 4111.17 of the Revised Code shall be 60653  
interpreted to permit otherwise. This division shall not be 60654  
construed to require an employer to pay for health insurance 60655  
benefits for abortion, except where the life of the mother would 60656  
be endangered if the fetus were carried to term or except where 60657  
medical complications have arisen from the abortion, provided that 60658  
nothing in this division precludes an employer from providing 60659

abortion benefits or otherwise affects bargaining agreements in 60660  
regard to abortion. 60661

**Sec. 4112.12.** (A) There is hereby created the commission on 60662  
African-American males, which shall consist of not more than 60663  
twenty-five members as follows: the directors or their designees 60664  
of the departments of health, development, ~~alcohol and drug~~ 60665  
~~addiction services~~ mental health and addiction services, and job 60666  
and family services; the equal employment opportunity officer of 60667  
the department of administrative services or the equal employment 60668  
opportunity officer's designee; the executive director or the 60669  
executive director's designee of the Ohio civil rights commission; 60670  
the executive director or the executive director's designee of the 60671  
division of criminal justice services in the department of public 60672  
safety; the superintendent of public instruction; the chancellor 60673  
or the chancellor's designee of the Ohio board of regents; two 60674  
members of the house of representatives appointed by the speaker 60675  
of the house of representatives each of whom shall be members of 60676  
different political parties; and two members of the senate 60677  
appointed by the president of the senate each of whom shall be 60678  
members of different political parties. The members who are 60679  
members of the general assembly shall be nonvoting members. The 60680  
Ohio state university African American and African studies 60681  
community extension center, in consultation with the governor, 60682  
shall appoint four members from the private corporate sector, at 60683  
least four members from the public sector, and two members from 60684  
the nonprofit sector. 60685

(B) Terms of office shall be for three years, except that 60686  
members of the general assembly appointed to the commission shall 60687  
be members only so long as they are members of the general 60688  
assembly. Each term ends on the same day of the same month as did 60689  
the term that it succeeds. Each member shall hold office from the 60690  
date of appointment until the end of the term for which the member 60691

was appointed. Members may be reappointed. Vacancies shall be 60692  
filled in the manner provided for original appointments. Any 60693  
member appointed to fill a vacancy occurring prior to the 60694  
expiration date of the term for which the member's predecessor was 60695  
appointed shall hold office as a member for the remainder of that 60696  
term. A member shall continue in office subsequent to the 60697  
expiration date of the member's term until the member's successor 60698  
takes office or until a period of sixty days has elapsed, 60699  
whichever occurs first. 60700

The commission annually shall elect a chairperson from among 60701  
its members. 60702

(C) Members of the commission and members of subcommittees 60703  
appointed under division (B) of section 4112.13 of the Revised 60704  
Code shall not be compensated, but shall be reimbursed for their 60705  
necessary and actual expenses incurred in the performance of their 60706  
official duties. 60707

(D) The Ohio state university African American and African 60708  
studies community extension center, in consultation with the 60709  
governor, shall appoint an executive director of the commission on 60710  
African-American males, who shall be in the unclassified civil 60711  
service. The executive director shall supervise the commission's 60712  
activities and report to the commission and to the Ohio state 60713  
university African American and African studies community 60714  
extension center on the progress of those activities. The 60715  
executive director shall do all things necessary for the efficient 60716  
and effective implementation of the duties of the commission. 60717

The responsibilities assigned to the executive director do 60718  
not relieve the members of the commission from final 60719  
responsibility for the proper performance of the requirements of 60720  
this division. 60721

(E) The commission on African-American males shall do all of 60722



the following: 60723

(1) Employ, promote, supervise, and remove all employees, as 60724  
needed, in connection with the performance of its duties under 60725  
this section; 60726

(2) Maintain its office in Columbus; 60727

(3) Acquire facilities, equipment, and supplies necessary to 60728  
house the commission, its employees, and files and records under 60729  
its control, and to discharge any duty imposed upon it by law. The 60730  
expense of these acquisitions shall be audited and paid for in the 60731  
same manner as other state expenses. 60732

(4) Establish the overall policy and management of the 60733  
commission in accordance with this chapter; 60734

(5) Follow all state procurement requirements; 60735

(6) Implement the policies and plans of the Ohio state 60736  
university African American and African studies community 60737  
extension center as those policies and plans are formulated and 60738  
adopted by the Ohio state university African American and African 60739  
studies community extension center; 60740

(7) Report to the Ohio state university African American and 60741  
African studies community extension center on the progress of the 60742  
commission on African-American males in implementing the policies 60743  
and plans of the Ohio state university African American and 60744  
African studies community extension center. 60745

(F) The commission on African-American males may: 60746

(1) Hold sessions at any place within the state, except that 60747  
the commission on African-American males shall meet at least 60748  
quarterly; 60749

(2) Establish, change, or abolish positions, and assign and 60750  
reassign duties and responsibilities of any employee of the 60751  
commission on African-American males as necessary to achieve the 60752

most efficient performance of its functions. 60753

(G) The Ohio state university African American and African 60754  
studies community extension center shall establish the overall 60755  
policy and management of the commission on African-American males 60756  
and shall direct, manage, and oversee the commission. The Ohio 60757  
state university African American and African studies community 60758  
extension center shall develop overall policies and plans, and the 60759  
commission on African-American males shall implement those 60760  
policies and plans. The commission on African-American males, 60761  
through its executive director, shall keep the Ohio state 60762  
university African American and African studies community 60763  
extension center informed as to the activities of the commission 60764  
on African-American males in such manner and at such times as the 60765  
Ohio state university African American and African studies 60766  
community extension center shall determine. 60767

The Ohio state university African American and African 60768  
studies community extension center may prescribe duties and 60769  
responsibilities of the commission on African-American males in 60770  
addition to those prescribed in section 4112.13 of the Revised 60771  
Code. 60772

(H) The Ohio state university African American and African 60773  
studies community extension center annually shall contract for a 60774  
report on the status of African Americans in this state. Issues to 60775  
be evaluated in the report shall include the criminal justice 60776  
system, education, employment, health care, and housing, and such 60777  
other issues as the Ohio state university African American and 60778  
African studies community extension center may specify. The report 60779  
shall include policy recommendations relating to the issues 60780  
covered in the report. 60781

**Sec. 4112.31.** The new African immigrants commission shall do 60782  
all of the following: 60783

- (A) Gather and disseminate information and conduct hearings, 60784  
conferences, investigations, and special studies on problems and 60785  
programs concerning sub-Saharan African people; 60786
- (B) Secure appropriate recognition of the accomplishments and 60787  
contributions of sub-Saharan African people to this state; 60788
- (C) Stimulate public awareness of the problems of sub-Saharan 60789  
African people by conducting a program of public education; 60790
- (D) Develop, coordinate, and assist other public and private 60791  
organizations that serve sub-Saharan African people, including the 60792  
conducting of training programs for community leadership and 60793  
service project staff; 60794
- (E) Advise the governor, general assembly, and state 60795  
departments and agencies of the nature, magnitude, and priorities 60796  
of the problems of sub-Saharan African people; 60797
- (F) Advise the governor, general assembly, and state 60798  
departments and agencies on, and assist in the development and 60799  
implementation of, comprehensive and coordinated policies, 60800  
programs, and procedures focusing on the special problems and 60801  
needs of sub-Saharan African people, especially in the fields of 60802  
education, employment, energy, health, housing, welfare, and 60803  
recreation; 60804
- (G) Propose new programs concerning sub-Saharan African 60805  
people to public and private agencies and evaluate for such 60806  
agencies existing programs or prospective legislation concerning 60807  
sub-Saharan African people; 60808
- (H) Review and approve grants to be made from federal, state, 60809  
or private funds that are administered or subcontracted by the 60810  
commission; 60811
- (I) Prepare, review, and approve an annual report; 60812
- (J) Serve as a clearinghouse to review and comment on all 60813

proposals to meet the needs of sub-Saharan African people that are 60814  
submitted to it by public and private agencies; 60815

(K) Apply for and accept grants and gifts from governmental 60816  
and private sources to be administered by the commission or 60817  
subcontracted to local agencies; 60818

(L) Monitor and evaluate all programs subcontracted to local 60819  
agencies by the commission; 60820

(M) Endeavor to assure that sub-Saharan African people have 60821  
access to decision-making bodies in all state and local 60822  
governmental departments and agencies; 60823

(N) Establish advisory committees on special subjects as 60824  
needed to facilitate and maximize community participation in the 60825  
operation of the commission; 60826

(O) Establish with state and local governments and private 60827  
business and industry relationships that promote and assure equal 60828  
opportunity for sub-Saharan African people in government, 60829  
education, and employment. 60830

(P) Create an interagency council consisting of the following 60831  
persons or their authorized representatives: one member of the 60832  
senate appointed by the president of the senate; one member of the 60833  
house of representatives appointed by the speaker of the house of 60834  
representatives; the directors of administrative services, 60835  
agriculture, education, development services, health, highway 60836  
safety, job and family services, liquor control, ~~mental health~~ 60837  
mental health and addiction services, ~~mental retardation~~ and 60838  
developmental disabilities, natural resources, rehabilitation and 60839  
correction, youth services, transportation, environmental 60840  
protection, and budget and management; the chairperson of the Ohio 60841  
civil rights commission, the administrators of the bureau of 60842  
workers' compensation and the rehabilitation services commission, 60843  
and an additional member of the governor's cabinet appointed by 60844

the governor. The new African immigrants commission, by rule, may 60845  
designate other state officers or their representatives to be 60846  
members of the council. The director of the commission shall be 60847  
the chairperson of the council. 60848

The interagency council shall provide and coordinate the 60849  
exchange of information relative to the needs of sub-Saharan 60850  
African people and promote the delivery of state services to such 60851  
people. The council shall meet at the call of the chairperson. 60852

Advisory committees shall be composed of persons representing 60853  
community organizations and charitable institutions, public 60854  
officials, and such other persons as the commission determines. 60855

**Sec. 4115.034.** On January 1, 1996, and the first day of 60856  
January of every even-numbered year thereafter, the director of 60857  
commerce shall adjust the threshold levels for which public 60858  
improvement projects are subject to sections 4115.03 to 4115.16 of 60859  
the Revised Code as set forth in divisions (B)(3) and (4) of 60860  
section 4115.03 of the Revised Code. The director shall adjust 60861  
those amounts according to the average increase or decrease for 60862  
each of the two years immediately preceding the adjustment as set 60863  
forth in ~~the United States department of commerce, bureau of the~~ 60864  
~~census implicit price deflator for~~ the construction cost index 60865  
published by the engineering news-record or, should that index 60866  
cease to be published, a similar recognized industry index chosen 60867  
by the director, provided that no increase or decrease for any 60868  
year shall exceed three per cent of the threshold level in 60869  
existence at the time of the adjustment. 60870

**Sec. 4115.32.** (A) Subject to section 4115.36 of the Revised 60871  
Code, there is hereby created the state committee for the purchase 60872  
of products and services provided by persons with severe 60873  
disabilities. The committee shall be composed ex officio of the 60874

following persons, or their designees: 60875

(1) The directors of administrative services, ~~mental health~~ 60876  
mental health and addiction services, developmental disabilities, 60877  
transportation, natural resources, and commerce; 60878

(2) The administrators of the rehabilitation services 60879  
commission and the bureau of workers' compensation; 60880

(3) The secretary of state; 60881

(4) One representative of a purchasing department of a 60882  
political subdivision who is designated by the governor. 60883

The governor shall appoint two representatives of a qualified 60884  
nonprofit agency for persons with severe disabilities, and a 60885  
person with a severe disability to the committee. 60886

(B) Within thirty days after September 29, 1995, the governor 60887  
shall appoint the representatives of a qualified nonprofit agency 60888  
for persons with severe disabilities to the committee for a term 60889  
ending August 31, 1996. Thereafter, terms for such representatives 60890  
are for three years, each term ending on the same day of the same 60891  
month of the year as did the term that it succeeds. Each committee 60892  
member shall serve from the date of the member's appointment until 60893  
the end of the term for which the member was appointed. Vacancies 60894  
shall be filled in the same manner provided for original 60895  
appointments. Any member appointed to fill a vacancy occurring 60896  
prior to the expiration date of the term for which the member's 60897  
predecessor was appointed shall serve as a member for the 60898  
remainder of that term. A member shall serve subsequent to the 60899  
expiration of the member's term and shall continue to serve until 60900  
the member's successor takes office. 60901

(C) Members of the committee shall serve without 60902  
compensation. Except as otherwise provided in divisions (C)(1) and 60903  
(2) of this section, members shall be reimbursed for actual and 60904  
necessary expenses, including travel expenses, incurred while away 60905

from their homes or regular places of business and incurred while 60906  
performing services for the committee. 60907

(1) The members listed in divisions (A)(1) to (3) of this 60908  
section, or their designees, shall not be reimbursed for any 60909  
expenses. 60910

(2) No member of the committee who is entitled to receive 60911  
reimbursement for the performance of services for the committee 60912  
from another agency or entity shall receive reimbursement from the 60913  
committee. 60914

(D) The committee shall elect from among its members a 60915  
chairperson. The committee may request from any agency of the 60916  
state, political subdivision, or instrumentality of the state any 60917  
information necessary to enable it to carry out the intent of 60918  
sections 4115.31 to 4115.35 of the Revised Code. Upon request of 60919  
the committee, the agency, subdivision, or instrumentality shall 60920  
furnish the information to the chairperson of the committee. 60921

(E) The committee shall not later than one hundred eighty 60922  
days following the close of each fiscal year transmit to the 60923  
governor, the general assembly, and each qualified nonprofit 60924  
agency for persons with severe disabilities a report that includes 60925  
the names of the committee members serving during the preceding 60926  
fiscal year, the dates of committee meetings in that year, and any 60927  
recommendations for changes in sections 4115.31 to 4115.35 of the 60928  
Revised Code that the committee determines are necessary. 60929

(F) The director of administrative services shall designate a 60930  
subordinate to act as executive director of the committee and 60931  
shall furnish other staff and clerical assistance, office space, 60932  
and supplies required by the committee. 60933

**Sec. 4117.06.** (A) The state employment relations board shall 60934  
decide in each case the unit appropriate for the purposes of 60935

collective bargaining. The determination is final and conclusive 60936  
and not appealable to the court. 60937

(B) The board shall determine the appropriateness of each 60938  
bargaining unit and shall consider among other relevant factors: 60939  
the desires of the employees; the community of interest; wages, 60940  
hours, and other working conditions of the public employees; the 60941  
effect of over-fragmentation; the efficiency of operations of the 60942  
public employer; the administrative structure of the public 60943  
employer; and the history of collective bargaining. 60944

(C) The board may determine a unit to be the appropriate unit 60945  
in a particular case, even though some other unit might also be 60946  
appropriate. 60947

(D) In addition, in determining the appropriate unit, the 60948  
board shall not: 60949

(1) Decide that any unit is appropriate if the unit includes 60950  
both professional and nonprofessional employees, unless a majority 60951  
of the professional employees and a majority of the 60952  
nonprofessional employees first vote for inclusion in the unit; 60953

(2) Include guards or correction officers at correctional or 60954  
mental institutions, special police officers appointed in 60955  
accordance with sections ~~5119.14~~ 5119.08 and 5123.13 of the 60956  
Revised Code, psychiatric attendants employed at mental health 60957  
forensic facilities, youth leaders employed at juvenile correction 60958  
facilities, or any public employee employed as a guard to enforce 60959  
against other employees rules to protect property of the employer 60960  
or to protect the safety of persons on the employer's premises in 60961  
a unit with other employees; 60962

(3) Include members of a police or fire department or members 60963  
of the state highway patrol in a unit with other classifications 60964  
of public employees of the department; 60965

(4) Designate as appropriate a bargaining unit that contains 60966



more than one institution of higher education; nor shall it within 60967  
any such institution of higher education designate as appropriate 60968  
a unit where such designation would be inconsistent with the 60969  
accreditation standards or interpretations of such standards, 60970  
governing such institution of higher education or any department, 60971  
school, or college thereof. For the purposes of this division, any 60972  
branch or regional campus of a public institution of higher 60973  
education is part of that institution of higher education. 60974

(5) Designate as appropriate a bargaining unit that contains 60975  
employees within the jurisdiction of more than one elected county 60976  
office holder, unless the county-elected office holder and the 60977  
board of county commissioners agree to such other designation; 60978

(6) With respect to members of a police department, designate 60979  
as appropriate a unit that includes rank and file members of the 60980  
department with members who are of the rank of sergeant or above; 60981

(7) Except as otherwise provided by division (A)(3) of 60982  
section 3314.10 or division (B) of section 3326.18 of the Revised 60983  
Code, designate as appropriate a bargaining unit that contains 60984  
employees from multiple community schools established under 60985  
Chapter 3314. or multiple science, technology, engineering, and 60986  
mathematics schools established under Chapter 3326. of the Revised 60987  
Code. For purposes of this division, more than one unit may be 60988  
designated within a single community school or science, 60989  
technology, engineering, and mathematics school. 60990

This section shall not be deemed to prohibit multiunit 60991  
bargaining. 60992

**Sec. 4117.14.** (A) The procedures contained in this section 60993  
govern the settlement of disputes between an exclusive 60994  
representative and a public employer concerning the termination or 60995  
modification of an existing collective bargaining agreement or 60996  
negotiation of a successor agreement, or the negotiation of an 60997

initial collective bargaining agreement. 60998

(B)(1) In those cases where there exists a collective 60999  
bargaining agreement, any public employer or exclusive 61000  
representative desiring to terminate, modify, or negotiate a 61001  
successor collective bargaining agreement shall: 61002

(a) Serve written notice upon the other party of the proposed 61003  
termination, modification, or successor agreement. The party must 61004  
serve the notice not less than sixty days prior to the expiration 61005  
date of the existing agreement or, in the event the existing 61006  
collective bargaining agreement does not contain an expiration 61007  
date, not less than sixty days prior to the time it is proposed to 61008  
make the termination or modifications or to make effective a 61009  
successor agreement. 61010

(b) Offer to bargain collectively with the other party for 61011  
the purpose of modifying or terminating any existing agreement or 61012  
negotiating a successor agreement; 61013

(c) Notify the state employment relations board of the offer 61014  
by serving upon the board a copy of the written notice to the 61015  
other party and a copy of the existing collective bargaining 61016  
agreement. 61017

(2) In the case of initial negotiations between a public 61018  
employer and an exclusive representative, where a collective 61019  
bargaining agreement has not been in effect between the parties, 61020  
any party may serve notice upon the board and the other party 61021  
setting forth the names and addresses of the parties and offering 61022  
to meet, for a period of ninety days, with the other party for the 61023  
purpose of negotiating a collective bargaining agreement. 61024

If the settlement procedures specified in divisions (B), (C), 61025  
and (D) of this section govern the parties, where those procedures 61026  
refer to the expiration of a collective bargaining agreement, it 61027  
means the expiration of the sixty-day period to negotiate a 61028

collective bargaining agreement referred to in this subdivision, 61029  
or in the case of initial negotiations, it means the ninety-day 61030  
period referred to in this subdivision. 61031

(3) The parties shall continue in full force and effect all 61032  
the terms and conditions of any existing collective bargaining 61033  
agreement, without resort to strike or lock-out, for a period of 61034  
sixty days after the party gives notice or until the expiration 61035  
date of the collective bargaining agreement, whichever occurs 61036  
later, or for a period of ninety days where applicable. 61037

(4) Upon receipt of the notice, the parties shall enter into 61038  
collective bargaining. 61039

(C) In the event the parties are unable to reach an 61040  
agreement, they may submit, at any time prior to forty-five days 61041  
before the expiration date of the collective bargaining agreement, 61042  
the issues in dispute to any mutually agreed upon dispute 61043  
settlement procedure which supersedes the procedures contained in 61044  
this section. 61045

(1) The procedures may include: 61046

(a) Conventional arbitration of all unsettled issues; 61047

(b) Arbitration confined to a choice between the last offer 61048  
of each party to the agreement as a single package; 61049

(c) Arbitration confined to a choice of the last offer of 61050  
each party to the agreement on each issue submitted; 61051

(d) The procedures described in division (C)(1)(a), (b), or 61052  
(c) of this section and including among the choices for the 61053  
arbitrator, the recommendations of the fact finder, if there are 61054  
recommendations, either as a single package or on each issue 61055  
submitted; 61056

(e) Settlement by a citizens' conciliation council composed 61057  
of three residents within the jurisdiction of the public employer. 61058

The public employer shall select one member and the exclusive  
representative shall select one member. The two members selected  
shall select the third member who shall chair the council. If the  
two members cannot agree upon a third member within five days  
after their appointments, the board shall appoint the third  
member. Once appointed, the council shall make a final settlement  
of the issues submitted to it pursuant to division (G) of this  
section.

(f) Any other dispute settlement procedure mutually agreed to  
by the parties.

(2) If, fifty days before the expiration date of the  
collective bargaining agreement, the parties are unable to reach  
an agreement, any party may request the state employment relations  
board to intervene. The request shall set forth the names and  
addresses of the parties, the issues involved, and, if applicable,  
the expiration date of any agreement.

The board shall intervene and investigate the dispute to  
determine whether the parties have engaged in collective  
bargaining.

If an impasse exists or forty-five days before the expiration  
date of the collective bargaining agreement if one exists, the  
board shall appoint a mediator to assist the parties in the  
collective bargaining process.

(3) Any time after the appointment of a mediator, either  
party may request the appointment of a fact-finding panel. Within  
fifteen days after receipt of a request for a fact-finding panel,  
the board shall appoint a fact-finding panel of not more than  
three members who have been selected by the parties in accordance  
with rules established by the board, from a list of qualified  
persons maintained by the board.

(a) The fact-finding panel shall, in accordance with rules

and procedures established by the board that include the 61090  
regulation of costs and expenses of fact-finding, gather facts and 61091  
make recommendations for the resolution of the matter. The board 61092  
shall by its rules require each party to specify in writing the 61093  
unresolved issues and its position on each issue to the 61094  
fact-finding panel. The fact-finding panel shall make final 61095  
recommendations as to all the unresolved issues. 61096

(b) The board may continue mediation, order the parties to 61097  
engage in collective bargaining until the expiration date of the 61098  
agreement, or both. 61099

(4) The following guidelines apply to fact-finding: 61100

(a) The fact-finding panel may establish times and place of 61101  
hearings which shall be, where feasible, in the jurisdiction of 61102  
the state. 61103

(b) The fact-finding panel shall conduct the hearing pursuant 61104  
to rules established by the board. 61105

(c) Upon request of the fact-finding panel, the board shall 61106  
issue subpoenas for hearings conducted by the panel. 61107

(d) The fact-finding panel may administer oaths. 61108

(e) The board shall prescribe guidelines for the fact-finding 61109  
panel to follow in making findings. In making its recommendations, 61110  
the fact-finding panel shall take into consideration the factors 61111  
listed in divisions (G)(7)(a) to (f) of this section. 61112

(f) The fact-finding panel may attempt mediation at any time 61113  
during the fact-finding process. From the time of appointment 61114  
until the fact-finding panel makes a final recommendation, it 61115  
shall not discuss the recommendations for settlement of the 61116  
dispute with parties other than the direct parties to the dispute. 61117

(5) The fact-finding panel, acting by a majority of its 61118  
members, shall transmit its findings of fact and recommendations 61119

on the unresolved issues to the public employer and employee 61120  
organization involved and to the board no later than fourteen days 61121  
after the appointment of the fact-finding panel, unless the 61122  
parties mutually agree to an extension. The parties shall share 61123  
the cost of the fact-finding panel in a manner agreed to by the 61124  
parties. 61125

(6)(a) Not later than seven days after the findings and 61126  
recommendations are sent, the legislative body, by a three-fifths 61127  
vote of its total membership, and in the case of the public 61128  
employee organization, the membership, by a three-fifths vote of 61129  
the total membership, may reject the recommendations; if neither 61130  
rejects the recommendations, the recommendations shall be deemed 61131  
agreed upon as the final resolution of the issues submitted and a 61132  
collective bargaining agreement shall be executed between the 61133  
parties, including the fact-finding panel's recommendations, 61134  
except as otherwise modified by the parties by mutual agreement. 61135  
If either the legislative body or the public employee organization 61136  
rejects the recommendations, the board shall publicize the 61137  
findings of fact and recommendations of the fact-finding panel. 61138  
The board shall adopt rules governing the procedures and methods 61139  
for public employees to vote on the recommendations of the 61140  
fact-finding panel. 61141

(b) As used in division (C)(6)(a) of this section, 61142  
"legislative body" means the controlling board when the state or 61143  
any of its agencies, authorities, commissions, boards, or other 61144  
branch of public employment is party to the fact-finding process. 61145

(D) If the parties are unable to reach agreement within seven 61146  
days after the publication of findings and recommendations from 61147  
the fact-finding panel or the collective bargaining agreement, if 61148  
one exists, has expired, then the: 61149

(1) Public employees, who are members of a police or fire 61150  
department, members of the state highway patrol, deputy sheriffs, 61151

dispatchers employed by a police, fire, or sheriff's department or 61152  
the state highway patrol or civilian dispatchers employed by a 61153  
public employer other than a police, fire, or sheriff's department 61154  
to dispatch police, fire, sheriff's department, or emergency 61155  
medical or rescue personnel and units, an exclusive nurse's unit, 61156  
employees of the state school for the deaf or the state school for 61157  
the blind, employees of any public employee retirement system, 61158  
corrections officers, guards at penal or mental institutions, 61159  
special police officers appointed in accordance with sections 61160  
~~5119.14~~ 5119.08 and 5123.13 of the Revised Code, psychiatric 61161  
attendants employed at mental health forensic facilities, youth 61162  
leaders employed at juvenile correctional facilities, or members 61163  
of a law enforcement security force that is established and 61164  
maintained exclusively by a board of county commissioners and 61165  
whose members are employed by that board, shall submit the matter 61166  
to a final offer settlement procedure pursuant to a board order 61167  
issued forthwith to the parties to settle by a conciliator 61168  
selected by the parties. The parties shall request from the board 61169  
a list of five qualified conciliators and the parties shall select 61170  
a single conciliator from the list by alternate striking of names. 61171  
If the parties cannot agree upon a conciliator within five days 61172  
after the board order, the board shall on the sixth day after its 61173  
order appoint a conciliator from a list of qualified persons 61174  
maintained by the board or shall request a list of qualified 61175  
conciliators from the American arbitration association and appoint 61176  
therefrom. 61177

(2) Public employees other than those listed in division 61178  
(D)(1) of this section have the right to strike under Chapter 61179  
4117. of the Revised Code provided that the employee organization 61180  
representing the employees has given a ten-day prior written 61181  
notice of an intent to strike to the public employer and to the 61182  
board, and further provided that the strike is for full, 61183  
consecutive work days and the beginning date of the strike is at 61184

least ten work days after the ending date of the most recent prior 61185  
strike involving the same bargaining unit; however, the board, at 61186  
its discretion, may attempt mediation at any time. 61187

(E) Nothing in this section shall be construed to prohibit 61188  
the parties, at any time, from voluntarily agreeing to submit any 61189  
or all of the issues in dispute to any other alternative dispute 61190  
settlement procedure. An agreement or statutory requirement to 61191  
arbitrate or to settle a dispute pursuant to a final offer 61192  
settlement procedure and the award issued in accordance with the 61193  
agreement or statutory requirement is enforceable in the same 61194  
manner as specified in division (B) of section 4117.09 of the 61195  
Revised Code. 61196

(F) Nothing in this section shall be construed to prohibit a 61197  
party from seeking enforcement of a collective bargaining 61198  
agreement or a conciliator's award as specified in division (B) of 61199  
section 4117.09 of the Revised Code. 61200

(G) The following guidelines apply to final offer settlement 61201  
proceedings under division (D)(1) of this section: 61202

(1) The parties shall submit to final offer settlement those 61203  
issues that are subject to collective bargaining as provided by 61204  
section 4117.08 of the Revised Code and upon which the parties 61205  
have not reached agreement and other matters mutually agreed to by 61206  
the public employer and the exclusive representative; except that 61207  
the conciliator may attempt mediation at any time. 61208

(2) The conciliator shall hold a hearing within thirty days 61209  
of the board's order to submit to a final offer settlement 61210  
procedure, or as soon thereafter as is practicable. 61211

(3) The conciliator shall conduct the hearing pursuant to 61212  
rules developed by the board. The conciliator shall establish the 61213  
hearing time and place, but it shall be, where feasible, within 61214  
the jurisdiction of the state. Not later than five calendar days 61215



before the hearing, each of the parties shall submit to the 61216  
conciliator, to the opposing party, and to the board, a written 61217  
report summarizing the unresolved issues, the party's final offer 61218  
as to the issues, and the rationale for that position. 61219

(4) Upon the request by the conciliator, the board shall 61220  
issue subpoenas for the hearing. 61221

(5) The conciliator may administer oaths. 61222

(6) The conciliator shall hear testimony from the parties and 61223  
provide for a written record to be made of all statements at the 61224  
hearing. The board shall submit for inclusion in the record and 61225  
for consideration by the conciliator the written report and 61226  
recommendation of the fact-finders. 61227

(7) After hearing, the conciliator shall resolve the dispute 61228  
between the parties by selecting, on an issue-by-issue basis, from 61229  
between each of the party's final settlement offers, taking into 61230  
consideration the following: 61231

(a) Past collectively bargained agreements, if any, between 61232  
the parties; 61233

(b) Comparison of the issues submitted to final offer 61234  
settlement relative to the employees in the bargaining unit 61235  
involved with those issues related to other public and private 61236  
employees doing comparable work, giving consideration to factors 61237  
peculiar to the area and classification involved; 61238

(c) The interests and welfare of the public, the ability of 61239  
the public employer to finance and administer the issues proposed, 61240  
and the effect of the adjustments on the normal standard of public 61241  
service; 61242

(d) The lawful authority of the public employer; 61243

(e) The stipulations of the parties; 61244

(f) Such other factors, not confined to those listed in this 61245

section, which are normally or traditionally taken into 61246  
consideration in the determination of the issues submitted to 61247  
final offer settlement through voluntary collective bargaining, 61248  
mediation, fact-finding, or other impasse resolution procedures in 61249  
the public service or in private employment. 61250

(8) Final offer settlement awards made under Chapter 4117. of 61251  
the Revised Code are subject to Chapter 2711. of the Revised Code. 61252

(9) If more than one conciliator is used, the determination 61253  
must be by majority vote. 61254

(10) The conciliator shall make written findings of fact and 61255  
promulgate a written opinion and order upon the issues presented 61256  
to the conciliator, and upon the record made before the 61257  
conciliator and shall mail or otherwise deliver a true copy 61258  
thereof to the parties and the board. 61259

(11) Increases in rates of compensation and other matters 61260  
with cost implications awarded by the conciliator may be effective 61261  
only at the start of the fiscal year next commencing after the 61262  
date of the final offer settlement award; provided that if a new 61263  
fiscal year has commenced since the issuance of the board order to 61264  
submit to a final offer settlement procedure, the awarded 61265  
increases may be retroactive to the commencement of the new fiscal 61266  
year. The parties may, at any time, amend or modify a 61267  
conciliator's award or order by mutual agreement. 61268

(12) The parties shall bear equally the cost of the final 61269  
offer settlement procedure. 61270

(13) Conciliators appointed pursuant to this section shall be 61271  
residents of the state. 61272

(H) All final offer settlement awards and orders of the 61273  
conciliator made pursuant to Chapter 4117. of the Revised Code are 61274  
subject to review by the court of common pleas having jurisdiction 61275  
over the public employer as provided in Chapter 2711. of the 61276

Revised Code. If the public employer is located in more than one 61277  
court of common pleas district, the court of common pleas in which 61278  
the principal office of the chief executive is located has 61279  
jurisdiction. 61280

(I) The issuance of a final offer settlement award 61281  
constitutes a binding mandate to the public employer and the 61282  
exclusive representative to take whatever actions are necessary to 61283  
implement the award. 61284

**Sec. 4117.15.** (A) Whenever a strike by members of a police or 61285  
fire department, members of the state highway patrol, deputy 61286  
sheriffs, dispatchers employed by a police, fire, or sheriff's 61287  
department or the state highway patrol or civilian dispatchers 61288  
employed by a public employer other than a police, fire, or 61289  
sheriff's department to dispatch police, fire, sheriff's 61290  
department, or emergency medical or rescue personnel and units, an 61291  
exclusive nurse's unit, employees of the state school for the deaf 61292  
or the state school for the blind, employees of any public 61293  
employee retirement system, correction officers, guards at penal 61294  
or mental institutions, or special police officers appointed in 61295  
accordance with sections ~~5119.14~~ 5119.08 and 5123.13 of the 61296  
Revised Code, psychiatric attendants employed at mental health 61297  
forensic facilities, youth leaders employed at juvenile 61298  
correctional facilities, or members of a law enforcement security 61299  
force that is established and maintained exclusively by a board of 61300  
county commissioners and whose members are employed by that board, 61301  
a strike by other public employees during the pendency of the 61302  
settlement procedures set forth in section 4117.14 of the Revised 61303  
Code, or a strike during the term or extended term of a collective 61304  
bargaining agreement occurs, the public employer may seek an 61305  
injunction against the strike in the court of common pleas of the 61306  
county in which the strike is located. 61307

(B) An unfair labor practice by a public employer is not a defense to the injunction proceeding noted in division (A) of this section. Allegations of unfair labor practices during the settlement procedures set forth in section 4117.14 of the Revised Code shall receive priority by the state employment relations board.

(C) No public employee is entitled to pay or compensation from the public employer for the period engaged in any strike.

**Sec. 4121.50.** Not later than July 1, 2012, the administrator of workers' compensation shall adopt rules in accordance with Chapter 119. of the Revised Code to implement a coordinated services program for claimants under this chapter or Chapter 4123., 4127., or 4131. of the Revised Code who are found to have obtained prescription drugs that were reimbursed pursuant to an order of the administrator or of the industrial commission or by a self-insuring employer but were obtained at a frequency or in an amount that is not medically necessary. The program shall be implemented in a manner that is substantially similar to the coordinated services programs established for the medicaid program under ~~section 5111.085~~ sections 5164.758 and 5111.179 5167.13 of the Revised Code.

**Sec. 4123.32.** The administrator of workers' compensation, with the advice and consent of the bureau of workers' compensation board of directors, shall adopt rules with respect to the collection, maintenance, and disbursements of the state insurance fund including all of the following:

(A) A rule providing that the premium security deposit collected from any employer entitles the employer to the benefits of this chapter for the remainder of the six months and also for an additional adjustment period of two months, and, thereafter, if

the employer pays the premium due at the close of any six-month 61338  
period, coverage shall be extended for an additional eight-month 61339  
period beginning from the end of the six-month period for which 61340  
the employer pays the premium due; 61341

(B) A rule providing for ascertaining the correctness of any 61342  
employer's report of estimated or actual expenditure of wages and 61343  
the determination and adjustment of proper premiums and the 61344  
payment of those premiums by the employer for or during any period 61345  
less than eight months and notwithstanding any payment or 61346  
determination of premium made when exceptional conditions or 61347  
circumstances in the judgment of the administrator justify the 61348  
action; 61349

(C) Such special rules as the administrator considers 61350  
necessary to safeguard the fund and that are just in the 61351  
circumstances, covering the rates to be applied where one employer 61352  
takes over the occupation or industry of another or where an 61353  
employer first makes application for state insurance, and the 61354  
administrator may require that if any employer transfers a 61355  
business in whole or in part or otherwise reorganizes the 61356  
business, the successor in interest shall assume, in proportion to 61357  
the extent of the transfer, as determined by the administrator, 61358  
the employer's account and shall continue the payment of all 61359  
contributions due under this chapter; 61360

(D) A rule providing that an employer who employs an employee 61361  
covered under the federal "Longshore and Harbor Workers' 61362  
Compensation Act," 98 Stat. 1639, 33 U.S.C. 901 et seq., and this 61363  
chapter and Chapter 4121. of the Revised Code shall be assessed a 61364  
premium in accordance with the expenditure of wages, payroll, or 61365  
both attributable to only labor performed and services provided by 61366  
such an employee when the employee performs labor and provides 61367  
services for which the employee is not eligible to receive 61368  
compensation and benefits under that federal act. 61369

- (E) A rule providing for all of the following: 61370
- (1) If, within two months immediately after the expiration of 61371  
the six-month period, an employer fails to file a report of the 61372  
employer's actual payroll expenditures for the period, the premium 61373  
found to be due from the employer for the period shall be 61374  
increased in an amount equal to one per cent of the premium, but 61375  
the increase shall not be less than three nor more than fifteen 61376  
dollars; 61377
- (2) The premium determined by the administrator to be due 61378  
from an employer shall be payable on or before the end of the 61379  
coverage period established by the premium security deposit, or 61380  
within the time specified by the administrator if the period for 61381  
which the advance premium has been paid is less than eight months. 61382  
If an employer fails to pay the premium when due, the 61383  
administrator may add a late fee penalty of not more than thirty 61384  
dollars to the premium plus an additional penalty amount as 61385  
follows: 61386
- (a) For a premium from sixty-one to ninety days past due, the 61387  
prime interest rate, multiplied by the premium due; 61388
- (b) For a premium from ninety-one to one hundred twenty days 61389  
past due, the prime interest rate plus two per cent, multiplied by 61390  
the premium due; 61391
- (c) For a premium from one hundred twenty-one to one hundred 61392  
fifty days past due, the prime interest rate plus four per cent, 61393  
multiplied by the premium due; 61394
- (d) For a premium from one hundred fifty-one to one hundred 61395  
eighty days past due, the prime interest rate plus six per cent, 61396  
multiplied by the premium due; 61397
- (e) For a premium from one hundred eighty-one to two hundred 61398  
ten days past due, the prime interest rate plus eight per cent, 61399  
multiplied by the premium due; 61400

(f) For each additional thirty-day period or portion thereof 61401  
that a premium remains past due after it has remained past due for 61402  
more than two hundred ten days, the prime interest rate plus eight 61403  
per cent, multiplied by the premium due. 61404

(3) Notwithstanding the interest rates specified in division 61405  
(E)(2) of this section, at no time shall the additional penalty 61406  
amount assessed under division (E)(2) of this section exceed 61407  
fifteen per cent of the premium due. 61408

(4) An employer may appeal a late fee penalty or additional 61409  
penalty to an adjudicating committee pursuant to section 4123.291 61410  
of the Revised Code. 61411

For purposes of division (E) of this section, "prime interest 61412  
rate" means the average bank prime rate, and the administrator 61413  
shall determine the prime interest rate in the same manner as a 61414  
county auditor determines the average bank prime rate under 61415  
section 929.02 of the Revised Code. 61416

(5) If the employer files an appropriate payroll report, 61417  
within the time provided by law or within the time specified by 61418  
the administrator if the period for which the employer paid an 61419  
estimated premium is less than eight months, the employer shall 61420  
not be in default and division (E)(2) of this section shall not 61421  
apply if the employer pays the premiums within fifteen days after 61422  
being first notified by the administrator of the amount due. 61423

(6) Any deficiencies in the amounts of the premium security 61424  
deposit paid by an employer for any period shall be subject to an 61425  
interest charge of six per cent per annum from the date the 61426  
premium obligation is incurred. In determining the interest due on 61427  
deficiencies in premium security deposit payments, a charge in 61428  
each case shall be made against the employer in an amount equal to 61429  
interest at the rate of six per cent per annum on the premium 61430  
security deposit due but remaining unpaid sixty days after notice 61431

by the administrator. 61432

(7) Any interest charges or penalties provided for in 61433  
divisions (E)(2) and (6) of this section shall be credited to the 61434  
employer's account for rating purposes in the same manner as 61435  
premiums. 61436

(F) A rule providing that each employer, on the occasion of 61437  
instituting coverage under this chapter, shall submit a premium 61438  
security deposit. The deposit shall be calculated equivalent to 61439  
thirty per cent of the semiannual premium obligation of the 61440  
employer based upon the employer's estimated expenditure for wages 61441  
for the ensuing six-month period plus thirty per cent of an 61442  
additional adjustment period of two months but only up to a 61443  
maximum of one thousand dollars and not less than ten dollars. The 61444  
administrator shall review the security deposit of every employer 61445  
who has submitted a deposit which is less than the 61446  
one-thousand-dollar maximum. The administrator may require any 61447  
such employer to submit additional money up to the maximum of one 61448  
thousand dollars that, in the administrator's opinion, reflects 61449  
the employer's current payroll expenditure for an eight-month 61450  
period. 61451

(G) A rule providing that each employer, on the occasion of 61452  
instituting coverage under this chapter, shall submit an 61453  
application for coverage that completely provides all of the 61454  
information required for the administrator to establish coverage 61455  
for that employer, and that the employer's failure to provide all 61456  
of the information completely may be grounds for the administrator 61457  
to deny coverage for that employer. 61458

(H) A rule providing that, in addition to any other remedies 61459  
permitted in this chapter, the administrator may discontinue an 61460  
employer's coverage if the employer fails to pay the premium due 61461  
on or before the premium's due date. 61462



(I) A rule providing that if after a final adjudication it is determined that an employer has failed to pay an obligation, billing, account, or assessment that is greater than one thousand dollars on or before its due date, the administrator may discontinue the employer's coverage in addition to any other remedies permitted in this chapter, and that the administrator shall not discontinue an employer's coverage pursuant to this division prior to a final adjudication regarding the employer's failure to pay such obligation, billing, account, or assessment on or before its due date.

(J) As used in divisions (H) and (I) of this section:

(1) "Employer" has the same meaning as in division (B) of section 4123.01 of the Revised Code except that "employer" does not include the state, a state hospital, or a state university or college.

(2) "State university or college" has the same meaning as in section 3345.12 of the Revised Code and also includes the Ohio agricultural research and development center and ~~the Ohio state university cooperative~~ OSU extension service.

(3) "State hospital" means the Ohio state university hospital and its ancillary facilities and the medical university of Ohio at Toledo hospital.

**Sec. 4131.03.** (A) For the relief of persons who are entitled to receive benefits by virtue of the federal act, there is hereby established a coal-workers pneumoconiosis fund, which shall be separate from the funds established and administered pursuant to Chapter 4123. of the Revised Code. The fund shall consist of premiums and other payments thereto by subscribers who elect to subscribe to the fund to insure the payment of benefits required by the federal act.

(B)~~(1)~~ The coal-workers pneumoconiosis fund shall be in the 61493  
custody of the treasurer of state. The bureau of workers' 61494  
compensation shall make disbursements from the fund to those 61495  
persons entitled to payment therefrom and in the amounts required 61496  
pursuant to sections 4131.01 to 4131.06 of the Revised Code. All 61497  
investment earnings of the fund shall be credited to the fund. 61498

~~(2) Beginning July 1, 2011, and ending June 30, 2013, the 61499  
director of natural resources annually may request the 61500  
administrator of workers' compensation to transfer a portion of 61501  
the investment earnings credited to the coal-workers 61502  
pneumoconiosis fund as provided in this division. If the 61503  
administrator receives a request from the director, the 61504  
administrator, on the first day of July, or as soon as possible 61505  
after that date, shall transfer from the investment earnings 61506  
credited to the coal workers pneumoconiosis fund an amount not to 61507  
exceed three million dollars to the mine safety fund created in 61508  
section 1561.24 of the Revised Code for the purposes specified in 61509  
that section and an amount not to exceed one million five hundred 61510  
thousand dollars to the coal mining administration and reclamation 61511  
reserve fund created in section 1513.181 of the Revised Code for 61512  
the purposes specified in that section. The administrator, with 61513  
the advice and consent of the bureau of workers' compensation 61514  
board of directors, shall adopt rules governing the transfer in 61515  
order to ensure the solvency of the coal workers pneumoconiosis 61516  
fund. For that purpose, the rules may establish tests based on 61517  
measures of net assets, liabilities, expenses, interest, dividend 61518  
income, or other factors that the administrator determines 61519  
appropriate that may be applied prior to a transfer. 61520~~

(C) The administrator shall have the same powers to invest 61521  
any of the surplus or reserve belonging to the coal-workers 61522  
pneumoconiosis fund as are delegated to the administrator under 61523  
section 4123.44 of the Revised Code with respect to the state 61524

insurance fund. 61525

(D) If the administrator determines that reinsurance of the 61526  
risks of the coal-workers pneumoconiosis fund is necessary to 61527  
assure solvency of the fund, the administrator may: 61528

(1) Enter into contracts for the purchase of reinsurance 61529  
coverage of the risks of the fund with any company or agency 61530  
authorized by law to issue contracts of reinsurance; 61531

(2) Pay the cost of reinsurance from the fund; 61532

(3) Include the costs of reinsurance as a liability and 61533  
estimated liability of the fund. 61534

**Sec. 4141.162.** (A) The director of job and family services 61535  
shall establish an income and eligibility verification system that 61536  
complies with section 1137 of the "Social Security Act." The 61537  
programs included in the system are all of the following: 61538

(1) Unemployment compensation pursuant to section 3304 of the 61539  
"Internal Revenue Code of 1954"; 61540

(2) The state programs funded in part under part A of Title 61541  
IV of the "Social Security Act" and administered under Chapters 61542  
5107. and 5108. of the Revised Code; 61543

(3) ~~Medicaid pursuant to Title XIX of the "Social Security~~ 61544  
~~Act" The medicaid program;~~ 61545

(4) The supplemental nutrition assistance program pursuant to 61546  
the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.; 61547

(5) Any Ohio program under a plan approved under Title I, X, 61548  
XIV, or XVI of the "Social Security Act." 61549

Wage information provided by employers to the director shall 61550  
be furnished to the income and eligibility verification system. 61551  
Such information shall be used by the director to determine 61552  
eligibility of individuals for unemployment compensation benefits 61553

and the amount of those benefits and used by the agencies that 61554  
administer the programs identified in divisions (A)(2) to (5) of 61555  
this section to determine or verify eligibility for or the amount 61556  
of benefits under those programs. 61557

The director shall fully implement the use of wage 61558  
information to determine eligibility for and the amount of 61559  
unemployment compensation benefits by September 30, 1988. 61560

Information furnished under the system shall also be made 61561  
available to the appropriate state or local child support 61562  
enforcement agency for the purposes of an approved plan under 61563  
Title IV-D of the "Social Security Act" and to the appropriate 61564  
federal agency for the purposes of Titles II and XVI of the 61565  
"Social Security Act." 61566

(B) The director shall adopt rules as necessary under which 61567  
the department of job and family services and other state agencies 61568  
that the director determines must participate in order to ensure 61569  
compliance with section 1137 of the "Social Security Act" exchange 61570  
information with each other or authorized federal agencies about 61571  
individuals who are applicants for or recipients of benefits under 61572  
any of the programs enumerated in division (A) of this section. 61573  
The rules shall extend to all of the following: 61574

(1) A requirement for standardized formats and procedures for 61575  
a participating agency to request and receive information about an 61576  
individual, which information shall include the individual's 61577  
social security number; 61578

(2) A requirement that all applicants for and recipients of 61579  
benefits under any program enumerated in division (A) of this 61580  
section be notified at the time of application, and periodically 61581  
thereafter, that information available through the system may be 61582  
shared with agencies that administer other benefit programs and 61583  
utilized in establishing or verifying eligibility or benefit 61584

amounts under the other programs enumerated in division (A) of 61585  
this section; 61586

(3) A requirement that information is made available only to 61587  
the extent necessary to assist in the valid administrative needs 61588  
of the program receiving the information and is targeted for use 61589  
in ways which are most likely to be productive in identifying and 61590  
preventing ineligibility and incorrect payments; 61591

(4) A requirement that information is adequately protected 61592  
against unauthorized disclosures for purposes other than to 61593  
establish or verify eligibility or benefit amounts under the 61594  
programs enumerated in division (A) of this section; 61595

(5) A requirement that a program providing information is 61596  
reimbursed by the program using the information for the actual 61597  
costs of furnishing the information and that the director be 61598  
reimbursed by the participating programs for any actual costs 61599  
incurred in operating the system; 61600

(6) Requirements for any other matters necessary to ensure 61601  
the effective, efficient, and timely exchange of necessary 61602  
information or that the director determines must be addressed in 61603  
order to ensure compliance with the requirements of section 1137 61604  
of the "Social Security Act." 61605

(C) Each participating agency shall furnish to the income and 61606  
eligibility verification system established in division (A) of 61607  
this section that information, which the director, by rule, 61608  
determines is necessary in order to comply with section 1137 of 61609  
the "Social Security Act." 61610

(D) Notwithstanding the information disclosure requirements 61611  
of this section and section 4141.21 and division (A) of section 61612  
4141.284 of the Revised Code, the director shall administer those 61613  
provisions of law so as to comply with section 1137 of the "Social 61614  
Security Act." 61615

(E) Requirements in section 4141.21 of the Revised Code with respect to confidentiality of information obtained in the administration of Chapter 4141. of the Revised Code and any sanctions imposed for improper disclosure of such information shall apply to the redisclosure of information disclosed under this section.

(F) The director of job and family services shall consult with the medicaid director and the director of administrative services regarding the implementation of this section.

**Sec. 4143.01.** As used in this chapter:

(A) "Average weekly wage," "employment," "employer," "partially unemployed," and "totally unemployed" have the same meanings as in section 4141.01 of the Revised Code.

(B) "Duration of unemployment" means the full period of unemployment next ensuing after a separation from any base period, as defined in rules adopted under section 4143.03 of the Revised Code, or subsequent work and until an individual has become reemployed in employment subject to this chapter, or the unemployment compensation act of another state, or of the United States, and until such individual has worked six weeks and for those weeks has earned or been paid remuneration equal to six times an average weekly wage of not less than the amount as determined in the rules adopted by the director of job and family services under section 4143.03 of the Revised Code.

(C) "Grant year," with respect to an individual, means the fifty-two week period beginning with the first day of that week with respect to which the individual first files a valid application for a grant under this chapter, and thereafter the fifty-two week period beginning with the first day of that week with respect to which the individual next files a valid application after the termination of the individual's last

preceding grant year, except that the application shall not be 61647  
considered valid unless the individual has had employment in six 61648  
weeks and has, since the beginning of the individual's previous 61649  
grant year, in the employment earned three times the average 61650  
weekly wage determined for the previous grant year. 61651

(D) "Qualifying week" means any calendar week in an 61652  
individual's base period with respect to which the individual 61653  
earns or is paid remuneration in employment. 61654

(E) "Seasonal employment" has the same meaning as in section 61655  
4141.33 of the Revised Code. 61656

(F) "Unemployment compensation" has the same meaning as in 61657  
section 4141.284 of the Revised Code. 61658

**Sec. 4143.02.** There is hereby created the military spouse 61659  
compensation grant program to provide compensation to an 61660  
individual who leaves employment to accompany the individual's 61661  
spouse on a military transfer. The director of job and family 61662  
services shall administer the program in accordance with the 61663  
requirements of this chapter. 61664

**Sec. 4143.03.** (A) With respect to the military spouse 61665  
compensation grant program created in section 4143.02 of the 61666  
Revised Code, the director of job and family services, in 61667  
accordance with Chapter 119. of the Revised Code, shall adopt 61668  
rules that establish all of the following: 61669

(1) Eligibility requirements an individual shall satisfy to 61670  
receive a grant under section 4143.04 of the Revised Code, 61671  
including the definition of an individual's "base period," which 61672  
shall be similar to the requirements an individual must satisfy to 61673  
receive unemployment compensation under Chapter 4141. of the 61674  
Revised Code; 61675

(2) Procedures for an individual to follow to apply for a 61676

grant and procedures for the awarding and payment of grants in 61677  
accordance with section 4143.04 of the Revised Code, that shall be 61678  
similar to the manner in which claims for unemployment 61679  
compensation are applied for, awarded, and paid pursuant to 61680  
Chapter 4141. of the Revised Code; 61681

(3) Requirements to determine an individual's duration of 61682  
unemployment; 61683

(4) Requirements for the reduction in grant amounts, that 61684  
shall be similar to the requirements specified in sections 4141.31 61685  
and 4141.312 of the Revised Code; 61686

(5) Procedures and requirements addressing child support 61687  
obligations, that shall be similar to the procedures and 61688  
requirements described in section 4141.284 of the Revised Code; 61689

(6) Requirements for eligibility for an individual who has 61690  
seasonal employment, that shall be similar to the requirements 61691  
described in section 4141.33 of the Revised Code; 61692

(7) Procedures to allow an individual to appeal a 61693  
determination made by the director under this chapter in 61694  
accordance with Chapter 119. of the Revised Code, including the 61695  
time limits in which the individual has to file an appeal; 61696

(8) Penalties for overpayments, and procedures to collect 61697  
those overpayments, that shall be similar to penalties and 61698  
procedures described in section 4141.35 of the Revised Code. 61699

(B) The director, in accordance with Chapter 119. of the 61700  
Revised Code, may adopt any other rules as the director determines 61701  
necessary to administer and enforce this chapter. Any rules 61702  
adopted under this division shall be consistent with any similar 61703  
provision addressed in Chapter 4141. of the Revised Code. 61704

(C) The director may apply any agreement the director has 61705  
entered into pursuant to section 4141.43 of the Revised Code, to 61706



the extent permitted under an agreement, in administering this 61707  
chapter, or the director may enter into similar agreements as the 61708  
director determines necessary. The director shall cooperate with 61709  
other agencies as described in division (A) of section 4141.35 of 61710  
the Revised Code in the administration of this chapter. 61711

**Sec. 4143.04.** (A) An individual is eligible to receive a 61712  
grant under the military spouse compensation grant program created 61713  
in section 4143.02 of the Revised Code for a week in which the 61714  
individual satisfies all of the requirements: 61715

(1) The individual's spouse is a member of the armed services 61716  
of the United States, the spouse is the subject of a military 61717  
transfer, and the individual left employment to accompany the 61718  
individual's spouse. 61719

(2) The individual is not otherwise eligible for unemployment 61720  
compensation; 61721

(3) The individual satisfies the eligibility requirements 61722  
established by the director of job and family services in the 61723  
rules the director adopts under section 4143.03 of the Revised 61724  
Code. 61725

(B) The director may use the information the director obtains 61726  
under section 4141.162 of the Revised Code to determine an 61727  
individual's eligibility for a grant under this section. 61728

(C) All grants shall be paid through public employment 61729  
offices in accordance with the rules as the director adopts under 61730  
section 4143.03 of the Revised Code. The director shall use 61731  
eligible funds to issue grants established in this section, except 61732  
from the unemployment compensation fund established in section 61733  
4141.09 of the Revised Code. 61734

(D) A grant is payable to an eligible and qualified 61735  
individual for each week the individual is totally unemployed at 61736

<u>the weekly grant amount determined by the following:</u>	61737
<u>(1) Computing the individual's average weekly wage;</u>	61738
<u>(2) Determining the individual's dependency class under</u> <u>division (G) of this section;</u>	61739 61740
<u>(3) Computing the individual's weekly grant amount to be</u> <u>fifty per cent of the individual's average weekly wage, that shall</u> <u>not exceed the following amounts:</u>	61741 61742 61743
<u>(a) For dependency class A, fifty per cent of the statewide</u> <u>average weekly wage as calculated under section 4141.30 of the</u> <u>Revised Code;</u>	61744 61745 61746
<u>(b) For dependency class B, sixty per cent of the statewide</u> <u>average weekly wage;</u>	61747 61748
<u>(c) For dependency class C, sixty-six and two-thirds per cent</u> <u>of the statewide average weekly wage.</u>	61749 61750
<u>(E) A grant is payable to each partially unemployed</u> <u>individual otherwise eligible on account of each week the</u> <u>individual is partially unemployed in an amount equal to the</u> <u>individual's weekly grant amount determined under division (B) of</u> <u>this section less that part of the remuneration payable to the</u> <u>individual with respect to that week that is in excess of twenty</u> <u>per cent of the individual's weekly grant amount.</u>	61751 61752 61753 61754 61755 61756 61757
<u>(F) The total amount of a grant to which an individual is</u> <u>entitled in any grant year, whether for partial or total</u> <u>unemployment, or both, shall not exceed the lesser of the</u> <u>following two amounts:</u>	61758 61759 61760 61761
<u>(1) An amount equal to twenty-six times the individual's</u> <u>weekly grant amount determined in accordance with division (B) of</u> <u>this section and this division;</u>	61762 61763 61764
<u>(2) An amount computed by taking the sum of twenty times the</u> <u>individual's weekly grant amount for the first twenty base period</u>	61765 61766

qualifying weeks plus one times the weekly grant amount for each 61767  
additional qualifying week beyond the first twenty qualifying 61768  
weeks in the individual's base period. 61769

(G)(1) As used in this division, "dependent" has the same 61770  
meaning as in section 4141.30 of the Revised Code. 61771

(2) Each eligible and qualified individual shall be assigned 61772  
a dependency class in accordance with the following schedule: 61773

<u>Class</u>	<u>Description of dependents</u>	
<u>A</u>	<u>No dependents, or has</u> <u>insufficient wages to qualify for</u> <u>more than the maximum weekly</u> <u>grant amount as provided under</u> <u>dependency class A</u>	61775
<u>B</u>	<u>One or two dependents</u>	61776
<u>C</u>	<u>Three or more dependents</u>	61777

(H) Any weekly grant amount that is not a multiple of one 61778  
dollar shall be rounded to the next lower multiple of one dollar. 61779  
Any grant paid under this section shall be calculated against the 61780  
maximum total unemployment compensation payable to the individual 61781  
in a benefit year under section 4141.30 of the Revised Code. 61782

(I) If permitted by the United States secretary of labor, a 61783  
grant paid under this section shall be considered regular benefits 61784  
for purposes of section 4141.301 of the Revised Code. If an 61785  
individual who receives a grant under this section is eligible for 61786  
extended benefits under section 4141.301 of the Revised Code, 61787  
notwithstanding section 4141.09 or division (J) or (L) of section 61788  
4141.301 of the Revised Code, extended benefits that may become 61789  
payable to that individual that are chargeable to the account of 61790  
an employer from whom the individual was separated under division 61791  
(A) of this section shall not be charged to that account and shall 61792  
be paid from the funds used to pay grants under this section. 61793

Sec. 4143.05. The director of job and family services shall 61794  
reduce the amount of any weekly grant amount paid under section 61795  
4143.04 of the Revised Code in accordance with the rules the 61796  
director adopts under section 4143.03 of the Revised Code. The 61797  
director shall make any deduction from such a grant for purposes 61798  
of federal income tax payment in a similar manner as the director 61799  
makes that deduction under section 4141.321 of the Revised Code 61800  
with respect to unemployment compensation. 61801

Sec. 4143.06. An individual may appeal a determination made 61802  
by the director of job and family services in accordance with the 61803  
rules the director adopts under section 4143.03 of the Revised 61804  
Code. The determination made upon completion of that appeals 61805  
process is a final determination that may be appealed pursuant to 61806  
section 119.12 of the Revised Code. 61807

Sec. 4143.07. (A) Except with respect to the rules adopted by 61808  
the director of job and family services under section 4143.03 of 61809  
the Revised Code concerning child support obligations: 61810

(1) No agreement by an individual to waive the individual's 61811  
right to a grant under this chapter is valid, nor shall a grant be 61812  
assigned, released, or commuted. 61813

(2) A grant is exempt from all claims of creditors and from 61814  
levy, execution, garnishment, attachment, and all other process or 61815  
remedy for recovery or collection of a debt, and that exemption 61816  
may not be waived. 61817

(B) No individual claiming a grant under this chapter shall 61818  
be charged fees of any kind by the director in any proceeding 61819  
under this chapter. Any individual claiming a grant may represent 61820  
the individual's self personally or be represented by a person 61821  
admitted to the practice of law or by a person not admitted to the 61822  
practice of law in any proceeding under this chapter before the 61823

director, but no such counsel or agent representing an individual 61824  
claiming a grant shall either charge or receive for those services 61825  
more than an amount approved by the director. No person shall 61826  
charge or receive anything of value in violation of this division. 61827

(C) No employee or other person shall violate this chapter, 61828  
or do any act prohibited by this chapter, or fail to perform any 61829  
duty lawfully enjoined, within the time prescribed by the 61830  
director, for which no penalty has been specifically provided, or 61831  
fail to obey any lawful order given or made by the director or any 61832  
judgment or decree made by any court in connection with this 61833  
chapter. Every day during which any person fails to comply with 61834  
any order of the director or to perform any duty enjoined by this 61835  
chapter constitutes a separate violation of the order or of this 61836  
chapter. 61837

Sec. 4143.08. The director of job and family services shall 61838  
enforce this chapter in accordance with the rules the director 61839  
adopts under section 4143.03 of the Revised Code. In administering 61840  
and enforcing this chapter, the director shall give great weight 61841  
and deference to decisions made under Chapter 4141. of the Revised 61842  
Code with respect to unemployment compensation. 61843

The director may administer oaths, certify to official acts, 61844  
take depositions, issue subpoenas, and compel the attendance and 61845  
testimony of witnesses and the production of documents and 61846  
testimony in connection with the administration of this chapter. 61847  
In case of the refusal of a witness to attend or testify, or to 61848  
produce documents, as to any matter regarding which the witness 61849  
might be lawfully interrogated in the administration of this 61850  
chapter, the court of common pleas of the county in which the 61851  
person resides or is found, the court of appeals that has 61852  
jurisdiction over the county in which the person resides or is 61853  
found, or a judge thereof, upon application of the director, shall 61854

compel obedience by proceedings as for contempt as in case of like 61855  
refusal to obey a similar order of the court. 61856

Sec. 4143.09. This chapter shall be liberally construed. 61857

Sec. 4143.99. (A) Whoever violates division (B) of section 61858  
4143.07 of the Revised Code is guilty of a misdemeanor of the 61859  
first degree. 61860

(B) Whoever violates division (C) of section 4143.07 of the 61861  
Revised Code shall be fined not more than five hundred dollars for 61862  
the first offense, and for each subsequent offense, the person 61863  
shall be fined not less than twenty-five dollars nor more than one 61864  
thousand dollars. 61865

Sec. 4301.10. (A) The division of liquor control shall do all 61866  
of the following: 61867

(1) Control the traffic in beer and intoxicating liquor in 61868  
this state, including the manufacture, importation, and sale of 61869  
beer and intoxicating liquor; 61870

(2) Grant or refuse permits for the manufacture, 61871  
distribution, transportation, and sale of beer and intoxicating 61872  
liquor and the sale of alcohol, as authorized or required by this 61873  
chapter and Chapter 4303. of the Revised Code. A certificate, 61874  
signed by the superintendent of liquor control and to which is 61875  
affixed the official seal of the division, stating that it appears 61876  
from the records of the division that no permit has been issued to 61877  
the person specified in the certificate, or that a permit, if 61878  
issued, has been revoked, canceled, or suspended, shall be 61879  
received as prima-facie evidence of the facts recited in the 61880  
certificate in any court or before any officer of this state. 61881

(3) Put into operation, manage, and control a system of state 61882  
liquor stores for the sale of spirituous liquor at retail and to 61883

holders of permits authorizing the sale of spirituous liquor; 61884  
however, the division shall not establish any drive-in state 61885  
liquor stores; and by means of those types of stores, and any 61886  
manufacturing plants, distributing and bottling plants, 61887  
warehouses, and other facilities that it considers expedient, 61888  
establish and maintain a state monopoly of the distribution of 61889  
spirituous liquor and its sale in packages or containers; and for 61890  
that purpose, manufacture, buy, import, possess, and sell 61891  
spirituous liquors as provided in this chapter and Chapter 4303. 61892  
of the Revised Code, and in the rules promulgated by the 61893  
superintendent of liquor control pursuant to those chapters; lease 61894  
or in any manner acquire the use of any land or building required 61895  
for any of those purposes; purchase any equipment that is 61896  
required; and borrow money to carry on its business, and issue, 61897  
sign, endorse, and accept notes, checks, and bills of exchange; 61898  
but all obligations of the division created under authority of 61899  
this division shall be a charge only upon the moneys received by 61900  
the division from the sale of spirituous liquor and its other 61901  
business transactions in connection with the sale of spirituous 61902  
liquor, and shall not be general obligations of the state; 61903

(4) Enforce the administrative provisions of this chapter and 61904  
Chapter 4303. of the Revised Code, and the rules and orders of the 61905  
liquor control commission and the superintendent relating to the 61906  
manufacture, importation, transportation, distribution, and sale 61907  
of beer or intoxicating liquor. The attorney general, any 61908  
prosecuting attorney, and any prosecuting officer of a municipal 61909  
corporation or a municipal court shall, at the request of the 61910  
division of liquor control or the department of public safety, 61911  
prosecute any person charged with the violation of any provision 61912  
in those chapters or of any section of the Revised Code relating 61913  
to the manufacture, importation, transportation, distribution, and 61914  
sale of beer or intoxicating liquor. 61915

(5) Determine the locations of all state liquor stores and manufacturing, distributing, and bottling plants required in connection with those stores, subject to this chapter and Chapter 4303. of the Revised Code;

(6) Conduct inspections of liquor permit premises to determine compliance with the administrative provisions of this chapter and Chapter 4303. of the Revised Code and the rules adopted under those provisions by the liquor control commission.

Except as otherwise provided in division (A)(6) of this section, those inspections may be conducted only during those hours in which the permit holder is open for business and only by authorized agents or employees of the division or by any peace officer, as defined in section 2935.01 of the Revised Code. Inspections may be conducted at other hours only to determine compliance with laws or commission rules that regulate the hours of sale of beer or intoxicating liquor and only if the investigator has reasonable cause to believe that those laws or rules are being violated. Any inspection conducted pursuant to division (A)(6) of this section is subject to all of the following requirements:

(a) The only property that may be confiscated is contraband, as defined in section 2901.01 of the Revised Code, or property that is otherwise necessary for evidentiary purposes.

(b) A complete inventory of all property confiscated from the premises shall be given to the permit holder or the permit holder's agent or employee by the confiscating agent or officer at the conclusion of the inspection. At that time, the inventory shall be signed by the confiscating agent or officer, and the agent or officer shall give the permit holder or the permit holder's agent or employee the opportunity to sign the inventory.

(c) Inspections conducted pursuant to division (A)(6) of this



section shall be conducted in a reasonable manner. A finding by 61947  
any court of competent jurisdiction that an inspection was not 61948  
conducted in a reasonable manner in accordance with this section 61949  
or any rules adopted by the commission may be considered grounds 61950  
for suppression of evidence. A finding by the commission that an 61951  
inspection was not conducted in a reasonable manner in accordance 61952  
with this section or any rules adopted by it may be considered 61953  
grounds for dismissal of the commission case. 61954

If any court of competent jurisdiction finds that property 61955  
confiscated as the result of an administrative inspection is not 61956  
necessary for evidentiary purposes and is not contraband, as 61957  
defined in section 2901.01 of the Revised Code, the court shall 61958  
order the immediate return of the confiscated property, provided 61959  
that property is not otherwise subject to forfeiture, to the 61960  
permit holder. However, the return of this property is not grounds 61961  
for dismissal of the case. The commission likewise may order the 61962  
return of confiscated property if no criminal prosecution is 61963  
pending or anticipated. 61964

(7) Delegate to any of its agents or employees any power of 61965  
investigation that the division possesses with respect to the 61966  
enforcement of any of the administrative laws relating to beer or 61967  
intoxicating liquor, provided that this division does not 61968  
authorize the division to designate any agent or employee to serve 61969  
as an enforcement agent. The employment and designation of 61970  
enforcement agents shall be within the exclusive authority of the 61971  
director of public safety pursuant to sections 5502.13 to 5502.19 61972  
of the Revised Code. 61973

(8) Collect the following fees: 61974

(a) A biennial fifty-dollar registration fee for each agent, 61975  
solicitor, trade marketing professional, or salesperson, 61976  
registered pursuant to section 4303.25 of the Revised Code, of a 61977  
beer or intoxicating liquor manufacturer, supplier, broker, trade 61978

marketing company, or wholesale distributor doing business in this 61979  
state; 61980

(b) A fifty-dollar product registration fee for each new beer 61981  
or intoxicating liquor product sold in this state. The product 61982  
registration fee also applies to products sold in this state by 61983  
B-2a and S permit holders. The product registration fee shall be 61984  
accompanied by a copy of the federal label and product approval 61985  
for the new product. 61986

(c) An annual three-hundred-dollar supplier registration fee 61987  
from each manufacturer or supplier that produces and ships into 61988  
this state, or ships into this state, intoxicating liquor or beer, 61989  
in addition to an initial application fee of one hundred dollars. 61990  
A manufacturer that produces and ships beer or wine into this 61991  
state and that holds only an S permit is exempt from the supplier 61992  
registration fee. A manufacturer that produces and ships wine into 61993  
this state and that holds a B-2a permit shall pay an annual 61994  
seventy-six-dollar supplier registration fee. A manufacturer that 61995  
produces and ships wine into this state and that does not hold 61996  
either an S or a B-2a permit, but that produces less than two 61997  
hundred fifty thousand gallons of wine per year and that is 61998  
entitled to a tax credit under 27 C.F.R. 24.278 shall pay an 61999  
annual seventy-six-dollar supplier registration fee. A B-2a or S 62000  
permit holder that does not sell its wine to wholesale 62001  
distributors of wine in this state and an S permit holder that 62002  
does not sell its beer to wholesale distributors of beer in this 62003  
state shall not be required to submit to the division territory 62004  
designation forms. 62005

Each supplier, agent, solicitor, trade marketing 62006  
professional, or salesperson registration issued under this 62007  
division shall authorize the person named to carry on the activity 62008  
specified in the registration. Each agent, solicitor, trade 62009  
marketing professional, or salesperson registration is valid for 62010

two years or for the unexpired portion of a two-year registration 62011  
period. Each supplier registration is valid for one year or for 62012  
the unexpired portion of a one-year registration period. 62013  
Registrations shall end on their respective uniform expiration 62014  
date, which shall be designated by the division, and are subject 62015  
to suspension, revocation, cancellation, or fine as authorized by 62016  
this chapter and Chapter 4303. of the Revised Code. 62017

As used in this division, "trade marketing company" and 62018  
"trade marketing professional" have the same meanings as in 62019  
section 4301.171 of the Revised Code. 62020

(9) Establish a system of electronic data interchange within 62021  
the division and regulate the electronic transfer of information 62022  
and funds among persons and governmental entities engaged in the 62023  
manufacture, distribution, and retail sale of alcoholic beverages; 62024

(10) Notify all holders of retail permits of the forms of 62025  
permissible identification for purposes of division (A) of section 62026  
4301.639 of the Revised Code; 62027

(11) Exercise all other powers expressly or by necessary 62028  
implication conferred upon the division by this chapter and 62029  
Chapter 4303. of the Revised Code, and all powers necessary for 62030  
the exercise or discharge of any power, duty, or function 62031  
expressly conferred or imposed upon the division by those 62032  
chapters. 62033

(B) The division may do all of the following: 62034

(1) Sue, but may be sued only in connection with the 62035  
execution of leases of real estate and the purchases and contracts 62036  
necessary for the operation of the state liquor stores that are 62037  
made under this chapter and Chapter 4303. of the Revised Code; 62038

(2) Enter into leases and contracts of all descriptions and 62039  
acquire and transfer title to personal property with regard to the 62040  
sale, distribution, and storage of spirituous liquor within the 62041

state; 62042

(3) Terminate at will any lease entered into pursuant to 62043  
division (B)(2) of this section upon first giving ninety days' 62044  
notice in writing to the lessor of its intention to do so; 62045

(4) Fix the wholesale and retail prices at which the various 62046  
classes, varieties, and brands of spirituous liquor shall be sold 62047  
by the division. Those retail prices shall be the same at all 62048  
state liquor stores, except to the extent that a price 62049  
differential is required to collect a county sales tax levied 62050  
pursuant to section 5739.021 of the Revised Code and for which tax 62051  
the tax commissioner has authorized prepayment pursuant to section 62052  
5739.05 of the Revised Code. In fixing selling prices, the 62053  
division shall compute an anticipated gross profit at least 62054  
sufficient to provide in each calendar year all costs and expenses 62055  
of the division and also an adequate working capital reserve for 62056  
the division. The gross profit shall not exceed forty per cent of 62057  
the retail selling price based on costs of the division, and in 62058  
addition the sum required by section 4301.12 of the Revised Code 62059  
to be paid into the state treasury. An amount equal to one and 62060  
one-half per cent of that gross profit shall be paid into the 62061  
statewide treatment and prevention fund created by section 4301.30 62062  
of the Revised Code and be appropriated by the general assembly 62063  
from the fund to the department of ~~alcohol and drug addiction~~ 62064  
~~services~~ mental health and addiction services as provided in 62065  
section 4301.30 of the Revised Code. 62066

On spirituous liquor manufactured in this state from the 62067  
juice of grapes or fruits grown in this state, the division shall 62068  
compute an anticipated gross profit of not to exceed ten per cent. 62069

The wholesale prices fixed under this division shall be at a 62070  
discount of not less than six per cent of the retail selling 62071  
prices as determined by the division in accordance with this 62072  
section. 62073

(C) The division may approve the expansion or diminution of a premises to which a liquor permit has been issued and may adopt standards governing such an expansion or diminution.

**Sec. 4301.30.** (A) All fees collected by the division of liquor control shall be deposited in the state treasury to the credit of the undivided liquor permit fund, which is hereby created, at the time prescribed under section 4301.12 of the Revised Code. Each payment shall be accompanied by a statement showing separately the amount collected for each class of permits in each municipal corporation and in each township outside the limits of any municipal corporation in such township.

(B)(1) An amount equal to forty-five per cent of the fund shall be paid from the fund into the state liquor regulatory fund, which is hereby created in the state treasury. The state liquor regulatory fund shall be used to pay the operating expenses of the division of liquor control in administering and enforcing Title XLIII of the Revised Code and the operating expenses of the liquor control commission. Investment earnings of the fund shall be credited to the fund.

(2) Whenever, in the judgment of the director of budget and management, the amount of money that is in the state liquor regulatory fund is in excess of the amount that is needed to pay the operating expenses of the division in administering and enforcing Title XLIII of the Revised Code and the operating expenses of the commission, the director shall credit the excess amount to the general revenue fund.

(C) Twenty per cent of the undivided liquor permit fund shall be paid into the statewide treatment and prevention fund, which is hereby created in the state treasury. This amount shall be appropriated by the general assembly, together with an amount equal to one and one-half per cent of the gross profit of the

division of liquor control derived under division (B)(4) of 62105  
section 4301.10 of the Revised Code, to the department of ~~alcohol~~ 62106  
~~and drug addiction services~~ mental health and addiction services. 62107  
In planning for the allocation of and in allocating these amounts 62108  
for the purposes of Chapter ~~3793~~. 5119. of the Revised Code, the 62109  
department of ~~alcohol and drug addiction services~~ shall comply 62110  
with the nondiscrimination provisions of Title VI of the Civil 62111  
Rights Act of 1964, and any rules adopted under that act. 62112

(D) Thirty-five per cent of the undivided liquor permit fund 62113  
shall be distributed by the superintendent of liquor control at 62114  
quarterly calendar periods as follows: 62115

(1) To each municipal corporation, the aggregate amount shown 62116  
by the statements to have been collected from permits in the 62117  
municipal corporation, for the use of the general fund of the 62118  
municipal corporation; 62119

(2) To each township, the aggregate amount shown by the 62120  
statements to have been collected from permits in its territory, 62121  
outside the limits of any municipal corporation located in the 62122  
township, for the use of the general fund of the township, or for 62123  
fire protection purposes, including buildings and equipment in the 62124  
township or in an established fire district within the township, 62125  
to the extent that the funds are derived from liquor permits 62126  
within the territory comprising such fire district. 62127

(E) For the purpose of the distribution required by this 62128  
section, E, H, and D permits covering boats or vessels are deemed 62129  
to have been issued in the municipal corporation or township 62130  
wherein the owner or operator of the vehicle, boat, vessel, or 62131  
dining car equipment to which the permit relates has the owner's 62132  
or operator's principal office or place of business within the 62133  
state. 62134

(F) If the liquor control commission determines that the 62135

police or other officers of any municipal corporation or township 62136  
entitled to share in distributions under this section are refusing 62137  
or culpably neglecting to enforce this chapter and Chapter 4303. 62138  
of the Revised Code, or the penal laws of this state relating to 62139  
the manufacture, importation, transportation, distribution, and 62140  
sale of beer and intoxicating liquors, or if the prosecuting 62141  
officer of a municipal corporation or a municipal court fails to 62142  
comply with the request of the commission authorized by division 62143  
(A)(4) of section 4301.10 of the Revised Code, the commission, by 62144  
certified mail, may notify the chief executive officer of the 62145  
municipal corporation or the board of township trustees of the 62146  
township of the failure and require the immediate cooperation of 62147  
the responsible officers of the municipal corporation or township 62148  
with the division of liquor control in the enforcement of those 62149  
chapters and penal laws. Within thirty days after the notice is 62150  
served, the commission shall determine whether the requirement has 62151  
been complied with. If the commission determines that the 62152  
requirement has not been complied with, it may issue an order to 62153  
the superintendent to withhold the distributive share of the 62154  
municipal corporation or township until further order of the 62155  
commission. This action of the commission is reviewable within 62156  
thirty days thereafter in the court of common pleas of Franklin 62157  
county. 62158

(G) All fees collected by the division of liquor control from 62159  
the issuance or renewal of B-2a and S permits, and paid by B-2a 62160  
and S permit holders who do not also hold A-2 permits, shall be 62161  
deposited in the state treasury to the credit of the state liquor 62162  
regulatory fund. Once during each fiscal year, an amount equal to 62163  
fifty per cent of the fees collected shall be paid from the state 62164  
liquor regulatory fund into the general revenue fund. 62165

**Sec. 4301.43.** (A) As used in sections 4301.43 to 4301.50 of 62166  
the Revised Code: 62167

(1) "Gallon" or "wine gallon" means one hundred twenty-eight fluid ounces. 62168  
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(2) "Sale" or "sell" includes exchange, barter, gift, distribution, and, except with respect to A-4 permit holders, offer for sale. 62170  
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(B) For the purposes of providing revenues for the support of the state and encouraging the grape industries in the state, a tax is hereby levied on the sale or distribution of wine in Ohio, except for known sacramental purposes, at the rate of thirty cents per wine gallon for wine containing not less than four per cent of alcohol by volume and not more than fourteen per cent of alcohol by volume, ninety-eight cents per wine gallon for wine containing more than fourteen per cent but not more than twenty-one per cent of alcohol by volume, one dollar and eight cents per wine gallon for vermouth, and one dollar and forty-eight cents per wine gallon for sparkling and carbonated wine and champagne, the tax to be paid by the holders of A-2 and B-5 permits or by any other person selling or distributing wine upon which no tax has been paid. From the tax paid under this section on wine, vermouth, and sparkling and carbonated wine and champagne, the treasurer of state shall credit to the Ohio grape industries fund created under section 924.54 of the Revised Code a sum equal to one cent per gallon for each gallon upon which the tax is paid. 62173  
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(C) For the purpose of providing revenues for the support of the state, there is hereby levied a tax on prepared and bottled highballs, cocktails, cordials, and other mixed beverages at the rate of one dollar and twenty cents per wine gallon to be paid by holders of A-4 permits or by any other person selling or distributing those products upon which no tax has been paid. Only one sale of the same article shall be used in computing the amount of tax due. The tax on mixed beverages to be paid by holders of A-4 permits under this section shall not attach until the 62191  
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ownership of the mixed beverage is transferred for valuable 62200  
consideration to a wholesaler or retailer, and no payment of the 62201  
tax shall be required prior to that time. 62202

(D) During the period of July 1, ~~2011~~ 2013, through June 30, 62203  
~~2013~~ 2015, from the tax paid under this section on wine, vermouth, 62204  
and sparkling and carbonated wine and champagne, the treasurer of 62205  
state shall credit to the Ohio grape industries fund created under 62206  
section 924.54 of the Revised Code a sum equal to two cents per 62207  
gallon upon which the tax is paid. The amount credited under this 62208  
division is in addition to the amount credited to the Ohio grape 62209  
industries fund under division (B) of this section. 62210

(E) For the purpose of providing revenues for the support of 62211  
the state, there is hereby levied a tax on cider at the rate of 62212  
twenty-four cents per wine gallon to be paid by the holders of A-2 62213  
and B-5 permits or by any other person selling or distributing 62214  
cider upon which no tax has been paid. Only one sale of the same 62215  
article shall be used in computing the amount of the tax due. 62216

**Sec. 4305.131.** (A) If any permit holder fails to pay the 62217  
taxes levied by section 4301.42, 4301.43, 4301.432, or 4305.01 of 62218  
the Revised Code in the manner prescribed by section 4303.33 of 62219  
the Revised Code, or by section 4301.421 or 4301.424 of the 62220  
Revised Code in the manner prescribed in section 4301.422 of the 62221  
Revised Code, and by the rules of the tax commissioner, the 62222  
commissioner may make an assessment against the permit holder 62223  
based upon any information in the commissioner's possession. 62224

No assessment shall be made against any permit holder for any 62225  
taxes imposed by section 4301.42, 4301.421, 4301.424, 4301.43, 62226  
4301.432, or 4305.01 of the Revised Code more than three years 62227  
after the last day of the calendar month in which the sale was 62228  
made or more than three years after the return for that period is 62229  
filed, whichever is later. This section does not bar an assessment 62230

against any permit holder or registrant as provided in section 62231  
4303.331 of the Revised Code who fails to file a return as 62232  
required by section 4301.422 or 4303.33 of the Revised Code, or 62233  
who files a fraudulent return. 62234

A penalty of up to thirty per cent may be added to the amount 62235  
of every assessment made under this section. The commissioner may 62236  
adopt rules providing for the imposition and remission of 62237  
penalties added to assessments made under this section. 62238

The commissioner shall give the party assessed written notice 62239  
of the assessment in the manner provided in section 5703.37 of the 62240  
Revised Code. With the notice, the commissioner shall provide 62241  
instructions on how to petition for reassessment and request a 62242  
hearing on the petition. 62243

(B) Unless the party assessed files with the tax commissioner 62244  
within sixty days after service of the notice of assessment, 62245  
either personally or by certified mail, a written petition for 62246  
reassessment, signed by the party assessed or that party's 62247  
authorized agent having knowledge of the facts, the assessment 62248  
becomes final and the amount of the assessment is due and payable 62249  
from the party assessed to the treasurer of state. The petition 62250  
shall indicate the objections of the party assessed, but 62251  
additional objections may be raised in writing if received by the 62252  
commissioner prior to the date shown on the final determination. 62253  
If the petition has been properly filed, the commissioner shall 62254  
proceed under section 5703.60 of the Revised Code. 62255

(C) After an assessment becomes final, if any portion of the 62256  
assessment remains unpaid, including accrued interest, a certified 62257  
copy of the tax commissioner's entry making the assessment final 62258  
may be filed in the office of the clerk of the court of common 62259  
pleas in the county in which the permit holder's place of business 62260  
is located or the county in which the party assessed resides. If 62261  
the party assessed maintains no place of business in this state 62262

and is not a resident of this state, the certified copy of the 62263  
entry may be filed in the office of the clerk of the court of 62264  
common pleas of Franklin county. 62265

Immediately upon the filing of the entry, the clerk shall 62266  
enter a judgment for the state against the party assessed in the 62267  
amount shown on the entry. The judgment may be filed by the clerk 62268  
in a loose-leaf book entitled "special judgments for state beer 62269  
and liquor sales taxes," and shall have the same effect as other 62270  
judgments. Execution shall issue upon the judgment upon the 62271  
request of the commissioner, and all laws applicable to sales on 62272  
execution shall apply to sales made under the judgment, except as 62273  
otherwise provided in this chapter and Chapters 4301. and 4307. of 62274  
the Revised Code. 62275

~~The portion of~~ If the assessment is not paid in its entirety 62276  
within sixty days after the day the assessment was issued, the 62277  
portion of the assessment consisting of tax due shall bear 62278  
interest at the rate per annum prescribed by section 5703.47 of 62279  
the Revised Code from the day the commissioner issues the 62280  
assessment until it is paid or until it is certified to the 62281  
attorney general for collection under section 131.02 of the 62282  
Revised Code, whichever comes first. If the unpaid portion of the 62283  
assessment is certified to the attorney general for collection, 62284  
the entire unpaid portion of the assessment shall bear interest at 62285  
the rate per annum prescribed by section 5703.47 of the Revised 62286  
Code from the date of certification until the date it is paid in 62287  
its entirety. Interest shall be paid in the same manner as the tax 62288  
and may be collected by the issuance of an assessment under this 62289  
section. 62290

(D) All money collected under this section shall be 62291  
considered as revenue arising from the taxes imposed by sections 62292  
4301.42, 4301.421, 4301.424, 4301.43, 4301.432, and 4305.01 of the 62293  
Revised Code. 62294

**Sec. 4501.21.** (A) There is hereby created in the state 62295  
treasury the license plate contribution fund. The fund shall 62296  
consist of all contributions paid by motor vehicle registrants and 62297  
collected by the registrar of motor vehicles pursuant to sections 62298  
4503.491, 4503.493, 4503.494, 4503.496, 4503.498, 4503.499, 62299  
4503.50, 4503.501, 4503.502, 4503.505, 4503.51, 4503.522, 62300  
4503.523, 4503.524, 4503.531, 4503.545, 4503.55, 4503.551, 62301  
4503.552, 4503.553, 4503.561, 4503.562, 4503.564, 4503.591, 62302  
4503.67, 4503.68, 4503.69, 4503.701, 4503.71, 4503.711, 4503.712, 62303  
4503.713, 4503.72, 4503.73, 4503.74, 4503.75, 4503.751, 4503.85, 62304  
4503.89, 4503.92, and 4503.94 of the Revised Code. 62305

(B) The registrar shall pay the contributions the registrar 62306  
collects in the fund as follows: 62307

The registrar shall pay the contributions received pursuant 62308  
to section 4503.491 of the Revised Code to the breast cancer fund 62309  
of Ohio, which shall use that money only to pay for programs that 62310  
provide assistance and education to Ohio breast cancer patients 62311  
and that improve access for such patients to quality health care 62312  
and clinical trials and shall not use any of the money for 62313  
abortion information, counseling, services, or other 62314  
abortion-related activities. 62315

The registrar shall pay the contributions received pursuant 62316  
to section 4503.493 of the Revised Code to the autism society of 62317  
Ohio, which shall use the contributions for programs and autism 62318  
awareness efforts throughout the state. 62319

The registrar shall pay the contributions the registrar 62320  
receives pursuant to section 4503.494 of the Revised Code to the 62321  
national multiple sclerosis society for distribution in equal 62322  
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 62323  
chapters of the national multiple sclerosis society. These 62324  
chapters shall use the money they receive under this section to 62325

assist in paying the expenses they incur in providing services 62326  
directly to their clients. 62327

The registrar shall pay the contributions the registrar 62328  
receives pursuant to section 4503.496 of the Revised Code to the 62329  
Ohio sickle cell and health association, which shall use the 62330  
contributions to help support educational, clinical, and social 62331  
support services for adults who have sickle cell disease. 62332

The registrar shall pay the contributions the registrar 62333  
receives pursuant to section 4503.498 of the Revised Code to 62334  
special olympics Ohio, inc., which shall use the contributions for 62335  
its programs, charitable efforts, and other activities. 62336

The registrar shall pay the contributions the registrar 62337  
receives pursuant to section 4503.499 of the Revised Code to the 62338  
children's glioma cancer foundation, which shall use the 62339  
contributions for its research and other programs. 62340

The registrar shall pay the contributions the registrar 62341  
receives pursuant to section 4503.50 of the Revised Code to the 62342  
future farmers of America foundation, which shall deposit the 62343  
contributions into its general account to be used for educational 62344  
and scholarship purposes of the future farmers of America 62345  
foundation. 62346

The registrar shall pay the contributions the registrar 62347  
receives pursuant to section 4503.501 of the Revised Code to the 62348  
4-H youth development program of the Ohio state university 62349  
extension program, which shall use those contributions to pay the 62350  
expenses it incurs in conducting its educational activities. 62351

The registrar shall pay the contributions received pursuant 62352  
to section 4503.502 of the Revised Code to the Ohio cattlemen's 62353  
foundation, which shall use those contributions for scholarships 62354  
and other educational activities. 62355

The registrar shall pay the contributions received pursuant 62356

to section 4503.505 of the Revised Code to the organization Ohio 62357  
region phi theta kappa, which shall use those contributions for 62358  
scholarships for students who are members of that organization. 62359

The registrar shall pay each contribution the registrar 62360  
receives pursuant to section 4503.51 of the Revised Code to the 62361  
university or college whose name or marking or design appears on 62362  
collegiate license plates that are issued to a person under that 62363  
section. A university or college that receives contributions from 62364  
the fund shall deposit the contributions into its general 62365  
scholarship fund. 62366

The registrar shall pay the contributions the registrar 62367  
receives pursuant to section 4503.522 of the Revised Code to the 62368  
"friends of Perry's victory and international peace memorial, 62369  
incorporated," a nonprofit corporation organized under the laws of 62370  
this state, to assist that organization in paying the expenses it 62371  
incurs in sponsoring or holding charitable, educational, and 62372  
cultural events at the monument. 62373

The registrar shall pay the contributions the registrar 62374  
receives pursuant to section 4503.523 of the Revised Code to the 62375  
fairport lights foundation, which shall use the money to pay for 62376  
the restoration, maintenance, and preservation of the lighthouses 62377  
of fairport harbor. 62378

The registrar shall pay the contributions the registrar 62379  
receives pursuant to section 4503.524 of the Revised Code to the 62380  
Massillon tiger football booster club, which shall use the 62381  
contributions only to promote and support the football team of 62382  
Washington high school of the Massillon city school district. 62383

The registrar shall pay the contributions the registrar 62384  
receives pursuant to section 4503.531 of the Revised Code to the 62385  
thank you foundation, incorporated, a nonprofit corporation 62386  
organized under the laws of this state, to assist that 62387

organization in paying for the charitable activities and programs 62388  
it sponsors in support of United States military personnel, 62389  
veterans, and their families. 62390

The registrar shall pay the contributions the registrar 62391  
receives pursuant to section 4503.55 of the Revised Code to the 62392  
pro football hall of fame, which shall deposit the contributions 62393  
into a special bank account that it establishes and which shall be 62394  
separate and distinct from any other account the pro football hall 62395  
of fame maintains, to be used exclusively for the purpose of 62396  
promoting the pro football hall of fame as a travel destination. 62397

The registrar shall pay the contributions that are paid to 62398  
the registrar pursuant to section 4503.545 of the Revised Code to 62399  
the national rifle association foundation, which shall use the 62400  
money to pay the costs of the educational activities and programs 62401  
the foundation holds or sponsors in this state. 62402

The registrar shall pay to the Ohio pet fund the 62403  
contributions the registrar receives pursuant to section 4503.551 62404  
of the Revised Code and any other money from any other source, 62405  
including donations, gifts, and grants, that is designated by the 62406  
source to be paid to the Ohio pet fund. The Ohio pet fund shall 62407  
use the moneys it receives under this section to support programs 62408  
for the sterilization of dogs and cats and for educational 62409  
programs concerning the proper veterinary care of those animals, 62410  
and for expenses of the Ohio pet fund that are reasonably 62411  
necessary for it to obtain and maintain its tax-exempt status and 62412  
to perform its duties. 62413

The registrar shall pay the contributions the registrar 62414  
receives pursuant to section 4503.552 of the Revised Code to the 62415  
rock and roll hall of fame and museum, incorporated. 62416

The registrar shall pay the contributions the registrar 62417  
receives pursuant to section 4503.553 of the Revised Code to the 62418

Ohio coalition for animals, incorporated, a nonprofit corporation. 62419  
Except as provided in division (B) of this section, the coalition 62420  
shall distribute the money to its members, and the members shall 62421  
use the money only to pay for educational, charitable, and other 62422  
programs of each coalition member that provide care for unwanted, 62423  
abused, and neglected horses. The Ohio coalition for animals may 62424  
use a portion of the money to pay for reasonable marketing costs 62425  
incurred in the design and promotion of the license plate and for 62426  
administrative costs incurred in the disbursement and management 62427  
of funds received under this section. 62428

The registrar shall pay the contributions the registrar 62429  
receives pursuant to section 4503.561 of the Revised Code to the 62430  
state of Ohio chapter of ducks unlimited, inc., which shall 62431  
deposit the contributions into a special bank account that it 62432  
establishes. The special bank account shall be separate and 62433  
distinct from any other account the state of Ohio chapter of ducks 62434  
unlimited, inc., maintains and shall be used exclusively for the 62435  
purpose of protecting, enhancing, restoring, and managing wetlands 62436  
and conserving wildlife habitat. The state of Ohio chapter of 62437  
ducks unlimited, inc., annually shall notify the registrar in 62438  
writing of the name, address, and account to which such payments 62439  
are to be made. 62440

The registrar shall pay the contributions the registrar 62441  
receives pursuant to section 4503.562 of the Revised Code to the 62442  
Mahoning river consortium, which shall use the money to pay the 62443  
expenses it incurs in restoring and maintaining the Mahoning river 62444  
watershed. 62445

The registrar shall pay the contributions the registrar 62446  
receives pursuant to section 4503.564 of the Revised Code to 62447  
Antioch college for the use of the Glen Helen ecology institute to 62448  
pay expenses related to the Glen Helen nature preserve. 62449

The registrar shall pay to a sports commission created 62450



pursuant to section 4503.591 of the Revised Code each contribution 62451  
the registrar receives under that section that an applicant pays 62452  
to obtain license plates that bear the logo of a professional 62453  
sports team located in the county of that sports commission and 62454  
that is participating in the license plate program pursuant to 62455  
division (E) of that section, irrespective of the county of 62456  
residence of an applicant. 62457

The registrar shall pay to a community charity each 62458  
contribution the registrar receives under section 4503.591 of the 62459  
Revised Code that an applicant pays to obtain license plates that 62460  
bear the logo of a professional sports team that is participating 62461  
in the license plate program pursuant to division (G) of that 62462  
section. 62463

The registrar shall pay the contributions the registrar 62464  
receives pursuant to section 4503.67 of the Revised Code to the 62465  
Dan Beard council of the boy scouts of America. The council shall 62466  
distribute all contributions in an equitable manner throughout the 62467  
state to regional councils of the boy scouts. 62468

The registrar shall pay the contributions the registrar 62469  
receives pursuant to section 4503.68 of the Revised Code to the 62470  
great river council of the girl scouts of the United States of 62471  
America. The council shall distribute all contributions in an 62472  
equitable manner throughout the state to regional councils of the 62473  
girl scouts. 62474

The registrar shall pay the contributions the registrar 62475  
receives pursuant to section 4503.69 of the Revised Code to the 62476  
Dan Beard council of the boy scouts of America. The council shall 62477  
distribute all contributions in an equitable manner throughout the 62478  
state to regional councils of the boy scouts. 62479

The registrar shall pay the contributions the registrar 62480  
receives pursuant to section 4503.701 of the Revised Code to the 62481

Prince Hall grand lodge of free and accepted masons of Ohio, which 62482  
shall use the contributions for scholarship purposes. 62483

The registrar shall pay the contributions the registrar 62484  
receives pursuant to section 4503.71 of the Revised Code to the 62485  
fraternal order of police of Ohio, incorporated, which shall 62486  
deposit the fees into its general account to be used for purposes 62487  
of the fraternal order of police of Ohio, incorporated. 62488

The registrar shall pay the contributions the registrar 62489  
receives pursuant to section 4503.711 of the Revised Code to the 62490  
fraternal order of police of Ohio, incorporated, which shall 62491  
deposit the contributions into an account that it creates to be 62492  
used for the purpose of advancing and protecting the law 62493  
enforcement profession, promoting improved law enforcement 62494  
methods, and teaching respect for law and order. 62495

The registrar shall pay the contributions received pursuant 62496  
to section 4503.712 of the Revised Code to Ohio concerns of police 62497  
survivors, which shall use those contributions to provide whatever 62498  
assistance may be appropriate to the families of Ohio law 62499  
enforcement officers who are killed in the line of duty. 62500

The registrar shall pay the contributions received pursuant 62501  
to section 4503.713 of the Revised Code to the greater Cleveland 62502  
peace officers memorial society, which shall use those 62503  
contributions to honor law enforcement officers who have died in 62504  
the line of duty and support its charitable purposes. 62505

The registrar shall pay the contributions the registrar 62506  
receives pursuant to section 4503.72 of the Revised Code to the 62507  
organization known on March 31, 2003, as the Ohio CASA/GAL 62508  
association, a private, nonprofit corporation organized under 62509  
Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 62510  
shall use these contributions to pay the expenses it incurs in 62511  
administering a program to secure the proper representation in the 62512

courts of this state of abused, neglected, and dependent children, 62513  
and for the training and supervision of persons participating in 62514  
that program. 62515

The registrar shall pay the contributions the registrar 62516  
receives pursuant to section 4503.73 of the Revised Code to Wright 62517  
B. Flyer, incorporated, which shall deposit the contributions into 62518  
its general account to be used for purposes of Wright B. Flyer, 62519  
incorporated. 62520

The registrar shall pay the contributions the registrar 62521  
receives pursuant to section 4503.74 of the Revised Code to the 62522  
Columbus zoological park association, which shall disburse the 62523  
moneys to Ohio's major metropolitan zoos, as defined in section 62524  
4503.74 of the Revised Code, in accordance with a written 62525  
agreement entered into by the major metropolitan zoos. 62526

The registrar shall pay the contributions the registrar 62527  
receives pursuant to section 4503.75 of the Revised Code to the 62528  
rotary foundation, located on March 31, 2003, in Evanston, 62529  
Illinois, to be placed in a fund known as the permanent fund and 62530  
used to endow educational and humanitarian programs of the rotary 62531  
foundation. 62532

The registrar shall pay the contributions the registrar 62533  
receives pursuant to section 4503.751 of the Revised Code to the 62534  
Ohio association of realtors, which shall deposit the 62535  
contributions into a property disaster relief fund maintained 62536  
under the Ohio realtors charitable and education foundation. 62537

The registrar shall pay the contributions the registrar 62538  
receives pursuant to section 4503.85 of the Revised Code to the 62539  
Ohio sea grant college program to be used for Lake Erie area 62540  
research projects. 62541

The registrar shall pay the contributions the registrar 62542  
receives pursuant to section 4503.89 of the Revised Code to the 62543

American red cross of greater Columbus on behalf of the Ohio 62544  
chapters of the American red cross, which shall use the 62545  
contributions for disaster readiness, preparedness, and response 62546  
programs on a statewide basis. 62547

The registrar shall pay the contributions received pursuant 62548  
to section 4503.92 of the Revised Code to support our troops, 62549  
incorporated, a national nonprofit corporation, which shall use 62550  
those contributions in accordance with its articles of 62551  
incorporation and for the benefit of servicemembers of the armed 62552  
forces of the United States and their families when they are in 62553  
financial need. 62554

The registrar shall pay the contributions the registrar 62555  
receives pursuant to section 4503.94 of the Revised Code to the 62556  
Michelle's leading star foundation, which shall use the money 62557  
solely to fund the rental, lease, or purchase of the simulated 62558  
driving curriculum of the Michelle's leading star foundation by 62559  
boards of education of city, exempted village, local, and joint 62560  
vocational school districts. 62561

(C) All investment earnings of the license plate contribution 62562  
fund shall be credited to the fund. Not later than the first day 62563  
of May of every year, the registrar shall distribute to each 62564  
entity described in division (B) of this section the investment 62565  
income the fund earned the previous calendar year. The amount of 62566  
such a distribution paid to an entity shall be proportionate to 62567  
the amount of money the entity received from the fund during the 62568  
previous calendar year. 62569

Sec. 4503.524. (A) The owner or lessee of any passenger car, 62570  
noncommercial motor vehicle, recreational vehicle, or other 62571  
vehicle of a class approved by the registrar of motor vehicles may 62572  
apply to the registrar for the registration of the vehicle and 62573  
issuance of "Massillon tiger football booster club" license 62574

plates. The application for "Massillon tiger football booster club" license plates may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance with division (B) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a set of "Massillon tiger football booster club" license plates with a validation sticker or a validation sticker alone when required by section 4503.191 of the Revised Code. In addition to the letters and numbers ordinarily inscribed thereon, "Massillon tiger football booster club" license plates shall be inscribed with words and markings selected and designed by the Massillon tiger football booster club and approved by the registrar. "Massillon tiger football booster club" license plates shall bear county identification stickers that identify the county of registration by name or number.

(B) "Massillon tiger football booster club" license plates and validation stickers shall be issued upon payment of the regular license tax as prescribed under section 4503.04 of the Revised Code, any applicable motor vehicle tax levied under Chapter 4504. of the Revised Code, a bureau of motor vehicles administrative fee of ten dollars, the contribution specified in division (C) of this section, and compliance with all other applicable laws relating to the registration of motor vehicles. If the application for "Massillon tiger football booster club" license plates is combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code, the license plates and validation sticker shall be issued upon payment of the contribution, fees, and taxes contained in this division and the additional fee prescribed under section 4503.40 or 4503.42 of the Revised Code.

(C) For each application for registration and registration

renewal submitted under this section, the registrar shall collect 62607  
a contribution of twenty-five dollars. The registrar shall 62608  
transmit this contribution to the treasurer of state for deposit 62609  
into the license plate contribution fund created in section 62610  
4501.21 of the Revised Code. 62611

The registrar shall deposit the ten-dollar bureau 62612  
administrative fee, the purpose of which is to compensate the 62613  
bureau for additional services required in issuing "Massillon 62614  
tiger football booster club" license plates, into the state bureau 62615  
of motor vehicles fund created in section 4501.25 of the Revised 62616  
Code. 62617

**Sec. 4503.62.** (A) Application for the registration of an 62618  
apportionable vehicle shall be made to the registrar of motor 62619  
vehicles in accordance with division (J) of section 4503.10 of the 62620  
Revised Code. 62621

(B) Any person applying to register a vehicle or combination 62622  
vehicle that has a gross vehicle weight of twenty-six thousand 62623  
pounds or less or two axles, or that is a bus used in charter 62624  
party service, also may register the vehicle in accordance with 62625  
division (J) of section 4503.10 of the Revised Code if the vehicle 62626  
is used or intended for use in two or more international 62627  
registration plan member jurisdictions. 62628

(C) No later than December 31, 2011, the registrar shall 62629  
adopt rules under Chapter 119. of the Revised Code to establish a 62630  
program to accept applications for vehicle registration 62631  
transactions of apportionable vehicles electronically over the 62632  
internet. The program also may provide for vehicle registration 62633  
transactions of nonapportionable commercial motor vehicles over 62634  
the internet. 62635

(D) The internet registration program shall provide an option 62636  
for the payment of all registration taxes and fees by use of a 62637

financial transaction device. In providing for payment by the use 62638  
of a financial transaction device, the registrar ~~may, but is not~~ 62639  
~~required to,~~ shall comply with section 113.40 of the Revised Code. 62640  
~~The registrar, with the approval of the director of public safety,~~ 62641  
~~may contract with a third party to accept and process payments~~ 62642  
~~made by use of a financial transaction device on behalf of the~~ 62643  
~~bureau of motor vehicles.~~ All fees associated with payment by use 62644  
of a financial transaction device shall be borne by the applicants 62645  
seeking the registration of apportionable or other vehicles under 62646  
the program established pursuant to division (C) of this section. 62647  
The bureau shall not pay any costs, and shall not retain any 62648  
additional fees, associated with the use of a financial 62649  
transaction device. 62650

(E) As used in this section, "financial transaction device" 62651  
has the same meaning as in section 113.40 of the Revised Code. 62652

**Sec. 4506.07.** (A) Every application for a commercial driver's 62653  
license, restricted commercial driver's license, or a commercial 62654  
driver's temporary instruction permit, or a duplicate of such a 62655  
license, shall be made upon a form approved and furnished by the 62656  
registrar of motor vehicles. Except as provided in section 4506.24 62657  
of the Revised Code in regard to a restricted commercial driver's 62658  
license, the application shall be signed by the applicant and 62659  
shall contain the following information: 62660

(1) The applicant's name, date of birth, social security 62661  
account number, sex, general description including height, weight, 62662  
and color of hair and eyes, current residence, duration of 62663  
residence in this state, country of citizenship, and occupation; 62664

(2) Whether the applicant previously has been licensed to 62665  
operate a commercial motor vehicle or any other type of motor 62666  
vehicle in another state or a foreign jurisdiction and, if so, 62667  
when, by what state, and whether the license or driving privileges 62668

currently are suspended or revoked in any jurisdiction, or the applicant otherwise has been disqualified from operating a commercial motor vehicle, or is subject to an out-of-service order issued under this chapter or any similar law of another state or a foreign jurisdiction and, if so, the date of, locations involved, and reason for the suspension, revocation, disqualification, or out-of-service order;

(3) Whether the applicant is afflicted with or suffering from any physical or mental disability or disease that prevents the applicant from exercising reasonable and ordinary control over a motor vehicle while operating it upon a highway or is or has been subject to any condition resulting in episodic impairment of consciousness or loss of muscular control and, if so, the nature and extent of the disability, disease, or condition, and the names and addresses of the physicians attending the applicant;

(4) Whether the applicant has obtained a medical examiner's certificate as required by this chapter and, beginning January 30, 2012, the applicant, prior to or at the time of applying, has self-certified to the registrar the applicable status of the applicant under division (A)(2) of section 4506.10 of the Revised Code;

(5) Whether the applicant has pending a citation for violation of any motor vehicle law or ordinance except a parking violation and, if so, a description of the citation, the court having jurisdiction of the offense, and the date when the offense occurred;

(6) ~~Whether~~ If an applicant has not certified the applicant's willingness to make an anatomical gift under section 2108.05 of the Revised Code, whether the applicant wishes to certify willingness to make such an anatomical gift ~~under section 2108.05 of the Revised Code~~, which shall be given no consideration in the issuance of a license;



(7) On and after May 1, 1993, whether the applicant has executed a valid durable power of attorney for health care pursuant to sections 1337.11 to 1337.17 of the Revised Code or has executed a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment pursuant to sections 2133.01 to 2133.15 of the Revised Code and, if the applicant has executed either type of instrument, whether the applicant wishes the license issued to indicate that the applicant has executed the instrument;

(8) On and after October 7, 2009, whether the applicant is a veteran, active duty, or reservist of the armed forces of the United States and, if the applicant is such, whether the applicant wishes the license issued to indicate that the applicant is a veteran, active duty, or reservist of the armed forces of the United States by a military designation on the license.

(B) Every applicant shall certify, on a form approved and furnished by the registrar, all of the following:

(1) That the motor vehicle in which the applicant intends to take the driving skills test is representative of the type of motor vehicle that the applicant expects to operate as a driver;

(2) That the applicant is not subject to any disqualification or out-of-service order, or license suspension, revocation, or cancellation, under the laws of this state, of another state, or of a foreign jurisdiction and does not have more than one driver's license issued by this or another state or a foreign jurisdiction;

(3) Any additional information, certification, or evidence that the registrar requires by rule in order to ensure that the issuance of a commercial driver's license to the applicant is in compliance with the law of this state and with federal law.

(C) Every applicant shall execute a form, approved and furnished by the registrar, under which the applicant consents to

the release by the registrar of information from the applicant's 62732  
driving record. 62733

(D) The registrar or a deputy registrar, in accordance with 62734  
section 3503.11 of the Revised Code, shall register as an elector 62735  
any applicant for a commercial driver's license or for a renewal 62736  
or duplicate of such a license under this chapter, if the 62737  
applicant is eligible and wishes to be registered as an elector. 62738  
The decision of an applicant whether to register as an elector 62739  
shall be given no consideration in the decision of whether to 62740  
issue the applicant a license or a renewal or duplicate. 62741

(E) The registrar or a deputy registrar, in accordance with 62742  
section 3503.11 of the Revised Code, shall offer the opportunity 62743  
of completing a notice of change of residence or change of name to 62744  
any applicant for a commercial driver's license or for a renewal 62745  
or duplicate of such a license who is a resident of this state, if 62746  
the applicant is a registered elector who has changed the 62747  
applicant's residence or name and has not filed such a notice. 62748

(F) In considering any application submitted pursuant to this 62749  
section, the bureau of motor vehicles may conduct any inquiries 62750  
necessary to ensure that issuance or renewal of a commercial 62751  
driver's license would not violate any provision of the Revised 62752  
Code or federal law. 62753

(G) In addition to any other information it contains, on and 62754  
after October 7, 2009, the form approved and furnished by the 62755  
registrar of motor vehicles for an application for a commercial 62756  
driver's license, restricted commercial driver's license, or a 62757  
commercial driver's temporary instruction permit or an application 62758  
for a duplicate of such a license shall inform applicants that the 62759  
applicant must present a copy of the applicant's DD-214 or an 62760  
equivalent document in order to qualify to have the license or 62761  
duplicate indicate that the applicant is a veteran, active duty, 62762  
or reservist of the armed forces of the United States based on a 62763

request made pursuant to division (A)(8) of this section. 62764

Sec. 4507.021. (A) No person shall drive, operate, draw, 62765  
move, or propel an agricultural tractor or implement of husbandry 62766  
upon a street or highway in either of the following circumstances 62767  
unless the person has a current, valid driver's or commercial 62768  
driver's license: 62769

(1) At a speed greater than twenty-five miles per hour; or 62770

(2) While transporting persons in or on a trailer or unit of 62771  
farm machinery. 62772

(B) Whoever violates division (A) of this section is guilty 62773  
of a misdemeanor of the first degree. 62774

**Sec. 4507.03. (A)(1) No person shall be required to obtain a 62775**  
driver's or commercial driver's license for the purpose of 62776  
temporarily driving, operating, drawing, moving, or propelling a 62777  
road roller or road machinery upon a street or highway. 62778

(2) ~~No~~ Except as provided in section 4507.021 of the Revised 62779  
Code, no person shall be required to obtain a driver's or 62780  
commercial driver's license for the purpose of temporarily 62781  
driving, operating, drawing, moving, or propelling any 62782  
agricultural tractor or implement of husbandry upon a street or 62783  
highway at a speed of twenty-five miles per hour or less. 62784

(3) ~~No person shall drive, operate, draw, move, or propel any 62785~~  
~~agricultural tractor or implement of husbandry upon a street or 62786~~  
~~highway at a speed greater than twenty five miles per hour unless 62787~~  
~~the person has a current, valid driver's or commercial driver's 62788~~  
~~license. 62789~~

~~(4)~~ No person having a valid driver's or commercial driver's 62790  
license shall be required to have a motorcycle operator's 62791  
endorsement to operate a motorcycle having three wheels with a 62792

motor of not more than fifty cubic centimeters piston displacement. 62793  
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(B) Every person on active duty in the armed forces of the United States, when furnished with a driver's permit and when operating an official motor vehicle in connection with such duty, is exempt from the license requirements of Chapters 4506. and 4507. of the Revised Code. 62795  
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Every person on active duty in the armed forces of the United States or in service with the peace corps, volunteers in service to America, or the foreign service of the United States is exempt from the license requirements of those chapters for the period of the person's active duty or service and for six months thereafter, provided the person was a licensee under those chapters at the time the person commenced the person's active duty or service. The spouse or a dependent of any such person on active duty or in service also is exempt from the license requirements of those chapters for the period of the person's active duty or service and for six months thereafter, provided the spouse or dependent was a licensee under those chapters at the time the person commenced the active duty or service, and provided further that the person's active duty or service causes the spouse or dependent to relocate outside of this state during the period of the active duty or service. 62800  
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This section does not prevent such a person or the person's spouse or dependent from making an application, as provided in division (C) of section 4507.10 of the Revised Code, for the renewal of a driver's license or motorcycle operator's endorsement or as provided in section 4506.14 of the Revised Code for the renewal of a commercial driver's license during the period of the person's active duty or service. 62816  
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~~(C) Whoever violates division (A)(3) of this section is guilty of a misdemeanor of the first degree.~~ 62823  
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Sec. 4507.06. (A)(1) Every application for a driver's license 62825  
or motorcycle operator's license or endorsement, or duplicate of 62826  
any such license or endorsement, shall be made upon the approved 62827  
form furnished by the registrar of motor vehicles and shall be 62828  
signed by the applicant. 62829

Every application shall state the following: 62830

(a) The applicant's name, date of birth, social security 62831  
number if such has been assigned, sex, general description, 62832  
including height, weight, color of hair, and eyes, residence 62833  
address, including county of residence, duration of residence in 62834  
this state, and country of citizenship; 62835

(b) Whether the applicant previously has been licensed as an 62836  
operator, chauffeur, driver, commercial driver, or motorcycle 62837  
operator and, if so, when, by what state, and whether such license 62838  
is suspended or canceled at the present time and, if so, the date 62839  
of and reason for the suspension or cancellation; 62840

(c) Whether the applicant is now or ever has been afflicted 62841  
with epilepsy, or whether the applicant now is suffering from any 62842  
physical or mental disability or disease and, if so, the nature 62843  
and extent of the disability or disease, giving the names and 62844  
addresses of physicians then or previously in attendance upon the 62845  
applicant; 62846

(d) Whether an applicant for a duplicate driver's license, or 62847  
duplicate license containing a motorcycle operator endorsement has 62848  
pending a citation for violation of any motor vehicle law or 62849  
ordinance, a description of any such citation pending, and the 62850  
date of the citation; 62851

(e) ~~Whether~~ If an applicant has not certified the applicant's 62852  
willingness to make an anatomical gift under section 2108.05 of 62853  
the Revised Code, whether the applicant wishes to certify 62854

willingness to make such an anatomical gift ~~under section 2108.05~~ 62855  
~~of the Revised Code~~, which shall be given no consideration in the 62856  
issuance of a license or endorsement; 62857

(f) Whether the applicant has executed a valid durable power 62858  
of attorney for health care pursuant to sections 1337.11 to 62859  
1337.17 of the Revised Code or has executed a declaration 62860  
governing the use or continuation, or the withholding or 62861  
withdrawal, of life-sustaining treatment pursuant to sections 62862  
2133.01 to 2133.15 of the Revised Code and, if the applicant has 62863  
executed either type of instrument, whether the applicant wishes 62864  
the applicant's license to indicate that the applicant has 62865  
executed the instrument; 62866

(g) On and after October 7, 2009, whether the applicant is a 62867  
veteran, active duty, or reservist of the armed forces of the 62868  
United States and, if the applicant is such, whether the applicant 62869  
wishes the applicant's license to indicate that the applicant is a 62870  
veteran, active duty, or reservist of the armed forces of the 62871  
United States by a military designation on the license. 62872

(2) Every applicant for a driver's license shall be 62873  
photographed in color at the time the application for the license 62874  
is made. The application shall state any additional information 62875  
that the registrar requires. 62876

(B) The registrar or a deputy registrar, in accordance with 62877  
section 3503.11 of the Revised Code, shall register as an elector 62878  
any person who applies for a driver's license or motorcycle 62879  
operator's license or endorsement under division (A) of this 62880  
section, or for a renewal or duplicate of the license or 62881  
endorsement, if the applicant is eligible and wishes to be 62882  
registered as an elector. The decision of an applicant whether to 62883  
register as an elector shall be given no consideration in the 62884  
decision of whether to issue the applicant a license or 62885  
endorsement, or a renewal or duplicate. 62886

(C) The registrar or a deputy registrar, in accordance with 62887  
section 3503.11 of the Revised Code, shall offer the opportunity 62888  
of completing a notice of change of residence or change of name to 62889  
any applicant for a driver's license or endorsement under division 62890  
(A) of this section, or for a renewal or duplicate of the license 62891  
or endorsement, if the applicant is a registered elector who has 62892  
changed the applicant's residence or name and has not filed such a 62893  
notice. 62894

(D) In addition to any other information it contains, on and 62895  
after October 7, 2009, the approved form furnished by the 62896  
registrar of motor vehicles for an application for a driver's 62897  
license or motorcycle operator's license or endorsement or an 62898  
application for a duplicate of any such license or endorsement 62899  
shall inform applicants that the applicant must present a copy of 62900  
the applicant's DD-214 or an equivalent document in order to 62901  
qualify to have the license or duplicate indicate that the 62902  
applicant is a veteran, active duty, or reservist of the armed 62903  
forces of the United States based on a request made pursuant to 62904  
division (A)(1)(g) of this section. 62905

**Sec. 4507.51.** (A)(1) Every application for an identification 62906  
card or duplicate shall be made on a form furnished by the 62907  
registrar of motor vehicles, shall be signed by the applicant, and 62908  
by the applicant's parent or guardian if the applicant is under 62909  
eighteen years of age, and shall contain the following information 62910  
pertaining to the applicant: name, date of birth, sex, general 62911  
description including the applicant's height, weight, hair color, 62912  
and eye color, address, and social security number. The 62913  
application also shall ~~state~~ include, for an applicant who has not 62914  
already certified the applicant's willingness to make an 62915  
anatomical gift under section 2108.05 of the Revised Code, whether 62916  
~~an~~ the applicant wishes to certify willingness to make such an 62917  
anatomical gift ~~under section 2108.05 of the Revised Code~~ and 62918

shall include information about the requirements of sections 62919  
2108.01 to 2108.29 of the Revised Code that apply to persons who 62920  
are less than eighteen years of age. The statement regarding 62921  
willingness to make such a donation shall be given no 62922  
consideration in the decision of whether to issue an 62923  
identification card. Each applicant shall be photographed in color 62924  
at the time of making application. 62925

(2)(a) The application also shall state whether the applicant 62926  
has executed a valid durable power of attorney for health care 62927  
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 62928  
executed a declaration governing the use or continuation, or the 62929  
withholding or withdrawal, of life-sustaining treatment pursuant 62930  
to sections 2133.01 to 2133.15 of the Revised Code and, if the 62931  
applicant has executed either type of instrument, whether the 62932  
applicant wishes the identification card issued to indicate that 62933  
the applicant has executed the instrument. 62934

(b) On and after October 7, 2009, the application also shall 62935  
state whether the applicant is a veteran, active duty, or 62936  
reservist of the armed forces of the United States and, if the 62937  
applicant is such, whether the applicant wishes the identification 62938  
card issued to indicate that the applicant is a veteran, active 62939  
duty, or reservist of the armed forces of the United States by a 62940  
military designation on the identification card. 62941

(3) The registrar or deputy registrar, in accordance with 62942  
section 3503.11 of the Revised Code, shall register as an elector 62943  
any person who applies for an identification card or duplicate if 62944  
the applicant is eligible and wishes to be registered as an 62945  
elector. The decision of an applicant whether to register as an 62946  
elector shall be given no consideration in the decision of whether 62947  
to issue the applicant an identification card or duplicate. 62948

(B) The application for an identification card or duplicate 62949  
shall be filed in the office of the registrar or deputy registrar. 62950



Each applicant shall present documentary evidence as required by 62951  
the registrar of the applicant's age and identity, and the 62952  
applicant shall swear that all information given is true. An 62953  
identification card issued by the department of rehabilitation and 62954  
correction under section 5120.59 of the Revised Code or an 62955  
identification card issued by the department of youth services 62956  
under section 5139.511 of the Revised Code shall be sufficient 62957  
documentary evidence under this division upon verification of the 62958  
applicant's social security number by the registrar or a deputy 62959  
registrar. Upon issuing an identification card under this section 62960  
for a person who has been issued an identification card under 62961  
section 5120.59 or section 5139.511 of the Revised Code, the 62962  
registrar or deputy registrar shall destroy the identification 62963  
card issued under section 5120.59 or section 5139.511 of the 62964  
Revised Code. 62965

All applications for an identification card or duplicate 62966  
shall be filed in duplicate, and if submitted to a deputy 62967  
registrar, a copy shall be forwarded to the registrar. The 62968  
registrar shall prescribe rules for the manner in which a deputy 62969  
registrar is to file and maintain applications and other records. 62970  
The registrar shall maintain a suitable, indexed record of all 62971  
applications denied and cards issued or canceled. 62972

(C) In addition to any other information it contains, on and 62973  
after the date that is fifteen months after April 7, 2009, the 62974  
form furnished by the registrar of motor vehicles for an 62975  
application for an identification card or duplicate shall inform 62976  
applicants that the applicant must present a copy of the 62977  
applicant's DD-214 or an equivalent document in order to qualify 62978  
to have the card or duplicate indicate that the applicant is an 62979  
honorably discharged veteran of the armed forces of the United 62980  
States based on a request made pursuant to division (A)(2)(b) of 62981  
this section. 62982

**Sec. 4510.038.** (A) Any person whose driver's or commercial driver's license or permit is suspended or who is granted limited driving privileges under section 4510.037, under division (H) of section 4511.19, or under section 4510.07 of the Revised Code for a violation of a municipal ordinance that is substantially equivalent to division (B) of section 4511.19 of the Revised Code is not eligible to retain the license, or to have the driving privileges reinstated, until each of the following has occurred:

(1) The person successfully completes a course of remedial driving instruction approved by the director of public safety. A minimum of twenty-five per cent of the number of hours of instruction included in the course shall be devoted to instruction on driver attitude.

The course also shall devote a number of hours to instruction in the area of alcohol and drugs and the operation of vehicles. The instruction shall include, but not be limited to, a review of the laws governing the operation of a vehicle while under the influence of alcohol, drugs, or a combination of them, the dangers of operating a vehicle while under the influence of alcohol, drugs, or a combination of them, and other information relating to the operation of vehicles and the consumption of alcoholic beverages and use of drugs. The director, in consultation with the director of ~~alcohol and drug addiction services~~ mental health and addiction services, shall prescribe the content of the instruction. The number of hours devoted to the area of alcohol and drugs and the operation of vehicles shall comprise a minimum of twenty-five per cent of the number of hours of instruction included in the course.

(2) The person is examined in the manner provided for in section 4507.20 of the Revised Code, and found by the registrar of motor vehicles to be qualified to operate a motor vehicle;

(3) The person gives and maintains proof of financial responsibility, in accordance with section 4509.45 of the Revised Code. 63014  
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(B)(1) Except as provided in division (B)(2) of this section, any course of remedial driving instruction the director of public safety approves under this section shall require its students to attend at least fifty per cent of the course in person and the director shall not approve any course of remedial driving instruction that permits its students to take more than fifty per cent of the course in any other manner, including via video teleconferencing or the internet. 63017  
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(2) The director may approve a course of remedial instruction that permits students to take the entire course via video teleconferencing or the internet. 63025  
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**Sec. 4510.45.** (A)(1) A manufacturer of ignition interlock devices that desires for its devices to be certified under section 4510.43 of the Revised Code and then to be included on the list of certified devices that the department of public safety compiles and makes available to courts pursuant to that section first shall obtain a license from the department under this section. The department, in accordance with Chapter 119. of the Revised Code, shall adopt any rules that are necessary to implement this licensing requirement. 63028  
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(2) A manufacturer shall apply to the department for the license and shall include all information the department may require by rule. Each application, including an application for license renewal, shall be accompanied by an application fee of one hundred dollars, which the department shall deposit into the state treasury to the credit of the indigent drivers alcohol treatment fund created by section 4511.191 of the Revised Code. 63037  
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(3) Upon receipt of a completed application, if the 63044

department finds that a manufacturer has complied with all 63045  
application requirements, the department shall issue a license to 63046  
the manufacturer. A manufacturer that has been issued a license 63047  
under this section is eligible immediately to have the models of 63048  
ignition interlock devices it produces certified under section 63049  
4510.43 of the Revised Code and then included on the list of 63050  
certified devices that the department compiles and makes available 63051  
to courts pursuant to that section. 63052

(4)(a) A license issued under this section shall expire 63053  
annually on a date selected by the department. The department 63054  
shall reject the license application of a manufacturer if any of 63055  
the following apply: 63056

(i) The application is not accompanied by the application 63057  
fee. 63058

(ii) The department finds that the manufacturer has not 63059  
complied with all application requirements. 63060

(iii) The license application is a renewal application and 63061  
the manufacturer failed to file the annual report or failed to pay 63062  
the fee as required by division (B) of this section. 63063

(b) A manufacturer whose license application is rejected by 63064  
the department may appeal the decision to the director of public 63065  
safety. The director or the director's designee shall hold a 63066  
hearing on the matter not more than thirty days from the date of 63067  
the manufacturer's appeal. If the director or the director's 63068  
designee upholds the denial of the manufacturer's application for 63069  
a license, the manufacturer may appeal the decision to the 63070  
Franklin county court of common pleas. If the director or the 63071  
director's designee reverses the denial of the manufacturer's 63072  
application for a license, the director or the director's designee 63073  
shall issue a written order directing that the department issue a 63074  
license to the manufacturer. 63075

(B) Every manufacturer of ignition interlock devices that is issued a license under this section shall file an annual report with the department on a form the department prescribes on or before a date the department prescribes. The annual report shall state the amount of net profit the manufacturer earned during a twelve-month period specified by the department that is attributable to the sales of that manufacturer's certified ignition interlock devices to purchasers in this state. Each manufacturer shall pay a fee equal to five per cent of the amount of the net profit described in this division.

The department may permit annual reports to be filed via electronic means.

(C) The department shall deposit all fees it receives from manufacturers under this section into the state treasury to the credit of the indigent drivers alcohol treatment fund created by section 4511.191 of the Revised Code. All money so deposited into that fund that is paid by the department of ~~alcohol and drug addiction services~~ mental health and addiction services to county indigent drivers alcohol treatment funds, county juvenile indigent drivers alcohol treatment funds, and municipal indigent drivers alcohol treatment funds shall be used only as described in division (H)(3) of section 4511.191 of the Revised Code.

(D)(1) The director may make an assessment, based on any information in the director's possession, against any manufacturer that fails to file an annual report or pay the fee required by division (B) of this section. The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules governing assessments and assessment procedures and related provisions. In adopting these rules, the director shall incorporate the provisions of section 5751.09 of the Revised Code to the greatest extent possible, except that the director is not required to incorporate any provisions of that section that by their nature

are not applicable, appropriate, or necessary to assessments made 63108  
by the director under this section. 63109

(2) A manufacturer may appeal the final determination of the 63110  
director regarding an assessment made by the director under this 63111  
section. The director, in accordance with Chapter 119. of the 63112  
Revised Code, shall adopt rules governing such appeals. In 63113  
adopting these rules, the director shall incorporate the 63114  
provisions of section 5717.02 of the Revised Code to the greatest 63115  
extent possible, except that the director is not required to 63116  
incorporate any provisions of that section that by their nature 63117  
are not applicable, appropriate, or necessary to appeals of 63118  
assessments made by the director under this section. 63119

(E) The director, in accordance with Chapter 119. of the 63120  
Revised Code, shall adopt a penalty schedule setting forth the 63121  
monetary penalties to be imposed upon a manufacturer that is 63122  
issued a license under this section and fails to file an annual 63123  
report or pay the fee required by division (B) of this section in 63124  
a timely manner. The penalty amounts shall not exceed the maximum 63125  
penalty amounts established in section 5751.06 of the Revised Code 63126  
for similar or equivalent facts or circumstances. 63127

(F)(1) No manufacturer of ignition interlock devices that is 63128  
required by division (B) of this section to file an annual report 63129  
with the department or to pay a fee shall fail to do so as 63130  
required by that division. 63131

(2) No manufacturer of ignition interlock devices that is 63132  
required by division (B) of this section to file an annual report 63133  
with the department shall file a report that contains incorrect or 63134  
erroneous information. 63135

(G) Whoever violates division (F)(2) of this section is 63136  
guilty of a misdemeanor of the first degree. The department shall 63137  
remove from the list of certified devices described in division 63138

(A)(1) of this section the ignition interlock devices manufactured 63139  
by a manufacturer that violates division (F)(1) or (2) of this 63140  
section. 63141

**Sec. 4511.19.** (A)(1) No person shall operate any vehicle, 63142  
streetcar, or trackless trolley within this state, if, at the time 63143  
of the operation, any of the following apply: 63144

(a) The person is under the influence of alcohol, a drug of 63145  
abuse, or a combination of them. 63146

(b) The person has a concentration of eight-hundredths of one 63147  
per cent or more but less than seventeen-hundredths of one per 63148  
cent by weight per unit volume of alcohol in the person's whole 63149  
blood. 63150

(c) The person has a concentration of ninety-six-thousandths 63151  
of one per cent or more but less than two hundred four-thousandths 63152  
of one per cent by weight per unit volume of alcohol in the 63153  
person's blood serum or plasma. 63154

(d) The person has a concentration of eight-hundredths of one 63155  
gram or more but less than seventeen-hundredths of one gram by 63156  
weight of alcohol per two hundred ten liters of the person's 63157  
breath. 63158

(e) The person has a concentration of eleven-hundredths of 63159  
one gram or more but less than two hundred 63160  
thirty-eight-thousandths of one gram by weight of alcohol per one 63161  
hundred milliliters of the person's urine. 63162

(f) The person has a concentration of seventeen-hundredths of 63163  
one per cent or more by weight per unit volume of alcohol in the 63164  
person's whole blood. 63165

(g) The person has a concentration of two hundred 63166  
four-thousandths of one per cent or more by weight per unit volume 63167  
of alcohol in the person's blood serum or plasma. 63168

(h) The person has a concentration of seventeen-hundredths of 63169  
one gram or more by weight of alcohol per two hundred ten liters 63170  
of the person's breath. 63171

(i) The person has a concentration of two hundred 63172  
thirty-eight-thousandths of one gram or more by weight of alcohol 63173  
per one hundred milliliters of the person's urine. 63174

(j) Except as provided in division (K) of this section, the 63175  
person has a concentration of any of the following controlled 63176  
substances or metabolites of a controlled substance in the 63177  
person's whole blood, blood serum or plasma, or urine that equals 63178  
or exceeds any of the following: 63179

(i) The person has a concentration of amphetamine in the 63180  
person's urine of at least five hundred nanograms of amphetamine 63181  
per milliliter of the person's urine or has a concentration of 63182  
amphetamine in the person's whole blood or blood serum or plasma 63183  
of at least one hundred nanograms of amphetamine per milliliter of 63184  
the person's whole blood or blood serum or plasma. 63185

(ii) The person has a concentration of cocaine in the 63186  
person's urine of at least one hundred fifty nanograms of cocaine 63187  
per milliliter of the person's urine or has a concentration of 63188  
cocaine in the person's whole blood or blood serum or plasma of at 63189  
least fifty nanograms of cocaine per milliliter of the person's 63190  
whole blood or blood serum or plasma. 63191

(iii) The person has a concentration of cocaine metabolite in 63192  
the person's urine of at least one hundred fifty nanograms of 63193  
cocaine metabolite per milliliter of the person's urine or has a 63194  
concentration of cocaine metabolite in the person's whole blood or 63195  
blood serum or plasma of at least fifty nanograms of cocaine 63196  
metabolite per milliliter of the person's whole blood or blood 63197  
serum or plasma. 63198

(iv) The person has a concentration of heroin in the person's 63199



urine of at least two thousand nanograms of heroin per milliliter 63200  
of the person's urine or has a concentration of heroin in the 63201  
person's whole blood or blood serum or plasma of at least fifty 63202  
nanograms of heroin per milliliter of the person's whole blood or 63203  
blood serum or plasma. 63204

(v) The person has a concentration of heroin metabolite 63205  
(6-monoacetyl morphine) in the person's urine of at least ten 63206  
nanograms of heroin metabolite (6-monoacetyl morphine) per 63207  
milliliter of the person's urine or has a concentration of heroin 63208  
metabolite (6-monoacetyl morphine) in the person's whole blood or 63209  
blood serum or plasma of at least ten nanograms of heroin 63210  
metabolite (6-monoacetyl morphine) per milliliter of the person's 63211  
whole blood or blood serum or plasma. 63212

(vi) The person has a concentration of L.S.D. in the person's 63213  
urine of at least twenty-five nanograms of L.S.D. per milliliter 63214  
of the person's urine or a concentration of L.S.D. in the person's 63215  
whole blood or blood serum or plasma of at least ten nanograms of 63216  
L.S.D. per milliliter of the person's whole blood or blood serum 63217  
or plasma. 63218

(vii) The person has a concentration of marihuana in the 63219  
person's urine of at least ten nanograms of marihuana per 63220  
milliliter of the person's urine or has a concentration of 63221  
marihuana in the person's whole blood or blood serum or plasma of 63222  
at least two nanograms of marihuana per milliliter of the person's 63223  
whole blood or blood serum or plasma. 63224

(viii) Either of the following applies: 63225

(I) The person is under the influence of alcohol, a drug of 63226  
abuse, or a combination of them, and, as measured by gas 63227  
chromatography mass spectrometry, the person has a concentration 63228  
of marihuana metabolite in the person's urine of at least fifteen 63229  
nanograms of marihuana metabolite per milliliter of the person's 63230

urine or has a concentration of marihuana metabolite in the 63231  
person's whole blood or blood serum or plasma of at least five 63232  
nanograms of marihuana metabolite per milliliter of the person's 63233  
whole blood or blood serum or plasma. 63234

(II) As measured by gas chromatography mass spectrometry, the 63235  
person has a concentration of marihuana metabolite in the person's 63236  
urine of at least thirty-five nanograms of marihuana metabolite 63237  
per milliliter of the person's urine or has a concentration of 63238  
marihuana metabolite in the person's whole blood or blood serum or 63239  
plasma of at least fifty nanograms of marihuana metabolite per 63240  
milliliter of the person's whole blood or blood serum or plasma. 63241

(ix) The person has a concentration of methamphetamine in the 63242  
person's urine of at least five hundred nanograms of 63243  
methamphetamine per milliliter of the person's urine or has a 63244  
concentration of methamphetamine in the person's whole blood or 63245  
blood serum or plasma of at least one hundred nanograms of 63246  
methamphetamine per milliliter of the person's whole blood or 63247  
blood serum or plasma. 63248

(x) The person has a concentration of phencyclidine in the 63249  
person's urine of at least twenty-five nanograms of phencyclidine 63250  
per milliliter of the person's urine or has a concentration of 63251  
phencyclidine in the person's whole blood or blood serum or plasma 63252  
of at least ten nanograms of phencyclidine per milliliter of the 63253  
person's whole blood or blood serum or plasma. 63254

(xi) The state board of pharmacy has adopted a rule pursuant 63255  
to section 4729.041 of the Revised Code that specifies the amount 63256  
of salvia divinorum and the amount of salvinorin A that constitute 63257  
concentrations of salvia divinorum and salvinorin A in a person's 63258  
urine, in a person's whole blood, or in a person's blood serum or 63259  
plasma at or above which the person is impaired for purposes of 63260  
operating any vehicle, streetcar, or trackless trolley within this 63261  
state, the rule is in effect, and the person has a concentration 63262

of salvia divinorum or salvinorin A of at least that amount so 63263  
specified by rule in the person's urine, in the person's whole 63264  
blood, or in the person's blood serum or plasma. 63265

(2) No person who, within twenty years of the conduct 63266  
described in division (A)(2)(a) of this section, previously has 63267  
been convicted of or pleaded guilty to a violation of this 63268  
division, a violation of division (A)(1) or (B) of this section, 63269  
or any other equivalent offense shall do both of the following: 63270

(a) Operate any vehicle, streetcar, or trackless trolley 63271  
within this state while under the influence of alcohol, a drug of 63272  
abuse, or a combination of them; 63273

(b) Subsequent to being arrested for operating the vehicle, 63274  
streetcar, or trackless trolley as described in division (A)(2)(a) 63275  
of this section, being asked by a law enforcement officer to 63276  
submit to a chemical test or tests under section 4511.191 of the 63277  
Revised Code, and being advised by the officer in accordance with 63278  
section 4511.192 of the Revised Code of the consequences of the 63279  
person's refusal or submission to the test or tests, refuse to 63280  
submit to the test or tests. 63281

(B) No person under twenty-one years of age shall operate any 63282  
vehicle, streetcar, or trackless trolley within this state, if, at 63283  
the time of the operation, any of the following apply: 63284

(1) The person has a concentration of at least two-hundredths 63285  
of one per cent but less than eight-hundredths of one per cent by 63286  
weight per unit volume of alcohol in the person's whole blood. 63287

(2) The person has a concentration of at least 63288  
three-hundredths of one per cent but less than 63289  
ninety-six-thousandths of one per cent by weight per unit volume 63290  
of alcohol in the person's blood serum or plasma. 63291

(3) The person has a concentration of at least two-hundredths 63292  
of one gram but less than eight-hundredths of one gram by weight 63293

of alcohol per two hundred ten liters of the person's breath. 63294

(4) The person has a concentration of at least twenty-eight 63295  
one-thousandths of one gram but less than eleven-hundredths of one 63296  
gram by weight of alcohol per one hundred milliliters of the 63297  
person's urine. 63298

(C) In any proceeding arising out of one incident, a person 63299  
may be charged with a violation of division (A)(1)(a) or (A)(2) 63300  
and a violation of division (B)(1), (2), or (3) of this section, 63301  
but the person may not be convicted of more than one violation of 63302  
these divisions. 63303

(D)(1)(a) In any criminal prosecution or juvenile court 63304  
proceeding for a violation of division (A)(1)(a) of this section 63305  
or for an equivalent offense that is vehicle-related, the result 63306  
of any test of any blood or urine withdrawn and analyzed at any 63307  
health care provider, as defined in section 2317.02 of the Revised 63308  
Code, may be admitted with expert testimony to be considered with 63309  
any other relevant and competent evidence in determining the guilt 63310  
or innocence of the defendant. 63311

(b) In any criminal prosecution or juvenile court proceeding 63312  
for a violation of division (A) or (B) of this section or for an 63313  
equivalent offense that is vehicle-related, the court may admit 63314  
evidence on the concentration of alcohol, drugs of abuse, 63315  
controlled substances, metabolites of a controlled substance, or a 63316  
combination of them in the defendant's whole blood, blood serum or 63317  
plasma, breath, urine, or other bodily substance at the time of 63318  
the alleged violation as shown by chemical analysis of the 63319  
substance withdrawn within three hours of the time of the alleged 63320  
violation. The three-hour time limit specified in this division 63321  
regarding the admission of evidence does not extend or affect the 63322  
two-hour time limit specified in division (A) of section 4511.192 63323  
of the Revised Code as the maximum period of time during which a 63324  
person may consent to a chemical test or tests as described in 63325

that section. The court may admit evidence on the concentration of 63326  
alcohol, drugs of abuse, or a combination of them as described in 63327  
this division when a person submits to a blood, breath, urine, or 63328  
other bodily substance test at the request of a law enforcement 63329  
officer under section 4511.191 of the Revised Code or a blood or 63330  
urine sample is obtained pursuant to a search warrant. Only a 63331  
physician, a registered nurse, an emergency medical 63332  
technician-intermediate, an emergency medical 63333  
technician-paramedic, or a qualified technician, chemist, or 63334  
phlebotomist shall withdraw a blood sample for the purpose of 63335  
determining the alcohol, drug, controlled substance, metabolite of 63336  
a controlled substance, or combination content of the whole blood, 63337  
blood serum, or blood plasma. This limitation does not apply to 63338  
the taking of breath or urine specimens. A person authorized to 63339  
withdraw blood under this division may refuse to withdraw blood 63340  
under this division, if in that person's opinion, the physical 63341  
welfare of the person would be endangered by the withdrawing of 63342  
blood. 63343

The bodily substance withdrawn under division (D)(1)(b) of 63344  
this section shall be analyzed in accordance with methods approved 63345  
by the director of health by an individual possessing a valid 63346  
permit issued by the director pursuant to section 3701.143 of the 63347  
Revised Code. 63348

(c) As used in division (D)(1)(b) of this section, "emergency 63349  
medical technician-intermediate" and "emergency medical 63350  
technician-paramedic" have the same meanings as in section 4765.01 63351  
of the Revised Code. 63352

(2) In a criminal prosecution or juvenile court proceeding 63353  
for a violation of division (A) of this section or for an 63354  
equivalent offense that is vehicle-related, if there was at the 63355  
time the bodily substance was withdrawn a concentration of less 63356  
than the applicable concentration of alcohol specified in 63357

divisions (A)(1)(b), (c), (d), and (e) of this section or less 63358  
than the applicable concentration of a listed controlled substance 63359  
or a listed metabolite of a controlled substance specified for a 63360  
violation of division (A)(1)(j) of this section, that fact may be 63361  
considered with other competent evidence in determining the guilt 63362  
or innocence of the defendant. This division does not limit or 63363  
affect a criminal prosecution or juvenile court proceeding for a 63364  
violation of division (B) of this section or for an equivalent 63365  
offense that is substantially equivalent to that division. 63366

(3) Upon the request of the person who was tested, the 63367  
results of the chemical test shall be made available to the person 63368  
or the person's attorney, immediately upon the completion of the 63369  
chemical test analysis. 63370

If the chemical test was obtained pursuant to division 63371  
(D)(1)(b) of this section, the person tested may have a physician, 63372  
a registered nurse, or a qualified technician, chemist, or 63373  
phlebotomist of the person's own choosing administer a chemical 63374  
test or tests, at the person's expense, in addition to any 63375  
administered at the request of a law enforcement officer. If the 63376  
person was under arrest as described in division (A)(5) of section 63377  
4511.191 of the Revised Code, the arresting officer shall advise 63378  
the person at the time of the arrest that the person may have an 63379  
independent chemical test taken at the person's own expense. If 63380  
the person was under arrest other than described in division 63381  
(A)(5) of section 4511.191 of the Revised Code, the form to be 63382  
read to the person to be tested, as required under section 63383  
4511.192 of the Revised Code, shall state that the person may have 63384  
an independent test performed at the person's expense. The failure 63385  
or inability to obtain an additional chemical test by a person 63386  
shall not preclude the admission of evidence relating to the 63387  
chemical test or tests taken at the request of a law enforcement 63388  
officer. 63389

(4)(a) As used in divisions (D)(4)(b) and (c) of this section, "national highway traffic safety administration" means the national highway traffic safety administration established as an administration of the United States department of transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105.

(b) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section, of a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or of a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine, if a law enforcement officer has administered a field sobriety test to the operator of the vehicle involved in the violation and if it is shown by clear and convincing evidence that the officer administered the test in substantial compliance with the testing standards for any reliable, credible, and generally accepted field sobriety tests that were in effect at the time the tests were administered, including, but not limited to, any testing standards then in effect that were set by the national highway traffic safety administration, all of the following apply:

(i) The officer may testify concerning the results of the field sobriety test so administered.

(ii) The prosecution may introduce the results of the field sobriety test so administered as evidence in any proceedings in the criminal prosecution or juvenile court proceeding.

(iii) If testimony is presented or evidence is introduced under division (D)(4)(b)(i) or (ii) of this section and if the testimony or evidence is admissible under the Rules of Evidence, the court shall admit the testimony or evidence and the trier of fact shall give it whatever weight the trier of fact considers to

be appropriate. 63422

(c) Division (D)(4)(b) of this section does not limit or 63423  
preclude a court, in its determination of whether the arrest of a 63424  
person was supported by probable cause or its determination of any 63425  
other matter in a criminal prosecution or juvenile court 63426  
proceeding of a type described in that division, from considering 63427  
evidence or testimony that is not otherwise disallowed by division 63428  
(D)(4)(b) of this section. 63429

(E)(1) Subject to division (E)(3) of this section, in any 63430  
criminal prosecution or juvenile court proceeding for a violation 63431  
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 63432  
or (B)(1), (2), (3), or (4) of this section or for an equivalent 63433  
offense that is substantially equivalent to any of those 63434  
divisions, a laboratory report from any laboratory personnel 63435  
issued a permit by the department of health authorizing an 63436  
analysis as described in this division that contains an analysis 63437  
of the whole blood, blood serum or plasma, breath, urine, or other 63438  
bodily substance tested and that contains all of the information 63439  
specified in this division shall be admitted as prima-facie 63440  
evidence of the information and statements that the report 63441  
contains. The laboratory report shall contain all of the 63442  
following: 63443

(a) The signature, under oath, of any person who performed 63444  
the analysis; 63445

(b) Any findings as to the identity and quantity of alcohol, 63446  
a drug of abuse, a controlled substance, a metabolite of a 63447  
controlled substance, or a combination of them that was found; 63448

(c) A copy of a notarized statement by the laboratory 63449  
director or a designee of the director that contains the name of 63450  
each certified analyst or test performer involved with the report, 63451  
the analyst's or test performer's employment relationship with the 63452



laboratory that issued the report, and a notation that performing 63453  
an analysis of the type involved is part of the analyst's or test 63454  
performer's regular duties; 63455

(d) An outline of the analyst's or test performer's 63456  
education, training, and experience in performing the type of 63457  
analysis involved and a certification that the laboratory 63458  
satisfies appropriate quality control standards in general and, in 63459  
this particular analysis, under rules of the department of health. 63460

(2) Notwithstanding any other provision of law regarding the 63461  
admission of evidence, a report of the type described in division 63462  
(E)(1) of this section is not admissible against the defendant to 63463  
whom it pertains in any proceeding, other than a preliminary 63464  
hearing or a grand jury proceeding, unless the prosecutor has 63465  
served a copy of the report on the defendant's attorney or, if the 63466  
defendant has no attorney, on the defendant. 63467

(3) A report of the type described in division (E)(1) of this 63468  
section shall not be prima-facie evidence of the contents, 63469  
identity, or amount of any substance if, within seven days after 63470  
the defendant to whom the report pertains or the defendant's 63471  
attorney receives a copy of the report, the defendant or the 63472  
defendant's attorney demands the testimony of the person who 63473  
signed the report. The judge in the case may extend the seven-day 63474  
time limit in the interest of justice. 63475

(F) Except as otherwise provided in this division, any 63476  
physician, registered nurse, emergency medical 63477  
technician-intermediate, emergency medical technician-paramedic, 63478  
or qualified technician, chemist, or phlebotomist who withdraws 63479  
blood from a person pursuant to this section or section 4511.191 63480  
or 4511.192 of the Revised Code, and any hospital, first-aid 63481  
station, or clinic at which blood is withdrawn from a person 63482  
pursuant to this section or section 4511.191 or 4511.192 of the 63483  
Revised Code, is immune from criminal liability and civil 63484

liability based upon a claim of assault and battery or any other 63485  
claim that is not a claim of malpractice, for any act performed in 63486  
withdrawing blood from the person. The immunity provided in this 63487  
division also extends to an emergency medical service organization 63488  
that employs an emergency medical technician-intermediate or 63489  
emergency medical technician-paramedic who withdraws blood under 63490  
this section. The immunity provided in this division is not 63491  
available to a person who withdraws blood if the person engages in 63492  
willful or wanton misconduct. 63493

As used in this division, "emergency medical 63494  
technician-intermediate" and "emergency medical 63495  
technician-paramedic" have the same meanings as in section 4765.01 63496  
of the Revised Code. 63497

(G)(1) Whoever violates any provision of divisions (A)(1)(a) 63498  
to (i) or (A)(2) of this section is guilty of operating a vehicle 63499  
under the influence of alcohol, a drug of abuse, or a combination 63500  
of them. Whoever violates division (A)(1)(j) of this section is 63501  
guilty of operating a vehicle while under the influence of a 63502  
listed controlled substance or a listed metabolite of a controlled 63503  
substance. The court shall sentence the offender for either 63504  
offense under Chapter 2929. of the Revised Code, except as 63505  
otherwise authorized or required by divisions (G)(1)(a) to (e) of 63506  
this section: 63507

(a) Except as otherwise provided in division (G)(1)(b), (c), 63508  
(d), or (e) of this section, the offender is guilty of a 63509  
misdemeanor of the first degree, and the court shall sentence the 63510  
offender to all of the following: 63511

(i) If the sentence is being imposed for a violation of 63512  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 63513  
mandatory jail term of three consecutive days. As used in this 63514  
division, three consecutive days means seventy-two consecutive 63515  
hours. The court may sentence an offender to both an intervention 63516

program and a jail term. The court may impose a jail term in 63517  
addition to the three-day mandatory jail term or intervention 63518  
program. However, in no case shall the cumulative jail term 63519  
imposed for the offense exceed six months. 63520

The court may suspend the execution of the three-day jail 63521  
term under this division if the court, in lieu of that suspended 63522  
term, places the offender under a community control sanction 63523  
pursuant to section 2929.25 of the Revised Code and requires the 63524  
offender to attend, for three consecutive days, a drivers' 63525  
intervention program certified under section ~~3793.10~~ 5119.38 of 63526  
the Revised Code. The court also may suspend the execution of any 63527  
part of the three-day jail term under this division if it places 63528  
the offender under a community control sanction pursuant to 63529  
section 2929.25 of the Revised Code for part of the three days, 63530  
requires the offender to attend for the suspended part of the term 63531  
a drivers' intervention program so certified, and sentences the 63532  
offender to a jail term equal to the remainder of the three 63533  
consecutive days that the offender does not spend attending the 63534  
program. The court may require the offender, as a condition of 63535  
community control and in addition to the required attendance at a 63536  
drivers' intervention program, to attend and satisfactorily 63537  
complete any treatment or education programs that comply with the 63538  
minimum standards adopted pursuant to Chapter ~~3793.~~ 5119. of the 63539  
Revised Code by the director of ~~alcohol and drug addiction~~ 63540  
~~services~~ mental health and addiction services that the operators 63541  
of the drivers' intervention program determine that the offender 63542  
should attend and to report periodically to the court on the 63543  
offender's progress in the programs. The court also may impose on 63544  
the offender any other conditions of community control that it 63545  
considers necessary. 63546

(ii) If the sentence is being imposed for a violation of 63547  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 63548

section, except as otherwise provided in this division, a 63549  
mandatory jail term of at least three consecutive days and a 63550  
requirement that the offender attend, for three consecutive days, 63551  
a drivers' intervention program that is certified pursuant to 63552  
section ~~3793.10~~ 5119.38 of the Revised Code. As used in this 63553  
division, three consecutive days means seventy-two consecutive 63554  
hours. If the court determines that the offender is not conducive 63555  
to treatment in a drivers' intervention program, if the offender 63556  
refuses to attend a drivers' intervention program, or if the jail 63557  
at which the offender is to serve the jail term imposed can 63558  
provide a driver's intervention program, the court shall sentence 63559  
the offender to a mandatory jail term of at least six consecutive 63560  
days. 63561

The court may require the offender, under a community control 63562  
sanction imposed under section 2929.25 of the Revised Code, to 63563  
attend and satisfactorily complete any treatment or education 63564  
programs that comply with the minimum standards adopted pursuant 63565  
to Chapter ~~3793.~~ 5119. of the Revised Code by the director of 63566  
~~alcohol and drug addiction services~~ mental health and addiction 63567  
services, in addition to the required attendance at drivers' 63568  
intervention program, that the operators of the drivers' 63569  
intervention program determine that the offender should attend and 63570  
to report periodically to the court on the offender's progress in 63571  
the programs. The court also may impose any other conditions of 63572  
community control on the offender that it considers necessary. 63573

(iii) In all cases, a fine of not less than three hundred 63574  
seventy-five and not more than one thousand seventy-five dollars; 63575

(iv) In all cases, a class five license suspension of the 63576  
offender's driver's or commercial driver's license or permit or 63577  
nonresident operating privilege from the range specified in 63578  
division (A)(5) of section 4510.02 of the Revised Code. The court 63579  
may grant limited driving privileges relative to the suspension 63580

under sections 4510.021 and 4510.13 of the Revised Code. 63581

(b) Except as otherwise provided in division (G)(1)(e) of 63582  
this section, an offender who, within six years of the offense, 63583  
previously has been convicted of or pleaded guilty to one 63584  
violation of division (A) or (B) of this section or one other 63585  
equivalent offense is guilty of a misdemeanor of the first degree. 63586  
The court shall sentence the offender to all of the following: 63587

(i) If the sentence is being imposed for a violation of 63588  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 63589  
mandatory jail term of ten consecutive days. The court shall 63590  
impose the ten-day mandatory jail term under this division unless, 63591  
subject to division (G)(3) of this section, it instead imposes a 63592  
sentence under that division consisting of both a jail term and a 63593  
term of house arrest with electronic monitoring, with continuous 63594  
alcohol monitoring, or with both electronic monitoring and 63595  
continuous alcohol monitoring. The court may impose a jail term in 63596  
addition to the ten-day mandatory jail term. The cumulative jail 63597  
term imposed for the offense shall not exceed six months. 63598

In addition to the jail term or the term of house arrest with 63599  
electronic monitoring or continuous alcohol monitoring or both 63600  
types of monitoring and jail term, the court shall require the 63601  
offender to be assessed by ~~an alcohol and drug treatment program a~~ 63602  
community addiction services provider that is authorized by 63603  
section ~~3793.02~~ 5119.21 of the Revised Code, subject to division 63604  
(I) of this section, and shall order the offender to follow the 63605  
treatment recommendations of the ~~program~~ services provider. The 63606  
purpose of the assessment is to determine the degree of the 63607  
offender's alcohol usage and to determine whether or not treatment 63608  
is warranted. Upon the request of the court, the ~~program~~ services 63609  
provider shall submit the results of the assessment to the court, 63610  
including all treatment recommendations and clinical diagnoses 63611  
related to alcohol use. 63612

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, except as otherwise provided in this division, a mandatory jail term of twenty consecutive days. The court shall impose the twenty-day mandatory jail term under this division unless, subject to division (G)(3) of this section, it instead imposes a sentence under that division consisting of both a jail term and a term of house arrest with electronic monitoring, with continuous alcohol monitoring, or with both electronic monitoring and continuous alcohol monitoring. The court may impose a jail term in addition to the twenty-day mandatory jail term. The cumulative jail term imposed for the offense shall not exceed six months.

In addition to the jail term or the term of house arrest with electronic monitoring or continuous alcohol monitoring or both types of monitoring and jail term, the court shall require the offender to be assessed by ~~an alcohol and drug treatment program a~~ community addiction service provider that is authorized by section ~~3793.02~~ 5119.21 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the ~~program~~ services provider. The purpose of the assessment is to determine the degree of the offender's alcohol usage and to determine whether or not treatment is warranted. Upon the request of the court, the ~~program~~ services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Revised Code, a fine of not less than five hundred twenty-five and not more than one thousand six hundred twenty-five dollars;

(iv) In all cases, a class four license suspension of the

offender's driver's license, commercial driver's license, 63645  
temporary instruction permit, probationary license, or nonresident 63646  
operating privilege from the range specified in division (A)(4) of 63647  
section 4510.02 of the Revised Code. The court may grant limited 63648  
driving privileges relative to the suspension under sections 63649  
4510.021 and 4510.13 of the Revised Code. 63650

(v) In all cases, if the vehicle is registered in the 63651  
offender's name, immobilization of the vehicle involved in the 63652  
offense for ninety days in accordance with section 4503.233 of the 63653  
Revised Code and impoundment of the license plates of that vehicle 63654  
for ninety days. 63655

(c) Except as otherwise provided in division (G)(1)(e) of 63656  
this section, an offender who, within six years of the offense, 63657  
previously has been convicted of or pleaded guilty to two 63658  
violations of division (A) or (B) of this section or other 63659  
equivalent offenses is guilty of a misdemeanor. The court shall 63660  
sentence the offender to all of the following: 63661

(i) If the sentence is being imposed for a violation of 63662  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 63663  
mandatory jail term of thirty consecutive days. The court shall 63664  
impose the thirty-day mandatory jail term under this division 63665  
unless, subject to division (G)(3) of this section, it instead 63666  
imposes a sentence under that division consisting of both a jail 63667  
term and a term of house arrest with electronic monitoring, with 63668  
continuous alcohol monitoring, or with both electronic monitoring 63669  
and continuous alcohol monitoring. The court may impose a jail 63670  
term in addition to the thirty-day mandatory jail term. 63671  
Notwithstanding the jail terms set forth in sections 2929.21 to 63672  
2929.28 of the Revised Code, the additional jail term shall not 63673  
exceed one year, and the cumulative jail term imposed for the 63674  
offense shall not exceed one year. 63675

(ii) If the sentence is being imposed for a violation of 63676

division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 63677  
section, a mandatory jail term of sixty consecutive days. The 63678  
court shall impose the sixty-day mandatory jail term under this 63679  
division unless, subject to division (G)(3) of this section, it 63680  
instead imposes a sentence under that division consisting of both 63681  
a jail term and a term of house arrest with electronic monitoring, 63682  
with continuous alcohol monitoring, or with both electronic 63683  
monitoring and continuous alcohol monitoring. The court may impose 63684  
a jail term in addition to the sixty-day mandatory jail term. 63685  
Notwithstanding the jail terms set forth in sections 2929.21 to 63686  
2929.28 of the Revised Code, the additional jail term shall not 63687  
exceed one year, and the cumulative jail term imposed for the 63688  
offense shall not exceed one year. 63689

(iii) In all cases, notwithstanding the fines set forth in 63690  
Chapter 2929. of the Revised Code, a fine of not less than eight 63691  
hundred fifty and not more than two thousand seven hundred fifty 63692  
dollars; 63693

(iv) In all cases, a class three license suspension of the 63694  
offender's driver's license, commercial driver's license, 63695  
temporary instruction permit, probationary license, or nonresident 63696  
operating privilege from the range specified in division (A)(3) of 63697  
section 4510.02 of the Revised Code. The court may grant limited 63698  
driving privileges relative to the suspension under sections 63699  
4510.021 and 4510.13 of the Revised Code. 63700

(v) In all cases, if the vehicle is registered in the 63701  
offender's name, criminal forfeiture of the vehicle involved in 63702  
the offense in accordance with section 4503.234 of the Revised 63703  
Code. Division (G)(6) of this section applies regarding any 63704  
vehicle that is subject to an order of criminal forfeiture under 63705  
this division. 63706

(vi) In all cases, the court shall order the offender to 63707  
participate ~~in an alcohol and drug~~ with a community addiction 63708



~~program services provider~~ authorized by section ~~3793.02~~ 5119.21 of 63709  
the Revised Code, subject to division (I) of this section, and 63710  
shall order the offender to follow the treatment recommendations 63711  
of the ~~program services provider~~. The operator of the ~~program~~ 63712  
services provider shall determine and assess the degree of the 63713  
offender's alcohol dependency and shall make recommendations for 63714  
treatment. Upon the request of the court, the ~~program services~~ 63715  
provider shall submit the results of the assessment to the court, 63716  
including all treatment recommendations and clinical diagnoses 63717  
related to alcohol use. 63718

(d) Except as otherwise provided in division (G)(1)(e) of 63719  
this section, an offender who, within six years of the offense, 63720  
previously has been convicted of or pleaded guilty to three or 63721  
four violations of division (A) or (B) of this section or other 63722  
equivalent offenses or an offender who, within twenty years of the 63723  
offense, previously has been convicted of or pleaded guilty to 63724  
five or more violations of that nature is guilty of a felony of 63725  
the fourth degree. The court shall sentence the offender to all of 63726  
the following: 63727

(i) If the sentence is being imposed for a violation of 63728  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 63729  
mandatory prison term of one, two, three, four, or five years as 63730  
required by and in accordance with division (G)(2) of section 63731  
2929.13 of the Revised Code if the offender also is convicted of 63732  
or also pleads guilty to a specification of the type described in 63733  
section 2941.1413 of the Revised Code or, in the discretion of the 63734  
court, either a mandatory term of local incarceration of sixty 63735  
consecutive days in accordance with division (G)(1) of section 63736  
2929.13 of the Revised Code or a mandatory prison term of sixty 63737  
consecutive days in accordance with division (G)(2) of that 63738  
section if the offender is not convicted of and does not plead 63739  
guilty to a specification of that type. If the court imposes a 63740

mandatory term of local incarceration, it may impose a jail term 63741  
in addition to the sixty-day mandatory term, the cumulative total 63742  
of the mandatory term and the jail term for the offense shall not 63743  
exceed one year, and, except as provided in division (A)(1) of 63744  
section 2929.13 of the Revised Code, no prison term is authorized 63745  
for the offense. If the court imposes a mandatory prison term, 63746  
notwithstanding division (A)(4) of section 2929.14 of the Revised 63747  
Code, it also may sentence the offender to a definite prison term 63748  
that shall be not less than six months and not more than thirty 63749  
months and the prison terms shall be imposed as described in 63750  
division (G)(2) of section 2929.13 of the Revised Code. If the 63751  
court imposes a mandatory prison term or mandatory prison term and 63752  
additional prison term, in addition to the term or terms so 63753  
imposed, the court also may sentence the offender to a community 63754  
control sanction for the offense, but the offender shall serve all 63755  
of the prison terms so imposed prior to serving the community 63756  
control sanction. 63757

(ii) If the sentence is being imposed for a violation of 63758  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 63759  
section, a mandatory prison term of one, two, three, four, or five 63760  
years as required by and in accordance with division (G)(2) of 63761  
section 2929.13 of the Revised Code if the offender also is 63762  
convicted of or also pleads guilty to a specification of the type 63763  
described in section 2941.1413 of the Revised Code or, in the 63764  
discretion of the court, either a mandatory term of local 63765  
incarceration of one hundred twenty consecutive days in accordance 63766  
with division (G)(1) of section 2929.13 of the Revised Code or a 63767  
mandatory prison term of one hundred twenty consecutive days in 63768  
accordance with division (G)(2) of that section if the offender is 63769  
not convicted of and does not plead guilty to a specification of 63770  
that type. If the court imposes a mandatory term of local 63771  
incarceration, it may impose a jail term in addition to the one 63772  
hundred twenty-day mandatory term, the cumulative total of the 63773

mandatory term and the jail term for the offense shall not exceed 63774  
one year, and, except as provided in division (A)(1) of section 63775  
2929.13 of the Revised Code, no prison term is authorized for the 63776  
offense. If the court imposes a mandatory prison term, 63777  
notwithstanding division (A)(4) of section 2929.14 of the Revised 63778  
Code, it also may sentence the offender to a definite prison term 63779  
that shall be not less than six months and not more than thirty 63780  
months and the prison terms shall be imposed as described in 63781  
division (G)(2) of section 2929.13 of the Revised Code. If the 63782  
court imposes a mandatory prison term or mandatory prison term and 63783  
additional prison term, in addition to the term or terms so 63784  
imposed, the court also may sentence the offender to a community 63785  
control sanction for the offense, but the offender shall serve all 63786  
of the prison terms so imposed prior to serving the community 63787  
control sanction. 63788

(iii) In all cases, notwithstanding section 2929.18 of the 63789  
Revised Code, a fine of not less than one thousand three hundred 63790  
fifty nor more than ten thousand five hundred dollars; 63791

(iv) In all cases, a class two license suspension of the 63792  
offender's driver's license, commercial driver's license, 63793  
temporary instruction permit, probationary license, or nonresident 63794  
operating privilege from the range specified in division (A)(2) of 63795  
section 4510.02 of the Revised Code. The court may grant limited 63796  
driving privileges relative to the suspension under sections 63797  
4510.021 and 4510.13 of the Revised Code. 63798

(v) In all cases, if the vehicle is registered in the 63799  
offender's name, criminal forfeiture of the vehicle involved in 63800  
the offense in accordance with section 4503.234 of the Revised 63801  
Code. Division (G)(6) of this section applies regarding any 63802  
vehicle that is subject to an order of criminal forfeiture under 63803  
this division. 63804

(vi) In all cases, the court shall order the offender to 63805

participate in an alcohol and drug with a community addiction 63806  
~~program services provider~~ authorized by section ~~3793.02~~ 5119.21 of 63807  
the Revised Code, subject to division (I) of this section, and 63808  
shall order the offender to follow the treatment recommendations 63809  
of the ~~program services provider~~. The operator of the ~~program~~ 63810  
services provider shall determine and assess the degree of the 63811  
offender's alcohol dependency and shall make recommendations for 63812  
treatment. Upon the request of the court, the ~~program services~~ 63813  
provider shall submit the results of the assessment to the court, 63814  
including all treatment recommendations and clinical diagnoses 63815  
related to alcohol use. 63816

(vii) In all cases, if the court sentences the offender to a 63817  
mandatory term of local incarceration, in addition to the 63818  
mandatory term, the court, pursuant to section 2929.17 of the 63819  
Revised Code, may impose a term of house arrest with electronic 63820  
monitoring. The term shall not commence until after the offender 63821  
has served the mandatory term of local incarceration. 63822

(e) An offender who previously has been convicted of or 63823  
pleaded guilty to a violation of division (A) of this section that 63824  
was a felony, regardless of when the violation and the conviction 63825  
or guilty plea occurred, is guilty of a felony of the third 63826  
degree. The court shall sentence the offender to all of the 63827  
following: 63828

(i) If the offender is being sentenced for a violation of 63829  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 63830  
mandatory prison term of one, two, three, four, or five years as 63831  
required by and in accordance with division (G)(2) of section 63832  
2929.13 of the Revised Code if the offender also is convicted of 63833  
or also pleads guilty to a specification of the type described in 63834  
section 2941.1413 of the Revised Code or a mandatory prison term 63835  
of sixty consecutive days in accordance with division (G)(2) of 63836  
section 2929.13 of the Revised Code if the offender is not 63837

convicted of and does not plead guilty to a specification of that 63838  
type. The court may impose a prison term in addition to the 63839  
mandatory prison term. The cumulative total of a sixty-day 63840  
mandatory prison term and the additional prison term for the 63841  
offense shall not exceed five years. In addition to the mandatory 63842  
prison term or mandatory prison term and additional prison term 63843  
the court imposes, the court also may sentence the offender to a 63844  
community control sanction for the offense, but the offender shall 63845  
serve all of the prison terms so imposed prior to serving the 63846  
community control sanction. 63847

(ii) If the sentence is being imposed for a violation of 63848  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 63849  
section, a mandatory prison term of one, two, three, four, or five 63850  
years as required by and in accordance with division (G)(2) of 63851  
section 2929.13 of the Revised Code if the offender also is 63852  
convicted of or also pleads guilty to a specification of the type 63853  
described in section 2941.1413 of the Revised Code or a mandatory 63854  
prison term of one hundred twenty consecutive days in accordance 63855  
with division (G)(2) of section 2929.13 of the Revised Code if the 63856  
offender is not convicted of and does not plead guilty to a 63857  
specification of that type. The court may impose a prison term in 63858  
addition to the mandatory prison term. The cumulative total of a 63859  
one hundred twenty-day mandatory prison term and the additional 63860  
prison term for the offense shall not exceed five years. In 63861  
addition to the mandatory prison term or mandatory prison term and 63862  
additional prison term the court imposes, the court also may 63863  
sentence the offender to a community control sanction for the 63864  
offense, but the offender shall serve all of the prison terms so 63865  
imposed prior to serving the community control sanction. 63866

(iii) In all cases, notwithstanding section 2929.18 of the 63867  
Revised Code, a fine of not less than one thousand three hundred 63868  
fifty nor more than ten thousand five hundred dollars; 63869

(iv) In all cases, a class two license suspension of the 63870  
offender's driver's license, commercial driver's license, 63871  
temporary instruction permit, probationary license, or nonresident 63872  
operating privilege from the range specified in division (A)(2) of 63873  
section 4510.02 of the Revised Code. The court may grant limited 63874  
driving privileges relative to the suspension under sections 63875  
4510.021 and 4510.13 of the Revised Code. 63876

(v) In all cases, if the vehicle is registered in the 63877  
offender's name, criminal forfeiture of the vehicle involved in 63878  
the offense in accordance with section 4503.234 of the Revised 63879  
Code. Division (G)(6) of this section applies regarding any 63880  
vehicle that is subject to an order of criminal forfeiture under 63881  
this division. 63882

(vi) In all cases, the court shall order the offender to 63883  
participate ~~in an alcohol and drug~~ with a community addiction 63884  
~~program services provider~~ authorized by section ~~3793.02~~ 5119.21 of 63885  
the Revised Code, subject to division (I) of this section, and 63886  
shall order the offender to follow the treatment recommendations 63887  
of the ~~program services provider~~. The operator of the ~~program~~ 63888  
services provider shall determine and assess the degree of the 63889  
offender's alcohol dependency and shall make recommendations for 63890  
treatment. Upon the request of the court, the ~~program services~~ 63891  
provider shall submit the results of the assessment to the court, 63892  
including all treatment recommendations and clinical diagnoses 63893  
related to alcohol use. 63894

(2) An offender who is convicted of or pleads guilty to a 63895  
violation of division (A) of this section and who subsequently 63896  
seeks reinstatement of the driver's or occupational driver's 63897  
license or permit or nonresident operating privilege suspended 63898  
under this section as a result of the conviction or guilty plea 63899  
shall pay a reinstatement fee as provided in division (F)(2) of 63900  
section 4511.191 of the Revised Code. 63901

(3) If an offender is sentenced to a jail term under division 63902  
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 63903  
if, within sixty days of sentencing of the offender, the court 63904  
issues a written finding on the record that, due to the 63905  
unavailability of space at the jail where the offender is required 63906  
to serve the term, the offender will not be able to begin serving 63907  
that term within the sixty-day period following the date of 63908  
sentencing, the court may impose an alternative sentence under 63909  
this division that includes a term of house arrest with electronic 63910  
monitoring, with continuous alcohol monitoring, or with both 63911  
electronic monitoring and continuous alcohol monitoring. 63912

As an alternative to a mandatory jail term of ten consecutive 63913  
days required by division (G)(1)(b)(i) of this section, the court, 63914  
under this division, may sentence the offender to five consecutive 63915  
days in jail and not less than eighteen consecutive days of house 63916  
arrest with electronic monitoring, with continuous alcohol 63917  
monitoring, or with both electronic monitoring and continuous 63918  
alcohol monitoring. The cumulative total of the five consecutive 63919  
days in jail and the period of house arrest with electronic 63920  
monitoring, continuous alcohol monitoring, or both types of 63921  
monitoring shall not exceed six months. The five consecutive days 63922  
in jail do not have to be served prior to or consecutively to the 63923  
period of house arrest. 63924

As an alternative to the mandatory jail term of twenty 63925  
consecutive days required by division (G)(1)(b)(ii) of this 63926  
section, the court, under this division, may sentence the offender 63927  
to ten consecutive days in jail and not less than thirty-six 63928  
consecutive days of house arrest with electronic monitoring, with 63929  
continuous alcohol monitoring, or with both electronic monitoring 63930  
and continuous alcohol monitoring. The cumulative total of the ten 63931  
consecutive days in jail and the period of house arrest with 63932  
electronic monitoring, continuous alcohol monitoring, or both 63933

types of monitoring shall not exceed six months. The ten 63934  
consecutive days in jail do not have to be served prior to or 63935  
consecutively to the period of house arrest. 63936

As an alternative to a mandatory jail term of thirty 63937  
consecutive days required by division (G)(1)(c)(i) of this 63938  
section, the court, under this division, may sentence the offender 63939  
to fifteen consecutive days in jail and not less than fifty-five 63940  
consecutive days of house arrest with electronic monitoring, with 63941  
continuous alcohol monitoring, or with both electronic monitoring 63942  
and continuous alcohol monitoring. The cumulative total of the 63943  
fifteen consecutive days in jail and the period of house arrest 63944  
with electronic monitoring, continuous alcohol monitoring, or both 63945  
types of monitoring shall not exceed one year. The fifteen 63946  
consecutive days in jail do not have to be served prior to or 63947  
consecutively to the period of house arrest. 63948

As an alternative to the mandatory jail term of sixty 63949  
consecutive days required by division (G)(1)(c)(ii) of this 63950  
section, the court, under this division, may sentence the offender 63951  
to thirty consecutive days in jail and not less than one hundred 63952  
ten consecutive days of house arrest with electronic monitoring, 63953  
with continuous alcohol monitoring, or with both electronic 63954  
monitoring and continuous alcohol monitoring. The cumulative total 63955  
of the thirty consecutive days in jail and the period of house 63956  
arrest with electronic monitoring, continuous alcohol monitoring, 63957  
or both types of monitoring shall not exceed one year. The thirty 63958  
consecutive days in jail do not have to be served prior to or 63959  
consecutively to the period of house arrest. 63960

(4) If an offender's driver's or occupational driver's 63961  
license or permit or nonresident operating privilege is suspended 63962  
under division (G) of this section and if section 4510.13 of the 63963  
Revised Code permits the court to grant limited driving 63964  
privileges, the court may grant the limited driving privileges in 63965



accordance with that section. If division (A)(7) of that section 63966  
requires that the court impose as a condition of the privileges 63967  
that the offender must display on the vehicle that is driven 63968  
subject to the privileges restricted license plates that are 63969  
issued under section 4503.231 of the Revised Code, except as 63970  
provided in division (B) of that section, the court shall impose 63971  
that condition as one of the conditions of the limited driving 63972  
privileges granted to the offender, except as provided in division 63973  
(B) of section 4503.231 of the Revised Code. 63974

(5) Fines imposed under this section for a violation of 63975  
division (A) of this section shall be distributed as follows: 63976

(a) Twenty-five dollars of the fine imposed under division 63977  
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 63978  
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 63979  
fine imposed under division (G)(1)(c)(iii), and two hundred ten 63980  
dollars of the fine imposed under division (G)(1)(d)(iii) or 63981  
(e)(iii) of this section shall be paid to an enforcement and 63982  
education fund established by the legislative authority of the law 63983  
enforcement agency in this state that primarily was responsible 63984  
for the arrest of the offender, as determined by the court that 63985  
imposes the fine. The agency shall use this share to pay only 63986  
those costs it incurs in enforcing this section or a municipal OVI 63987  
ordinance and in informing the public of the laws governing the 63988  
operation of a vehicle while under the influence of alcohol, the 63989  
dangers of the operation of a vehicle under the influence of 63990  
alcohol, and other information relating to the operation of a 63991  
vehicle under the influence of alcohol and the consumption of 63992  
alcoholic beverages. 63993

(b) Fifty dollars of the fine imposed under division 63994  
(G)(1)(a)(iii) of this section shall be paid to the political 63995  
subdivision that pays the cost of housing the offender during the 63996  
offender's term of incarceration. If the offender is being 63997

sentenced for a violation of division (A)(1)(a), (b), (c), (d), 63998  
(e), or (j) of this section and was confined as a result of the 63999  
offense prior to being sentenced for the offense but is not 64000  
sentenced to a term of incarceration, the fifty dollars shall be 64001  
paid to the political subdivision that paid the cost of housing 64002  
the offender during that period of confinement. The political 64003  
subdivision shall use the share under this division to pay or 64004  
reimburse incarceration or treatment costs it incurs in housing or 64005  
providing drug and alcohol treatment to persons who violate this 64006  
section or a municipal OVI ordinance, costs of any immobilizing or 64007  
disabling device used on the offender's vehicle, and costs of 64008  
electronic house arrest equipment needed for persons who violate 64009  
this section. 64010

(c) Twenty-five dollars of the fine imposed under division 64011  
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 64012  
division (G)(1)(b)(iii) of this section shall be deposited into 64013  
the county or municipal indigent drivers' alcohol treatment fund 64014  
under the control of that court, as created by the county or 64015  
municipal corporation under division (F) of section 4511.191 of 64016  
the Revised Code. 64017

(d) One hundred fifteen dollars of the fine imposed under 64018  
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 64019  
fine imposed under division (G)(1)(c)(iii), and four hundred forty 64020  
dollars of the fine imposed under division (G)(1)(d)(iii) or 64021  
(e)(iii) of this section shall be paid to the political 64022  
subdivision that pays the cost of housing the offender during the 64023  
offender's term of incarceration. The political subdivision shall 64024  
use this share to pay or reimburse incarceration or treatment 64025  
costs it incurs in housing or providing drug and alcohol treatment 64026  
to persons who violate this section or a municipal OVI ordinance, 64027  
costs for any immobilizing or disabling device used on the 64028  
offender's vehicle, and costs of electronic house arrest equipment 64029

needed for persons who violate this section. 64030

(e) Fifty dollars of the fine imposed under divisions 64031  
(G)(1)(a)(iii), (G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), 64032  
and (G)(1)(e)(iii) of this section shall be deposited into the 64033  
special projects fund of the court in which the offender was 64034  
convicted and that is established under division (E)(1) of section 64035  
2303.201, division (B)(1) of section 1901.26, or division (B)(1) 64036  
of section 1907.24 of the Revised Code, to be used exclusively to 64037  
cover the cost of immobilizing or disabling devices, including 64038  
certified ignition interlock devices, and remote alcohol 64039  
monitoring devices for indigent offenders who are required by a 64040  
judge to use either of these devices. If the court in which the 64041  
offender was convicted does not have a special projects fund that 64042  
is established under division (E)(1) of section 2303.201, division 64043  
(B)(1) of section 1901.26, or division (B)(1) of section 1907.24 64044  
of the Revised Code, the fifty dollars shall be deposited into the 64045  
indigent drivers interlock and alcohol monitoring fund under 64046  
division (I) of section 4511.191 of the Revised Code. 64047

(f) Seventy-five dollars of the fine imposed under division 64048  
(G)(1)(a)(iii), one hundred twenty-five dollars of the fine 64049  
imposed under division (G)(1)(b)(iii), two hundred fifty dollars 64050  
of the fine imposed under division (G)(1)(c)(iii), and five 64051  
hundred dollars of the fine imposed under division (G)(1)(d)(iii) 64052  
or (e)(iii) of this section shall be transmitted to the treasurer 64053  
of state for deposit into the indigent defense support fund 64054  
established under section 120.08 of the Revised Code. 64055

(g) The balance of the fine imposed under division 64056  
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 64057  
section shall be disbursed as otherwise provided by law. 64058

(6) If title to a motor vehicle that is subject to an order 64059  
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 64060  
this section is assigned or transferred and division (B)(2) or (3) 64061

of section 4503.234 of the Revised Code applies, in addition to or 64062  
independent of any other penalty established by law, the court may 64063  
fine the offender the value of the vehicle as determined by 64064  
publications of the national automobile dealers association. The 64065  
proceeds of any fine so imposed shall be distributed in accordance 64066  
with division (C)(2) of that section. 64067

(7) In all cases in which an offender is sentenced under 64068  
division (G) of this section, the offender shall provide the court 64069  
with proof of financial responsibility as defined in section 64070  
4509.01 of the Revised Code. If the offender fails to provide that 64071  
proof of financial responsibility, the court, in addition to any 64072  
other penalties provided by law, may order restitution pursuant to 64073  
section 2929.18 or 2929.28 of the Revised Code in an amount not 64074  
exceeding five thousand dollars for any economic loss arising from 64075  
an accident or collision that was the direct and proximate result 64076  
of the offender's operation of the vehicle before, during, or 64077  
after committing the offense for which the offender is sentenced 64078  
under division (G) of this section. 64079

(8) As used in division (G) of this section, "electronic 64080  
monitoring," "mandatory prison term," and "mandatory term of local 64081  
incarceration" have the same meanings as in section 2929.01 of the 64082  
Revised Code. 64083

(H) Whoever violates division (B) of this section is guilty 64084  
of operating a vehicle after underage alcohol consumption and 64085  
shall be punished as follows: 64086

(1) Except as otherwise provided in division (H)(2) of this 64087  
section, the offender is guilty of a misdemeanor of the fourth 64088  
degree. In addition to any other sanction imposed for the offense, 64089  
the court shall impose a class six suspension of the offender's 64090  
driver's license, commercial driver's license, temporary 64091  
instruction permit, probationary license, or nonresident operating 64092  
privilege from the range specified in division (A)(6) of section 64093

4510.02 of the Revised Code. 64094

(2) If, within one year of the offense, the offender 64095  
previously has been convicted of or pleaded guilty to one or more 64096  
violations of division (A) or (B) of this section or other 64097  
equivalent offenses, the offender is guilty of a misdemeanor of 64098  
the third degree. In addition to any other sanction imposed for 64099  
the offense, the court shall impose a class four suspension of the 64100  
offender's driver's license, commercial driver's license, 64101  
temporary instruction permit, probationary license, or nonresident 64102  
operating privilege from the range specified in division (A)(4) of 64103  
section 4510.02 of the Revised Code. 64104

(3) If the offender also is convicted of or also pleads 64105  
guilty to a specification of the type described in section 64106  
2941.1416 of the Revised Code and if the court imposes a jail term 64107  
for the violation of division (B) of this section, the court shall 64108  
impose upon the offender an additional definite jail term pursuant 64109  
to division (E) of section 2929.24 of the Revised Code. 64110

(4) The offender shall provide the court with proof of 64111  
financial responsibility as defined in section 4509.01 of the 64112  
Revised Code. If the offender fails to provide that proof of 64113  
financial responsibility, then, in addition to any other penalties 64114  
provided by law, the court may order restitution pursuant to 64115  
section 2929.28 of the Revised Code in an amount not exceeding 64116  
five thousand dollars for any economic loss arising from an 64117  
accident or collision that was the direct and proximate result of 64118  
the offender's operation of the vehicle before, during, or after 64119  
committing the violation of division (B) of this section. 64120

(I)(1) No court shall sentence an offender to an alcohol 64121  
treatment program under this section unless the treatment program 64122  
complies with the minimum standards for alcohol treatment programs 64123  
adopted under Chapter ~~3793~~. 5119. of the Revised Code by the 64124  
director of ~~alcohol and drug addiction services~~ mental health and 64125

addiction services. 64126

(2) An offender who stays in a drivers' intervention program 64127  
or in an alcohol treatment program under an order issued under 64128  
this section shall pay the cost of the stay in the program. 64129  
However, if the court determines that an offender who stays in an 64130  
alcohol treatment program under an order issued under this section 64131  
is unable to pay the cost of the stay in the program, the court 64132  
may order that the cost be paid from the court's indigent drivers' 64133  
alcohol treatment fund. 64134

(J) If a person whose driver's or commercial driver's license 64135  
or permit or nonresident operating privilege is suspended under 64136  
this section files an appeal regarding any aspect of the person's 64137  
trial or sentence, the appeal itself does not stay the operation 64138  
of the suspension. 64139

(K) Division (A)(1)(j) of this section does not apply to a 64140  
person who operates a vehicle, streetcar, or trackless trolley 64141  
while the person has a concentration of a listed controlled 64142  
substance or a listed metabolite of a controlled substance in the 64143  
person's whole blood, blood serum or plasma, or urine that equals 64144  
or exceeds the amount specified in that division, if both of the 64145  
following apply: 64146

(1) The person obtained the controlled substance pursuant to 64147  
a prescription issued by a licensed health professional authorized 64148  
to prescribe drugs. 64149

(2) The person injected, ingested, or inhaled the controlled 64150  
substance in accordance with the health professional's directions. 64151

(L) The prohibited concentrations of a controlled substance 64152  
or a metabolite of a controlled substance listed in division 64153  
(A)(1)(j) of this section also apply in a prosecution of a 64154  
violation of division (D) of section 2923.16 of the Revised Code 64155  
in the same manner as if the offender is being prosecuted for a 64156

prohibited concentration of alcohol. 64157

(M) All terms defined in section 4510.01 of the Revised Code 64158  
apply to this section. If the meaning of a term defined in section 64159  
4510.01 of the Revised Code conflicts with the meaning of the same 64160  
term as defined in section 4501.01 or 4511.01 of the Revised Code, 64161  
the term as defined in section 4510.01 of the Revised Code applies 64162  
to this section. 64163

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 64164  
as adopted by the supreme court under authority of section 2937.46 64165  
of the Revised Code, do not apply to felony violations of this 64166  
section. Subject to division (N)(2) of this section, the Rules of 64167  
Criminal Procedure apply to felony violations of this section. 64168

(2) If, on or after January 1, 2004, the supreme court 64169  
modifies the Ohio Traffic Rules to provide procedures to govern 64170  
felony violations of this section, the modified rules shall apply 64171  
to felony violations of this section. 64172

**Sec. 4511.191.** (A)(1) As used in this section: 64173

(a) "Physical control" has the same meaning as in section 64174  
4511.194 of the Revised Code. 64175

(b) "Alcohol monitoring device" means any device that 64176  
provides for continuous alcohol monitoring, any ignition interlock 64177  
device, any immobilizing or disabling device other than an 64178  
ignition interlock device that is constantly available to monitor 64179  
the concentration of alcohol in a person's system, or any other 64180  
device that provides for the automatic testing and periodic 64181  
reporting of alcohol consumption by a person and that a court 64182  
orders a person to use as a sanction imposed as a result of the 64183  
person's conviction of or plea of guilty to an offense. 64184

(2) Any person who operates a vehicle, streetcar, or 64185  
trackless trolley upon a highway or any public or private property 64186

used by the public for vehicular travel or parking within this 64187  
state or who is in physical control of a vehicle, streetcar, or 64188  
trackless trolley shall be deemed to have given consent to a 64189  
chemical test or tests of the person's whole blood, blood serum or 64190  
plasma, breath, or urine to determine the alcohol, drug of abuse, 64191  
controlled substance, metabolite of a controlled substance, or 64192  
combination content of the person's whole blood, blood serum or 64193  
plasma, breath, or urine if arrested for a violation of division 64194  
(A) or (B) of section 4511.19 of the Revised Code, section 64195  
4511.194 of the Revised Code or a substantially equivalent 64196  
municipal ordinance, or a municipal OVI ordinance. 64197

(3) The chemical test or tests under division (A)(2) of this 64198  
section shall be administered at the request of a law enforcement 64199  
officer having reasonable grounds to believe the person was 64200  
operating or in physical control of a vehicle, streetcar, or 64201  
trackless trolley in violation of a division, section, or 64202  
ordinance identified in division (A)(2) of this section. The law 64203  
enforcement agency by which the officer is employed shall 64204  
designate which of the tests shall be administered. 64205

(4) Any person who is dead or unconscious, or who otherwise 64206  
is in a condition rendering the person incapable of refusal, shall 64207  
be deemed to have consented as provided in division (A)(2) of this 64208  
section, and the test or tests may be administered, subject to 64209  
sections 313.12 to 313.16 of the Revised Code. 64210

(5)(a) If a law enforcement officer arrests a person for a 64211  
violation of division (A) or (B) of section 4511.19 of the Revised 64212  
Code, section 4511.194 of the Revised Code or a substantially 64213  
equivalent municipal ordinance, or a municipal OVI ordinance and 64214  
if the person if convicted would be required to be sentenced under 64215  
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 64216  
Code, the law enforcement officer shall request the person to 64217  
submit, and the person shall submit, to a chemical test or tests 64218



of the person's whole blood, blood serum or plasma, breath, or 64219  
urine for the purpose of determining the alcohol, drug of abuse, 64220  
controlled substance, metabolite of a controlled substance, or 64221  
combination content of the person's whole blood, blood serum or 64222  
plasma, breath, or urine. A law enforcement officer who makes a 64223  
request pursuant to this division that a person submit to a 64224  
chemical test or tests is not required to advise the person of the 64225  
consequences of submitting to, or refusing to submit to, the test 64226  
or tests and is not required to give the person the form described 64227  
in division (B) of section 4511.192 of the Revised Code, but the 64228  
officer shall advise the person at the time of the arrest that if 64229  
the person refuses to take a chemical test the officer may employ 64230  
whatever reasonable means are necessary to ensure that the person 64231  
submits to a chemical test of the person's whole blood or blood 64232  
serum or plasma. The officer shall also advise the person at the 64233  
time of the arrest that the person may have an independent 64234  
chemical test taken at the person's own expense. Divisions (A)(3) 64235  
and (4) of this section apply to the administration of a chemical 64236  
test or tests pursuant to this division. 64237

(b) If a person refuses to submit to a chemical test upon a 64238  
request made pursuant to division (A)(5)(a) of this section, the 64239  
law enforcement officer who made the request may employ whatever 64240  
reasonable means are necessary to ensure that the person submits 64241  
to a chemical test of the person's whole blood or blood serum or 64242  
plasma. A law enforcement officer who acts pursuant to this 64243  
division to ensure that a person submits to a chemical test of the 64244  
person's whole blood or blood serum or plasma is immune from 64245  
criminal and civil liability based upon a claim for assault and 64246  
battery or any other claim for the acts, unless the officer so 64247  
acted with malicious purpose, in bad faith, or in a wanton or 64248  
reckless manner. 64249

(B)(1) Upon receipt of the sworn report of a law enforcement 64250

officer who arrested a person for a violation of division (A) or 64251  
(B) of section 4511.19 of the Revised Code, section 4511.194 of 64252  
the Revised Code or a substantially equivalent municipal 64253  
ordinance, or a municipal OVI ordinance that was completed and 64254  
sent to the registrar of motor vehicles and a court pursuant to 64255  
section 4511.192 of the Revised Code in regard to a person who 64256  
refused to take the designated chemical test, the registrar shall 64257  
enter into the registrar's records the fact that the person's 64258  
driver's or commercial driver's license or permit or nonresident 64259  
operating privilege was suspended by the arresting officer under 64260  
this division and that section and the period of the suspension, 64261  
as determined under this section. The suspension shall be subject 64262  
to appeal as provided in section 4511.197 of the Revised Code. The 64263  
suspension shall be for whichever of the following periods 64264  
applies: 64265

(a) Except when division (B)(1)(b), (c), or (d) of this 64266  
section applies and specifies a different class or length of 64267  
suspension, the suspension shall be a class C suspension for the 64268  
period of time specified in division (B)(3) of section 4510.02 of 64269  
the Revised Code. 64270

(b) If the arrested person, within six years of the date on 64271  
which the person refused the request to consent to the chemical 64272  
test, had refused one previous request to consent to a chemical 64273  
test or had been convicted of or pleaded guilty to one violation 64274  
of division (A) or (B) of section 4511.19 of the Revised Code or 64275  
one other equivalent offense, the suspension shall be a class B 64276  
suspension imposed for the period of time specified in division 64277  
(B)(2) of section 4510.02 of the Revised Code. 64278

(c) If the arrested person, within six years of the date on 64279  
which the person refused the request to consent to the chemical 64280  
test, had refused two previous requests to consent to a chemical 64281  
test, had been convicted of or pleaded guilty to two violations of 64282

division (A) or (B) of section 4511.19 of the Revised Code or 64283  
other equivalent offenses, or had refused one previous request to 64284  
consent to a chemical test and also had been convicted of or 64285  
pleaded guilty to one violation of division (A) or (B) of section 64286  
4511.19 of the Revised Code or other equivalent offenses, which 64287  
violation or offense arose from an incident other than the 64288  
incident that led to the refusal, the suspension shall be a class 64289  
A suspension imposed for the period of time specified in division 64290  
(B)(1) of section 4510.02 of the Revised Code. 64291

(d) If the arrested person, within six years of the date on 64292  
which the person refused the request to consent to the chemical 64293  
test, had refused three or more previous requests to consent to a 64294  
chemical test, had been convicted of or pleaded guilty to three or 64295  
more violations of division (A) or (B) of section 4511.19 of the 64296  
Revised Code or other equivalent offenses, or had refused a number 64297  
of previous requests to consent to a chemical test and also had 64298  
been convicted of or pleaded guilty to a number of violations of 64299  
division (A) or (B) of section 4511.19 of the Revised Code or 64300  
other equivalent offenses that cumulatively total three or more 64301  
such refusals, convictions, and guilty pleas, the suspension shall 64302  
be for five years. 64303

(2) The registrar shall terminate a suspension of the 64304  
driver's or commercial driver's license or permit of a resident or 64305  
of the operating privilege of a nonresident, or a denial of a 64306  
driver's or commercial driver's license or permit, imposed 64307  
pursuant to division (B)(1) of this section upon receipt of notice 64308  
that the person has entered a plea of guilty to, or that the 64309  
person has been convicted after entering a plea of no contest to, 64310  
operating a vehicle in violation of section 4511.19 of the Revised 64311  
Code or in violation of a municipal OVI ordinance, if the offense 64312  
for which the conviction is had or the plea is entered arose from 64313  
the same incident that led to the suspension or denial. 64314

The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (B)(1) of this section.

(C)(1) Upon receipt of the sworn report of the law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that the person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance specified in division (A)(1)(j) of section 4511.19 of the Revised Code, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and section 4511.192 of the Revised Code and the period of the suspension, as determined under divisions (C)(1)(a) to (d) of this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

(a) Except when division (C)(1)(b), (c), or (d) of this section applies and specifies a different period, the suspension shall be a class E suspension imposed for the period of time specified in division (B)(5) of section 4510.02 of the Revised Code.

(b) The suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code if the person has been convicted of or pleaded guilty to, within six years of the date the test was conducted, one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense.

(c) If, within six years of the date the test was conducted, the person has been convicted of or pleaded guilty to two violations of a statute or ordinance described in division (C)(1)(b) of this section, the suspension shall be a class B suspension imposed for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code.

(d) If, within six years of the date the test was conducted, the person has been convicted of or pleaded guilty to more than two violations of a statute or ordinance described in division (C)(1)(b) of this section, the suspension shall be a class A suspension imposed for the period of time specified in division (B)(1) of section 4510.02 of the Revised Code.

(2) The registrar shall terminate a suspension of the driver's or commercial driver's license or permit of a resident or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (C)(1) of this section upon receipt of notice that the person has entered a plea of guilty to, or that the person has been convicted after entering a plea of no contest to, operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance, if the offense

for which the conviction is had or the plea is entered arose from 64379  
the same incident that led to the suspension or denial. 64380

The registrar shall credit against any judicial suspension of 64381  
a person's driver's or commercial driver's license or permit or 64382  
nonresident operating privilege imposed pursuant to section 64383  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 64384  
Revised Code for a violation of a municipal OVI ordinance, any 64385  
time during which the person serves a related suspension imposed 64386  
pursuant to division (C)(1) of this section. 64387

(D)(1) A suspension of a person's driver's or commercial 64388  
driver's license or permit or nonresident operating privilege 64389  
under this section for the time described in division (B) or (C) 64390  
of this section is effective immediately from the time at which 64391  
the arresting officer serves the notice of suspension upon the 64392  
arrested person. Any subsequent finding that the person is not 64393  
guilty of the charge that resulted in the person being requested 64394  
to take the chemical test or tests under division (A) of this 64395  
section does not affect the suspension. 64396

(2) If a person is arrested for operating a vehicle, 64397  
streetcar, or trackless trolley in violation of division (A) or 64398  
(B) of section 4511.19 of the Revised Code or a municipal OVI 64399  
ordinance, or for being in physical control of a vehicle, 64400  
streetcar, or trackless trolley in violation of section 4511.194 64401  
of the Revised Code or a substantially equivalent municipal 64402  
ordinance, regardless of whether the person's driver's or 64403  
commercial driver's license or permit or nonresident operating 64404  
privilege is or is not suspended under division (B) or (C) of this 64405  
section or Chapter 4510. of the Revised Code, the person's initial 64406  
appearance on the charge resulting from the arrest shall be held 64407  
within five days of the person's arrest or the issuance of the 64408  
citation to the person, subject to any continuance granted by the 64409  
court pursuant to section 4511.197 of the Revised Code regarding 64410

the issues specified in that division. 64411

(E) When it finally has been determined under the procedures 64412  
of this section and sections 4511.192 to 4511.197 of the Revised 64413  
Code that a nonresident's privilege to operate a vehicle within 64414  
this state has been suspended, the registrar shall give 64415  
information in writing of the action taken to the motor vehicle 64416  
administrator of the state of the person's residence and of any 64417  
state in which the person has a license. 64418

(F) At the end of a suspension period under this section, 64419  
under section 4511.194, section 4511.196, or division (G) of 64420  
section 4511.19 of the Revised Code, or under section 4510.07 of 64421  
the Revised Code for a violation of a municipal OVI ordinance and 64422  
upon the request of the person whose driver's or commercial 64423  
driver's license or permit was suspended and who is not otherwise 64424  
subject to suspension, cancellation, or disqualification, the 64425  
registrar shall return the driver's or commercial driver's license 64426  
or permit to the person upon the occurrence of all of the 64427  
conditions specified in divisions (F)(1) and (2) of this section: 64428

(1) A showing that the person has proof of financial 64429  
responsibility, a policy of liability insurance in effect that 64430  
meets the minimum standards set forth in section 4509.51 of the 64431  
Revised Code, or proof, to the satisfaction of the registrar, that 64432  
the person is able to respond in damages in an amount at least 64433  
equal to the minimum amounts specified in section 4509.51 of the 64434  
Revised Code. 64435

(2) Subject to the limitation contained in division (F)(3) of 64436  
this section, payment by the person to the registrar or an 64437  
eligible deputy registrar of a license reinstatement fee of four 64438  
hundred seventy-five dollars, which fee shall be deposited in the 64439  
state treasury and credited as follows: 64440

(a) One hundred twelve dollars and fifty cents shall be 64441

credited to the statewide treatment and prevention fund created by 64442  
section 4301.30 of the Revised Code. Money credited to the fund 64443  
under this section shall be used for purposes identified ~~in the~~ 64444  
~~comprehensive statewide alcohol and drug addiction services plan~~ 64445  
~~developed~~ under section ~~3793.04~~ 5119.22 of the Revised Code. 64446

(b) Seventy-five dollars shall be credited to the reparations 64447  
fund created by section 2743.191 of the Revised Code. 64448

(c) Thirty-seven dollars and fifty cents shall be credited to 64449  
the indigent drivers alcohol treatment fund, which is hereby 64450  
established in the state treasury. Except as otherwise provided in 64451  
division (F)(2)(c) of this section, moneys in the fund shall be 64452  
distributed by the department of ~~alcohol and drug addiction~~ 64453  
~~services~~ mental health and addiction services to the county 64454  
indigent drivers alcohol treatment funds, the county juvenile 64455  
indigent drivers alcohol treatment funds, and the municipal 64456  
indigent drivers alcohol treatment funds that are required to be 64457  
established by counties and municipal corporations pursuant to 64458  
division (H) of this section, and shall be used only to pay the 64459  
cost of an alcohol and drug addiction treatment program attended 64460  
by an offender or juvenile traffic offender who is ordered to 64461  
attend an alcohol and drug addiction treatment program by a 64462  
county, juvenile, or municipal court judge and who is determined 64463  
by the county, juvenile, or municipal court judge not to have the 64464  
means to pay for the person's attendance at the program or to pay 64465  
the costs specified in division (H)(4) of this section in 64466  
accordance with that division. In addition, a county, juvenile, or 64467  
municipal court judge may use moneys in the county indigent 64468  
drivers alcohol treatment fund, county juvenile indigent drivers 64469  
alcohol treatment fund, or municipal indigent drivers alcohol 64470  
treatment fund to pay for the cost of the continued use of an 64471  
alcohol monitoring device as described in divisions (H)(3) and (4) 64472  
of this section. Moneys in the fund that are not distributed to a 64473



county indigent drivers alcohol treatment fund, a county juvenile 64474  
indigent drivers alcohol treatment fund, or a municipal indigent 64475  
drivers alcohol treatment fund under division (H) of this section 64476  
because the director of ~~alcohol and drug addiction services~~ mental 64477  
health and addiction services does not have the information 64478  
necessary to identify the county or municipal corporation where 64479  
the offender or juvenile offender was arrested may be transferred 64480  
by the director of budget and management to the statewide 64481  
treatment and prevention fund created by section 4301.30 of the 64482  
Revised Code, upon certification of the amount by the director of 64483  
~~alcohol and drug addiction services~~ mental health and addiction 64484  
services. 64485

(d) Seventy-five dollars shall be credited to the ~~Ohio~~ 64486  
rehabilitation services commission established by section 3304.12 64487  
of the Revised Code, to the services for rehabilitation fund, 64488  
which is hereby established. The fund shall be used to match 64489  
available federal matching funds where appropriate, and for any 64490  
other purpose or program of the commission to rehabilitate people 64491  
with disabilities to help them become employed and independent. 64492

(e) Seventy-five dollars shall be deposited into the state 64493  
treasury and credited to the drug abuse resistance education 64494  
programs fund, which is hereby established, to be used by the 64495  
attorney general for the purposes specified in division (F)(4) of 64496  
this section. 64497

(f) Thirty dollars shall be credited to the state bureau of 64498  
motor vehicles fund created by section 4501.25 of the Revised 64499  
Code. 64500

(g) Twenty dollars shall be credited to the trauma and 64501  
emergency medical services fund created by section 4513.263 of the 64502  
Revised Code. 64503

(h) Fifty dollars shall be credited to the indigent drivers 64504

interlock and alcohol monitoring fund, which is hereby established 64505  
in the state treasury. Moneys in the fund shall be distributed by 64506  
the department of public safety to the county indigent drivers 64507  
interlock and alcohol monitoring funds, the county juvenile 64508  
indigent drivers interlock and alcohol monitoring funds, and the 64509  
municipal indigent drivers interlock and alcohol monitoring funds 64510  
that are required to be established by counties and municipal 64511  
corporations pursuant to this section, and shall be used only to 64512  
pay the cost of an immobilizing or disabling device, including a 64513  
certified ignition interlock device, or an alcohol monitoring 64514  
device used by an offender or juvenile offender who is ordered to 64515  
use the device by a county, juvenile, or municipal court judge and 64516  
who is determined by the county, juvenile, or municipal court 64517  
judge not to have the means to pay for the person's use of the 64518  
device. 64519

(3) If a person's driver's or commercial driver's license or 64520  
permit is suspended under this section, under section 4511.196 or 64521  
division (G) of section 4511.19 of the Revised Code, under section 64522  
4510.07 of the Revised Code for a violation of a municipal OVI 64523  
ordinance or under any combination of the suspensions described in 64524  
division (F)(3) of this section, and if the suspensions arise from 64525  
a single incident or a single set of facts and circumstances, the 64526  
person is liable for payment of, and shall be required to pay to 64527  
the registrar or an eligible deputy registrar, only one 64528  
reinstatement fee of four hundred seventy-five dollars. The 64529  
reinstatement fee shall be distributed by the bureau in accordance 64530  
with division (F)(2) of this section. 64531

(4) The attorney general shall use amounts in the drug abuse 64532  
resistance education programs fund to award grants to law 64533  
enforcement agencies to establish and implement drug abuse 64534  
resistance education programs in public schools. Grants awarded to 64535  
a law enforcement agency under this section shall be used by the 64536

agency to pay for not more than fifty per cent of the amount of 64537  
the salaries of law enforcement officers who conduct drug abuse 64538  
resistance education programs in public schools. The attorney 64539  
general shall not use more than six per cent of the amounts the 64540  
attorney general's office receives under division (F)(2)(e) of 64541  
this section to pay the costs it incurs in administering the grant 64542  
program established by division (F)(2)(e) of this section and in 64543  
providing training and materials relating to drug abuse resistance 64544  
education programs. 64545

The attorney general shall report to the governor and the 64546  
general assembly each fiscal year on the progress made in 64547  
establishing and implementing drug abuse resistance education 64548  
programs. These reports shall include an evaluation of the 64549  
effectiveness of these programs. 64550

(5) In addition to the reinstatement fee under this section, 64551  
if the person pays the reinstatement fee to a deputy registrar, 64552  
the deputy registrar shall collect a service fee of ten dollars to 64553  
compensate the deputy registrar for services performed under this 64554  
section. The deputy registrar shall retain eight dollars of the 64555  
service fee and shall transmit the reinstatement fee, plus two 64556  
dollars of the service fee, to the registrar in the manner the 64557  
registrar shall determine. 64558

(G) Suspension of a commercial driver's license under 64559  
division (B) or (C) of this section shall be concurrent with any 64560  
period of disqualification under section 3123.611 or 4506.16 of 64561  
the Revised Code or any period of suspension under section 3123.58 64562  
of the Revised Code. No person who is disqualified for life from 64563  
holding a commercial driver's license under section 4506.16 of the 64564  
Revised Code shall be issued a driver's license under Chapter 64565  
4507. of the Revised Code during the period for which the 64566  
commercial driver's license was suspended under division (B) or 64567  
(C) of this section. No person whose commercial driver's license 64568

is suspended under division (B) or (C) of this section shall be 64569  
issued a driver's license under Chapter 4507. of the Revised Code 64570  
during the period of the suspension. 64571

(H)(1) Each county shall establish an indigent drivers 64572  
alcohol treatment fund, each county shall establish a juvenile 64573  
indigent drivers alcohol treatment fund, and each municipal 64574  
corporation in which there is a municipal court shall establish an 64575  
indigent drivers alcohol treatment fund. All revenue that the 64576  
general assembly appropriates to the indigent drivers alcohol 64577  
treatment fund for transfer to a county indigent drivers alcohol 64578  
treatment fund, a county juvenile indigent drivers alcohol 64579  
treatment fund, or a municipal indigent drivers alcohol treatment 64580  
fund, all portions of fees that are paid under division (F) of 64581  
this section and that are credited under that division to the 64582  
indigent drivers alcohol treatment fund in the state treasury for 64583  
a county indigent drivers alcohol treatment fund, a county 64584  
juvenile indigent drivers alcohol treatment fund, or a municipal 64585  
indigent drivers alcohol treatment fund, all portions of 64586  
additional costs imposed under section 2949.094 of the Revised 64587  
Code that are specified for deposit into a county, county 64588  
juvenile, or municipal indigent drivers alcohol treatment fund by 64589  
that section, and all portions of fines that are specified for 64590  
deposit into a county or municipal indigent drivers alcohol 64591  
treatment fund by section 4511.193 of the Revised Code shall be 64592  
deposited into that county indigent drivers alcohol treatment 64593  
fund, county juvenile indigent drivers alcohol treatment fund, or 64594  
municipal indigent drivers alcohol treatment fund. The portions of 64595  
the fees paid under division (F) of this section that are to be so 64596  
deposited shall be determined in accordance with division (H)(2) 64597  
of this section. Additionally, all portions of fines that are paid 64598  
for a violation of section 4511.19 of the Revised Code or of any 64599  
prohibition contained in Chapter 4510. of the Revised Code, and 64600  
that are required under section 4511.19 or any provision of 64601

Chapter 4510. of the Revised Code to be deposited into a county 64602  
indigent drivers alcohol treatment fund or municipal indigent 64603  
drivers alcohol treatment fund shall be deposited into the 64604  
appropriate fund in accordance with the applicable division of the 64605  
section or provision. 64606

(2) That portion of the license reinstatement fee that is 64607  
paid under division (F) of this section and that is credited under 64608  
that division to the indigent drivers alcohol treatment fund shall 64609  
be deposited into a county indigent drivers alcohol treatment 64610  
fund, a county juvenile indigent drivers alcohol treatment fund, 64611  
or a municipal indigent drivers alcohol treatment fund as follows: 64612

(a) Regarding a suspension imposed under this section, that 64613  
portion of the fee shall be deposited as follows: 64614

(i) If the fee is paid by a person who was charged in a 64615  
county court with the violation that resulted in the suspension or 64616  
in the imposition of the court costs, the portion shall be 64617  
deposited into the county indigent drivers alcohol treatment fund 64618  
under the control of that court; 64619

(ii) If the fee is paid by a person who was charged in a 64620  
juvenile court with the violation that resulted in the suspension 64621  
or in the imposition of the court costs, the portion shall be 64622  
deposited into the county juvenile indigent drivers alcohol 64623  
treatment fund established in the county served by the court; 64624

(iii) If the fee is paid by a person who was charged in a 64625  
municipal court with the violation that resulted in the suspension 64626  
or in the imposition of the court costs, the portion shall be 64627  
deposited into the municipal indigent drivers alcohol treatment 64628  
fund under the control of that court. 64629

(b) Regarding a suspension imposed under section 4511.19 of 64630  
the Revised Code or under section 4510.07 of the Revised Code for 64631  
a violation of a municipal OVI ordinance, that portion of the fee 64632

shall be deposited as follows: 64633

(i) If the fee is paid by a person whose license or permit 64634  
was suspended by a county court, the portion shall be deposited 64635  
into the county indigent drivers alcohol treatment fund under the 64636  
control of that court; 64637

(ii) If the fee is paid by a person whose license or permit 64638  
was suspended by a municipal court, the portion shall be deposited 64639  
into the municipal indigent drivers alcohol treatment fund under 64640  
the control of that court. 64641

(3) Expenditures from a county indigent drivers alcohol 64642  
treatment fund, a county juvenile indigent drivers alcohol 64643  
treatment fund, or a municipal indigent drivers alcohol treatment 64644  
fund shall be made only upon the order of a county, juvenile, or 64645  
municipal court judge and only for payment of the cost of an 64646  
assessment or the cost of the attendance at an alcohol and drug 64647  
addiction treatment program of a person who is convicted of, or 64648  
found to be a juvenile traffic offender by reason of, a violation 64649  
of division (A) of section 4511.19 of the Revised Code or a 64650  
substantially similar municipal ordinance, who is ordered by the 64651  
court to attend the alcohol and drug addiction treatment program, 64652  
and who is determined by the court to be unable to pay the cost of 64653  
the assessment or the cost of attendance at the treatment program 64654  
or for payment of the costs specified in division (H)(4) of this 64655  
section in accordance with that division. The alcohol and drug 64656  
addiction services board or the board of alcohol, drug addiction, 64657  
and mental health services established pursuant to section 340.02 64658  
or 340.021 of the Revised Code and serving the alcohol, drug 64659  
addiction, and mental health service district in which the court 64660  
is located shall administer the indigent drivers alcohol treatment 64661  
program of the court. When a court orders an offender or juvenile 64662  
traffic offender to obtain an assessment or attend an alcohol and 64663  
drug addiction treatment program, the board shall determine which 64664

program is suitable to meet the needs of the offender or juvenile 64665  
traffic offender, and when a suitable program is located and space 64666  
is available at the program, the offender or juvenile traffic 64667  
offender shall attend the program designated by the board. A 64668  
reasonable amount not to exceed five per cent of the amounts 64669  
credited to and deposited into the county indigent drivers alcohol 64670  
treatment fund, the county juvenile indigent drivers alcohol 64671  
treatment fund, or the municipal indigent drivers alcohol 64672  
treatment fund serving every court whose program is administered 64673  
by that board shall be paid to the board to cover the costs it 64674  
incurs in administering those indigent drivers alcohol treatment 64675  
programs. 64676

In addition, upon exhaustion of moneys in the indigent 64677  
drivers interlock and alcohol monitoring fund for the use of an 64678  
alcohol monitoring device, a county, juvenile, or municipal court 64679  
judge may use moneys in the county indigent drivers alcohol 64680  
treatment fund, county juvenile indigent drivers alcohol treatment 64681  
fund, or municipal indigent drivers alcohol treatment fund in the 64682  
following manners: 64683

(a) If the source of the moneys was an appropriation of the 64684  
general assembly, a portion of a fee that was paid under division 64685  
(F) of this section, a portion of a fine that was specified for 64686  
deposit into the fund by section 4511.193 of the Revised Code, or 64687  
a portion of a fine that was paid for a violation of section 64688  
4511.19 of the Revised Code or of a provision contained in Chapter 64689  
4510. of the Revised Code that was required to be deposited into 64690  
the fund, to pay for the continued use of an alcohol monitoring 64691  
device by an offender or juvenile traffic offender, in conjunction 64692  
with a treatment program approved by the department of ~~alcohol and~~ 64693  
~~drug addiction services~~ mental health and addiction services, when 64694  
such use is determined clinically necessary by the treatment 64695  
program and when the court determines that the offender or 64696

juvenile traffic offender is unable to pay all or part of the 64697  
daily monitoring or cost of the device; 64698

(b) If the source of the moneys was a portion of an 64699  
additional court cost imposed under section 2949.094 of the 64700  
Revised Code, to pay for the continued use of an alcohol 64701  
monitoring device by an offender or juvenile traffic offender when 64702  
the court determines that the offender or juvenile traffic 64703  
offender is unable to pay all or part of the daily monitoring or 64704  
cost of the device. The moneys may be used for a device as 64705  
described in this division if the use of the device is in 64706  
conjunction with a treatment program approved by the department of 64707  
~~alcohol and drug addiction services~~ mental health and addiction  
services, when the use of the device is determined clinically 64708  
necessary by the treatment program, but the use of a device is not 64709  
required to be in conjunction with a treatment program approved by 64710  
the department in order for the moneys to be used for the device 64711  
as described in this division. 64712  
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(4) If a county, juvenile, or municipal court determines, in 64714  
consultation with the alcohol and drug addiction services board or 64715  
the board of alcohol, drug addiction, and mental health services 64716  
established pursuant to section 340.02 or 340.021 of the Revised 64717  
Code and serving the alcohol, drug addiction, and mental health 64718  
district in which the court is located, that the funds in the 64719  
county indigent drivers alcohol treatment fund, the county 64720  
juvenile indigent drivers alcohol treatment fund, or the municipal 64721  
indigent drivers alcohol treatment fund under the control of the 64722  
court are more than sufficient to satisfy the purpose for which 64723  
the fund was established, as specified in divisions (H)(1) to (3) 64724  
of this section, the court may declare a surplus in the fund. If 64725  
the court declares a surplus in the fund, the court may expend the 64726  
amount of the surplus in the fund for: 64727

(a) Alcohol and drug abuse assessment and treatment of 64728



persons who are charged in the court with committing a criminal 64729  
offense or with being a delinquent child or juvenile traffic 64730  
offender and in relation to whom both of the following apply: 64731

(i) The court determines that substance abuse was a 64732  
contributing factor leading to the criminal or delinquent activity 64733  
or the juvenile traffic offense with which the person is charged. 64734

(ii) The court determines that the person is unable to pay 64735  
the cost of the alcohol and drug abuse assessment and treatment 64736  
for which the surplus money will be used. 64737

(b) All or part of the cost of purchasing alcohol monitoring 64738  
devices to be used in conjunction with division (H)(3) of this 64739  
section, upon exhaustion of moneys in the indigent drivers 64740  
interlock and alcohol monitoring fund for the use of an alcohol 64741  
monitoring device. 64742

(5) For the purpose of determining as described in division 64743  
(F)(2)(c) of this section whether an offender does not have the 64744  
means to pay for the offender's attendance at an alcohol and drug 64745  
addiction treatment program or whether an alleged offender or 64746  
delinquent child is unable to pay the costs specified in division 64747  
(H)(4) of this section, the court shall use the indigent client 64748  
eligibility guidelines and the standards of indigency established 64749  
by the state public defender to make the determination. 64750

(6) The court shall identify and refer any ~~alcohol and drug~~ 64751  
community addiction program services provider that is not 64752  
certified under section ~~3793.06~~ 5119.36 of the Revised Code and 64753  
that is interested in receiving amounts from the surplus in the 64754  
fund declared under division (H)(4) of this section to the 64755  
department of ~~alcohol and drug addiction services~~ mental health 64756  
and addiction services in order for the ~~program services provider~~ 64757  
to become a certified ~~alcohol and drug~~ community addiction program 64758  
services provider. The department shall keep a record of applicant 64759

referrals received pursuant to this division and shall submit a 64760  
report on the referrals each year to the general assembly. If a 64761  
~~program services provider~~ interested in becoming certified makes 64762  
an application to become certified pursuant to section ~~3793.06~~ 64763  
5119.36 of the Revised Code, the ~~program services provider~~ is 64764  
eligible to receive surplus funds as long as the application is 64765  
pending with the department. The department of ~~alcohol and drug~~ 64766  
~~addiction services~~ mental health and addiction services must offer 64767  
technical assistance to the applicant. If the interested ~~program~~ 64768  
services provider withdraws the certification application, the 64769  
department must notify the court, and the court shall not provide 64770  
the interested ~~program services provider~~ with any further surplus 64771  
funds. 64772

(7)(a) Each alcohol and drug addiction services board and 64773  
board of alcohol, drug addiction, and mental health services 64774  
established pursuant to section 340.02 or 340.021 of the Revised 64775  
Code shall submit to the department of ~~alcohol and drug addiction~~ 64776  
~~services~~ mental health and addiction services an annual report for 64777  
each indigent drivers alcohol treatment fund in that board's area. 64778

(b) The report, which shall be submitted not later than sixty 64779  
days after the end of the state fiscal year, shall provide the 64780  
total payment that was made from the fund, including the number of 64781  
indigent consumers that received treatment services and the number 64782  
of indigent consumers that received an alcohol monitoring device. 64783  
The report shall identify the treatment program and expenditure 64784  
for an alcohol monitoring device for which that payment was made. 64785  
The report shall include the fiscal year balance of each indigent 64786  
drivers alcohol treatment fund located in that board's area. In 64787  
the event that a surplus is declared in the fund pursuant to 64788  
division (H)(4) of this section, the report also shall provide the 64789  
total payment that was made from the surplus moneys and identify 64790  
the treatment program and expenditure for an alcohol monitoring 64791

~~device for which that payment was made. The department may require 64792  
additional information necessary to complete the comprehensive 64793  
statewide alcohol and drug addiction services plan as required by 64794  
section 3793.04 of the Revised Code. 64795~~

(c) If a board is unable to obtain adequate information to 64796  
develop the report to submit to the department for a particular 64797  
indigent drivers alcohol treatment fund, the board shall submit a 64798  
report detailing the effort made in obtaining the information. 64799

(I)(1) Each county shall establish an indigent drivers 64800  
interlock and alcohol monitoring fund and a juvenile indigent 64801  
drivers interlock and alcohol treatment fund, and each municipal 64802  
corporation in which there is a municipal court shall establish an 64803  
indigent drivers interlock and alcohol monitoring fund. All 64804  
revenue that the general assembly appropriates to the indigent 64805  
drivers interlock and alcohol monitoring fund for transfer to a 64806  
county indigent drivers interlock and alcohol monitoring fund, a 64807  
county juvenile indigent drivers interlock and alcohol monitoring 64808  
fund, or a municipal indigent drivers interlock and alcohol 64809  
monitoring fund, all portions of license reinstatement fees that 64810  
are paid under division (F)(2) of this section and that are 64811  
credited under that division to the indigent drivers interlock and 64812  
alcohol monitoring fund in the state treasury, and all portions of 64813  
fines that are paid under division (G) of section 4511.19 of the 64814  
Revised Code and that are credited by division (G)(5)(e) of that 64815  
section to the indigent drivers interlock and alcohol monitoring 64816  
fund in the state treasury shall be deposited in the appropriate 64817  
fund in accordance with division (I)(2) of this section. 64818

(2) That portion of the license reinstatement fee that is 64819  
paid under division (F) of this section and that portion of the 64820  
fine paid under division (G) of section 4511.19 of the Revised 64821  
Code and that is credited under either division to the indigent 64822  
drivers interlock and alcohol monitoring fund shall be deposited 64823

into a county indigent drivers interlock and alcohol monitoring 64824  
fund, a county juvenile indigent drivers interlock and alcohol 64825  
monitoring fund, or a municipal indigent drivers interlock and 64826  
alcohol monitoring fund as follows: 64827

(a) If the fee or fine is paid by a person who was charged in 64828  
a county court with the violation that resulted in the suspension 64829  
or fine, the portion shall be deposited into the county indigent 64830  
drivers interlock and alcohol monitoring fund under the control of 64831  
that court. 64832

(b) If the fee or fine is paid by a person who was charged in 64833  
a juvenile court with the violation that resulted in the 64834  
suspension or fine, the portion shall be deposited into the county 64835  
juvenile indigent drivers interlock and alcohol monitoring fund 64836  
established in the county served by the court. 64837

(c) If the fee or fine is paid by a person who was charged in 64838  
a municipal court with the violation that resulted in the 64839  
suspension, the portion shall be deposited into the municipal 64840  
indigent drivers interlock and alcohol monitoring fund under the 64841  
control of that court. 64842

**Sec. 4701.03.** (A) The accountancy board annually shall elect 64843  
a president, secretary, and treasurer from its members. The board 64844  
may adopt and amend rules for the orderly conduct of its affairs 64845  
and for the administration of this chapter. The board may adopt 64846  
and amend rules defining the practice of public accounting, rules 64847  
of professional conduct appropriate to establish and maintain a 64848  
high standard of integrity and dignity in registrants and 64849  
certificate holders under this chapter, and rules regulating the 64850  
sole proprietorship, partnership, limited liability company, 64851  
professional association, corporation-for-profit, or other legal 64852  
entity practice of public accounting. A majority of the board 64853  
shall constitute a quorum for the transaction of business. 64854

(B) The board shall keep and hold open for public inspection all records of its proceedings. 64855  
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(C) The board may employ any clerks that are necessary to assist it in the performance of its duties and the keeping of its records. If the board employs an executive director, the board shall pay the executive director ~~shall be paid~~ in accordance with ~~pay range 18 of schedule E-1 of section 124.152 of the Revised Code, or, if the director was employed and being paid on June 28, 2003, in accordance with step 7 in pay range 18 of schedule E-1 of former section 124.152 of the Revised Code and continued to be so paid on June 29, 2003, the executive director shall be paid in accordance with pay range 18 of salary schedule E-1 for step seven only of section 124.152 of the Revised Code.~~ 64857  
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**Sec. 4707.02.** (A) No person shall act as an auction firm, auctioneer, apprentice auctioneer, or special auctioneer within this state without a license issued by the department of agriculture. No auction shall be conducted in this state except by an auctioneer licensed by the department. 64868  
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The department shall not issue or renew a license if the applicant or licensee has been convicted of a felony or crime involving fraud or theft in this or another state at any time during the ten years immediately preceding application or renewal. 64873  
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(B) Division (A) of this section does not apply to any of the following: 64877  
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(1) Sales at auction that either are required by law to be at auction, other than sales pursuant to a judicial order or decree, or are conducted by or under the direction of a public authority; 64879  
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(2) The owner of any real or personal property desiring to sell the property at auction, provided that the property was not acquired for the purpose of resale; 64882  
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- (3) An auction mediation company; 64885
- (4) An auction that is conducted in a course of study for 64886  
auctioneers that is approved by the state auctioneers commission 64887  
created under section 4707.03 of the Revised Code for purposes of 64888  
student training and is supervised by a licensed auctioneer; 64889
- (5)(a) An auction that is sponsored by a nonprofit or 64890  
charitable organization that is registered in this state under 64891  
Chapter 1702. or Chapter 1716. of the Revised Code, respectively, 64892  
if the auction only involves the property of the members of the 64893  
organization and the auction is part of a fair that is organized 64894  
by an agricultural society under Chapter 1711. of the Revised Code 64895  
or by the Ohio expositions commission under Chapter 991. of the 64896  
Revised Code at which an auctioneer who is licensed under this 64897  
chapter physically conducts the auction; or 64898
- (b) Sales at an auction sponsored by a charitable, religious, 64899  
or civic organization that is tax exempt under subsection 64900  
501(c)(3) of the Internal Revenue Code, or by a public school, 64901  
chartered nonpublic school, or community school, if no person in 64902  
the business of organizing, arranging, or conducting an auction 64903  
for compensation and no consignor of consigned items sold at the 64904  
auction, except such organization or school, receives compensation 64905  
from the proceeds of the auction. As used in division (B)(5)(b) of 64906  
this section, "compensation" means money, a thing of value other 64907  
than participation in a charitable event, or a financial benefit. 64908
- (6) A person licensed as a livestock dealer under Chapter 64909  
943. of the Revised Code who exclusively sells livestock and uses 64910  
an auctioneer who is licensed under this chapter to conduct the 64911  
auction; 64912
- (7) A person licensed as a motor vehicle auction owner under 64913  
Chapter 4517. of the Revised Code who exclusively sells motor 64914  
vehicles to a person licensed under Chapter 4517. of the Revised 64915

Code and who uses an auctioneer who is licensed under this chapter 64916  
to conduct the auction; 64917

(8) A person who sells real or personal property by means of 64918  
the internet; 64919

(9) A bid calling contest that is approved by the commission 64920  
and that is conducted for the purposes of the advancement or 64921  
promotion of the auction profession in this state, provided that 64922  
no compensation is paid to the sponsor of or participants in the 64923  
contest other than a prize or award for winning the contest; 64924

(10) An auction at which the champion of a national or 64925  
international bid calling contest appears, provided that both of 64926  
the following apply: 64927

(a) The champion is not paid a commission. 64928

(b) The auction is conducted under the direct supervision of 64929  
an auctioneer licensed under this chapter in order to ensure that 64930  
the champion complies with this chapter and rules adopted under 64931  
it. 64932

(C)(1) No person shall advertise or hold oneself out as an 64933  
auction firm, auctioneer, apprentice auctioneer, or special 64934  
auctioneer without a license issued by the department of 64935  
agriculture. 64936

(2) Division (C)(1) of this section does not apply to an 64937  
individual who is the subject of an advertisement regarding an 64938  
auction conducted under division (B)(5)(b) of this section. 64939

**Sec. 4707.073.** (A) No corporation, limited liability company, 64940  
general or limited partnership, or unincorporated association 64941  
shall act or hold itself out as an auctioneer without a valid 64942  
auctioneer's license issued under this section. This section does 64943  
not apply to a person who is issued a license under section 64944  
4707.071 of the Revised Code. 64945

(B) The department of agriculture may grant an auctioneer's license to a corporation, limited liability company, general or limited partnership, or unincorporated association that is determined to be qualified by the department. Every applicant for a license under this section shall furnish to the department, on forms provided by the department, satisfactory proof that the applicant:

(1) Is in good standing with the secretary of state if the applicant is a corporation;

(2) Is of trustworthy character;

(3) Has provided proof of financial responsibility as required in section 4707.11 of the Revised Code;

(4) Is registered with the secretary of state or a local authority, as applicable, to do business in this state;

(5) Has complied with any other requirement that the director establishes in rules adopted under section 4707.19 of the Revised Code.

(C) An application submitted under this section shall list the names of all of the owners, directors, partners, or members of the applicant, as applicable, and shall indicate those that have an auctioneer's license issued under section 4707.07 of the Revised Code.

(D)~~(1)~~ The department shall not issue a license under this section unless one of the following applies, as applicable:

~~(a)~~(1) If the applicant is a limited liability company or a general or limited partnership, not less than fifty per cent of the members or general partners have a current license issued under section 4707.07 of the Revised Code.

~~(b)~~(2) If the applicant is a corporation, not less than fifty per cent of the directors and the president or chief executive



have a current license issued under section 4707.07 of the Revised Code. 64976  
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~~(e)(3)~~ If the applicant is an unincorporated association, not less than fifty per cent of the members have a current license issued under section 4707.07 of the Revised Code. 64978  
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Failure of a corporation, limited liability company, partnership, or unincorporated association to maintain the applicable requirements of this division after the issuance of a license under this section may be sufficient cause for the revocation of the license under section 4707.15 of the Revised Code. 64981  
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~~(2) Not later than two years after the effective date of this section, a corporation, partnership, or unincorporated association that was issued a license under section 4707.07 of the Revised Code on or before the effective date of this section shall comply with the requirements established in division (D)(1) of this section. If such a corporation, partnership, or unincorporated association fails to comply with those requirements, the license of the corporation, partnership, or unincorporated association immediately shall terminate.~~ 64987  
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(E) Upon the issuance of a license under this section, a corporation, limited liability company, partnership, or unincorporated association shall designate an individual from among its directors, partners, or members who is licensed under section 4707.07 of the Revised Code as its agent for purposes of communication with the department. If that individual ceases to be the agent, the corporation, limited liability company, partnership, or unincorporated association shall notify the department not later than ten days after the day on which the individual ceases to be the agent. Upon notification to the department, the license of the corporation, limited liability company, partnership, or unincorporated association, as 64996  
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applicable, immediately shall terminate. If the corporation, 65008  
limited liability company, partnership, or unincorporated 65009  
association notifies the department of the designation of a new 65010  
agent in accordance with the requirements of this division and 65011  
pays a fee in the amount of ten dollars, the department shall 65012  
issue the corporation, limited liability company, partnership, or 65013  
unincorporated association a new license. 65014

(F) This section does not preclude a corporation, limited 65015  
liability company, partnership, or unincorporated association from 65016  
selling real property at auction, provided that the requirements 65017  
of this section and section 4707.021 and Chapter 4735. of the 65018  
Revised Code are satisfied. 65019

(G) A person licensed as a real estate broker under Chapter 65020  
4735. of the Revised Code shall not be required to obtain a 65021  
license under this section if the person complies with sections 65022  
4707.021 and 4707.22 of the Revised Code. 65023

**Sec. 4707.10.** (A) The fee for each apprentice auctioneer's or 65024  
auction firm license issued by the department of agriculture is 65025  
one hundred dollars, and the annual renewal fee for any such 65026  
license is one hundred dollars. All licenses expire annually on 65027  
the last day of June of each year and shall be renewed according 65028  
to the standard renewal procedures of Chapter 4745. of the Revised 65029  
Code, or the procedures of this section. Any licensee under this 65030  
chapter who wishes to renew the licensee's license, but fails to 65031  
do so before the first day of July shall reapply for licensure in 65032  
the same manner and pursuant to the same requirements as for 65033  
initial licensure, unless before the first day of September of the 65034  
year of expiration, the former licensee pays to the department, in 65035  
addition to the regular renewal fee, a late renewal penalty of one 65036  
hundred dollars. 65037

(B)(1) Each person to whom the department issues an 65038

auctioneer's license or special auctioneer's license shall pay a  
licensure fee. Those licenses are biennial and expire in  
accordance with the schedule established in division (B)(2) of  
this section. If such a license is issued during the first year of  
a biennium, the licensee shall pay a fee in the amount of two  
hundred dollars. If the license is issued during the second year  
of a biennium, the licensee shall pay a fee in the amount of one  
hundred dollars. With respect to an auctioneer's license, the fees  
apply regardless of whether the license is issued to an individual  
under section 4707.07 of the Revised Code or to a corporation,  
limited liability company, partnership, or association under  
section 4707.073 of the Revised Code.

All auctioneer's licenses and special auctioneer's licenses  
expire on the last day of June of the biennium. The licenses shall  
be renewed in accordance with the standard renewal procedures of  
Chapter 4745. of the Revised Code or the procedures in this  
section and upon the licensee's payment to the department of a  
renewal fee of two hundred dollars. A licensee who wishes to renew  
the licensee's license, but who fails to do so before the first  
day of July following the license's expiration, shall reapply for  
licensure in the same manner and pursuant to the same requirements  
as for the initial licensure unless before the first day of  
September following the expiration, the former licensee pays to  
the department, in addition to the regular renewal fee, a late  
renewal penalty of one hundred dollars.

(2) The biennial expiration of an auctioneer's license or  
special auctioneer's license shall occur in accordance with the  
following schedule:

(a) The license shall expire in odd-numbered years if the  
business name or last name, as applicable, of the licensee begins  
with the letters "A" through "J" or with the letters "X" through  
"Z."

(b) The license shall expire in even-numbered years if the  
business name or last name, as applicable, of the licensee begins  
with the letters "K" through "W."

(C) Any person who fails to renew the person's license before  
the first day of July is prohibited from engaging in any activity  
specified or comprehended in section 4707.01 of the Revised Code  
until such time as the person's license is renewed or a new  
license is issued. Renewal of a license between the first day of  
July and the first day of September does not relieve any person  
from complying with this division. The department may refuse to  
renew the license of or issue a new license to any person who  
violates this division.

(D) The department shall prepare and deliver to each licensee  
a permanent license certificate and an identification card, the  
appropriate portion of which shall be carried on the person of the  
licensee at all times when engaged in any type of auction  
activity, and part of which shall be posted with the permanent  
certificate in a conspicuous location at the licensee's place of  
business.

(E) Notice in writing shall be given to the department by  
each auctioneer or apprentice auctioneer licensee of any change of  
principal business location or any change or addition to the name  
or names under which business is conducted, whereupon the  
department shall issue a new license for the unexpired period. Any  
change of business location or change or addition of names without  
notification to the department shall automatically cancel any  
license previously issued. For each new ~~auctioneer~~ auctioneer's or  
apprentice ~~auctioneer~~ auctioneer's license issued upon the  
occasion of a change in business location or a change in or an  
addition of names under which business is conducted, the  
department may collect a fee of ten dollars for each change in  
location, or name or each added name unless the notification of

the change occurs concurrently with the renewal application or 65103  
unless otherwise provided in section 4707.07 of the Revised Code. 65104

**Sec. 4709.11.** Every license issued pursuant to this chapter 65105  
expires on the thirty-first day of August of each even-numbered 65106  
year. Each licensee desiring to do so shall, on or before the 65107  
first day of September of each even-numbered year, renew ~~his~~ the 65108  
licensee's license pursuant to the standard renewal procedure of 65109  
Chapter 4745. of the Revised Code. Any holder of an expired 65110  
license shall restore ~~his~~ the holder's license before continuing 65111  
the practice of barbering or the activity for which ~~he~~ the holder 65112  
is licensed under this chapter and pay the appropriate restoration 65113  
fee. If the person fails to restore ~~his~~ the person's license 65114  
within ~~three~~ six years, ~~he~~ the person shall pay any required 65115  
restoration fee and take any examination required for the license 65116  
under this chapter. 65117

**Sec. 4715.36.** As used in this section and sections 4715.361 65118  
to 4715.374 of the Revised Code: 65119

(A) "Accredited dental hygiene school" means a dental hygiene 65120  
school accredited by the American dental association commission on 65121  
dental accreditation or a dental hygiene school whose educational 65122  
standards are recognized by the American dental association 65123  
commission on dental accreditation and approved by the state 65124  
dental board. 65125

(B) "Authorizing dentist" means a dentist who authorizes a 65126  
dental hygienist to perform dental hygiene services under section 65127  
4715.365 of the Revised Code. 65128

(C) "Clinical evaluation" means a diagnosis and treatment 65129  
plan formulated for an individual patient by a dentist. 65130

(D) "Dentist" means an individual licensed under this chapter 65131  
to practice dentistry. 65132

(E) "Dental hygienist" means an individual licensed under 65133  
this chapter to practice as a dental hygienist. 65134

(F) "Dental hygiene services" means the prophylactic, 65135  
preventive, and other procedures that dentists are authorized by 65136  
this chapter and rules of the state dental board to assign to 65137  
dental hygienists, except for procedures while a patient is 65138  
anesthetized, definitive root planing, definitive subgingival 65139  
curettage, the administration of local anesthesia, and the 65140  
procedures specified in rules adopted by the board as described in 65141  
division (C)(4) of section 4715.22 of the Revised Code. 65142

(G) "Facility" means any of the following: 65143

(1) A health care facility, as defined in section 4715.22 of 65144  
the Revised Code; 65145

(2) A state correctional institution, as defined in section 65146  
2967.01 of the Revised Code; 65147

(3) A comprehensive child development program that receives 65148  
funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 65149  
42 U.S.C. 9831, as amended, and is licensed as a child day-care 65150  
center; 65151

(4) A residential facility licensed under section 5123.19 of 65152  
the Revised Code; 65153

(5) A public school, as defined in section 3701.93 of the 65154  
Revised Code, located in an area designated as a dental health 65155  
resource shortage area pursuant to section 3702.87 of the Revised 65156  
Code; 65157

(6) A nonpublic school, as defined in section 3701.93 of the 65158  
Revised Code, located in an area designated as a dental health 65159  
resource shortage area pursuant to section 3702.87 of the Revised 65160  
Code; 65161

(7) A federally qualified health center or federally 65162

qualified health center look-alike, as defined in section 3701.047 65163  
of the Revised Code; 65164

(8) A shelter for victims of domestic violence, as defined in 65165  
section 3113.33 of the Revised Code; 65166

(9) A facility operated by the department of youth services 65167  
under Chapter 5139. of the Revised Code; 65168

~~(10) A shelter for runaways, as defined in section 5119.64 of~~ 65169  
~~the Revised Code;~~ 65170

~~(11)~~ A foster home, as defined in section 5103.02 of the 65171  
Revised Code; 65172

~~(12)~~(11) A nonprofit clinic, as defined in section 3715.87 of 65173  
the Revised Code; 65174

~~(13)~~(12) The residence of one or more individuals receiving 65175  
services provided by a home health agency, as defined in section 65176  
5101.61 of the Revised Code; 65177

~~(14)~~(13) A dispensary; 65178

~~(15)~~(14) A health care facility, such as a clinic or 65179  
hospital, of the United States department of veterans affairs; 65180

~~(16)~~(15) The residence of one or more individuals enrolled in 65181  
a home and community-based services medicaid waiver component, as 65182  
defined in section ~~5111.851~~ 5166.01 of the Revised Code; 65183

~~(17)~~(16) A facility operated by the board of health of a city 65184  
or general health district or the authority having the duties of a 65185  
board of health under section 3709.05 of the Revised Code; 65186

~~(18)~~(17) A women, infants, and children clinic; 65187

~~(19)~~(18) A mobile dental unit located at any location listed 65188  
in divisions (G)(1) to ~~(18)~~(17) of this section; 65189

~~(20)~~(19) Any other location, as specified by the state dental 65190  
board in rules adopted under section 4715.372 of the Revised Code, 65191

that is in an area designated as a dental health resource shortage 65192  
area pursuant to section 3702.87 of the Revised Code and provides 65193  
health care services to individuals who are medicaid recipients of 65194  
~~medical assistance under the medicaid program established pursuant~~ 65195  
~~to Chapter 5111. of the Revised Code~~ and to indigent and uninsured 65196  
persons, as defined in section 2305.234 of the Revised Code. 65197

**Sec. 4715.372.** (A) The state dental board shall adopt rules 65198  
in accordance with Chapter 119. of the Revised Code as necessary 65199  
to implement the oral health access supervision program, including 65200  
rules that do all of the following: 65201

(1) For the purpose of division (G)~~(20)~~(19) of section 65202  
4715.36 of the Revised Code, designate additional facilities at 65203  
which a dental hygienist may be authorized to perform dental 65204  
hygiene services under the oral health access supervision program; 65205

(2) For the purpose of section 4715.362 of the Revised Code, 65206  
prescribe the application form and requirements for obtaining an 65207  
oral health access supervision permit; 65208

(3) For the purpose of section 4715.363 of the Revised Code, 65209  
prescribe the application form for a permit to practice as a 65210  
dental hygienist under the oral health access supervision of a 65211  
dentist; 65212

(4) For the purpose of division (B)(3) of section 4715.363 of 65213  
the Revised Code and subject to division (B) of this section, 65214  
establish standards for the course in the practice of dental 65215  
hygiene under oral health access supervision; 65216

(5) For the purpose of section 4715.369 of the Revised Code, 65217  
prescribe the form for renewal of an oral health access 65218  
supervision permit; 65219

(6) For the purpose of section 4715.37 of the Revised Code, 65220  
prescribe the form for renewal of a permit to practice as a dental 65221



hygienist under the oral health access supervision of a dentist. 65222

(B) The course in the practice of dental hygiene under oral 65223  
health access supervision for which the board establishes 65224  
standards under division (A)(4) of this section shall meet all of 65225  
the following requirements: 65226

(1) Be eight hours in length; 65227

(2) Include, at a minimum, instruction in both of the 65228  
following: 65229

(a) The treatment of geriatric patients, medically 65230  
compromised patients, developmentally disabled patients, and 65231  
pediatric patients; 65232

(b) Recordkeeping practices. 65233

(3) Be developed and offered by an institution accredited by 65234  
the American dental association commission on dental accreditation 65235  
or a program provided by a sponsor of continuing education 65236  
approved by the board; 65237

(4) Include content that is separate and independent from the 65238  
course content required for the completion of dental hygiene 65239  
education from an accredited dental hygiene school. 65240

**Sec. 4717.03.** (A) Members of the board of embalmers and 65241  
funeral directors shall annually in July, or within thirty days 65242  
after the senate's confirmation of the new members appointed in 65243  
that year, meet and organize by selecting from among its members a 65244  
president, vice-president, and secretary-treasurer. The board may 65245  
hold other meetings as it determines necessary. A quorum of the 65246  
board consists of four members, of whom at least three shall be 65247  
members who are embalmers and funeral directors. The concurrence 65248  
of at least four members is necessary for the board to take any 65249  
action. The president and secretary-treasurer shall sign all 65250  
licenses issued under this chapter and affix the board's seal to 65251

each license. 65252

(B) The board may appoint an individual who is not a member 65253  
of the board to serve as executive director of the board. The 65254  
executive director serves at the pleasure of the board and shall 65255  
do all of the following: 65256

(1) Serve as the board's chief administrative officer; 65257

(2) Act as custodian of the board's records; 65258

(3) Execute all of the board's orders; 65259

(4) Employ staff who are not members of the board and who 65260  
serve at the pleasure of the executive director to provide any 65261  
assistance that the board considers necessary. 65262

(C) In executing the board's orders as required by division 65263  
(B)(3) of this section, the executive director may enter the 65264  
premises, establishment, office, or place of business of any 65265  
embalmer, funeral director, or operator of a crematory facility in 65266  
this state. The executive director may serve and execute any 65267  
process issued by any court under this chapter.. 65268

~~(C) The board may employ clerical or technical staff who are 65269~~  
~~not members of the board and who serve at the pleasure of the 65270~~  
~~board to provide any clerical or technical assistance the board 65271~~  
~~considers necessary. (D) The board executive director may employ 65272~~  
~~necessary inspectors, who shall be licensed embalmers and funeral 65273~~  
~~directors. Any An inspector employed by the board executive 65274~~  
~~director may enter the premises, establishment, office, or place 65275~~  
~~of business of any embalmer, funeral director, or operator of a 65276~~  
~~crematory facility in this state, for the purposes of inspecting 65277~~  
~~the facility and premises; the license and registration of 65278~~  
~~embalmers and funeral directors operating in the facility; and the 65279~~  
~~license of the funeral home, embalming facility, or crematory. The 65280~~  
~~inspector shall serve and execute any process issued by any court 65281~~  
~~under this chapter, serve and execute any papers or process issued 65282~~

by the board or any officer or member of the board, facility and 65283  
perform any other duties delegated to the inspector by the board 65284  
or assigned to the inspector by the executive director. The 65285  
executive director may enter the facility or premises of a funeral 65286  
home, embalming facility, or crematory for the purpose of an 65287  
inspection if accompanied by an inspector or, if an inspector is 65288  
not available, when a situation presents a danger of immediate and 65289  
serious harm to the public. 65290

~~(D)~~(E) The president of the board shall designate three of 65291  
~~its~~ the board's members to serve on the crematory review board, 65292  
which is hereby created, for such time as the president finds 65293  
appropriate to carry out the provisions of this chapter. Those 65294  
members of the crematory review board designated by the president 65295  
to serve and three members designated by the cemetery dispute 65296  
resolution commission shall designate, by a majority vote, one 65297  
person who is experienced in the operation of a crematory facility 65298  
and who is not affiliated with a cemetery or a funeral home to 65299  
serve on the crematory review board for such time as the crematory 65300  
review board finds appropriate. Members serving on the crematory 65301  
review board shall not receive any additional compensation for 65302  
serving on the board, but may be reimbursed for their actual and 65303  
necessary expenses incurred in the performance of official duties 65304  
as members of the board. Members of the crematory review board 65305  
shall designate one from among its members to serve as a 65306  
chairperson for such time as the board finds appropriate. Costs 65307  
associated with conducting an adjudicatory hearing in accordance 65308  
with division ~~(E)~~(F) of this section shall be paid from funds 65309  
available to the board of embalmers and funeral directors. 65310

~~(E)~~(F) Upon receiving written notice from the board of 65311  
embalmers and funeral directors of any of the following, the 65312  
crematory review board shall conduct an adjudicatory hearing on 65313  
the matter in accordance with Chapter 119. of the Revised Code, 65314

except as otherwise provided in this section or division (C) of 65315  
section 4717.14 of the Revised Code: 65316

(1) Notice provided under division ~~(H)~~(I) of this section of 65317  
an alleged violation of any provision of this chapter or any rules 65318  
adopted under this chapter governing or in connection with 65319  
crematory facilities or cremation; 65320

(2) Notice provided under division (B) of section 4717.14 of 65321  
the Revised Code that the board of embalmers and funeral directors 65322  
proposes to refuse to grant or renew, or to suspend or revoke, a 65323  
license to operate a crematory facility; 65324

(3) Notice provided under division (C) of section 4717.14 of 65325  
the Revised Code that the board of embalmers and funeral directors 65326  
has issued an order summarily suspending a license to operate a 65327  
crematory facility; 65328

(4) Notice provided under division (B) of section 4717.15 of 65329  
the Revised Code that the board of embalmers and funeral directors 65330  
proposes to issue a notice of violation and order requiring 65331  
payment of a forfeiture for any violation described in divisions 65332  
(A)(9)(a) to (g) of section 4717.04 of the Revised Code alleged in 65333  
connection with a crematory facility or cremation. 65334

Nothing in division ~~(E)~~(F) of this section precludes the 65335  
crematory review board from appointing an independent examiner in 65336  
accordance with section 119.09 of the Revised Code to conduct any 65337  
adjudication hearing required under division ~~(E)~~(F) of this 65338  
section. 65339

The crematory review board shall submit a written report of 65340  
findings and advisory recommendations, and a written transcript of 65341  
its proceedings, to the board of embalmers and funeral directors. 65342  
The board of embalmers and funeral directors shall serve a copy of 65343  
the written report of the crematory review board's findings and 65344  
advisory recommendations on the party to the adjudication or the 65345

party's attorney, by certified mail, within five days after 65346  
receiving the report and advisory recommendations. A party may 65347  
file objections to the written report with the board of embalmers 65348  
and funeral directors within ten days after receiving the report. 65349  
No written report is final or appealable until it is issued as a 65350  
final order by the board of embalmers and funeral directors and 65351  
entered on the record of the proceedings. The board of embalmers 65352  
and funeral directors shall consider objections filed by the party 65353  
prior to issuing a final order. After reviewing the findings and 65354  
advisory recommendations of the crematory review board, the 65355  
written transcript of the crematory review board's proceedings, 65356  
and any objections filed by a party, the board of embalmers and 65357  
funeral directors shall issue a final order in the matter. Any 65358  
party may appeal the final order issued by the board of embalmers 65359  
and funeral directors in a matter described in divisions ~~(E)~~(F)(1) 65360  
to (4) of this section in accordance with section 119.12 of the 65361  
Revised Code, except that the appeal may be made to the court of 65362  
common pleas in the county in which is located the crematory 65363  
facility to which the final order pertains, or in the county in 65364  
which the party resides. 65365

~~(F)~~(G) On its own initiative or on receiving a written 65366  
complaint from any person whose identity is made known to the 65367  
board of embalmers and funeral directors, the board shall 65368  
investigate the acts or practices of any person holding or 65369  
claiming to hold a license or registration under this chapter 65370  
that, if proven to have occurred, would violate this chapter or 65371  
any rules adopted under it. The board may compel witnesses by 65372  
subpoena to appear and testify in relation to investigations 65373  
conducted under this chapter and may require by subpoena duces 65374  
tecum the production of any book, paper, or document pertaining to 65375  
an investigation. If a person does not comply with a subpoena or 65376  
subpoena duces tecum, the board may apply to the court of common 65377  
pleas of any county in this state for an order compelling the 65378

person to comply with the subpoena or subpoena duces tecum, or for 65379  
failure to do so, to be held in contempt of court. 65380

~~(G)~~(H) If, as a result of its investigation conducted under 65381  
division ~~(F)~~(G) of this section, the board of embalmers and 65382  
funeral directors has reasonable cause to believe that the person 65383  
investigated is violating any provision of this chapter or any 65384  
rules adopted under this chapter governing or in connection with 65385  
embalming, funeral directing, funeral homes, embalming facilities, 65386  
or the operation of funeral homes or embalming facilities, it may, 65387  
after providing the opportunity for an adjudicatory hearing, issue 65388  
an order directing the person to cease the acts or practices that 65389  
constitute the violation. The board shall conduct the adjudicatory 65390  
hearing in accordance with Chapter 119. of the Revised Code except 65391  
that, notwithstanding the provisions of that chapter, the 65392  
following shall apply: 65393

(1) The board shall send the notice informing the person of 65394  
the person's right to a hearing by certified mail. 65395

(2) The person is entitled to a hearing only if the person 65396  
requests a hearing and if the board receives the request within 65397  
thirty days after the mailing of the notice described in division 65398  
~~(G)~~(H)(1) of this section. 65399

(3) A stenographic record shall be taken, in the manner 65400  
prescribed in section 119.09 of the Revised Code, at every 65401  
adjudicatory hearing held under this section, regardless of 65402  
whether the record may be the basis of an appeal to a court. 65403

~~(H)~~(I) If, as a result of its investigation conducted under 65404  
division ~~(F)~~(G) of this section, the board of embalmers and 65405  
funeral directors has reasonable cause to believe that the person 65406  
investigated is violating any provision of this chapter or any 65407  
rules adopted under this chapter governing or in connection with 65408  
crematory facilities or cremation, the board shall send written 65409

notice of the alleged violation to the crematory review board. If, 65410  
after the conclusion of the adjudicatory hearing in the matter 65411  
conducted under division ~~(E)~~(F) of this section, the board of 65412  
embalmers and funeral directors finds that a person is in 65413  
violation of any provision of this chapter or any rules adopted 65414  
under this chapter governing or in connection with crematory 65415  
facilities or cremation, the board may issue a final order under 65416  
that division directing the person to cease the acts or practices 65417  
that constitute the violation. 65418

~~(I)~~(J) The board of embalmers and funeral directors may bring 65419  
a civil action to enjoin any violation or threatened violation of 65420  
sections 4717.01 to 4717.15 of the Revised Code or a rule adopted 65421  
under any of those sections; division (A) or (B) of section 65422  
4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or 65423  
(F)(1) or (2), or divisions (H) to (K) of section 4717.26; 65424  
division (D)(1) of section 4717.27; divisions (A) to (C) of 65425  
section 4717.28, or division (D) or (E) of section 4717.31 of the 65426  
Revised Code. The action shall be brought in the county where the 65427  
violation occurred or the threatened violation is expected to 65428  
occur. At the request of the board, the attorney general shall 65429  
represent the board in any matter arising under this chapter. 65430

~~(J)~~(K) The board of embalmers and funeral directors and the 65431  
crematory review board may issue subpoenas for funeral directors 65432  
and embalmers or persons holding themselves out as such, for 65433  
operators of crematory facilities or persons holding themselves 65434  
out as such, or for any other person whose testimony, in the 65435  
opinion of either board, is necessary. The subpoena shall require 65436  
the person to appear before the appropriate board or any 65437  
designated member of either board, upon any hearing conducted 65438  
under this chapter. The penalty for disobedience to the command of 65439  
such a subpoena is the same as for refusal to answer such a 65440  
process issued under authority of the court of common pleas. 65441

~~(K)~~(L) All moneys received by the board of embalmers and 65442  
funeral directors from any source shall be deposited in the state 65443  
treasury to the credit of the occupational licensing and 65444  
regulatory fund created in section 4743.05 of the Revised Code. 65445

~~(L)~~(M) The board of embalmers and funeral directors shall 65446  
submit a written report to the governor on or before the first 65447  
Monday of July of each year. This report shall contain a detailed 65448  
statement of the nature and amount of the board's receipts and the 65449  
amount and manner of its expenditures. 65450

**Sec. 4717.06.** (A)(1) Any person who desires to obtain a 65451  
license to operate a funeral home, embalming facility, or 65452  
crematory facility shall apply to the board of embalmers and 65453  
funeral directors on a form provided by the board. The application 65454  
shall include the initial license fee set forth in section 4717.07 65455  
of the Revised Code and proof satisfactory to the board that the 65456  
funeral home, embalming facility, or crematory facility is in 65457  
compliance with rules adopted by the board under section 4717.04 65458  
of the Revised Code, rules adopted by the board of building 65459  
standards under Chapter 3781. of the Revised Code, and all other 65460  
federal, state, and local requirements relating to the safety of 65461  
the premises. 65462

(2) If the funeral home, embalming facility, or crematory 65463  
facility to which the license application pertains is owned by a 65464  
corporation or limited liability company, the application shall 65465  
include the name and address of the corporation's or limited 65466  
liability company's statutory agent appointed under section 65467  
1701.07 or 1705.06 of the Revised Code or, in the case of a 65468  
foreign corporation, the corporation's designated agent appointed 65469  
under section 1703.041 of the Revised Code. If the funeral home, 65470  
embalming facility, or crematory facility to which the application 65471  
pertains is owned by a partnership, the application shall include 65472



the name and address of each of the partners. If, at any time 65473  
after the submission of a license application or issuance of a 65474  
license, the statutory or designated agent of a corporation or 65475  
limited liability company owning a funeral home, embalming 65476  
facility, or crematory facility or the address of the statutory or 65477  
designated agent changes or, in the case of a partnership, any of 65478  
the partners of the funeral home, embalming facility, or crematory 65479  
facility or the address of any of the partners changes, the 65480  
applicant for or holder of the license to operate the funeral 65481  
home, embalming facility, or crematory facility shall submit 65482  
written notice to the board, within thirty days after the change, 65483  
informing the board of the change and of any name or address of a 65484  
statutory or designated agent or partner that has changed from 65485  
that contained in the application for the license or the most 65486  
recent notice submitted under division (A)(2) of this section. 65487

(B)(1) The board shall issue a license to operate a funeral 65488  
home only for the address at which the funeral home is operated. 65489  
The funeral home license and licenses of the embalmers and funeral 65490  
directors employed by the funeral home shall be displayed in a 65491  
conspicuous place within the funeral home. 65492

(2) The funeral home shall have on the premises one of the 65493  
following: 65494

(a) If embalming will take place at the funeral home, an 65495  
embalming room that is adequately equipped and maintained. The 65496  
embalming room shall be kept in a clean and sanitary manner and 65497  
used only for the embalming, preparation, or holding of dead human 65498  
bodies. The embalming room shall contain only the articles, 65499  
facilities, and instruments necessary for those purposes. 65500

(b) If embalming will not take place at the funeral home, a 65501  
holding room that is adequately equipped and maintained. The 65502  
holding room shall be kept in a clean and sanitary manner and used 65503  
only for the preparation, other than embalming, and holding of 65504

dead human bodies. The holding room shall contain only the 65505  
articles and facilities necessary for those purposes. 65506

(3) Except as provided in division (B) of section 4717.11 of 65507  
the Revised Code, a funeral home shall be established and operated 65508  
only under the name of a holder of a funeral director's license 65509  
issued by the board who is actually in charge of and ultimately 65510  
responsible for the funeral home, and a funeral home license shall 65511  
not include directional or geographical references in the name of 65512  
the funeral home. The holder of the funeral home license shall be 65513  
a funeral director licensed under this chapter who is actually in 65514  
charge of and ultimately responsible for the funeral home. Nothing 65515  
in division (B)(3) of this section prohibits the holder of a 65516  
funeral home license from including directional or geographical 65517  
references in promotional or advertising materials identifying the 65518  
location of the funeral home. 65519

(4) Each funeral home shall be directly supervised by a 65520  
funeral director licensed under this chapter, who ~~shall~~ may 65521  
supervise ~~only~~ more than one funeral home. 65522

(C)(1) The board shall issue a license to operate an 65523  
embalming facility only for the address at which the embalming 65524  
facility is operated. The license shall be displayed in a 65525  
conspicuous place within the facility. 65526

(2) The embalming facility shall be adequately equipped and 65527  
maintained in a sanitary manner. The embalming room at such a 65528  
facility shall contain only the articles, facilities, and 65529  
instruments necessary for its stated purpose. The embalming room 65530  
shall be kept in a clean and sanitary condition and used only for 65531  
the care and preparation of dead human bodies. 65532

(3) An embalming facility license shall be issued only to an 65533  
embalmer licensed under division (B) of section 4717.05 of the 65534  
Revised Code, who is actually in charge of the facility. 65535

(D)(1) The board shall issue a license to operate a crematory facility only for the address at which the crematory facility is located and operated. The license shall be displayed in a conspicuous place within the crematory facility.

(2) The crematory facility shall be adequately equipped and maintained in a clean and sanitary manner. The crematory facility may be located in a funeral home, embalming facility, cemetery building, or other building in which the crematory facility may lawfully operate. If a crematory facility engages in the cremation of animals, the crematory facility shall cremate animals in a cremation chamber that also is not used to cremate dead human bodies or human body parts and shall not cremate animals in a cremation chamber used for the cremation of dead human bodies and human body parts. Cremation chambers that are used for the cremation of dead human bodies or human body parts and cremation chambers used for the cremation of animals may be located in the same area.

(3) A license to operate a crematory facility shall be issued to the person actually in charge of the crematory facility. This section does not require the individual who is actually in charge of the crematory facility to be an embalmer or funeral director licensed under this chapter.

(4) Nothing in this section or rules adopted under section 4717.04 of the Revised Code precludes the establishment and operation of a crematory facility on or adjacent to the property on which a cemetery, funeral home, or embalming facility is located.

**Sec. 4717.07.** (A) The board of embalmers and funeral directors shall charge and collect the following fees:

(1) For the initial issuance or biennial renewal of an embalmer's or funeral director's license, one hundred ~~forty~~ fifty

dollars; 65567

(2) For the issuance of an embalmer or funeral director registration, twenty-five dollars; 65568  
65569

(3) For filing an embalmer or funeral director certificate of apprenticeship, ten dollars; 65570  
65571

(4) For the application to take the examination for a license to practice as an embalmer or funeral director, or to retake a section of the examination, thirty-five dollars; 65572  
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65574

(5) For the initial issuance of a license to operate a funeral home, ~~two~~ three hundred fifty dollars and biennial renewal of a license to operate a funeral home, ~~two~~ three hundred fifty dollars; 65575  
65576  
65577  
65578

(6) For the reinstatement of a lapsed embalmer's or funeral director's license, the renewal fee prescribed in division (A)(1) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement, but not more than one thousand dollars; 65579  
65580  
65581  
65582  
65583

(7) For the reinstatement of a lapsed license to operate a funeral home, the renewal fee prescribed in division (A)(5) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement; 65584  
65585  
65586  
65587

(8) For the initial issuance of a license to operate an embalming facility, ~~two~~ three hundred fifty dollars and biennial renewal of a license to operate an embalming facility, ~~two~~ three hundred fifty dollars; 65588  
65589  
65590  
65591

(9) For the reinstatement of a lapsed license to operate an embalming facility, the renewal fee prescribed in division (A)(8) of this section plus fifty dollars for each month or portion of a month the license is lapsed until reinstatement; 65592  
65593  
65594  
65595

(10) For the initial issuance of a license to operate a 65596

crematory facility, ~~two~~ three hundred fifty dollars and biennial 65597  
renewal of a license to operate a crematory facility, ~~two~~ three 65598  
hundred fifty dollars; 65599

(11) For the reinstatement of a lapsed license to operate a 65600  
crematory facility, the renewal fee prescribed in division (A)(10) 65601  
of this section plus fifty dollars for each month or portion of a 65602  
month the license is lapsed until reinstatement; 65603

(12) For the issuance of a duplicate of a license issued 65604  
under this chapter, ~~four~~ ten dollars. 65605

(B) In addition to the fees set forth in division (A) of this 65606  
section, an applicant shall pay the examination fee assessed by 65607  
any examining agency the board uses for any section of an 65608  
examination required under this chapter. 65609

(C) Subject to the approval of the controlling board, the 65610  
board of embalmers and funeral directors may establish fees in 65611  
excess of the amounts set forth in this section, provided that 65612  
these fees do not exceed the amounts set forth in this section by 65613  
more than fifty per cent. 65614

**Sec. 4717.10.** (A) The board of embalmers and funeral 65615  
directors may recognize licenses issued to embalmers and funeral 65616  
directors by other states, and upon presentation of such licenses, 65617  
may issue to the holder an embalmer's or funeral director's 65618  
license under this chapter. The board shall charge the same fee as 65619  
prescribed in section 4717.07 of the Revised Code to issue or 65620  
renew such an embalmer's or funeral director's license. Such 65621  
licenses shall be renewed ~~annually~~ biennially as provided in 65622  
section 4717.08 of the Revised Code. The board shall not issue a 65623  
license to any person under this section unless the applicant 65624  
proves that the applicant, in the state in which the applicant is 65625  
licensed, has complied with requirements substantially equal to 65626  
those established in section 4717.05 of the Revised Code. 65627

(B) The board of embalmers and funeral directors may issue 65628  
courtesy cards. A courtesy cardholder shall be authorized to 65629  
undertake both the following acts in this state: 65630

(1) Prepare and complete those sections of a death 65631  
certificate and other permits needed for disposition of deceased 65632  
human remains in this state and sign and file such death 65633  
certificates and permits; 65634

(2) Supervise and conduct funeral ceremonies and interments 65635  
in this state. 65636

(C) The board of embalmers and funeral directors may 65637  
determine under what conditions a courtesy card may be issued to 65638  
funeral directors in bordering states after taking into account 65639  
whether and under what conditions and fees such border states 65640  
issue similar courtesy cards to funeral directors licensed in this 65641  
state. Applicants for courtesy cards shall apply on forms 65642  
prescribed by the board, pay ~~an annual~~ a biennial fee set by the 65643  
board for initial applications and renewals, and adhere to such 65644  
other requirements imposed by the board on courtesy cardholders. 65645

(D) No courtesy cardholder shall be authorized to undertake 65646  
any of the following activities in this state: 65647

(1) Arranging funerals or disposition services with members 65648  
of the public in this state; 65649

(2) Be employed by or under contract to a funeral home 65650  
licensed in this state to perform funeral services in this state; 65651

(3) Advertise funeral or disposition services in this state; 65652

(4) Enter into or execute funeral or disposition contracts in 65653  
this state; 65654

(5) Prepare or embalm deceased human remains in this state; 65655

(6) Arrange for or carry out the disinterment of human 65656  
remains in this state. 65657

(E) As used in this section, "courtesy card" means a special permit that may be issued to a funeral director licensed in a state that borders this state and who does not hold a funeral director's license under this chapter.

**Sec. 4717.14.** (A) The board of embalmers and funeral directors may refuse to grant or renew, or may suspend or revoke, any license issued under this chapter or may require the holder of a license to take corrective action courses for any of the following reasons:

(1) The license was obtained by fraud or misrepresentation either in the application or in passing the examination.

(2) The applicant or licensee has been convicted of or has pleaded guilty to a felony or of any crime involving moral turpitude.

(3) The applicant or licensee has purposely violated any provision of sections 4717.01 to 4717.15 or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; division (D)(1) of section 4717.27; or divisions (A) to (C) of section 4717.28 of the Revised Code; any rule or order of the department of health or a board of health of a health district governing the disposition of dead human bodies; or any other rule or order applicable to the applicant or licensee.

(4) The applicant or licensee has committed immoral or unprofessional conduct.

(5) The applicant or licensee knowingly permitted an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the applicant's or licensee's supervision.

(6) The applicant or licensee has been habitually 65688  
intoxicated, or is addicted to the use of morphine, cocaine, or 65689  
other habit-forming or illegal drugs. 65690

(7) The applicant or licensee has refused to promptly submit 65691  
the custody of a dead human body upon the express order of the 65692  
person legally entitled to the body. 65693

(8) The licensee loaned the licensee's own license, or the 65694  
applicant or licensee borrowed or used the license of another 65695  
person, or knowingly aided or abetted the granting of an improper 65696  
license. 65697

(9) The applicant or licensee transferred a license to 65698  
operate a funeral home, embalming facility, or crematory from one 65699  
owner or operator to another, or from one location to another, 65700  
without notifying the board. 65701

(10) The applicant or licensee misled the public by using 65702  
false or deceptive advertising. 65703

(B)(1) The board of embalmers and funeral directors shall 65704  
refuse to grant or renew, or shall suspend or revoke, an 65705  
embalmer's, funeral director's, funeral home, or embalming 65706  
facility license only in accordance with Chapter 119. of the 65707  
Revised Code. 65708

(2) The board shall send to the crematory review board 65709  
written notice that it proposes to refuse to issue or renew, or 65710  
proposes to suspend or revoke, a license to operate a crematory 65711  
facility. If, after the conclusion of the adjudicatory hearing on 65712  
the matter conducted under division ~~(E)~~(F) of section 4717.03 of 65713  
the Revised Code, the board of embalmers and funeral directors 65714  
finds that any of the circumstances described in divisions (A)(1) 65715  
to (10) of this section apply to the person named in its proposed 65716  
action, the board may issue a final order under division ~~(E)~~(F) of 65717  
section 4717.03 of the Revised Code refusing to issue or renew, or 65718



suspending or revoking, the person's license to operate a crematory facility. 65719  
65720

(C) If the board of embalmers and funeral directors 65721  
determines that there is clear and convincing evidence that any of 65722  
the circumstances described in divisions (A)(1) to (10) of this 65723  
section apply to the holder of a license issued under this chapter 65724  
and that the licensee's continued practice presents a danger of 65725  
immediate and serious harm to the public, the board may suspend 65726  
the licensee's license without a prior adjudicatory hearing. The 65727  
executive director of the board shall prepare written allegations 65728  
for consideration by the board. 65729

The board, after reviewing the written allegations, may 65730  
suspend a license without a prior hearing. 65731

The board shall issue a written order of suspension by a 65732  
delivery system or in person in accordance with section 119.07 of 65733  
the Revised Code. Such an order is not subject to suspension by 65734  
the court during the pendency of any appeal filed under section 65735  
119.12 of the Revised Code. If the holder of an embalmer's, 65736  
funeral director's, funeral home, or embalming facility license 65737  
requests an adjudicatory hearing by the board, the date set for 65738  
the hearing shall be within fifteen days, but not earlier than 65739  
seven days, after the licensee has requested a hearing, unless the 65740  
board and the licensee agree to a different time for holding the 65741  
hearing. 65742

Upon issuing a written order of suspension to the holder of a 65743  
license to operate a crematory facility, the board of embalmers 65744  
and funeral directors shall send written notice of the issuance of 65745  
the order to the crematory review board. The crematory review 65746  
board shall hold an adjudicatory hearing on the order under 65747  
division ~~(E)~~(F) of section 4717.03 of the Revised Code within 65748  
fifteen days, but not earlier than seven days, after the issuance 65749  
of the order, unless the crematory review board and the licensee 65750

agree to a different time for holding the adjudicatory hearing. 65751

Any summary suspension imposed under this division shall 65752  
remain in effect, unless reversed on appeal, until a final 65753  
adjudicatory order issued by the board of embalmers and funeral 65754  
directors pursuant to this division and Chapter 119. of the 65755  
Revised Code, or division ~~(E)~~(F) of section 4717.03 of the Revised 65756  
Code, as applicable, becomes effective. The board of embalmers and 65757  
funeral directors shall issue its final adjudicatory order within 65758  
sixty days after the completion of its hearing or, in the case of 65759  
the summary suspension of a license to operate a crematory 65760  
facility, within sixty days after completion of the adjudicatory 65761  
hearing by the crematory review board. A failure to issue the 65762  
order within that time results in the dissolution of the summary 65763  
suspension order, but does not invalidate any subsequent final 65764  
adjudicatory order. 65765

(D) If the board of embalmers and funeral directors suspends 65766  
or revokes a license held by a funeral director or a funeral home 65767  
for any reason identified in division (A) of this section, the 65768  
board may file a complaint with the court of common pleas in the 65769  
county where the violation occurred requesting appointment of a 65770  
receiver and the sequestration of the assets of the funeral home 65771  
that held the suspended or revoked license or the licensed funeral 65772  
home that employs the funeral director that held the suspended or 65773  
revoked license. If the court of common pleas is satisfied with 65774  
the application for a receivership, the court may appoint a 65775  
receiver. 65776

The board or a receiver may employ and procure whatever 65777  
assistance or advice is necessary in the receivership or 65778  
liquidation and distribution of the assets of the funeral home, 65779  
and, for that purpose, may retain officers or employees of the 65780  
funeral home as needed. All expenses of the receivership or 65781  
liquidation shall be paid from the assets of the funeral home and 65782

shall be a lien on those assets, and that lien shall be a priority 65783  
to any other lien. 65784

(E) Any holder of a license issued under this chapter who has 65785  
pleaded guilty to, has been found by a judge or jury to be guilty 65786  
of, or has had a judicial finding of eligibility for treatment in 65787  
lieu of conviction entered against the individual in this state 65788  
for aggravated murder, murder, voluntary manslaughter, felonious 65789  
assault, kidnapping, rape, sexual battery, gross sexual 65790  
imposition, aggravated arson, aggravated robbery, or aggravated 65791  
burglary, or who has pleaded guilty to, has been found by a judge 65792  
or jury to be guilty of, or has had a judicial finding of 65793  
eligibility for treatment in lieu of conviction entered against 65794  
the individual in another jurisdiction for any substantially 65795  
equivalent criminal offense, is hereby suspended from practice 65796  
under this chapter by operation of law, and any license issued to 65797  
the individual under this chapter is hereby suspended by operation 65798  
of law as of the date of the guilty plea, verdict or finding of 65799  
guilt, or judicial finding of eligibility for treatment in lieu of 65800  
conviction, regardless of whether the proceedings are brought in 65801  
this state or another jurisdiction. The board shall notify the 65802  
suspended individual of the suspension of the individual's license 65803  
by the operation of this division by a delivery system or in 65804  
person in accordance with section 119.07 of the Revised Code. If 65805  
an individual whose license is suspended under this division fails 65806  
to make a timely request for an adjudicatory hearing, the board 65807  
shall enter a final order revoking the license. 65808

(F) No person whose license has been suspended or revoked 65809  
under or by the operation of this section shall practice embalming 65810  
or funeral directing or operate a funeral home, embalming 65811  
facility, or crematory facility until the board has reinstated the 65812  
person's license. 65813

**Sec. 4717.15.** (A) The board of embalmers and funeral directors, without the necessity for conducting a prior adjudication hearing, may issue a notice of violation to the holder of an embalmer's, funeral director's, funeral home, or embalming facility license issued under this chapter who the board finds has committed any of the violations described in divisions (A)(9)(a) to (g) of section 4717.04 of the Revised Code. The notice shall set forth the specific violation committed by the licensee and shall be sent by certified mail. The notice shall be accompanied by an order requiring the payment of the appropriate forfeiture prescribed in rules adopted under division (A)(9) of section 4717.04 of the Revised Code and by a notice informing the licensee that the licensee is entitled to an adjudicatory hearing on the notice of violation and order if the licensee requests a hearing and if the board receives the request within thirty days after the mailing of the notice of violation and order. The board shall conduct any such adjudicatory hearing in accordance with Chapter 119. of the Revised Code, except as otherwise provided in this division.

A licensee who receives a notice of violation and order under this division shall pay to the executive director of the board the full amount of the forfeiture by certified check within thirty days after the notice of violation and order were mailed to the licensee unless, within that time, the licensee submits a request for an adjudicatory hearing on the notice of violation and order. If such a request for an adjudicatory hearing is timely filed, the licensee need not pay the forfeiture to the executive director until after a final, nonappealable administrative or judicial decision is rendered on the order requiring payment of the forfeiture. If a final nonappealable administrative or judicial decision is rendered affirming the board's order, the licensee shall pay to the executive director of the board the full amount

of the forfeiture by certified check within thirty days after 65846  
notice of the decision was sent to the licensee. A forfeiture is 65847  
considered to be paid when the licensee's certified check is 65848  
received by the executive director in Columbus. If the licensee 65849  
fails to so pay the full amount of the forfeiture to the executive 65850  
director within that time, the board shall issue an order 65851  
suspending or revoking the individual's license, as the board 65852  
considers appropriate. 65853

(B) The board shall send to the crematory review board 65854  
written notice that it proposes to issue to the holder of a 65855  
license to operate a crematory facility issued under this chapter 65856  
a notice of violation and order requiring payment of a forfeiture 65857  
specified in rules adopted under division (A)(9) of section 65858  
4717.04 of the Revised Code. If, after the conclusion of the 65859  
adjudicatory hearing on the matter conducted under division ~~(E)~~(F) 65860  
of section 4717.03 of the Revised Code, the board of embalmers and 65861  
funeral directors finds that the licensee has committed any of the 65862  
violations described in divisions (A)(9)(a) to (g) of section 65863  
4717.04 of the Revised Code in connection with the operation of a 65864  
crematory facility or cremation, the board of embalmers and 65865  
funeral directors may issue a final order under division ~~(E)~~(F) of 65866  
section 4717.03 of the Revised Code requiring payment of the 65867  
appropriate forfeiture specified in rules adopted under division 65868  
(A)(9) of section 4717.04 of the Revised Code. A licensee who 65869  
receives such an order shall pay the full amount of the forfeiture 65870  
to the executive director by certified check within thirty days 65871  
after the order was sent to the licensee unless, within that time, 65872  
the licensee files a notice of appeal in accordance with division 65873  
~~(E)~~(F) of section 4717.03 and section 119.12 of the Revised Code. 65874  
If such a notice of appeal is timely filed, the licensee need not 65875  
pay the forfeiture to the executive director until after a final, 65876  
nonappealable judicial decision is rendered in the appeal. If a 65877  
final, nonappealable judicial decision is rendered affirming the 65878

board's order, the licensee shall pay to the executive director 65879  
the full amount of the forfeiture by certified check within thirty 65880  
days after notice of the decision was sent to the licensee. A 65881  
forfeiture is considered paid when the licensee's certified check 65882  
is received by the executive director in Columbus. If the licensee 65883  
fails to so pay the full amount of the forfeiture to the executive 65884  
director within that time, the board shall issue an order 65885  
suspending or revoking the individual's license, as the board 65886  
considers appropriate. 65887

**Sec. 4719.01.** (A) As used in sections 4719.01 to 4719.18 of 65888  
the Revised Code: 65889

(1) "Affiliate" means a business entity that is owned by, 65890  
operated by, controlled by, or under common control with another 65891  
business entity. 65892

(2) "Communication" means a written or oral notification or 65893  
advertisement that meets both of the following criteria, as 65894  
applicable: 65895

(a) The notification or advertisement is transmitted by or on 65896  
behalf of the seller of goods or services and by or through any 65897  
printed, audio, video, cinematic, telephonic, or electronic means. 65898

(b) In the case of a notification or advertisement other than 65899  
by telephone, either of the following conditions is met: 65900

(i) The notification or advertisement is followed by a 65901  
telephone call from a telephone solicitor or salesperson. 65902

(ii) The notification or advertisement invites a response by 65903  
telephone, and, during the course of that response, a telephone 65904  
solicitor or salesperson attempts to make or makes a sale of goods 65905  
or services. As used in division (A)(2)(b)(ii) of this section, 65906  
"invites a response by telephone" excludes the mere listing or 65907  
inclusion of a telephone number in a notification or 65908

advertisement. 65909

(3) "Gift, award, or prize" means anything of value that is 65910  
offered or purportedly offered, or given or purportedly given by 65911  
chance, at no cost to the receiver and with no obligation to 65912  
purchase goods or services. As used in this division, "chance" 65913  
includes a situation in which a person is guaranteed to receive an 65914  
item and, at the time of the offer or purported offer, the 65915  
telephone solicitor does not identify the specific item that the 65916  
person will receive. 65917

(4) "Goods or services" means any real property or any 65918  
tangible or intangible personal property, or services of any kind 65919  
provided or offered to a person. "Goods or services" includes, but 65920  
is not limited to, advertising; labor performed for the benefit of 65921  
a person; personal property intended to be attached to or 65922  
installed in any real property, regardless of whether it is so 65923  
attached or installed; timeshare estates or licenses; and extended 65924  
service contracts. 65925

(5) "Purchaser" means a person that is solicited to become or 65926  
does become financially obligated as a result of a telephone 65927  
solicitation. 65928

(6) "Salesperson" means an individual who is employed, 65929  
appointed, or authorized by a telephone solicitor to make 65930  
telephone solicitations but does not mean any of the following: 65931

(a) An individual who comes within one of the exemptions in 65932  
division (B) of this section; 65933

(b) An individual employed, appointed, or authorized by a 65934  
person who comes within one of the exemptions in division (B) of 65935  
this section; 65936

(c) An individual under a written contract with a person who 65937  
comes within one of the exemptions in division (B) of this 65938  
section, if liability for all transactions with purchasers is 65939

assumed by the person so exempted. 65940

(7) "Telephone solicitation" means a communication to a 65941  
person that meets both of the following criteria: 65942

(a) The communication is initiated by or on behalf of a 65943  
telephone solicitor or by a salesperson. 65944

(b) The communication either represents a price or the 65945  
quality or availability of goods or services or is used to induce 65946  
the person to purchase goods or services, including, but not 65947  
limited to, inducement through the offering of a gift, award, or 65948  
prize. 65949

(8) "Telephone solicitor" means a person that engages in 65950  
telephone solicitation directly or through one or more 65951  
salespersons either from a location in this state, or from a 65952  
location outside this state to persons in this state. "Telephone 65953  
solicitor" includes, but is not limited to, any such person that 65954  
is an owner, operator, officer, or director of, partner in, or 65955  
other individual engaged in the management activities of, a 65956  
business. 65957

(B) A telephone solicitor is exempt from the provisions of 65958  
sections 4719.02 to 4719.18 and section 4719.99 of the Revised 65959  
Code if the telephone solicitor is any one of the following: 65960

(1) A person engaging in a telephone solicitation that is a 65961  
one-time or infrequent transaction not done in the course of a 65962  
pattern of repeated transactions of a like nature; 65963

(2) A person engaged in telephone solicitation solely for 65964  
religious or political purposes; a charitable organization, 65965  
fund-raising counsel, or professional solicitor in compliance with 65966  
the registration and reporting requirements of Chapter 1716. of 65967  
the Revised Code; or any person or other entity exempt under 65968  
section 1716.03 of the Revised Code from filing a registration 65969  
statement under section 1716.02 of the Revised Code; 65970



(3) A person, making a telephone solicitation involving a home solicitation sale as defined in section 1345.21 of the Revised Code, that makes the sales presentation and completes the sale at a later, face-to-face meeting between the seller and the purchaser rather than during the telephone solicitation. However, if the person, following the telephone solicitation, causes another person to collect the payment of any money, this exemption does not apply.

(4) A licensed securities, commodities, or investment broker, dealer, investment advisor, or associated person when making a telephone solicitation within the scope of the person's license. As used in division (B)(4) of this section, "licensed securities, commodities, or investment broker, dealer, investment advisor, or associated person" means a person subject to licensure or registration as such by the securities and exchange commission; the National Association of Securities Dealers or other self-regulatory organization, as defined by 15 U.S.C.A. 78c; by the division of securities under Chapter 1707. of the Revised Code; or by an official or agency of any other state of the United States.

(5)(a) A person primarily engaged in soliciting the sale of a newspaper of general circulation;

(b) As used in division (B)(5)(a) of this section, "newspaper of general circulation" includes, but is not limited to, both of the following:

(i) A newspaper that is a daily law journal designated as an official publisher of court calendars pursuant to section 2701.09 of the Revised Code;

(ii) A newspaper or publication that has at least twenty-five per cent editorial, non-advertising content, exclusive of inserts, measured relative to total publication space, and an audited

circulation to at least fifty per cent of the households in the newspaper's retail trade zone as defined by the audit.

(6)(a) An issuer, or its subsidiary, that has a class of securities to which all of the following apply:

(i) The class of securities is subject to section 12 of the "Securities Exchange Act of 1934," 15 U.S.C.A. 781, and is registered or is exempt from registration under 15 U.S.C.A. 781(g)(2)(A), (B), (C), (E), (F), (G), or (H);

(ii) The class of securities is listed on the New York stock exchange, the American stock exchange, or the NASDAQ national market system;

(iii) The class of securities is a reported security as defined in 17 C.F.R. 240.11Aa3-1(a)(4).

(b) An issuer, or its subsidiary, that formerly had a class of securities that met the criteria set forth in division (B)(6)(a) of this section if the issuer, or its subsidiary, has a net worth in excess of one hundred million dollars, files or its parent files with the securities and exchange commission an S.E.C. form 10-K, and has continued in substantially the same business since it had a class of securities that met the criteria in division (B)(6)(a) of this section. As used in division (B)(6)(b) of this section, "issuer" and "subsidiary" include the successor to an issuer or subsidiary.

(7) A person soliciting a transaction regulated by the commodity futures trading commission, if the person is registered or temporarily registered for that activity with the commission under 7 U.S.C.A. 1 et. seq. and the registration or temporary registration has not expired or been suspended or revoked;

(8) A person soliciting the sale of any book, record, audio tape, compact disc, or video, if the person allows the purchaser to review the merchandise for at least seven days and provides a

full refund within thirty days to a purchaser who returns the 66033  
merchandise or if the person solicits the sale on behalf of a 66034  
membership club operating in compliance with regulations adopted 66035  
by the federal trade commission in 16 C.F.R. 425; 66036

(9) A supervised financial institution or its subsidiary. As 66037  
used in division (B)(9) of this section, "supervised financial 66038  
institution" means a bank, trust company, savings and loan 66039  
association, savings bank, credit union, industrial loan company, 66040  
consumer finance lender, commercial finance lender, or institution 66041  
described in section 2(c)(2)(F) of the "Bank Holding Company Act 66042  
of 1956," 12 U.S.C.A. 1841(c)(2)(F), as amended, supervised by an 66043  
official or agency of the United States, this state, or any other 66044  
state of the United States; or a licensee or registrant under 66045  
sections 1321.01 to 1321.19, 1321.51 to 1321.60, or 1321.71 to 66046  
1321.83 of the Revised Code. 66047

(10)(a) An insurance company, association, or other 66048  
organization that is licensed or authorized to conduct business in 66049  
this state by the superintendent of insurance pursuant to Title 66050  
XXXIX of the Revised Code or Chapter 1751. of the Revised Code, 66051  
when soliciting within the scope of its license or authorization. 66052

(b) A licensed insurance broker, agent, or solicitor when 66053  
soliciting within the scope of the person's license. As used in 66054  
division (B)(10)(b) of this section, "licensed insurance broker, 66055  
agent, or solicitor" means any person licensed as an insurance 66056  
broker, agent, or solicitor by the superintendent of insurance 66057  
pursuant to Title XXXIX of the Revised Code. 66058

(11) A person soliciting the sale of services provided by a 66059  
cable television system operating under authority of a 66060  
governmental franchise or permit; 66061

(12) A person soliciting a business-to-business sale under 66062  
which any of the following conditions are met: 66063

(a) The telephone solicitor has been operating continuously 66064  
for at least three years under the same business name under which 66065  
it solicits purchasers, and at least fifty-one per cent of its 66066  
gross dollar volume of sales consists of repeat sales to existing 66067  
customers to whom it has made sales under the same business name. 66068

(b) The purchaser business intends to resell the goods 66069  
purchased. 66070

(c) The purchaser business intends to use the goods or 66071  
services purchased in a recycling, reuse, manufacturing, or 66072  
remanufacturing process. 66073

(d) The telephone solicitor is a publisher of a periodical or 66074  
of magazines distributed as controlled circulation publications as 66075  
defined in division (CC) of section 5739.01 of the Revised Code 66076  
and is soliciting sales of advertising, subscriptions, reprints, 66077  
lists, information databases, conference participation or 66078  
sponsorships, trade shows or media products related to the 66079  
periodical or magazine, or other publishing services provided by 66080  
the controlled circulation publication. 66081

(13) A person that, not less often than once each year, 66082  
publishes and delivers to potential purchasers a catalog that 66083  
complies with both of the following: 66084

(a) It includes all of the following: 66085

(i) The business address of the seller; 66086

(ii) A written description or illustration of each good or 66087  
service offered for sale; 66088

(iii) A clear and conspicuous disclosure of the sale price of 66089  
each good or service; shipping, handling, and other charges; and 66090  
return policy. 66091

(b) One of the following applies: 66092

(i) The catalog includes at least twenty-four pages of 66093

written material and illustrations, is distributed in more than 66094  
one state, and has an annual postage-paid mail circulation of not 66095  
less than two hundred fifty thousand households; 66096

(ii) The catalog includes at least ten pages of written 66097  
material or an equivalent amount of material in electronic form on 66098  
the internet or an on-line computer service, the person does not 66099  
solicit customers by telephone but solely receives telephone calls 66100  
made in response to the catalog, and during the calls the person 66101  
takes orders but does not engage in further solicitation of the 66102  
purchaser. As used in division (B)(13)(b)(ii) of this section, 66103  
"further solicitation" does not include providing the purchaser 66104  
with information about, or attempting to sell, any other item in 66105  
the catalog that prompted the purchaser's call or in a 66106  
substantially similar catalog issued by the seller. 66107

(14) A political subdivision or instrumentality of the United 66108  
States, this state, or any state of the United States; 66109

(15) A college or university or any other public or private 66110  
institution of higher education in this state; 66111

(16) A public utility as defined in section 4905.02 of the 66112  
Revised Code or a retail natural gas supplier as defined in 66113  
section 4929.01 of the Revised Code, if the utility or supplier is 66114  
subject to regulation by the public utilities commission, or the 66115  
affiliate of the utility or supplier; 66116

(17) A person that solicits sales through a television 66117  
program or advertisement that is presented in the same market area 66118  
no fewer than twenty days per month or offers for sale no fewer 66119  
than ten distinct items of goods or services; and offers to the 66120  
purchaser an unconditional right to return any good or service 66121  
purchased within a period of at least seven days and to receive a 66122  
full refund within thirty days after the purchaser returns the 66123  
good or cancels the service; 66124

(18)(a) A person that, for at least one year, has been operating a retail business under the same name as that used in connection with telephone solicitation and both of the following occur on a continuing basis:

(i) The person either displays goods and offers them for retail sale at the person's business premises or offers services for sale and provides them at the person's business premises.

(ii) At least fifty-one per cent of the person's gross dollar volume of retail sales involves purchases of goods or services at the person's business premises.

(b) An affiliate of a person that meets the requirements in division (B)(18)(a) of this section if the affiliate meets all of the following requirements:

(i) The affiliate has operated a retail business for a period of less than one year;

(ii) The affiliate either displays goods and offers them for retail sale at the affiliate's business premises or offers services for sale and provides them at the affiliate's business premises;

(iii) At least fifty-one per cent of the affiliate's gross dollar volume of retail sales involves purchases of goods or services at the affiliate's business premises.

(c) A person that, for a period of less than one year, has been operating a retail business in this state under the same name as that used in connection with telephone solicitation, as long as all of the following requirements are met:

(i) The person either displays goods and offers them for retail sale at the person's business premises or offers services for sale and provides them at the person's business premises;

(ii) The goods or services that are the subject of telephone

solicitation are sold at the person's business premises, and at 66155  
least sixty-five per cent of the person's gross dollar volume of 66156  
retail sales involves purchases of goods or services at the 66157  
person's business premises; 66158

(iii) The person conducts all telephone solicitation 66159  
activities according to sections 310.3, 310.4, and 310.5 of the 66160  
telemarketing sales rule adopted by the federal trade commission 66161  
in 16 C.F.R. part 310. 66162

(19) A person who performs telephone solicitation sales 66163  
services on behalf of other persons and to whom one of the 66164  
following applies: 66165

(a) The person has operated under the same ownership, 66166  
control, and business name for at least five years, and the person 66167  
receives at least seventy-five per cent of its gross revenues from 66168  
written telephone solicitation contracts with persons who come 66169  
within one of the exemptions in division (B) of this section. 66170

(b) The person is an affiliate of one or more exempt persons 66171  
and makes telephone solicitations on behalf of only the exempt 66172  
persons of which it is an affiliate. 66173

(c) The person makes telephone solicitations on behalf of 66174  
only exempt persons, the person and each exempt person on whose 66175  
behalf telephone solicitations are made have entered into a 66176  
written contract that specifies the manner in which the telephone 66177  
solicitations are to be conducted and that at a minimum requires 66178  
compliance with the telemarketing sales rule adopted by the 66179  
federal trade commission in 16 C.F.R. part 310, and the person 66180  
conducts the telephone solicitations in the manner specified in 66181  
the written contract. 66182

(d) The person performs telephone solicitation for religious 66183  
or political purposes, a charitable organization, a fund-raising 66184  
council, or a professional solicitor in compliance with the 66185

registration and reporting requirements of Chapter 1716. of the Revised Code; and meets all of the following requirements:

(i) The person has operated under the same ownership, control, and business name for at least five years, and the person receives at least fifty-one per cent of its gross revenues from written telephone solicitation contracts with persons who come within the exemption in division (B)(2) of this section;

(ii) The person does not conduct a prize promotion or offer the sale of an investment opportunity;

(iii) The person conducts all telephone solicitation activities according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rules adopted by the federal trade commission in 16 C.F.R. part 310.

(20) A person that is a licensed real estate salesperson or broker under Chapter 4735. of the Revised Code when soliciting within the scope of the person's license;

(21)(a) Either of the following:

(i) A publisher that solicits the sale of the publisher's periodical or magazine of general, paid circulation, or a person that solicits a sale of that nature on behalf of a publisher under a written agreement directly between the publisher and the person.

(ii) A publisher that solicits the sale of the publisher's periodical or magazine of general, paid circulation, or a person that solicits a sale of that nature as authorized by a publisher under a written agreement directly with a publisher's clearinghouse provided the person is a resident of Ohio for more than three years and initiates all telephone solicitations from Ohio and the person conducts the solicitation and sale in compliance with 16 C.F.R. part 310, as adopted by the federal trade commission.



(b) As used in division (B)(21) of this section, "periodical or magazine of general, paid circulation" excludes a periodical or magazine circulated only as part of a membership package or given as a free gift or prize from the publisher or person.

(22) A person that solicits the sale of food, as defined in section 3715.01 of the Revised Code, or the sale of products of horticulture, as defined in section 5739.01 of the Revised Code, if the person does not intend the solicitation to result in, or the solicitation actually does not result in, a sale that costs the purchaser an amount greater than five hundred dollars.

(23) A funeral director licensed pursuant to Chapter 4717. of the Revised Code when soliciting within the scope of that license, if both of the following apply:

(a) The solicitation and sale are conducted in compliance with 16 C.F.R. part 453, as adopted by the federal trade commission, and with sections 1107.33 and 1345.21 to 1345.28 of the Revised Code;

(b) The person provides to the purchaser of any preneed funeral contract a notice that clearly and conspicuously sets forth the cancellation rights specified in division (G) of section 1107.33 of the Revised Code, and retains a copy of the notice signed by the purchaser.

(24) A person, or affiliate thereof, licensed to sell or issue Ohio instruments designated as travelers checks pursuant to sections 1315.01 to 1315.18 of the Revised Code.

(25) A person that solicits sales from its previous purchasers and meets all of the following requirements:

(a) The solicitation is made under the same business name that was previously used to sell goods or services to the purchaser;

(b) The person has, for a period of not less than three 66246  
years, operated a business under the same business name as that 66247  
used in connection with telephone solicitation; 66248

(c) The person does not conduct a prize promotion or offer 66249  
the sale of an investment opportunity; 66250

(d) The person conducts all telephone solicitation activities 66251  
according to sections 310.3, 310.4, and 310.5 of the telemarketing 66252  
sales rules adopted by the federal trade commission in 16 C.F.R. 66253  
part 310; 66254

(e) Neither the person nor any of its principals has been 66255  
convicted of, pleaded guilty to, or has entered a plea of no 66256  
contest for a felony or a theft offense as defined in sections 66257  
2901.02 and 2913.01 of the Revised Code or similar law of another 66258  
state or of the United States; 66259

(f) Neither the person nor any of its principals has had 66260  
entered against them an injunction or a final judgment or order, 66261  
including an agreed judgment or order, an assurance of voluntary 66262  
compliance, or any similar instrument, in any civil or 66263  
administrative action involving engaging in a pattern of corrupt 66264  
practices, fraud, theft, embezzlement, fraudulent conversion, or 66265  
misappropriation of property; the use of any untrue, deceptive, or 66266  
misleading representation; or the use of any unfair, unlawful, 66267  
deceptive, or unconscionable trade act or practice. 66268

(26) An institution defined as a home health agency in 66269  
section 3701.881 of the Revised Code, that conducts all telephone 66270  
solicitation activities according to sections 310.3, 310.4, and 66271  
310.5 of the telemarketing sales rules adopted by the federal 66272  
trade commission in 16 C.F.R. part 310, and engages in telephone 66273  
solicitation only within the scope of the institution's 66274  
certification, accreditation, contract with the department of 66275  
aging, or status as a home health agency; and that meets one of 66276

the following requirements: 66277

(a) The institution is certified as a provider of home health services under Title XVIII of the Social Security Act, 49 Stat. 620, 42 U.S.C. 301, as amended; 66278  
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(b) The institution is accredited by either the joint commission on accreditation of health care organizations or the community health accreditation program; 66281  
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(c) The institution is providing ~~passport~~ PASSPORT services under the direction of the ~~Ohio~~ department of aging under ~~section 173.40~~ sections 173.52 to 173.523 of the Revised Code; 66284  
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(d) An affiliate of an institution that meets the requirements of division (B)(26)(a), (b), or (c) of this section when offering for sale substantially the same goods and services as those that are offered by the institution that meets the requirements of division (B)(26)(a), (b), or (c) of this section. 66287  
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(27) A person licensed by the department of health pursuant to section 3712.04 or 3712.041 of the Revised Code to provide a hospice care program or pediatric respite care program when conducting telephone solicitations within the scope of the person's license and according to sections 310.3, 310.4, and 310.5 of the telemarketing sales rules adopted by the federal trade commission in 16 C.F.R. part 310. 66292  
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**Sec. 4723.18.** (A) The board of nursing shall authorize a licensed practical nurse to administer to an adult intravenous therapy if the nurse supplies evidence satisfactory to the board that all of the following are the case: 66299  
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(1) The nurse holds a current, valid license issued under this chapter to practice nursing as a licensed practical nurse. 66303  
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(2) The nurse has been authorized under section 4723.18 of the Revised Code to administer medications. 66305  
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(3) The nurse successfully completed a course of study in the safe performance of intravenous therapy approved by the board pursuant to section 4723.19 of the Revised Code or by an agency in another jurisdiction that regulates the practice of nursing and has requirements for intravenous therapy course approval that are substantially similar to the requirements in division (B) of section 4723.19 of the Revised Code, as determined by the board.

(4) The nurse has successfully completed a minimum of forty hours of training that includes all of the following:

(a) The curriculum established by rules adopted by the board;

(b) Training in the anatomy and physiology of the cardiovascular system, signs and symptoms of local and systemic complications in the administration of fluids and antibiotic additives, and guidelines for management of these complications;

(c) Any other training or instruction the board considers appropriate;

(d) A testing component that requires the nurse to perform a successful demonstration of the intravenous procedures, including all skills needed to perform them safely.

(B) Except as provided in section 4723.181 of the Revised Code and subject to the restrictions in division (D) of this section, a licensed practical nurse may perform intravenous therapy on an adult patient only if authorized by the board pursuant to division (A) of this section and only at the direction of one of the following:

(1) A licensed physician, dentist, optometrist, or podiatrist who, except as provided in division (C)(2) of this section, is present and readily available at the facility where the intravenous therapy procedure is performed;

(2) A registered nurse in accordance with division (C) of

this section. 66337

(C)(1) Except as provided in division (C)(2) of this section 66338  
and section 4723.181 of the Revised Code, when a licensed 66339  
practical nurse authorized by the board to perform intravenous 66340  
therapy performs an intravenous therapy procedure at the direction 66341  
of a registered nurse, the registered nurse or another registered 66342  
nurse shall be readily available at the site where the intravenous 66343  
therapy is performed, and before the licensed practical nurse 66344  
initiates the intravenous therapy, the registered nurse shall 66345  
personally perform an on-site assessment of the adult patient who 66346  
is to receive the intravenous therapy. 66347

(2) When a licensed practical nurse authorized by the board 66348  
to perform intravenous therapy performs an intravenous therapy 66349  
procedure in a home as defined in section 3721.10 of the Revised 66350  
Code, or in an intermediate care facility for the mentally 66351  
retarded as defined in section ~~5111.20~~ 5124.01 of the Revised 66352  
Code, at the direction of a registered nurse or licensed 66353  
physician, dentist, optometrist, or podiatrist, a registered nurse 66354  
shall be on the premises of the home or facility or accessible by 66355  
some form of telecommunication. 66356

(D) No licensed practical nurse shall perform any of the 66357  
following intravenous therapy procedures: 66358

(1) Initiating or maintaining any of the following: 66359

(a) Blood or blood components; 66360

(b) Solutions for total parenteral nutrition; 66361

(c) Any cancer therapeutic medication including, but not 66362  
limited to, cancer chemotherapy or an anti-neoplastic agent; 66363

(d) Solutions administered through any central venous line or 66364  
arterial line or any other line that does not terminate in a 66365  
peripheral vein, except that a licensed practical nurse authorized 66366

by the board to perform intravenous therapy may maintain the 66367  
solutions specified in division (D)(6)(a) of this section that are 66368  
being administered through a central venous line or peripherally 66369  
inserted central catheter; 66370

(e) Any investigational or experimental medication. 66371

(2) Initiating intravenous therapy in any vein, except that a 66372  
licensed practical nurse authorized by the board to perform 66373  
intravenous therapy may initiate intravenous therapy in accordance 66374  
with this section in a vein of the hand, forearm, or antecubital 66375  
fossa; 66376

(3) Discontinuing a central venous, arterial, or any other 66377  
line that does not terminate in a peripheral vein; 66378

(4) Initiating or discontinuing a peripherally inserted 66379  
central catheter; 66380

(5) Mixing, preparing, or reconstituting any medication for 66381  
intravenous therapy, except that a licensed practical nurse 66382  
authorized by the board to perform intravenous therapy may prepare 66383  
or reconstitute an antibiotic additive; 66384

(6) Administering medication via the intravenous route, 66385  
including all of the following activities: 66386

(a) Adding medication to an intravenous solution or to an 66387  
existing infusion, except that a licensed practical nurse 66388  
authorized by the board to perform intravenous therapy may do any 66389  
of the following: 66390

(i) Initiate an intravenous infusion containing one or more 66391  
of the following elements: dextrose 5%, normal saline, lactated 66392  
ringers, sodium chloride .45%, sodium chloride 0.2%, sterile 66393  
water; 66394

(ii) Hang subsequent containers of the intravenous solutions 66395  
specified in division (D)(6)(a)(i) of this section that contain 66396

vitamins or electrolytes, if a registered nurse initiated the 66397  
infusion of that same intravenous solution; 66398

(iii) Initiate or maintain an intravenous infusion containing 66399  
an antibiotic additive. 66400

(b) Injecting medication via a direct intravenous route, 66401  
except that a licensed practical nurse authorized by the board to 66402  
perform intravenous therapy may inject heparin or normal saline to 66403  
flush an intermittent infusion device or heparin lock including, 66404  
but not limited to, bolus or push. 66405

(7) Changing tubing on any line including, but not limited 66406  
to, an arterial line or a central venous line, except that a 66407  
licensed practical nurse authorized by the board to perform 66408  
intravenous therapy may change tubing on an intravenous line that 66409  
terminates in a peripheral vein; 66410

(8) Programming or setting any function of a patient 66411  
controlled infusion pump. 66412

(E) Notwithstanding divisions (A) and (D) of this section, at 66413  
the direction of a physician or a registered nurse, a licensed 66414  
practical nurse authorized by the board to perform intravenous 66415  
therapy may perform the following activities for the purpose of 66416  
performing dialysis: 66417

(1) The routine administration and regulation of saline 66418  
solution for the purpose of maintaining an established fluid plan; 66419

(2) The administration of a heparin dose intravenously; 66420

(3) The administration of a heparin dose peripherally via a 66421  
fistula needle; 66422

(4) The loading and activation of a constant infusion pump; 66423

(5) The intermittent injection of a dose of medication that 66424  
is administered via the hemodialysis blood circuit and through the 66425  
patient's venous access. 66426

(F) No person shall employ or direct a licensed practical nurse to perform an intravenous therapy procedure without first verifying that the licensed practical nurse is authorized by the board to perform intravenous therapy.

**Sec. 4723.35.** (A) As used in this section, "chemical dependency" means either of the following:

(1) The chronic and habitual use of alcoholic beverages to the extent that the user no longer can control the use of alcohol or endangers the user's health, safety, or welfare or that of others;

(2) The use of a controlled substance as defined in section 3719.01 of the Revised Code, a harmful intoxicant as defined in section 2925.01 of the Revised Code, or a dangerous drug as defined in section 4729.01 of the Revised Code, to the extent that the user becomes physically or psychologically dependent on the substance, intoxicant, or drug or endangers the user's health, safety, or welfare or that of others.

(B) The board of nursing may abstain from taking disciplinary action under section 4723.28 or 4723.86 of the Revised Code against an individual with a chemical dependency if it finds that the individual can be treated effectively and there is no impairment of the individual's ability to practice according to acceptable and prevailing standards of safe care. The board shall establish a chemical dependency monitoring program to monitor the registered nurses, licensed practical nurses, dialysis technicians, and certified community health workers against whom the board has abstained from taking action. The board shall develop the program, select the program's name, and designate a coordinator to administer the program.

(C) Determinations regarding an individual's eligibility for admission to, continued participation in, and successful



completion of the monitoring program shall be made by the board's 66458  
supervising member for disciplinary matters in accordance with 66459  
rules adopted under division (D) of this section. 66460

(D) The board shall adopt rules in accordance with Chapter 66461  
119. of the Revised Code that establish the following: 66462

(1) Eligibility requirements for admission to and continued 66463  
participation in the monitoring program; 66464

(2) Terms and conditions that must be met to participate in 66465  
and successfully complete the program; 66466

(3) Procedures for keeping confidential records regarding 66467  
participants; 66468

(4) Any other requirements or procedures necessary to 66469  
establish and administer the program. 66470

(E)(1) As a condition of being admitted to the monitoring 66471  
program, an individual shall surrender to the program coordinator 66472  
the license or certificate that the individual holds. While the 66473  
surrender is in effect, the individual is prohibited from engaging 66474  
in the practice of nursing, engaging in the provision of dialysis 66475  
care, or engaging in the provision of services that were being 66476  
provided as a certified community health worker. 66477

If the board's supervising member for disciplinary matters 66478  
determines that a participant is capable of resuming practice 66479  
according to acceptable and prevailing standards of safe care, the 66480  
program coordinator shall return the participant's license or 66481  
certificate. If the participant violates the terms and conditions 66482  
of resumed practice, the coordinator shall require the participant 66483  
to surrender the license or certificate as a condition of 66484  
continued participation in the program. The coordinator may 66485  
require the surrender only on the approval of the board's 66486  
supervising member for disciplinary matters. 66487

The surrender of a license or certificate on admission to the monitoring program or while participating in the program does not constitute an action by the board under section 4723.28 or 4723.86 of the Revised Code. The participant may rescind the surrender at any time and the board may proceed by taking action under section 4723.28 or 4723.86 of the Revised Code.

(2) If the program coordinator determines that a participant is significantly out of compliance with the terms and conditions for participation, the coordinator shall notify the board's supervising member for disciplinary matters and the supervising member shall determine whether to temporarily suspend the participant's license or certificate. The board shall notify the participant of the suspension by certified mail sent to the participant's last known address and shall refer the matter to the board for formal action under section 4723.28 or 4723.86 of the Revised Code.

(F) All of the following apply with respect to the receipt, release, and maintenance of records and information by the monitoring program:

(1) The program coordinator shall maintain all program records in the board's office, and for each participant, shall retain the records for a period of two years following the participant's date of successful completion of the program.

(2) When applying to participate in the monitoring program, the applicant shall sign a waiver permitting the board to receive and release information necessary to determine whether the individual is eligible for admission. After being admitted, the participant shall sign a waiver permitting the board to receive and release information necessary to determine whether the individual is eligible for continued participation in the program. Information that may be necessary for the board's supervising member for disciplinary matters to determine eligibility for

admission or continued participation in the monitoring program 66520  
includes, but is not limited to, information provided to and by 66521  
employers, probation officers, law enforcement agencies, peer 66522  
assistance programs, health professionals, and treatment 66523  
providers. No entity with knowledge that the information has been 66524  
provided to the monitoring program shall divulge that knowledge to 66525  
any other person. 66526

(3) Except as provided in division (F)(4) of this section, 66527  
all records pertaining to an individual's application for or 66528  
participation in the monitoring program, including medical 66529  
records, treatment records, and mental health records, shall be 66530  
confidential. The records are not public records for the purposes 66531  
of section 149.43 of the Revised Code and are not subject to 66532  
discovery by subpoena or admissible as evidence in any judicial 66533  
proceeding. 66534

(4) The board may disclose information regarding a 66535  
participant's progress in the program to any person or government 66536  
entity that the participant authorizes in writing to be given the 66537  
information. In disclosing information under this division, the 66538  
board shall not include any information that is protected under 66539  
section ~~3793.13~~ 5119.27 of the Revised Code or any federal statute 66540  
or regulation that provides for the confidentiality of medical, 66541  
mental health, or substance abuse records. 66542

(G) In the absence of fraud or bad faith, the board as a 66543  
whole, its individual members, and its employees and 66544  
representatives are not liable for damages in any civil action as 66545  
a result of disclosing information in accordance with division 66546  
(F)(4) of this section. In the absence of fraud or bad faith, any 66547  
person reporting to the program with regard to an individual's 66548  
chemical dependence, or the progress or lack of progress of that 66549  
individual with regard to treatment, is not liable for damages in 66550  
any civil action as a result of the report. 66551

**Sec. 4723.481.** This section establishes standards and 66552  
conditions regarding the authority of a clinical nurse specialist, 66553  
certified nurse-midwife, or certified nurse practitioner to 66554  
prescribe drugs and therapeutic devices under a certificate to 66555  
prescribe issued under section ~~4723.481~~ 4723.48 of the Revised 66556  
Code. 66557

(A) A clinical nurse specialist, certified nurse-midwife, or 66558  
certified nurse practitioner shall not prescribe any drug or 66559  
therapeutic device that is not included in the types of drugs and 66560  
devices listed on the formulary established in rules adopted under 66561  
section 4723.50 of the Revised Code. 66562

(B) The prescriptive authority of a clinical nurse 66563  
specialist, certified nurse-midwife, or certified nurse 66564  
practitioner shall not exceed the prescriptive authority of the 66565  
collaborating physician or podiatrist, including the collaborating 66566  
physician's authority to treat chronic pain with controlled 66567  
substances and products containing tramadol as described in 66568  
section 4731.052 of the Revised Code. 66569

(C)(1) Except as provided in division (C)(2) or (3) of this 66570  
section, a clinical nurse specialist, certified nurse-midwife, or 66571  
certified nurse practitioner may prescribe to a patient a schedule 66572  
II controlled substance only if all of the following are the case: 66573

(a) The patient has a terminal condition, as defined in 66574  
section 2133.01 of the Revised Code. 66575

(b) The collaborating physician of the clinical nurse 66576  
specialist, certified nurse-midwife, or certified nurse 66577  
practitioner initially prescribed the substance for the patient. 66578

(c) The prescription is for an amount that does not exceed 66579  
the amount necessary for the patient's use in a single, 66580  
twenty-four-hour period. 66581

(2) The restrictions on prescriptive authority in division 66582  
(C)(1) of this section do not apply if a clinical nurse 66583  
specialist, certified nurse-midwife, or certified nurse 66584  
practitioner issues the prescription to the patient from any of 66585  
the following locations: 66586

(a) A hospital registered under section 3701.07 of the 66587  
Revised Code; 66588

(b) An entity owned or controlled, in whole or in part, by a 66589  
hospital or by an entity that owns or controls, in whole or in 66590  
part, one or more hospitals; 66591

(c) A health care facility operated by the department of 66592  
~~mental health~~ mental health and addiction services or the 66593  
department of developmental disabilities; 66594

(d) A nursing home or residential care facility licensed 66595  
under section 3721.02 of the Revised Code or by a political 66596  
subdivision certified under section 3721.09 of the Revised Code; 66597

(e) A county home or district home operated under Chapter 66598  
5155. of the Revised Code that is certified under the medicare or 66599  
medicaid program; 66600

(f) A hospice care program, as defined in section 3712.01 of 66601  
the Revised Code; 66602

(g) A community mental health ~~agency~~ services provider, as 66603  
defined in section 5122.01 of the Revised Code; 66604

(h) An ambulatory surgical facility, as defined in section 66605  
3702.30 of the Revised Code; 66606

(i) A freestanding birthing center, as defined in section 66607  
~~3702.51~~ 3702.141 of the Revised Code; 66608

(j) A federally qualified health center, as defined in 66609  
section 3701.047 of the Revised Code; 66610

(k) A federally qualified health center look-alike, as 66611

defined in section 3701.047 of the Revised Code; 66612

(1) A health care office or facility operated by the board of 66613  
health of a city or general health district or the authority 66614  
having the duties of a board of health under section 3709.05 of 66615  
the Revised Code; 66616

(m) A site where a medical practice is operated, but only if 66617  
the practice is comprised of one or more physicians who also are 66618  
owners of the practice; the practice is organized to provide 66619  
direct patient care; and the clinical nurse specialist, certified 66620  
nurse-midwife, or certified nurse practitioner providing services 66621  
at the site has a standard care arrangement and collaborates with 66622  
at least one of the physician owners who practices primarily at 66623  
that site. 66624

(3) A clinical nurse specialist, certified nurse-midwife, or 66625  
certified nurse practitioner shall not issue to a patient a 66626  
prescription for a schedule II controlled substance from a 66627  
convenience care clinic even if the clinic is owned or operated by 66628  
an entity specified in division (C)(2) of this section. 66629

(D) A pharmacist who acts in good faith reliance on a 66630  
prescription issued by a clinical nurse specialist, certified 66631  
nurse-midwife, or certified nurse practitioner under division 66632  
(C)(2) of this section is not liable for or subject to any of the 66633  
following for relying on the prescription: damages in any civil 66634  
action, prosecution in any criminal proceeding, or professional 66635  
disciplinary action by the state board of pharmacy under Chapter 66636  
4729. of the Revised Code. 66637

(E) A clinical nurse specialist, certified nurse-midwife, or 66638  
certified nurse practitioner may personally furnish to a patient a 66639  
sample of any drug or therapeutic device included in the types of 66640  
drugs and devices listed on the formulary, except that all of the 66641  
following conditions apply: 66642

(1) The amount of the sample furnished shall not exceed a 66643  
seventy-two-hour supply, except when the minimum available 66644  
quantity of the sample is packaged in an amount that is greater 66645  
than a seventy-two-hour supply, in which case the packaged amount 66646  
may be furnished. 66647

(2) No charge may be imposed for the sample or for furnishing 66648  
it. 66649

(3) Samples of controlled substances may not be personally 66650  
furnished. 66651

(F) A clinical nurse specialist, certified nurse-midwife, or 66652  
certified nurse practitioner may personally furnish to a patient a 66653  
complete or partial supply of a drug or therapeutic device 66654  
included in the types of drugs and devices listed on the 66655  
formulary, except that all of the following conditions apply: 66656

(1) The clinical nurse specialist, certified nurse-midwife, 66657  
or certified nurse practitioner shall personally furnish only 66658  
antibiotics, antifungals, scabicides, contraceptives, prenatal 66659  
vitamins, antihypertensives, drugs and devices used in the 66660  
treatment of diabetes, drugs and devices used in the treatment of 66661  
asthma, and drugs used in the treatment of dyslipidemia. 66662

(2) The clinical nurse specialist, certified nurse-midwife, 66663  
or certified nurse practitioner shall not furnish the drugs and 66664  
devices in locations other than a health department operated by 66665  
the board of health of a city or general health district or the 66666  
authority having the duties of a board of health under section 66667  
3709.05 of the Revised Code, a federally funded comprehensive 66668  
primary care clinic, or a nonprofit health care clinic or program. 66669

(3) The clinical nurse specialist, certified nurse-midwife, 66670  
or certified nurse practitioner shall comply with all safety 66671  
standards for personally furnishing supplies of drugs and devices, 66672  
as established in rules adopted under section 4723.50 of the 66673

Revised Code. 66674

**Sec. 4725.03.** The governor, with the advice and consent of 66675  
the senate, shall appoint a state board of optometry consisting of 66676  
six nonmedical residents of this state, five of whom shall be 66677  
persons actually engaged in the practice of optometry for five 66678  
years preceding appointment and one of whom shall be a member of 66679  
the public at least ~~sixty~~ fifty years of age. Terms of office 66680  
shall be five years, commencing on the twenty-sixth day of 66681  
September and ending on the twenty-fifth day of September. Each 66682  
member shall hold office from the date of appointment until the 66683  
end of the term for which appointed. Any member appointed to fill 66684  
a vacancy occurring prior to the expiration of the term for which 66685  
the member's predecessor was appointed shall hold office for the 66686  
remainder of the term. A member shall continue in office 66687  
subsequent to the expiration date of the member's term until the 66688  
member's successor takes office, or until a period of sixty days 66689  
has elapsed, whichever occurs first. No person shall serve as a 66690  
member for more than two terms. 66691

**Sec. 4725.16.** (A) Each certificate of licensure, topical 66692  
ocular pharmaceutical agents certificate, and therapeutic 66693  
pharmaceutical agents certificate issued by the state board of 66694  
optometry shall expire annually on the last day of December, and 66695  
may be renewed in accordance with this section and the standard 66696  
renewal procedure established under Chapter 4745. of the Revised 66697  
Code. 66698

An optometrist seeking to continue to practice optometry 66699  
shall file with the board an application for license renewal. The 66700  
application shall be in such form and require such pertinent 66701  
professional biographical data as the board may require. 66702

(B) All licensed optometrists shall annually complete 66703



continuing education in subjects relating to the practice of 66704  
optometry, to the end that the utilization and application of new 66705  
techniques, scientific and clinical advances, and the achievements 66706  
of research will assure comprehensive care to the public. The 66707  
board shall prescribe by rule the continuing optometric education 66708  
that licensed optometrists must complete. The length of study 66709  
shall be twenty-five clock hours each year, including ten clock 66710  
hours of instruction in pharmacology to be completed by all 66711  
licensed optometrists. 66712

Unless the continuing education required under this division 66713  
is waived or deferred under division (D) of this section, the 66714  
continuing education must be completed during the twelve-month 66715  
period beginning on the first day of October and ending on the 66716  
last day of September. If the board receives notice from a 66717  
continuing education program indicating that an optometrist 66718  
completed the program after the last day of September, and the 66719  
optometrist wants to use the continuing education completed after 66720  
that day to renew the license that expires on the last day of 66721  
December of that year, the optometrist shall pay the penalty 66722  
specified under section 4725.34 of the Revised Code for late 66723  
completion of continuing education. 66724

At least once annually, the board shall post on its web site 66725  
and shall mail, or send by electronic mail, to each licensed 66726  
optometrist a list of courses approved in accordance with 66727  
standards prescribed by board rule. Upon the request of a licensed 66728  
optometrist, the executive director of the board shall supply a 66729  
list of additional courses that the board has approved subsequent 66730  
to the most recent web site posting, electronic mail transmission, 66731  
or mailing of the list of approved courses. 66732

(C)(1) Annually, not later than the first day of November, 66733  
the board shall mail or send by electronic mail a notice regarding 66734  
license renewal to each licensed optometrist who may be eligible 66735

for renewal. The notice shall be sent to the optometrist's ~~last~~ 66736  
most recent electronic mail or mailing address shown in the 66737  
board's records. If the board knows that the optometrist has 66738  
completed the required continuing optometric education for the 66739  
year, the board may include with the notice an application for 66740  
license renewal. 66741

(2) Filing a license renewal application with the board shall 66742  
serve as notice by the optometrist that the continuing optometric 66743  
education requirement has been successfully completed. If the 66744  
board finds that an optometrist has not completed the required 66745  
continuing optometric education, the board shall disapprove the 66746  
optometrist's application. The board's disapproval of renewal is 66747  
effective without a hearing, unless a hearing is requested 66748  
pursuant to Chapter 119. of the Revised Code. 66749

(3) The board shall refuse to accept an application for 66750  
renewal from any applicant whose license is not in good standing 66751  
or who is under disciplinary review pursuant to section 4725.19 of 66752  
the Revised Code. 66753

(4) Notice of an applicant's failure to qualify for renewal 66754  
shall be served upon the applicant by mail. The notice shall be 66755  
sent not later than the fifteenth day of November to the 66756  
applicant's last address shown in the board's records. 66757

(D) In cases of certified illness or undue hardship, the 66758  
board may waive or defer for up to twelve months the requirement 66759  
of continuing optometric education, except that in such cases the 66760  
board may not waive or defer the continuing education in 66761  
pharmacology required to be completed by optometrists who hold 66762  
topical ocular pharmaceutical agents certificates or therapeutic 66763  
pharmaceutical agents certificates. The board shall waive the 66764  
requirement of continuing optometric education for any optometrist 66765  
who is serving in the armed forces of the United States or who has 66766  
received an initial certificate of licensure during the nine-month 66767

period which ended on the last day of September. 66768

(E) An optometrist whose renewal application has been 66769  
approved may renew each certificate held by paying to the 66770  
treasurer of state the fees for renewal specified under section 66771  
4725.34 of the Revised Code. On payment of all applicable fees, 66772  
the board shall issue a renewal of the optometrist's certificate 66773  
of licensure, topical ocular pharmaceutical agents certificate, 66774  
and therapeutic pharmaceutical agents certificate, as appropriate. 66775

(F) Not later than the fifteenth day of December, the board 66776  
shall email or mail a second notice regarding license renewal to 66777  
each licensed optometrist who may be eligible for renewal but did 66778  
not respond to the notice sent under division (C)(1) of this 66779  
section. The notice shall be sent to the optometrist's ~~last~~ most 66780  
recent email or mailing address shown in the board's records. If 66781  
an optometrist fails to file a renewal application after the 66782  
second notice is sent, the board shall send a third notice 66783  
regarding license renewal prior to any action under division (I) 66784  
of this section to classify the optometrist's certificates as 66785  
delinquent. 66786

(G) The failure of an optometrist to apply for license 66787  
renewal or the failure to pay the applicable annual renewal fees 66788  
on or before the date of expiration, shall automatically work a 66789  
forfeiture of the optometrist's authority to practice optometry in 66790  
this state. 66791

(H) The board shall accept renewal applications and renewal 66792  
fees that are submitted from the first day of January to the last 66793  
day of April of the year next succeeding the date of expiration. 66794  
An individual who submits such a late renewal application or fee 66795  
shall pay the late renewal fee specified in section 4725.34 of the 66796  
Revised Code. 66797

(I)(1) If the certificates issued by the board to an 66798

individual have expired and the individual has not filed a 66799  
complete application during the late renewal period, the 66800  
individual's certificates shall be classified in the board's 66801  
records as delinquent. 66802

(2) Any optometrist subject to delinquent classification may 66803  
submit a written application to the board for reinstatement. For 66804  
reinstatement to occur, the applicant must meet all of the 66805  
following conditions: 66806

(a) Submit to the board evidence of compliance with board 66807  
rules requiring continuing optometric education in a sufficient 66808  
number of hours to make up for any delinquent compliance; 66809

(b) Pay the renewal fees for the year in which application 66810  
for reinstatement is made and the reinstatement fee specified 66811  
under division (A)(8) of section 4725.34 of the Revised Code; 66812

(c) Pass all or part of the licensing examination accepted by 66813  
the board under section 4725.11 of the Revised Code as the board 66814  
considers appropriate to determine whether the application for 66815  
reinstatement should be approved; 66816

(d) If the applicant has been practicing optometry in another 66817  
state or country, submit evidence that the applicant's license to 66818  
practice optometry in the other state or country is in good 66819  
standing. 66820

(3) The board shall approve an application for reinstatement 66821  
if the conditions specified in division (I)(2) of this section are 66822  
met. An optometrist who receives reinstatement is subject to the 66823  
continuing education requirements specified under division (B) of 66824  
this section for the year in which reinstatement occurs. 66825

**Sec. 4729.51.** (A) No person other than a registered wholesale 66826  
distributor of dangerous drugs shall possess for sale, sell, 66827  
distribute, or deliver, at wholesale, dangerous drugs, except as 66828

follows: 66829

(1) A pharmacist who is a licensed terminal distributor of 66830  
dangerous drugs or who is employed by a licensed terminal 66831  
distributor of dangerous drugs may make occasional sales of 66832  
dangerous drugs at wholesale; 66833

(2) A licensed terminal distributor of dangerous drugs having 66834  
more than one establishment or place may transfer or deliver 66835  
dangerous drugs from one establishment or place for which a 66836  
license has been issued to the terminal distributor to another 66837  
establishment or place for which a license has been issued to the 66838  
terminal distributor if the license issued for each establishment 66839  
or place is in effect at the time of the transfer or delivery. 66840

(B)(1) No registered wholesale distributor of dangerous drugs 66841  
shall possess for sale, or sell, at wholesale, dangerous drugs to 66842  
any person other than the following: 66843

(a) Except as provided in division (B)(2)(a) of this section, 66844  
a licensed health professional authorized to prescribe drugs; 66845

(b) An optometrist licensed under Chapter 4725. of the 66846  
Revised Code who holds a topical ocular pharmaceutical agents 66847  
certificate; 66848

(c) A registered wholesale distributor of dangerous drugs; 66849

(d) A manufacturer of dangerous drugs; 66850

(e) Subject to division (B)(3) of this section, a licensed 66851  
terminal distributor of dangerous drugs; 66852

(f) Carriers or warehouses for the purpose of carriage or 66853  
storage; 66854

(g) Terminal or wholesale distributors of dangerous drugs who 66855  
are not engaged in the sale of dangerous drugs within this state; 66856

(h) An individual who holds a current license, certificate, 66857  
or registration issued under Title 47 XLVII of the Revised Code 66858

and has been certified to conduct diabetes education by a national 66859  
certifying body specified in rules adopted by the state board of 66860  
pharmacy under section 4729.68 of the Revised Code, but only with 66861  
respect to insulin that will be used for the purpose of diabetes 66862  
education and only if diabetes education is within the 66863  
individual's scope of practice under statutes and rules regulating 66864  
the individual's profession; 66865

(i) An individual who holds a valid certificate issued by a 66866  
nationally recognized S.C.U.B.A. diving certifying organization 66867  
approved by the state board of pharmacy in rule, but only with 66868  
respect to medical oxygen that will be used for the purpose of 66869  
emergency care or treatment at the scene of a diving emergency; 66870

(j) Except as provided in division (B)(2)(b) of this section, 66871  
a business entity that is a corporation formed under division (B) 66872  
of section 1701.03 of the Revised Code, a limited liability 66873  
company formed under Chapter 1705. of the Revised Code, or a 66874  
professional association formed under Chapter 1785. of the Revised 66875  
Code if the entity has a sole shareholder who is a licensed health 66876  
professional authorized to prescribe drugs and is authorized to 66877  
provide the professional services being offered by the entity; 66878

(k) Except as provided in division (B)(2)(c) of this section, 66879  
a business entity that is a corporation formed under division (B) 66880  
of section 1701.03 of the Revised Code, a limited liability 66881  
company formed under Chapter 1705. of the Revised Code, a 66882  
partnership or a limited liability partnership formed under 66883  
Chapter 1775. of the Revised Code, or a professional association 66884  
formed under Chapter 1785. of the Revised Code, if, to be a 66885  
shareholder, member, or partner, an individual is required to be 66886  
licensed, certified, or otherwise legally authorized under Title 66887  
XLVII of the Revised Code to perform the professional service 66888  
provided by the entity and each such individual is a licensed 66889  
health professional authorized to prescribe drugs. 66890

(2) No registered wholesale distributor of dangerous drugs 66891  
shall possess for sale, or sell, at wholesale, dangerous drugs to 66892  
any of the following: 66893

(a) A prescriber who is employed by a pain management clinic 66894  
that is not licensed as a terminal distributor of dangerous drugs 66895  
with a pain management clinic classification issued under section 66896  
4729.552 of the Revised Code; 66897

(b) A business entity described in division (B)(1)(j) of this 66898  
section that is, or is operating, a pain management clinic without 66899  
a license as a terminal distributor of dangerous drugs with a pain 66900  
management clinic classification issued under section 4729.552 of 66901  
the Revised Code; 66902

(c) A business entity described in division (B)(1)(k) of this 66903  
section that is, or is operating, a pain management clinic without 66904  
a license as a terminal distributor of dangerous drugs with a pain 66905  
management clinic classification issued under section 4729.552 of 66906  
the Revised Code. 66907

(3) No registered wholesale distributor of dangerous drugs 66908  
shall possess dangerous drugs for sale at wholesale, or sell such 66909  
drugs at wholesale, to a licensed terminal distributor of 66910  
dangerous drugs, except as follows: 66911

(a) In the case of a terminal distributor with a category I 66912  
license, only dangerous drugs described in category I, as defined 66913  
in division (A)(1) of section 4729.54 of the Revised Code; 66914

(b) In the case of a terminal distributor with a category II 66915  
license, only dangerous drugs described in category I and category 66916  
II, as defined in divisions (A)(1) and (2) of section 4729.54 of 66917  
the Revised Code; 66918

(c) In the case of a terminal distributor with a category III 66919  
license, dangerous drugs described in category I, category II, and 66920  
category III, as defined in divisions (A)(1), (2), and (3) of 66921

section 4729.54 of the Revised Code; 66922

(d) In the case of a terminal distributor with a limited 66923  
category I, II, or III license, only the dangerous drugs specified 66924  
in the certificate furnished by the terminal distributor in 66925  
accordance with section 4729.60 of the Revised Code. 66926

(C)(1) Except as provided in division (C)(4) of this section, 66927  
no person shall sell, at retail, dangerous drugs. 66928

(2) Except as provided in division (C)(4) of this section, no 66929  
person shall possess for sale, at retail, dangerous drugs. 66930

(3) Except as provided in division (C)(4) of this section, no 66931  
person shall possess dangerous drugs. 66932

(4) Divisions (C)(1), (2), and (3) of this section do not 66933  
apply to a registered wholesale distributor of dangerous drugs, a 66934  
licensed terminal distributor of dangerous drugs, or a person who 66935  
possesses, or possesses for sale or sells, at retail, a dangerous 66936  
drug in accordance with Chapters 3719., 4715., 4723., 4725., 66937  
4729., 4730., 4731., and 4741. of the Revised Code. 66938

Divisions (C)(1), (2), and (3) of this section do not apply 66939  
to an individual who holds a current license, certificate, or 66940  
registration issued under Title XLVII of the Revised Code and has 66941  
been certified to conduct diabetes education by a national 66942  
certifying body specified in rules adopted by the state board of 66943  
pharmacy under section 4729.68 of the Revised Code, but only to 66944  
the extent that the individual possesses insulin or personally 66945  
supplies insulin solely for the purpose of diabetes education and 66946  
only if diabetes education is within the individual's scope of 66947  
practice under statutes and rules regulating the individual's 66948  
profession. 66949

Divisions (C)(1), (2), and (3) of this section do not apply 66950  
to an individual who holds a valid certificate issued by a 66951  
nationally recognized S.C.U.B.A. diving certifying organization 66952



approved by the state board of pharmacy in rule, but only to the 66953  
extent that the individual possesses medical oxygen or personally 66954  
supplies medical oxygen for the purpose of emergency care or 66955  
treatment at the scene of a diving emergency. 66956

(D) No licensed terminal distributor of dangerous drugs shall 66957  
purchase for the purpose of resale dangerous drugs from any person 66958  
other than a registered wholesale distributor of dangerous drugs, 66959  
except as follows: 66960

(1) A licensed terminal distributor of dangerous drugs may 66961  
make occasional purchases of dangerous drugs for resale from a 66962  
pharmacist who is a licensed terminal distributor of dangerous 66963  
drugs or who is employed by a licensed terminal distributor of 66964  
dangerous drugs; 66965

(2) A licensed terminal distributor of dangerous drugs having 66966  
more than one establishment or place may transfer or receive 66967  
dangerous drugs from one establishment or place for which a 66968  
license has been issued to the terminal distributor to another 66969  
establishment or place for which a license has been issued to the 66970  
terminal distributor if the license issued for each establishment 66971  
or place is in effect at the time of the transfer or receipt. 66972

(E) A pharmacy that is a licensed terminal distributor of 66973  
dangerous drugs may operate a remote dispensing system in 66974  
accordance with section 4729.542 of the Revised Code. 66975

(F) No licensed terminal distributor of dangerous drugs shall 66976  
engage in the sale or other distribution of dangerous drugs at 66977  
retail or maintain possession, custody, or control of dangerous 66978  
drugs for any purpose other than the distributor's personal use or 66979  
consumption, at any establishment or place other than that or 66980  
those described in the license issued by the state board of 66981  
pharmacy to such terminal distributor. 66982

~~(F)~~(G) Nothing in this section shall be construed to 66983

interfere with the performance of official duties by any law 66984  
enforcement official authorized by municipal, county, state, or 66985  
federal law to collect samples of any drug, regardless of its 66986  
nature or in whose possession it may be. 66987

**Sec. 4729.54.** (A) As used in this section and section 66988  
4729.541 of the Revised Code: 66989

(1) "Category I" means single-dose injections of intravenous 66990  
fluids, including saline, Ringer's lactate, five per cent dextrose 66991  
and distilled water, and other intravenous fluids or parenteral 66992  
solutions included in this category by rule of the state board of 66993  
pharmacy, that have a volume of one hundred milliliters or more 66994  
and that contain no added substances, or single-dose injections of 66995  
epinephrine to be administered pursuant to sections 4765.38 and 66996  
4765.39 of the Revised Code. 66997

(2) "Category II" means any dangerous drug that is not 66998  
included in category I or III. 66999

(3) "Category III" means any controlled substance that is 67000  
contained in schedule I, II, III, IV, or V. 67001

(4) "Emergency medical service organization" has the same 67002  
meaning as in section 4765.01 of the Revised Code. 67003

(5) "Person" includes an emergency medical service 67004  
organization. 67005

(6) "Schedule I, schedule II, schedule III, schedule IV, and 67006  
schedule V" mean controlled substance schedules I, II, III, IV, 67007  
and V, respectively, as established pursuant to section 3719.41 of 67008  
the Revised Code and as amended. 67009

(B)(1) A person who desires to be licensed as a terminal 67010  
distributor of dangerous drugs shall file with the executive 67011  
director of the state board of pharmacy a verified application. 67012  
After it is filed, the application may not be withdrawn without 67013

approval of the board. 67014

(2) An application shall contain all the following that apply 67015  
in the applicant's case: 67016

(a) Information that the board requires relative to the 67017  
qualifications of a terminal distributor of dangerous drugs set 67018  
forth in section 4729.55 of the Revised Code; 67019

(b) A statement that the person wishes to be licensed as a 67020  
category I, category II, category III, limited category I, limited 67021  
category II, or limited category III terminal distributor of 67022  
dangerous drugs; 67023

(c) If the person wishes to be licensed as a limited category 67024  
I, limited category II, or limited category III terminal 67025  
distributor of dangerous drugs, a notarized list of the dangerous 67026  
drugs that the person wishes to possess, have custody or control 67027  
of, and distribute, which list shall also specify the purpose for 67028  
which those drugs will be used and their source; 67029

(d) If the person is an emergency medical service 67030  
organization, the information that is specified in division (C)(1) 67031  
of this section; 67032

(e) Except for an emergency medical service organization, the 67033  
identity of the one establishment or place at which the person 67034  
intends to engage in the sale or other distribution of dangerous 67035  
drugs at retail, and maintain possession, custody, or control of 67036  
dangerous drugs for purposes other than the person's own use or 67037  
consumption and any place at which the person intends to operate a 67038  
remote dispensing system in accordance with section 4729.542 of 67039  
the Revised Code; 67040

(f) If the application pertains to a pain management clinic, 67041  
information that demonstrates, to the satisfaction of the board, 67042  
compliance with division (A) of section 4729.552 of the Revised 67043  
Code. 67044

(C)(1) An emergency medical service organization that wishes to be licensed as a terminal distributor of dangerous drugs shall list in its application for licensure the following additional information:

(a) The units under its control that the organization determines will possess dangerous drugs for the purpose of administering emergency medical services in accordance with Chapter 4765. of the Revised Code;

(b) With respect to each such unit, whether the dangerous drugs that the organization determines the unit will possess are in category I, II, or III.

(2) An emergency medical service organization that is licensed as a terminal distributor of dangerous drugs shall file a new application for such licensure if there is any change in the number, or location of, any of its units or any change in the category of the dangerous drugs that any unit will possess.

(3) A unit listed in an application for licensure pursuant to division (C)(1) of this section may obtain the dangerous drugs it is authorized to possess from its emergency medical service organization or, on a replacement basis, from a hospital pharmacy. If units will obtain dangerous drugs from a hospital pharmacy, the organization shall file, and maintain in current form, the following items with the pharmacist who is responsible for the hospital's terminal distributor of dangerous drugs license:

(a) A copy of its standing orders or protocol;

(b) A list of the personnel employed or used by the organization to provide emergency medical services in accordance with Chapter 4765. of the Revised Code, who are authorized to possess the drugs, which list also shall indicate the personnel who are authorized to administer the drugs.

(D) Each emergency medical service organization that applies

for a terminal distributor of dangerous drugs license shall submit 67076  
with its application the following: 67077

(1) A notarized copy of its standing orders or protocol, 67078  
which orders or protocol shall be signed by a physician and 67079  
specify the dangerous drugs that its units may carry, expressed in 67080  
standard dose units; 67081

(2) A list of the personnel employed or used by the 67082  
organization to provide emergency medical services in accordance 67083  
with Chapter 4765. of the Revised Code. 67084

An emergency medical service organization that is licensed as 67085  
a terminal distributor shall notify the board immediately of any 67086  
changes in its standing orders or protocol. 67087

(E) There shall be six categories of terminal distributor of 67088  
dangerous drugs licenses, which categories shall be as follows: 67089

(1) Category I license. A person who obtains this license may 67090  
possess, have custody or control of, and distribute only the 67091  
dangerous drugs described in category I. 67092

(2) Limited category I license. A person who obtains this 67093  
license may possess, have custody or control of, and distribute 67094  
only the dangerous drugs described in category I that were listed 67095  
in the application for licensure. 67096

(3) Category II license. A person who obtains this license 67097  
may possess, have custody or control of, and distribute only the 67098  
dangerous drugs described in category I and category II. 67099

(4) Limited category II license. A person who obtains this 67100  
license may possess, have custody or control of, and distribute 67101  
only the dangerous drugs described in category I or category II 67102  
that were listed in the application for licensure. 67103

(5) Category III license, which may include a pain management 67104  
clinic classification issued under section 4729.552 of the Revised 67105

Code. A person who obtains this license may possess, have custody 67106  
or control of, and distribute the dangerous drugs described in 67107  
category I, category II, and category III. If the license includes 67108  
a pain management clinic classification, the person may operate a 67109  
pain management clinic. 67110

(6) Limited category III license. A person who obtains this 67111  
license may possess, have custody or control of, and distribute 67112  
only the dangerous drugs described in category I, category II, or 67113  
category III that were listed in the application for licensure. 67114

(F) Except for an application made on behalf of an animal 67115  
shelter, if an applicant for licensure as a limited category I, 67116  
II, or III terminal distributor of dangerous drugs intends to 67117  
administer dangerous drugs to a person or animal, the applicant 67118  
shall submit, with the application, a notarized copy of its 67119  
protocol or standing orders, which protocol or orders shall be 67120  
signed by a licensed health professional authorized to prescribe 67121  
drugs, specify the dangerous drugs to be administered, and list 67122  
personnel who are authorized to administer the dangerous drugs in 67123  
accordance with federal law or the law of this state. An 67124  
application made on behalf of an animal shelter shall include a 67125  
notarized list of the dangerous drugs to be administered to 67126  
animals and the personnel who are authorized to administer the 67127  
drugs to animals in accordance with section 4729.532 of the 67128  
Revised Code. After obtaining a terminal distributor license, a 67129  
licensee shall notify the board immediately of any changes in its 67130  
protocol or standing orders, or in such personnel. 67131

(G)(1) Except as provided in division (G)(2) of this section, 67132  
each applicant for licensure as a terminal distributor of 67133  
dangerous drugs shall submit, with the application, a license fee 67134  
determined as follows: 67135

(a) For a category I or limited category I license, 67136  
forty-five dollars; 67137

(b) For a category II or limited category II license, one 67138  
hundred twelve dollars and fifty cents; 67139

(c) For a category III license, including a license with a 67140  
pain management clinic classification issued under section 67141  
4729.552 of the Revised Code, or a limited category III license, 67142  
one hundred fifty dollars. 67143

(2) For a professional association, corporation, partnership, 67144  
or limited liability company organized for the purpose of 67145  
practicing veterinary medicine, the fee shall be forty dollars. 67146

(3) Fees assessed under divisions (G)(1) and (2) of this 67147  
section shall not be returned if the applicant fails to qualify 67148  
for registration. 67149

(H)(1) The board shall issue a terminal distributor of 67150  
dangerous drugs license to each person who submits an application 67151  
for such licensure in accordance with this section, pays the 67152  
required license fee, is determined by the board to meet the 67153  
requirements set forth in section 4729.55 of the Revised Code, and 67154  
satisfies any other applicable requirements of this section. 67155

(2) The license of a person other than an emergency medical 67156  
service organization shall describe the one establishment or place 67157  
at which the licensee may engage in the sale or other distribution 67158  
of dangerous drugs at retail and maintain possession, custody, or 67159  
control of dangerous drugs for purposes other than the licensee's 67160  
own use or consumption and any place at which the person intends 67161  
to operate a remote dispensing system in accordance with section 67162  
4729.542 of the Revised Code. The one establishment or place and 67163  
any place at which the person intends to operate a remote 67164  
dispensing system shall be ~~that which is~~ those described in the 67165  
application for licensure. 67166

No such license shall authorize or permit the terminal 67167  
distributor of dangerous drugs named in it to engage in the sale 67168

or other distribution of dangerous drugs at retail or to maintain 67169  
possession, custody, or control of dangerous drugs for any purpose 67170  
other than the distributor's own use or consumption, at any 67171  
establishment or place other than ~~that~~ those described in the 67172  
license, except that an agent or employee of an animal shelter may 67173  
possess and use dangerous drugs in the course of business as 67174  
provided in division (D) of section 4729.532 of the Revised Code. 67175

(3) The license of an emergency medical service organization 67176  
shall cover and describe all the units of the organization listed 67177  
in its application for licensure. 67178

(4) The license of every terminal distributor of dangerous 67179  
drugs shall indicate, on its face, the category of licensure. If 67180  
the license is a limited category I, II, or III license, it shall 67181  
specify, and shall authorize the licensee to possess, have custody 67182  
or control of, and distribute only, the dangerous drugs that were 67183  
listed in the application for licensure. 67184

(I) All licenses issued pursuant to this section shall be 67185  
effective for a period of twelve months from the first day of 67186  
January of each year. A license shall be renewed by the board for 67187  
a like period, annually, according to the provisions of this 67188  
section, and the standard renewal procedure of Chapter 4745. of 67189  
the Revised Code. A person who desires to renew a license shall 67190  
submit an application for renewal and pay the required fee on or 67191  
before the thirty-first day of December each year. The fee 67192  
required for the renewal of a license shall be the same as the fee 67193  
paid for the license being renewed, and shall accompany the 67194  
application for renewal. 67195

A license that has not been renewed during December in any 67196  
year and by the first day of February of the following year may be 67197  
reinstated only upon payment of the required renewal fee and a 67198  
penalty fee of fifty-five dollars. 67199



(J)(1) No emergency medical service organization that is licensed as a terminal distributor of dangerous drugs shall fail to comply with division (C)(2) or (3) of this section.

(2) No emergency medical service organization that is licensed as a terminal distributor of dangerous drugs shall fail to comply with division (D) of this section.

(3) No licensed terminal distributor of dangerous drugs shall possess, have custody or control of, or distribute dangerous drugs that the terminal distributor is not entitled to possess, have custody or control of, or distribute by virtue of its category of licensure.

(4) No licensee that is required by division (F) of this section to notify the board of changes in its protocol or standing orders, or in personnel, shall fail to comply with that division.

**Sec. 4729.542.** (A) As used in this section, "remote dispensing system" means a mechanical system for dispensing drugs that is installed in a facility and communicates electronically with a pharmacy.

(B) A pharmacy licensed under this chapter as a terminal distributor of dangerous drugs may use a remote dispensing system to assist in the distribution of dangerous drugs at a nursing home or residential care facility licensed under Chapter 3721. of the Revised Code if all of the following requirements are met:

(1) The system has a documented and ongoing quality assurance program that monitors total system performance and requires one hundred per cent accuracy in drugs dispensed and their strength.

(2) The system has security adequate to prevent unauthorized access to dangerous drugs.

(3) Records kept by the system comply with requirements of the state board of pharmacy.

(C) A pharmacist licensed under this chapter is not required to maintain supervision and control of a remote dispensing system or be physically present at the facility where the system is used to dispense drugs. 67230  
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(D) As part of the quality assurance program required by division (B)(1) of this section, the facility where the remote dispensing system is located shall complete periodic audits of controlled substances dispensed through the system. 67234  
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**Sec. 4729.69.** (A) The state board of pharmacy, in collaboration with the director of ~~alcohol and drug addiction services~~ mental health and addiction services and attorney general, shall establish and administer a drug take-back program under which drugs are collected from the community for the purpose of destruction or disposal of the drugs. 67238  
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(B) The program shall be established and administered in such a manner that it does both of the following: 67244  
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(1) Complies with any state or federal laws regarding the collection, destruction, or disposal of drugs; 67246  
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(2) Maintains the confidentiality of individuals who submit or otherwise provide drugs under the program. 67248  
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(C) In consultation with the director of ~~alcohol and drug addiction services~~ mental health and addiction services and attorney general, the board shall adopt rules governing the program. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. In adopting the rules, the board shall specify all of the following: 67250  
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(1) The entities that may participate; 67256

(2) Guidelines and responsibilities for accepting drugs by participating entities; 67257  
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(3) Drugs that may be collected; 67259

(4) Record-keeping requirements;	67260
(5) Proper methods to destroy unused drugs;	67261
(6) Privacy protocols and security standards;	67262
(7) Drug transportation procedures;	67263
(8) The schedule, duration, and frequency of the collections of drugs, except that the first collection shall occur not later than one year after <del>the effective date of this section</del> <u>May 20,</u> <u>2011</u> ;	67264 67265 67266 67267
(9) Any other standards and procedures the board considers necessary for purposes of governing the program.	67268 67269
(D) In accordance with state and federal law, the board may adopt rules to allow an entity participating in the program to return any unused drugs to the pharmacy that originally dispensed the drug. The rules shall include procedures to be followed to maintain the confidentiality of the person for whom the drug was dispensed.	67270 67271 67272 67273 67274 67275
(E) Rules adopted under this section may not do any of the following:	67276 67277
(1) Require any entity to establish, fund, or operate a drug take-back program;	67278 67279
(2) Establish any new licensing requirement or fee to participate in the program;	67280 67281
(3) Require any entity to compile data on drugs collected.	67282
(F) The board may compile data on the amount and type of drugs collected under the program. For purposes of this division, the board may cooperate with a public or private entity in obtaining assistance in the compilation of data. An entity providing the assistance shall not be reimbursed under the program for any costs incurred in providing the assistance.	67283 67284 67285 67286 67287 67288

(G) If the board compiles data under division (F) of this section, the board shall submit a report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly. The report, to the extent possible, shall include the following information:

(1) Total weight of drugs collected, both with and without packaging;

(2) The weight of controlled substances;

(3) The amount of all of the following as a per cent of total drugs collected:

(a) Controlled substances;

(b) Brand name drugs;

(c) Generic drugs;

(d) Prescription drugs;

(e) Non-prescription drugs.

(4) The amount of vitamins, herbal supplements, and personal care products collected;

(5) If provided by the person who submitted or otherwise donated drugs to the program, the reasons why the drugs were returned or unused.

(H) No entity is required to participate in a drug take-back program established under this section, and no entity shall be subject to civil liability or professional disciplinary action for declining to participate.

(I) The board may accept grants, gifts, or donations for purposes of the program. Money received under this division shall be deposited into the drug take-back program fund established under section 109.90 of the Revised Code.

**Sec. 4729.80.** (A) If the state board of pharmacy establishes 67317  
and maintains a drug database pursuant to section 4729.75 of the 67318  
Revised Code, the board is authorized or required to provide 67319  
information from the database in accordance with the following: 67320

(1) On receipt of a request from a designated representative 67321  
of a government entity responsible for the licensure, regulation, 67322  
or discipline of health care professionals with authority to 67323  
prescribe, administer, or dispense drugs, the board may provide to 67324  
the representative information from the database relating to the 67325  
professional who is the subject of an active investigation being 67326  
conducted by the government entity. 67327

(2) On receipt of a request from a federal officer, or a 67328  
state or local officer of this or any other state, whose duties 67329  
include enforcing laws relating to drugs, the board shall provide 67330  
to the officer information from the database relating to the 67331  
person who is the subject of an active investigation of a drug 67332  
abuse offense, as defined in section 2925.01 of the Revised Code, 67333  
being conducted by the officer's employing government entity. 67334

(3) Pursuant to a subpoena issued by a grand jury, the board 67335  
shall provide to the grand jury information from the database 67336  
relating to the person who is the subject of an investigation 67337  
being conducted by the grand jury. 67338

(4) Pursuant to a subpoena, search warrant, or court order in 67339  
connection with the investigation or prosecution of a possible or 67340  
alleged criminal offense, the board shall provide information from 67341  
the database as necessary to comply with the subpoena, search 67342  
warrant, or court order. 67343

(5) On receipt of a request from a prescriber or the 67344  
prescriber's delegate approved by the board, the board may provide 67345  
to the prescriber information from the database relating to a 67346  
patient who is either of the following, if the prescriber 67347

certifies in a form specified by the board that it is for the 67348  
purpose of providing medical treatment to the patient who is the 67349  
subject of the request; 67350

(a) A current patient of the prescriber; 67351

(b) A potential patient of the prescriber based on a referral 67352  
of the patient to the prescriber. 67353

(6) On receipt of a request from a pharmacist or the 67354  
pharmacist's delegate approved by the board, the board may provide 67355  
to the pharmacist information from the database relating to a 67356  
current patient of the pharmacist, if the pharmacist certifies in 67357  
a form specified by the board that it is for the purpose of the 67358  
pharmacist's practice of pharmacy involving the patient who is the 67359  
subject of the request. 67360

(7) On receipt of a request from an individual seeking the 67361  
individual's own database information in accordance with the 67362  
procedure established in rules adopted under section 4729.84 of 67363  
the Revised Code, the board may provide to the individual the 67364  
individual's own database information. 67365

(8) On receipt of a request from the medical director of a 67366  
managed care organization that has entered into a data security 67367  
agreement with the board required by section ~~5111.1710~~ 5167.14 of 67368  
the Revised Code, the board ~~may~~ shall provide to the medical 67369  
director information from the database relating to a medicaid 67370  
recipient enrolled in the managed care organization, including 67371  
information in the database related to prescriptions for the 67372  
recipient that were not covered or reimbursed under a program 67373  
administered by the department of medicaid. 67374

(9) On receipt of a request from the medicaid director ~~of job~~ 67375  
~~and family services~~, the board ~~may~~ shall provide to the director 67376  
information from the database relating to a recipient of a program 67377  
administered by the department of ~~job and family services~~ 67378

medicaid, including information in the database related to 67379  
prescriptions for the recipient that were not covered or paid by a 67380  
program administered by the department. 67381

(10) On receipt of a request from the administrator of 67382  
workers' compensation, the board may provide to the administrator 67383  
information from the database relating to a claimant under Chapter 67384  
4121., 4123., 4127., or 4131. of the Revised Code. 67385

(11) On receipt of a request from a requestor described in 67386  
division (A)(1), (2), (5), or (6) of this section who is from or 67387  
participating with another state's prescription monitoring 67388  
program, the board may provide to the requestor information from 67389  
the database, but only if there is a written agreement under which 67390  
the information is to be used and disseminated according to the 67391  
laws of this state. 67392

(B) The state board of pharmacy shall maintain a record of 67393  
each individual or entity that requests information from the 67394  
database pursuant to this section. In accordance with rules 67395  
adopted under section 4729.84 of the Revised Code, the board may 67396  
use the records to document and report statistics and law 67397  
enforcement outcomes. 67398

The board may provide records of an individual's requests for 67399  
database information to the following: 67400

(1) A designated representative of a government entity that 67401  
is responsible for the licensure, regulation, or discipline of 67402  
health care professionals with authority to prescribe, administer, 67403  
or dispense drugs who is involved in an active investigation being 67404  
conducted by the government entity of the individual who submitted 67405  
the requests for database information; 67406

(2) A federal officer, or a state or local officer of this or 67407  
any other state, whose duties include enforcing laws relating to 67408  
drugs and who is involved in an active investigation being 67409

conducted by the officer's employing government entity of the 67410  
individual who submitted the requests for database information. 67411

(C) Information contained in the database and any information 67412  
obtained from it is not a public record. Information contained in 67413  
the records of requests for information from the database is not a 67414  
public record. Information that does not identify a person may be 67415  
released in summary, statistical, or aggregate form. 67416

(D) A pharmacist or prescriber shall not be held liable in 67417  
damages to any person in any civil action for injury, death, or 67418  
loss to person or property on the basis that the pharmacist or 67419  
prescriber did or did not seek or obtain information from the 67420  
database. 67421

**Sec. 4729.81.** If the state board of pharmacy establishes and 67422  
maintains a drug database pursuant to section 4729.75 of the 67423  
Revised Code, the board shall review the information in the drug 67424  
database. If the board determines from the review that a violation 67425  
of law may have occurred, it shall notify the appropriate law 67426  
enforcement agency or a government entity responsible for the 67427  
licensure, regulation, or discipline of licensed health 67428  
professionals authorized to prescribe drugs and supply information 67429  
required by the agency or entity for an investigation of the 67430  
violation of law that may have occurred. The board also shall 67431  
notify the medicaid director if the board determines that the 67432  
violation may have been committed by a provider of services under 67433  
a program administered by the department of medicaid. 67434

**Sec. 4729.99.** (A) Whoever violates section 4729.16, division 67435  
(A) or (B) of section 4729.38, or section 4729.57 of the Revised 67436  
Code is guilty of a minor misdemeanor. Each day's violation 67437  
constitutes a separate offense. 67438

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 of 67439



the Revised Code is guilty of a misdemeanor of the third degree. 67440  
Each day's violation constitutes a separate offense. If the 67441  
offender previously has been convicted of or pleaded guilty to a 67442  
violation of this chapter, that person is guilty of a misdemeanor 67443  
of the second degree. 67444

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 of 67445  
the Revised Code is guilty of a misdemeanor. 67446

(D) Whoever violates division (A), (B), (D), or ~~(E)~~(F) of 67447  
section 4729.51 of the Revised Code is guilty of a misdemeanor of 67448  
the first degree. 67449

(E)(1) Whoever violates section 4729.37, division (C)(2) of 67450  
section 4729.51, division (J) of section 4729.54, or section 67451  
4729.61 of the Revised Code is guilty of a felony of the fifth 67452  
degree. If the offender previously has been convicted of or 67453  
pleaded guilty to a violation of this chapter or a violation of 67454  
Chapter 2925. or 3719. of the Revised Code, that person is guilty 67455  
of a felony of the fourth degree. 67456

(2) If an offender is convicted of or pleads guilty to a 67457  
violation of section 4729.37, division (C) of section 4729.51, 67458  
division (J) of section 4729.54, or section 4729.61 of the Revised 67459  
Code, if the violation involves the sale, offer to sell, or 67460  
possession of a schedule I or II controlled substance, with the 67461  
exception of marihuana, and if the court imposing sentence upon 67462  
the offender finds that the offender as a result of the violation 67463  
is a major drug offender, as defined in section 2929.01 of the 67464  
Revised Code, and is guilty of a specification of the type 67465  
described in section 2941.1410 of the Revised Code, the court, in 67466  
lieu of the prison term authorized or required by division (E)(1) 67467  
of this section and sections 2929.13 and 2929.14 of the Revised 67468  
Code and in addition to any other sanction imposed for the offense 67469  
under sections 2929.11 to 2929.18 of the Revised Code, shall 67470  
impose upon the offender, in accordance with division (B)(3) of 67471

section 2929.14 of the Revised Code, the mandatory prison term 67472  
specified in that division. 67473

(3) Notwithstanding any contrary provision of section 3719.21 67474  
of the Revised Code, the clerk of court shall pay any fine imposed 67475  
for a violation of section 4729.37, division (C) of section 67476  
4729.51, division (J) of section 4729.54, or section 4729.61 of 67477  
the Revised Code pursuant to division (A) of section 2929.18 of 67478  
the Revised Code in accordance with and subject to the 67479  
requirements of division (F) of section 2925.03 of the Revised 67480  
Code. The agency that receives the fine shall use the fine as 67481  
specified in division (F) of section 2925.03 of the Revised Code. 67482

(F) Whoever violates section 4729.531 of the Revised Code or 67483  
any rule adopted thereunder or section 4729.532 of the Revised 67484  
Code is guilty of a misdemeanor of the first degree. 67485

(G) Whoever violates division (C)(1) of section 4729.51 of 67486  
the Revised Code is guilty of a felony of the fourth degree. If 67487  
the offender has previously been convicted of or pleaded guilty to 67488  
a violation of this chapter, or of a violation of Chapter 2925. or 67489  
3719. of the Revised Code, that person is guilty of a felony of 67490  
the third degree. 67491

(H) Whoever violates division (C)(3) of section 4729.51 of 67492  
the Revised Code is guilty of a misdemeanor of the first degree. 67493  
If the offender has previously been convicted of or pleaded guilty 67494  
to a violation of this chapter, or of a violation of Chapter 2925. 67495  
or 3719. of the Revised Code, that person is guilty of a felony of 67496  
the fifth degree. 67497

(I)(1) Whoever violates division (B) of section 4729.42 of 67498  
the Revised Code is guilty of unauthorized pharmacy-related drug 67499  
conduct. Except as otherwise provided in this section, 67500  
unauthorized pharmacy-related drug conduct is a misdemeanor of the 67501  
second degree. If the offender previously has been convicted of or 67502

pleaded guilty to a violation of division (B), (C), (D), or (E) of 67503  
that section, unauthorized pharmacy-related drug conduct is a 67504  
misdemeanor of the first degree on a second offense and a felony 67505  
of the fifth degree on a third or subsequent offense. 67506

(2) Whoever violates division (C) or (D) of section 4729.42 67507  
of the Revised Code is guilty of permitting unauthorized 67508  
pharmacy-related drug conduct. Except as otherwise provided in 67509  
this section, permitting unauthorized pharmacy-related drug 67510  
conduct is a misdemeanor of the second degree. If the offender 67511  
previously has been convicted of or pleaded guilty to a violation 67512  
of division (B), (C), (D), or (E) of that section, permitting 67513  
unauthorized pharmacy-related drug conduct is a misdemeanor of the 67514  
first degree on a second offense and a felony of the fifth degree 67515  
on a third or subsequent offense. 67516

(3) Whoever violates division (E) of section 4729.42 of the 67517  
Revised Code is guilty of the offense of falsification under 67518  
section 2921.13 of the Revised Code. In addition to any other 67519  
sanction imposed for the violation, the offender is forever 67520  
disqualified from engaging in any activity specified in division 67521  
(B)(1), (2), or (3) of section 4729.42 of the Revised Code and 67522  
from performing any function as a health care professional or 67523  
health care worker. As used in this division, "health care 67524  
professional" and "health care worker" have the same meanings as 67525  
in section 2305.234 of the Revised Code. 67526

(4) Notwithstanding any contrary provision of section 3719.21 67527  
of the Revised Code or any other provision of law that governs the 67528  
distribution of fines, the clerk of the court shall pay any fine 67529  
imposed pursuant to division (I)(1), (2), or (3) of this section 67530  
to the state board of pharmacy if the board has adopted a written 67531  
internal control policy under division (F)(2) of section 2925.03 67532  
of the Revised Code that addresses fine moneys that it receives 67533  
under Chapter 2925. of the Revised Code and if the policy also 67534

addresses fine moneys paid under this division. The state board of 67535  
pharmacy shall use the fines so paid in accordance with the 67536  
written internal control policy to subsidize the board's law 67537  
enforcement efforts that pertain to drug offenses. 67538

(J)(1) Whoever violates division (A)(1) of section 4729.86 of 67539  
the Revised Code is guilty of a misdemeanor of the third degree. 67540  
If the offender has previously been convicted of or pleaded guilty 67541  
to a violation of division (A)(1), (2), or (3) of section 4729.86 67542  
of the Revised Code, that person is guilty of a misdemeanor of the 67543  
first degree. 67544

(2) Whoever violates division (A)(2) of section 4729.86 of 67545  
the Revised Code is guilty of a misdemeanor of the first degree. 67546  
If the offender has previously been convicted of or pleaded guilty 67547  
to a violation of division (A)(1), (2), or (3) of section 4729.86 67548  
of the Revised Code, that person is guilty of a felony of the 67549  
fifth degree. 67550

(3) Whoever violates division (A)(3) of section 4729.86 of 67551  
the Revised Code is guilty of a felony of the fifth degree. If the 67552  
offender has previously been convicted of or pleaded guilty to a 67553  
violation of division (A)(1), (2), or (3) of section 4729.86 of 67554  
the Revised Code, that person is guilty of a felony of the fourth 67555  
degree. 67556

(K) A person who violates division (C) of section 4729.552 of 67557  
the Revised Code is guilty of a misdemeanor of the first degree. 67558  
If the person previously has been convicted of or pleaded guilty 67559  
to a violation of division (C) of section 4729.552 of the Revised 67560  
Code, that person is guilty of a felony of the fifth degree. 67561

**Sec. 4730.411.** (A) Except as provided in division (B) or (C) 67562  
of this section, a physician assistant may prescribe to a patient 67563  
a schedule II controlled substance only if all of the following 67564  
are the case: 67565

(1) The patient is in a terminal condition, as defined in section 2133.01 of the Revised Code. 67566  
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(2) The physician assistant's supervising physician initially prescribed the substance for the patient. 67568  
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(3) The prescription is for an amount that does not exceed the amount necessary for the patient's use in a single, twenty-four-hour period. 67570  
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(B) The restrictions on prescriptive authority in division (A) of this section do not apply if a physician assistant issues the prescription to the patient from any of the following locations: 67573  
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(1) A hospital registered under section 3701.07 of the Revised Code; 67577  
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(2) An entity owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals; 67579  
67580  
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(3) A health care facility operated by the department of mental health or the department of developmental disabilities; 67582  
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(4) A nursing home or residential care facility licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code; 67584  
67585  
67586

(5) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program; 67587  
67588  
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(6) A hospice care program, as defined in section 3712.01 of the Revised Code; 67590  
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(7) A community mental health agency services provider, as defined in section 5122.01 of the Revised Code; 67592  
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(8) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code; 67594  
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(9) A freestanding birthing center, as defined in section 3702.51 of the Revised Code;	67596 67597
(10) A federally qualified health center, as defined in section 3701.047 of the Revised Code;	67598 67599
(11) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	67600 67601
(12) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	67602 67603 67604 67605
(13) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the physician assistant has entered into a supervisory agreement with at least one of the physician owners who practices primarily at that site.	67606 67607 67608 67609 67610 67611
(C) A physician assistant shall not issue to a patient a prescription for a schedule II controlled substance from a convenience care clinic even if the convenience care clinic is owned or operated by an entity specified in division (B) of this section.	67612 67613 67614 67615 67616
(D) A pharmacist who acts in good faith reliance on a prescription issued by a physician assistant under division (B) of this section is not liable for or subject to any of the following for relying on the prescription: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action by the state board of pharmacy under Chapter 4729. of the Revised Code.	67617 67618 67619 67620 67621 67622 67623
<b>Sec. 4731.151.</b> (A) Naprapaths who received a certificate to practice from the board prior to March 2, 1992, may continue to	67624 67625

practice naprapathy, as defined in rules adopted by the board. 67626  
Such naprapaths shall practice in accordance with rules adopted by 67627  
the board. 67628

(B)(1) As used in this division: 67629

(a) "Mechanotherapy" means all of the following: 67630

(i) Examining patients by verbal inquiry; 67631

(ii) Examination of the musculoskeletal system by hand; 67632

(iii) Visual inspection and observation; 67633

(iv) Diagnosing a patient's condition only as to whether the 67634  
patient has a disorder of the musculoskeletal system; 67635

(v) In the treatment of patients, employing the techniques of 67636  
advised or supervised exercise; electrical neuromuscular 67637  
stimulation; massage or manipulation; or air, water, heat, cold, 67638  
sound, or infrared ray therapy only to those disorders of the 67639  
musculoskeletal system that are amenable to treatment by such 67640  
techniques and that are identifiable by examination performed in 67641  
accordance with division (B)(1)(a)(i) of this section and 67642  
diagnosable in accordance with division (B)(1)(a)(ii) of this 67643  
section. 67644

(b) "Educational requirements" means the completion of a 67645  
course of study appropriate for certification to practice 67646  
mechanotherapy on or before November 3, 1985, as determined by 67647  
rules adopted under this chapter. 67648

(2) Mechanotherapists who received a certificate to practice 67649  
from the board prior to March 2, 1992, may continue to practice 67650  
mechanotherapy, as defined in rules adopted by the board. Such 67651  
mechanotherapists shall practice in accordance with rules adopted 67652  
by the board. 67653

A person authorized by this division to practice as a 67654  
mechanotherapist may examine, diagnose, and assume responsibility 67655

for the care of patients with due regard for first aid and the 67656  
hygienic and nutritional care of the patients. Roentgen rays shall 67657  
be used by a mechanotherapist only for diagnostic purposes. 67658

(3) A person who holds a certificate to practice 67659  
mechanotherapy and completed educational requirements in 67660  
mechanotherapy on or before November 3, 1985, is entitled to use 67661  
the title "doctor of mechanotherapy" and is a "physician" who 67662  
performs "medical services" for the purposes of Chapters 4121. and 67663  
4123. of the Revised Code and the medicaid program ~~established~~ 67664  
~~under section 5111.01 of the Revised Code~~, and shall receive 67665  
payment or reimbursement as provided under those chapters and that 67666  
~~section~~ program. 67667

**Sec. 4731.23.** (A)(1)(a) The state medical board shall 67668  
designate one or more attorneys at law who have been admitted to 67669  
the practice of law, and who are classified as either 67670  
administrative law attorney examiners or as administrative law 67671  
attorney examiner administrators under the state job 67672  
classification plan adopted under section 124.14 of the Revised 67673  
Code, as hearing examiners, subject to Chapter 119. of the Revised 67674  
Code, to conduct any hearing which the medical board is empowered 67675  
to hold or undertake pursuant to Chapter 119. of the Revised Code. 67676

(b) Notwithstanding the requirement of division (A)(1)(a) of 67677  
this section that the board designate as a hearing examiner an 67678  
attorney who is classified as either an administrative law 67679  
attorney examiner or an administrative law attorney examiner 67680  
administrator, the board may, subject to ~~controlling board~~ 67681  
~~approval~~ section 127.16 of the Revised Code, enter into a personal 67682  
service contract with an attorney admitted to the practice of law 67683  
in this state to serve on a temporary basis as a hearing examiner. 67684

(2) The hearing examiner shall hear and consider the oral and 67685  
documented evidence introduced by the parties and issue in writing 67686



proposed findings of fact and conclusions of law to the board for 67687  
their consideration within thirty days following the close of the 67688  
hearing. 67689

(B) The board shall be given copies of the transcript of the 67690  
record hearing and all exhibits and documents presented by the 67691  
parties at the hearing. 67692

(C) The board shall, upon the favorable vote of three 67693  
members, allow the parties or their counsel the opportunity to 67694  
present oral arguments on the proposed findings of fact and 67695  
conclusions of law of the hearing examiner prior to the board's 67696  
final action. 67697

(D) The board shall render a decision and take action within 67698  
sixty days following the receipt of the hearing examiner's 67699  
proposed findings of fact and conclusions of law or within any 67700  
longer period mutually agreed upon by the board and the 67701  
certificate holder. 67702

(E) The final decision of the board in any hearing which the 67703  
board is empowered to undertake shall be in writing and contain 67704  
findings of fact and conclusions of law. Copies of the decision 67705  
shall be delivered to the parties personally or by certified mail. 67706  
The decision shall be final upon delivery or mailing, except that 67707  
the certificate holder may appeal in the manner provided by 67708  
Chapter 119. of the Revised Code. 67709

**Sec. 4731.65.** As used in sections 4731.65 to 4731.71 of the 67710  
Revised Code: 67711

(A)(1) "Clinical laboratory services" means either of the 67712  
following: 67713

(a) Any examination of materials derived from the human body 67714  
for the purpose of providing information for the diagnosis, 67715  
prevention, or treatment of any disease or impairment or for the 67716

assessment of health; 67717

(b) Procedures to determine, measure, or otherwise describe 67718  
the presence or absence of various substances or organisms in the 67719  
body. 67720

(2) "Clinical laboratory services" does not include the mere 67721  
collection or preparation of specimens. 67722

(B) "Designated health services" means any of the following: 67723

(1) Clinical laboratory services; 67724

(2) Home health care services; 67725

(3) Outpatient prescription drugs. 67726

(C) "Fair market value" means the value in arms-length 67727  
transactions, consistent with general market value and: 67728

(1) With respect to rentals or leases, the value of rental 67729  
property for general commercial purposes, not taking into account 67730  
its intended use; 67731

(2) With respect to a lease of space, not adjusted to reflect 67732  
the additional value the prospective lessee or lessor would 67733  
attribute to the proximity or convenience to the lessor if the 67734  
lessor is a potential source of referrals to the lessee. 67735

(D) "Governmental healthcare program" means any program 67736  
providing health care benefits that is administered by the federal 67737  
government, this state, or a political subdivision of this state, 67738  
including the medicare program ~~established under Title XVIII of~~ 67739  
~~the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301,~~ 67740  
~~as amended,~~ health care coverage for public employees, health care 67741  
benefits administered by the bureau of workers' compensation, and 67742  
the medicaid program ~~established under Chapter 5111. of the~~ 67743  
~~Revised Code.~~ 67744

(E)(1) "Group practice" means a group of two or more holders 67745  
of certificates under this chapter legally organized as a 67746

partnership, professional corporation or association, limited 67747  
liability company, foundation, nonprofit corporation, faculty 67748  
practice plan, or similar group practice entity, including an 67749  
organization comprised of a nonprofit medical clinic that 67750  
contracts with a professional corporation or association of 67751  
physicians to provide medical services exclusively to patients of 67752  
the clinic in order to comply with section 1701.03 of the Revised 67753  
Code and including a corporation, limited liability company, 67754  
partnership, or professional association described in division (B) 67755  
of section 4731.226 of the Revised Code formed for the purpose of 67756  
providing a combination of the professional services of 67757  
optometrists who are licensed, certificated, or otherwise legally 67758  
authorized to practice optometry under Chapter 4725. of the 67759  
Revised Code, chiropractors who are licensed, certificated, or 67760  
otherwise legally authorized to practice chiropractic or 67761  
acupuncture under Chapter 4734. of the Revised Code, psychologists 67762  
who are licensed, certificated, or otherwise legally authorized to 67763  
practice psychology under Chapter 4732. of the Revised Code, 67764  
registered or licensed practical nurses who are licensed, 67765  
certificated, or otherwise legally authorized to practice nursing 67766  
under Chapter 4723. of the Revised Code, pharmacists who are 67767  
licensed, certificated, or otherwise legally authorized to 67768  
practice pharmacy under Chapter 4729. of the Revised Code, 67769  
physical therapists who are licensed, certificated, or otherwise 67770  
legally authorized to practice physical therapy under sections 67771  
4755.40 to 4755.56 of the Revised Code, occupational therapists 67772  
who are licensed, certificated, or otherwise legally authorized to 67773  
practice occupational therapy under sections 4755.04 to 4755.13 of 67774  
the Revised Code, mechanotherapists who are licensed, 67775  
certificated, or otherwise legally authorized to practice 67776  
mechanotherapy under section 4731.151 of the Revised Code, and 67777  
doctors of medicine and surgery, osteopathic medicine and surgery, 67778  
or podiatric medicine and surgery who are licensed, certificated, 67779

or otherwise legally authorized for their respective practices 67780  
under this chapter, to which all of the following apply: 67781

(a) Each physician who is a member of the group practice 67782  
provides substantially the full range of services that the 67783  
physician routinely provides, including medical care, 67784  
consultation, diagnosis, or treatment, through the joint use of 67785  
shared office space, facilities, equipment, and personnel. 67786

(b) Substantially all of the services of the members of the 67787  
group are provided through the group and are billed in the name of 67788  
the group and amounts so received are treated as receipts of the 67789  
group. 67790

(c) The overhead expenses of and the income from the practice 67791  
are distributed in accordance with methods previously determined 67792  
by members of the group. 67793

(d) The group practice meets any other requirements that the 67794  
state medical board applies in rules adopted under section 4731.70 67795  
of the Revised Code. 67796

(2) In the case of a faculty practice plan associated with a 67797  
hospital with a medical residency training program in which 67798  
physician members may provide a variety of specialty services and 67799  
provide professional services both within and outside the group, 67800  
as well as perform other tasks such as research, the criteria in 67801  
division (E)(1) of this section apply only with respect to 67802  
services rendered within the faculty practice plan. 67803

(F) "Home health care services" and "immediate family" have 67804  
the same meanings as in the rules adopted under section 4731.70 of 67805  
the Revised Code. 67806

(G) "Hospital" has the same meaning as in section 3727.01 of 67807  
the Revised Code. 67808

(H) A "referral" includes both of the following: 67809

(1) A request by a holder of a certificate under this chapter 67810  
for an item or service, including a request for a consultation 67811  
with another physician and any test or procedure ordered by or to 67812  
be performed by or under the supervision of the other physician; 67813

(2) A request for or establishment of a plan of care by a 67814  
certificate holder that includes the provision of designated 67815  
health services. 67816

(I) "Third-party payer" has the same meaning as in section 67817  
3901.38 of the Revised Code. 67818

**Sec. 4731.71.** The auditor of state may implement procedures 67819  
to detect violations of section 4731.66 or 4731.69 of the Revised 67820  
Code within governmental health care programs administered by the 67821  
state. The auditor of state shall report any violation of either 67822  
section to the state medical board and shall certify to the 67823  
attorney general in accordance with section 131.02 of the Revised 67824  
Code the amount of any refund owed to a state-administered 67825  
governmental health care program under section 4731.69 of the 67826  
Revised Code as a result of a violation. If a refund is owed to 67827  
the medicaid program ~~established under Chapter 5111. of the~~ 67828  
~~Revised Code,~~ the auditor of state also shall report the amount to 67829  
the department of ~~job and family services~~ medicaid. 67830

The state medical board also may implement procedures to 67831  
detect violations of section 4731.66 or 4731.69 of the Revised 67832  
Code. 67833

**Sec. 4734.41.** (A) As used in this section: 67834

(1) "Chemical dependency" means either of the following: 67835

(a) The chronic and habitual use of alcoholic beverages to 67836  
the extent that the user no longer can control the use of alcohol 67837  
or endangers the user's health, safety, or welfare or that of 67838  
others; 67839

(b) The use of a controlled substance as defined in section 67840  
3719.01 of the Revised Code, a harmful intoxicant as defined in 67841  
section 2925.01 of the Revised Code, or a dangerous drug as 67842  
defined in section 4729.01 of the Revised Code, to the extent that 67843  
the user becomes physically or psychologically dependent on the 67844  
substance, intoxicant, or drug or endangers the user's health, 67845  
safety, or welfare or that of others. 67846

(2) "Mental illness" means a recognized psychiatric or 67847  
psychological condition, disorder, or syndrome that has been 67848  
diagnosed by a psychiatrist, psychologist, professional clinical 67849  
counselor, or independent social worker as a condition, disorder, 67850  
or syndrome that may pose a danger to the person diagnosed or 67851  
others or may prevent the person from practicing the person's 67852  
profession according to acceptable and prevailing standards of 67853  
care. 67854

(B) The state chiropractic board shall establish a chemical 67855  
dependency and mental illness monitoring program. The program 67856  
shall be made available to any individual under the board's 67857  
jurisdiction who has a chemical dependency or mental illness and 67858  
meets the board's eligibility requirements for admission to and 67859  
continued participation in the program. The board shall develop 67860  
the program and may designate a coordinator to administer it or 67861  
enter into a contract for the program to be administered by 67862  
another entity through a coordinator. The board shall adopt rules 67863  
in accordance with Chapter 119. of the Revised Code that establish 67864  
standards and procedure for operating the program. 67865

(C) Except as provided in division (D) of this section, all 67866  
records of an individual's participation in the monitoring 67867  
program, including medical records, chemical dependency records, 67868  
and mental health records, shall be confidential, are not public 67869  
records for the purposes of section 149.43 of the Revised Code, 67870  
and are not subject to discovery by subpoena or ~~admissible~~ 67871

admissible as evidence in any judicial proceeding. The program 67872  
coordinator shall maintain all records as directed by the board. 67873

(D) The monitoring program's coordinator may disclose records 67874  
or information regarding an individual's progress and status of 67875  
participation in the program to the disciplinary section of the 67876  
board and to any person or government entity that the program 67877  
participant authorizes in writing to be given the records or 67878  
information. 67879

In disclosing records or information under this division, the 67880  
coordinator shall not include any record or information that is 67881  
protected under section ~~3793.13~~ 5119.27 of the Revised Code or any 67882  
federal statute or regulation that provides for the 67883  
confidentiality of mental health or substance abuse records. 67884

(E) In the absence of fraud or bad faith, the monitoring 67885  
program's coordinator, the board and the board's employees and 67886  
representatives are not liable for damages in any civil action as 67887  
a result of disclosing records or information in accordance with 67888  
division (D) of this section. In the absence of fraud or bad 67889  
faith, any person reporting to the program an individual's 67890  
chemical dependency or mental illness, or the progress or lack of 67891  
progress of that individual with regard to treatment, is not 67892  
liable for damages in any civil action as a result of the report. 67893

(F) The board may abstain from taking formal disciplinary 67894  
action under section 4734.31 of the Revised Code against an 67895  
individual because of the individual's chemical dependency or 67896  
mental illness, if the individual meets the eligibility 67897  
requirements for admission into the monitoring program and all of 67898  
the following occur: 67899

(1) The individual enters into a monitoring agreement with 67900  
the coordinator of the program; 67901

(2) The individual complies with the terms and conditions for 67902

continued participation in the program, as specified in the 67903  
monitoring agreement; 67904

(3) The individual successfully completes the terms and 67905  
conditions of the monitoring agreement, including the condition 67906  
that the individual attain the ability to practice in accordance 67907  
with acceptable and prevailing standards of care applicable to the 67908  
practice of chiropractic. 67909

**Sec. 4745.01.** (A) "Standard renewal procedure," as used in 67910  
Chapters 905., 907., 909., 911., 913., 915., 918., 921., 923., 67911  
927., 942., 943., 953., 1321., 3710., 3713., 3719., 3742., 3748., 67912  
3769., 3783., 3921., 3951., 4104., 4105., ~~4143.~~ 4169., 4561., 67913  
4703., 4707., 4709., 4713., 4715., 4717., 4723., 4725., 4727., 67914  
4728., 4729., 4731., 4733., 4734., 4735., 4739., 4741., 4747., 67915  
4749., 4752., 4753., 4755., 4757., 4758., 4759., 4761., 4766., 67916  
4773., and 4775. of the Revised Code, means the license renewal 67917  
procedures specified in this chapter. 67918

(B) "Licensing agency," as used in this chapter, means any 67919  
department, division, board, section of a board, or other state 67920  
governmental unit subject to the standard renewal procedure, as 67921  
defined in this section, and authorized by the Revised Code to 67922  
issue a license to engage in a specific profession, occupation, or 67923  
occupational activity, or to have charge of and operate certain 67924  
specified equipment, machinery, or premises. 67925

(C) "License," as used in this chapter, means a license, 67926  
certificate, permit, card, or other authority issued or conferred 67927  
by a licensing agency by authority of which the licensee has or 67928  
claims the privilege to engage in the profession, occupation, or 67929  
occupational activity, or to have control of and operate certain 67930  
specific equipment, machinery, or premises, over which the 67931  
licensing agency has jurisdiction. 67932

(D) "Licensee," as used in this chapter, means either the 67933



person to whom the license is issued or renewed by a licensing 67934  
agency, or the person, partnership, or corporation at whose 67935  
request the license is issued or renewed. 67936

(E) "Renewal" and "renewed," as used in this chapter and in 67937  
the chapters of the Revised Code specified in division (A) of this 67938  
section, includes the continuing licensing procedure provided in 67939  
Chapter 3748. of the Revised Code and rules adopted under it and 67940  
in sections 1321.05 and 3921.33 of the Revised Code, and as 67941  
applied to those continuing licenses any reference in this chapter 67942  
to the date of expiration of any license shall be construed to 67943  
mean the due date of the annual or other fee for the continuing 67944  
license. 67945

**Sec. 4751.01.** As used in sections 4751.01 to ~~4751.11~~ 4751.13 67946  
of the Revised Code: 67947

(A) "Long-term services and supports settings" means any 67948  
institutional or community-based setting in which medical, health, 67949  
psycho-social, habilitative, rehabilitative, or personal care 67950  
services are provided to individuals on a post-acute care basis. 67951

(B) "Nursing home administrator" means any individual 67952  
responsible for planning, organizing, directing, and managing the 67953  
operation of a nursing home, or who in fact performs such 67954  
function, whether or not such functions and duties are shared by 67955  
one or more other persons. 67956

~~(B)~~(C) "Nursing home" means a nursing home as defined by or 67957  
under the authority of section 3721.01 of the Revised Code, or a 67958  
nursing home operated by a governmental agency. 67959

~~(C)~~(D) "Temporary license" means a license for a period not 67960  
to exceed one hundred eighty days issued pursuant to division (B) 67961  
of section 4751.06 of the Revised Code. 67962

~~(D)~~(E) "Valid license" means a license which is current and 67963

in good standing. 67964

**Sec. 4751.02.** (A) No person shall operate a nursing home 67965  
unless it is under the supervision of an administrator whose 67966  
principal occupation is nursing home administration or hospital 67967  
administration and who holds a valid nursing home administrator's 67968  
license and registration, or a temporary license, issued pursuant 67969  
to Chapter 4751. of the Revised Code. 67970

(B) No person other than a licensed and registered nursing 67971  
home administrator or person holding a temporary license as 67972  
required by Chapter 4751. of the Revised Code shall practice or 67973  
offer to practice nursing home administration in this state. All 67974  
nursing home administrators and temporary licensees shall comply 67975  
with Chapter 4751. of the Revised Code and the regulations adopted 67976  
thereunder. 67977

(C) Every operator of a nursing home shall report to the 67978  
board of ~~examiners~~ executives of ~~nursing home administrators~~ 67979  
long-term services and supports the name and license number of 67980  
each nursing home administrator for said home within ten days 67981  
after the operator engages a nursing home administrator, and 67982  
within ten days after a nursing home administrator is no longer 67983  
engaged as such by such operator for said home. 67984

(D) Each individual who holds a nursing home administrator 67985  
license or temporary license shall report ~~his~~ the individual's 67986  
residence mailing address and the name and address of each place 67987  
of employment to the board within ten days after any change. 67988

**Sec. 4751.03.** (A) There is hereby established in the 67989  
department of health aging a board of ~~examiners~~ executives of 67990  
~~nursing home administrators~~ long-term services and supports, which 67991  
board shall be composed of ~~nine~~ the following eleven members, 67992  
~~eight of whom shall be representative of the professions and~~ 67993

~~institutions concerned with care and treatment of chronically ill 67994  
or infirm aged patients, and one of whom shall be a public member 67995  
at least sixty years of age, provided that less than a majority of 67996  
the board members shall be representative of a single profession 67997  
or institutional category, and provided further that a person 67998  
appointed as a noninstitutional member shall neither have nor 67999  
acquire any direct financial interest in a nursing home. For 68000  
purposes of this section, nursing home administrators are 68001  
considered representatives of institutions. 68002~~

~~Four members shall be nursing home administrators, owners of 68003  
nursing homes or an officer of a corporation owning a nursing 68004  
home. The director of health or his designated representative 68005  
shall be a member. All: 68006~~

~~(1) Four members who are nursing home administrators, owners 68007  
of nursing homes, or officers of corporations owning nursing 68008  
homes, and who shall have an understanding of person-centered 68009  
care, and experience with a range of long-term services and 68010  
supports settings; 68011~~

~~(2) Three members who work in long-term services and supports 68012  
settings that are not nursing homes, and who shall have an 68013  
understanding of person-centered care, and experience with a range 68014  
of long-term services and supports settings; 68015~~

~~(3) One member who is a member of the academic community; 68016~~

~~(4) One member who is a consumer of services offered in a 68017  
long-term services and supports setting; 68018~~

~~(5) One member who is a representative of the department of 68019  
health, designated by the director of health, who is involved in 68020  
the nursing home survey and certification process; 68021~~

~~(6) One member who is a representative of the office of the 68022  
state long-term care, designated by the state long-term care 68023  
ombudsman. 68024~~

All members of the board shall be citizens of the United States and residents of this state. No member of the board who is appointed under divisions (A)(3) to (6) of this section may have or acquire any direct financial interest in a nursing home or long-term services and supports settings.

(B) The term of office for each appointed member of the board shall be for three years, commencing on the twenty-eighth day of May and ending on the twenty-seventh day of May. Each member shall serve from the date of ~~his~~ appointment until the end of the term for which ~~he was~~ appointed. No member shall serve more than two consecutive full terms.

(C) Appointments to the board shall be made by the governor. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which ~~his~~ the member's predecessor was appointed shall hold office for the remainder of such term. Any appointed member shall continue in office subsequent to the expiration date of ~~his~~ the member's term until ~~his~~ the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first.

(D) The governor may remove any member of the board for misconduct, incapacity, incompetence, or neglect of duty after the member so charged has been served with a written statement of charges and has been given an opportunity to be heard.

(E) Each member of the board, except the member designated by the director of health ~~or his~~ and the member designated representative by the ombudsman, shall be paid in accordance with section 124.15 of the Revised Code and each member shall be reimbursed for ~~his~~ the member's actual and necessary expenses incurred in the discharge of such duties.

(F) The board shall elect annually from its membership a ~~chairman~~ chairperson and a ~~vice-chairman~~ vice-chairperson.

(G) The board shall hold and conduct meetings quarterly and 68056  
at such other times as its business requires. A majority of the 68057  
board shall constitute a quorum. The affirmative vote of a 68058  
majority of the members of the board is necessary for the board to 68059  
act. 68060

(H) The board shall appoint a secretary who has no financial 68061  
interest in a ~~nursing home~~ long-term services and supports 68062  
setting, and may employ and prescribe the powers and duties of 68063  
such employees and consultants as are necessary to carry out this 68064  
chapter and the rules adopted under it. ~~Administrative, technical,~~ 68065  
~~or other services shall be performed, insofar as practicable, by~~ 68066  
~~personnel of the department of health.~~ 68067

**Sec. 4751.04.** (A) The board of ~~examiners~~ executives of 68068  
~~nursing home administrators~~ long-term services and supports shall: 68069

(1) Develop, adopt, impose, and enforce regulations 68070  
prescribing standards which must be met by individuals in order to 68071  
receive a license as a nursing home administrator, which standards 68072  
shall be designed to ensure that nursing home administrators are 68073  
of good character and are otherwise suitable, and who, by training 68074  
and experience, are qualified to serve as nursing home 68075  
administrators; 68076

(2) Develop and apply appropriate techniques, including 68077  
examinations and investigations, for determining whether an 68078  
individual meets such standards; 68079

(3) Issue licenses and registrations to individuals 68080  
determined, after application of such techniques, to meet such 68081  
standards, and revoke or suspend licenses or registrations 68082  
previously issued by the board in any case where the individual 68083  
holding such license or registration is determined to have failed 68084  
substantially to conform to the requirements of such standards; 68085

(4) Develop, adopt, impose, and enforce regulations and procedures designed to ensure that individuals holding a temporary license, or licensed as nursing home administrators will, during any period that they serve as such, comply with Chapter 4751. of the Revised Code and the regulations adopted thereunder;

(5) Receive, investigate, and take appropriate action with respect to any charge or complaint filed with the board to the effect that any individual licensed as a nursing home administrator has failed to comply with Chapter 4751. of the Revised Code and the regulations adopted thereunder;

(6) Take such other actions as may be necessary to enable the state to meet the requirements set forth in the "Social Security Amendments of 1967," 81 Stat. 908 (1968), 42 U.S.C. 1396 g;

(7) Pay all license and registration fees collected under Chapter 4751. of the Revised Code into the ~~general operations board of executives of long-term services and support~~ fund created by section ~~3701.83~~ 4751.14 of the Revised Code to be used in administering and enforcing this chapter and the rules adopted under it;

(8) Administer, or contract with a government or private entity to administer, examinations for licensure as a nursing home administrator. If the board contracts with a government or private entity to administer the examinations, the contract may authorize the entity to collect and keep, as all or part of the entity's compensation under the contract, any fee an applicant for licensure pays to take an examination. The entity is not required to deposit the fee into the state treasury;

(9) Enter into a contract with the department of aging as required under section 4751.042 of the Revised Code;

(10) Create opportunities for the education, training, and credentialing of nursing home administrators and others in

leadership positions who practice in long-term services and 68117  
supports settings or who direct the practices of others in those 68118  
settings. In carrying out this function, the board shall do the 68119  
following: 68120

(a) Identify core competencies and areas of knowledge that 68121  
are appropriate for nursing home administrators and others working 68122  
within the long-term services and supports settings system, with 68123  
an emphasis on all of the following: 68124

(i) Leadership; 68125

(ii) Person-centered care; 68126

(iii) Principles of management within both the business and 68127  
regulatory environments; 68128

(iv) An understanding of all post-acute settings, including 68129  
transitions from acute settings and between post-acute settings. 68130

(b) Assist in the development of a strong, competitive market 68131  
in Ohio for training, continuing education, and degree programs in 68132  
long-term services and supports settings administration. 68133

(B) In the administration and enforcement of Chapter 4751. of 68134  
the Revised Code, and the regulations adopted thereunder, the 68135  
board is subject to Chapter 119. of the Revised Code and sections 68136  
4743.01 and 4743.02 of the Revised Code except that a notice of 68137  
appeal of an order of the board adopting, amending, or rescinding 68138  
a rule or regulation does not operate as a stay of the effective 68139  
date of such order as provided in section 119.11 of the Revised 68140  
Code. The court, at its discretion, may grant a stay of any 68141  
regulation in its application against the person filing the notice 68142  
of appeal. 68143

**Sec. 4751.041.** Except when the board of ~~examiners~~ executives 68144  
of ~~nursing home administrators~~ long-term services and supports 68145  
considers it necessary, the board shall not disclose test 68146

materials, examinations, or evaluation tools used in an 68147  
examination for licensure as a nursing home administrator that the 68148  
board administers under section 4751.04 of the Revised Code or 68149  
contracts under that section with a private or government entity 68150  
to administer. 68151

Sec. 4751.042. (A) The board of executives of long-term 68152  
services and supports shall enter into a written agreement with 68153  
the department of aging for the department to serve as the board's 68154  
fiscal agent. The fiscal agent shall be responsible for all the 68155  
board's fiscal matters and financial transactions, as specified in 68156  
the agreement. The written agreement shall specify the fees that 68157  
the board shall pay to the fiscal agent for services performed 68158  
under the agreement, and such fees shall be in proportion to the 68159  
services performed for the board. 68160

(1) The agreement shall require the fiscal agent to provide 68161  
the following services: 68162

(a) Preparation and processing of payroll and other personnel 68163  
documents that the board approves; 68164

(b) Maintenance of ledgers of accounts and reports of account 68165  
balances, and monitoring of budgets and allotment plans in 68166  
consultation with the board; 68167

(c) Performance of other routine support services, specified 68168  
in the agreement, that the fiscal agent considers appropriate to 68169  
achieve efficiency. 68170

(2) The agreement may require the fiscal agent to provide the 68171  
following services: 68172

(a) Any shared services between the board and the fiscal 68173  
agent; 68174

(b) Any other services agreed to by the board and the 68175  
department, including administrative or technical services. 68176



(B) The board, in conjunction and consultation with the fiscal agent, has the following authority and responsibility relative to fiscal matters: 68177  
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(1) Sole authority to expend funds from the board's accounts for programs and any other necessary expenses the board may incur; 68180  
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(2) Responsibility to cooperate with and inform the fiscal agent fully of all financial transactions. 68182  
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(C) The board shall follow all state procurement, fiscal, human resources, information technology, statutory, and administrative rule requirements. 68184  
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(D) In its role as fiscal agent for the board, the department shall serve as a contractor of the board, and does not assume responsibility for the debts or fiscal obligations of the board. 68187  
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**Sec. 4751.05.** (A) The board of ~~examiners~~ executives of ~~nursing home administrators~~ long-term services and supports, or a government or private entity under contract with the board to administer examinations for licensure as a nursing home administrator, shall admit to an examination any candidate who: 68190  
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(1) Pays the application fee of fifty dollars; 68195

(2) Submits evidence of good moral character and suitability; 68196

(3) Is at least eighteen years of age; 68197

(4) Has completed educational requirements and work experience satisfactory to the board; 68198  
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(5) Submits an application on forms prescribed by the board; 68200

(6) Pays the examination fee charged by the board or government or private entity. 68201  
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(B) Nothing in Chapter 4751. of the Revised Code or the rules adopted thereunder shall be construed to require an applicant for licensure or a temporary license, who is employed by an 68203  
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institution for the care and treatment of the sick to demonstrate 68206  
proficiency in any medical techniques or to meet any medical 68207  
educational qualifications or medical standards not in accord with 68208  
the remedial care and treatment provided by the institution if the 68209  
institution is all of the following: 68210

(1) Operated exclusively for patients who use spiritual means 68211  
for healing and for whom the acceptance of medical care is 68212  
inconsistent with their religious beliefs; 68213

(2) Accredited by a national accrediting organization; 68214

(3) Exempt from federal income taxation under section 501 of 68215  
the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C.A. 1, 68216  
as amended; 68217

(4) Providing twenty-four hour nursing care pursuant to the 68218  
exemption in division (E) of section 4723.32 of the Revised Code 68219  
from the licensing requirements of Chapter 4723. of the Revised 68220  
Code. 68221

(C) If a person fails three times to attain a passing grade 68222  
on the examination, said person, before the person may again be 68223  
admitted to examination, shall meet such additional education or 68224  
experience requirements, or both, as may be prescribed by the 68225  
board. 68226

**Sec. 4751.06.** (A) An applicant for licensure as a nursing 68227  
home administrator who has successfully completed the requirements 68228  
of section 4751.05 of the Revised Code, passed the examination 68229  
administered by the board of ~~examiners~~ executives of ~~nursing home~~ 68230  
~~administrators~~ long-term services and supports or a government or 68231  
private entity under contract with the board, and paid to the 68232  
board an original license fee of two hundred fifty dollars shall 68233  
be issued a license on a form provided by the board. Such license 68234  
shall certify that the applicant has met the licensure 68235

requirements of Chapter 4751. of the Revised Code and is entitled 68236  
to practice as a licensed nursing home administrator. 68237

(B) A temporary license for a period not to exceed one 68238  
hundred eighty days may be issued to an individual temporarily 68239  
filling the position of a nursing home administrator vacated by 68240  
reason of death, illness, or other unexpected cause, pursuant to 68241  
regulations adopted by the board. 68242

(C) The fee for a temporary license is one hundred dollars. 68243  
Said fee must accompany the application for the temporary license. 68244

(D) Any license or temporary license issued by the board 68245  
pursuant to this section shall be under the hand of the 68246  
chairperson and the secretary of the board. 68247

(E) A duplicate of the original certificate of registration 68248  
or license may be secured to replace one that has been lost or 68249  
destroyed by submitting to the board a notarized statement 68250  
explaining the conditions of the loss, mutilation, or destruction 68251  
of the certificate or license and by paying a fee of twenty-five 68252  
dollars. 68253

(F) A duplicate certificate of registration and license may 68254  
be issued in the event of a legal change of name by submitting to 68255  
the board a certified copy of the court order or marriage license 68256  
establishing the change of name, by returning at the same time the 68257  
original license and certificate of registration, and by paying a 68258  
fee of twenty-five dollars. 68259

**Sec. 4751.07.** (A) Every individual who holds a valid license 68260  
as a nursing home administrator issued under division (A) of 68261  
section 4751.06 of the Revised Code, shall immediately upon 68262  
issuance thereof be registered with the board of ~~examiners~~ 68263  
executives of nursing home administrators long-term services and 68264  
supports and be issued a certificate of registration. Such 68265

individual shall annually apply to the board for a new certificate 68266  
of registration on forms provided for such purpose prior to the 68267  
expiration of the certificate of registration and shall at the 68268  
same time submit satisfactory evidence to the board of having 68269  
attended such continuing education programs or courses of study as 68270  
may be prescribed in rules adopted by the board. 68271

(B) Upon making an application for a new certificate of 68272  
registration such individual shall pay the annual registration fee 68273  
of three hundred dollars. 68274

(C) Upon receipt of such application for registration and the 68275  
registration fee required by divisions (A) and (B) of this 68276  
section, the board shall issue a certificate of registration to 68277  
such nursing home administrator. 68278

(D) The license of a nursing home administrator who fails to 68279  
comply with this section shall automatically lapse. 68280

(E) A nursing home administrator who has been licensed and 68281  
registered in this state who determines to temporarily abandon the 68282  
practice of nursing home administration shall notify the board in 68283  
writing immediately; provided, that such individual may thereafter 68284  
register to resume the practice of nursing home administration 68285  
within the state upon complying with the requirements of this 68286  
section regarding annual registration. 68287

(F) Only an individual who has qualified as a licensed and 68288  
registered nursing home administrator under Chapter 4751. of the 68289  
Revised Code and the rules adopted thereunder, and who holds a 68290  
valid current registration certificate pursuant to this section, 68291  
may use the title "nursing home administrator," or the 68292  
abbreviation "N.H.A." after the individual's name. No other person 68293  
shall use such title or such abbreviation or any other words, 68294  
letters, sign, card, or device tending to indicate or to imply 68295  
that the person is a licensed and registered nursing home 68296

administrator. 68297

(G) Every person holding a valid license entitling the person 68298  
to practice nursing home administration in this state shall 68299  
display said license in the nursing home which is the person's 68300  
principal place of employment, and while engaged in the practice 68301  
of nursing home administration shall have at hand the current 68302  
registration certificate. 68303

(H) Every person holding a valid temporary license shall have 68304  
such license at hand while engaged in the practice of nursing home 68305  
administration. 68306

**Sec. 4751.08.** The board of ~~examiners~~ executives of ~~nursing~~ 68307  
~~home administrators~~ long-term services and supports, in its 68308  
discretion, and otherwise subject to Chapter 4751. of the Revised 68309  
Code and the rules adopted by the board thereunder prescribing the 68310  
qualifications for a nursing home administrator license, may 68311  
license a nursing home administrator without examination if ~~he~~ the 68312  
nursing home administrator has a valid license issued by the 68313  
proper authorities of any other state, upon payment of a fee of 68314  
one hundred fifty dollars, and upon submission of evidence 68315  
satisfactory to the board both: 68316

(A) That such other state maintained a system and standard of 68317  
qualifications and examinations for a nursing home administrator 68318  
license which were substantially equivalent to those required in 68319  
this state at the time such other license was issued by such other 68320  
state; 68321

(B) That such other state gives similar recognition to 68322  
nursing home administrators licensed in this state. 68323

**Sec. 4751.10.** The license or registration, or both, or the 68324  
temporary license of any person practicing or offering to practice 68325  
nursing home administration, shall be revoked or suspended by the 68326

board of ~~examiners~~ executives of ~~nursing home administrators~~ 68327  
long-term services and supports if such licensee or temporary 68328  
licensee: 68329

(A) Is unfit or incompetent by reason of negligence, habits, 68330  
or other causes; 68331

(B) Has willfully or repeatedly violated any of the 68332  
provisions of Chapter 4751. of the Revised Code or the regulations 68333  
adopted thereunder; or willfully or repeatedly acted in a manner 68334  
inconsistent with the health and safety of the patients of the 68335  
nursing home in which ~~he~~ the licensee or temporary licensee is the 68336  
administrator; 68337

(C) Is guilty of fraud or deceit in the practice of nursing 68338  
home administration or in ~~his~~ the licensee's or temporary 68339  
licensee's admission to such practice; 68340

(D) Has been convicted in a court of competent jurisdiction, 68341  
either within or without this state, of a felony. 68342

Proceedings under this section shall be instituted by the 68343  
board or shall be begun by filing with the board charges in 68344  
writing and under oath. 68345

**Sec. 4751.11.** (A) The board of ~~examiners~~ executives of 68346  
~~nursing home administrators~~ long-term services and supports may, 68347  
in its discretion, reissue a license or registration, or both, to 68348  
any person whose license or registration, or both, has been 68349  
revoked. 68350

(B) Application for the reissuance of a license or 68351  
registration, or both, shall not be made prior to one year after 68352  
revocation and shall be made in such manner as the board may 68353  
direct. 68354

(C) If a person convicted of a felony is subsequently 68355  
pardoned by the governor of the state where such conviction was 68356

had or by the president of the United States, or receives a final 68357  
release granted by the adult parole authority of this state or its 68358  
equivalent agency of another state, the board may, in its 68359  
discretion, on application of such person and on the submission of 68360  
evidence satisfactory to the board restore to such person the 68361  
nursing home administrator's license or registration, or both. 68362

**Sec. 4751.12.** On receipt of a notice pursuant to section 68363  
3123.43 of the Revised Code, the board of ~~examiners~~ executives of 68364  
~~nursing home administrators~~ long-term services and supports shall 68365  
comply with sections 3123.41 to 3123.50 of the Revised Code and 68366  
any applicable rules adopted under section 3123.63 of the Revised 68367  
Code with respect to a license issued pursuant to this chapter. 68368

**Sec. 4751.13.** The board of ~~examiners~~ executives of ~~nursing~~ 68369  
~~home administrators~~ long-term services and supports shall comply 68370  
with section 4776.20 of the Revised Code. 68371

**Sec. 4751.14.** There is hereby created in the state treasury 68372  
the board of executives of long-term services and supports fund. 68373  
The fund shall consist of license and registration fees collected 68374  
under this chapter. Money in the fund shall be used by the board 68375  
of executives of long-term services and supports to administer and 68376  
enforce this chapter and the rules adopted under it. Investment 68377  
earnings of the fund shall be credited to the fund. 68378

**Sec. 4753.071.** A person who is required to meet the 68379  
supervised professional experience requirement of division (F) of 68380  
section 4753.06 of the Revised Code shall submit to the board of 68381  
speech-language pathology and audiology an application for a 68382  
conditional license. The application shall include a plan for the 68383  
content of the supervised professional experience on a form the 68384  
board shall prescribe. The board shall issue the conditional 68385

license to the applicant if the applicant meets the requirements 68386  
of section 4753.06 of the Revised Code, other than the requirement 68387  
to have obtained the supervised professional experience, and pays 68388  
to the board the appropriate fee for a conditional license. An 68389  
applicant may not begin employment until the conditional license 68390  
has been issued. 68391

A conditional license authorizes an individual to practice 68392  
speech-language pathology or audiology while completing the 68393  
supervised professional experience as required by division (F) of 68394  
section 4753.06 of the Revised Code. A person holding a 68395  
conditional license may practice speech-language pathology or 68396  
audiology while working under the supervision of a person fully 68397  
licensed in accordance with this chapter. A conditional license is 68398  
valid for eighteen months unless suspended or revoked pursuant to 68399  
section 3123.47 or 4753.10 of the Revised Code. 68400

A person holding a conditional license may perform services 68401  
for which ~~reimbursement~~ payment will be sought under the medicare 68402  
program ~~established under Title XVIII of the "Social Security~~ 68403  
~~Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended,~~ or the 68404  
medicaid program ~~established under Chapter 5111. of the Revised~~ 68405  
~~Code~~ but all requests for ~~reimbursement~~ payment for such services 68406  
shall be made by the person who supervises the person performing 68407  
the services. 68408

**Sec. 4755.481.** (A) If a physical therapist evaluates and 68409  
treats a patient without the prescription of, or the referral of 68410  
the patient by, a person described in division (G)(1) of section 68411  
4755.48 of the Revised Code, all of the following apply: 68412

(1) The physical therapist shall, upon consent of the 68413  
patient, inform the relevant person described in division (G)(1) 68414  
of section 4755.48 of the Revised Code of the evaluation not later 68415



than five business days after the evaluation is made. 68416

(2) If the physical therapist determines, based on reasonable 68417  
evidence, that no substantial progress has been made with respect 68418  
to that patient during the thirty-day period immediately following 68419  
the date of the patient's initial visit with the physical 68420  
therapist, the physical therapist shall consult with or refer the 68421  
patient to a person described in division (G)(1) of section 68422  
4755.48 of the Revised Code, unless either of the following 68423  
applies: 68424

(a) The evaluation, treatment, or services are being provided 68425  
for fitness, wellness, or prevention purposes. 68426

(b) The patient previously was diagnosed with chronic, 68427  
neuromuscular, or developmental conditions and the evaluation, 68428  
treatment, or services are being provided for problems or symptoms 68429  
associated with one or more of those previously diagnosed 68430  
conditions. 68431

(3) If the physical therapist determines that orthotic 68432  
devices are necessary to treat the patient, the physical therapist 68433  
shall be limited to the application of the following orthotic 68434  
devices: 68435

(a) Upper extremity adaptive equipment used to facilitate the 68436  
activities of daily living; 68437

(b) Finger splints; 68438

(c) Wrist splints; 68439

(d) Prefabricated elastic or fabric abdominal supports with 68440  
or without metal or plastic reinforcing stays and other 68441  
prefabricated soft goods requiring minimal fitting; 68442

(e) Nontherapeutic accommodative inlays; 68443

(f) Shoes that are not manufactured or modified for a 68444  
particular individual; 68445

(g) Prefabricated foot care products; 68446

(h) Custom foot orthotics; 68447

(i) Durable medical equipment. 68448

(4) If, at any time, the physical therapist has reason to 68449  
believe that the patient has symptoms or conditions that require 68450  
treatment or services beyond the scope of practice of a physical 68451  
therapist, the physical therapist shall refer the patient to a 68452  
licensed health care practitioner acting within the practitioner's 68453  
scope of practice. 68454

(B) Nothing in sections 4755.40 to 4755.56 of the Revised 68455  
Code shall be construed to require reimbursement under any health 68456  
insuring corporation policy, contract, or agreement, any sickness 68457  
and accident insurance policy, the ~~medical assistance~~ medicaid 68458  
~~program as defined in section 5111.01 of the Revised Code,~~ or the 68459  
health partnership program or qualified health plans established 68460  
pursuant to sections 4121.44 to 4121.442 of the Revised Code, for 68461  
any physical therapy service rendered without the prescription of, 68462  
or the referral of the patient by, a person described in division 68463  
(G)(1) of section 4755.48 of the Revised Code. 68464

(C) For purposes of this section, "business day" means any 68465  
calendar day that is not a Saturday, Sunday, or legal holiday. 68466  
"Legal holiday" has the same meaning as in section 1.14 of the 68467  
Revised Code. 68468

**Sec. 4758.10.** (A) There is hereby created the chemical 68469  
dependency professionals board. 68470

(B) The governor shall appoint all of the following voting 68471  
members of the board with the advice and consent of the senate: 68472

(1) Four individuals who hold a valid independent chemical 68473  
dependency counselor-clinical supervisor license or independent 68474  
chemical dependency counselor license issued under this chapter, 68475

including at least two of whom have received at least a master's degree in a field related to chemical dependency counseling from an accredited educational institution; 68476  
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(2) Two individuals who hold a valid chemical dependency counselor III license issued under this chapter; 68479  
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(3) One individual who holds a valid chemical dependency counselor II license issued under this chapter; 68481  
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(4) Two individuals who hold a valid prevention specialist II certificate or prevention specialist I certificate issued under this chapter; 68483  
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(5) One individual who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery and has experience practicing in a field related to chemical dependency counseling; 68486  
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(6) Two individuals who represent the public and have not practiced chemical dependency counseling or alcohol and other drug prevention services and have not been involved in the delivery of chemical dependency counseling services or alcohol and other drug prevention services. At least one of these individuals shall be at least ~~sixty~~ fifty years of age. During their terms, the public members shall not practice chemical dependency counseling or alcohol and other drug prevention services or be involved in the delivery of chemical dependency counseling services or alcohol and other drug prevention services. 68490  
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(C) Not later than ninety days after December 23, 2002, the director of ~~alcohol and drug addiction services~~ mental health and addiction services shall appoint an individual who represents the department of ~~alcohol and drug addiction services~~ mental health and addiction services to serve as an ex officio member of the chemical dependency professionals board. 68500  
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(D) Not more than one-half of the voting members of the board 68506

may be of the same gender or members of the same political party. 68507  
At least two voting members of the board shall be of African, 68508  
Native American, Hispanic, or Asian descent. 68509

**Sec. 4758.11.** Of the initial appointees to the chemical 68510  
dependency professionals board appointed by the governor under 68511  
division (B) of section 4758.10 of the Revised Code, four shall be 68512  
appointed for terms ending one year after ~~the effective date of~~ 68513  
~~this section~~ December 23, 2002, four shall be appointed for terms 68514  
ending two years after ~~the effective date of this section~~ December 68515  
23, 2002, and four shall be appointed for terms ending three years 68516  
after ~~the effective date of this section~~ December 23, 2002. After 68517  
the initial appointments, terms of office shall be three years, 68518  
each term ending on the same day of the same month of the year as 68519  
the term it succeeds. 68520

A voting member of the board shall hold office from the date 68521  
of appointment until the end of the term for which the member was 68522  
appointed. A voting member appointed to fill a vacancy occurring 68523  
prior to the expiration of the term for which the member's 68524  
predecessor was appointed shall hold office for the remainder of 68525  
that term. A voting member shall continue in office after the 68526  
expiration date of the member's term until the member's successor 68527  
takes office or until a period of sixty days has elapsed, 68528  
whichever occurs first. Voting members may be reappointed, except 68529  
that an individual who has held office for two consecutive full 68530  
terms shall not be reappointed sooner than one year after the 68531  
expiration of the second full term. 68532

The ex officio member of the board appointed by the director 68533  
of ~~alcohol and drug addiction services~~ mental health and addiction 68534  
services under division (C) of section 4758.10 of the Revised Code 68535  
shall serve at the pleasure of the director. 68536

Sec. 4761.01. As used in this chapter: 68537

(A) "Respiratory care" means rendering or offering to render 68538  
to individuals, groups, organizations, or the public any service 68539  
involving the evaluation of cardiopulmonary function, the 68540  
treatment of cardiopulmonary impairment, the assessment of 68541  
treatment effectiveness, and the care of patients with 68542  
deficiencies and abnormalities associated with the cardiopulmonary 68543  
system. The practice of respiratory care includes: 68544

(1) Obtaining, analyzing, testing, measuring, and monitoring 68545  
blood and gas samples in the determination of cardiopulmonary 68546  
parameters and related physiologic data, including flows, 68547  
pressures, and volumes, and the use of equipment employed for this 68548  
purpose; 68549

(2) Administering, monitoring, recording the results of, and 68550  
instructing in the use of medical gases, aerosols, and 68551  
bronchopulmonary hygiene techniques, including drainage, 68552  
aspiration, and sampling, and applying, maintaining, and 68553  
instructing in the use of artificial airways, ventilators, and 68554  
other life support equipment employed in the treatment of 68555  
cardiopulmonary impairment and provided in collaboration with 68556  
other licensed health care professionals responsible for providing 68557  
care; 68558

(3) Performing cardiopulmonary resuscitation and respiratory 68559  
rehabilitation techniques; 68560

(4) Administering medications for the testing or treatment of 68561  
cardiopulmonary impairment. 68562

(B) "Respiratory care professional" means a person who is 68563  
licensed under this chapter to practice the full range of 68564  
respiratory care services as defined in division (A) of this 68565  
section. 68566

(C) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 68567  
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(D) "Registered nurse" means an individual licensed under Chapter 4723. of the Revised Code to engage in the practice of nursing as a registered nurse. 68570  
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(E) "Hospital" means a facility that meets the operating standards of section 3727.02 of the Revised Code. 68573  
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(F) "Nursing facility" has the same meaning as in section ~~5111.20~~ 5165.01 of the Revised Code. 68575  
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**Sec. 4906.20.** (A) No person shall commence to construct an economically significant wind farm in this state without first having obtained a certificate from the power siting board. An economically significant wind farm with respect to which such a certificate is required shall be constructed, operated, and maintained in conformity with that certificate and any terms, conditions, and modifications it contains. A certificate shall be issued only pursuant to this section. The certificate may be transferred, subject to the approval of the board, to a person that agrees to comply with those terms, conditions, and modifications. 68577  
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(B) The board shall adopt rules governing the certificating of economically significant wind farms under this section. Initial rules shall be adopted within one hundred twenty days after June 24, 2008. 68588  
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(1) The rules shall provide for an application process for certificating economically significant wind farms that is identical to the extent practicable to the process applicable to certificating major utility facilities under sections 4906.06, 4906.07, 4906.08, 4906.09, 4906.10, 4906.11, and 4906.12 of the 68592  
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Revised Code and shall prescribe a reasonable schedule of 68597  
application filing fees structured in the manner of the schedule 68598  
of filing fees required for major utility facilities. 68599

(2) Additionally, the rules shall prescribe reasonable 68600  
regulations regarding any wind turbines and associated facilities 68601  
of an economically significant wind farm, including, but not 68602  
limited to, their location, erection, construction, 68603  
reconstruction, change, alteration, maintenance, removal, use, or 68604  
enlargement and including erosion control, aesthetics, 68605  
recreational land use, wildlife protection, interconnection with 68606  
power lines and with regional transmission organizations, 68607  
independent transmission system operators, or similar 68608  
organizations, ice throw, sound and noise levels, blade shear, 68609  
shadow flicker, decommissioning, and necessary cooperation for 68610  
site visits and enforcement investigations. The rules also shall 68611  
prescribe a minimum setback for a wind turbine of an economically 68612  
significant wind farm. That minimum shall be equal to a horizontal 68613  
distance, from the turbine's base to the property line of the wind 68614  
farm property, equal to one and one-tenth times the total height 68615  
of the turbine structure as measured from its base to the tip of 68616  
its highest blade and be at least ~~seven~~ one thousand two hundred 68617  
fifty feet in horizontal distance from the tip of the turbine's 68618  
nearest blade at ninety degrees to the exterior of the nearest, 68619  
habitable, residential structure, if any, located on adjacent 68620  
property at the time of the certification application. The setback 68621  
shall apply in all cases except those in which all owners of 68622  
property adjacent to the wind farm property waive application of 68623  
the setback to that property pursuant to a procedure the board 68624  
shall establish by rule and except in which, in a particular case, 68625  
the board determines that a setback greater than the minimum is 68626  
necessary. 68627

**Sec. 5101.01.** (A) As used in the Revised Code, the 68628

"department of public welfare" and the "department of human 68629  
services" mean the department of job and family services and the 68630  
"director of public welfare" and the "director of human services" 68631  
mean the director of job and family services. ~~Whenever~~ Except as 68632  
provided in section 5160.011 of the Revised Code, whenever the 68633  
department or director of public welfare or the department or 68634  
director of human services is referred to or designated in any 68635  
statute, rule, contract, grant, or other document, the reference 68636  
or designation shall be deemed to refer to the department or 68637  
director of job and family services, as the case may be. 68638

(B) As used in this chapter: 68639

(1) References to a county department of job and family 68640  
services include a joint county department of job and family 68641  
services established under section 329.40 of the Revised Code. 68642

(2) References to a board of county commissioners include the 68643  
board of directors of a joint county department of job and family 68644  
services established under section 329.40 of the Revised Code. 68645

Sec. 5101.101. (A) This section establishes the order of 68646  
priority to be followed by the department of job and family 68647  
services when distributing funds for the purpose of providing 68648  
family planning services, including funds the department receives 68649  
through Title XX of the "Social Security Act," 88 Stat. 2337 68650  
(1974), 42 U.S.C. 1397, as amended, and funds the department 68651  
receives through Title IV-A of the "Social Security Act," 110 68652  
Stat. 2113 (1996), 42 U.S.C. 601, as amended, to be used for 68653  
purposes of providing Title XX social services. This section does 68654  
not apply to payments made under the medicaid program. 68655

(B) With respect to each period during which funds from a 68656  
particular source are distributed for the purpose of providing 68657  
family planning services, the department is subject to both of the 68658  
following when distributing the funds to applicants seeking those 68659



funds: 68660

(1) Foremost priority shall be given to public entities that 68661  
are operated by state or local government entities and that 68662  
provide or are able to provide family planning services. 68663

(2) If any funds remain after the department distributes 68664  
funds to public entities under division (B)(1) of this section, 68665  
the department may distribute funds to nonpublic entities. If 68666  
funds are distributed to nonpublic entities, the department shall 68667  
distribute the funds in the following order of descending 68668  
priority: 68669

(a) Nonpublic entities that are federally qualified health 68670  
centers or federally qualified health center look-alikes, both as 68671  
defined in section 3701.047 of the Revised Code, or community 68672  
action agencies, as defined in section 122.66 of the Revised Code; 68673

(b) Nonpublic entities that provide comprehensive primary and 68674  
preventive care services in addition to family planning services; 68675

(c) Nonpublic entities that provide family planning services, 68676  
but do not provide comprehensive primary and preventive care 68677  
services. 68678

~~**Sec. 5101.11.** This section does not apply to contracts~~ 68679  
~~entered into under section 5111.90 or 5111.91 of the Revised Code.~~ 68680

(A) As used in this section: 68681

(1) "Entity" includes an agency, board, commission, or 68682  
department of the state or a political subdivision of the state; a 68683  
private, nonprofit entity; a school district; a private school; or 68684  
a public or private institution of higher education. 68685

(2) "Federal financial participation" means the federal 68686  
government's share of expenditures made by an entity in 68687  
implementing a program administered by the department of job and 68688  
family services. 68689

(B) At the request of any public entity having authority to 68690  
implement a program administered by the department of job and 68691  
family services or any private entity under contract with a public 68692  
entity to implement a program administered by the department, the 68693  
department may seek to obtain federal financial participation for 68694  
costs incurred by the entity. Federal financial participation may 68695  
be sought from programs operated pursuant to Title IV-A, of the 68696  
"Social Security Act," 42 U.S.C. 601 et seq.; Title IV-E, ~~and~~ 68697  
~~Title XIX~~ of the "Social Security Act," ~~49 Stat. 620 (1935),~~ 42 68698  
U.S.C. ~~301, as amended~~ 670 et seq.; the Food and Nutrition Act of 68699  
2008 ~~(, 7 U.S.C. 2011 et seq.)~~; and any other statute or regulation 68700  
under which federal financial participation may be available, 68701  
except that federal financial participation may be sought only for 68702  
expenditures made with funds for which federal financial 68703  
participation is available under federal law. 68704

(C) All funds collected by the department ~~of job and family~~ 68705  
~~services~~ pursuant to division (B) of this section shall be 68706  
distributed to the entities that incurred the costs, except for 68707  
any amounts retained by the department pursuant to division (D)(3) 68708  
of this section. 68709

(D) In distributing federal financial participation pursuant 68710  
to this section, the department may either enter into an agreement 68711  
with the entity that is to receive the funds or distribute the 68712  
funds in accordance with rules adopted under division (F) of this 68713  
section. If the department decides to enter into an agreement to 68714  
distribute the funds, the agreement may include terms that do any 68715  
of the following: 68716

(1) Provide for the whole or partial reimbursement of any 68717  
cost incurred by the entity in implementing the program; 68718

(2) In the event that federal financial participation is 68719  
disallowed or otherwise unavailable for any expenditure, require 68720  
the department ~~of job and family services~~ or the entity, whichever 68721

party caused the disallowance or unavailability of federal 68722  
financial participation, to assume responsibility for the 68723  
expenditures; 68724

(3) Permit the department to retain not more than five per 68725  
cent of the amount of the federal financial participation to be 68726  
distributed to the entity; 68727

(4) Require the public entity to certify the availability of 68728  
sufficient unencumbered funds to match the federal financial 68729  
participation it receives under this section; 68730

(5) Establish the length of the agreement, which may be for a 68731  
fixed or a continuing period of time; 68732

(6) Establish any other requirements determined by the 68733  
department to be necessary for the efficient administration of the 68734  
agreement. 68735

(E) An entity that receives federal financial participation 68736  
pursuant to this section for a program aiding children and their 68737  
families shall establish a process for collaborative planning with 68738  
the department ~~of job and family services~~ for the use of the funds 68739  
to improve and expand the program. 68740

(F) The director of job and family services shall adopt rules 68741  
as necessary to implement this section, including rules for the 68742  
distribution of federal financial participation pursuant to this 68743  
section. The rules shall be adopted in accordance with Chapter 68744  
119. of the Revised Code. The director may adopt or amend any 68745  
statewide plan required by the federal government for a program 68746  
administered by the department, as necessary to implement this 68747  
section. 68748

(G) Federal financial participation received pursuant to this 68749  
section shall not be included in any calculation made under 68750  
section 5101.16 or 5101.161 of the Revised Code. 68751

**Sec. 5101.141.** (A) As used in sections 5101.141 to 5101.1410 68752  
of the Revised Code, "Title IV-E" means Title IV-E of the "Social 68753  
Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended. 68754

(B) The department of job and family services shall act as 68755  
the single state agency to administer federal payments for foster 68756  
care and adoption assistance made pursuant to Title IV-E. The 68757  
director of job and family services shall adopt rules to implement 68758  
this authority. Rules governing financial and administrative 68759  
requirements applicable to public children services agencies and 68760  
government entities that provide Title IV-E reimbursable placement 68761  
services to children shall be adopted in accordance with section 68762  
111.15 of the Revised Code, as if they were internal management 68763  
rules. Rules governing requirements applicable to private child 68764  
placing agencies and private noncustodial agencies and rules 68765  
establishing eligibility, program participation, and other 68766  
requirements concerning Title IV-E shall be adopted in accordance 68767  
with Chapter 119. of the Revised Code. A public children services 68768  
agency to which the department distributes Title IV-E funds shall 68769  
administer the funds in accordance with those rules. 68770

(C)(1) The county, on behalf of each child eligible for 68771  
foster care maintenance payments under Title IV-E, shall make 68772  
payments to cover the cost of providing all of the following: 68773

(a) The child's food, clothing, shelter, daily supervision, 68774  
and school supplies; 68775

(b) The child's personal incidentals; 68776

(c) Reasonable travel to the child's home for visitation. 68777

(2) In addition to payments made under division (C)(1) of 68778  
this section, the county may, on behalf of each child eligible for 68779  
foster care maintenance payments under Title IV-E, make payments 68780  
to cover the cost of providing the following: 68781

(a) Liability insurance with respect to the child; 68782

(b) If the county is participating in the demonstration 68783  
project established under division (A) of section 5101.142 of the 68784  
Revised Code, services provided under the project. 68785

(3) With respect to a child who is in a child-care 68786  
institution, including any type of group home designed for the 68787  
care of children or any privately operated program consisting of 68788  
two or more certified foster homes operated by a common 68789  
administrative unit, the foster care maintenance payments made by 68790  
the county on behalf of the child shall include the reasonable 68791  
cost of the administration and operation of the institution, group 68792  
home, or program, as necessary to provide the items described in 68793  
divisions (C)(1) and (2) of this section. 68794

(D) To the extent that either foster care maintenance 68795  
payments under division (C) of this section or Title IV-E adoption 68796  
assistance payments for maintenance costs require the expenditure 68797  
of county funds, the board of county commissioners shall report 68798  
the nature and amount of each expenditure of county funds to the 68799  
department. 68800

(E) The department shall distribute to public children 68801  
services agencies that incur and report expenditures of the type 68802  
described in division (D) of this section federal financial 68803  
participation received for administrative and training costs 68804  
incurred in the operation of foster care maintenance and adoption 68805  
assistance programs. The department may withhold not more than 68806  
three per cent of the federal financial participation received. 68807  
The funds withheld may be used only to fund the following: 68808

(1) The Ohio child welfare training program established under 68809  
section 5103.30 of the Revised Code; 68810

(2) The university partnership program for college and 68811  
university students majoring in social work who have committed to 68812

work for a public children services agency upon graduation; 68813

(3) Efforts supporting organizational excellence, including 68814  
voluntary activities to be accredited by a nationally recognized 68815  
accreditation organization. 68816

The funds withheld shall be in addition to any administration 68817  
and training cost for which the department is reimbursed through 68818  
its own cost allocation plan. 68819

(F) All federal financial participation funds received by a 68820  
county pursuant to this section shall be deposited into the 68821  
county's children services fund created pursuant to section 68822  
5101.144 of the Revised Code. 68823

(G) The department shall periodically publish and distribute 68824  
the maximum amounts that the department will reimburse public 68825  
children services agencies for making payments on behalf of 68826  
children eligible for foster care maintenance payments. 68827

(H) The department, by and through its director, is hereby 68828  
authorized to develop, participate in the development of, 68829  
negotiate, and enter into one or more interstate compacts on 68830  
behalf of this state with agencies of any other states, for the 68831  
provision of ~~medical assistance and other~~ social services to 68832  
children in relation to whom all of the following apply: 68833

(1) They have special needs. 68834

(2) This state or another state that is a party to the 68835  
interstate compact is providing adoption assistance on their 68836  
behalf. 68837

(3) They move into this state from another state or move out 68838  
of this state to another state. 68839

**Sec. 5101.16.** (A) As used in this section and sections 68840  
5101.161 and 5101.162 of the Revised Code: 68841

- (1) "Disability financial assistance" means the financial assistance program established under Chapter 5115. of the Revised Code. 68842  
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- (2) "Supplemental nutrition assistance program" means the program administered by the department of job and family services pursuant to section 5101.54 of the Revised Code. 68845  
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- ~~(3) "Medicaid" means the medical assistance program established by Chapter 5111. of the Revised Code, excluding transportation services provided under that chapter.~~ 68848  
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- ~~(4)~~ "Ohio works first" means the program established by Chapter 5107. of the Revised Code. 68851  
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- ~~(5)~~(4) "Prevention, retention, and contingency" means the program established by Chapter 5108. of the Revised Code. 68853  
68854
- ~~(6)~~(5) "Public assistance expenditures" means expenditures for all of the following: 68855  
68856
- (a) Ohio works first; 68857
  - (b) County administration of Ohio works first; 68858
  - (c) Prevention, retention, and contingency; 68859
  - (d) County administration of prevention, retention, and contingency; 68860  
68861
  - (e) Disability financial assistance; 68862
  - (f) County administration of disability financial assistance; 68863
  - (g) County administration of the supplemental nutrition assistance program; 68864  
68865
  - (h) County administration of medicaid, excluding administrative expenditures for transportation services covered by the medicaid program. 68866  
68867  
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- (7) "Title IV-A program" has the same meaning as in section 5101.80 of the Revised Code. 68869  
68870

(B) Each board of county commissioners shall pay the county share of public assistance expenditures in accordance with section 5101.161 of the Revised Code. Except as provided in division (C) of this section, a county's share of public assistance expenditures is the sum of all of the following for state fiscal year 1998 and each state fiscal year thereafter:

(1) The amount that is twenty-five per cent of the county's total expenditures for disability financial assistance and county administration of that program during the state fiscal year ending in the previous calendar year that the department of job and family services determines are allowable.

(2) The amount that is ten per cent, or other percentage determined under division (D) of this section, of the county's total expenditures for county administration of the supplemental nutrition assistance program and medicaid (excluding administrative expenditures for transportation services covered by the medicaid program) during the state fiscal year ending in the previous calendar year that the department determines are allowable, less the amount of federal reimbursement credited to the county under division (E) of this section for the state fiscal year ending in the previous calendar year;

(3) A percentage of the actual amount of the county share of program and administrative expenditures during federal fiscal year 1994 for assistance and services, other than child care, provided under Titles IV-A and IV-F of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as those titles existed prior to the enactment of the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," 110 Stat. 2105. The department of job and family services shall determine the actual amount of the county share from expenditure reports submitted to the United States department of health and human services. The percentage shall be the percentage established in rules adopted under



division (F) of this section. 68903

(C)(1) If a county's share of public assistance expenditures 68904  
determined under division (B) of this section for a state fiscal 68905  
year exceeds one hundred five per cent of the county's share for 68906  
those expenditures for the immediately preceding state fiscal 68907  
year, the department of job and family services shall reduce the 68908  
county's share for expenditures under divisions (B)(1) and (2) of 68909  
this section so that the total of the county's share for 68910  
expenditures under division (B) of this section equals one hundred 68911  
five per cent of the county's share of those expenditures for the 68912  
immediately preceding state fiscal year. 68913

(2) A county's share of public assistance expenditures 68914  
determined under division (B) of this section may be increased 68915  
pursuant to section 5101.163 of the Revised Code and a sanction 68916  
under section 5101.24 of the Revised Code. An increase made 68917  
pursuant to section 5101.163 of the Revised Code may cause the 68918  
county's share to exceed the limit established by division (C)(1) 68919  
of this section. 68920

(D)(1) If the per capita tax duplicate of a county is less 68921  
than the per capita tax duplicate of the state as a whole and 68922  
division (D)(2) of this section does not apply to the county, the 68923  
percentage to be used for the purpose of division (B)(2) of this 68924  
section is the product of ten multiplied by a fraction of which 68925  
the numerator is the per capita tax duplicate of the county and 68926  
the denominator is the per capita tax duplicate of the state as a 68927  
whole. The department of job and family services shall compute the 68928  
per capita tax duplicate for the state and for each county by 68929  
dividing the tax duplicate for the most recent available year by 68930  
the current estimate of population prepared by the ~~department of~~ 68931  
development services agency. 68932

(2) If the percentage of families in a county with an annual 68933  
income of less than three thousand dollars is greater than the 68934

percentage of such families in the state and division (D)(1) of 68935  
this section does not apply to the county, the percentage to be 68936  
used for the purpose of division (B)(2) of this section is the 68937  
product of ten multiplied by a fraction of which the numerator is 68938  
the percentage of families in the state with an annual income of 68939  
less than three thousand dollars a year and the denominator is the 68940  
percentage of such families in the county. The department of job 68941  
and family services shall compute the percentage of families with 68942  
an annual income of less than three thousand dollars for the state 68943  
and for each county by multiplying the most recent estimate of 68944  
such families published by the ~~department of~~ development services 68945  
agency, by a fraction, the numerator of which is the estimate of 68946  
average annual personal income published by the bureau of economic 68947  
analysis of the United States department of commerce for the year 68948  
on which the census estimate is based and the denominator of which 68949  
is the most recent such estimate published by the bureau. 68950

(3) If the per capita tax duplicate of a county is less than 68951  
the per capita tax duplicate of the state as a whole and the 68952  
percentage of families in the county with an annual income of less 68953  
than three thousand dollars is greater than the percentage of such 68954  
families in the state, the percentage to be used for the purpose 68955  
of division (B)(2) of this section shall be determined as follows: 68956

(a) Multiply ten by the fraction determined under division 68957  
(D)(1) of this section; 68958

(b) Multiply the product determined under division (D)(3)(a) 68959  
of this section by the fraction determined under division (D)(2) 68960  
of this section. 68961

(4) The department of job and family services shall 68962  
determine, for each county, the percentage to be used for the 68963  
purpose of division (B)(2) of this section not later than the 68964  
first day of July of the year preceding the state fiscal year for 68965  
which the percentage is used. 68966

(E) The department of job and family services shall credit to a county the amount of federal reimbursement the department receives from the United States departments of agriculture and health and human services for the county's expenditures for administration of the supplemental nutrition assistance program and medicaid (excluding administrative expenditures for transportation services covered by the medicaid program) that the department determines are allowable administrative expenditures.

(F)(1) The director of job and family services shall adopt rules in accordance with section 111.15 of the Revised Code to establish all of the following:

(a) The method the department is to use to change a county's share of public assistance expenditures determined under division (B) of this section as provided in division (C) of this section;

(b) The allocation methodology and formula the department will use to determine the amount of funds to credit to a county under this section;

(c) The method the department will use to change the payment of the county share of public assistance expenditures from a calendar-year basis to a state fiscal year basis;

(d) The percentage to be used for the purpose of division (B)(3) of this section, which shall, except as provided in section 5101.163 of the Revised Code, meet both of the following requirements:

(i) The percentage shall not be less than seventy-five per cent nor more than eighty-two per cent;

(ii) The percentage shall not exceed the percentage that the state's qualified state expenditures is of the state's historic state expenditures as those terms are defined in 42 U.S.C. 609(a)(7).

(e) Other procedures and requirements necessary to implement this section. 68997  
68998

(2) The director of job and family services may amend the rule adopted under division (F)(1)(d) of this section to modify the percentage on determination that the amount the general assembly appropriates for Title IV-A programs makes the modification necessary. The rule shall be adopted and amended as if an internal management rule and in consultation with the director of budget and management. 68999  
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**Sec. 5101.162.** Subject to available federal funds and appropriations made by the general assembly, the department of job and family services may, at its sole discretion, use available federal funds to reimburse county expenditures for county administration of the supplemental nutrition assistance program or medicaid (excluding administrative expenditures for transportation services covered by the medicaid program) even though the county expenditures meet or exceed the maximum allowable reimbursement amount established by rules adopted under section 5101.161 of the Revised Code. The director of job and family services may adopt internal management rules in accordance with section 111.15 of the Revised Code to implement this section. 69006  
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**Sec. 5101.18.** ~~(A)~~ When the director of job and family services adopts rules under section 5107.05 regarding income requirements for the Ohio works first program and under section 5115.03 of the Revised Code regarding income and resource requirements for the disability financial assistance program, the director shall determine what payments shall be regarded or disregarded. In making this determination, the director shall consider: 69018  
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~~(1)~~(A) The source of the payment; 69026

<del>(2)(B)</del> The amount of the payment;	69027
<del>(3)(C)</del> The purpose for which the payment was made;	69028
<del>(4)(D)</del> Whether regarding the payment as income would be in the public interest;	69029 69030
<del>(5)(E)</del> Whether treating the payment as income would be detrimental to any of the programs administered in whole or in part by the department of job and family services and whether such determination would jeopardize the receipt of any federal grant or payment by the state or any receipt of aid under Chapter 5107. of the Revised Code.	69031 69032 69033 69034 69035 69036
<del>(B) Any recipient of aid under Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, whose money payment is discontinued as the result of a general increase in old age, survivors, and disability insurance benefits under such act, shall remain a recipient for the purpose of receiving medical assistance through the medical assistance program established under section 5111.01 of the Revised Code.</del>	69037 69038 69039 69040 69041 69042 69043
<b>Sec. 5101.181.</b> (A) As used in this section and section 5101.182 of the Revised Code:	69044 69045
<del>(1) "Public, "public assistance" means any or all of the following:</del>	69046 69047
<del>(a)(1)</del> Ohio works first;	69048
<del>(b)(2)</del> Prevention, retention, and contingency;	69049
<del>(c)(3)</del> Disability financial assistance;	69050
<del>(d)(4)</del> General assistance provided prior to July 17, 1995, under former Chapter 5113. of the Revised Code.	69051 69052
<del>(2) "Medical assistance" means medical assistance provided pursuant to, or under programs established by, section 5101.49, sections 5101.50 to 5101.529, Chapter 5111., or any other</del>	69053 69054 69055

~~provision of the Revised Code.~~ 69056

(B) As part of the procedure for the determination of 69057  
overpayment to a recipient of public assistance under Chapter 69058  
5107., 5108., or 5115. of the Revised Code, the director of job 69059  
and family services may furnish quarterly the name and social 69060  
security number of each individual who receives public assistance 69061  
to the director of administrative services, the administrator of 69062  
the bureau of workers' compensation, and each of the state's 69063  
retirement boards. Within fourteen days after receiving the name 69064  
and social security number of an individual who receives public 69065  
assistance, the director of administrative services, 69066  
administrator, or board shall inform the auditor of state as to 69067  
whether such individual is receiving wages or benefits, the amount 69068  
of any wages or benefits being received, the social security 69069  
number, and the address of the individual. The director of 69070  
administrative services, administrator, boards, and any agent or 69071  
employee of those officials and boards shall comply with the rules 69072  
of the director of job and family services restricting the 69073  
disclosure of information regarding recipients of public 69074  
assistance. Any person who violates this provision shall 69075  
thereafter be disqualified from acting as an agent or employee or 69076  
in any other capacity under appointment or employment of any state 69077  
board, commission, or agency. 69078

(C) The auditor of state may enter into a reciprocal 69079  
agreement with the director of job and family services or 69080  
comparable officer of any other state for the exchange of names, 69081  
current or most recent addresses, or social security numbers of 69082  
persons receiving public assistance under Title IV-A of the 69083  
"Social Security Act," ~~49 Stat. 620 (1935)~~, 42 U.S.C. 301, ~~as~~ 69084  
~~amended 601 et seq.~~ 69085

(D) The auditor of state shall retain, for not less than two 69086  
years, at least one copy of all information received under this 69087

section and sections 145.27, 742.41, 3307.20, 3309.22, 4123.27, 69088  
5101.182, and 5505.04 of the Revised Code. 69089

~~(E) On the request of the director of job and family 69090  
services, the auditor of state may conduct an audit of an 69091  
individual who receives medical assistance. If the auditor decides 69092  
to conduct an audit, the auditor shall enter into an interagency 69093  
agreement with the department of job and family services that 69094  
specifies that the auditor agrees to comply with section 5101.271 69095  
of the Revised Code with respect to any information the auditor 69096  
receives pursuant to the audit. 69097~~

~~(F)~~ The auditor shall review the information described in 69098  
division (D) of this section to determine whether overpayments 69099  
were made to recipients of public assistance under Chapters 5107., 69100  
5108., and 5115. of the Revised Code. The auditor of state shall 69101  
initiate action leading to prosecution, where warranted, of 69102  
recipients who received overpayments by forwarding the name of 69103  
each recipient who received overpayment, together with other 69104  
pertinent information, to the director of job and family services, 69105  
the attorney general, and the county director of job and family 69106  
services and county prosecutor of the county through which public 69107  
assistance was received. 69108

~~(G)~~(F) The auditor of state and the attorney general or their 69109  
designees may examine any records, whether in computer or printed 69110  
format, in the possession of the director of job and family 69111  
services or any county director of job and family services. They 69112  
shall provide safeguards which restrict access to such records to 69113  
purposes directly connected with an audit or investigation, 69114  
prosecution, or criminal or civil proceeding conducted in 69115  
connection with the administration of the programs and shall 69116  
comply with ~~sections~~ section 5101.27 and ~~5101.271~~ of the Revised 69117  
Code and ~~adopts~~ rules ~~of~~ adopted by the director of job and family 69118  
services restricting the disclosure of information regarding 69119

recipients of public assistance ~~or medical assistance~~. Any person 69120  
who violates this provision shall thereafter be disqualified from 69121  
acting as an agent or employee or in any other capacity under 69122  
appointment or employment of any state board, commission, or 69123  
agency. 69124

~~(H)~~(G) Costs incurred by the auditor of state in carrying out 69125  
the auditor of state's duties under this section shall be borne by 69126  
the auditor of state. 69127

**Sec. 5101.183.** (A) ~~Except as provided in section 5111.12 of~~ 69128  
~~the Revised Code, the~~ The director of job and family services, in 69129  
accordance with section 111.15 of the Revised Code, may adopt 69130  
rules under which county family services agencies shall take 69131  
action to recover the cost of the following benefits and services 69132  
available under programs administered by the department of job and 69133  
family services: 69134

(1) Benefits or services provided to any of the following: 69135

(a) Persons who were not eligible for the benefits or 69136  
services but who secured the benefits or services through fraud or 69137  
misrepresentation; 69138

(b) Persons who were eligible for the benefits or services 69139  
but who intentionally diverted the benefits or services to other 69140  
persons who were not eligible for the benefits or services. 69141

(2) Any benefits or services provided by a county family 69142  
services agency for which recovery is required or permitted by 69143  
federal law for the federal programs administered by the agency. 69144

(B) A county family services agency may bring a civil action 69145  
against a recipient of benefits or services to recover any costs 69146  
described in division (A) of this section. 69147

(C) A county family services agency shall retain any money it 69148  
recovers under division (A) of this section and shall use the 69149



money to meet a family services duty, except that, if federal law 69150  
requires the department of job and family services to return any 69151  
portion of the money so recovered to the federal government, the 69152  
county family services agency shall pay that portion to the 69153  
department of job and family services. 69154

**Sec. 5101.184.** (A) The director of job and family services 69155  
shall work with the tax commissioner to collect overpayments of 69156  
assistance under Chapter 5107., ~~5111.~~, or 5115., former Chapter 69157  
5113., or section 5101.54 of the Revised Code from refunds of 69158  
state income taxes for taxable year 1992 and thereafter that are 69159  
payable to the recipients of such overpayments. 69160

Any overpayment of assistance, whether obtained by fraud or 69161  
misrepresentation, as the result of an error by the recipient or 69162  
by the agency making the payment, or in any other manner, may be 69163  
collected under this section. Any reduction under section 5747.12 69164  
or 5747.121 of the Revised Code to an income tax refund shall be 69165  
made before a reduction under this section. No reduction shall be 69166  
made under this section if the amount of the refund is less than 69167  
twenty-five dollars after any reduction under section 5747.12 of 69168  
the Revised Code. A reduction under this section shall be made 69169  
before any part of the refund is contributed under section 69170  
5747.113 of the Revised Code, or is credited under section 5747.12 69171  
of the Revised Code against tax due in any subsequent year. 69172

The director and the tax commissioner, by rules adopted in 69173  
accordance with Chapter 119. of the Revised Code, shall establish 69174  
procedures to implement this division. The procedures shall 69175  
provide for notice to a recipient of assistance and an opportunity 69176  
for the recipient to be heard before the recipient's income tax 69177  
refund is reduced. 69178

(B) The director of job and family services may enter into 69179  
agreements with the federal government to collect overpayments of 69180

assistance from refunds of federal income taxes that are payable 69181  
to recipients of the overpayments. 69182

**Sec. 5101.26.** As used in this section and in sections 5101.27 69183  
to 5101.30 of the Revised Code: 69184

(A) "County agency" means a county department of job and 69185  
family services or a public children services agency. 69186

(B) "Fugitive felon" means an individual who is fleeing to 69187  
avoid prosecution, or custody or confinement after conviction, 69188  
under the laws of the place from which the individual is fleeing, 69189  
for a crime or an attempt to commit a crime that is a felony under 69190  
the laws of the place from which the individual is fleeing or, in 69191  
the case of New Jersey, a high misdemeanor, regardless of whether 69192  
the individual has departed from the individual's usual place of 69193  
residence. 69194

(C) "Information" means records as defined in section 149.011 69195  
of the Revised Code, any other documents in any format, and data 69196  
derived from records and documents that are generated, acquired, 69197  
or maintained by the department of job and family services, a 69198  
county agency, or an entity performing duties on behalf of the 69199  
department or a county agency. 69200

(D) "Law enforcement agency" means the state highway patrol, 69201  
an agency that employs peace officers as defined in section 109.71 69202  
of the Revised Code, the adult parole authority, a county 69203  
department of probation, a prosecuting attorney, the attorney 69204  
general, similar agencies of other states, federal law enforcement 69205  
agencies, and postal inspectors. "Law enforcement agency" includes 69206  
the peace officers and other law enforcement officers employed by 69207  
the agency. 69208

(E) ~~"Medical assistance" means medical assistance provided 69209~~  
~~pursuant to, or under programs established by, section 5101.49, 69210~~

~~sections 5101.50 to 5101.529, Chapter 5111., or any other~~ 69211  
~~provision of the Revised Code.~~ 69212

~~(F) "Medical assistance recipient" means an applicant for or~~ 69213  
~~recipient or former recipient of medical assistance.~~ 69214

~~(G) "Public assistance" means financial assistance or social~~ 69215  
~~services that are not medical assistance provided under a program~~ 69216  
~~administered by the department of job and family services or a~~ 69217  
~~county agency pursuant to Chapter 329., 5101., 5104., 5107.,~~ 69218  
~~5108., or 5115. of the Revised Code or an executive order issued~~ 69219  
~~under section 107.17 of the Revised Code. "Public assistance" does~~ 69220  
~~not mean medical assistance provided under a medical assistance~~ 69221  
~~program, as defined in section 5160.01 of the Revised Code.~~ 69222

~~(H)(F) "Public assistance recipient" means an applicant for~~ 69223  
~~or recipient or former recipient of public assistance.~~ 69224

**Sec. 5101.272.** (A) For the purposes of ~~sections~~ section 69225  
~~5101.27 and 5101.271~~ of the Revised Code, an authorization shall 69226  
be made on a form that uses language understandable to the average 69227  
person and contains all of the following: 69228

(1) A description of the information to be used or disclosed 69229  
that identifies the information in a specific and meaningful 69230  
fashion; 69231

(2) The name or other specific identification of the person 69232  
or class of persons authorized to make the requested use or 69233  
disclosure; 69234

(3) The name or other specific identification of the person 69235  
or governmental entity to which the information may be released; 69236

(4) A description of each purpose of the requested use or 69237  
disclosure of the information; 69238

(5) The date on which the authorization expires or an event 69239  
related either to the individual who is the subject of the request 69240

or to the purposes of the requested use or disclosure, the 69241  
occurrence of which will cause the authorization to expire; 69242

(6) A statement that the information used or disclosed 69243  
pursuant to the authorization may be disclosed by the recipient of 69244  
the information and may no longer be protected from disclosure; 69245

(7) The signature of the individual or the individual's 69246  
authorized representative and the date on which the authorization 69247  
was signed; 69248

(8) If signed by an authorized representative, a description 69249  
of the representative's authority to act for the individual; 69250

(9) A statement of the individual or authorized 69251  
representative's right to prospectively revoke the written 69252  
authorization in writing, along with one of the following: 69253

(a) A description of how the individual or authorized 69254  
representative may revoke the authorization; 69255

(b) If the department of job and family services' privacy 69256  
notice contains a description of how the individual or authorized 69257  
representative may revoke the authorization, a reference to that 69258  
privacy notice. 69259

(10) A statement that treatment, payment, enrollment, or 69260  
eligibility for public assistance ~~or medical assistance~~ cannot be 69261  
conditioned on signing the authorization unless the authorization 69262  
is necessary for determining eligibility for the public assistance 69263  
~~or medical assistance~~ program. 69264

~~(B) An authorization for the release of information regarding 69265  
a medical assistance recipient to the recipient's attorney under 69266  
division (C)(3) of section 5101.271 of the Revised Code may 69267  
include a provision specifically authorizing the release of the 69268  
recipient's electronic health records, if any, in accordance with 69269  
rules the director of job and family services adopts under section 69270~~

~~5101.30 of the Revised Code.~~ 69271

~~(C)~~ When an individual requests information pursuant to 69272  
section 5101.27 ~~or 5101.271~~ of the Revised Code regarding the 69273  
individual's receipt of public assistance ~~or medical assistance~~ 69274  
and does not wish to provide a statement of purpose, the statement 69275  
"at request of the individual" is a sufficient description for 69276  
purposes of division (A)(4) of this section. 69277

**Sec. 5101.273.** The department of job and family services 69278  
shall enter into any necessary agreements with the United States 69279  
department of health and human services and neighboring states to 69280  
join and participate as an active member in the public assistance 69281  
reporting information system. The department may disclose 69282  
information regarding a public assistance recipient ~~or medical~~ 69283  
~~assistance recipient~~ to the extent necessary to participate as an 69284  
active member in the public assistance reporting information 69285  
system. 69286

**Sec. 5101.30.** (A) The director of job and family services 69287  
shall adopt rules in accordance with Chapter 119. of the Revised 69288  
Code implementing sections 5101.26 to 5101.30 of the Revised Code 69289  
and governing the custody, use, disclosure, and preservation of 69290  
the information generated or received by the department of job and 69291  
family services, county agencies, other state and county entities, 69292  
contractors, grantees, private entities, or officials 69293  
participating in the administration of public assistance ~~or~~ 69294  
~~medical assistance~~ programs. The rules shall comply with 69295  
applicable federal statutes and regulations. 69296

(1) The rules shall specify conditions and procedures for the 69297  
release of information which may include, among other conditions 69298  
and procedures, both of the following: 69299

(a) Permitting providers of services or assistance under 69300

public assistance programs limited access to information that is 69301  
essential for the providers to render services or assistance or to 69302  
bill for services or assistance rendered. The department of aging, 69303  
when investigating a complaint under section 173.20 of the Revised 69304  
Code, shall be granted any limited access permitted in the rules 69305  
pursuant to division (A)(1) of this section. 69306

(b) Permitting a contractor, grantee, or other state or 69307  
county entity limited access to information that is essential for 69308  
the contractor, grantee, or entity to perform administrative or 69309  
other duties on behalf of the department or county agency. A 69310  
contractor, grantee, or entity given access to information 69311  
pursuant to division (A)(2) of this section is bound by the 69312  
director's rules, and disclosure of the information by the 69313  
contractor, grantee, or entity in a manner not authorized by the 69314  
rules is a violation of section 5101.27 of the Revised Code. 69315

(2) The rules may define who is an "authorized 69316  
representative" for purposes of sections 5101.27, ~~5101.271~~, and 69317  
5101.272 of the Revised Code. 69318

(B) Whenever names, addresses, or other information relating 69319  
to public assistance recipients is held by any agency other than 69320  
the department or a county agency, that other agency shall adopt 69321  
rules consistent with sections 5101.26 to 5101.30 of the Revised 69322  
Code to prevent the publication or disclosure of names, lists, or 69323  
other information concerning those recipients. 69324

**Sec. 5101.34.** (A) There is hereby created in the department 69325  
of job and family services the Ohio commission on fatherhood. The 69326  
commission shall consist of the following members: 69327

(1)(a) Four members of the house of representatives appointed 69328  
by the speaker of the house, not more than two of whom are members 69329  
of the same political party. Two of the members must be from 69330  
legislative districts that include a county or part of a county 69331

that is among the one-third of counties in this state with the 69332  
highest number per capita of households headed by females. 69333

(b) Two members of the senate appointed by the president of 69334  
the senate, each from a different political party. One of the 69335  
members must be from a legislative district that includes a county 69336  
or part of a county that is among the one-third of counties in 69337  
this state with the highest number per capita of households headed 69338  
by females. 69339

(2) The governor, or the governor's designee; 69340

(3) One representative of the judicial branch of government 69341  
appointed by the chief justice of the supreme court; 69342

(4) The directors of health, job and family services, 69343  
rehabilitation and correction, ~~alcohol and drug addiction services~~ 69344  
mental health and addiction services, and youth services and the 69345  
superintendent of public instruction, or their designees; 69346

(5) One representative of the Ohio family and children first 69347  
cabinet council created under section 121.37 of the Revised Code 69348  
appointed by the chairperson of the council; 69349

(6) Five representatives of the general public appointed by 69350  
the governor. These members shall have extensive experience in 69351  
issues related to fatherhood. 69352

(B) The appointing authorities of the Ohio commission on 69353  
fatherhood shall make initial appointments to the commission 69354  
within thirty days after September 29, 1999. Of the initial 69355  
appointments to the commission made pursuant to divisions (A)(3), 69356  
(5), and (6) of this section, three of the members shall serve a 69357  
term of one year and four shall serve a term of two years. Members 69358  
so appointed subsequently shall serve two-year terms. A member 69359  
appointed pursuant to division (A)(1) of this section shall serve 69360  
on the commission until the end of the general assembly from which 69361  
the member was appointed or until the member ceases to serve in 69362

the chamber of the general assembly in which the member serves at 69363  
the time of appointment, whichever occurs first. The governor or 69364  
the governor's designee shall serve on the commission until the 69365  
governor ceases to be governor. The directors and superintendent 69366  
or their designees shall serve on the commission until they cease, 69367  
or the director or superintendent a designee represents ceases, to 69368  
be director or superintendent. Each member shall serve on the 69369  
commission from the date of appointment until the end of the term 69370  
for which the member was appointed. Members may be reappointed. 69371

Vacancies shall be filled in the manner provided for original 69372  
appointments. Any member appointed to fill a vacancy occurring 69373  
prior to the expiration date of the term for which the member's 69374  
predecessor was appointed shall serve on the commission for the 69375  
remainder of that term. A member shall continue to serve on the 69376  
commission subsequent to the expiration date of the member's term 69377  
until the member's successor is appointed or until a period of 69378  
sixty days has elapsed, whichever occurs first. Members shall 69379  
serve without compensation but shall be reimbursed for necessary 69380  
expenses. 69381

**Sec. 5101.35.** (A) As used in this section: 69382

(1)(a) "Agency" means the following entities that administer 69383  
a family services program: 69384

~~(a)~~(i) The department of job and family services; 69385

~~(b)~~(ii) A county department of job and family services; 69386

~~(c)~~(iii) A public children services agency; 69387

~~(d)~~(iv) A private or government entity administering, in 69388  
whole or in part, a family services program for or on behalf of 69389  
the department of job and family services or a county department 69390  
of job and family services or public children services agency. 69391

(b) If the department of medicaid contracts with the 69392



department of job and family services to hear appeals authorized 69393  
by section 5160.31 of the Revised Code regarding medical 69394  
assistance programs, "agency" includes the department of medicaid. 69395

(2) "Appellant" means an applicant, participant, former 69396  
participant, recipient, or former recipient of a family services 69397  
program who is entitled by federal or state law to a hearing 69398  
regarding a decision or order of the agency that administers the 69399  
program. 69400

(3)(a) "Family services program" means ~~assistance provided~~ 69401  
~~under a all of the following:~~ 69402

(i) A Title IV-A program as defined in section 5101.80 of the 69403  
Revised Code ~~or~~; 69404

(ii) Programs that provide assistance under Chapter 5104. 69405  
5111. ~~or 5115.~~ ~~or of the Revised Code;~~ 69406

(iii) Programs that provide assistance under section 5119.69, 69407  
5101.141, ~~5101.46~~, 5101.461, 5101.54, 5119.41, 5153.163, or 69408  
5153.165 of the Revised Code; 69409

(iv) Title XX social services provided under section 5101.46 69410  
of the Revised Code, other than assistance such services provided 69411  
under section 5101.46 of the Revised Code by the department of 69412  
mental health mental health and addiction services, the department 69413  
of developmental disabilities, a board of alcohol, drug addiction, 69414  
and mental health services, or a county board of developmental 69415  
disabilities. 69416

(b) If the department of medicaid contracts with the 69417  
department of job and family services to hear appeals authorized 69418  
by section 5160.31 of the Revised Code regarding medical 69419  
assistance programs, "family services program" includes medical 69420  
assistance programs. 69421

(4) "Medical assistance program" has the same meaning as in 69422

section 5160.01 of the Revised Code. 69423

(B) Except as provided by divisions (G) and (H) of this 69424  
section, an appellant who appeals under federal or state law a 69425  
decision or order of an agency administering a family services 69426  
program shall, at the appellant's request, be granted a state 69427  
hearing by the department of job and family services. This state 69428  
hearing shall be conducted in accordance with rules adopted under 69429  
this section. The state hearing shall be recorded, but neither the 69430  
recording nor a transcript of the recording shall be part of the 69431  
official record of the proceeding. A Except as provided in section 69432  
5160.31 of the Revised Code, a state hearing decision is binding 69433  
upon the agency and department, unless it is reversed or modified 69434  
on appeal to the director of job and family services or a court of 69435  
common pleas. 69436

(C) Except as provided by division (G) of this section, an 69437  
appellant who disagrees with a state hearing decision may make an 69438  
administrative appeal to the director of job and family services 69439  
in accordance with rules adopted under this section. This 69440  
administrative appeal does not require a hearing, but the director 69441  
or the director's designee shall review the state hearing decision 69442  
and previous administrative action and may affirm, modify, remand, 69443  
or reverse the state hearing decision. An administrative appeal 69444  
decision is the final decision of the department and, except as 69445  
provided in section 5160.31 of the Revised Code, is binding upon 69446  
the department and agency, unless it is reversed or modified on 69447  
appeal to the court of common pleas. 69448

(D) An agency shall comply with a decision issued pursuant to 69449  
division (B) or (C) of this section within the time limits 69450  
established by rules adopted under this section. If a county 69451  
department of job and family services or a public children 69452  
services agency fails to comply within these time limits, the 69453  
department may take action pursuant to section 5101.24 of the 69454

Revised Code. If another agency, other than the department of 69455  
medicaid, fails to comply within the time limits, the department 69456  
may force compliance by withholding funds due the agency or 69457  
imposing another sanction established by rules adopted under this 69458  
section. 69459

(E) An appellant who disagrees with an administrative appeal 69460  
decision of the director of job and family services or the 69461  
director's designee issued under division (C) of this section may 69462  
appeal from the decision to the court of common pleas pursuant to 69463  
section 119.12 of the Revised Code. The appeal shall be governed 69464  
by section 119.12 of the Revised Code except that: 69465

(1) The person may appeal to the court of common pleas of the 69466  
county in which the person resides, or to the court of common 69467  
pleas of Franklin county if the person does not reside in this 69468  
state. 69469

(2) The person may apply to the court for designation as an 69470  
indigent and, if the court grants this application, the appellant 69471  
shall not be required to furnish the costs of the appeal. 69472

(3) The appellant shall mail the notice of appeal to the 69473  
department of job and family services and file notice of appeal 69474  
with the court within thirty days after the department mails the 69475  
administrative appeal decision to the appellant. For good cause 69476  
shown, the court may extend the time for mailing and filing notice 69477  
of appeal, but such time shall not exceed six months from the date 69478  
the department mails the administrative appeal decision. Filing 69479  
notice of appeal with the court shall be the only act necessary to 69480  
vest jurisdiction in the court. 69481

(4) The department shall be required to file a transcript of 69482  
the testimony of the state hearing with the court only if the 69483  
court orders the department to file the transcript. The court 69484  
shall make such an order only if it finds that the department and 69485

the appellant are unable to stipulate to the facts of the case and 69486  
that the transcript is essential to a determination of the appeal. 69487  
The department shall file the transcript not later than thirty 69488  
days after the day such an order is issued. 69489

(F) The department of job and family services shall adopt 69490  
rules in accordance with Chapter 119. of the Revised Code to 69491  
implement this section, including rules governing the following: 69492

(1) State hearings under division (B) of this section. The 69493  
rules shall include provisions regarding notice of eligibility 69494  
termination and the opportunity of an appellant appealing a 69495  
decision or order of a county department of job and family 69496  
services to request a county conference with the county department 69497  
before the state hearing is held. 69498

(2) Administrative appeals under division (C) of this 69499  
section; 69500

(3) Time limits for complying with a decision issued under 69501  
division (B) or (C) of this section; 69502

(4) Sanctions that may be applied against an agency under 69503  
division (D) of this section. 69504

(G) The department of job and family services may adopt rules 69505  
in accordance with Chapter 119. of the Revised Code establishing 69506  
an appeals process for an appellant who appeals a decision or 69507  
order regarding a Title IV-A program identified under division 69508  
(A)(4)(c), (d), (e), ~~or (f)~~, or (g) of section 5101.80 of the 69509  
Revised Code that is different from the appeals process 69510  
established by this section. The different appeals process may 69511  
include having a state agency that administers the Title IV-A 69512  
program pursuant to an interagency agreement entered into under 69513  
section 5101.801 of the Revised Code administer the appeals 69514  
process. 69515

(H) If an appellant receiving medicaid through a health 69516

insuring corporation that holds a certificate of authority under 69517  
Chapter 1751. of the Revised Code is appealing a denial of 69518  
medicaid services based on lack of medical necessity or other 69519  
clinical issues regarding coverage by the health insuring 69520  
corporation, the person hearing the appeal may order an 69521  
independent medical review if that person determines that a review 69522  
is necessary. The review shall be performed by a health care 69523  
professional with appropriate clinical expertise in treating the 69524  
recipient's condition or disease. The department shall pay the 69525  
costs associated with the review. 69526

A review ordered under this division shall be part of the 69527  
record of the hearing and shall be given appropriate evidentiary 69528  
consideration by the person hearing the appeal. 69529

(I) The requirements of Chapter 119. of the Revised Code 69530  
apply to a state hearing or administrative appeal under this 69531  
section only to the extent, if any, specifically provided by rules 69532  
adopted under this section. 69533

**Sec. 5101.36.** Any application for public assistance gives a 69534  
right of subrogation to the department of job and family services 69535  
for any workers' compensation benefits payable to a person who is 69536  
subject to a support order, as defined in section 3119.01 of the 69537  
Revised Code, on behalf of the applicant, to the extent of any 69538  
public assistance payments made on the applicant's behalf. If the 69539  
director of job and family services, in consultation with a child 69540  
support enforcement agency and the administrator of the bureau of 69541  
workers' compensation, determines that a person responsible for 69542  
support payments to a recipient of public assistance is receiving 69543  
workers' compensation, the director shall notify the administrator 69544  
of the amount of the benefit to be paid to the department of job 69545  
and family services. 69546

For purposes of this section, "public assistance" means 69547

~~medical assistance provided through the medical assistance program~~ 69548  
~~established under section 5111.01 of the Revised Code;~~ Ohio works 69549  
first provided under Chapter 5107. of the Revised Code; 69550  
prevention, retention, and contingency benefits and services 69551  
provided under Chapter 5108. of the Revised Code; or disability 69552  
financial assistance provided under Chapter 5115. of the Revised 69553  
Code. 69554

**Sec. 5101.46.** (A) As used in this section: 69555

(1) "Title XX" means Title XX of the "Social Security Act," 69556  
88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended. 69557

(2) "Respective local agency" means, with respect to the 69558  
department of job and family services, a county department of job 69559  
and family services; with respect to the department of ~~mental~~ 69560  
~~health~~ mental health and addiction services, a board of alcohol, 69561  
drug addiction, and mental health services; and with respect to 69562  
the department of developmental disabilities, a county board of 69563  
developmental disabilities. 69564

(3) "Federal poverty guidelines" means the poverty guidelines 69565  
as revised annually by the United States department of health and 69566  
human services in accordance with section 673(2) of the "Omnibus 69567  
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 69568  
9902, as amended, for a family size equal to the size of the 69569  
family of the person whose income is being determined. 69570

(B) The departments of job and family services, mental 69571  
health, and developmental disabilities, with their respective 69572  
local agencies, shall administer the provision of social services 69573  
funded through grants made under Title XX. The social services 69574  
furnished with Title XX funds shall be directed at the following 69575  
goals: 69576

(1) Achieving or maintaining economic self-support to 69577

prevent, reduce, or eliminate dependency; 69578

(2) Achieving or maintaining self-sufficiency, including 69579  
reduction or prevention of dependency; 69580

(3) Preventing or remedying neglect, abuse, or exploitation 69581  
of children and adults unable to protect their own interests, or 69582  
preserving, rehabilitating, or reuniting families; 69583

(4) Preventing or reducing inappropriate institutional care 69584  
by providing for community-based care, home-based care, or other 69585  
forms of less intensive care; 69586

(5) Securing referral or admission for institutional care 69587  
when other forms of care are not appropriate, or providing 69588  
services to individuals in institutions. 69589

(C)(1) All federal funds received under Title XX shall be 69590  
appropriated as follows: 69591

(a) Seventy-two and one-half per cent to the department of 69592  
job and family services; 69593

(b) Twelve and ninety-three one-hundredths per cent to the 69594  
department of ~~mental health~~ mental health and addiction services; 69595

(c) Fourteen and fifty-seven one-hundredths per cent to the 69596  
department of developmental disabilities. 69597

(2) Each of the state departments shall, subject to the 69598  
approval of the controlling board, develop a formula for the 69599  
distribution of the Title XX funds appropriated to the department 69600  
to its respective local agencies. The formula developed by each 69601  
state department shall take into account all of the following for 69602  
each of its respective local agencies: 69603

(a) The total population of the area that is served by the 69604  
respective local agency; 69605

(b) The percentage of the population in the area served that 69606  
falls below the federal poverty guidelines; 69607

(c) The respective local agency's history of and ability to utilize Title XX funds. 69608  
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(3) Each of the state departments shall expend for state administrative costs not more than three per cent of the Title XX funds appropriated to the department. 69610  
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Each state department shall establish for each of its respective local agencies the maximum percentage of the Title XX funds distributed to the respective local agency that the respective local agency may expend for local administrative costs. The percentage shall be established by rule and shall comply with federal law governing the use of Title XX funds. The rules shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. 69613  
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(4) The department of job and family services shall expend for the training of the following not more than two per cent of the Title XX funds appropriated to the department: 69621  
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(a) Employees of county departments of job and family services; 69624  
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(b) Providers of services under contract with the state departments' respective local agencies; 69626  
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(c) Employees of a public children services agency directly engaged in providing Title XX services. 69628  
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(5) Title XX funds distributed for the purpose of providing family planning services shall be distributed by the respective local agencies according to the same order of priority that applies to the department of job and family services under section 5101.101 of the Revised Code. 69630  
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(D) The department of job and family services shall prepare an annual comprehensive Title XX social services plan on the intended use of Title XX funds. The department shall develop a 69635  
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method for obtaining public comment during the development of the 69638  
plan and following its completion. 69639

For each federal fiscal year, the department of job and 69640  
family services shall prepare a report on the actual use of Title 69641  
XX funds. The department shall make the annual report available 69642  
for public inspection. 69643

The departments of ~~mental health~~ mental health and addiction 69644  
services and developmental disabilities shall prepare and submit 69645  
to the department of job and family services the portions of each 69646  
annual plan and report that apply to services for mental health 69647  
and mental retardation and developmental disabilities. Each 69648  
respective local agency of the three state departments shall 69649  
submit information as necessary for the preparation of annual 69650  
plans and reports. 69651

(E) Each county department of job and family services shall 69652  
adopt a county profile for the administration and provision of 69653  
Title XX social services in the county. In developing its county 69654  
profile, the county department shall take into consideration the 69655  
comments and recommendations received from the public by the 69656  
county family services planning committee pursuant to section 69657  
329.06 of the Revised Code. As part of its preparation of the 69658  
county profile, the county department may prepare a local needs 69659  
report analyzing the need for Title XX social services. 69660

The county department shall submit the county profile to the 69661  
board of county commissioners for its review. Once the county 69662  
profile has been approved by the board, the county department 69663  
shall file a copy of the county profile with the department of job 69664  
and family services. The department shall approve the county 69665  
profile if the department determines the profile provides for the 69666  
Title XX social services to meet the goals specified in division 69667  
(B) of this section. 69668

(F) Any of the three state departments and their respective local agencies may require that an entity under contract to provide social services with Title XX funds submit to an audit on the basis of alleged misuse or improper accounting of funds. If an audit is required, the social services provider shall reimburse the state department or respective local agency for the cost it incurred in conducting the audit or having the audit conducted.

If an audit demonstrates that a social services provider is responsible for one or more adverse findings, the provider shall reimburse the appropriate state department or its respective local agency the amount of the adverse findings. The amount shall not be reimbursed with Title XX funds received under this section. The three state departments and their respective local agencies may terminate or refuse to enter into a Title XX contract with a social services provider if there are adverse findings in an audit that are the responsibility of the provider.

(G) Except with respect to the matters for which each of the state departments must adopt rules under division (C)(3) of this section, the department of job and family services may adopt any rules it considers necessary to implement and carry out the purposes of this section. Rules governing financial and operational matters of the department or matters between the department and county departments of job and family services shall be adopted as internal management rules in accordance with section 111.15 of the Revised Code. Rules governing eligibility for services, program participation, and other matters pertaining to applicants and participants shall be adopted in accordance with Chapter 119. of the Revised Code.

**Sec. 5101.461.** (A) As used in this section:

(1) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.

(2) "Title XX" has the same meaning as in section 5101.46 of the Revised Code. 69700  
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(B) To the extent authorized by federal law, the department of job and family services may use funds received through the Title IV-A temporary assistance for needy families block grant for purposes of providing Title XX social services. The amount used under this section shall not exceed the maximum amount permitted by federal law. The funds and provision of Title XX social services with the funds are not subject to section 5101.46 of the Revised Code. 69702  
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Funds distributed under this section for the purpose of providing family planning services shall be distributed by a county department of job and family services according to the same order of priority that applies to the department of job and family services under section 5101.101 of the Revised Code. 69710  
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(C) The department and any county department of job and family services may require an entity under contract to provide Title XX social services with funds used under this section to submit to an audit on the basis of alleged misuse or improper accounting of funds. If an audit is required, the social services provider shall reimburse the state department or county department for the cost it incurred in conducting the audit or having the audit conducted. 69715  
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If an audit demonstrates that a social services provider is responsible for one or more adverse findings, the provider shall reimburse the state department or county department the amount of the adverse findings. The amount shall not be reimbursed with funds received under this section. The state department and county departments may terminate or refuse to enter into a contract with a social services provider to provide services with funds available pursuant to this section if there are adverse findings in an audit that are the responsibility of the provider. 69723  
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(D) The state department of job and family services may adopt 69732  
rules to implement and carry out the purposes of this section. 69733  
Rules governing financial and operational matters of the 69734  
department or matters between the department and county 69735  
departments of job and family services shall be adopted as 69736  
internal management rules in accordance with section 111.15 of the 69737  
Revised Code. Rules governing eligibility for services, program 69738  
participation, and other matters pertaining to applicants and 69739  
participants shall be adopted in accordance with Chapter 119. of 69740  
the Revised Code. 69741

**Sec. 5101.47.** (A) Except as provided in divisions (B) and (C) 69742  
of this section, the department of job and family services may 69743  
accept applications, determine eligibility, redetermine 69744  
eligibility, and perform related administrative activities for one 69745  
or more of the following: 69746

~~(1) The medicaid program established by Chapter 5111. of the 69747  
Revised Code;~~ 69748

~~(2) The children's health insurance program parts I, II, and 69749  
III provided for under sections 5101.50 to 5101.529 of the Revised 69750  
Code;~~ 69751

~~(3) Publicly funded child care provided under Chapter 5104. 69752  
of the Revised Code;~~ 69753

~~(4)(2) The supplemental nutrition assistance program 69754  
administered by the department pursuant to section 5101.54 of the 69755  
Revised Code;~~ 69756

~~(5)(3) Other programs administered by the department that the 69757  
director of job and family services determines are supportive of 69758  
children, adults, or families;~~ 69759

~~(6)(4) Other programs administered by the department 69760  
regarding which the director determines administrative cost 69761~~

savings and efficiency may be achieved through the department 69762  
accepting applications, determining eligibility, redetermining 69763  
eligibility, or performing related administrative activities. 69764

~~(B) To the extent permitted by federal law, the department 69765  
may enter into agreements with one or more other state agencies,  
local government entities, or political subdivisions to accept 69766  
applications, determine eligibility, redetermine eligibility, and 69767  
perform related administrative activities on behalf of the 69768  
department with respect to the medicaid program and the children's 69769  
health insurance program. 69770  
health insurance program. 69771~~

~~(C)~~ If federal law requires a face-to-face interview to 69772  
complete an eligibility determination for a program specified in 69773  
or pursuant to division (A) of this section, the face-to-face 69774  
interview shall not be conducted by the department of job and 69775  
family services. 69776

~~(D)~~(C) Subject to division ~~(C)~~(B) of this section, if the 69777  
department elects to accept applications, determine eligibility, 69778  
redetermine eligibility, and perform related administrative 69779  
activities for a program specified in or pursuant to division (A) 69780  
of this section, both of the following apply: 69781

(1) An individual seeking services under the program may 69782  
apply for the program to the department or to the entity that 69783  
state law governing the program authorizes to accept applications 69784  
for the program. 69785

(2) The department is subject to federal statutes and 69786  
regulations and state statutes and rules that require, permit, or 69787  
prohibit an action regarding accepting applications, determining 69788  
or redetermining eligibility, and performing related 69789  
administrative activities for the program. 69790

~~(E)~~(D) The director may adopt rules as necessary to implement 69791  
this section. 69792

**Sec. 5101.49.** The department of job and family services shall 69793  
administer funds received under the "Refugee Act of 1980," 94 69794  
Stat. 102, 8 U.S.C.A. 1521, as amended. In administering the 69795  
funds, the department may establish a refugee cash assistance 69796  
program and a state legalization impact assistance program. The 69797  
director of job and family services may adopt rules in accordance 69798  
with section 111.15 of the Revised Code and issue appropriate 69799  
orders as necessary for administration of these funds and 69800  
programs. 69801

**Sec. 5101.60.** As used in sections 5101.60 to 5101.71 of the 69802  
Revised Code: 69803

(A) "Abuse" means the infliction upon an adult by self or 69804  
others of injury, unreasonable confinement, intimidation, or cruel 69805  
punishment with resulting physical harm, pain, or mental anguish. 69806

(B) "Adult" means any person sixty years of age or older 69807  
within this state who is handicapped by the infirmities of aging 69808  
or who has a physical or mental impairment which prevents the 69809  
person from providing for the person's own care or protection, and 69810  
who resides in an independent living arrangement. An "independent 69811  
living arrangement" is a domicile of a person's own choosing, 69812  
including, but not limited to, a private home, apartment, trailer, 69813  
or rooming house. An "independent living arrangement" includes a 69814  
residential facility licensed under section ~~5119.22~~ 5119.34 of the 69815  
Revised Code that provides accommodations, supervision, and 69816  
personal care services for three to sixteen unrelated adults, but 69817  
does not include other institutions or facilities licensed by the 69818  
state or facilities in which a person resides as a result of 69819  
voluntary, civil, or criminal commitment. 69820

(C) "Caretaker" means the person assuming the responsibility 69821  
for the care of an adult on a voluntary basis, by contract, 69822

through receipt of payment for care, as a result of a family 69823  
relationship, or by order of a court of competent jurisdiction. 69824

(D) "Court" means the probate court in the county where an 69825  
adult resides. 69826

(E) "Emergency" means that the adult is living in conditions 69827  
which present a substantial risk of immediate and irreparable 69828  
physical harm or death to self or any other person. 69829

(F) "Emergency services" means protective services furnished 69830  
to an adult in an emergency. 69831

(G) "Exploitation" means the unlawful or improper act of a 69832  
caretaker using an adult or an adult's resources for monetary or 69833  
personal benefit, profit, or gain. 69834

(H) "In need of protective services" means an adult known or 69835  
suspected to be suffering from abuse, neglect, or exploitation to 69836  
an extent that either life is endangered or physical harm, mental 69837  
anguish, or mental illness results or is likely to result. 69838

(I) "Incapacitated person" means a person who is impaired for 69839  
any reason to the extent that the person lacks sufficient 69840  
understanding or capacity to make and carry out reasonable 69841  
decisions concerning the person's self or resources, with or 69842  
without the assistance of a caretaker. Refusal to consent to the 69843  
provision of services shall not be the sole determinative that the 69844  
person is incapacitated. "Reasonable decisions" are decisions made 69845  
in daily living which facilitate the provision of food, shelter, 69846  
clothing, and health care necessary for life support. 69847

(J) "Mental illness" means a substantial disorder of thought, 69848  
mood, perception, orientation, or memory that grossly impairs 69849  
judgment, behavior, capacity to recognize reality, or ability to 69850  
meet the ordinary demands of life. 69851

(K) "Neglect" means the failure of an adult to provide for 69852

self the goods or services necessary to avoid physical harm, 69853  
mental anguish, or mental illness or the failure of a caretaker to 69854  
provide such goods or services. 69855

(L) "Peace officer" means a peace officer as defined in 69856  
section 2935.01 of the Revised Code. 69857

(M) "Physical harm" means bodily pain, injury, impairment, or 69858  
disease suffered by an adult. 69859

(N) "Protective services" means services provided by the 69860  
county department of job and family services or its designated 69861  
agency to an adult who has been determined by evaluation to 69862  
require such services for the prevention, correction, or 69863  
discontinuance of an act of as well as conditions resulting from 69864  
abuse, neglect, or exploitation. Protective services may include, 69865  
but are not limited to, case work services, medical care, mental 69866  
health services, legal services, fiscal management, home health 69867  
care, homemaker services, housing-related services, guardianship 69868  
services, and placement services as well as the provision of such 69869  
commodities as food, clothing, and shelter. 69870

(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, 69871  
and Friday, except when such day is a holiday as defined in 69872  
section 1.14 of the Revised Code. 69873

**Sec. 5101.61.** (A) As used in this section: 69874

(1) "Senior service provider" means any person who provides 69875  
care or services to a person who is an adult as defined in 69876  
division (B) of section 5101.60 of the Revised Code. 69877

(2) "Ambulatory health facility" means a nonprofit, public or 69878  
proprietary freestanding organization or a unit of such an agency 69879  
or organization that: 69880

(a) Provides preventive, diagnostic, therapeutic, 69881  
rehabilitative, or palliative items or services furnished to an 69882



outpatient or ambulatory patient, by or under the direction of a 69883  
physician or dentist in a facility which is not a part of a 69884  
hospital, but which is organized and operated to provide medical 69885  
care to outpatients; 69886

(b) Has health and medical care policies which are developed 69887  
with the advice of, and with the provision of review of such 69888  
policies, an advisory committee of professional personnel, 69889  
including one or more physicians, one or more dentists, if dental 69890  
care is provided, and one or more registered nurses; 69891

(c) Has a medical director, a dental director, if dental care 69892  
is provided, and a nursing director responsible for the execution 69893  
of such policies, and has physicians, dentists, nursing, and 69894  
ancillary staff appropriate to the scope of services provided; 69895

(d) Requires that the health care and medical care of every 69896  
patient be under the supervision of a physician, provides for 69897  
medical care in a case of emergency, has in effect a written 69898  
agreement with one or more hospitals and other centers or clinics, 69899  
and has an established patient referral system to other resources, 69900  
and a utilization review plan and program; 69901

(e) Maintains clinical records on all patients; 69902

(f) Provides nursing services and other therapeutic services 69903  
in accordance with programs and policies, with such services 69904  
supervised by a registered professional nurse, and has a 69905  
registered professional nurse on duty at all times of clinical 69906  
operations; 69907

(g) Provides approved methods and procedures for the 69908  
dispensing and administration of drugs and biologicals; 69909

(h) Has established an accounting and record keeping system 69910  
to determine reasonable and allowable costs; 69911

(i) "Ambulatory health facilities" also includes an 69912

alcoholism treatment facility approved by the joint commission on 69913  
accreditation of healthcare organizations as an alcoholism 69914  
treatment facility or certified by the department of ~~alcohol and~~ 69915  
~~drug addiction services~~ mental health and addiction services, and 69916  
such facility shall comply with other provisions of this division 69917  
not inconsistent with such accreditation or certification. 69918

(3) "Community mental health facility" means a facility which 69919  
provides community mental health services and is included in the 69920  
comprehensive mental health plan for the alcohol, drug addiction, 69921  
and mental health service district in which it is located. 69922

(4) "Community mental health service" means services, other 69923  
than inpatient services, provided by a community mental health 69924  
facility. 69925

(5) "Home health agency" means an institution or a distinct 69926  
part of an institution operated in this state which: 69927

(a) Is primarily engaged in providing home health services; 69928

(b) Has home health policies which are established by a group 69929  
of professional personnel, including one or more duly licensed 69930  
doctors of medicine or osteopathy and one or more registered 69931  
professional nurses, to govern the home health services it 69932  
provides and which includes a requirement that every patient must 69933  
be under the care of a duly licensed doctor of medicine or 69934  
osteopathy; 69935

(c) Is under the supervision of a duly licensed doctor of 69936  
medicine or doctor of osteopathy or a registered professional 69937  
nurse who is responsible for the execution of such home health 69938  
policies; 69939

(d) Maintains comprehensive records on all patients; 69940

(e) Is operated by the state, a political subdivision, or an 69941  
agency of either, or is operated not for profit in this state and 69942

is licensed or registered, if required, pursuant to law by the 69943  
appropriate department of the state, county, or municipality in 69944  
which it furnishes services; or is operated for profit in this 69945  
state, meets all the requirements specified in divisions (A)(5)(a) 69946  
to (d) of this section, and is certified under Title XVIII of the 69947  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 69948  
amended. 69949

(6) "Home health service" means the following items and 69950  
services, provided, except as provided in division (A)(6)(g) of 69951  
this section, on a visiting basis in a place of residence used as 69952  
the patient's home: 69953

(a) Nursing care provided by or under the supervision of a 69954  
registered professional nurse; 69955

(b) Physical, occupational, or speech therapy ordered by the 69956  
patient's attending physician; 69957

(c) Medical social services performed by or under the 69958  
supervision of a qualified medical or psychiatric social worker 69959  
and under the direction of the patient's attending physician; 69960

(d) Personal health care of the patient performed by aides in 69961  
accordance with the orders of a doctor of medicine or osteopathy 69962  
and under the supervision of a registered professional nurse; 69963

(e) Medical supplies and the use of medical appliances; 69964

(f) Medical services of interns and residents-in-training 69965  
under an approved teaching program of a nonprofit hospital and 69966  
under the direction and supervision of the patient's attending 69967  
physician; 69968

(g) Any of the foregoing items and services which: 69969

(i) Are provided on an outpatient basis under arrangements 69970  
made by the home health agency at a hospital or skilled nursing 69971  
facility; 69972

(ii) Involve the use of equipment of such a nature that the 69973  
items and services cannot readily be made available to the patient 69974  
in the patient's place of residence, or which are furnished at the 69975  
hospital or skilled nursing facility while the patient is there to 69976  
receive any item or service involving the use of such equipment. 69977

Any attorney, physician, osteopath, podiatrist, chiropractor, 69978  
dentist, psychologist, any employee of a hospital as defined in 69979  
section 3701.01 of the Revised Code, any nurse licensed under 69980  
Chapter 4723. of the Revised Code, any employee of an ambulatory 69981  
health facility, any employee of a home health agency, any 69982  
employee of a residential facility licensed under section ~~5119.22~~ 69983  
5119.34 of the Revised Code that provides accommodations, 69984  
supervision, and personal care services for three to sixteen 69985  
unrelated adults, any employee of a nursing home, residential care 69986  
facility, or home for the aging, as defined in section 3721.01 of 69987  
the Revised Code, any senior service provider, any peace officer, 69988  
coroner, member of the clergy, any employee of a community mental 69989  
health facility, and any person engaged in social work or 69990  
counseling having reasonable cause to believe that an adult is 69991  
being abused, neglected, or exploited, or is in a condition which 69992  
is the result of abuse, neglect, or exploitation shall immediately 69993  
report such belief to the county department of job and family 69994  
services. This section does not apply to employees of any hospital 69995  
or public hospital as defined in section 5122.01 of the Revised 69996  
Code. 69997

(B) Any person having reasonable cause to believe that an 69998  
adult has suffered abuse, neglect, or exploitation may report, or 69999  
cause reports to be made of such belief to the department. 70000

(C) The reports made under this section shall be made orally 70001  
or in writing except that oral reports shall be followed by a 70002  
written report if a written report is requested by the department. 70003  
Written reports shall include: 70004

(1) The name, address, and approximate age of the adult who is the subject of the report; 70005  
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(2) The name and address of the individual responsible for the adult's care, if any individual is, and if the individual is known; 70007  
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(3) The nature and extent of the alleged abuse, neglect, or exploitation of the adult; 70010  
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(4) The basis of the reporter's belief that the adult has been abused, neglected, or exploited. 70012  
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(D) Any person with reasonable cause to believe that an adult is suffering abuse, neglect, or exploitation who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from such a report, or any employee of the state or any of its subdivisions who is discharging responsibilities under section 5101.62 of the Revised Code shall be immune from civil or criminal liability on account of such investigation, report, or testimony, except liability for perjury, unless the person has acted in bad faith or with malicious purpose. 70014  
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(E) No employer or any other person with the authority to do so shall discharge, demote, transfer, prepare a negative work performance evaluation, or reduce benefits, pay, or work privileges, or take any other action detrimental to an employee or in any way retaliate against an employee as a result of the employee's having filed a report under this section. 70024  
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(F) Neither the written or oral report provided for in this section nor the investigatory report provided for in section 5101.62 of the Revised Code shall be considered a public record as defined in section 149.43 of the Revised Code. Information contained in the report shall upon request be made available to the adult who is the subject of the report, to agencies authorized 70030  
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by the department to receive information contained in the report, 70036  
and to legal counsel for the adult. 70037

**Sec. 5101.80.** (A) As used in this section and in section 70038  
5101.801 of the Revised Code: 70039

(1) "County family services agency" has the same meaning as 70040  
in section 307.981 of the Revised Code. 70041

(2) "State agency" has the same meaning as in section 9.82 of 70042  
the Revised Code. 70043

(3) "Title IV-A administrative agency" means both of the 70044  
following: 70045

(a) A county family services agency or state agency 70046  
administering a Title IV-A program under the supervision of the 70047  
department of job and family services; 70048

(b) A government agency or private, not-for-profit entity 70049  
administering a project funded in whole or in part with funds 70050  
provided under the Title IV-A demonstration program created under 70051  
section 5101.803 of the Revised Code. 70052

(4) "Title IV-A program" means all of the following that are 70053  
funded in part with funds provided under the temporary assistance 70054  
for needy families block grant established by Title IV-A of the 70055  
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 70056  
amended: 70057

(a) The Ohio works first program established under Chapter 70058  
5107. of the Revised Code; 70059

(b) The prevention, retention, and contingency program 70060  
established under Chapter 5108. of the Revised Code; 70061

(c) A program established by the general assembly or an 70062  
executive order issued by the governor that is administered or 70063  
supervised by the department of job and family services pursuant 70064

to section 5101.801 of the Revised Code; 70065

(d) The kinship permanency incentive program created under 70066  
section 5101.802 of the Revised Code; 70067

(e) The Title IV-A demonstration program created under 70068  
section 5101.803 of the Revised Code; 70069

(f) The Ohio parenting and pregnancy program created under 70070  
section 5101.804 of the Revised Code; 70071

(g) A component of a Title IV-A program identified under 70072  
divisions (A)(4)(a) to ~~(e)~~(f) of this section that the Title IV-A 70073  
state plan prepared under division (C)(1) of this section 70074  
identifies as a component. 70075

(B) The department of job and family services shall act as 70076  
the single state agency to administer and supervise the 70077  
administration of Title IV-A programs. The Title IV-A state plan 70078  
and amendments to the plan prepared under division (C) of this 70079  
section are binding on Title IV-A administrative agencies. No 70080  
Title IV-A administrative agency may establish, by rule or 70081  
otherwise, a policy governing a Title IV-A program that is 70082  
inconsistent with a Title IV-A program policy established, in rule 70083  
or otherwise, by the director of job and family services. 70084

(C) The department of job and family services shall do all of 70085  
the following: 70086

(1) Prepare and submit to the United States secretary of 70087  
health and human services a Title IV-A state plan for Title IV-A 70088  
programs; 70089

(2) Prepare and submit to the United States secretary of 70090  
health and human services amendments to the Title IV-A state plan 70091  
that the department determines necessary, including amendments 70092  
necessary to implement Title IV-A programs identified in divisions 70093  
(A)(4)(c) to ~~(f)~~(g) of this section; 70094

- (3) Prescribe forms for applications, certificates, reports, records, and accounts of Title IV-A administrative agencies, and other matters related to Title IV-A programs; 70095  
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- (4) Make such reports, in such form and containing such information as the department may find necessary to assure the correctness and verification of such reports, regarding Title IV-A programs; 70098  
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- (5) Require reports and information from each Title IV-A administrative agency as may be necessary or advisable regarding a Title IV-A program; 70102  
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- (6) Afford a fair hearing in accordance with section 5101.35 of the Revised Code to any applicant for, or participant or former participant of, a Title IV-A program aggrieved by a decision regarding the program; 70105  
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- (7) Administer and expend, pursuant to Chapters 5104., 5107., and 5108. of the Revised Code and sections 5101.801, 5101.802, and 5101.803 of the Revised Code, any sums appropriated by the general assembly for the purpose of those chapters and sections and all sums paid to the state by the secretary of the treasury of the United States as authorized by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended; 70109  
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- (8) Conduct investigations and audits as are necessary regarding Title IV-A programs; 70116  
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- (9) Enter into reciprocal agreements with other states relative to the provision of Ohio works first and prevention, retention, and contingency to residents and nonresidents; 70118  
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- (10) Contract with a private entity to conduct an independent on-going evaluation of the Ohio works first program and the prevention, retention, and contingency program. The contract must require the private entity to do all of the following: 70121  
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(a) Examine issues of process, practice, impact, and outcomes;	70125 70126
(b) Study former participants of Ohio works first who have not participated in Ohio works first for at least one year to determine whether they are employed, the type of employment in which they are engaged, the amount of compensation they are receiving, whether their employer provides health insurance, whether and how often they have received benefits or services under the prevention, retention, and contingency program, and whether they are successfully self sufficient;	70127 70128 70129 70130 70131 70132 70133 70134
(c) Provide the department with reports at times the department specifies.	70135 70136
(11) Not later than the last day of each January and July, prepare a report containing information on the following:	70137 70138
(a) Individuals exhausting the time limits for participation in Ohio works first set forth in section 5107.18 of the Revised Code.	70139 70140 70141
(b) Individuals who have been exempted from the time limits set forth in section 5107.18 of the Revised Code and the reasons for the exemption.	70142 70143 70144
(D) The department shall provide copies of the reports it receives under division (C)(10) of this section and prepares under division (C)(11) of this section to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity on request.	70145 70146 70147 70148 70149 70150 70151
(E) An authorized representative of the department or a county family services agency or state agency administering a Title IV-A program shall have access to all records and information bearing thereon for the purposes of investigations	70152 70153 70154 70155

conducted pursuant to this section. An authorized representative 70156  
of a government entity or private, not-for-profit entity 70157  
administering a project funded in whole or in part with funds 70158  
provided under the Title IV-A demonstration program shall have 70159  
access to all records and information bearing on the project for 70160  
the purpose of investigations conducted pursuant to this section. 70161

**Sec. 5101.801.** (A) Except as otherwise provided by the law 70162  
enacted by the general assembly or executive order issued by the 70163  
governor establishing the Title IV-A program, a Title IV-A program 70164  
identified under division (A)(4)(c), (d), (e), ~~or~~ (f), or (g) of 70165  
section 5101.80 of the Revised Code shall provide benefits and 70166  
services that are not "assistance" as defined in 45 C.F.R. 70167  
260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) 70168  
excludes from the definition of assistance. 70169

(B)(1) Except as otherwise provided by the law enacted by the 70170  
general assembly or executive order issued by the governor 70171  
establishing the Title IV-A program, the department of job and 70172  
family services shall do either of the following regarding a Title 70173  
IV-A program identified under division (A)(4)(c), (d), (e), ~~or~~ 70174  
(f), or (g) of section 5101.80 of the Revised Code: 70175

(a) Administer the program or supervise a county family 70176  
services agency's administration of the program; 70177

(b) Enter into an interagency agreement with a state agency 70178  
for the state agency to administer the program under the 70179  
department's supervision. 70180

(2) The department may enter into an agreement with a 70181  
government entity and, to the extent permitted by federal law, a 70182  
private, not-for-profit entity for the entity to receive funding 70183  
for a project under the Title IV-A demonstration program. 70184

(C) The department may adopt rules governing Title IV-A 70185

programs identified under divisions (A)(4)(c), (d), (e), ~~and (f)~~ and (g) of section 5101.80 of the Revised Code. Rules governing financial and operational matters of the department or between the department and county family services agencies shall be adopted as internal management rules adopted in accordance with section 111.15 of the Revised Code. All other rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(D) If the department enters into an agreement regarding a Title IV-A program identified under division (A)(4)(c), (e), ~~or (f)~~ or (g) of section 5101.80 of the Revised Code pursuant to division (B)(1)(b) or (2) of this section, the agreement shall include at least all of the following:

(1) A requirement that the state agency or entity comply with the requirements for the program or project, including all of the following requirements established by federal statutes and regulations, state statutes and rules, the United States office of management and budget, and the Title IV-A state plan prepared under section 5101.80 of the Revised Code:

(a) Eligibility;

(b) Reports;

(c) Benefits and services;

(d) Use of funds;

(e) Appeals for applicants for, and recipients and former recipients of, the benefits and services;

(f) Audits.

(2) A complete description of all of the following:

(a) The benefits and services that the program or project is to provide;

(b) The methods of program or project administration;

(c) The appeals process under section 5101.35 of the Revised Code for applicants for, and recipients and former recipients of, the program or project's benefits and services; 70215  
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(d) Other requirements that the department requires be included. 70218  
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(3) Procedures for the department to approve a policy, established by rule or otherwise, that the state agency or entity establishes for the program or project before the policy is established; 70220  
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(4) Provisions regarding how the department is to reimburse the state agency or entity for allowable expenditures under the program or project that the department approves, including all of the following: 70224  
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(a) Limitations on administrative costs; 70228

(b) The department, at its discretion, doing either of the following: 70229  
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(i) Withholding no more than five per cent of the funds that the department would otherwise provide to the state agency or entity for the program or project; 70231  
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(ii) Charging the state agency or entity for the costs to the department of performing, or contracting for the performance of, audits and other administrative functions associated with the program or project. 70234  
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(5) If the state agency or entity arranges by contract, grant, or other agreement for another entity to perform a function the state agency or entity would otherwise perform regarding the program or project, the state agency or entity's responsibilities for both of the following: 70238  
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(a) Ensuring that the other entity complies with the agreement between the state agency or entity and department and 70243  
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federal statutes and regulations and state statutes and rules 70245  
governing the use of funds for the program or project; 70246

(b) Auditing the other entity in accordance with requirements 70247  
established by the United States office of management and budget. 70248

(6) The state agency or entity's responsibilities regarding 70249  
the prompt payment, including any interest assessed, of any 70250  
adverse audit finding, final disallowance of federal funds, or 70251  
other sanction or penalty imposed by the federal government, 70252  
auditor of state, department, a court, or other entity regarding 70253  
funds for the program or project; 70254

(7) Provisions for the department to terminate the agreement 70255  
or withhold reimbursement from the state agency or entity if 70256  
either of the following occur: 70257

(a) The federal government disapproves the program or project 70258  
or reduces federal funds for the program or project; 70259

(b) The state agency or entity fails to comply with the terms 70260  
of the agreement. 70261

(8) Provisions for both of the following: 70262

(a) The department and state agency or entity determining the 70263  
performance outcomes expected for the program or project; 70264

(b) An evaluation of the program or project to determine its 70265  
success in achieving the performance outcomes determined under 70266  
division (D)(8)(a) of this section. 70267

(E) To the extent consistent with the law enacted by the 70268  
general assembly or executive order issued by the governor 70269  
establishing the Title IV-A program and subject to the approval of 70270  
the director of budget and management, the director of job and 70271  
family services may terminate a Title IV-A program identified 70272  
under division (A)(4)(c), (d), (e), ~~or~~ (f), or (g) of section 70273  
5101.80 of the Revised Code or reduce funding for the program if 70274

the director of job and family services determines that federal or 70275  
state funds are insufficient to fund the program. If the director 70276  
of budget and management approves the termination or reduction in 70277  
funding for such a program, the director of job and family 70278  
services shall issue instructions for the termination or funding 70279  
reduction. If a Title IV-A administrative agency is administering 70280  
the program, the agency is bound by the termination or funding 70281  
reduction and shall comply with the director's instructions. 70282

(F) The director of job and family services may adopt 70283  
internal management rules in accordance with section 111.15 of the 70284  
Revised Code as necessary to implement this section. The rules are 70285  
binding on each Title IV-A administrative agency. 70286

Sec. 5101.804. (A) Subject to division (E) of section 70287  
5101.801 of the Revised Code, there is hereby created the Ohio 70288  
parenting and pregnancy program to provide services for pregnant 70289  
women and parents or other relatives caring for children twelve 70290  
months of age or younger that do both of the following: 70291

(1) Promote childbirth, parenting, and alternatives to 70292  
abortion; 70293

(2) Meet one or more of the four purposes of the temporary 70294  
assistance for needy families block grant as specified in 42 70295  
U.S.C. 601. 70296

(B) To the extent permitted by federal law, the department of 70297  
job and family services may provide funds to entities with which 70298  
the department enters into agreements under division (B)(2) of 70299  
section 5101.801 of the Revised Code for the purposes of this 70300  
program. The department may solicit proposals from entities 70301  
seeking to provide services, support, or both, under the program 70302  
and may enter into an agreement with an entity that meets all of 70303  
the following conditions: 70304

- (1) Is a private, not-for-profit entity; 70305
- (2) Is committed to counseling pregnant women and parents or other relatives caring for children twelve months of age or younger about childbirth, parenting, and alternatives to abortion, including adoption; 70306  
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- (3) Provides services and support to pregnant women and parents or other relatives caring for children twelve months of age or younger, including clothing, counseling, diapers, food, furniture, health care, postpartum recovery, parenting classes, and shelter; 70310  
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- (4) Does not charge pregnant women and parents or other relatives caring for children twelve months of age or younger a fee for any services received; 70315  
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- (5) Is not involved or associated with any abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising; 70318  
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- (6) Does not discriminate in its provision of services on the basis of race, religion, color, age, marital status, national origin, disability, or gender. 70322  
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- (C) The director of job and family services shall adopt rules under division (C) of section 5101.801 of the Revised Code as necessary to implement the Ohio pregnancy and parenting program. 70325  
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- Sec. 5103.02.** As used in sections 5103.03 to 5103.17 of the Revised Code: 70328  
70329
- (A)(1) "Association" or "institution" includes ~~any~~ all of the following: 70330  
70331
- (a) Any incorporated or unincorporated organization, society, association, or agency, public or private, that receives or cares for children for two or more consecutive weeks; ~~any~~ 70332  
70333  
70334

(b) Any individual, including the operator of a foster home, 70335  
who, for hire, gain, or reward, receives or cares for children for 70336  
two or more consecutive weeks, unless the individual is related to 70337  
them by blood or marriage; ~~and any~~ 70338

(c) Any individual not in the regular employ of a court, or 70339  
of an institution or association certified in accordance with 70340  
section 5103.03 of the Revised Code, who in any manner becomes a 70341  
party to the placing of children in foster homes, unless the 70342  
individual is related to such children by blood or marriage, or is 70343  
the appointed guardian of such children; ~~provided, that any.~~ 70344

(2) "Association" or "institution" does not include any of 70345  
the following: 70346

(a) Any organization, society, association, school, agency, 70347  
child guidance center, detention or rehabilitation facility, or 70348  
children's clinic licensed, regulated, approved, operated under 70349  
the direction of, or otherwise certified by the department of 70350  
education, a local board of education, the department of youth 70351  
services, the department of ~~mental health~~ mental health and 70352  
addiction services, or the department of developmental 70353  
disabilities, ~~or any;~~ 70354

(b) Any individual who provides care for only a single-family 70355  
group, placed there by their parents or other relative having 70356  
custody, ~~shall not be considered as being within the purview of~~ 70357  
~~these sections;~~ 70358

(c) A therapeutic wilderness camp. 70359

(B) "Family foster home" means a foster home that is not a 70360  
specialized foster home. 70361

(C) "Foster caregiver" means a person holding a valid foster 70362  
home certificate issued under section 5103.03 of the Revised Code. 70363

(D) "Foster home" means a private residence in which children 70364



are received apart from their parents, guardian, or legal 70365  
custodian, by an individual reimbursed for providing the children 70366  
nonsecure care, supervision, or training twenty-four hours a day. 70367  
"Foster home" does not include care provided for a child in the 70368  
home of a person other than the child's parent, guardian, or legal 70369  
custodian while the parent, guardian, or legal custodian is 70370  
temporarily away. Family foster homes and specialized foster homes 70371  
are types of foster homes. 70372

(E) "Medically fragile foster home" means a foster home that 70373  
provides specialized medical services designed to meet the needs 70374  
of children with intensive health care needs who meet all of the 70375  
following criteria: 70376

(1) Under rules adopted by the ~~department of job and family~~ 70377  
~~services~~ medicaid director governing ~~payment under Chapter 5111.~~ 70378  
~~of the Revised Code~~ medicaid payments for long-term care services, 70379  
the children require a skilled level of care. 70380

(2) The children require the services of a doctor of medicine 70381  
or osteopathic medicine at least once a week due to the 70382  
instability of their medical conditions. 70383

(3) The children require the services of a registered nurse 70384  
on a daily basis. 70385

(4) The children are at risk of institutionalization in a 70386  
hospital, skilled nursing facility, or intermediate care facility 70387  
for the mentally retarded. 70388

(F) "Recommending agency" means a public children services 70389  
agency, private child placing agency, or private noncustodial 70390  
agency that recommends that the department of job and family 70391  
services take any of the following actions under section 5103.03 70392  
of the Revised Code regarding a foster home: 70393

(1) Issue a certificate; 70394

(2) Deny a certificate;	70395
(3) Renew a certificate;	70396
(4) Deny renewal of a certificate;	70397
(5) Revoke a certificate.	70398
(G) "Specialized foster home" means a medically fragile foster home or a treatment foster home.	70399 70400
(H) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, chemically dependent, mentally retarded, developmentally disabled, or who otherwise have exceptional needs.	70401 70402 70403 70404 70405 70406
<u>(I) "Therapeutic wilderness camp" means a structured, alternative residential setting for children who are experiencing emotional, behavioral, moral, social, or learning difficulties at home or school in which both of the following are the case:</u>	70407 70408 70409 70410
<u>(1) The children spend the majority of their time, including overnight, either outdoors or in a primitive structure;</u>	70411 70412
<u>(2) The children have been placed there by their parents or another relative having custody."</u>	70413 70414
<b>Sec. 5103.0323.</b> (A) As used in this section, <del>"government auditing standards"</del> means the government auditing standards published by the comptroller general of the United States general accounting office <u>"American institute of certified public accountants auditing standards"</u> and <u>"AICPA auditing standards"</u> mean the auditing standards published by the American institute of certified public accountants.	70415 70416 70417 70418 70419 70420 70421
(B) The first time that a private child placing agency or private noncustodial agency seeks renewal of a certificate issued	70422 70423

under section 5103.03 of the Revised Code, it shall provide the 70424  
department of job and family services, as a condition of renewal, 70425  
evidence of an independent financial statement audit ~~of its first~~ 70426  
~~year of certification, unless the auditor of state has audited the~~ 70427  
~~agency during that year and the audit sets forth that no money has~~ 70428  
~~been illegally expended, converted, misappropriated, or is~~ 70429  
~~unaccounted for or sets forth findings that are inconsequential,~~ 70430  
~~as defined by government~~ performed by a licensed public accounting 70431  
firm following applicable AICPA auditing standards for the most 70432  
recent fiscal year. Thereafter, when an agency seeks renewal of 70433  
its certificate, it shall provide the department evidence of an 70434  
independent financial statement audit performed by a licensed 70435  
public accounting firm following applicable AICPA auditing 70436  
standards for the two most recent previous fiscal years it is 70437  
possible for an independent audit to have been conducted, ~~unless~~ 70438  
~~the auditor of state has audited the agency during those years and~~ 70439  
~~the audit sets forth that no money has been illegally expended,~~ 70440  
~~converted, misappropriated, or is unaccounted for or sets forth~~ 70441  
~~findings that are inconsequential, as defined by government~~ 70442  
~~auditing standards.~~ 70443

(C) For an agency to be eligible for renewal, the independent 70444  
audits must demonstrate that the agency operated in a fiscally 70445  
accountable manner ~~in accordance with state laws and rules and any~~ 70446  
~~agreement between the agency and a public children services~~ 70447  
~~agency.~~ 70448

~~All audits required by this section shall be conducted in~~ 70449  
~~accordance with generally accepted government auditing standards~~ 70450  
~~as determined by the department of job and family services.~~ 70451

(D) The director of job and family services may adopt rules 70452  
as necessary to implement this section. The director shall adopt 70453  
the rules in accordance with section 111.15 of the Revised Code. 70454

Sec. 5103.13. (A) As used in this section and section 70455  
5103.131 of the Revised Code: 70456

(1)(a) "Children's crisis care facility" means a facility 70457  
that has as its primary purpose the provision of residential and 70458  
other care to either or both of the following: 70459

(i) One or more preteens voluntarily placed in the facility 70460  
by the preteen's parent or other caretaker who is facing a crisis 70461  
that causes the parent or other caretaker to seek temporary care 70462  
for the preteen and referral for support services; 70463

(ii) One or more preteens placed in the facility by a public 70464  
children services agency or private child placing agency that has 70465  
legal custody or permanent custody of the preteen and determines 70466  
that an emergency situation exists necessitating the preteen's 70467  
placement in the facility rather than an institution certified 70468  
under section 5103.03 of the Revised Code or elsewhere. 70469

(b) "Children's crisis care facility" does not include either 70470  
of the following: 70471

(i) Any organization, society, association, school, agency, 70472  
child guidance center, detention or rehabilitation facility, or 70473  
children's clinic licensed, regulated, approved, operated under 70474  
the direction of, or otherwise certified by the department of 70475  
education, a local board of education, the department of youth 70476  
services, the department of ~~mental health~~ mental health and  
addiction services, or the department of developmental 70477  
disabilities; 70478  
70479

(ii) Any individual who provides care for only a 70480  
single-family group, placed there by their parents or other 70481  
relative having custody. 70482

(2) "Legal custody" and "permanent custody" have the same 70483  
meanings as in section 2151.011 of the Revised Code. 70484

(3) "Preteen" means an individual under thirteen years of age. 70485  
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(B) No person shall operate a children's crisis care facility or hold a children's crisis care facility out as a certified children's crisis care facility unless there is a valid children's crisis care facility certificate issued under this section for the facility. 70487  
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(C) A person seeking to operate a children's crisis care facility shall apply to the director of job and family services to obtain a certificate for the facility. The director shall certify the person's children's crisis care facility if the facility meets all of the certification standards established in rules adopted under division (F) of this section and the person complies with all of the rules governing the certification of children's crisis care facilities adopted under that division. The issuance of a children's crisis care facility certificate does not exempt the facility from a requirement to obtain another certificate or license mandated by law. 70492  
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(D)(1) No certified children's crisis care facility shall do any of the following: 70503  
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(a) Provide residential care to a preteen for more than one hundred twenty days in a calendar year; 70505  
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(b) Subject to division (D)(1)(c) of this section and except as provided in division (D)(2) of this section, provide residential care to a preteen for more than sixty consecutive days; 70507  
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(c) Except as provided in division (D)(3) of this section, provide residential care to a preteen for more than seventy-two consecutive hours if a public children services agency or private child placing agency placed the preteen in the facility; 70511  
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(d) Fail to comply with section 2151.86 of the Revised Code. 70515

(2) A certified children's crisis care facility may provide residential care to a preteen for up to ninety consecutive days, other than a preteen placed in the facility by a public children services agency or private child placing agency, if any of the following are the case:

(a) The preteen's parent or other caretaker is enrolled in an alcohol and drug addiction ~~program certified under section 3793.06 of the Revised Code~~ service or a community mental health service certified under section ~~5119.611~~ 5119.36 of the Revised Code;

(b) The preteen's parent or other caretaker is an inpatient in a hospital;

(c) The preteen's parent or other caretaker is incarcerated;

(d) A physician has diagnosed the preteen's parent or other caretaker as medically incapacitated.

(3) A certified children's crisis care facility may provide residential care to a preteen placed in the facility by a public children services agency or private child placing agency for more than seventy-two consecutive hours if the director of job and family services or the director's designee issues the agency a waiver of the seventy-two consecutive hour limitation. The waiver may authorize the certified children's crisis care facility to provide residential care to the preteen for up to fourteen consecutive days.

(E) The director of job and family services may suspend or revoke a children's crisis care facility's certificate pursuant to Chapter 119. of the Revised Code if the facility violates division (D) of this section or ceases to meet any of the certification standards established in rules adopted under division (F) of this section or the facility's operator ceases to comply with any of the rules governing the certification of children's crisis care facilities adopted under that division.

(F) Not later than ninety days after September 21, 2006, the director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code for the certification of children's crisis care facilities. The rules shall specify that a certificate shall not be issued to an applicant if the conditions at the children's crisis care facility would jeopardize the health or safety of the preteens placed in the facility.

**Sec. 5103.42.** Prior to the beginning of the fiscal biennium that first follows October 5, 2000, the public children services agencies of Athens, Cuyahoga, Franklin, Greene, Guernsey, ~~Hamilton~~, Lucas, and Summit counties shall each establish and maintain a regional training center. Prior to the beginning of the fiscal biennium that first follows the effective date of this amendment, the public children services agency of Butler county shall establish and maintain a regional training center. At any time after the beginning of ~~that~~ the specified biennium, the department of job and family services, on the recommendation of the Ohio child welfare training program steering committee, may direct a public children services agency to establish and maintain a training center to replace the center established by an agency under this section. There may be no more and no less than eight centers in existence at any time. The department may make a grant to a public children services agency that establishes and maintains a regional training center under this section for the purpose of wholly or partially subsidizing the operation of the center. The department shall specify in the grant all of the center's duties, including the duties specified in section 5103.422 of the Revised Code.

The regional training center established by the public children services agency of Butler county under this section replaces the regional training center previously established by the public children services agency of Hamilton county under this

section. 70579

**Sec. 5104.012.** (A)(1) At the times specified in this 70580  
division, the administrator of a child day-care center or a type A 70581  
family day-care home shall request the superintendent of the 70582  
bureau of criminal identification and investigation to conduct a 70583  
criminal records check with respect to any applicant who has 70584  
applied to the center or type A home for employment as a person 70585  
responsible for the care, custody, or control of a child. 70586

The administrator shall request a criminal records check 70587  
pursuant to this division at the time of the applicant's initial 70588  
application for employment and every ~~four~~ five years thereafter. 70589  
When the administrator requests pursuant to this division a 70590  
criminal records check for an applicant at the time of the 70591  
applicant's initial application for employment, the administrator 70592  
shall request that the superintendent obtain information from the 70593  
federal bureau of investigation as a part of the criminal records 70594  
check for the applicant, including fingerprint-based checks of 70595  
national crime information databases as described in 42 U.S.C. 70596  
671, for the person subject to the criminal records check. In all 70597  
other cases in which the administrator requests a criminal records 70598  
check for an applicant pursuant to this division, the 70599  
administrator may request that the superintendent include 70600  
information from the federal bureau of investigation in the 70601  
criminal records check, including fingerprint-based checks of 70602  
national crime information databases as described in 42 U.S.C. 70603  
671. 70604

(2) A person required by division (A)(1) of this section to 70605  
request a criminal records check shall provide to each applicant a 70606  
copy of the form prescribed pursuant to division (C)(1) of section 70607  
109.572 of the Revised Code, provide to each applicant a standard 70608  
impression sheet to obtain fingerprint impressions prescribed 70609



pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from each applicant, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation at the time the person requests a criminal records check pursuant to division (A)(1) of this section. On and after August 14, 2008, the administrator of a child day-care center or a type A family day-care home shall review the results of the criminal records check before the applicant has sole responsibility for the care, custody, or control of any child.

(3) An applicant who receives pursuant to division (A)(2) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, the center or type A home shall not employ that applicant for any position for which a criminal records check is required by division (A)(1) of this section.

(B)(1) Except as provided in rules adopted under division (E) of this section, no child day-care center or type A family day-care home shall employ or contract with another entity for the services of a person as a person responsible for the care, custody, or control of a child if the person previously has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code.

(2) A child day-care center or type A family day-care home

may employ an applicant conditionally until the criminal records 70642  
check required by this section is completed and the center or home 70643  
receives the results of the criminal records check. If the results 70644  
of the criminal records check indicate that, pursuant to division 70645  
(B)(1) of this section, the applicant does not qualify for 70646  
employment, the center or home shall release the applicant from 70647  
employment. 70648

(C)(1) Each child day-care center and type A family day-care 70649  
home shall pay to the bureau of criminal identification and 70650  
investigation the fee prescribed pursuant to division (C)(3) of 70651  
section 109.572 of the Revised Code for each criminal records 70652  
check conducted in accordance with that section upon the request 70653  
pursuant to division (A)(1) of this section of the administrator 70654  
or provider of the center or home. 70655

(2) A child day-care center and type A family day-care home 70656  
may charge an applicant a fee for the costs it incurs in obtaining 70657  
a criminal records check under this section. A fee charged under 70658  
this division shall not exceed the amount of fees the center or 70659  
home pays under division (C)(1) of this section. If a fee is 70660  
charged under this division, the center or home shall notify the 70661  
applicant at the time of the applicant's initial application for 70662  
employment of the amount of the fee and that, unless the fee is 70663  
paid, the center or type A home will not consider the applicant 70664  
for employment. 70665

(D) The report of any criminal records check conducted by the 70666  
bureau of criminal identification and investigation in accordance 70667  
with section 109.572 of the Revised Code and pursuant to a request 70668  
under division (A)(1) of this section is not a public record for 70669  
the purposes of section 149.43 of the Revised Code and shall not 70670  
be made available to any person other than the applicant who is 70671  
the subject of the criminal records check or the applicant's 70672  
representative; the center or type A home requesting the criminal 70673

records check or its representative; the department of job and 70674  
family services or a county department of job and family services; 70675  
and any court, hearing officer, or other necessary individual 70676  
involved in a case dealing with the denial of employment to the 70677  
applicant. 70678

(E) The director of job and family services shall adopt rules 70679  
pursuant to Chapter 119. of the Revised Code to implement this 70680  
section, including rules specifying circumstances under which a 70681  
center or home may hire a person who has been convicted of an 70682  
offense listed in division (B)(1) of this section but who meets 70683  
standards in regard to rehabilitation set by the department. 70684

(F) Any person required by division (A)(1) of this section to 70685  
request a criminal records check shall inform each person, at the 70686  
time of the person's initial application for employment, that the 70687  
person is required to provide a set of impressions of the person's 70688  
fingerprints and that a criminal records check is required to be 70689  
conducted and satisfactorily completed in accordance with section 70690  
109.572 of the Revised Code if the person comes under final 70691  
consideration for appointment or employment as a precondition to 70692  
employment for that position. 70693

(G) As used in this section: 70694

(1) "Applicant" means a person who is under final 70695  
consideration for appointment to or employment in a position with 70696  
a child day-care center or a type A family day-care home as a 70697  
person responsible for the care, custody, or control of a child; 70698  
an in-home aide certified pursuant to section 5104.12 of the 70699  
Revised Code; or any person who would serve in any position with a 70700  
child day-care center or a type A family day-care home as a person 70701  
responsible for the care, custody, or control of a child pursuant 70702  
to a contract with another entity. 70703

(2) "Criminal records check" has the same meaning as in 70704

section 109.572 of the Revised Code. 70705

**Sec. 5104.013.** (A)(1) At the times specified in division 70706  
(A)(3) of this section, the director of job and family services, 70707  
as part of the process of licensure of child day-care centers and 70708  
type A family day-care homes, shall request the superintendent of 70709  
the bureau of criminal identification and investigation to conduct 70710  
a criminal records check with respect to the following persons: 70711

(a) Any owner, licensee, or administrator of a child day-care 70712  
center; 70713

(b) Any owner, licensee, or administrator of a type A family 70714  
day-care home and any person eighteen years of age or older who 70715  
resides in a type A family day-care home. 70716

(2) At the times specified in division (A)(3) of this 70717  
section, the director of a county department of job and family 70718  
services, as part of the process of certification of type B family 70719  
day-care homes, shall request the superintendent of the bureau of 70720  
criminal identification and investigation to conduct a criminal 70721  
records check with respect to any authorized provider of a 70722  
certified type B family day-care home and any person eighteen 70723  
years of age or older who resides in a certified type B family 70724  
day-care home. 70725

(3) The director of job and family services shall request a 70726  
criminal records check pursuant to division (A)(1) of this section 70727  
at the time of the initial application for licensure and every 70728  
~~four~~ five years thereafter. The director of a county department of 70729  
job and family services shall request a criminal records check 70730  
pursuant to division (A)(2) of this section at the time of the 70731  
initial application for certification and every ~~four~~ five years 70732  
thereafter at the time of a certification renewal. When the 70733  
director of job and family services or the director of a county 70734  
department of job and family services requests pursuant to 70735

division (A)(1) or (2) of this section a criminal records check 70736  
for a person at the time of the person's initial application for 70737  
licensure or certification, the director shall request that the 70738  
superintendent of the bureau of criminal identification and 70739  
investigation obtain information from the federal bureau of 70740  
investigation as a part of the criminal records check for the 70741  
person, including fingerprint-based checks of national crime 70742  
information databases as described in 42 U.S.C. 671 for the person 70743  
subject to the criminal records check. In all other cases in which 70744  
the director of job and family services or the director of a 70745  
county department of job and family services requests a criminal 70746  
records check for an applicant pursuant to division (A)(1) or (2) 70747  
of this section, the director may request that the superintendent 70748  
include information from the federal bureau of investigation in 70749  
the criminal records check, including fingerprint-based checks of 70750  
national crime information databases as described in 42 U.S.C. 70751  
671. 70752

(4) The director of job and family services shall review the 70753  
results of a criminal records check subsequent to a request made 70754  
pursuant to divisions (A)(1) and (3) of this section prior to 70755  
approval of a license. The director of a county department of job 70756  
and family services shall review the results of a criminal records 70757  
check subsequent to a request made pursuant to divisions (A)(2) 70758  
and (3) of this section prior to approval of certification. 70759

(B) The director of job and family services or the director 70760  
of a county department of job and family services shall provide to 70761  
each person for whom a criminal records check is required under 70762  
this section a copy of the form prescribed pursuant to division 70763  
(C)(1) of section 109.572 of the Revised Code and a standard 70764  
impression sheet to obtain fingerprint impressions prescribed 70765  
pursuant to division (C)(2) of that section, obtain the completed 70766  
form and impression sheet from that person, and forward the 70767

completed form and impression sheet to the superintendent of the 70768  
bureau of criminal identification and investigation. 70769

(C) A person who receives pursuant to division (B) of this 70770  
section a copy of the form and standard impression sheet described 70771  
in that division and who is requested to complete the form and 70772  
provide a set of fingerprint impressions shall complete the form 70773  
or provide all the information necessary to complete the form and 70774  
shall provide the impression sheet with the impressions of the 70775  
person's fingerprints. If the person, upon request, fails to 70776  
provide the information necessary to complete the form or fails to 70777  
provide impressions of the person's fingerprints, the director may 70778  
consider the failure as a reason to deny licensure or 70779  
certification. 70780

(D) Except as provided in rules adopted under division (G) of 70781  
this section, the director of job and family services shall not 70782  
grant a license to a child day-care center or type A family 70783  
day-care home and a county director of job and family services 70784  
shall not certify a type B family day-care home if a person for 70785  
whom a criminal records check was required in connection with the 70786  
center or home previously has been convicted of or pleaded guilty 70787  
to any of the violations described in division (A)(5) of section 70788  
109.572 of the Revised Code. 70789

(E) Each child day-care center, type A family day-care home, 70790  
and type B family day-care home shall pay to the bureau of 70791  
criminal identification and investigation the fee prescribed 70792  
pursuant to division (C)(3) of section 109.572 of the Revised Code 70793  
for each criminal records check conducted in accordance with that 70794  
section upon a request made pursuant to division (A) of this 70795  
section. 70796

(F) The report of any criminal records check conducted by the 70797  
bureau of criminal identification and investigation in accordance 70798  
with section 109.572 of the Revised Code and pursuant to a request 70799

made under division (A) of this section is not a public record for 70800  
the purposes of section 149.43 of the Revised Code and shall not 70801  
be made available to any person other than the person who is the 70802  
subject of the criminal records check or the person's 70803  
representative, the director of job and family services, the 70804  
director of a county department of job and family services, the 70805  
center, type A home, or type B home involved, and any court, 70806  
hearing officer, or other necessary individual involved in a case 70807  
dealing with a denial of licensure or certification related to the 70808  
criminal records check. 70809

(G) The director of job and family services shall adopt rules 70810  
pursuant to Chapter 119. of the Revised Code to implement this 70811  
section, including rules specifying exceptions to the prohibition 70812  
in division (D) of this section for persons who have been 70813  
convicted of an offense listed in that division but who meet 70814  
standards in regard to rehabilitation set by the director. 70815

(H) As used in this section, "criminal records check" has the 70816  
same meaning as in section 109.572 of the Revised Code. 70817

**Sec. 5104.02.** (A) The director of job and family services is 70818  
responsible for the licensing of child day-care centers and type A 70819  
family day-care homes. Each entity operating a head start program 70820  
shall meet the criteria for, and be licensed as, a child day-care 70821  
center. The director is responsible for the enforcement of this 70822  
chapter and of rules promulgated pursuant to this chapter. 70823

No person, firm, organization, institution, or agency shall 70824  
operate, establish, manage, conduct, or maintain a child day-care 70825  
center or type A family day-care home without a license issued 70826  
under section 5104.03 of the Revised Code. The current license 70827  
shall be posted in a conspicuous place in the center or type A 70828  
home that is accessible to parents, custodians, or guardians and 70829  
employees of the center or type A home at all times when the 70830

center or type A home is in operation. 70831

(B) A person, firm, institution, organization, or agency 70832  
operating any of the following programs is exempt from the 70833  
requirements of this chapter: 70834

(1) A program of child care that operates for two or less 70835  
consecutive weeks; 70836

(2) Child care in places of worship during religious 70837  
activities during which children are cared for while at least one 70838  
parent, guardian, or custodian of each child is participating in 70839  
such activities and is readily available; 70840

(3) Religious activities which do not provide child care; 70841

(4) Supervised training, instruction, or activities of 70842  
children in specific areas, including, but not limited to: art; 70843  
drama; dance; music; gymnastics, swimming, or another athletic 70844  
skill or sport; computers; or an educational subject conducted on 70845  
an organized or periodic basis no more than one day a week and for 70846  
no more than six hours duration; 70847

(5) Programs in which the director determines that at least 70848  
one parent, custodian, or guardian of each child is on the 70849  
premises of the facility offering child care and is readily 70850  
accessible at all times, except that child care provided on the 70851  
premises at which a parent, custodian, or guardian is employed 70852  
more than two and one-half hours a day shall be licensed in 70853  
accordance with division (A) of this section; 70854

(6)(a) Programs that provide child care funded and regulated 70855  
or operated and regulated by state departments other than the 70856  
department of job and family services or the state board of 70857  
education when the director of job and family services has 70858  
determined that the rules governing the program are equivalent to 70859  
or exceed the rules promulgated pursuant to this chapter. 70860



Notwithstanding any exemption from regulation under this chapter, each state department shall submit to the director of job and family services a copy of the rules that govern programs that provide child care and are regulated or operated and regulated by the department. Annually, each state department shall submit to the director a report for each such program it regulates or operates and regulates that includes the following information:

(i) The site location of the program;

(ii) The maximum number of infants, toddlers, preschool-age children, or school-age children served by the program at one time;

(iii) The number of adults providing child care for the number of infants, toddlers, preschool-age children, or school-age children;

(iv) Any changes in the rules made subsequent to the time when the rules were initially submitted to the director.

The director shall maintain a record of the child care information submitted by other state departments and shall provide this information upon request to the general assembly or the public.

(b) Child care programs conducted by boards of education or by chartered nonpublic schools that are conducted in school buildings and that provide child care to school-age children only shall be exempt from meeting or exceeding rules promulgated pursuant to this chapter.

(7) Any preschool program or school child program, except a head start program, that is subject to licensure by the department of education under sections 3301.52 to 3301.59 of the Revised Code.

(8) Any program providing child care that meets all of the

following requirements and, on October 20, 1987, was being 70891  
operated by a nonpublic school that holds a charter issued by the 70892  
state board of education for kindergarten only: 70893

(a) The nonpublic school has given the notice to the state 70894  
board and the director of job and family services required by 70895  
Section 4 of Substitute House Bill No. 253 of the 117th general 70896  
assembly; 70897

(b) The nonpublic school continues to be chartered by the 70898  
state board for kindergarten, or receives and continues to hold a 70899  
charter from the state board for kindergarten through grade five; 70900

(c) The program is conducted in a school building; 70901

(d) The program is operated in accordance with rules 70902  
promulgated by the state board under sections 3301.52 to 3301.57 70903  
of the Revised Code. 70904

(9) A youth development program operated outside of school 70905  
hours by a community-based center to which all of the following 70906  
apply: 70907

(a) The children enrolled in the program are under nineteen 70908  
years of age and enrolled in or eligible to be enrolled in a grade 70909  
of kindergarten or above. 70910

(b) The program provides informal child care ~~and at least~~ 70911  
two, which is child care that does not require parental signature, 70912  
permission, or notice for the child receiving the care to enter or 70913  
leave the program; 70914

(c) The program provides any of the following supervised 70915  
activities: educational, recreational, culturally enriching, 70916  
social, and personal development activities. 70917

~~(e)~~(d) The program is eligible for participation in the child 70918  
and adult care food program as an outside-school-hours care center 70919  
pursuant to standards established under section 3313.813 of the 70920

Revised Code. 70921

~~(d)~~(e) The community-based center operating the program is 70922  
exempt from federal income taxation pursuant to 26 U.S.C. 501(a) 70923  
and (c)(3). 70924

**Sec. 5104.021.** The director of job and family services may 70925  
~~not~~ issue a child day-care center or type A family day-care home 70926  
license to a youth development program that is exempted by 70927  
division (B)(9) of section 5104.02 of the Revised Code from the 70928  
requirements of this chapter if the youth development program 70929  
applies for and meets all of the requirements for the license. 70930

**Sec. 5104.03.** (A) Any person, firm, organization, 70931  
institution, or agency desiring to establish a child day-care 70932  
center or type A family day-care home shall apply for a license to 70933  
the director of job and family services on such form as the 70934  
director prescribes. The director shall provide at no charge to 70935  
each applicant for licensure a copy of the child care license 70936  
requirements in this chapter and a copy of the rules adopted 70937  
pursuant to this chapter. The copies may be provided in paper or 70938  
electronic form. 70939

Fees shall be set by the director pursuant to section 70940  
5104.011 of the Revised Code and shall be paid at the time of 70941  
application for a license to operate a center or type A home. Fees 70942  
collected under this section shall be paid into the state treasury 70943  
to the credit of the general revenue fund. 70944

(B) Upon filing of the application for a license, the 70945  
director shall investigate and inspect the center or type A home 70946  
to determine the license capacity for each age category of 70947  
children of the center or type A home and to determine whether the 70948  
center or type A home complies with this chapter and rules adopted 70949  
pursuant to this chapter. When, after investigation and 70950

inspection, the director is satisfied that this chapter and rules 70951  
adopted pursuant to it are complied with, subject to division (G) 70952  
of this section, a provisional license shall be issued as soon as 70953  
practicable in such form and manner as prescribed by the director. 70954  
The provisional license shall be valid for twelve months from the 70955  
date of issuance unless revoked. 70956

(C) The director shall investigate and inspect the center or 70957  
type A home at least once during operation under the provisional 70958  
license. If after the investigation and inspection the director 70959  
determines that the requirements of this chapter and rules adopted 70960  
pursuant to this chapter are met, subject to division (G) of this 70961  
section, the director shall issue a license to the center or home. 70962

(D) The license or provisional license shall state the name 70963  
of the licensee, the name of the administrator, the address of the 70964  
center or type A home, and the license capacity for each age 70965  
category of children. The license or provisional license shall 70966  
include thereon, in accordance with section 5104.011 of the 70967  
Revised Code, the toll-free telephone number to be used by persons 70968  
suspecting that the center or type A home has violated a provision 70969  
of this chapter or rules adopted pursuant to this chapter. A 70970  
license or provisional license is valid only for the licensee, 70971  
administrator, address, and license capacity for each age category 70972  
of children designated on the license. The license capacity 70973  
specified on the license or provisional license is the maximum 70974  
number of children in each age category that may be cared for in 70975  
the center or type A home at one time. 70976

The center or type A home licensee shall notify the director 70977  
when the administrator of the center or home changes. The director 70978  
shall amend the current license or provisional license to reflect 70979  
a change in an administrator, if the administrator meets the 70980  
requirements of Chapter 5104. of the Revised Code and rules 70981  
adopted pursuant to Chapter 5104. of the Revised Code, or a change 70982

in license capacity for any age category of children as determined 70983  
by the director of job and family services. 70984

(E) If the director revokes the license of a center or a type 70985  
A home, the director shall not issue another license to the owner 70986  
of the center or type A home until five years have elapsed from 70987  
the date the license is revoked. 70988

If the director denies an application for a license, the 70989  
director shall not accept another application from the applicant 70990  
until five years have elapsed from the date the application is 70991  
denied. 70992

(F) If during the application for licensure process the 70993  
director determines that the license of the owner has been 70994  
revoked, the investigation of the center or type A home shall 70995  
cease. This action does not constitute denial of the application 70996  
and may not be appealed under division (G) of this section. 70997

(G) All actions of the director with respect to licensing 70998  
centers or type A homes, refusal to license, and revocation of a 70999  
license shall be in accordance with Chapter 119. of the Revised 71000  
Code. Any applicant who is denied a license or any owner whose 71001  
license is revoked may appeal in accordance with section 119.12 of 71002  
the Revised Code. 71003

(H) In no case shall the director issue a license or 71004  
provisional license under this section for a type A home or center 71005  
if the director, based on documentation provided by the 71006  
appropriate county department of job and family services, 71007  
determines that the applicant previously had been certified as a 71008  
type B family day-care home, that the county department revoked 71009  
that certification within the immediately preceding five years, 71010  
that the revocation was based on the applicant's refusal or 71011  
inability to comply with the criteria for certification, and that 71012  
the refusal or inability resulted in a risk to the health or 71013

safety of children. 71014

**Sec. 5104.08.** (A) There is hereby created in the department 71015  
of job and family services a child care advisory council to advise 71016  
and assist the department in the administration of this chapter 71017  
and in the development of child care. The council shall consist of 71018  
twenty-two voting members appointed by the director of job and 71019  
family services with the approval of the governor. The director of 71020  
job and family services, the director of developmental 71021  
disabilities, the director of ~~mental health~~ mental health and 71022  
addiction services, the superintendent of public instruction, the 71023  
director of health, the director of commerce, and the state fire 71024  
marshal shall serve as nonvoting members of the council. 71025

Six members shall be representatives of child care centers 71026  
subject to licensing, the members to represent a variety of 71027  
centers, including nonprofit and proprietary, from different 71028  
geographical areas of the state. At least three members shall be 71029  
parents, guardians, or custodians of children receiving child care 71030  
or publicly funded child care in the child's own home, a center, a 71031  
type A home, a head start program, a certified type B home, or a 71032  
type B home at the time of appointment. Three members shall be 71033  
representatives of in-home aides, type A homes, certified type B 71034  
homes, or type B homes or head start programs. At least six 71035  
members shall represent county departments of job and family 71036  
services. The remaining members shall be representatives of the 71037  
teaching, child development, and health professions, and other 71038  
individuals interested in the welfare of children. At least six 71039  
members of the council shall not be employees or licensees of a 71040  
child day-care center, head start program, or type A home, or 71041  
providers operating a certified type B home or type B home, or 71042  
in-home aides. 71043

Appointments shall be for three-year terms. Vacancies shall 71044

be filled for the unexpired terms. A member of the council is 71045  
subject to removal by the director of job and family services for 71046  
a willful and flagrant exercise of authority or power that is not 71047  
authorized by law, for a refusal or willful neglect to perform any 71048  
official duty as a member of the council imposed by law, or for 71049  
being guilty of misfeasance, malfeasance, nonfeasance, or gross 71050  
neglect of duty as a member of the council. 71051

There shall be two co-chairpersons of the council. One 71052  
co-chairperson shall be the director of job and family services or 71053  
the director's designee, and one co-chairperson shall be elected 71054  
by the members of the council. The council shall meet as often as 71055  
is necessary to perform its duties, provided that it shall meet at 71056  
least once in each quarter of each calendar year and at the call 71057  
of the co-chairpersons. The co-chairpersons or their designee 71058  
shall send to each member a written notice of the date, time, and 71059  
place of each meeting. 71060

Members of the council shall serve without compensation, but 71061  
shall be reimbursed for necessary expenses. 71062

(B) The child care advisory council shall advise the director 71063  
on matters affecting the licensing of centers and type A homes and 71064  
the certification of type B homes and in-home aides. The council 71065  
shall make an annual report to the director of job and family 71066  
services that addresses the availability, affordability, 71067  
accessibility, and quality of child care and that summarizes the 71068  
recommendations and plans of action that the council has proposed 71069  
to the director during the preceding fiscal year. The director of 71070  
job and family services shall provide copies of the report to the 71071  
governor, speaker and minority leader of the house of 71072  
representatives, and the president and minority leader of the 71073  
senate and, on request, shall make copies available to the public. 71074

(C) The director of job and family services shall adopt rules 71075  
pursuant to Chapter 119. of the Revised Code to implement this 71076

section. 71077

**Sec. 5104.11.** (A)(1) Every person desiring to receive 71078  
certification for a type B family day-care home to provide 71079  
publicly funded child care shall apply for certification to the 71080  
county director of job and family services on such forms as the 71081  
director of job and family services prescribes. The county 71082  
director shall provide at no charge to each applicant a copy of 71083  
rules for certifying type B family day-care homes adopted pursuant 71084  
to this chapter. 71085

(2) Except as provided in division (G)(1) of section 5104.011 71086  
of the Revised Code, after receipt of an application for 71087  
certification from a type B family day-care home, the county 71088  
director of job and family services shall inspect the home. If it 71089  
complies with this chapter and any applicable rules adopted under 71090  
this chapter, the county department shall certify the type B 71091  
family day-care home to provide publicly funded child care 71092  
pursuant to this chapter and any rules adopted under it. The 71093  
director of job and family services or a county director of job 71094  
and family services may contract with a government entity or a 71095  
private nonprofit entity for that entity to inspect and certify 71096  
type B family day-care homes pursuant to this section. The county 71097  
department of job and family services, government entity, or 71098  
nonprofit entity shall conduct the inspection prior to the 71099  
issuance of a certificate for the type B home and, as part of that 71100  
inspection, ensure that the type B home is safe and sanitary. 71101

(3)(a) On receipt of an application for certification for a 71102  
type B family day-care home to provide publicly funded child care 71103  
or for renewal of such certification, the county department shall 71104  
request from ~~both of the following~~ the public children services 71105  
agency information concerning any abuse or neglect report made 71106  
pursuant to section 2151.421 of the Revised Code of which the 71107



applicant, any other adult residing in the applicant's home, or a 71108  
person designated by the applicant to be an emergency or 71109  
substitute caregiver for the applicant is the subject+ 71110

~~(i) The public children services agency, until the county 71111  
department is notified by the department of job and family 71112  
services that the uniform statewide automated child welfare 71113  
information system has been finalized statewide; 71114~~

~~(ii) Upon receipt of notification under division (D) of 71115  
section 5101.13 of the Revised Code that the uniform statewide 71116  
automated child welfare information system has been implemented 71117  
statewide, the uniform statewide automated child welfare 71118  
information system via the department. 71119~~

(b) The county department shall consider any information 71120  
provided by the agency ~~or the department~~ pursuant to section 71121  
5153.175 of the Revised Code. If the county department determines 71122  
that the information, when viewed within the totality of the 71123  
circumstances, reasonably leads to the conclusion that the 71124  
applicant may directly or indirectly endanger the health, safety, 71125  
or welfare of children, the county department shall deny the 71126  
application for certification or renewal of certification, or 71127  
revoke the certification of an authorized provider. 71128

(c) As used in division (A)(3) of this section, "public 71129  
children services agency" means either an entity separate from the 71130  
county department or the part of the county department that serves 71131  
as the county's public children services agency, as appropriate. 71132

(4) Except as provided in division (A)(5) of this section, an 71133  
authorized provider of a type B family day-care home that receives 71134  
a certificate pursuant to this section to provide publicly funded 71135  
child care is an independent contractor and is not an employee of 71136  
the county department of job and family services that issues the 71137  
certificate. 71138

(5) For purposes of Chapter 4141. of the Revised Code, 71139  
determinations concerning the employment of an authorized provider 71140  
of a type B family day-care home that receives a certificate 71141  
pursuant to this section shall be determined under Chapter 4141. 71142  
of the Revised Code. 71143

(B)(1) If the county director of job and family services 71144  
determines that the type B family day-care home complies with this 71145  
chapter and any rules adopted under it, the county director shall 71146  
issue to the provider a certificate to provide publicly funded 71147  
child care, ~~which. The~~ certificate is valid for twelve months, 71148  
unless revoked earlier. ~~The county director may revoke the~~ 71149  
~~certificate after determining that revocation is necessary.~~ The 71150  
authorized provider shall post the certificate in a conspicuous 71151  
place in the certified type B home that is accessible to parents, 71152  
custodians, or guardians at all times. The certificate shall state 71153  
the name and address of the authorized provider, the maximum 71154  
number of children who may be cared for at any one time in the 71155  
certified type B home, the expiration date of the certification, 71156  
and the name and telephone number of the county director who 71157  
issued the certificate. 71158

(2) The county director may revoke a certificate to provide 71159  
publicly funded child care in either of the following 71160  
circumstances: 71161

(a) The county director determines, pursuant to rules adopted 71162  
under Chapter 119. of the Revised Code, that revocation is 71163  
necessary; 71164

(b) The authorized provider does not comply with division 71165  
(D)(2) of section 5104.32 of the Revised Code. 71166

(C)(1) The county director shall inspect every certified type 71167  
B family day-care home at least twice within each twelve-month 71168  
period of the operation of the certified type B home. A minimum of 71169

one inspection shall be unannounced and all inspections may be unannounced. Upon receipt of a complaint, the county director shall investigate the certified type B home, and division (C)(2) of this section applies regarding the complaint. The authorized provider shall permit the county director to inspect any part of the certified type B home. The county director shall prepare a written inspection report and furnish one copy to the authorized provider within a reasonable time after the inspection.

(2) Upon receipt of a complaint as described in division (C)(1) of this section, in addition to the investigation that is required under that division, both of the following apply:

(a) If the complaint alleges that a child suffered physical harm while receiving child care at the certified type B family day-care home or that the noncompliance with law or act alleged in the complaint involved, resulted in, or poses a substantial risk of physical harm to a child receiving child care at the home, the county director shall inspect the home.

(b) If division (C)(2)(a) of this section does not apply regarding the complaint, the county director may inspect the certified type B family day-care home.

(3) Division (C)(2) of this section does not limit, restrict, or negate any duty of the county director to inspect a certified type B family day-care home that otherwise is imposed under this section, or any authority of the county director to inspect a home that otherwise is granted under this section when the county director believes the inspection is necessary and it is permitted under the grant.

(D) The county director of job and family services, in accordance with rules adopted pursuant to section 5104.052 of the Revised Code regarding fire safety and fire prevention, shall inspect each type B home that applies to be certified that is

providing or is to provide publicly funded child care. 71201

(E) All materials that are supplied by the department of job 71202  
and family services to type A family day-care home providers, type 71203  
B family day-care home providers, in-home aides, persons who 71204  
desire to be type A family day-care home providers, type B family 71205  
day-care home providers, or in-home aides, and caretaker parents 71206  
shall be written at no higher than the sixth grade reading level. 71207  
The department may employ a readability expert to verify its 71208  
compliance with this division. 71209

**Sec. 5104.12.** (A) The county director of job and family 71210  
services may certify in-home aides to provide publicly funded 71211  
child care pursuant to this chapter and any rules adopted under 71212  
it. Any in-home aide who receives a certificate pursuant to this 71213  
section to provide publicly funded child care is an independent 71214  
contractor and is not an employee of the county department of job 71215  
and family services that issues the certificate. 71216

(B) Every person desiring to receive certification as an 71217  
in-home aide shall apply for certification to the county director 71218  
of job and family services on such forms as the director of job 71219  
and family services prescribes. The county director shall provide 71220  
at no charge to each applicant a copy of rules for certifying 71221  
in-home aides adopted pursuant to this chapter. 71222

(C)(1) If the county director of job and family services 71223  
determines that public funds are available and that the person 71224  
complies with this chapter and any rules adopted under it, the 71225  
county director shall certify the person as an in-home aide and 71226  
issue the person a certificate to provide publicly funded child 71227  
care for twelve months. ~~The county director may revoke the~~ 71228  
~~certificate after determining that revocation is necessary.~~ 71229  
The county director shall furnish a copy of the certificate to the 71230  
parent, custodian, or guardian. The certificate shall state the 71231

name and address of the in-home aide, the expiration date of the 71232  
certification, and the name and telephone number of the county 71233  
director who issued the certificate. 71234

(2) The county director may revoke the certificate in either 71235  
of the following circumstances: 71236

(a) The county director determines, pursuant to rules adopted 71237  
under Chapter 119. of the Revised Code, that revocation is 71238  
necessary; 71239

(b) The in-home aide does not comply with division (D)(2) of 71240  
section 5104.32 of the Revised Code. 71241

(D)(1) The county director of job and family services shall 71242  
inspect every home of a child who is receiving publicly funded 71243  
child care in the child's own home while the in-home aide is 71244  
providing the services. Inspections may be unannounced. Upon 71245  
receipt of a complaint, the county director shall investigate the 71246  
in-home aide, shall investigate the home of a child who is 71247  
receiving publicly funded child care in the child's own home, and 71248  
division (D)(2) of this section applies regarding the complaint. 71249  
The caretaker parent shall permit the county director to inspect 71250  
any part of the child's home. The county director shall prepare a 71251  
written inspection report and furnish one copy each to the in-home 71252  
aide and the caretaker parent within a reasonable time after the 71253  
inspection. 71254

(2) Upon receipt of a complaint as described in division 71255  
(D)(1) of this section, in addition to the investigations that are 71256  
required under that division, both of the following apply: 71257

(a) If the complaint alleges that a child suffered physical 71258  
harm while receiving publicly funded child care in the child's own 71259  
home from an in-home aide or that the noncompliance with law or 71260  
act alleged in the complaint involved, resulted in, or poses a 71261  
substantial risk of physical harm to a child receiving publicly 71262

funded child care in the child's own home from an in-home aide, 71263  
the county director shall inspect the home of the child. 71264

(b) If division (D)(2)(a) of this section does not apply 71265  
regarding the complaint, the county director may inspect the home 71266  
of the child. 71267

(3) Division (D)(2) of this section does not limit, restrict, 71268  
or negate any duty of the county director to inspect a home of a 71269  
child who is receiving publicly funded child care from an in-home 71270  
aide that otherwise is imposed under this section, or any 71271  
authority of the county director to inspect such a home that 71272  
otherwise is granted under this section when the county director 71273  
believes the inspection is necessary and it is permitted under the 71274  
grant. 71275

**Sec. 5104.32.** (A) Except as provided in division (C) of this 71276  
section, all purchases of publicly funded child care shall be made 71277  
under a contract entered into by a licensed child day-care center, 71278  
licensed type A family day-care home, certified type B family 71279  
day-care home, certified in-home aide, approved child day camp, 71280  
licensed preschool program, licensed school child program, or 71281  
border state child care provider and the department of job and 71282  
family services. All contracts for publicly funded child care 71283  
shall be contingent upon the availability of state and federal 71284  
funds. The department shall prescribe a standard form to be used 71285  
for all contracts for the purchase of publicly funded child care, 71286  
regardless of the source of public funds used to purchase the 71287  
child care. To the extent permitted by federal law and 71288  
notwithstanding any other provision of the Revised Code that 71289  
regulates state contracts or contracts involving the expenditure 71290  
of state or federal funds, all contracts for publicly funded child 71291  
care shall be entered into in accordance with the provisions of 71292  
this chapter and are exempt from any other provision of the 71293

Revised Code that regulates state contracts or contracts involving 71294  
the expenditure of state or federal funds. 71295

(B) Each contract for publicly funded child care shall 71296  
specify at least the following: 71297

(1) That the provider of publicly funded child care agrees to 71298  
be paid for rendering services at the lower of the rate 71299  
customarily charged by the provider for children enrolled for 71300  
child care or the reimbursement ceiling or rate of payment 71301  
established pursuant to section 5104.30 of the Revised Code; 71302

(2) That, if a provider provides child care to an individual 71303  
potentially eligible for publicly funded child care who is 71304  
subsequently determined to be eligible, the department agrees to 71305  
pay for all child care provided between the date the county 71306  
department of job and family services receives the individual's 71307  
completed application and the date the individual's eligibility is 71308  
determined; 71309

(3) Whether the county department of job and family services, 71310  
the provider, or a child care resource and referral service 71311  
organization will make eligibility determinations, whether the 71312  
provider or a child care resource and referral service 71313  
organization will be required to collect information to be used by 71314  
the county department to make eligibility determinations, and the 71315  
time period within which the provider or child care resource and 71316  
referral service organization is required to complete required 71317  
eligibility determinations or to transmit to the county department 71318  
any information collected for the purpose of making eligibility 71319  
determinations; 71320

(4) That the provider, other than a border state child care 71321  
provider, shall continue to be licensed, approved, or certified 71322  
pursuant to this chapter and shall comply with all standards and 71323  
other requirements in this chapter and in rules adopted pursuant 71324

to this chapter for maintaining the provider's license, approval, 71325  
or certification; 71326

(5) That, in the case of a border state child care provider, 71327  
the provider shall continue to be licensed, certified, or 71328  
otherwise approved by the state in which the provider is located 71329  
and shall comply with all standards and other requirements 71330  
established by that state for maintaining the provider's license, 71331  
certificate, or other approval; 71332

(6) Whether the provider will be paid by the state department 71333  
of job and family services or in some other manner as prescribed 71334  
by rules adopted under section 5104.42 of the Revised Code; 71335

(7) That the contract is subject to the availability of state 71336  
and federal funds. 71337

(C) Unless specifically prohibited by federal law or by rules 71338  
adopted under section 5104.42 of the Revised Code, the county 71339  
department of job and family services shall give individuals 71340  
eligible for publicly funded child care the option of obtaining 71341  
certificates that the individual may use to purchase services from 71342  
any provider qualified to provide publicly funded child care under 71343  
section 5104.31 of the Revised Code. Providers of publicly funded 71344  
child care may present these certificates for payment in 71345  
accordance with rules that the director of job and family services 71346  
shall adopt. Only providers may receive payment for certificates. 71347  
The value of the certificate shall be based on the lower of the 71348  
rate customarily charged by the provider or the rate of payment 71349  
established pursuant to section 5104.30 of the Revised Code. The 71350  
county department may provide the certificates to the individuals 71351  
or may contract with child care providers or child care resource 71352  
and referral service organizations that make determinations of 71353  
eligibility for publicly funded child care pursuant to contracts 71354  
entered into under section 5104.34 of the Revised Code for the 71355  
providers or resource and referral service organizations to 71356



provide the certificates to individuals whom they determine are 71357  
eligible for publicly funded child care. 71358

For each six-month period a provider of publicly funded child 71359  
care provides publicly funded child care to the child of an 71360  
individual given certificates, the individual shall provide the 71361  
provider certificates for days the provider would have provided 71362  
publicly funded child care to the child had the child been 71363  
present. The maximum number of days providers shall be provided 71364  
certificates shall not exceed ten days in a six-month period 71365  
during which publicly funded child care is provided to the child 71366  
regardless of the number of providers that provide publicly funded 71367  
child care to the child during that period. 71368

(D)(1) The department shall establish the Ohio electronic 71369  
child care system to track attendance and calculate payments for 71370  
publicly funded child care. The system shall include issuing an 71371  
electronic child care card to each caretaker parent to swipe 71372  
through a point-of-service device issued to an eligible provider, 71373  
as described in section 5104.31 of the Revised Code. 71374

(2) Each eligible provider that provides publicly funded 71375  
child care shall participate in the Ohio electronic child care 71376  
system. A provider participating in the system shall not do any of 71377  
the following: 71378

(a) Use or have possession of an electronic child care card 71379  
issued to a caretaker parent; 71380

(b) Falsify attendance records; 71381

(c) Knowingly seek payment for publicly funded child care 71382  
that was not provided; 71383

(d) Knowingly accept reimbursement for publicly funded child 71384  
care that was not provided. 71385

**Sec. 5107.10.** (A) As used in this section: 71386

(1) "Countable income," "gross earned income," and "gross unearned income" have the meanings established in rules adopted under section 5107.05 of the Revised Code. 71387  
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(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code, except that references to a person's family in the definition shall be deemed to be references to the person's assistance group. 71390  
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(3) "Gross income" means gross earned income and gross unearned income. 71394  
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(4) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance of the duties of employment, for the purpose of inducing, influencing, or coercing a change in wages, hours, terms, and other conditions of employment. "Strike" does not include a stoppage of work by employees in good faith because of dangerous or unhealthful working conditions at the place of employment that are abnormal to the place of employment. 71396  
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(B) Under the Ohio works first program, an assistance group shall receive, except as otherwise provided by this chapter, time-limited cash assistance. In the case of an assistance group that includes a minor head of household or adult, assistance shall be provided in accordance with the self-sufficiency contract entered into under section 5107.14 of the Revised Code. 71405  
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(C) To be eligible to participate in Ohio works first, an assistance group must meet all of the following requirements: 71411  
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(1) The assistance group, except as provided in division (E) of this section, must include at least one of the following: 71413  
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(a) A minor child who, except as provided in section 5107.24 of the Revised Code, resides with a parent, or specified relative caring for the child, or, to the extent permitted by Title IV-A 71415  
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and federal regulations adopted until Title IV-A, resides with a guardian or custodian caring for the child;

(b) A parent residing with and caring for the parent's minor child who receives supplemental security income under Title XVI of the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended, or federal, state, or local adoption assistance;

(c) A specified relative residing with and caring for a minor child who is related to the specified relative in a manner that makes the specified relative a specified relative and receives supplemental security income or federal, state, or local foster care or adoption assistance;

(d) A woman at least six months pregnant.

(2) The assistance group must meet the income requirements established by division (D) of this section.

(3) No member of the assistance group may be involved in a strike.

(4) The assistance group must satisfy the requirements for Ohio works first established by this chapter and ~~sections 5101.58, 5101.59, and~~ section 5101.83 of the Revised Code.

(5) The assistance group must meet requirements for Ohio works first established by rules adopted under section 5107.05 of the Revised Code.

(D)(1) Except as provided in division (D)(4) of this section, to determine whether an assistance group is initially eligible to participate in Ohio works first, a county department of job and family services shall do the following:

(a) Determine whether the assistance group's gross income exceeds fifty per cent of the federal poverty guidelines. In making this determination, the county department shall disregard amounts that federal statutes or regulations and sections 5101.17

and 5117.10 of the Revised Code require be disregarded. The 71448  
assistance group is ineligible to participate in Ohio works first 71449  
if the assistance group's gross income, less the amounts 71450  
disregarded, exceeds fifty per cent of the federal poverty 71451  
guidelines. 71452

(b) If the assistance group's gross income, less the amounts 71453  
disregarded pursuant to division (D)(1)(a) of this section, does 71454  
not exceed fifty per cent of the federal poverty guidelines, 71455  
determine whether the assistance group's countable income is less 71456  
than the payment standard. The assistance group is ineligible to 71457  
participate in Ohio works first if the assistance group's 71458  
countable income equals or exceeds the payment standard. 71459

(2) For the purpose of determining whether an assistance 71460  
group meets the income requirement established by division 71461  
(D)(1)(a) of this section, the annual revision that the United 71462  
States department of health and human services makes to the 71463  
federal poverty guidelines shall go into effect on the first day 71464  
of July of the year for which the revision is made. 71465

(3) To determine whether an assistance group participating in 71466  
Ohio works first continues to be eligible to participate, a county 71467  
department of job and family services shall determine whether the 71468  
assistance group's countable income continues to be less than the 71469  
payment standard. In making this determination, the county 71470  
department shall disregard the first two hundred fifty dollars and 71471  
fifty per cent of the remainder of the assistance group's gross 71472  
earned income. No amounts shall be disregarded from the assistance 71473  
group's gross unearned income. The assistance group ceases to be 71474  
eligible to participate in Ohio works first if its countable 71475  
income, less the amounts disregarded, equals or exceeds the 71476  
payment standard. 71477

(4) If an assistance group reapplies to participate in Ohio 71478  
works first not more than four months after ceasing to 71479

participate, a county department of job and family services shall 71480  
use the income requirement established by division (D)(3) of this 71481  
section to determine eligibility for resumed participation rather 71482  
than the income requirement established by division (D)(1) of this 71483  
section. 71484

(E)(1) An assistance group may continue to participate in 71485  
Ohio works first even though a public children services agency 71486  
removes the assistance group's minor children from the assistance 71487  
group's home due to abuse, neglect, or dependency if the agency 71488  
does both of the following: 71489

(a) Notifies the county department of job and family services 71490  
at the time the agency removes the children that it believes the 71491  
children will be able to return to the assistance group within six 71492  
months; 71493

(b) Informs the county department at the end of each of the 71494  
first five months after the agency removes the children that the 71495  
parent, guardian, custodian, or specified relative of the children 71496  
is cooperating with the case plans prepared for the children under 71497  
section 2151.412 of the Revised Code and that the agency is making 71498  
reasonable efforts to return the children to the assistance group. 71499

(2) An assistance group may continue to participate in Ohio 71500  
works first pursuant to division (E)(1) of this section for not 71501  
more than six payment months. This division does not affect the 71502  
eligibility of an assistance group that includes a woman at least 71503  
six months pregnant. 71504

**Sec. 5107.14.** (A) An assistance group is ineligible to 71505  
participate in Ohio works first unless the following enter into a 71506  
written self-sufficiency contract with the county department of 71507  
job and family services: 71508

(1) Each adult member of the assistance group; 71509

(2) The assistance group's minor head of household. 71510

(B) A self-sufficiency contract shall set forth the rights 71511  
and responsibilities of the assistance group as applicants for and 71512  
participants of Ohio works first. Each self-sufficiency contract 71513  
shall include, based on appraisals conducted under section 5107.41 71514  
of the Revised Code and assessments conducted under section 71515  
5107.70 of the Revised Code, the following: 71516

(1) The assistance group's plan, developed under section 71517  
5107.41 of the Revised Code, to achieve the goal of self 71518  
sufficiency and personal responsibility through unsubsidized 71519  
employment within the time limit for participating in Ohio works 71520  
first established by section 5107.18 of the Revised Code; 71521

(2) Work activities, developmental activities, and 71522  
alternative work activities to which members of the assistance 71523  
group are assigned under sections 5107.40 to 5107.69 of the 71524  
Revised Code; 71525

(3) The responsibility of a caretaker member of the 71526  
assistance group to cooperate in establishing a minor child's 71527  
paternity and establishing, modifying, and enforcing a support 71528  
order for the child in accordance with section 5107.22 of the 71529  
Revised Code; 71530

(4) Other responsibilities that members of the assistance 71531  
group must satisfy to participate in Ohio works first and the 71532  
consequences for failure or refusal to satisfy the 71533  
responsibilities; 71534

(5) An agreement that, except as otherwise provided in a 71535  
waiver issued under section 5107.714 of the Revised Code, the 71536  
assistance group will comply with the conditions of participating 71537  
in Ohio works first established by this chapter and ~~sections~~ 71538  
~~5101.58, 5101.59, and~~ section 5101.83 of the Revised Code; 71539

(6) Assistance and services the county department will 71540

provide to the assistance group; 71541

(7) Assistance and services the child support enforcement 71542  
agency and public children services agency will provide to the 71543  
assistance group pursuant to a plan of cooperation entered into 71544  
under section 307.983 of the Revised Code; 71545

(8) Other provisions designed to assist the assistance group 71546  
in achieving self sufficiency and personal responsibility; 71547

(9) Procedures for assessing whether responsibilities are 71548  
being satisfied and whether the contract should be amended; 71549

(10) Procedures for amending the contract. 71550

(C) No self-sufficiency contract shall include provisions 71551  
regarding the LEAP program. 71552

(D) The county department shall provide without charge a copy 71553  
of the self-sufficiency contract to each assistance group member 71554  
who signs it. 71555

**Sec. 5107.16.** (A) If a member of an assistance group fails or 71556  
refuses, without good cause, to comply in full with a provision of 71557  
a self-sufficiency contract entered into under section 5107.14 of 71558  
the Revised Code, a county department of job and family services 71559  
shall sanction the assistance group as follows: 71560

(1) For a first failure or refusal, the county department 71561  
shall deny or terminate the assistance group's eligibility to 71562  
participate in Ohio works first for one payment month or until the 71563  
failure or refusal ceases, whichever is longer; 71564

(2) For a second failure or refusal, the county department 71565  
shall deny or terminate the assistance group's eligibility to 71566  
participate in Ohio works first for three payment months or until 71567  
the failure or refusal ceases, whichever is longer; 71568

(3) For a third or subsequent failure or refusal, the county 71569

department shall deny or terminate the assistance group's 71570  
eligibility to participate in Ohio works first for six payment 71571  
months or until the failure or refusal ceases, whichever is 71572  
longer. 71573

(B) The director of job and family services shall establish 71574  
standards for the determination of good cause for failure or 71575  
refusal to comply in full with a provision of a self-sufficiency 71576  
contract in rules adopted under section 5107.05 of the Revised 71577  
Code. 71578

(C) An assistance group member who fails or refuses, without 71579  
good cause, to comply in full with a provision of a 71580  
self-sufficiency contract must complete all compliance activities 71581  
specified in rules adopted under section 5107.05 of the Revised 71582  
Code in order for the failure or refusal to be considered to have 71583  
ceased. 71584

(D) After sanctioning an assistance group under division (A) 71585  
of this section, a county department of job and family services 71586  
shall continue to work with the assistance group. 71587

(E) An adult eligible for medicaid ~~pursuant to division~~ 71588  
~~(C)(1)(a) of section 5111.01 of the Revised Code~~ who is sanctioned 71589  
under division (A)(3) of this section for a failure or refusal, 71590  
without good cause, to comply in full with a provision of a 71591  
self-sufficiency contract related to work responsibilities under 71592  
sections 5107.40 to 5107.69 of the Revised Code loses eligibility 71593  
for medicaid unless the adult is otherwise eligible for medicaid 71594  
pursuant to ~~another division of section 5111.01 of the Revised~~ 71595  
~~Code~~ an eligibility category other than the category associated 71596  
with Title IV-A. 71597

An assistance group that would be participating in Ohio works 71598  
first if not for a sanction under this section shall continue to 71599  
be eligible for all of the following: 71600



(1) Publicly funded child care in accordance with division 71601  
(A)(3) of section 5104.30 of the Revised Code; 71602

(2) Support services in accordance with section 5107.66 of 71603  
the Revised Code; 71604

(3) To the extent permitted by the "Fair Labor Standards Act 71605  
of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended, to participate 71606  
in work activities, developmental activities, and alternative work 71607  
activities in accordance with sections 5107.40 to 5107.69 of the 71608  
Revised Code. 71609

**Sec. 5107.20.** As used in this section, "support" means child 71610  
support, spousal support, and support for a spouse or a former 71611  
spouse. 71612

Participation in Ohio works first constitutes an assignment 71613  
to the department of job and family services of any rights members 71614  
of an assistance group have to support from any other person, 71615  
~~excluding medical support assigned pursuant to section 5101.59 of~~ 71616  
~~the Revised Code.~~ The rights to support assigned to the department 71617  
pursuant to this section constitute an obligation of the person 71618  
who is responsible for providing the support to the state for the 71619  
amount of cash assistance provided to the assistance group. 71620

The office of child support in the department of job and 71621  
family services shall collect and distribute support payments owed 71622  
to Ohio works first participants, whether assigned to the 71623  
department or unassigned, in accordance with 42 U.S.C. 654 B and 71624  
657 and regulations adopted under those statutes, state statutes, 71625  
and rules adopted under section 5107.05 of the Revised Code. 71626

Upon implementation of centralized collection and 71627  
disbursement under Chapter 3121. of the Revised Code, in 71628  
accordance with 42 U.S.C. 654 B and 657 and regulations adopted 71629  
under those statutes, the department shall deposit support 71630

payments it receives pursuant to this section into the state 71631  
treasury to the credit of the child support collections fund or 71632  
the child support administrative fund, both of which are hereby 71633  
created. Money credited to the funds shall be used to make cash 71634  
assistance payments under Ohio works first. 71635

**Sec. 5107.24.** (A) As used in this section: 71636

(1) "Adult-supervised living arrangement" means a family 71637  
setting approved, licensed, or certified by the department of job 71638  
and family services, the department of ~~mental health~~ mental health 71639  
and addiction services, the department of developmental 71640  
disabilities, the department of youth services, a public children 71641  
services agency, a private child placing agency, or a private 71642  
noncustodial agency that is maintained by a person age eighteen or 71643  
older who assumes responsibility for the care and control of a 71644  
minor parent, pregnant minor, or child of a minor parent or 71645  
provides the minor parent, pregnant minor, or child of a minor 71646  
parent supportive services, including counseling, guidance, and 71647  
supervision. "Adult-supervised living arrangement" does not mean a 71648  
public institution. 71649

(2) "Child of a minor parent" means a child born to a minor 71650  
parent, except that the child ceases to be considered a child of 71651  
minor parent when the minor parent attains age eighteen. 71652

(3) "Minor parent" means a parent who is under age eighteen 71653  
and is not married. 71654

(4) "Pregnant minor" means a pregnant person who is under age 71655  
eighteen and not married. 71656

(B)(1) Except as provided in division (B)(2) of this section 71657  
and to the extent permitted by Title IV-A and federal regulations 71658  
adopted under Title IV-A, a pregnant minor, minor parent, or child 71659  
of a minor parent must reside in a place of residence maintained 71660

by a parent, guardian, custodian, or specified relative of the 71661  
pregnant minor or minor parent as the parent's, guardian's, 71662  
custodian's, or specified relative's own home to be eligible to 71663  
participate in Ohio works first. 71664

(2) To the extent permitted by Title IV-A and federal 71665  
regulations adopted under it, a pregnant minor, minor parent, or 71666  
child of a minor parent is exempt from the requirement of division 71667  
(B)(1) of this section if any of the following apply: 71668

(a) The minor parent or pregnant minor does not have a 71669  
parent, guardian, custodian, or specified relative living or whose 71670  
whereabouts are known. 71671

(b) No parent, guardian, custodian, or specified relative of 71672  
the minor parent or pregnant minor will allow the pregnant minor, 71673  
minor parent, or minor parent's child to live in the parent's, 71674  
guardian's, custodian's, or specified relative's home. 71675

(c) The department of job and family services, a county 71676  
department of job and family services, or a public children 71677  
services agency determines that the physical or emotional health 71678  
or safety of the pregnant minor, minor parent, or minor parent's 71679  
child would be in jeopardy if the pregnant minor, minor parent, or 71680  
minor parent's child lived in the same home as the parent, 71681  
guardian, custodian, or specified relative. 71682

(d) The department of job and family services, a county 71683  
department of job and family services, or a public children 71684  
services agency otherwise determines that it is in the best 71685  
interest of the pregnant minor, minor parent, or minor parent's 71686  
child to waive the requirement of division (B)(1) of this section. 71687

(C) A pregnant minor, minor parent, or child of a minor 71688  
parent exempt from the requirement of division (B)(1) of this 71689  
section must reside in an adult-supervised living arrangement to 71690  
be eligible to participate in Ohio works first. 71691

(D) The department of job and family services, whenever possible and to the extent permitted by Title IV-A and federal regulations adopted under it, shall provide cash assistance under Ohio works first to the parent, guardian, custodian, or specified relative of a pregnant minor or minor parent on behalf of the pregnant minor, minor parent, or minor parent's child.

**Sec. 5107.26.** (A) As used in this section:

~~(1) "Transitional,~~ "transitional child care" means publicly funded child care provided under division (A)(3) of section 5104.34 of the Revised Code.

~~(2) "Transitional medicaid" means the medical assistance provided under section 5111.0115 of the Revised Code.~~

(B) Except as provided in division (C) of this section, ~~each:~~

(1) Each member of an assistance group participating in Ohio works first is ineligible to participate in the program for six payment months if a county department of job and family services determines that a member of the assistance group terminated the member's employment ~~and each.~~

(2) Each person who, on the day prior to the day a recipient begins to receive transitional child care ~~or transitional medicaid,~~ was a member of the recipient's assistance group is ineligible to participate in Ohio works first for six payment months if a county department determines that the recipient terminated the recipient's employment.

(C) No assistance group member shall lose or be denied eligibility to participate in Ohio works first pursuant to division (B) of this section if the termination of employment was because an assistance group member or recipient of transitional child care ~~or transitional medicaid~~ secured comparable or better employment or the county department of job and family services

certifies that the member or recipient terminated the employment with just cause. 71722  
71723

Just cause includes the following: 71724

(1) Discrimination by an employer based on age, race, sex, color, handicap, religious beliefs, or national origin; 71725  
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(2) Work demands or conditions that render continued employment unreasonable, such as working without being paid on schedule; 71727  
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(3) Employment that has become unsuitable due to any of the following: 71730  
71731

(a) The wage is less than the federal minimum wage; 71732

(b) The work is at a site subject to a strike or lockout, unless the strike has been enjoined under section 208 of the "Labor-Management Relations Act," 61 Stat. 155 (1947), 29 U.S.C.A. 178, as amended, an injunction has been issued under section 10 of the "Railway Labor Act," 44 Stat. 586 (1926), 45 U.S.C.A. 160, as amended, or an injunction has been issued under section 4117.16 of the Revised Code; 71733  
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(c) The documented degree of risk to the member or recipient's health and safety is unreasonable; 71740  
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(d) The member or recipient is physically or mentally unfit to perform the employment, as documented by medical evidence or by reliable information from other sources. 71742  
71743  
71744

(4) Documented illness of the member or recipient or of another assistance group member of the member or recipient requiring the presence of the member or recipient; 71745  
71746  
71747

(5) A documented household emergency; 71748

(6) Lack of adequate child care for children of the member or recipient who are under six years of age. 71749  
71750

**Sec. 5107.42.** (A) Except as provided in divisions (B) and (C) 71751  
of this section, county departments of job and family services 71752  
shall assign each minor head of household and adult participating 71753  
in Ohio works first, other than a minor head of household 71754  
participating in the LEAP program, to one or more work activities 71755  
and developmental activities. 71756

If a county department assigns a minor head of household or 71757  
adult to the work activity established under division (H) of 71758  
section 5107.60 of the Revised Code, the county department shall 71759  
make reasonable efforts to assign the minor head of household or 71760  
adult to at least one other work activity at the same time. If a 71761  
county department assigns a minor head of household or adult to 71762  
the work activity established under section 5107.58 of the Revised 71763  
Code, the county department shall assign the minor head of 71764  
household or adult to at least one other work activity at the same 71765  
time. 71766

A county department may not assign a minor head of household 71767  
or adult to a work activity established under division (D) of 71768  
section 5107.60 of the Revised Code for more than twelve months. 71769

(B) If a county department determines that a minor head of 71770  
household or adult has a temporary or permanent barrier to 71771  
participation in a work activity, it may assign the minor head of 71772  
household or adult to one or more alternative work activities 71773  
instead of assigning the minor head of household or adult to one 71774  
or more work activities or developmental activities. A county 71775  
department may not assign more than twenty per cent of minor heads 71776  
of household and adults participating in Ohio works first to an 71777  
alternative work activity. 71778

County departments shall establish standards for determining 71779  
whether a minor head of household or adult has a temporary or 71780  
permanent barrier to participating in a work activity. The 71781

following are examples of circumstances that a county department 71782  
may consider when it develops its standards: 71783

(1) A minor head of household or adult provides the county 71784  
department documented evidence that one or more members of the 71785  
assistance group have been the victim of domestic violence and are 71786  
in imminent danger of suffering continued domestic violence; 71787

(2) A minor head of household or adult is actively 71788  
participating in ~~an alcohol or drug~~ a community addiction program 71789  
services provider certified by the department of ~~alcohol and drug~~ 71790  
~~addiction services~~ mental health and addiction services under 71791  
section ~~3793.06~~ 5119.36 of the Revised Code; 71792

(3) An assistance group is homeless. 71793

(C) A county department may exempt a minor head of household 71794  
or adult who is unmarried and caring for a minor child under 71795  
twelve months of age from the work requirements of sections 71796  
5107.40 to 5107.69 of the Revised Code for not more than twelve 71797  
months. While exempt, the minor head of household or adult shall 71798  
be disregarded in determining whether the county department is 71799  
meeting the requirement of section 5107.44 of the Revised Code. 71800  
The county department shall assign the exempt minor head of 71801  
household or adult to at least one developmental activity for a 71802  
number of hours a week the county department determines. The 71803  
county department may assign the exempt minor head of household or 71804  
adult to one or more work activities, in addition to developmental 71805  
activities, for a number of hours the county department 71806  
determines. Division (B) of section 5107.43 of the Revised Code 71807  
does not apply to the exempt minor head of household or adult. 71808

(D) A county department may reassign a minor head of 71809  
household or adult when the county department determines 71810  
reassignment will aid the assistance group in achieving self 71811  
sufficiency and personal responsibility and shall make 71812

reassignments when circumstances requiring reassignment occur, 71813  
including when a temporary barrier to participating in a work 71814  
activity is eliminated. 71815

A county department shall include assignments in the 71816  
self-sufficiency contract entered into under section 5107.14 of 71817  
the Revised Code and shall amend the contract when a reassignment 71818  
is made to include the reassignment in the contract. 71819

**Sec. 5107.64.** County departments of job and family services 71820  
shall establish and administer alternative work activities for 71821  
minor heads of households and adults participating in Ohio works 71822  
first. In establishing alternative work activities, county 71823  
departments are not limited by the restrictions Title IV-A imposes 71824  
on work activities. The following are examples of alternative work 71825  
activities that a county department may establish: 71826

(A) Parenting classes and life-skills training; 71827

(B) Participation in ~~an alcohol or drug~~ a community addiction 71828  
~~program~~ services provider certified by the department of ~~alcohol~~ 71829  
~~and drug addiction services~~ mental health and addiction services 71830  
under section ~~3793.06~~ 5119.36 of the Revised Code; 71831

(C) In the case of a homeless assistance group, finding a 71832  
home; 71833

(D) In the case of a minor head of household or adult with a 71834  
disability, active work in an individual written rehabilitation 71835  
plan with the rehabilitation services commission; 71836

(E) In the case of a minor head of household or adult who has 71837  
been the victim of domestic violence, residing in a domestic 71838  
violence shelter, receiving counseling or treatment related to the 71839  
domestic violence, or participating in criminal justice activities 71840  
against the domestic violence offender; 71841

(F) An education program under which a participant who does 71842



not speak English attends English as a second language course. 71843

**Sec. 5115.20.** (A) The department of job and family services 71844  
shall establish a disability advocacy program and each county 71845  
department of job and family services shall establish a disability 71846  
advocacy program unit or join with other county departments of job 71847  
and family services to establish a joint county disability 71848  
advocacy program unit. Through the program the department and 71849  
county departments shall cooperate in efforts to assist applicants 71850  
for and recipients of assistance under the disability financial 71851  
assistance program, who might be eligible for supplemental 71852  
security income benefits under Title XVI of the "Social Security 71853  
Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, as amended, in 71854  
applying for those benefits. 71855

As part of their disability advocacy programs, the state 71856  
department and county departments may enter into contracts for the 71857  
services of persons and government entities that in the judgment 71858  
of the department or county department have demonstrated expertise 71859  
in representing persons seeking supplemental security income 71860  
benefits. Each contract shall require the person or entity with 71861  
which a department contracts to assess each person referred to it 71862  
by the department to determine whether the person appears to be 71863  
eligible for supplemental security income benefits, and, if the 71864  
person appears to be eligible, assist the person in applying and 71865  
represent the person in any proceeding of the social security 71866  
administration, including any appeal or reconsideration of a 71867  
denial of benefits. The department or county department shall 71868  
provide to the person or entity with which it contracts all 71869  
records in its possession relevant to the application for 71870  
supplemental security income benefits. The department shall 71871  
require a county department with relevant records to submit them 71872  
to the person or entity. 71873

(B) Each applicant for or recipient of disability financial assistance who, in the judgment of the department of job and family services or a county department of job and family services might be eligible for supplemental security benefits, shall, as a condition of eligibility for assistance, apply for such benefits if directed to do so by the department or county department.

(C) With regard to applicants for and recipients of disability financial assistance, each county department of job and family services shall do all of the following:

(1) Identify applicants and recipients who might be eligible for supplemental security income benefits;

(2) Assist applicants and recipients in securing documentation of disabling conditions or refer them for such assistance to a person or government entity with which the department of job and family services or county department has contracted under division (A) of this section;

(3) Inform applicants and recipients of available sources of representation, which may include a person or government entity with which the department or county department has contracted under division (A) of this section, and of their right to represent themselves in reconsiderations and appeals of social security administration decisions that deny them supplemental security income benefits. The county department may require the applicants and recipients, as a condition of eligibility for assistance, to pursue reconsiderations and appeals of social security administration decisions that deny them supplemental security income benefits, and shall assist applicants and recipients as necessary to obtain such benefits or refer them to a person or government entity with which the department or county department has contracted under division (A) of this section.

(4) Require applicants and recipients who, in the judgment of

the county department, are or may be aged, blind, or disabled, to 71905  
apply for ~~medical assistance under Chapter 5111. of the Revised~~ 71906  
~~Code~~ the medicaid program, make determinations when appropriate as 71907  
to eligibility for ~~medical assistance~~ medicaid, and refer their 71908  
applications when necessary to the disability determination unit 71909  
established in accordance with division (F) of this section for 71910  
expedited review; 71911

(5) Require each applicant and recipient who in the judgment 71912  
of the department or the county department might be eligible for 71913  
supplemental security income benefits, as a condition of 71914  
eligibility for disability financial assistance, to execute a 71915  
written authorization for the secretary of health and human 71916  
services to withhold benefits due that individual and pay to the 71917  
director of job and family services or the director's designee an 71918  
amount sufficient to reimburse the state and county shares of 71919  
interim assistance furnished to the individual. For the purposes 71920  
of division (C)(5) of this section, "benefits" and "interim 71921  
assistance" have the meanings given in Title XVI of the "Social 71922  
Security Act." 71923

(D) The director of job and family services shall adopt rules 71924  
in accordance with section 111.15 of the Revised Code for the 71925  
effective administration of the disability advocacy program. The 71926  
rules shall include all of the following: 71927

(1) Methods to be used in collecting information from and 71928  
disseminating it to county departments, including the following: 71929

(a) The number of individuals in the county who are disabled 71930  
recipients of disability financial assistance; 71931

(b) The final decision made either by the social security 71932  
administration or by a court for each application or 71933  
reconsideration in which an individual was assisted pursuant to 71934  
this section. 71935

(2) The type and process of training to be provided by the department of job and family services to the employees of the county department of job and family services who perform duties under this section;

(3) Requirements for the written authorization required by division (C)(5) of this section.

(E) The department of job and family services shall provide basic and continuing training to employees of the county department of job and family services who perform duties under this section. Training shall include but not be limited to all processes necessary to obtain federal disability benefits, and methods of advocacy.

(F) The department of medicaid shall establish a disability determination unit and develop guidelines for expediting reviews of applications for ~~medical assistance under Chapter 5111. of the Revised Code~~ the medicaid program for persons who have been referred to the unit under division (C)(4) of this section. The department of medicaid shall make determinations of eligibility for ~~medical assistance~~ medicaid for any such person within the time prescribed by federal regulations.

(G) The department of job and family services may, under rules the director of job and family services adopts in accordance with section 111.15 of the Revised Code, pay a portion of the federal reimbursement described in division (C)(5) of this section to persons or government entities that assist or represent assistance recipients in reconsiderations and appeals of social security administration decisions denying them supplemental security income benefits.

(H) The director of job and family services shall conduct investigations to determine whether disability advocacy programs are being administered in compliance with the Revised Code and the

rules adopted by the director pursuant to this section. 71967

**Sec. 5117.10.** (A) On or before the fifteenth day of January, 71968  
the director of development shall pay each applicant determined 71969  
eligible for a payment under divisions (A) and (B) of section 71970  
5117.07 of the Revised Code one hundred twenty-five dollars. 71971

(B) The director may withhold from any payment to which a 71972  
person would otherwise be entitled under division (A) of this 71973  
section any amount that the director determines was erroneously 71974  
received by such person in a preceding year under this or the 71975  
program established under Am. Sub. H.B. 230, as amended by Am. 71976  
H.B. 937, Am. Sub. H.B. 1073, Am. Sub. S.B. 493, and Am. Sub. S.B. 71977  
523 of the 112th general assembly, provided the director has 71978  
employed all other legal methods reasonably available to obtain 71979  
reimbursement for the erroneous payment or credit prior to the 71980  
commencement of the current program year. 71981

(C) Payments made under this section and credits granted 71982  
under section 5117.09 of the Revised Code shall not be considered 71983  
income for the purpose of determining eligibility or the level of 71984  
benefits or assistance under section 329.042 or Chapters 5107.7 71985  
~~5111.7~~ and 5115. of the Revised Code; the medicaid program; 71986  
supplemental security income payments under Title XVI of the 71987  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 71988  
amended; or any other program under which eligibility or the level 71989  
of benefits or assistance is based upon need measured by income. 71990

**Sec. ~~3793.01~~ 5119.01.** (A) As used in this chapter: 71991

(1) "Addiction" means the chronic and habitual use of 71992  
alcoholic beverages, the use of a drug of abuse as defined in 71993  
section 3719.011 of the Revised Code, or the use of gambling by an 71994  
individual to the extent that the individual no longer can control 71995  
the individual's use of alcohol, the individual becomes physically 71996

or psychologically dependent on the drug, the individual's use of alcohol or drugs endangers the health, safety, or welfare of the individual or others, or the individual's gambling causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

(2) "Addiction services" means services, including intervention, for the treatment of persons with alcohol, drug, or gambling addictions, and for the prevention of such addictions.

(3) "Alcohol and drug addiction services" means services, including intervention, for the treatment of alcoholics or persons who abuse drugs of abuse and for the prevention of alcoholism and drug addiction.

(4) "Alcoholic" means a person suffering from alcoholism.

(5) "Alcoholism" means the chronic and habitual use of alcoholic beverages by an individual to the extent that the individual no longer can control the individual's use of alcohol or endangers the health, safety, or welfare of the individual or others.

~~(2) "Alcoholic" means a person suffering from alcoholism.~~

~~(3)~~(6) "Community addiction services provider" means an agency, association, corporation, individual, or program that provides community alcohol, drug addiction, or gambling addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code.

(7) "Community mental health services provider" means an agency, association, corporation, individual, or program that provides community mental health services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code.

(8) "Drug addiction" means the use of a drug of abuse, as defined in section 3719.011 of the Revised Code, by an individual to the extent that the individual becomes physically or psychologically dependent on the drug or endangers the health, safety, or welfare of the individual or others.

~~(4) "Alcohol and drug addiction services" means services, including intervention, for the treatment of alcoholics or persons who abuse drugs of abuse and for the prevention of alcoholism and drug addiction.~~

~~(5) "Alcohol and drug addiction program" means a program that provides alcohol or drug addiction services and includes a facility or entity that operates such a program.~~

~~(6)~~(9) "Gambling addiction" means the use of gambling by an individual to the extent that it causes psychological, financial, emotional, marital, legal, or other difficulties endangering the health, safety, or welfare of the individual or others.

~~(7)~~(10) "Gambling addiction services" means services for the treatment of persons who have a gambling addiction and for the prevention of gambling addiction.

(11) "Hospital" means a hospital or inpatient unit licensed by the department of mental health and addiction services under section 5119.33 of the Revised Code, and any institution, hospital, or other place established, controlled, or supervised by the department under Chapter 5119. of the Revised Code.

(12) "Mental illness" means a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life.

(13) "Mental health services" means services for the assessment, care, or treatment of persons who have a mental illness as defined in this section.

(14)(a) "Residence" means a person's physical presence in a 72058  
county with intent to remain there, except in either of the 72059  
following circumstances: 72060

(i) If a person is receiving a mental health service at a 72061  
facility that includes nighttime sleeping accommodations, 72062  
"residence" means that county in which the person maintained the 72063  
person's primary place of residence at the time the person entered 72064  
the facility; 72065

(ii) If a person is committed pursuant to section 2945.38, 72066  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 72067  
"residence" means the county where the criminal charges were 72068  
filed. 72069

(b) When the residence of a person is disputed, the matter of 72070  
residence shall be referred to the department of mental health and 72071  
addiction services for investigation and determination. Residence 72072  
shall not be a basis for a board of alcohol, drug addiction, and 72073  
mental health services to deny services to any person present in 72074  
the board's service district, and the board shall provide services 72075  
for a person whose residence is in dispute while residence is 72076  
being determined and for a person in an emergency situation. 72077

(B) Any reference in this chapter to a board of alcohol, drug 72078  
addiction, and mental health services also refers to an alcohol 72079  
and drug addiction services board or a community mental health 72080  
board in a service district in which an alcohol and drug addiction 72081  
services board or a community mental health board has been 72082  
established under section 340.021 or former section 340.02 of the 72083  
Revised Code. 72084

**Sec. 5119.04.** The department of ~~mental health~~ mental health 72085  
and addiction services and any institutions under its supervision 72086  
or jurisdiction shall, where applicable, be in substantial 72087  
compliance with standards set forth for psychiatric facilities by 72088



the joint commission ~~on accreditation of healthcare organizations~~ 72089  
or medical assistance standards under Title XIX of the "Social 72090  
Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended, or 72091  
other applicable standards, ~~except that the department and any~~ 72092  
~~institution under its supervision or jurisdiction shall be in~~ 72093  
~~substantial compliance with standards for physical facilities and~~ 72094  
~~equipment by July 1, 1989. The requirements of this section do not~~ 72095  
~~apply to any facility designated by the director of mental health~~ 72096  
~~for use as a psychiatric rehabilitation center.~~ 72097

The requirements of this section are in addition to any other 72098  
requirements established by the Revised Code and nothing in this 72099  
section shall be construed to limit any rights, privileges, 72100  
protections, or immunities which may exist under the constitution 72101  
and laws of the United States or this state. 72102

**Sec. ~~5119.27~~ 5119.05.** Subject to the rules of the director of 72103  
~~mental health~~ mental health and addiction services, each 72104  
institution under the jurisdiction of the department shall be 72105  
under the management and control of a managing officer to be known 72106  
as a ~~superintendent~~ chief executive officer or by another 72107  
appropriate title. Such managing officer shall be appointed by the 72108  
director of ~~mental health~~ mental health and addiction services, 72109  
and shall be in the unclassified service and serve at the pleasure 72110  
of the director. Each managing officer shall be of good moral 72111  
character and have skill, ability, and experience in ~~his~~ the 72112  
managing officer's profession. ~~Appointment to this position may be~~ 72113  
~~made from persons holding positions in the classified service in~~ 72114  
~~the department.~~ 72115

The managing officer, under the director, shall ~~have entire~~ 72116  
~~executive charge~~ serve as the appointing authority of the 72117  
institution ~~for~~ to which such managing officer is appointed. 72118  
Subject to civil service rules, the managing officer shall have 72119

the power to appoint the necessary and remove employees and he or 72120  
the director may remove such employees for cause of the 72121  
institution. On behalf of the institution, the managing officer 72122  
has the authority and responsibility for entering into contracts 72123  
and other agreements for the efficient operations of the 72124  
institution. 72125

**Sec. ~~5119.44~~ 5119.051.** The department of ~~mental health~~ mental 72126  
health and addiction services shall keep in its office a proper 72127  
and complete set of books and accounts with each institution, 72128  
which shall clearly show the nature and amount of every 72129  
expenditure authorized and made at such institution, and which 72130  
shall contain an account of all appropriations made by the general 72131  
assembly and of all other funds, together with the disposition of 72132  
such funds. 72133

The department shall prescribe the form of vouchers, records, 72134  
and methods of keeping accounts at each of the institutions, which 72135  
shall be as nearly uniform as possible. The department may examine 72136  
the records of each institution at any time. 72137

The department may authorize any of its ~~bookkeepers~~ 72138  
bookkeepers, accountants, or employees to examine and check the 72139  
records, accounts, and vouchers or take an inventory of the 72140  
property of any institution, or do whatever is necessary, and pay 72141  
the actual and reasonable expenses incurred in such service when 72142  
an itemized account is filed and approved. 72143

**Sec. ~~5119.43~~ 5119.06.** The department of ~~mental health~~ mental 72144  
health and addiction services shall keep in its office, accessible 72145  
only to its employees, except by the consent of the department or 72146  
the order of the judge of a court of record, a record showing the 72147  
name, residence, sex, age, nativity, occupation, condition, and 72148  
date of entrance or commitment of every patient in the 72149

institutions governed by it, the date, cause, and terms of 72150  
discharge and the condition of such person at the time of leaving, 72151  
and also a record of all transfers from one institution to 72152  
another, and, if such person dies while in the care or custody of 72153  
the department, the date and cause of death. These and such other 72154  
facts as the department requires shall be furnished by the 72155  
managing officer of each institution within twenty-four hours 72156  
after the commitment, entrance, death, or discharge of a patient. 72157

In case of an accident or injury or peculiar death of a 72158  
patient the managing officer shall make a special report to the 72159  
department within twenty-four hours thereafter, giving the 72160  
circumstances as fully as possible. 72161

**Sec. ~~5119.42~~ 5119.07.** A person, firm, or corporation may file 72162  
a petition in the court of common pleas of the county in which a 72163  
benevolent institution of the department of mental health and 72164  
addiction services is located, in which petition the desire to 72165  
erect or carry on at a less distance than that prescribed in 72166  
section 3767.19 of the Revised Code shall be set forth, the 72167  
business prohibited, the precise point of its establishment, and 72168  
the reasons and circumstances, in its opinion, why the erection or 72169  
carrying on ~~thereof~~ of the business would not annoy or endanger 72170  
the health, convenience, or recovery of the patients of such 72171  
institution. The petitioner shall give notice in a newspaper of 72172  
general circulation in the county of the pendency and prayer of 72173  
the petition for at least six consecutive weeks before the day set 72174  
for hearing the petition and serve a written notice upon the 72175  
~~superintendent~~ managing officer of the institution at least thirty 72176  
days before the day set for hearing the petition. 72177

If, upon the hearing of the petition, it appears that the 72178  
notice has been given as required and the court is of the opinion 72179  
that no good reason exists why such establishment may not be 72180

erected or such business carried on and that by the erection or 72181  
carrying on ~~thereof~~ of the business at the point named, the 72182  
institution will sustain no detriment, the court may issue an 72183  
order granting the prayer of the petitioner. Thereafter the 72184  
petitioner may locate such establishment or carry on such business 72185  
at the point named in the petition. 72186

**Sec. ~~5119.14~~ 5119.08.** (A) As used in this section, "felony" 72187  
has the same meaning as in section 109.511 of the Revised Code. 72188

(B)(1) Subject to division (C) of this section, upon the 72189  
recommendation of the director of ~~mental health~~ mental health and 72190  
addiction services, the managing officer of an institution under 72191  
the jurisdiction of the department of ~~mental health~~ mental health 72192  
and addiction services may designate one or more employees to be 72193  
special police officers of the department. The special police 72194  
officers shall take an oath of office, wear the badge of office, 72195  
and give bond for the proper and faithful discharge of their 72196  
duties in an amount that the director requires. 72197

(2) In accordance with section 109.77 of the Revised Code, 72198  
the special police officers shall be required to complete 72199  
successfully a peace officer basic training program approved by 72200  
the Ohio peace officer training commission and to be certified by 72201  
the commission. The cost of the training shall be paid by the 72202  
department of ~~mental health~~ mental health and addiction services. 72203

(3) Special police officers, on the premises of institutions 72204  
under the jurisdiction of the department of ~~mental health~~ mental 72205  
health and addiction services and subject to the rules of the 72206  
department, shall protect the property of the institutions and the 72207  
persons and property of patients in the institutions, suppress 72208  
riots, disturbances, and breaches of the peace, and enforce the 72209  
laws of the state and the rules of the department for the 72210  
preservation of good order. They may arrest any person without a 72211

warrant and detain the person until a warrant can be obtained 72212  
under the circumstances described in division (F) of section 72213  
2935.03 of the Revised Code. 72214

(C)(1) The managing officer of an institution under the 72215  
jurisdiction of the department of ~~mental health~~ mental health and 72216  
addiction services shall not designate an employee as a special 72217  
police officer of the department pursuant to division (B)(1) of 72218  
this section on a permanent basis, on a temporary basis, for a 72219  
probationary term, or on other than a permanent basis if the 72220  
employee previously has been convicted of or has pleaded guilty to 72221  
a felony. 72222

(2)(a) The managing officer of an institution under the 72223  
jurisdiction of the department of ~~mental health~~ mental health and 72224  
addiction services shall terminate the employment as a special 72225  
police officer of the department of an employee designated as a 72226  
special police officer under division (B)(1) of this section if 72227  
that employee does either of the following: 72228

(i) Pleads guilty to a felony; 72229

(ii) Pleads guilty to a misdemeanor pursuant to a negotiated 72230  
plea agreement as provided in division (D) of section 2929.43 of 72231  
the Revised Code in which the employee agrees to surrender the 72232  
certificate awarded to that employee under section 109.77 of the 72233  
Revised Code. 72234

(b) The managing officer shall suspend from employment as a 72235  
special police officer of the department an employee designated as 72236  
a special police officer under division (B)(1) of this section if 72237  
that employee is convicted, after trial, of a felony. If the 72238  
special police officer files an appeal from that conviction and 72239  
the conviction is upheld by the highest court to which the appeal 72240  
is taken or if the special police officer does not file a timely 72241  
appeal, the managing officer shall terminate the employment of 72242

that special police officer. If the special police officer files 72243  
an appeal that results in that special police officer's acquittal 72244  
of the felony or conviction of a misdemeanor, or in the dismissal 72245  
of the felony charge against that special police officer, the 72246  
managing officer shall reinstate that special police officer. A 72247  
special police officer of the department who is reinstated under 72248  
division (C)(2)(b) of this section shall not receive any back pay 72249  
unless that special police officer's conviction of the felony was 72250  
reversed on appeal, or the felony charge was dismissed, because 72251  
the court found insufficient evidence to convict the special 72252  
police officer of the felony. 72253

(3) Division (C) of this section does not apply regarding an 72254  
offense that was committed prior to January 1, 1997. 72255

(4) The suspension from employment, or the termination of the 72256  
employment, of a special police officer under division (C)(2) of 72257  
this section shall be in accordance with ~~Chapter 119. of the~~ 72258  
~~Revised Code~~ applicable collective bargaining agreements. 72259

**Sec. ~~5119.30~~ 5119.09.** The attorney general shall attend to 72260  
all ~~suits~~ claims instituted on behalf of or against the department 72261  
of mental health and addiction services or any institution under 72262  
the jurisdiction of the department ~~of mental health~~ and the 72263  
managing officer thereof, except such institutions as are 72264  
privately owned or operated under a license from the department of 72265  
~~mental health~~ mental health and addiction services, and shall 72266  
represent the public hospital in proceedings under section 5122.15 72267  
of the Revised Code. The department of ~~mental health~~ mental health 72268  
and addiction services shall reimburse the attorney general for 72269  
the compensation of assistant attorneys general required to 72270  
represent the public hospital in proceedings under section 5122.15 72271  
of the Revised code and shall also pay the costs of litigation 72272  
incurred by the attorney general under that section. 72273

If a writ of habeas corpus is applied for, the clerk of the 72274  
court shall give notice of the time and place of hearing to the 72275  
attorney general. 72276

**Sec. ~~5119.01~~ 5119.10.** (A) The director of ~~mental health~~ 72277  
mental health and addiction services is the chief executive and 72278  
~~administrative officer~~ appointing authority of the department of 72279  
~~mental health~~ mental health and addiction services. The director 72280  
may organize the department for its efficient operation, including 72281  
creating divisions or offices as necessary. The director may 72282  
establish procedures for the governance of the department, conduct 72283  
of its employees and officers, performance of its business, and 72284  
custody, use, and preservation of departmental records, papers, 72285  
books, documents, and property. Whenever the Revised Code imposes 72286  
a duty upon or requires an action of the department or any of its 72287  
institutions, the director or the director's designee shall 72288  
perform the action or duty in the name of the department, except 72289  
that the medical director appointed pursuant to section ~~5119.07~~ 72290  
5119.11 of the Revised Code shall be responsible for decisions 72291  
relating to medical diagnosis, treatment, rehabilitation, quality 72292  
assurance, and the clinical aspects of the following: licensure of 72293  
hospitals and residential facilities, research, community 72294  
addiction and mental health services plans, and certification and 72295  
delivery of mental health and addiction services. 72296

(B) The director shall: 72297

~~(A)~~(1) Adopt rules for the proper execution of the powers and 72298  
duties of the department with respect to the institutions under 72299  
its control, and require the performance of additional duties by 72300  
the officers of the institutions as necessary to fully meet the 72301  
requirements, intents, and purposes of this chapter. In case of an 72302  
apparent conflict between the powers conferred upon any managing 72303  
officer and those conferred by such sections upon the department, 72304

the presumption shall be conclusive in favor of the department. 72305

~~(B)~~(2) Adopt rules for the nonpartisan management of the 72306  
institutions under the department's control. An officer or 72307  
employee of the department or any officer or employee of any 72308  
institution under its control who, by solicitation or otherwise, 72309  
exerts influence directly or indirectly to induce any other 72310  
officer or employee of the department or any of its institutions 72311  
to adopt the exerting officer's or employee's political views or 72312  
to favor any particular person, issue, or candidate for office 72313  
shall be removed from the exerting officer's or employee's office 72314  
or position, by the department in case of an officer or employee, 72315  
and by the governor in case of the director. 72316

~~(C)~~(3) Appoint such employees, including the medical 72317  
director, as are necessary for the efficient conduct of the 72318  
department, and prescribe their titles and duties; 72319

~~(D)~~(4) Prescribe the forms of affidavits, applications, 72320  
medical certificates, orders of hospitalization and release, and 72321  
all other forms, reports, and records that are required in the 72322  
hospitalization or admission and release of all persons to the 72323  
institutions under the control of the department, or are otherwise 72324  
required under this chapter or Chapter 5122. of the Revised Code; 72325

~~(E) Contract with hospitals licensed by the department under 72326  
section 5119.20 of the Revised Code for the care and treatment of 72327  
mentally ill patients, or with persons, organizations, or agencies 72328  
for the custody, evaluation, supervision, care, or treatment of 72329  
mentally ill persons receiving services elsewhere than within the 72330  
enclosure of a hospital operated under section 5119.02 of the 72331  
Revised Code;~~ 72332

~~(F)~~(5) Exercise the powers and perform the duties relating to 72333  
community addiction and mental health facilities and services that 72334  
are assigned to the director under this chapter and Chapter 340. 72335



of the Revised Code; 72336

~~(G)~~(6) Develop and implement clinical evaluation and 72337  
monitoring of services that are operated by the department; 72338

~~(H)~~(7) Adopt rules establishing standards for the performance 72339  
of evaluations by a forensic center or other psychiatric program 72340  
or facility of the mental condition of defendants ordered by the 72341  
court under section 2919.271, or 2945.371 of the Revised Code, and 72342  
for the treatment of defendants who have been found incompetent to 72343  
stand trial and ordered by the court under section 2945.38, 72344  
2945.39, 2945.401, or 2945.402 of the Revised Code to receive 72345  
treatment in facilities; 72346

~~(I)~~(8) On behalf of the department, have the authority and 72347  
responsibility for entering into contracts and other agreements+ 72348  
with providers, agencies, institutions, and other entities, both 72349  
public and private, as necessary for the department to carry out 72350  
its duties under this chapter and Chapters 340., 2919., 2945., and 72351  
5122. of the Revised Code. Chapter 125. of the Revised Code does 72352  
not apply to contracts the director enters into under this section 72353  
for services provided to individuals with mental illness by 72354  
providers, agencies, institutions, and other entities not owned or 72355  
operated by the department. 72356

~~(J)~~ Prepare and publish regularly a state mental health plan 72357  
that describes the department's philosophy, current activities, 72358  
and long term and short term goals and activities; 72359

~~(K)~~(9) Adopt rules in accordance with Chapter 119. of the 72360  
Revised Code specifying the supplemental services that may be 72361  
provided through a trust authorized by section 5815.28 of the 72362  
Revised Code; 72363

~~(L)~~(10) Adopt rules in accordance with Chapter 119. of the 72364  
Revised Code establishing standards for the maintenance and 72365  
distribution to a beneficiary of assets of a trust authorized by 72366

section 5815.28 of the Revised Code. 72367

(C) The director may contract with hospitals licensed by the 72368  
department under section 5119.33 of the Revised Code for the care 72369  
and treatment of mentally ill patients, or with persons, 72370  
organizations, or agencies for the custody, evaluation, 72371  
supervision, care, or treatment of mentally ill persons receiving 72372  
services elsewhere than within the enclosure of a hospital 72373  
operated under section 5119.14 of the Revised Code. 72374

**Sec. ~~5119.07~~ 5119.11.** (A) The director of mental health 72375  
mental health and addiction services shall appoint a medical 72376  
director who ~~is a psychiatrist as defined in division (E) of~~ 72377  
~~section 5122.01 of the Revised Code,~~ is eligible or certified by 72378  
the American board of psychiatry and neurology or the American 72379  
osteopathic board of neurology and psychiatry, and has at least 72380  
five years of clinical and two years of administrative experience. 72381  
The medical director shall also have certification or substantial 72382  
training and experience in the field of addiction medicine or 72383  
addiction psychiatry. The medical director shall be responsible 72384  
for decisions relating to medical diagnosis, treatment, 72385  
prevention, rehabilitation, quality assurance, and the clinical 72386  
aspects of mental health and addiction services involving all of 72387  
the following: ~~licensure~~ 72388

(1) Licensure of hospitals ~~and,~~ residential facilities, 72389  
~~research, community mental health and outpatient facilities;~~ 72390

(2) Research; 72391

(3) Community addiction and mental health services plans; 72392

(4) Certification and delivery of mental health and addiction 72393  
services. ~~The~~ 72394

(B) The medical director shall also exercise clinical 72395  
supervision of the chief clinical officers of hospitals and 72396

institutions under the jurisdiction of the department and shall 72397  
review and approve decisions relating to the employment of the 72398  
chief clinical officers. The medical director or ~~his~~ the medical 72399  
director's designee shall advise the director on matters relating 72400  
to licensure, research, ~~community mental health plans,~~ and the 72401  
certification and delivery of mental health and addiction services 72402  
and community plans. The medical director shall participate in the 72403  
development of guidelines for community addiction and mental 72404  
health services plans. The director of ~~mental health~~ mental health 72405  
and addiction services may establish other duties of the medical 72406  
director. ~~The medical director shall participate in the~~ 72407  
~~development of guidelines for community mental health plans.~~ 72408

**Sec. 5119.02 5119.14.** (A) The department of ~~mental health~~ 72409  
mental health and addiction services shall maintain, operate, 72410  
manage, and govern state institutions and other services for the 72411  
care and treatment of mentally ill persons. 72412

(B)(1) The department of ~~mental health~~ mental health and 72413  
addiction services may, with the approval of the governor, 72414  
designate ~~all~~ the name and purpose of any institutions under its 72415  
jurisdiction ~~by appropriate respective names, regardless of~~ 72416  
~~present statutory designation~~ and may change, with the approval of 72417  
the governor, the designation and name when necessary. 72418

~~(C)~~(2) The department shall divide the state into districts 72419  
for the purpose of designating the institution in which mentally 72420  
ill persons are hospitalized and may change the districts. 72421

(3) Subject to section 5139.08 and pursuant to Chapter 5122. 72422  
of the Revised Code and on the agreement of the departments of 72423  
~~mental health~~ mental health and addiction services and youth 72424  
services, the department of ~~mental health~~ mental health and 72425  
addiction services may receive from the department of youth 72426  
services for psychiatric observation, diagnosis, or treatment any 72427

person eighteen years of age or older in the custody of the 72428  
department of youth services. The departments ~~shall~~ may enter into 72429  
a written agreement specifying the procedures necessary to 72430  
implement this division. 72431

~~(D)~~(C) The department of ~~mental health~~ mental health and 72432  
addiction services shall designate hospitals, facilities, and 72433  
community mental health ~~agencies~~ services providers for the 72434  
custody, care, and special treatment of, and authorize payment for 72435  
such custody, care, and special treatment provided to, persons who 72436  
are charged with a crime and who are found incompetent to stand 72437  
trial or not guilty by reason of insanity. 72438

~~(E)~~(D) The department of ~~mental health~~ mental health and 72439  
addiction services may do ~~all~~ any of the following: 72440

(1) Require reports from the managing officer of any 72441  
institution under the department's jurisdiction, relating to the 72442  
admission, examination, comprehensive evaluation, diagnosis, 72443  
release, or discharge of any patient; 72444

(2) Visit each institution regularly to review its operations 72445  
and to investigate complaints made by any patient or by any person 72446  
on behalf of a patient, provided these duties may be performed by 72447  
a person designated by the director. 72448

~~(F) The department of mental health shall divide the state~~ 72449  
~~into districts for the purpose of designating the institution in~~ 72450  
~~which mentally ill persons are hospitalized, and may change the~~ 72451  
~~districts.~~ 72452

~~(G)~~(E) The department of mental health and addiction services 72453  
may provide or contract to provide addiction services for 72454  
offenders incarcerated in the state prison system. 72455

(F) In addition to the powers expressly conferred, the 72456  
department of ~~mental health~~ mental health and addiction services 72457  
shall have all powers and authority necessary for the full and 72458

efficient exercise of the executive, administrative, and fiscal supervision over the state institutions described in this section.

~~(H) The department of mental health may provide for the custody, supervision, control, treatment, and training of mentally ill persons hospitalized elsewhere than within the enclosure of a hospital, if the department so determines with respect to any individual or group of individuals. In all such cases, the department shall ensure adequate and proper supervision for the protection of such persons and of the public.~~

**Sec. ~~5119.012~~ 5119.141.** The department of ~~mental health~~ mental health and addiction services has all the authority necessary to carry out its powers and duties under this chapter and Chapters 340., 2919., 2945., and 5122. of the Revised Code, including the authority to adopt rules pursuant to Chapter 119. of the Revised Code that may be necessary to carry out the purposes of this chapter and Chapters 340., 2919., 2945., and 5122. of the Revised Code.

**Sec. ~~5119.24~~ 5119.15.** The department of ~~mental health~~ mental health and addiction services may make such investigations as are necessary in the performance of its duties and to that end the director of ~~mental health~~ mental health and addiction services shall have the same power as a judge of a county court to administer oaths and to enforce the attendance and testimony of witnesses and the production of books or papers.

The department shall keep a record of such investigations stating the time, place, charges or subject, witnesses summoned and examined, and its conclusions.

In matters involving the conduct of an officer, a stenographic report of the evidence shall be taken and a copy of such report, with all documents introduced, kept on file at the

office of the department. 72489

The fees of witnesses for attendance and travel shall be the 72490  
same as in the court of common pleas, but no officer or employee 72491  
of the institution under investigation is entitled to such fees. 72492

Any judge of the probate court or of the court of common 72493  
pleas, upon application of the department, may compel the 72494  
attendance of witnesses, the production of books or papers, and 72495  
the giving of testimony before the department, by a judgment for 72496  
contempt or otherwise, in the same manner as in cases before such 72497  
courts. 72498

The department of ~~mental health~~ mental health and addiction 72499  
services may appoint and commission any competent agency or 72500  
person, to serve without compensation, as a special agent, 72501  
investigator, or representative to perform a designated duty for 72502  
the department. Specific credentials shall be given by the 72503  
department to each person so designated. Each credential shall 72504  
state the: 72505

- (A) Name of the agent, investigator, or representative; 72506
- (B) Agency with which such person is connected; 72507
- (C) Purpose of appointment; 72508
- (D) Date of expiration of appointment; 72509
- (E) Such information as the department considers proper. 72510

**Sec. ~~3793.051~~ 5119.161.** The department of ~~alcohol and drug~~ 72511  
~~addiction services~~ mental health and addiction services, in 72512  
conjunction with the department of job and family services, shall 72513  
develop a joint state plan to improve the accessibility and 72514  
timeliness of alcohol and drug addiction services for individuals 72515  
identified by a public children services agency as in need of 72516  
those services. The plan shall address the fact that Ohio works 72517  
first participants may be among the persons receiving services 72518

under section 340.15 of the Revised Code and shall require the 72519  
department of job and family services to seek federal funds 72520  
available under Title IV-A of the "Social Security Act," 49 Stat. 72521  
620 (1935), 42 U.S.C.A. 301, as amended, for the provision of the 72522  
services to Ohio works first participants who are receiving 72523  
services under section 340.15 of the Revised Code. 72524

The plan shall address the need and manner for sharing 72525  
information and include a request for the general assembly to 72526  
appropriate an amount of funds specified in the report to be used 72527  
by the departments to pay for services under section 340.15 of the 72528  
Revised Code. The departments shall review and amend the plan as 72529  
necessary. 72530

Not later than the first day of July of each even-numbered 72531  
year, the departments shall submit a report on the progress made 72532  
under the joint state plan to the governor, president of the 72533  
senate, and speaker of the house of representatives. The report 72534  
shall include information on treatment capacity, needs 72535  
assessments, and number of individuals who received services 72536  
pursuant to section 340.15 of the Revised Code. 72537

**Sec. ~~3793.15~~ 5119.17.** (A) The department of ~~alcohol and drug~~ 72538  
~~addiction services~~ mental health and addiction services, in 72539  
accordance with division (B) of this section, shall give priority 72540  
to developing, and promptly shall develop, with available public 72541  
and private resources a program that does all of the following: 72542

(1) Provides a manner of identifying the aggregate number of 72543  
pregnant women in this state who are addicted to a drug of abuse; 72544

(2) Provides for an effective means of intervention to 72545  
eliminate the addiction of pregnant women to drugs of abuse prior 72546  
to the birth of their children; 72547

(3) Provides for the continued monitoring of women who were 72548

addicted to a drug of abuse during their pregnancies, after the 72549  
birth of their children, and for the availability of treatment and 72550  
rehabilitation for those women; 72551

(4) Provides a manner of determining the aggregate number of 72552  
children who are born in this state to women who are addicted, at 72553  
the time of birth, to a drug of abuse, and of children who are 72554  
born in this state with an addiction to or a dependency on a drug 72555  
of abuse; 72556

(5) Provides for the continued monitoring of children who are 72557  
born in this state to women who are addicted, at the time of 72558  
birth, to a drug of abuse, or who are born in this state with an 72559  
addiction to or dependency on a drug of abuse, after their birth; 72560

(6) Provides for the treatment and rehabilitation of any 72561  
child who is born to a woman who is addicted, at the time of 72562  
birth, to a drug of abuse, and of any child who is born with an 72563  
addiction to or dependency on a drug of abuse. 72564

(B) In developing the program described in division (A) of 72565  
this section, the department may obtain information from the 72566  
department of health and the department of job and family 72567  
services, and those departments shall cooperate with the 72568  
department of ~~alcohol and drug addiction services~~ mental health 72569  
and addiction services in its development and implementation of 72570  
the program. 72571

(C) Immediately upon its development of the program described 72572  
in division (A) of this section, the department shall implement 72573  
the program. 72574

(D) Any record or information that is obtained or maintained 72575  
by the department in connection with the program described in 72576  
division (A) of this section and could enable the identification 72577  
of any woman or child described in division (A)(1) or (4) of this 72578  
section is not a public record subject to inspection or copying 72579



under section 149.43 of the Revised Code. 72580

**Sec. ~~5119.071~~ 5119.18.** An appointing authority may appoint a 72581  
person who holds a certified or permanent position in the 72582  
classified service within the department of ~~mental health~~ mental  
health and addiction services to a position in the unclassified 72583  
service within the department. A person appointed pursuant to this 72584  
section to a position in the unclassified service shall retain the 72585  
right to resume the position and status held by the person in the 72586  
classified service immediately prior to the person's appointment 72587  
to the position in the unclassified service, ~~regardless of the~~ 72588  
~~number of positions the person held in the unclassified service.~~ 72589  
~~An employee's right to resume a position in the classified service~~ 72590  
~~may only be exercised when an appointing authority demotes the~~ 72591  
~~employee to a pay range lower than the employee's current pay~~ 72592  
~~range or revokes the employee's appointment to the unclassified~~ 72593  
~~service. An employee forfeits the right to resume a position in~~ 72594  
~~the classified service when the employee is removed from the~~ 72595  
~~position in the unclassified service due to incompetence,~~ 72596  
~~inefficiency, dishonesty, drunkenness, immoral conduct,~~ 72597  
~~insubordination, discourteous treatment of the public, neglect of~~ 72598  
~~duty, violation of this chapter or Chapter 124. of the Revised~~ 72599  
~~Code, violation of the rules of the director of administrative~~ 72600  
~~services or the director of mental health, any other failure of~~ 72601  
~~good behavior, any other acts of misfeasance, malfeasance, or~~ 72602  
~~nonfeasance in office, or conviction of a felony. An employee also~~ 72603  
~~forfeits the right to resume a position in the classified service~~ 72604  
~~upon transfer to a different agency.~~ 72605  
72606

~~Reinstatement to a position in the classified service shall~~ 72607  
~~be to a position substantially equal to that position in the~~ 72608  
~~classified service held previously, as certified by the director~~ 72609  
~~of administrative services. If the position the person previously~~ 72610  
~~held in the classified service has been placed in the unclassified~~ 72611

~~service or is otherwise unavailable, the person shall be appointed 72612  
to a position in the classified service within the department that 72613  
the director of administrative services certifies is comparable in 72614  
compensation to the position the person previously held in the 72615  
classified service. Service in the position in the unclassified 72616  
service shall be counted as service in the position in the 72617  
classified service held by the person immediately prior to the 72618  
person's appointment to the position in the unclassified service. 72619  
When a person is reinstated to a position in the classified 72620  
service as provided in this section, the person is entitled to all 72621  
rights, status, and benefits accruing to the position in the 72622  
classified service during the person's time of service in the 72623  
position in the unclassified service pursuant to division (D) of 72624  
section 124.11 of the Revised Code. 72625~~

**Sec. ~~5119.072~~ 5119.181.** (A) No appointing officer shall 72626  
appoint a person to fill a position in either the classified or 72627  
unclassified service of the department of ~~mental health~~ mental 72628  
health and addiction services if the person has been convicted of 72629  
or pleaded guilty to a violation of the following: 72630

(1) Any felony contained in the Revised Code, if the felony 72631  
bears a direct and substantial relationship to the position being 72632  
filled; 72633

(2) Any crime contained in the Revised Code constituting a 72634  
misdemeanor of the first degree on the first offense and a felony 72635  
on subsequent offenses, if the crime bears a direct and 72636  
substantial relationship to the position being filled; 72637

(3) An existing or former law of this state, any other state, 72638  
or the United States, if the law violated is substantially 72639  
equivalent to any of the offenses described in division (A)(1) or 72640  
(2) of this section. 72641

(B) The director of ~~mental health~~ mental health and addiction 72642

services shall adopt rules, in accordance with Chapter 119. of the Revised Code, to implement this section.

(C) The director or an appointing officer shall request the bureau of criminal identification and investigation created by section 109.51 of the Revised Code or, at ~~his~~ the director's or appointing officer's discretion, any other state or federal agency, to supply ~~him~~ the director or appointing officer with a written report regarding the criminal records of any applicant. For each investigation undertaken at the department's request under this section, the department shall pay a reasonable fee to the bureau or other state or federal agency conducting the investigation. The amount of the fee shall be determined by the bureau or other state or federal agency conducting the investigation and shall be sufficient to cover the costs of conducting the investigation. The report made by the bureau or other state or federal agency is not a public record for purposes of section 149.43 of the Revised Code and shall not be made available to any person, except the applicant, the director, the appointing officer or ~~his designee~~ the appointing officer's designees, or any hearing officer involved in a case denying employment.

(D) As used in this section, "applicant" means a person who is under final consideration for appointment to a position in the classified or unclassified service of the department of ~~mental health~~ mental health and addiction services.

**Sec. ~~5119.08~~ 5119.182.** The department of ~~mental health~~ shall mental health and addiction services may require any of its employees and each officer and employee of every institution under its control who may be charged with custody or control of any money or property belonging to the state or who is required to give bond, to give a surety company bond, properly conditioned, in

a sum to be fixed by the department which when approved by the 72674  
department, shall be filed in the office of the secretary of 72675  
state. The cost of such bonds, when approved by the department, 72676  
shall be paid from funds available for the department. The bonds 72677  
required or authorized by this section may, in the discretion of 72678  
the director of ~~mental health~~ mental health and addiction 72679  
services, be individual, schedule, or blanket bonds. 72680

**Sec. ~~5119.10~~ 5119.184.** The department of ~~mental health~~ mental 72681  
health and addiction services may provide educational grants or 72682  
tuition reimbursements to upgrade the education, training, and 72683  
professional achievement of its employees, whenever it determines 72684  
that provision of such grants or reimbursements is essential to 72685  
the achievement of its goals. The department may enter into 72686  
agreements with its employees for the purposes of this section. 72687  
The agreements may require, as a condition of each grant or 72688  
reimbursement, that the employee continue employment with the 72689  
department or with another federal, state, or local public agency 72690  
designated by the department for a period of time stated in the 72691  
agreement. If an employee does not fulfill the employment 72692  
requirement stated in the agreement, the department may take 72693  
action to recover the amount of all educational grants or tuition 72694  
reimbursements paid to the employee under this section, plus 72695  
interest at the rate of ten per cent per year calculated from the 72696  
date of payment of each grant or reimbursement. 72697

**Sec. ~~5119.101~~ 5119.185.** (A) As used in this section, 72698  
"physician" means an individual authorized under Chapter 4731. of 72699  
the Revised Code to practice medicine and surgery or osteopathic 72700  
medicine and surgery. 72701

(B) The department of ~~mental health~~ mental health and 72702  
addiction services may establish a physician recruitment program 72703  
under which the department agrees to repay all or part of the 72704

principal and interest of a government or other educational loan 72705  
incurred by a physician who agrees to provide services to 72706  
inpatients and outpatients of institutions under the department's 72707  
administration. To be eligible to participate in the program, a 72708  
physician must have attended a school that was, at the time of 72709  
attendance, a medical school or osteopathic medical school in this 72710  
country accredited by the liason committee on medical education or 72711  
the American osteopathic association, or a medical school or 72712  
osteopathic medical school located outside this country that was 72713  
acknowledged by the world health organization and verified by a 72714  
member state of that organization as operating within that state's 72715  
jurisdiction. 72716

(C) The department shall enter into a contract with each 72717  
physician it recruits under this section. Each contract shall 72718  
include at least the following terms: 72719

(1) The physician agrees to provide a specified scope of 72720  
medical or osteopathic medical services for a specified number of 72721  
hours per week and a specified number of years to patients of one 72722  
or more specified institutions administered by the department. 72723

(2) The department agrees to repay all or a specified portion 72724  
of the principal and interest of a government or other educational 72725  
loan taken by the physician for the following expenses if the 72726  
physician meets the service obligation agreed to and the expenses 72727  
were incurred while the physician was enrolled in, for up to a 72728  
maximum of four years, a school that qualifies the physician to 72729  
participate in the program: 72730

(a) Tuition; 72731

(b) Other educational expenses for specific purposes, 72732  
including fees, books, and laboratory expenses, in amounts 72733  
determined to be reasonable in accordance with rules adopted under 72734  
division (D) of this section; 72735

(c) Room and board, in an amount determined to be reasonable 72736  
in accordance with rules adopted under division (D) of this 72737  
section. 72738

(3) The physician agrees to pay the department a specified 72739  
amount, which shall be not less than the amount already paid by 72740  
the department pursuant to its agreement, as damages if ~~he~~ the 72741  
physician fails to complete the service obligation agreed to or 72742  
fails to comply with other specified terms of the contract. The 72743  
contract may vary the amount of damages based on the portion of 72744  
the physician's service obligation that remains uncompleted as 72745  
determined by the department. 72746

(4) Other terms agreed upon by the parties. 72747

(D) If the department elects to implement the physician 72748  
recruitment program, it shall adopt rules in accordance with 72749  
Chapter 119. of the Revised Code that establish all of the 72750  
following: 72751

(1) Criteria for designating institutions for which 72752  
physicians will be recruited; 72753

(2) Criteria for selecting physicians for participation in 72754  
the program; 72755

(3) Criteria for determining the portion of a physician's 72756  
loan that the department will agree to repay; 72757

(4) Criteria for determining reasonable amounts of the 72758  
expenses described in divisions (C)(2)(b) and (c) of this section; 72759

(5) Procedures for monitoring compliance by physicians with 72760  
the terms of their contracts; 72761

(6) Any other criteria or procedures necessary to implement 72762  
the program. 72763

**Sec. ~~5119.11~~ 5119.186.** (A) The director of ~~mental health~~ 72764

mental health and addiction services or the managing officer of an 72765  
institution of the department may enter into an agreement with 72766  
boards of trustees or boards of directors of one or more 72767  
institutions of higher education or hospitals licensed pursuant to 72768  
section ~~5119.20~~ 5119.33 of the Revised Code to establish, manage, 72769  
and conduct collaborative training efforts for students enrolled 72770  
in courses of studies for occupations or professions ~~which may be~~ 72771  
~~determined by the director upon the approval of the medical~~ 72772  
~~director to be in occupations or professions needed to provide~~ 72773  
~~adequate~~ that involve the care and treatment for persons receiving 72774  
mental health or addiction services. 72775

(B) Such collaborative training efforts may include but are 72776  
not limited to programs in psychiatry, psychology, nursing, social 72777  
work, counseling professions, and others considered appropriate by 72778  
the director of ~~mental health~~ mental health and addiction 72779  
services. Any such program shall be approved or accredited by its 72780  
respective professional organization or state board having 72781  
jurisdiction over the profession. 72782

(1) The department shall require that the following be 72783  
provided for in agreements between the department and institutions 72784  
of higher education or hospitals licensed pursuant to section 72785  
~~5119.20~~ 5119.33 of the Revised Code: 72786

(a) Establishment of inter-disciplinary committees to advise 72787  
persons responsible for training programs. Each committee shall 72788  
have representation drawn from the geographical community the 72789  
institution of higher education or hospital serves and shall 72790  
include representatives of agencies, boards, targeted populations 72791  
as determined by the department, racial and ethnic minority 72792  
groups, and publicly funded programs; 72793

(b) Funding procedures; 72794

(c) Specific outcomes and accomplishments that are expected 72795

or required of a program under such agreement; 72796

(d) The types of services to be provided under such 72797  
agreement. 72798

(2) The department may require that the following be provided 72799  
for in agreements between the department and institutions of 72800  
higher education or hospitals licensed pursuant to section ~~5119.20~~ 72801  
5119.33 of the Revised Code: 72802

(a) Special arrangements for individual residents or trainees 72803  
to encourage their employment in publicly funded settings upon 72804  
completion of their training; 72805

(b) Procedures for the selection of residents or trainees to 72806  
promote the admission, retention, and graduation of women, 72807  
minorities, and ~~handicapped~~ disabled persons; 72808

(c) Cross-cultural training and other subjects considered 72809  
necessary to enhance training efforts and the care and treatment 72810  
of patients and clients; 72811

(d) Funding of faculty positions oriented toward meeting the 72812  
needs of publicly funded programs. 72813

Subject to appropriations by the general assembly, the 72814  
director of ~~mental health~~ mental health and addiction services has 72815  
final approval of the funding of these collaborative training 72816  
efforts. 72817

**Sec. ~~5119.12~~ 5119.187.** The courses of study for the 72818  
instruction and training of all persons in institutions under the 72819  
control of the department of ~~mental health~~ mental health and 72820  
addiction services shall be subject to the approval of the 72821  
superintendent of public instruction. 72822

All teachers employed in institutions under the control of 72823  
the department of ~~mental health~~ mental health and addiction 72824  
services shall possess such educator licenses or have such 72825



qualifications and approval as the superintendent of public 72826  
instruction, after consulting with the officers in charge of the 72827  
institutions, prescribes for the various types of service in the 72828  
institutions. 72829

**Sec. ~~3793.16~~ 5119.188.** (A) As used in this section, "state 72830  
correctional institution" has the same meaning as in section 72831  
2967.01 of the Revised Code. 72832

(B) The department of ~~alcohol and drug addiction services~~ 72833  
mental health and addiction services shall develop a program that 72834  
is designed to educate and train the employees of each state 72835  
correctional institution, the employees of each department of 72836  
youth services institution, and other persons associated by 72837  
contract or otherwise with each state correctional institution or 72838  
each department of youth services institution, who will be 72839  
responsible for the conduct of, or otherwise providing treatment 72840  
or rehabilitation services pursuant to, a substance abuse 72841  
treatment or rehabilitation program offered in the institution to 72842  
adult prisoners or juvenile offenders. Upon the development of the 72843  
educational and training program, the department of ~~alcohol and~~ 72844  
~~drug addiction services~~ mental health and addiction services 72845  
promptly shall commence its implementation. The department of 72846  
~~alcohol and drug addiction services~~ mental health and addiction 72847  
services may charge to the department of rehabilitation and 72848  
correction and to the department of youth services a reasonable 72849  
annual fee that reflects the expenses incurred by it during the 72850  
immediately preceding calendar year in preparing and offering the 72851  
educational and training program during that year to the 72852  
respective employees and other associated persons described in 72853  
this division. 72854

The director of rehabilitation and correction and the 72855  
director of youth services shall require the respective employees 72856

and other associated persons described in this division to attend 72857  
and successfully complete the educational and training program 72858  
developed pursuant to this division as a condition of their 72859  
continuing to have responsibility for the conduct of, or their 72860  
continuing to provide treatment or rehabilitation services 72861  
pursuant to, any treatment or rehabilitation program that is 72862  
offered in a state correctional institution or in a department of 72863  
youth services institution to adult prisoners or juvenile 72864  
offenders. If the department of ~~alcohol and drug addiction~~ 72865  
~~services~~ mental health and addiction services charges a reasonable 72866  
annual fee as described in this division, the director involved 72867  
shall cause that fee to be paid from any available funds of the 72868  
department of rehabilitation and correction or any available funds 72869  
of the department of youth services. 72870

(C) The department of rehabilitation and correction and the 72871  
department of ~~alcohol and drug addiction services~~ mental health 72872  
and addiction services jointly shall develop program 72873  
specifications for the alcohol and drug addiction treatment 72874  
programs offered in state correctional institutions. 72875

**Sec. ~~3793.031~~ 5119.201.** (A) The director of ~~alcohol and drug~~ 72876  
~~addiction services~~ mental health and addiction services may 72877  
acquire by purchase, lease, or otherwise such real and personal 72878  
property rights in the name of the state as are necessary for the 72879  
purposes of the department. ~~The~~ 72880

(B) When it is necessary for a state institution under the 72881  
jurisdiction of the department to acquire any real estate, 72882  
right-of-way, or easement in real estate in order to accomplish 72883  
the purposes for which it was organized or is being conducted, and 72884  
the department is unable to agree with the owner of such property 72885  
upon the price to be paid for the property, such property may be 72886  
appropriated in the manner provided for the appropriation of 72887

property for other state purposes. 72888

~~(C) The director, with the approval of the governor and the attorney general,~~ 72889  
may work with the department of administrative 72890  
services to sell, lease, or exchange portions of real and personal 72891  
property of the department when the sale, lease, or exchange is 72892  
advantageous to the state. Money received from such sales, leases, 72893  
or exchanges shall be credited to the ~~general revenue~~ the 72894  
department of mental health and addiction services trust fund, 72895  
created in section 5119.46 of the Revised Code. 72896

(D) Any instrument by which real property is acquired 72897  
pursuant to this section shall identify the agency of the state 72898  
that has the use and benefit of the real property as specified in 72899  
section 5301.012 of the Revised Code. 72900

**Sec. ~~5119.06~~ 5119.21.** (A) The department of ~~mental health~~ 72901  
mental health and addiction services shall: 72902

~~(A)(1)~~ To the extent the department has available resources 72903  
and in consultation with boards of alcohol, drug addiction, and 72904  
mental health services, support a ~~community support system~~ 72905  
continuum of care in accordance with ~~section 340.03~~ Chapter 340. 72906  
of the Revised Code on a district or multi-district basis. The 72907  
department shall define the essential elements of a ~~community~~ 72908  
~~support system~~ continuum of care, shall assist in identifying 72909  
resources, and may prioritize support for one or more of the 72910  
elements. 72911

~~(B) Operate inpatient and other mental health services;~~ 72912

~~(C)(2)~~ Provide training, consultation, and technical 72913  
assistance regarding mental health ~~programs~~ and addiction services 72914  
and appropriate prevention, recovery, and mental health promotion 72915  
activities, including those that are culturally ~~sensitive~~ 72916  
competent, to employees of the department, community mental health 72917

~~agencies and addiction services providers, boards of alcohol, drug~~ 72918  
~~addiction, and mental health services,~~ and other agencies 72919  
providing mental health and addiction services; 72920

~~(D)~~(3) To the extent the department has available resources, 72921  
promote and support a full range of mental health and addiction 72922  
services that are available and accessible to all residents of 72923  
this state, especially for severely mentally disabled children, 72924  
adolescents, ~~and~~ adults, pregnant women, parents, guardians or 72925  
custodians of children at risk of abuse or neglect, and other 72926  
special target populations, including racial and ethnic 72927  
minorities, as determined by the department; 72928

~~(E)~~(4) Develop standards and measures for evaluating the 72929  
effectiveness of mental health and addiction services, including 72930  
services that use methadone treatment, of gambling addiction 72931  
services, and for increasing the accountability of mental health 72932  
and alcohol and addiction services providers and of gambling 72933  
addiction services providers; 72934

(5) Design and set criteria for the determination of ~~severe~~ 72935  
~~mental disability~~ priority populations; 72936

~~(F)~~ ~~Establish standards for evaluation of mental health~~ 72937  
~~programs;~~ 72938

~~(G)~~(6) Promote, direct, conduct, and coordinate scientific 72939  
research, taking ethnic and racial differences into consideration, 72940  
concerning the causes and prevention of mental illness and 72941  
addiction, methods of providing effective services and treatment, 72942  
and means of enhancing the mental health of and recovery from 72943  
addiction of all residents of this state; 72944

~~(H)~~(7) Foster the establishment and availability of 72945  
vocational rehabilitation services and the creation of employment 72946  
opportunities for consumers of mental health and addiction 72947  
services, including members of racial and ethnic minorities; 72948

~~(I)~~(8) Establish a program to protect and promote the rights of persons receiving mental health and addiction services, including the issuance of guidelines on informed consent and other rights;

~~(J)~~ Establish, in consultation with board of alcohol, drug addiction, and mental health services representatives and after consideration of the recommendations of the medical director, guidelines for the development of community mental health plans and the review and approval or disapproval of such plans submitted pursuant to section 340.03 of the Revised Code;

~~(K)~~(9) Promote the involvement of persons who are receiving or have received mental health or addiction services, including families and other persons having a close relationship to a person receiving ~~mental health~~ those services, in the planning, evaluation, delivery, and operation of mental health and addiction services;

~~(L)~~(10) Notify and consult with the relevant constituencies that may be affected by rules, standards, and guidelines issued by the department of ~~mental health~~ mental health and addiction services. These constituencies shall include consumers of mental health and addiction services and their families, and may include public and private providers, employee organizations, and others when appropriate. Whenever the department proposes the adoption, amendment, or rescission of rules under Chapter 119. of the Revised Code, the notification and consultation required by this division shall occur prior to the commencement of proceedings under Chapter 119. The department shall adopt rules under Chapter 119. of the Revised Code that establish procedures for the notification and consultation required by this division.

~~(M)~~ In cooperation with board of alcohol, drug addiction, and mental health services representatives, provide training regarding the provision of community based mental health services to those

~~department employees who are utilized in state operated,~~ 72981  
~~community based mental health services;~~ 72982

~~(N)~~(11) Provide consultation to the department of 72983  
rehabilitation and correction concerning the delivery of mental 72984  
health and addiction services in state correctional institutions. 72985

(12) Promote and coordinate efforts in the provision of 72986  
alcohol and drug addiction services and of gambling addiction 72987  
services by other state agencies, as defined in section 1.60 of 72988  
the Revised Code; courts; hospitals; clinics; physicians in 72989  
private practice; public health authorities; boards of alcohol, 72990  
drug addiction, and mental health services; alcohol and drug 72991  
addiction services providers; law enforcement agencies; gambling 72992  
addiction services providers; and related groups; 72993

(13) Provide to each court of record, and biennially update, 72994  
a list of the treatment and education programs within that court's 72995  
jurisdiction that the court may require an offender, sentenced 72996  
pursuant to section 4511.19 of the Revised Code, to attend; 72997

(14) Make the warning sign described in sections 3313.752, 72998  
3345.41, and 3707.50 of the Revised Code available on the 72999  
department's internet web site; 73000

(15) Provide a program of gambling addiction services on 73001  
behalf of the state lottery commission, pursuant to an agreement 73002  
entered into with the director of the commission under division 73003  
(K) of section 3770.02 of the Revised Code, and provide a program 73004  
of gambling addiction services on behalf of the Ohio casino 73005  
control commission, under an agreement entered into with the 73006  
executive director of the commission under section 3772.062 of the 73007  
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 73008  
Constitution, the department may enter into agreements with boards 73009  
of alcohol, drug addiction, and mental health services, including 73010  
boards with districts in which a casino facility is not located, 73011

and nonprofit organizations to provide gambling addiction services 73012  
and substance abuse services, and with state institutions of 73013  
higher education or private nonprofit institutions that possess a 73014  
certificate of authorization issued under Chapter 1713. of the 73015  
Revised Code to perform related research. 73016

(B) The department may accept and administer grants from 73017  
public or private sources for carrying out any of the duties 73018  
enumerated in this section. 73019

(C) Pursuant to Chapter 119. of the Revised Code, the 73020  
department shall adopt a rule defining the term "intervention" as 73021  
it is used in this chapter in connection with alcohol and drug 73022  
addiction services and in connection with gambling addiction 73023  
services. The department may adopt other rules as necessary to 73024  
implement the requirements of this chapter. 73025

~~Sec. 5119.61 5119.22. Any provision in this chapter that~~ 73026  
~~refers to a board of alcohol, drug addiction, and mental health~~ 73027  
~~services also refers to the community mental health board in an~~ 73028  
~~alcohol, drug addiction, and mental health service district that~~ 73029  
~~has a community mental health board.~~ 73030

The director of ~~mental health~~ mental health and addiction 73031  
services with respect to all mental health and addiction 73032  
facilities and ~~programs~~ services established and operated or 73033  
provided under Chapter 340. of the Revised Code ~~for mentally ill~~ 73034  
~~and emotionally disturbed persons~~, shall do all of the following: 73035

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 73036  
that may be necessary to carry out the purposes of ~~Chapter this~~ 73037  
chapter and Chapters 340. and ~~sections 5119.61 to 5119.63 5122.~~ of 73038  
the Revised Code. 73039

~~(1) The rules shall include the following:~~ 73040

~~(a) Rules governing a community mental health agency's~~ 73041

~~services under section 340.091 of the Revised Code to an individual referred to the agency under division (D)(2) of section 5119.69 of the Revised Code;~~ 73042  
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~~(b) For the purpose of division (A)(16) of section 340.03 of the Revised Code, rules governing the duties of mental health agencies and boards of alcohol, drug addiction, and mental health services regarding referrals of individuals with mental illness or severe mental disability to residential facilities as defined in division (A)(9)(b) of section 5119.22 of the Revised Code and effective arrangements for ongoing mental health services for the individuals.~~ 73045  
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~~(2) Rules may be adopted to govern the method of paying a community mental health facility, as defined in section 5111.023 of the Revised Code, for providing services listed in division (B) of that section. Such rules must be consistent with the contract entered into between the departments of job and family services and mental health under section 5111.91 of the Revised Code and include requirements ensuring appropriate service utilization.~~ 73053  
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~~(B) Review and evaluate, and the continuum of care in each service district, taking into account the findings and recommendations of the board of alcohol, drug addiction, and mental health services of the district served by the program submitted under division (A)(4) of section 340.03 of the Revised Code and the requirements and priorities and plans of the state mental health plan department, including the needs of residents of the district now residing in state mental institutions currently receiving services in state-operated hospitals, and make recommendations for needed improvements to boards of alcohol, drug addiction, and mental health services;~~ 73060  
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~~(C) Provide consultative services to community mental health agencies with the knowledge and cooperation of the board of alcohol, drug addiction, and mental health services;~~ 73071  
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~~(D)~~ At the director's discretion, provide to boards of alcohol, drug addiction, and mental health services state or federal funds, in addition to those allocated under section ~~5119.62~~ 5119.23 of the Revised Code, for special programs or projects the director considers necessary but for which local funds are not available;

(D) Establish, in consultation with board of alcohol, drug addiction, and mental health service representatives and after consideration of the recommendations of the medical director, guidelines for the development of community mental health and addiction services plans and the review and approval or disapproval of such plans submitted pursuant to section 340.03 of the Revised Code.

(E) Establish criteria by which a board of alcohol, drug addiction, and mental health services reviews and evaluates the quality, effectiveness, and efficiency of its contracted services ~~provided through its community mental health plan~~. The criteria shall include requirements ensuring appropriate service utilization. The department shall assess a board's evaluation of services and the compliance of each board with this section, Chapter 340. ~~or section 5119.62~~ of the Revised Code, and other state or federal law and regulations. The department, in cooperation with the board, periodically shall review and evaluate the quality, effectiveness, and efficiency of services provided through each board. The department shall collect information that is necessary to perform these functions.

(F) To the extent the director determines necessary and after consulting with boards of alcohol, drug addiction, and mental health services, develop and operate, or contract for the operation of, a community ~~mental~~ behavioral health information system or systems. The department shall specify the information that must be provided by boards of alcohol, drug addiction, and

mental health services for inclusion in the system or systems. 73106

Boards of alcohol, drug addiction, and mental health services 73107  
shall submit information requested by the department in the form 73108  
and manner and in accordance with time frames prescribed by the 73109  
department. Information collected by the department ~~shall~~ may 73110  
~~include, but not be limited to,~~ all of the following: 73111

(1) Information ~~regarding units of~~ on services provided in 73112  
whole or in part under contract with a board, ~~including diagnosis~~ 73113  
~~and special needs, demographic information, the number of units of~~ 73114  
~~service provided, past treatment, financial status, and service~~ 73115  
~~dates in accordance with rules adopted by the department in~~ 73116  
~~accordance with Chapter 119. of the Revised Code;~~ 73117

(2) Financial information ~~other than price or price related~~ 73118  
~~data~~ regarding expenditures of federal, state, or local funds by 73119  
~~boards and community mental health agencies, including units of~~ 73120  
~~service provided, budgeted and actual expenses by type, and~~ 73121  
~~sources of funds;~~ 73122

(3) Information about persons served under contract with a 73123  
board. 73124

~~Boards shall submit the information specified in division~~ 73125  
~~(F)(1) of this section no less frequently than annually for each~~ 73126  
~~client, and each time the client's case is opened or closed. The~~ 73127  
department shall not collect any personal information from the 73128  
boards except as required or permitted by state or federal law for 73129  
purposes related to payment, health care operations, program and 73130  
service evaluation, reporting activities, research, system 73131  
administration, and oversight. 73132

(G)(1) Review each board's community mental health and 73133  
addiction services plan, budget, and statement of services to be 73134  
made available submitted pursuant to ~~section~~ sections 340.03 and 73135  
340.08 of the Revised Code and approve or disapprove ~~it~~ the plan, 73136

~~the budget, and the statement of services in whole or in part. 73137~~  
~~Periodically, in consultation with representatives of boards and 73138~~  
~~after considering the recommendations of the medical director, the 73139~~  
~~director shall issue criteria for determining when a plan is 73140~~  
~~complete, criteria for plan approval or disapproval, and 73141~~  
~~provisions for conditional approval. The factors that the director 73142~~  
~~considers may include, but are not limited to, the following: 73143~~

~~(1) The mental health needs of all persons residing within 73144~~  
~~the board's service district, especially severely mentally 73145~~  
~~disabled children, adolescents, and adults; 73146~~

~~(2) The demonstrated quality, effectiveness, efficiency, and 73147~~  
~~cultural relevance of the services provided in each service 73148~~  
~~district, the extent to which any services are duplicative of 73149~~  
~~other available services, and whether the services meet the needs 73150~~  
~~identified above; 73151~~

~~(3) The adequacy of the board's accounting for the 73152~~  
~~expenditure of funds. 73153~~

~~If the director disapproves all or part of any plan, the 73154~~  
~~director shall provide the board an opportunity to present its 73155~~  
~~position. The director shall inform the board of the reasons for 73156~~  
~~the disapproval and of the criteria that must be met before the 73157~~  
~~plan may be approved. The director shall give the board a 73158~~  
~~reasonable time within which to meet the criteria, and shall offer 73159~~  
~~technical assistance to the board to help it meet the criteria. 73160~~

~~If the approval of a plan remains in dispute, the board or 73161~~  
~~the director may request that the dispute be submitted to a 73162~~  
~~mutually agreed upon third party mediator with the cost to be 73163~~  
~~shared by the board and the department. The mediator shall issue 73164~~  
~~to the board and the department recommendations for resolution of 73165~~  
~~the dispute. The director, taking into consideration the 73166~~  
~~recommendations of the mediator, shall make a final determination 73167~~

and approve or disapprove the plan, in whole or in part The 73168  
department may withhold all or part of the funds allocated to a 73169  
board if it disapproves all or part of a plan, budget, or 73170  
statement of services. Prior to a final decision to disapprove a 73171  
plan, budget, or statement of services, or to withhold funds from 73172  
a board, a representative of the director of mental health and 73173  
addiction services shall meet with the board and discuss the 73174  
reason for the action the department proposes to take and any 73175  
corrective action that should be taken to make the plan, budget, 73176  
or statement of services acceptable to the department. In 73177  
addition, the department shall offer technical assistance to the 73178  
board to assist it to make the plan, budget, or statement of 73179  
services acceptable. The department shall give the board a 73180  
reasonable time in which to revise the plan, budget, or statement 73181  
of services. The board thereafter shall submit a revised plan, 73182  
budget, or statement of services, or a new plan, budget, or 73183  
statement of services. 73184

(2) If a board determines that it is necessary to amend the 73185  
plan, budget, or statement of services that has been approved 73186  
under this section, the board shall submit the proposed amendment 73187  
to the department. The department may approve or disapprove all or 73188  
part of the amendment. 73189

(3) If the director disapproves of all or part of any 73190  
proposed amendment, the director shall provide the board an 73191  
opportunity to present its position. The director shall inform the 73192  
board of the reasons for the disapproval and of the criteria that 73193  
must be met before the proposed amendment may be approved. The 73194  
director shall give the board a reasonable time within which to 73195  
meet the criteria and shall offer technical assistance to the 73196  
board to help it meet the criteria. 73197

(4) The department shall establish procedures for the review 73198  
of plans, budgets, and statements of services, and a timetable for 73199

submission and review of plans, budgets, and statements of 73200  
services and for corrective action and submission of new or 73201  
revised plans, budgets, and statements of services. 73202

**Sec. ~~5119.62~~ 5119.23.** (A) The department of ~~mental health~~ 73203  
mental health and addiction services shall establish a methodology 73204  
for allocating to boards of alcohol, drug addiction, and mental 73205  
health services the funds appropriated by the general assembly to 73206  
the department for the purpose of local mental health ~~systems and~~ 73207  
addiction services continuums of care. The department shall 73208  
establish the methodology after notifying and consulting with 73209  
relevant constituencies as required by division ~~(L)(A)(10)~~ of 73210  
section ~~5119.06~~ 5119.21 of the Revised Code. The methodology may 73211  
provide for the funds to be allocated to boards on a district or 73212  
multi-district basis. ~~Subject~~ 73213

(B) ~~Subject to sections 5119.622 and 5119.623~~ section 5119.25 73214  
of the Revised Code, and to required submissions and approvals 73215  
under section 340.08 of the Revised Code, the department shall 73216  
allocate the funds to the boards in a manner consistent with the 73217  
methodology, this section, other state and federal laws, rules, 73218  
and regulations. 73219

~~(B) The department may allocate to boards a portion of the~~ 73220  
~~funds appropriated by the general assembly to the department for~~ 73221  
~~the operation of state hospital services. If the department~~ 73222  
~~allocates the funds, the department shall do all of the following:~~ 73223

~~(1) In consultation with the boards:~~ 73224

~~(a) Annually determine the unit costs of providing state~~ 73225  
~~hospital services; and~~ 73226

~~(b) Establish the methodology for allocating the funds to the~~ 73227  
~~boards.~~ 73228

~~(2) Determine the type of unit costs of providing state~~ 73229

~~hospital services to be included as a factor in the methodology 73230  
and include that unit cost as a factor in the methodology; 73231~~

~~(3) Subject to sections 5119.622 and 5119.623 of the Revised 73232  
Code, allocate the funds to the boards in a manner consistent with 73233  
the methodology, this section, other state and federal laws, 73234  
rules, and regulations. 73235~~

~~(c) Not later than the first day of April of each year, the 73236  
department shall notify each board of the department's estimate of 73237  
the amount of funds to be allocated to the board under this 73238  
section during the fiscal year beginning on the next July first. 73239  
If the department makes an allocation under division (B) of this 73240  
section, the department shall also notify each board of the unit 73241  
costs of providing state hospital services for the upcoming fiscal 73242  
year as determined under that division. Not later than the first 73243  
day of May of each year, each board shall notify the department as 73244  
to which of the following options it has elected for the upcoming 73245  
fiscal year: 73246~~

~~(1) The board elects to accept distribution of the amount 73247  
allocated to it under this section. Funds distributed to each 73248  
board shall be used to supplement and not to supplant other state, 73249  
local, or federal funds that are being used to support 73250  
community based programs for severely mentally disabled children, 73251  
adolescents, and adults, unless the funds have been specifically 73252  
designated for the initiation of programs in accordance with the 73253  
community mental health plan developed and submitted under section 73254  
340.03 and approved under section 5119.61 of the Revised Code. 73255  
Notwithstanding section 131.33 of the Revised Code, any board may 73256  
expend unexpended funds distributed to the board from 73257  
appropriations for the purpose of local management of mental 73258  
health services in the fiscal year following the fiscal year for 73259  
which the appropriations are made, in accordance with the approved 73260  
community mental health plan. 73261~~

~~(2) Subject to division (D) of this section, the board elects not to accept the amount allocated to it under this section, authorizes the department to determine the use of its allocation, and agrees to provide the department with a statement of projected utilization of state hospitals and other state operated services by residents of its service district during the fiscal year.~~

~~(D) No board shall elect the option in division (C)(2) of this section unless all of the following apply:~~

~~(1) Either the total funds estimated by the department to be allocated to the board under this section for the next fiscal year are reduced by a substantial amount, as defined in guidelines adopted by the director of mental health under division (E) of this section, in comparison to the amount allocated for the current fiscal year, for reasons not related to performance or the board has experienced other circumstances specified in the guidelines.~~

~~(2) The board provides the department written confirmation that the board has received input about the impact that the board's election will have on the mental health system in the board's district from all of the following:~~

~~(a) Individuals who receive mental health services and such individuals' families;~~

~~(b) Boards of county commissioners;~~

~~(c) Judges of juvenile and probate courts;~~

~~(d) County sheriffs, jail administrators, and other local law enforcement officials.~~

~~(3) Not later than seven days before notifying the department of its election and after providing the department the written confirmation required by division (D)(2) of this section, the board conducts a public hearing on the issue.~~

~~(E) For the purpose of division (D)(1) of this section, the director of mental health shall consult with the boards and other relevant constituencies to develop guidelines for determining what constitutes a substantial reduction of funds and what other circumstances qualify a board to elect the option in division (C)(2) of this section.~~

~~(F) No board shall use state funds for the purpose of discouraging employees from seeking collective bargaining representation or encouraging employees to decertify a recognized collective bargaining agent.~~

~~(G) The department shall charge against the allocation made to a board under division (B) of this section, if any, any unreimbursed costs for services provided by the department.~~

~~(H) A board's use of funds allocated under this section is subject to audit by county, state, and federal authorities.~~

(C) In consultation with boards, community mental health and addiction services providers, and persons receiving services, the department shall establish guidelines for the use of funds allocated and distributed under this section.

**Sec. 5119.621 5119.24.** (A) As used in this section, "administrative function" means a function related to one or more of the following:

(1) Continuous quality improvement;

(2) Utilization review;

(3) Resource development;

(4) Fiscal administration;

(5) General administration;

(6) Any other function related to administration that is required by Chapter 340. of the Revised Code.



(B) Each board of alcohol, drug addiction, and mental health services shall submit an annual report to the department of ~~mental health~~ mental health and addiction services specifying how the board used funds allocated to the board under section ~~5119.62~~ 5119.23 of the Revised Code for administrative functions in the year preceding the report's submission. The director of ~~mental health~~ mental health and addiction services shall establish the date by which the report must be submitted each year.

**Sec. ~~5119.622~~ 5119.25.** (A) The director of ~~mental health~~ mental health and addiction services, in whole or in part, may withhold funds otherwise to be allocated to a board of alcohol, drug addiction, and mental health services under section ~~5119.62~~ 5119.23 of the Revised Code if the board fails to comply with Chapter 340. or section ~~5119.61, 5119.611, 5119.612, or 5119.621~~ 5119.22, 5119.24, 5119.36, or 5119.37 of the Revised Code or rules of the department of ~~mental health regarding a community mental health service~~ mental health and addiction services. The

(B) The director of mental health and addiction services may withhold funds otherwise to be allocated to a board of alcohol, drug addiction, and mental health services under section 5119.23 of the Revised Code if the board denies available service on the basis of race, color, religion, sex, national origin, marital status, sexual orientation, genetic information, or developmental disability, or age, disability, or military status as defined in section 4112.01 of the Revised Code.

(C) The director shall identify issue a notice identifying the areas of noncompliance and the action necessary to achieve compliance. The director shall may offer technical assistance to the board to achieve compliance. The director shall give the board a reasonable time within which to comply or shall have ten days from receipt of the notice of noncompliance to present its

position that it is in compliance. Before withholding funds, the 73352  
director or the director's designee shall hold a hearing ~~shall be~~ 73353  
~~conducted~~ within ten days of receipt of the board's position to 73354  
determine if there are continuing violations and that either 73355  
assistance is rejected or the board is unable to achieve 73356  
compliance. Subsequent to the hearing process, if it is determined 73357  
that compliance has not been achieved, the director may allocate 73358  
all or part of the withheld funds to a public or private agency to 73359  
provide the community mental health or community addiction service 73360  
for which the board is not in compliance until the time that there 73361  
is compliance. The director ~~shall~~ may adopt rules in accordance 73362  
with Chapter 119. of the Revised Code to implement this section. 73363

**Sec. ~~3793.14~~ 5119.26.** Any person treated under this chapter 73364  
or rules adopted under it shall retain ~~his~~ the person's civil 73365  
rights and liberties, including the right not to be experimented 73366  
upon with treatment not accepted as good medical practice without 73367  
~~his~~ the person's fully informed consent, the right as a ~~patient~~ 73368  
person receiving services to maintain the confidentiality of 73369  
health and medical records, the right as a person detained for 73370  
medical purposes to receive adequate and appropriate treatment, 73371  
and the right to vote. 73372

**Sec. ~~3793.13~~ 5119.27.** (A) Records or information, other than 73373  
court journal entries or court docket entries, pertaining to the 73374  
identity, diagnosis, or treatment of any ~~patient~~ person seeking or 73375  
receiving services that are maintained in connection with the 73376  
performance of any drug treatment program or services licensed by, 73377  
or certified by, the director of ~~alcohol and drug addiction~~ 73378  
~~services,~~ mental health and addiction services under ~~section~~ 73379  
~~3793.11 of the Revised Code,~~ this chapter shall be kept 73380  
confidential, may be disclosed only for the purposes and under the 73381  
circumstances expressly authorized under this section, and may not 73382

otherwise be divulged in any civil, criminal, administrative, or legislative proceeding.

(B) When the ~~patient~~ person, with respect to whom any record or information referred to in division (A) of this section is maintained, gives consent in the form of a written release signed by the ~~patient~~ person, the content of the record or information may be disclosed if the written release conforms to all of the following:

(1) Specifically identifies the person, official, or entity to whom the information is to be provided;

(2) Describes with reasonable specificity the record, records, or information to be disclosed; and

(3) Describes with reasonable specificity the purposes of the disclosure and the intended use of the disclosed information.

(C) A ~~patient~~ person who is subject to a community control sanction, parole, or a post-release control sanction or who is ordered to rehabilitation in lieu of conviction, and who has agreed to participate in a drug treatment or rehabilitation program as a condition of the community control sanction, post-release control sanction, parole, or order to rehabilitation, shall be considered to have consented to the release of records and information relating to the progress of treatment, frequency of treatment, adherence to treatment requirements, and probable outcome of treatment. Release of information and records under this division shall be limited to the court or governmental personnel having the responsibility for supervising the ~~patient's~~ person's community control sanction, post-release control sanction, parole, or order to rehabilitation. A ~~patient~~ person, described in this division, who refuses to allow disclosure may be considered in violation of the conditions of the ~~patient's~~ person's community control sanction, post-release control

sanction, parole, or order to rehabilitation. 73414

(D) Disclosure of a ~~patient's~~ person's record may be made 73415  
without the ~~patient's~~ person's consent to qualified personnel for 73416  
the purpose of conducting scientific research, management, 73417  
financial audits, or program evaluation, but these personnel may 73418  
not identify, directly or indirectly, any individual ~~patient~~ 73419  
person in any report of the research, audit, or evaluation, or 73420  
otherwise disclose a ~~patient's~~ person's identity in any manner. 73421

(E) Upon the request of a prosecuting attorney or the 73422  
director of ~~alcohol and drug addiction services~~ mental health and 73423  
addiction services, a court of competent jurisdiction may order 73424  
the disclosure of records or information referred to in division 73425  
(A) of this section if the court has reason to believe that a 73426  
treatment program or facility is being operated or used in a 73427  
manner contrary to law. The use of any information or record so 73428  
disclosed shall be limited to the prosecution of persons who are 73429  
or may be charged with any offense related to the illegal 73430  
operation or use of the drug treatment program or facility, or to 73431  
the decision to withdraw the authority of a drug treatment program 73432  
or facility to continue operation. For purposes of this division 73433  
the court shall: 73434

(1) Limit disclosure to those parts of the ~~patient's~~ person's 73435  
record considered essential to fulfill the objective for which the 73436  
order was granted; 73437

(2) Require, where appropriate, that all information be 73438  
disclosed in chambers; 73439

(3) Include any other appropriate measures to keep disclosure 73440  
to a minimum, consistent with the protection of the ~~patients~~ 73441  
persons seeking or receiving services, the physician-patient 73442  
relationship, and the administration of the drug treatment and 73443  
rehabilitation program. 73444

(F) As used in this section: 73445

(1) "Community control sanction" has the same meaning as in 73446  
section 2929.01 of the Revised Code. 73447

(2) "Post-release control sanction" has the same meaning as 73448  
in section 2967.01 of the Revised Code. 73449

Sec. 5119.28. (A) All records, and reports, other than court 73450  
journal entries or court docket entries, identifying a person and 73451  
pertaining to the person's mental health condition, assessment, 73452  
provision of care or treatment, or payment for assessment, care or 73453  
treatment that are maintained in connection with any services 73454  
certified by the department of mental health and addiction 73455  
services, or any hospitals or facilities licensed or operated by 73456  
the department, shall be kept confidential and shall not be 73457  
disclosed by any person except: 73458

(1) If the person identified, or the person's legal guardian, 73459  
if any, or if the person is a minor, the person's parent or legal 73460  
guardian, consents; 73461

(2) When disclosure is provided for in this chapter or 73462  
Chapter 340. or 5122., or Title XLVII of the Revised Code; 73463

(3) That hospitals, boards of alcohol, drug addiction, and 73464  
mental health services, licensed facilities, and community mental 73465  
health services providers may release necessary information to 73466  
insurers and other third-party payers, including government 73467  
entities responsible for processing and authorizing payment, to 73468  
obtain payment for goods and services furnished to the person; 73469

(4) Pursuant to a court order signed by a judge; 73470

(5) That a person shall be granted access to the person's own 73471  
psychiatric and medical records, unless access specifically is 73472  
restricted in a person's treatment plan for clear treatment 73473  
reasons; 73474

(6) That the department of mental health and addiction services may exchange psychiatric records and other pertinent information with community mental health services providers and boards of alcohol, drug addiction, and mental health services relating to the person's care or services. Records and information that may be exchanged pursuant to this division shall be limited to medication history, physical health status and history, financial status, summary of course of treatment, summary of treatment needs, and a discharge summary, if any. 73475  
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(7) That the department of mental health and addiction services, hospitals and community providers operated by the department, hospitals licensed by the department under section 5119.33 of the Revised Code, and community mental health services providers may exchange psychiatric records and other pertinent information with payers and other providers of treatment and health services if the purpose of the exchange is to facilitate continuity of care for the person or for the emergency treatment of the person; 73484  
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(8) That the department of mental health and addiction services and community mental health services providers may exchange psychiatric records and other pertinent information with boards of alcohol, drug addiction, and mental health services for purposes of any board function set forth in Chapter 340. of the Revised Code. Boards of alcohol, drug addiction, and mental health services shall not access any personal information from the department or providers except as required or permitted by this section, or Chapter 340. or 5122. of the Revised Code for purposes related to payment, care coordination, health care operations, program and service evaluation, reporting activities, research, system administration, oversight, or other authorized purposes. 73493  
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(9) That a person's family member who is involved in the provision, planning, and monitoring of services to the person may 73505  
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receive medication information, a summary of the person's 73507  
diagnosis and prognosis, and a list of the services and personnel 73508  
available to assist the person and the person's family, if the 73509  
person's treatment provider determines that the disclosure would 73510  
be in the best interests of the person. No such disclosure shall 73511  
be made unless the person is notified first and receives the 73512  
information and does not object to the disclosure. 73513

(10) That community mental health services providers may 73514  
exchange psychiatric records and certain other information with 73515  
the board of alcohol, drug addiction, and mental health services 73516  
and other providers in order to provide services to a person 73517  
involuntarily committed to a board. Release of records under this 73518  
division shall be limited to medication history, physical health 73519  
status and history, financial status, summary of course of 73520  
treatment, summary of treatment needs, and discharge summary, if 73521  
any. 73522

(11) That information may be disclosed to the executor or the 73523  
administrator of an estate of a deceased person when the 73524  
information is necessary to administer the estate; 73525

(12) That information may be disclosed to staff members of 73526  
the appropriate board or to staff members designated by the 73527  
director of mental health and addiction services for the purpose 73528  
of evaluating the quality, effectiveness, and efficiency of 73529  
services and determining if the services meet minimum standards. 73530  
Information obtained during such evaluations shall not be retained 73531  
with the name of any person. 73532

(13) That records pertaining to the person's diagnosis, 73533  
course of treatment, treatment needs, and prognosis shall be 73534  
disclosed and released to the appropriate prosecuting attorney if 73535  
the person was committed pursuant to section 2945.38, 2945.39, 73536  
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 73537  
attorney designated by the board for proceedings pursuant to 73538

involuntary commitment under Chapter 5122. of the Revised Code. 73539

(14) That the department of mental health and addiction 73540  
services may exchange psychiatric hospitalization records, other 73541  
mental health treatment records, and other pertinent information 73542  
with the department of rehabilitation and correction and with the 73543  
department of youth services to ensure continuity of care for 73544  
inmates and offenders who are receiving mental health services in 73545  
an institution of the department of rehabilitation and correction 73546  
or the department of youth services and may exchange psychiatric 73547  
hospitalization records, other mental health treatment records, 73548  
and other pertinent information with boards of alcohol, drug 73549  
addiction, and mental health services and community mental health 73550  
services providers to ensure continuity of care for inmates or 73551  
offenders who are receiving mental health services in an 73552  
institution and are scheduled for release within six months. The 73553  
release of records under this division is limited to records 73554  
regarding an inmate's or offender's medication history, physical 73555  
health status and history, summary of course of treatment, summary 73556  
of treatment needs, and a discharge summary, if any. 73557

(15) That a community mental health services provider that 73558  
ceases to operate may transfer to either a community mental health 73559  
services provider that assumes its caseload or to the board of 73560  
alcohol, drug addiction, and mental health services of the service 73561  
district in which the person resided at the time services were 73562  
most recently provided any treatment records that have not been 73563  
transferred elsewhere at the person's request. 73564

(B) Before records are disclosed pursuant to divisions 73565  
(A)(3), (6), and (10) of this section, the custodian of the 73566  
records shall attempt to obtain the person's consent for the 73567  
disclosure. 73568

(C) No person shall reveal the content of a medical record of 73569  
a person that is confidential pursuant to this section, except as 73570



authorized by law. 73571

**Sec. ~~5119.57~~ 5119.29.** ~~No later than January 1, 1998, the~~ The 73572  
~~department of mental health~~ mental health and addiction services, 73573  
in conjunction with boards of alcohol, drug addiction, and mental 73574  
health services and community mental health boards, shall develop 73575  
a coordinated system for tracking and monitoring persons found not 73576  
guilty by reason of insanity and committed pursuant to section 73577  
2945.40 of the Revised Code who have been granted a conditional 73578  
release and persons found incompetent to stand trial and committed 73579  
pursuant to section 2945.39 of the Revised Code who have been 73580  
granted a conditional release. The system shall do all of the 73581  
following: 73582

(A) Centralize responsibility for the tracking of those 73583  
persons; 73584

(B) Develop uniformity in monitoring those persons; 73585

(C) Develop a mechanism to allow prompt rehospitalization, 73586  
reinstitutionalization, or detention when a violation of the 73587  
conditional release or decompensation occurs. 73588

**Sec. ~~3793.18~~ 5119.30.** The department of ~~alcohol and drug~~ 73589  
~~addiction services~~ mental health and addiction services promptly 73590  
shall develop and maintain a program that continually provides the 73591  
courts of this state with relevant information pertaining to 73592  
~~alcohol and drug~~ addiction services and programs available both 73593  
within their jurisdictions and statewide in order to facilitate 73594  
the ability of the courts to utilize treatment and rehabilitation 73595  
alternatives in addition to or in lieu of imposing sentences of 73596  
imprisonment upon appropriate offenders. 73597

**Sec. ~~5119.23~~ 5119.31.** The department of ~~mental health~~ mental 73598  
health and addiction services may examine into, with or without 73599

expert assistance, the question of the mental and physical 73600  
condition of any person committed to or involuntarily confined in 73601  
any hospital for the mentally ill, or restrained of ~~his~~ liberty at 73602  
any place within this state by reason of alleged mental illness 73603  
and may order and compel the discharge of any such person who is 73604  
not a mentally ill person subject to hospitalization by court 73605  
order as defined in division (B) of section 5122.01 of the Revised 73606  
Code and direct what disposition shall be made of ~~him~~ the person. 73607  
The order of discharge shall be signed by the director of ~~mental~~ 73608  
~~health~~ mental health and addiction services. Upon receipt of such 73609  
order by the superintendent or other person in charge of the 73610  
building in which the person named in such order is confined, such 73611  
person shall forthwith be discharged or otherwise disposed of 73612  
according to the terms of said order, and any further or other 73613  
detention of such person is unlawful. No such order shall be made 73614  
in favor of any person committed and held for trial on a criminal 73615  
charge, in confinement by an order of a judge or court made in a 73616  
criminal proceeding, or in any case unless notice is given to the 73617  
superintendent or other person having charge of the building in 73618  
which the alleged mentally ill person is detained, and a 73619  
reasonable opportunity is allowed the person in charge to justify 73620  
further detention of the person confined. 73621

**Sec. ~~5119.60~~ 5119.32.** The department of ~~mental health~~ mental 73622  
health and addiction services is hereby designated as the state 73623  
administrative agency for the ~~alcohol, drug abuse and mental~~ 73624  
~~health services~~ substance abuse prevention treatment block grant 73625  
and the community mental health services block grant authorized by 73626  
the "Public Health Services Act," 95 Stat. 357, 543, 42 U.S.C. 73627  
300x, as amended, and similar alcohol, drug abuse, or mental 73628  
health programs that are specified in an appropriations act. ~~The~~ 73629  
~~department shall establish and administer an annual plan to~~ 73630  
~~utilize federal block grant funds. The department shall consult~~ 73631

~~with the department of alcohol and drug addiction services on the 73632  
allocation of funds for alcohol and drug addiction services 73633  
pursuant to Chapter 3793. of the Revised Code and shall notify the 73634  
controlling board, which shall authorize the transfer of funds 73635  
allocated to the department of alcohol and drug addiction 73636  
services. 73637~~

**Sec. ~~5119.20~~ 5119.33.** The department of ~~mental health~~ mental 73638  
health and addiction services shall inspect and license all 73639  
hospitals that receive mentally ill persons, except those 73640  
hospitals managed by the department. No hospital may receive for 73641  
care or treatment, either at public or private expense, any person 73642  
who is or appears to be mentally ill, whether or not so 73643  
adjudicated, unless the hospital has received a license from the 73644  
department authorizing it to receive for care or treatment persons 73645  
who are mentally ill or the hospital is managed by the department. 73646

No such license shall be granted to a hospital for the 73647  
treatment of mentally ill persons unless the department is 73648  
satisfied, after investigation, that the hospital is managed and 73649  
operated by qualified persons and has on its staff one or more 73650  
qualified physicians responsible for the medical care of the 73651  
patients confined there. At least one such physician shall be a 73652  
psychiatrist. 73653

The department shall adopt rules under Chapter 119. of the 73654  
Revised Code prescribing minimum standards for the operation of 73655  
hospitals for the care and treatment of mentally ill persons and 73656  
establishing standards and procedures for the issuance, renewal, 73657  
or revocation of full, probationary, and interim licenses. No 73658  
license shall be granted to any hospital established or used for 73659  
the care of mentally ill persons unless such hospital is operating 73660  
in accordance with this section and rules adopted pursuant to this 73661  
section. A full license shall expire one year after the date of 73662

issuance, a probationary license shall expire at the time 73663  
prescribed by rule adopted pursuant to Chapter 119. of the Revised 73664  
Code by the director of ~~mental health~~ mental health and addiction 73665  
services, and an interim license shall expire ninety days after 73666  
the date of issuance. A full, probationary, or interim license may 73667  
be renewed, except that an interim license may be renewed only 73668  
twice. The department may fix reasonable fees for licenses and for 73669  
license renewals. Such hospitals are subject to inspection and 73670  
~~visitation~~ on-site review by the department. 73671

Except as otherwise provided in Chapter 5122. of the Revised 73672  
Code, neither the director of ~~the department of mental health~~ 73673  
mental health and addiction services; an employee of the 73674  
department; a board of alcohol, drug addiction, and mental health 73675  
services or ~~agency~~ employee of a community mental health services 73676  
provider; nor any other public official shall hospitalize any 73677  
mentally ill person for care or treatment in any hospital that is 73678  
not licensed in accordance with this section. 73679

Any license issued by the department under this section may 73680  
be revoked by the department for any of the following reasons: 73681

(A) The hospital is no longer a suitable place for the care 73682  
or treatment of mentally ill persons. 73683

(B) The hospital refuses to be subject to inspection or 73684  
~~visitation~~ on-site review by the department. 73685

(C) The hospital has failed to furnish humane, kind, and 73686  
adequate treatment and care. 73687

(D) The hospital fails to comply with the licensure rules of 73688  
the department. 73689

The department may inspect, ~~visit~~ conduct an on-site review, 73690  
and review the records of any hospital that the department has 73691  
reason to believe is operating without a license. 73692

**Sec. ~~5119.201~~ 5119.331.** If the department of ~~mental health~~ 73693  
mental health and addiction services determines that a hospital 73694  
not licensed by the department is receiving for care or treatment 73695  
any person who is or appears to be mentally ill, the department 73696  
may request in writing that the attorney general petition the 73697  
court of common pleas in the county where the hospital is located 73698  
to enjoin the hospital from continued operation in violation of 73699  
section ~~5119.20~~ 5119.33 of the Revised Code. 73700

**Sec. ~~5119.202~~ 5119.332.** No third-party payer shall directly 73701  
or indirectly reimburse, nor shall any person be obligated to pay 73702  
any hospital for psychiatric services for which a license is 73703  
required under section ~~5119.20~~ 5119.33 of the Revised Code unless 73704  
the hospital is licensed by the department of ~~mental health~~ mental 73705  
health and addiction services. 73706

As used in this section, "third-party payer" means a health 73707  
insuring corporation licensed under Chapter 1751. of the Revised 73708  
Code, an insurance company that issues sickness and accident 73709  
insurance in conformity with Chapter 3923. of the Revised Code, a 73710  
state-financed health insurance program under Chapter 3701., 73711  
4123., or 5101. of the Revised Code, or any self-insurance plan. 73712

**Sec. ~~5119.21~~ 5119.333.** No person shall keep or maintain a 73713  
hospital for the care or treatment of mentally ill persons unless 73714  
it is licensed by the department of ~~mental health~~ mental health 73715  
and addiction services, as provided by section ~~5119.20~~ 5119.33 of 73716  
the Revised Code. 73717

**Sec. ~~5119.22~~ 5119.34.** (A) As used in this section and ~~section~~ 73718  
~~5119.221~~ sections 5119.341 and 5119.342 of the Revised Code: 73719  
73720

(1) "Accommodations" means housing, daily meal preparation, 73721

laundry, housekeeping, arranging for transportation, social and 73722  
recreational activities, maintenance, security, and other services 73723  
that do not constitute personal care services or skilled nursing 73724  
care. 73725

(2) "ADAMHS board" means a board of alcohol, drug addiction, 73726  
and mental health services. 73727

(3) "Adult" means a person who is eighteen years of age or 73728  
older, other than a person described in division (A)(4) of this 73729  
section who is between eighteen and twenty-one years of age. 73730

(4) "Child" means a person who is under eighteen years of age 73731  
or a person with a mental disability who is under twenty-one years 73732  
of age. 73733

(5) "Community mental health ~~agency~~ services provider" means 73734  
a community mental health ~~agency~~ services provider as defined in 73735  
~~division (H) of section 5122.01~~ 5119.01 of the Revised Code. 73736

(6) "Community mental health services" means any ~~of the~~ 73737  
mental health services listed in certified by the department 73738  
pursuant to section 340.09 5119.36 of the Revised Code. 73739

(7) "Operator" means the person or persons, firm, 73740  
partnership, agency, governing body, association, corporation, or 73741  
other entity that is responsible for the administration and 73742  
management of a residential facility and that is the applicant for 73743  
a residential facility license. 73744

(8) "Personal care services" means services including, but 73745  
not limited to, the following: 73746

(a) Assisting residents with activities of daily living; 73747

(b) Assisting residents with self-administration of 73748  
medication in accordance with rules adopted under this section; 73749

(c) Preparing special diets, other than complex therapeutic 73750  
diets, for residents pursuant to the instructions of a physician 73751

or a licensed dietitian, in accordance with rules adopted under 73752  
this section. 73753

"Personal care services" does not include "skilled nursing 73754  
care" as defined in section 3721.01 of the Revised Code. A 73755  
facility need not provide more than one of the services listed in 73756  
division (A)(8) of this section to be considered to be providing 73757  
personal care services. 73758

(9) "Residential facility" means a publicly or privately 73759  
operated home or facility that provides one of the following: 73760

(a) Accommodations, supervision, personal care services, and 73761  
community mental health services for one or more ~~of the following~~ 73762  
unrelated persons adults with mental illness or severe mental 73763  
disabilities or to one or more unrelated children and adolescents 73764  
with a serious emotional disturbance or who are in need of mental 73765  
health services who are referred by or are receiving community 73766  
mental health services from a community mental health ~~agency,~~ 73767  
services provider, hospital, or practitioner; 73768

~~(i) Adults with mental illness;~~ 73769

~~(ii) Persons of any age with severe mental disabilities;~~ 73770

~~(iii) Children with serious emotional disturbances or in need 73771  
of mental health services. 73772~~

(b) Accommodations, supervision, and personal care services 73773  
~~for only one or two unrelated adults; accommodations, supervision,~~ 73774  
~~and personal care services for three to sixteen unrelated adults;~~ 73775  
~~or accommodations, supervision, and personal care services for one~~ 73776  
~~or two of the following unrelated persons:~~ 73777

~~(i) Persons of any age with mental illness who are referred 73778  
by or are receiving community mental health services from a 73779  
community mental health agency, hospital, or practitioner;~~ 73780

~~(ii) Persons of any age with severe mental disabilities who 73781~~

~~are referred by or are receiving community mental health services~~ 73782  
~~from a community mental health agency, hospital, or practitioner~~ 73783  
to any of the following: 73784

(i) One or two unrelated persons with mental illness or 73785  
persons with severe mental disabilities who are referred by or are 73786  
receiving mental health services from a community mental health 73787  
services provider, hospital, or practitioner; 73788

(ii) One or two unrelated adults who are receiving 73789  
residential state supplement payments; 73790

(iii) Three to sixteen unrelated adults. 73791

(c) Room and board for five or more ~~of the following~~ 73792  
~~unrelated persons:~~ 73793

~~(i) Adults~~ adults with mental illness or severe mental 73794  
disability who are referred by or are receiving community mental 73795  
health services from a community mental health ~~agency, services~~ 73796  
provider, hospital, or practitioner. 73797

~~(ii) Adults with severe mental disabilities who are referred~~ 73798  
~~by or are receiving community mental health services from a~~ 73799  
~~community mental health agency, hospital, or practitioner.~~ 73800

(10) "Residential facility" does not include any of the 73801  
following: 73802

(a) A hospital subject to licensure under section ~~5119.20~~ 73803  
5119.33 of the Revised Code; 73804

(b) A residential facility licensed under section 5123.19 of 73805  
the Revised Code or otherwise regulated by the department of 73806  
developmental disabilities; 73807

(c) An institution or association subject to certification 73808  
under section 5103.03 of the Revised Code; 73809

(d) A facility operated by a hospice care program licensed 73810  
under section 3712.04 of the Revised Code that is used exclusively 73811



for care of hospice patients; 73812

~~(e) A facility operated by a pediatric respite care program licensed under section 3712.041 of the Revised Code that is used exclusively for care of pediatric respite care patients;~~ 73813  
73814  
73815

~~(f)~~ A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code; 73816  
73817

~~(g) An alcohol~~ (f) Alcohol or drug addiction program as defined in services certified pursuant to section 3793.01 5119.36 of the Revised Code; 73818  
73819  
73820

~~(h)~~(g) A facility licensed to provide methadone treatment under section ~~3793.11~~ 5119.39 of the Revised Code; 73821  
73822

~~(i)~~(h) Any facility that receives funding for operating costs from the ~~department of development~~ services agency under any program established to provide emergency shelter housing or transitional housing for the homeless; 73823  
73824  
73825  
73826

~~(j)~~(i) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code; 73827  
73828  
73829

~~(k)~~(j) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans. 73830  
73831  
73832  
73833

(11) "Room and board" means the provision of sleeping and living space, meals or meal preparation, laundry services, housekeeping services, or any combination thereof. 73834  
73835  
73836

(12) "Residential state supplement" means the program administered under section 5119.41 of the Revised Code and related provisions of the Administrative Code under which the state supplements the supplemental security income payments received by aged, blind, or disabled adults under Title XVI of the Social 73837  
73838  
73839  
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Security Act. Residential state supplement payments are used for 73842  
the provision of accommodations, supervision, and personal care 73843  
services to supplemental security income recipients the department 73844  
of mental health and addition services determines are at risk of 73845  
needing institutional care. 73846

(13) "Supervision" means any of the following: 73847

(a) Observing a resident to ensure the resident's health, 73848  
safety, and welfare while the resident engages in activities of 73849  
daily living or other activities; 73850

(b) Reminding a resident to perform or complete an activity, 73851  
such as reminding a resident to engage in personal hygiene or 73852  
other self-care activities; 73853

(c) Assisting a resident in making or keeping an appointment. 73854

~~(13)~~(14) "Unrelated" means that a resident is not related to 73855  
the owner or operator of a residential facility or to the owner's 73856  
or operator's spouse as a parent, grandparent, child, stepchild, 73857  
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 73858  
the child of an aunt or uncle. 73859

(B) Nothing in division (A)(9) of this section shall be 73860  
construed to permit personal care services to be imposed on a 73861  
resident who is capable of performing the activity in question 73862  
without assistance. 73863

(C) Except in the case of a residential facility described in 73864  
division (A)(9)(a) of this section, members of the staff of a 73865  
residential facility shall not administer medication to the 73866  
facility's residents, but may do any of the following: 73867

(1) Remind a resident when to take medication and watch to 73868  
ensure that the resident follows the directions on the container; 73869

(2) Assist a resident in the self-administration of 73870  
medication by taking the medication from the locked area where it 73871

is stored, in accordance with rules adopted pursuant to this 73872  
section, and handing it to the resident. If the resident is 73873  
physically unable to open the container, a staff member may open 73874  
the container for the resident. 73875

(3) Assist a physically impaired but mentally alert resident, 73876  
such as a resident with arthritis, cerebral palsy, or Parkinson's 73877  
disease, in removing oral or topical medication from containers 73878  
and in consuming or applying the medication, upon request by or 73879  
with the consent of the resident. If a resident is physically 73880  
unable to place a dose of medicine to the resident's mouth without 73881  
spilling it, a staff member may place the dose in a container and 73882  
place the container to the mouth of the resident. 73883

(D)(1) Except as provided in division (D)(2) of this section, 73884  
a person operating or seeking to operate a residential facility 73885  
shall apply for licensure of the facility to the department of 73886  
~~mental health~~ mental health and addiction services. The 73887  
application shall be submitted by the operator. When applying for 73888  
the license, the applicant shall pay to the department the 73889  
application fee specified in rules adopted under division ~~(L)~~(K) 73890  
of this section. The fee is nonrefundable. 73891

The department shall send a copy of an application to the 73892  
ADAMHS board serving the county in which the person operates or 73893  
seeks to operate the facility. The ADAMHS board shall review the 73894  
application and provide to the department any information about 73895  
the applicant or the facility that the board would like the 73896  
department to consider in reviewing the application. 73897

(2) A person may not apply for a license to operate a 73898  
residential facility if the person is or has been the owner, 73899  
operator, or manager of a residential facility for which a license 73900  
to operate was revoked or for which renewal of a license was 73901  
refused for any reason other than nonpayment of the license 73902  
renewal fee, unless both of the following conditions are met: 73903

(a) A period of not less than two years has elapsed since the 73904  
date the director of ~~mental health~~ mental health and addiction 73905  
services issued the order revoking or refusing to renew the 73906  
facility's license. 73907

(b) The director's revocation or refusal to renew the license 73908  
was not based on an act or omission at the facility that violated 73909  
a resident's right to be free from abuse, neglect, or 73910  
exploitation. 73911

(E)(1) ~~Any person may operate a residential facility~~ 73912  
~~providing accommodations and personal care services for one to~~ 73913  
~~five unrelated persons and licensed as a residential facility that~~ 73914  
~~meets the criteria specified in division (A)(9)(b) of this section~~ 73915  
~~as a permitted use in any residential district or zone, including~~ 73916  
~~any single family residential district or zone of any political~~ 73917  
~~subdivision. Such facilities may be required to comply with area,~~ 73918  
~~height, yard, and architectural compatibility requirements that~~ 73919  
~~are uniformly imposed upon all single family residences within the~~ 73920  
~~district or zone.~~ 73921

~~(2) Any person may operate a residential facility providing~~ 73922  
~~accommodations and personal care services for six to sixteen~~ 73923  
~~persons and licensed as a residential facility that meets the~~ 73924  
~~criteria specified in division (A)(9)(b) of this section as a~~ 73925  
~~permitted use in any multiple family residential district or zone~~ 73926  
~~of any political subdivision, except that a political subdivision~~ 73927  
~~that has enacted a zoning ordinance or resolution establishing~~ 73928  
~~planned unit development districts as defined in section 519.021~~ 73929  
~~of the Revised Code may exclude such facilities from such~~ 73930  
~~districts, and a political subdivision that has enacted a zoning~~ 73931  
~~ordinance or resolution may regulate such facilities in~~ 73932  
~~multiple family residential districts or zones as a conditionally~~ 73933  
~~permitted use or special exception, in either case, under~~ 73934  
~~reasonable and specific standards and conditions set out in the~~ 73935

~~zoning ordinance or resolution to:~~ 73936

~~(a) Require the architectural design and site layout of the home and the location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and the residential character of the neighborhood;~~ 73937  
73938  
73939  
73940

~~(b) Require compliance with yard, parking, and sign regulation.~~ 73941  
73942

~~(3) Divisions (E)(1) and (2) of this section do not affect any right of a political subdivision to permit a person to operate a residential facility licensed under this section in a single family residential district or zone under conditions established by the political subdivision.~~ 73943  
73944  
73945  
73946  
73947

~~(4)(a) Notwithstanding divisions (E)(1) and (2) of this section and except as provided in division (E)(4)(b) of this section, a political subdivision that has enacted a zoning ordinance or resolution may limit the excessive concentration of licensed residential facilities that meet the criteria specified in division (A)(9)(b) of this section.~~ 73948  
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73952  
73953

~~(b) Division (E)(4)(a) of this section does not authorize a political subdivision to prevent or limit the continued existence and operation of residential facilities existing and operating on September 10, 2012, and that meet the criteria specified in division (A)(9)(b) of this section. A political subdivision may consider the existence of such facilities for the purpose of limiting the excessive concentration of such facilities that meet the criteria specified in division (A)(9)(b) of this section that are not existing and operating on September 10, 2012.~~ 73954  
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~~(F)(1) The department of ~~mental health~~ mental health and addiction services shall inspect and license the operation of residential facilities. The department shall consider the past record of the facility and the applicant or licensee in arriving~~ 73963  
73964  
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at its licensure decision. 73967

The department may issue full, probationary, and interim 73968  
licenses. A full license shall expire ~~two~~ up to three years after 73969  
the date of issuance, a probationary license shall expire in a 73970  
shorter period of time as specified in rules adopted by the 73971  
director of mental health under division ~~(L)~~(K) of this section, 73972  
and an interim license shall expire ninety days after the date of 73973  
issuance. A license may be renewed in accordance with rules 73974  
adopted by the director under division ~~(L)~~(K) of this section. The 73975  
renewal application shall be submitted by the operator. When 73976  
applying for renewal of a license, the applicant shall pay to the 73977  
department the renewal fee specified in rules adopted under 73978  
division ~~(L)~~(K) of this section. The fee is nonrefundable. 73979

(2) The department may issue an order suspending the 73980  
admission of residents to the facility or refuse to issue or renew 73981  
and may revoke a license if it finds the facility is not in 73982  
compliance with rules adopted by the director pursuant to division 73983  
~~(L)~~(K) of this section or if any facility operated by the 73984  
applicant or licensee has been cited for repeated violations of 73985  
statutes or rules during the period of previous licenses. 73986  
Proceedings initiated to deny applications for full or 73987  
probationary licenses or to revoke such licenses are governed by 73988  
Chapter 119. of the Revised Code. 73989

~~(G)~~(F) The department may issue an interim license to operate 73990  
a residential facility if both of the following conditions are 73991  
met: 73992

(1) The department determines that the closing of or the need 73993  
to remove residents from another residential facility has created 73994  
an emergency situation requiring immediate removal of residents 73995  
and an insufficient number of licensed beds are available. 73996

(2) The residential facility applying for an interim license 73997

meets standards established for interim licenses in rules adopted 73998  
by the director under division ~~(H)~~(K) of this section. 73999

An interim license shall be valid for ninety days and may be 74000  
renewed by the director no more than twice. Proceedings initiated 74001  
to deny applications for or to revoke interim licenses under this 74002  
division are not subject to Chapter 119. of the Revised Code. 74003

~~(H)~~(G)(1) The department of ~~mental health~~ mental health and 74004  
addiction services may conduct an inspection of a residential 74005  
facility as follows: 74006

(a) Prior to issuance of a license for the facility; 74007

(b) Prior to renewal of the license; 74008

(c) To determine whether the facility has completed a plan of 74009  
correction required pursuant to division ~~(H)~~(G)(2) of this section 74010  
and corrected deficiencies to the satisfaction of the department 74011  
and in compliance with this section and rules adopted pursuant to 74012  
it; 74013

(d) Upon complaint by any individual or agency; 74014

(e) At any time the director considers an inspection to be 74015  
necessary in order to determine whether the facility is in 74016  
compliance with this section and rules adopted pursuant to this 74017  
section. 74018

(2) In conducting inspections the department may conduct an 74019  
on-site examination and evaluation of the residential facility and 74020  
its personnel, activities, and services. The department shall have 74021  
access to examine and copy all records, accounts, and any other 74022  
documents relating to the operation of the residential facility, 74023  
including records pertaining to residents, and shall have access 74024  
to the facility in order to conduct interviews with the operator, 74025  
staff, and residents. Following each inspection and review, the 74026  
department shall complete a report listing any deficiencies, and 74027

including, when appropriate, a time table within which the 74028  
operator shall correct the deficiencies. The department may 74029  
require the operator to submit a plan of correction describing how 74030  
the deficiencies will be corrected. 74031

~~(I)~~(H) No person shall do any of the following: 74032

(1) Operate a residential facility unless the facility holds 74033  
a valid license; 74034

(2) Violate any of the conditions of licensure after having 74035  
been granted a license; 74036

(3) Interfere with a state or local official's inspection or 74037  
investigation of a residential facility; 74038

(4) Violate any of the provisions of this section or any 74039  
rules adopted pursuant to this section. 74040

~~(J)~~(I) The following may enter a residential facility at any 74041  
time: 74042

(1) Employees designated by the director of ~~mental health~~ 74043  
mental health and addiction services; 74044

(2) Employees of an ADAMHS board under either of the 74045  
following circumstances: 74046

(a) When a resident of the facility is receiving services 74047  
from a community mental health ~~agency~~ services provider under 74048  
contract with that ADAMHS board or another ADAMHS board; 74049

(b) When authorized by section 340.05 of the Revised Code. 74050

(3) Employees of a community mental health ~~agency~~ services 74051  
provider under either of the following circumstances: 74052

(a) When the ~~agency~~ services provider has a ~~client~~ person 74053  
receiving services residing in the facility; 74054

(b) When the ~~agency~~ services provider is acting as an agent 74055  
of an ADAMHS board other than the board with which it is under 74056



contract. 74057

(4) Representatives of the state long-term care ~~ombudsperson~~ 74058  
ombudsman program when the facility provides accommodations, 74059  
supervision, and personal care services for three to sixteen 74060  
unrelated adults or to one or two unrelated adults who are 74061  
recipients under the residential state supplement program. 74062

The persons specified in division ~~(J)~~(I) of this section 74063  
shall be afforded access to examine and copy all records, 74064  
accounts, and any other documents relating to the operation of the 74065  
residential facility, including records pertaining to residents. 74066

~~(K)~~(J) Employees of the department of ~~mental health~~ mental 74067  
health and addiction services may enter, for the purpose of 74068  
investigation, any institution, residence, facility, or other 74069  
structure which has been reported to the department as, or that 74070  
the department has reasonable cause to believe is, operating as a 74071  
residential facility without a valid license. 74072

~~(L)~~(K) The director shall adopt and may amend and rescind 74073  
rules pursuant to Chapter 119. of the Revised Code governing the 74074  
licensing and operation of residential facilities. The rules shall 74075  
establish all of the following: 74076

(1) Minimum standards for the health, safety, adequacy, and 74077  
cultural competency of treatment of and services for persons in 74078  
residential facilities; 74079

(2) Procedures for the issuance, renewal, or revocation of 74080  
the licenses of residential facilities; 74081

(3) Procedures for conducting criminal records checks for 74082  
prospective or current operators, ~~staff employees~~, and ~~other~~ 74083  
~~individuals~~ volunteers who, ~~if employed by a residential facility,~~ 74084  
~~would~~ may have ~~unsupervised~~ direct access to facility residents; 74085  
74086

(4) The fee to be paid when applying for a new residential facility license or renewing the license;	74087 74088
(5) Procedures for the operator of a residential facility to follow when notifying the ADAMHS board serving the county in which the facility is located when the facility is serving residents with mental illness or severe mental disability, including the circumstances under which the operator is required to make such a notification;	74089 74090 74091 74092 74093 74094
(6) Procedures for the issuance and termination of orders of suspension of admission of residents to a residential facility;	74095 74096
(7) Measures to be taken by residential facilities relative to residents' medication;	74097 74098
(8) Requirements relating to preparation of special diets;	74099
(9) The maximum number of residents who may be served in a residential facility;	74100 74101
(10) The rights of residents of residential facilities and procedures to protect such rights;	74102 74103
(11) Procedures for obtaining an affiliation agreement approved by the board between a residential facility and a community mental health <del>agency</del> <u>services provider</u> ;	74104 74105 74106
(12) Standards and procedures under which the director may waive the requirements of any of the rules adopted.	74107 74108
<del>(M)</del> (L)(1) The department may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent jurisdiction.	74109 74110 74111 74112 74113 74114 74115 74116

(2) Any person who makes a complaint under division ~~(M)~~(L)(1) 74117  
of this section, or any person who participates in an 74118  
administrative or judicial proceeding resulting from such a 74119  
complaint, is immune from civil liability and is not subject to 74120  
criminal prosecution, other than for perjury, unless the person 74121  
has acted in bad faith or with malicious purpose. 74122

~~(N)~~(M)(1) The director of ~~mental health~~ mental health and 74123  
addiction services may petition the court of common pleas of the 74124  
county in which a residential facility is located for an order 74125  
enjoining any person from operating a residential facility without 74126  
a license or from operating a licensed facility when, in the 74127  
director's judgment, there is a present danger to the health or 74128  
safety of any of the occupants of the facility. The court shall 74129  
have jurisdiction to grant such injunctive relief upon a showing 74130  
that the respondent named in the petition is operating a facility 74131  
without a license or there is a present danger to the health or 74132  
safety of any residents of the facility. 74133

(2) When the court grants injunctive relief in the case of a 74134  
facility operating without a license, the court shall issue, at a 74135  
minimum, an order enjoining the facility from admitting new 74136  
residents to the facility and an order requiring the facility to 74137  
assist with the safe and orderly relocation of the facility's 74138  
residents. 74139

(3) If injunctive relief is granted against a facility for 74140  
operating without a license and the facility continues to operate 74141  
without a license, the director shall refer the case to the 74142  
attorney general for further action. 74143

~~(O)~~(N) The director may fine a person for violating division 74144  
~~(I)~~(H) of this section. The fine shall be five hundred dollars for 74145  
a first offense; for each subsequent offense, the fine shall be 74146  
one thousand dollars. The director's actions in imposing a fine 74147  
shall be taken in accordance with Chapter 119. of the Revised 74148

Code. 74149

Sec. 5119.341. (A) Any person may operate a residential facility providing accommodations and personal care services for one to five unrelated persons and licensed as a residential facility that meets the criteria specified in division (A)(9)(b) of section 5119.34 of the Revised Code as a permitted use in any residential district or zone, including any single-family residential district or zone of any political subdivision. Such facilities may be required to comply with area, height, yard, and architectural compatibility requirements that are uniformly imposed upon all single-family residences within the district or zone. 74150  
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(B) Any person may operate a residential facility providing accommodations and personal care services for six to sixteen persons and licensed as a residential facility that meets the criteria specified in division (A)(9)(b) of section 5119.34 of the Revised Code as a permitted use in any multiple-family residential district or zone of any political subdivision, except that a political subdivision that has enacted a zoning ordinance or resolution establishing planned-unit developments as defined in section 519.021 of the Revised Code may exclude such facilities from such districts, and a political subdivision that has enacted a zoning ordinance or resolution may regulate such facilities in multiple-family residential districts or zones as a conditionally permitted use or special exception, in either case, under reasonable and specific standards and conditions set out in the zoning ordinance or resolution to: 74161  
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(1) Require the architectural design and site layout of the home and the location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and the residential character of the neighborhood; 74176  
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(2) Require compliance with yard, parking, and sign regulation. 74180  
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(C) Divisions (A) and (B) of this section do not affect any right of a political subdivision to permit a person to operate a residential facility licensed under section 5119.34 of the Revised Code in a single-family residential district or zone under conditions established by the political subdivision. 74182  
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(D)(1) Notwithstanding divisions (A) and (B) of this section and except as provided in division (D)(2) of this section, a political subdivision that has enacted a zoning ordinance or resolution may limit the excessive concentration of licensed residential facilities that meet the criteria specified in division (A)(9)(b) of section 5119.34 of the Revised Code. 74187  
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(2) Division (D)(1) of this section does not authorize a political subdivision to prevent or limit the continued existence and operation of residential facilities existing and operating on September 10, 2012, and that meet the criteria specified in division (A)(9)(b) of section 5119.34 of the Revised Code. A political subdivision may consider the existence of such facilities for the purpose of limiting the excessive concentration of such facilities that meet the criteria specified in division (A)(9)(b) of section 5119.34 of the Revised Code that are not existing and operating on September 10, 2012. 74193  
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**Sec. ~~5119.221~~ 5119.342.** (A) Upon petition by the director of ~~mental health~~ mental health and addiction services, the court of common pleas or the probate court may appoint a receiver to take possession of and operate a residential facility licensed pursuant to section ~~5119.22~~ 5119.34 of the Revised Code, when conditions existing at the residential facility present a substantial risk of physical or mental harm to residents and no other remedies at law are adequate to protect the health, safety, and welfare of the 74203  
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residents. 74211

Petitions filed pursuant to this section shall include: 74212

(1) A description of the specific conditions existing at the 74213  
residential facility which present a substantial risk of physical 74214  
or mental harm to residents; 74215

(2) A statement of the absence of other adequate remedies at 74216  
law; 74217

(3) The number of individuals residing at the facility; 74218

(4) A statement that the facts have been brought to the 74219  
attention of the owner or licensee and that conditions have not 74220  
been remedied within a reasonable period of time or that the 74221  
conditions, though remedied periodically, habitually exist at the 74222  
residential facility as a pattern or practice; and 74223

(5) The name and address of the person holding the license 74224  
for the residential facility. 74225

(B) A court in which a petition is filed pursuant to this 74226  
section shall notify the person holding the license for the 74227  
facility of the filing. The department shall send notice of the 74228  
filing to the following, as appropriate: the Ohio protection and 74229  
advocacy system as defined in section 5123.60 of the Revised Code; 74230  
facility owner; facility operator; board of alcohol, drug 74231  
addiction, and mental health services; board of health; department 74232  
of developmental disabilities; department of job and family 74233  
services; facility residents; and residents' families and 74234  
guardians. The court shall provide a hearing on the petition 74235  
within five court days of the time it was filed, except that the 74236  
court may appoint a receiver prior to that time if it determines 74237  
that the circumstances necessitate such action. 74238

Following a hearing on the petition, and upon a determination 74239  
that the appointment of a receiver is warranted, the court shall 74240

appoint a receiver and notify the department of ~~mental health~~ 74241  
mental health and addiction services and appropriate persons of 74242  
this action. 74243

In setting forth the powers of the receiver, the court may 74244  
generally authorize the receiver to do all that is prudent and 74245  
necessary to safely and efficiently operate the residential 74246  
facility within the requirements of state and federal law, but 74247  
shall require the receiver to obtain court approval prior to 74248  
making any single expenditure of more than five thousand dollars 74249  
to correct deficiencies in the structure or furnishings of a 74250  
facility. The court shall closely review the conduct of the 74251  
receiver and shall require regular and detailed reports. 74252

(C) A receivership established pursuant to this section shall 74253  
be terminated, following notification of the appropriate parties 74254  
and a hearing, if the court determines either of the following: 74255

(1) The residential facility has been closed and the former 74256  
residents have been relocated to an appropriate facility; 74257

(2) Circumstances no longer exist at the residential facility 74258  
which present a substantial risk of physical or mental harm to 74259  
residents, and there is no deficiency in the residential facility 74260  
that is likely to create a future risk of harm. 74261

Notwithstanding division (C)(2) of this section, the court 74262  
shall not terminate a receivership for a residential facility that 74263  
has previously operated under another receivership unless the 74264  
responsibility for the operation of the facility is transferred to 74265  
an operator approved by the court and the department of ~~mental~~ 74266  
health mental health and addiction services. 74267

(D) Except for the department of ~~mental health~~ mental health 74268  
and addiction services or appropriate board of alcohol, drug 74269  
addiction, and mental health services, no party or person 74270  
interested in an action shall be appointed a receiver pursuant to 74271

this section. 74272

To assist the court in identifying persons qualified to be 74273  
named as receivers, the director of ~~the department of mental~~ 74274  
~~health~~ mental health and addiction services shall maintain a list 74275  
of the names of such persons. The department of ~~mental health~~ 74276  
mental health and addiction services, the department of job and 74277  
family services, and the department of health shall provide 74278  
technical assistance to any receiver appointed pursuant to this 74279  
section. 74280

Before entering upon the duties of receiver, the receiver 74281  
must be sworn to perform the duties faithfully, and, with surety 74282  
approved by the court, judge, or clerk, execute a bond to such 74283  
person, and in such sum as the court or judge directs, to the 74284  
effect that such receiver will faithfully discharge the duties of 74285  
receiver in the action, and obey the orders of the court therein. 74286

(1) Under the control of the appointing court, a receiver may 74287  
do the following: 74288

(a) Bring and defend actions in the appointee's name as 74289  
receiver; 74290

(b) Take and keep possession of property. 74291

(2) The court shall authorize the receiver to do the 74292  
following: 74293

(a) Collect payment for all goods and services provided to 74294  
the residents or others during the period of the receivership at 74295  
the same rate as was charged by the licensee at the time the 74296  
petition for receivership was filed, unless a different rate is 74297  
set by the court; 74298

(b) Honor all leases, mortgages, and secured transactions 74299  
governing all buildings, goods, and fixtures of which the receiver 74300  
has taken possession, but, in the case of a rental agreement only 74301



to the extent of payments that are for the use of the property 74302  
during the period of the receivership, or, in the case of a 74303  
purchase agreement, only to the extent that payments come due 74304  
during the period of the receivership; 74305

(c) If transfer of residents is necessary, provide for the 74306  
orderly transfer of residents by: 74307

(i) Cooperating with all appropriate state and local agencies 74308  
in carrying out the transfer of residents to alternative community 74309  
placements; 74310

(ii) Providing for the transportation of residents' 74311  
belongings and records; 74312

(iii) Helping to locate alternative placements and develop 74313  
plans for transfer; 74314

(iv) Encouraging residents or guardians to participate in 74315  
transfer planning except when an emergency exists and immediate 74316  
transfer is necessary. 74317

(d) Make periodic reports on the status of the residential 74318  
facility to the court; the appropriate state agencies; and the 74319  
board of alcohol, drug addiction, and mental health services. Each 74320  
report shall be made available to residents, their guardians, and 74321  
families. 74322

(e) Compromise demands or claims; and 74323

(f) Generally do such acts respecting the residential 74324  
facility as the court authorizes. 74325

Notwithstanding any other provision of law, contracts which 74326  
are necessary to carry out the powers and duties of the receiver 74327  
need not be competitively bid. 74328

**Sec. ~~5119.611~~ 5119.36.** (A) A community mental health agency 74329  
services provider applicant or community addiction services 74330

provider applicant that seeks certification of its community 74331  
mental health services or community addiction services shall 74332  
submit an application to the director of ~~mental health~~ mental 74333  
health and addiction services. On receipt of the application, the 74334  
director may ~~visit~~ conduct an on-site review and shall evaluate 74335  
the ~~agency~~ provider to determine whether its services satisfy the 74336  
standards established by rules adopted under division ~~(C)~~(E) of 74337  
this section. The director shall make the evaluation, and, if the 74338  
director ~~visits~~ conducts an on-site review of the agency provider, 74339  
~~shall~~ may make the ~~visit~~ review, in cooperation with the board of 74340  
alcohol, drug addiction, and mental health services with which the 74341  
~~agency~~ provider seeks to contract under division (A)(8)(a) of 74342  
section 340.03 of the Revised Code. 74343

(B) Subject to section ~~5119.612~~ 5119.37 of the Revised Code, 74344  
the director shall determine whether the services of an 74345  
~~applicant's community mental health agency~~ applicant satisfy the 74346  
standards for certification of the services. If the director 74347  
determines that a community mental health ~~agency's~~ services 74348  
provider's or a community addiction services provider's services 74349  
satisfy the standards for certification and the ~~agency~~ provider 74350  
has paid the fee required under division (D) of this section, the 74351  
director shall certify the services. No community mental health 74352  
services provider or community addiction services provider shall 74353  
be eligible to receive state or federal funds, or funds 74354  
administered by an alcohol, drug addiction, and mental health 74355  
services board unless its services have been certified by the 74356  
department. 74357

(C) If the director determines that a community mental health 74358  
~~agency's~~ services provider's or a community addiction services 74359  
provider's services do not satisfy the standards for 74360  
certification, the director shall identify the areas of 74361  
noncompliance, specify what action is necessary to satisfy the 74362

standards, and may offer technical assistance to the provider and 74363  
to the board of alcohol, drug addiction, and mental health 74364  
services so that the board may assist the agency provider in 74365  
satisfying the standards. The director shall give the agency 74366  
provider a reasonable time within which to demonstrate that its 74367  
services satisfy the standards or to bring the services into 74368  
compliance with the standards. If the director concludes that the 74369  
services continue to fail to satisfy the standards, the director 74370  
may request that the board reallocate ~~the~~ any funds for the 74371  
~~community~~ mental health or addiction services the agency provider 74372  
was to provide to another community mental health agency or 74373  
addiction services provider whose community mental health or 74374  
community addiction services satisfy the standards. If the board 74375  
does not reallocate ~~those~~ such funds in a reasonable period of 74376  
time, the director may withhold state and federal funds for the 74377  
~~community mental health~~ services and allocate those funds directly 74378  
to a community mental health agency or community addiction 74379  
services provider whose ~~community mental health~~ services satisfy 74380  
the standards. 74381

(D) Each community mental health agency services provider or 74382  
community addiction services provider seeking certification of its 74383  
~~community~~ mental health or addiction services under this section 74384  
shall pay a fee for the certification required by this section, 74385  
unless the provider is exempt under rules adopted under division 74386  
(E) of this section. Fees shall be paid into the state treasury to 74387  
the credit of the sale of goods and services fund created pursuant 74388  
to section ~~5119.161~~ 5119.45 of the Revised Code. 74389

(E) The director shall adopt rules in accordance with Chapter 74390  
119. of the Revised Code to implement this section. The rules 74391  
shall do all of the following: 74392

(1) Establish certification standards for ~~community~~ mental 74393  
health services, ~~including assertive community treatment and~~ 74394

~~intensive home based mental health services, and addiction~~ 74395  
~~services~~ that are consistent with nationally recognized applicable 74396  
standards and facilitate participation in federal assistance 74397  
programs. The rules shall include as certification standards only 74398  
requirements that improve the quality of services or the health 74399  
and safety of ~~clients of~~ persons receiving community mental health 74400  
and addiction services. The standards shall address at a minimum 74401  
all of the following: 74402

(a) Reporting major unusual incidents to the director; 74403

(b) Procedures for applicants for and ~~clients of~~ persons 74404  
receiving community mental health and addiction services to file 74405  
grievances and complaints; 74406

(c) Seclusion; 74407

(d) Restraint; 74408

(e) Development of written policies addressing the rights of 74409  
~~clients~~ persons receiving services, including all of the 74410  
following: 74411

(i) The right to a copy of the written policies addressing 74412  
~~client~~ the rights of persons receiving services; 74413

(ii) The right at all times to be treated with consideration 74414  
and respect for the ~~client's~~ person's privacy and dignity; 74415

(iii) The right to have access to the ~~client's~~ person's own 74416  
psychiatric, medical, or other treatment records unless access is 74417  
specifically restricted in the ~~client's~~ person's treatment plan 74418  
for clear treatment reasons; 74419

(iv) The right to have a client rights officer provided by 74420  
the ~~agency~~ services provider or board of alcohol, drug addiction, 74421  
and mental health services advise the ~~client~~ person of the 74422  
~~client's~~ person's rights, including the ~~client's~~ person's rights 74423  
under Chapter 5122. of the Revised Code if the ~~client~~ person is 74424

committed to the ~~agency~~ provider or board. 74425

~~(2) Establish standards for qualifications of mental health professionals as defined in section 340.02 of the Revised Code and personnel who provide the community mental health services;~~ 74426  
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~~(3)~~ Establish the process for certification of community mental health and addiction services; 74429  
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~~(4)~~(3) Set the amount of certification review fees ~~based on a portion of the cost of performing the review;~~ 74431  
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~~(5)~~(4) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds. 74433  
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**Sec. ~~5119.613~~ 5119.361.** The director of ~~mental health~~ mental health and addiction services shall require that each board of alcohol, drug addiction, and mental health services ensure that each community mental health ~~agency~~ services provider and community addiction services provider with which it contracts under division (A)(8)(a) of section 340.03 of the Revised Code to provide community mental health or addiction services establish grievance procedures consistent with rules adopted under section ~~5119.611~~ 5119.36 of the Revised Code that are available to all ~~applicants for and clients of the~~ persons seeking or receiving services from a community mental health or addiction services provider. 74435  
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**Sec. ~~5119.612~~ 5119.37.** (A) In lieu of a determination by the director of ~~mental health~~ mental health and addiction services of whether the services of a community mental health ~~agency~~ services provider or a community addiction services provider satisfy the standards for certification under section ~~5119.611~~ 5119.36 of the Revised Code, the director shall accept appropriate accreditation of an applicant's mental health services, alcohol and drug addiction services, integrated mental health and alcohol and other 74447  
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drug addiction services, ~~or~~ integrated mental health and physical health services, or integrated alcohol and other drug addiction and physical health services being provided in this state from any of the following national accrediting organizations as evidence that the applicant satisfies the standards for certification:

- (1) The joint commission;
- (2) The commission on accreditation of rehabilitation facilities;
- (3) The council on accreditation.

(B) If the director determines that an applicant's accreditation is current, is appropriate for the services for which the applicant is seeking certification, and the applicant meets any other requirements established under this section or in rules adopted under this section, the director shall certify the applicant's services that are accredited. Except as provided in division (C)(2) of this section, the director shall issue the certification without further evaluation of the services.

(C) For purposes of this section, all of the following apply:

- (1) The director may review the accrediting organizations listed in division (A) of this section to evaluate whether the accreditation standards and processes used by the organizations are consistent with service delivery models the director considers appropriate for mental health services, alcohol or other drug addiction services, physical health services, or both. The director may communicate to an accrediting organization any identified concerns, trends, needs, and recommendations.
- (2) The director may ~~visit~~ conduct an on-site review or otherwise evaluate a community mental health ~~agency~~ services provider or a community addiction services provider at any time based on cause, including complaints made by or on behalf of

~~consumers~~ persons receiving services and confirmed or alleged 74485  
deficiencies brought to the attention of the director. 74486

(3) The director shall require a community mental health 74487  
~~agency services provider and a community addiction services~~ 74488  
provider to notify the director not later than ten days after any 74489  
change in the ~~agency's~~ provider's accreditation status. The ~~agency~~ 74490  
provider may notify the director by providing a copy of the 74491  
relevant document the ~~agency~~ provider received from the 74492  
accrediting organization. 74493

(4) The director shall require a community mental health 74494  
~~agency services provider and a community addiction services~~ 74495  
provider to submit to the director reports of major unusual 74496  
incidents. 74497

(5) The director may require a community mental health ~~agency~~ 74498  
services provider or a community addiction services provider to 74499  
submit to the director cost reports pertaining to the ~~agency~~ 74500  
provider. 74501

(D) The director shall adopt rules in accordance with Chapter 74502  
119. of the Revised Code to implement this section. In adopting 74503  
the rules, the director shall do all of the following: 74504

(1) Specify the documentation that must be submitted as 74505  
evidence of holding appropriate accreditation; 74506

(2) Establish a process by which the director may review the 74507  
accreditation standards and processes used by the national 74508  
accrediting organizations listed in division (A) of this section; 74509

(3) Specify the circumstances under which reports of major 74510  
unusual incidents and ~~agency~~ provider cost reports must be 74511  
submitted to the director; 74512

(4) Specify the circumstances under which the director may 74513  
~~visit~~ conduct an on-site review or otherwise evaluate a community 74514

mental health ~~agency~~ services provider and a community addiction 74515  
services provider for cause; 74516

(5) Establish a process by which the director, based on 74517  
deficiencies identified as a result of ~~visiting~~ conducting an 74518  
on-site review or evaluating a community mental health ~~agency~~ 74519  
services provider or a community addiction services provider under 74520  
division (C)(2) of this section, may take any of a range of 74521  
corrective actions, with the most stringent being revocation of 74522  
the certification of the ~~agency's~~ provider's services. 74523

**Sec. ~~3793.10~~ 5119.38.** A drivers' intervention program may be 74524  
used as an alternative to a term of imprisonment for an offender 74525  
sentenced pursuant to division (G)(1)(a) of section 4511.19 of the 74526  
Revised Code, if it is certified by the director of ~~alcohol and~~ 74527  
~~drug addiction services~~ mental health and addiction services 74528  
pursuant to this section. No drivers' intervention program shall 74529  
be used as an alternative to a term of imprisonment that is 74530  
imposed pursuant to division (G)(1)(b), (c), (d), or (e) of 74531  
section 4511.19 of the Revised Code. 74532

To qualify for certification by the director and to receive 74533  
funds from the statewide treatment and prevention fund created by 74534  
section 4301.30 of the Revised Code in any amounts and at any 74535  
times that the director determines are appropriate, a drivers' 74536  
intervention program shall meet state minimum standards that the 74537  
director shall establish by rule. The rules shall include, but are 74538  
not limited to, standards governing program course hours and 74539  
content, qualifications of program personnel, methods of 74540  
identifying and testing participants to isolate participants with 74541  
alcohol and drug abuse problems, referral of such persons to 74542  
~~alcohol and drug~~ community addiction programs services providers, 74543  
the prompt notification of courts by program operators of the 74544  
completion of the programs by persons required by courts to attend 74545



them, and record keeping, including methods of tracking 74546  
participants for a reasonable time after they have left the 74547  
program. 74548

The director shall issue a certificate to any qualified 74549  
drivers' intervention program. The certificate is valid for three 74550  
years. 74551

**Sec. ~~3793.11~~ 5119.39.** (A) No ~~alcohol and drug~~ community 74552  
addiction ~~program~~ services provider shall employ methadone 74553  
treatment or prescribe, dispense, or administer methadone unless 74554  
the program is licensed under this section. No ~~alcohol and drug~~ 74555  
community addiction ~~program~~ services provider licensed under this 74556  
section shall maintain methadone treatment in a manner 74557  
inconsistent with this section and the rules adopted under it. 74558

(B) ~~An alcohol and drug~~ A community addiction ~~program~~ 74559  
services provider may apply to the department of ~~alcohol and drug~~ 74560  
~~addiction services~~ mental health and addiction services for a 74561  
license to maintain methadone treatment. The department shall 74562  
review all applications received. 74563

(C) The department may issue a license to maintain methadone 74564  
treatment to ~~an alcohol and drug~~ community addiction ~~program~~ 74565  
services provider only if all of the following apply: 74566

(1) The ~~program~~ provider is operated by a private, nonprofit 74567  
organization or by a government entity; 74568

(2) For at least two years immediately preceding the date of 74569  
application, the ~~program~~ provider has been fully certified under 74570  
section ~~3793.06~~ 5119.36 of the Revised Code; 74571

(3) The ~~program~~ provider has not been denied a license to 74572  
maintain methadone treatment or had its license withdrawn or 74573  
revoked within the five-year period immediately preceding the date 74574  
of application; 74575

(4) It affirmatively appears to the department that the program provider is adequately staffed and equipped to maintain methadone treatment;

(5) It affirmatively appears to the department that the program provider will maintain methadone treatment in strict compliance with section 3719.61 of the Revised Code, all other laws relating to drug abuse, and the rules adopted by the department;

(6) Except as provided in division (D) of this section, there is no public or private school, licensed child day-care center, or other child-serving agency within a radius of five hundred feet of the location where the program is to maintain methadone treatment.

(D) The department may waive the requirement of division (C)(6) of this section if it receives, from each public or private school, licensed child day-care center, or other child-serving agency that is within the applicable radius of the location where the program is to maintain methadone treatment, a letter of support for the location. The department shall determine whether a letter of support is satisfactory for purposes of waiving the requirement.

(E) A license to maintain methadone treatment shall expire one year from the date of issuance. Licenses may be renewed.

(F) The department shall establish procedures and adopt rules for licensing, inspection, and supervision of ~~alcohol and drug~~ community addiction programs services providers that maintain methadone treatment. The rules shall establish standards for the control, storage, furnishing, use, and dispensing of methadone, prescribe minimum standards for the operation of the methadone treatment component of the ~~program,~~ provider's operations and comply with federal laws and regulations.

All rules adopted under this division shall be adopted in

accordance with Chapter 119. of the Revised Code. All actions 74607  
taken by the department regarding the licensing of ~~programs~~ 74608  
providers to maintain methadone treatment shall be conducted in 74609  
accordance with Chapter 119. of the Revised Code, except as 74610  
provided in division (L) of this section. 74611

(G) The department of ~~alcohol and drug addiction services~~ 74612  
mental health and addiction services shall inspect all ~~alcohol and~~ 74613  
~~drug~~ community addiction programs services providers licensed to 74614  
maintain methadone treatment. Inspections shall be conducted at 74615  
least annually and may be conducted more frequently. No person or 74616  
government entity shall interfere with a state or local government 74617  
official acting on behalf of the department while conducting an 74618  
inspection. 74619

(H) An ~~alcohol and drug~~ community addiction program services 74620  
provider shall not administer or dispense methadone in a tablet, 74621  
powder, or intravenous form. Methadone shall be administered or 74622  
dispensed only in a liquid form intended for ingestion. A ~~program~~ 74623  
services provider shall not administer or dispense methadone to an 74624  
individual for pain or other medical reasons. 74625

(I) As used in this division, "program sponsor" means a 74626  
person who assumes responsibility for the operation and employees 74627  
of the methadone treatment component of an ~~alcohol and drug~~ a 74628  
community addiction program services provider. 74629

~~An alcohol and drug~~ A community addiction program services 74630  
provider shall not employ an individual who receives methadone 74631  
treatment from that ~~program services provider~~. A program shall not 74632  
permit an individual to act as a ~~program provider~~ sponsor, medical 74633  
director, or director of the ~~program provider~~ if the individual is 74634  
receiving methadone treatment from any ~~alcohol and drug~~ community 74635  
addiction ~~program services provider~~. 74636

(J) The department may issue orders to assure compliance with 74637

section 3719.61 of the Revised Code, all other laws relating to 74638  
drug abuse, and the rules adopted under this section. Subject to 74639  
section ~~3793.13~~ 5119.27 of the Revised Code, the department may 74640  
hold hearings, require the production of relevant matter, compel 74641  
testimony, issue subpoenas, and make adjudications. Upon failure 74642  
of a person without lawful excuse to obey a subpoena or to produce 74643  
relevant matter, the department may apply to a court of common 74644  
pleas for an order compelling compliance. 74645

(K) The department may refuse to issue, or may withdraw or 74646  
revoke, a license to maintain methadone treatment. A license may 74647  
be refused if ~~an alcohol and drug~~ a community addiction ~~program~~ 74648  
services provider does not meet the requirements of division (C) 74649  
of this section. A license may be withdrawn at any time the 74650  
department determines that the program no longer meets the 74651  
requirements for receiving the license. A license may be revoked 74652  
in accordance with division (L) of this section. 74653

In the case of a license issued prior to ~~the effective date~~ 74654  
~~of this amendment~~ December 20, 2012, the department shall not 74655  
consider the requirement of division (C)(6) of this section in 74656  
determining whether to renew, withdraw, or revoke the license. 74657

(L) If the department of ~~alcohol and drug addiction services~~ 74658  
mental health and addiction services finds reasonable cause to 74659  
believe that ~~an alcohol and drug~~ a community addiction ~~program~~ 74660  
services provider licensed under this section is in violation of 74661  
any provision of section 3719.61 of the Revised Code, or of any 74662  
other state or federal law or rule relating to drug abuse, the 74663  
department may issue an order immediately revoking the license, 74664  
subject to division (M) of this section. The department shall set 74665  
a date not more than fifteen days later than the date of the order 74666  
of revocation for a hearing on the continuation or cancellation of 74667  
the revocation. For good cause, the department may continue the 74668  
hearing on application of any interested party. In conducting 74669

hearings, the department has all the authority and power set forth 74670  
in division (J) of this section. Following the hearing, the 74671  
department shall either confirm or cancel the revocation. The 74672  
hearing shall be conducted in accordance with Chapter 119. of the 74673  
Revised Code, except that the ~~program~~ provider shall not be 74674  
permitted to maintain methadone treatment pending the hearing or 74675  
pending any appeal from an adjudication made as a result of the 74676  
hearing. Notwithstanding any provision of Chapter 119. of the 74677  
Revised Code to the contrary, a court shall not stay or suspend 74678  
any order of revocation issued by the director under this division 74679  
pending judicial appeal. 74680

(M) The department shall not revoke a license to maintain 74681  
methadone treatment unless all ~~clients~~ services recipients 74682  
receiving methadone treatment from the ~~alcohol and drug~~ community 74683  
addiction ~~program~~ services provider are provided adequate 74684  
substitute treatment. For purposes of this division, the 74685  
department may transfer the ~~clients~~ services recipients to other 74686  
programs licensed to maintain methadone treatment or replace any 74687  
or all of the administrators and staff of the ~~program~~ provider 74688  
with representatives of the department who shall continue on a 74689  
provisional basis the methadone treatment component of the 74690  
program. 74691

(N) Each time the department receives an application from ~~an~~ 74692  
~~alcohol and drug~~ a community addiction ~~program~~ services provider 74693  
for a license to maintain methadone treatment, issues or refuses 74694  
to issue a license, or withdraws or revokes a license, the 74695  
department shall notify the board of alcohol, drug addiction, and 74696  
mental health services of each alcohol, drug addiction, and mental 74697  
health service district in which the ~~program is operated~~ provider 74698  
operates. 74699

(O) Whenever it appears to the department from files, upon 74700  
complaint, or otherwise, that ~~an alcohol and drug~~ a community 74701

addiction ~~program~~ services provider has engaged in any practice 74702  
declared to be illegal or prohibited by section 3719.61 of the 74703  
Revised Code, or any other state or federal laws or regulations 74704  
relating to drug abuse, or when the department believes it to be 74705  
in the best interest of the public and necessary for the 74706  
protection of the citizens of the state, the department may 74707  
request criminal proceedings by laying before the prosecuting 74708  
attorney of the proper county any evidence of criminality which 74709  
may come to its knowledge. 74710

(P) The department shall maintain a current list of ~~alcohol~~ 74711  
~~and drug~~ community addiction programs services providers licensed 74712  
by the department under this section and shall provide a copy of 74713  
the current list to a judge of a court of common pleas who 74714  
requests a copy for the use of the judge under division (H) of 74715  
section 2925.03 of the Revised Code. The list of licensed ~~alcohol~~ 74716  
~~and drug~~ community addiction programs services providers shall 74717  
identify each licensed ~~program~~ provider by its name, its address, 74718  
and the county in which it is located. 74719

**Sec. ~~5119.061~~ 5119.40.** (A) As used in this section, "mentally 74720  
ill individual" and "specialized services" have the same meanings 74721  
as in section ~~5111.202~~ 5165.03 of the Revised Code. 74722

(B)(1) Except as provided in division (B)(2) of this section 74723  
and rules adopted under division (E)(3) of this section, for 74724  
purposes of section ~~5111.202~~ 5165.03 of the Revised Code, the 74725  
department of ~~mental health~~ mental health and addiction services 74726  
shall determine in accordance with ~~section 1919(e)(7)~~ of the 74727  
"Social Security Act," ~~49 Stat. 620 (1935)~~ section 1919(e)(7), 42 74728  
U.S.C.A. ~~301~~ 1396r(e)(7), ~~as amended~~, and regulations adopted 74729  
under section 1919(f)(8)(A) of that act, 42 U.S.C. 1396r(f)(8)(A), 74730  
whether, because of the individual's physical and mental 74731  
condition, a mentally ill individual seeking admission to a 74732

nursing facility requires the level of services provided by a 74733  
nursing facility and, if the individual requires that level of 74734  
services, whether the individual requires specialized services for 74735  
mental illness. The determination required by this division shall 74736  
be based on an independent physical and mental evaluation 74737  
performed by a person or entity other than the department. 74738

(2) A Except as provided in division (B)(3) of this section, 74739  
a determination under ~~this~~ division (B)(1) of this section is not 74740  
required for any of the following: 74741

(a) An individual seeking readmission to a nursing facility 74742  
after having been transferred from a nursing facility to a 74743  
hospital for care; 74744

(b) An individual who meets all of the following conditions: 74745

(i) The individual is admitted to the nursing facility 74746  
directly from a hospital after receiving inpatient care at the 74747  
hospital; 74748

(ii) The individual requires nursing facility services for 74749  
the condition for which care in the hospital was received; 74750

(iii) The individual's attending physician has certified, 74751  
before admission to the nursing facility, that the individual is 74752  
likely to require less than thirty days of nursing facility 74753  
services. 74754

(c) An individual transferred from one nursing facility to 74755  
another nursing facility, with or without an intervening hospital 74756  
stay. 74757

(3) A determination under division (B)(1) of this section is 74758  
required for an individual described in division (B)(2)(a) or (b) 74759  
of this section if the hospital from which the individual is 74760  
transferred or directly admitted to a nursing facility is either 74761  
of the following: 74762

(a) A hospital that the department maintains, operates, manages, and governs under section 5119.14 of the Revised Code for the care and treatment of mentally ill persons; 74763  
74764  
74765

(b) A free-standing hospital, or unit of a hospital, licensed by the department under section 5119.33 of the Revised Code. 74766  
74767

(C) Except as provided in rules adopted under division 74768  
~~(F)~~(E)(3) of this section, the department of ~~mental health~~ mental 74769  
health and addiction services shall review and determine for each 74770  
resident of a nursing facility who is mentally ill, whether the 74771  
resident, because of the resident's physical and mental condition, 74772  
requires the level of services provided by a nursing facility and 74773  
whether the resident requires specialized services for mental 74774  
illness. The review and determination shall be conducted in 74775  
accordance with section 1919(e)(7) of the "Social Security Act" 74776  
and the regulations adopted under section 1919(f)(8)(A) of the act 74777  
and based on an independent physical and mental evaluation 74778  
performed by a person or entity other than the department. The 74779  
review and determination shall be completed promptly after a 74780  
nursing facility has notified the department that there has been a 74781  
significant change in the resident's mental or physical condition. 74782

(D)(1) In the case of a nursing facility resident who has 74783  
continuously resided in a nursing facility for at least thirty 74784  
months before the date of a review and determination under 74785  
division (C) of this section, if the resident is determined not to 74786  
require the level of services provided by a nursing facility, but 74787  
is determined to require specialized services for mental illness, 74788  
the department, in consultation with the resident's family or 74789  
legal representative and care givers, shall do all of the 74790  
following: 74791

(a) Inform the resident of the institutional and 74792  
noninstitutional alternatives covered under the state plan for 74793  
medical assistance; 74794



(b) Offer the resident the choice of remaining in the nursing facility or receiving covered services in an alternative institutional or noninstitutional setting;

(c) Clarify the effect on eligibility for services under the state plan for medical assistance if the resident chooses to leave the facility, including its effect on readmission to the facility;

(d) Provide for or arrange for the provision of specialized services for the resident's mental illness in the setting chosen by the resident.

(2) In the case of a nursing facility resident who has continuously resided in a nursing facility for less than thirty months before the date of the review and determination under division (C) of this section, if the resident is determined not to require the level of services provided by a nursing facility, but is determined to require specialized services for mental illness, or if the resident is determined to require neither the level of services provided by a nursing facility nor specialized services for mental illness, the department shall act in accordance with its alternative disposition plan approved by the United States department of health and human services under section 1919(e)(7)(E) of the "Social Security Act."

(3) In the case of an individual who is determined under division (B) or (C) of this section to require both the level of services provided by a nursing facility and specialized services for mental illness, the department of ~~mental health~~ mental health and addiction services shall provide or arrange for the provision of the specialized services needed by the individual or resident while residing in a nursing facility.

(E) The department of ~~mental health~~ mental health and addiction services shall adopt rules in accordance with Chapter 119. of the Revised Code that do all of the following:

(1) Establish criteria to be used in making the 74826  
determinations required by divisions (B) and (C) of this section. 74827  
The criteria shall not exceed the criteria established by 74828  
regulations adopted by the United States department of health and 74829  
human services under section 1919(f)(8)(A) of the "Social Security 74830  
Act." 74831

(2) Specify information to be provided by the individual or 74832  
nursing facility resident being assessed; 74833

(3) Specify any circumstances, in addition to circumstances 74834  
listed in division (B) of this section, under which determinations 74835  
under divisions (B) and (C) of this section are not required to be 74836  
made. 74837

**Sec. ~~5119.69~~ 5119.41.** (A) As used in this section and section 74838  
~~5119.691~~ 5119.411 of the Revised Code: 74839

(1) ~~"Long term care consultation program" means the program~~ 74840  
~~the department of aging is required to develop under section~~ 74841  
~~173.42 of the Revised Code.~~ 74842

~~(2) "Long term care consultation program administrator" or~~ 74843  
~~"administrator" means the department of aging or, if the~~ 74844  
~~department contracts with an area agency on aging or other entity~~ 74845  
~~to administer the long term care consultation program for a~~ 74846  
~~particular area, that agency or entity.~~ 74847

~~(3)~~ "Nursing facility" has the same meaning as in section 74848  
~~5111.20~~ 5165.01 of the Revised Code. 74849

~~(4)~~(2) "Residential state supplement administrative agency" 74850  
means the department of ~~mental health~~ mental health and addiction 74851  
services or, if the department designates an entity under division 74852  
(C) of this section for a particular area, the designated entity. 74853

~~(5)~~(3) "Residential state supplement program" means the 74854  
program administered pursuant to this section. 74855

(B) The department of ~~mental health~~ mental health and 74856  
addiction services shall implement the residential state 74857  
supplement program under which the state supplements the 74858  
supplemental security income payments received by aged, blind, or 74859  
disabled adults under Title XVI of the "Social Security Act," ~~49~~ 74860  
~~Stat. 620 (1935)~~, 42 U.S.C.A., ~~as amended~~ 1381 et seq. Residential 74861  
state supplement payments shall be used for the provision of 74862  
accommodations, supervision, and personal care services to social 74863  
security, supplemental security income, and social security 74864  
disability insurance recipients who the department determines are 74865  
at risk of needing institutional care. 74866

(C) In implementing the program, the department may designate 74867  
one or more entities to be responsible for providing 74868  
administrative services regarding the program. The department may 74869  
designate an entity to be a residential state supplement 74870  
administrative agency under this division either by entering into 74871  
a contract with the entity to serve in that capacity or by 74872  
otherwise delegating to the entity the responsibility to serve in 74873  
that capacity. 74874

(D) For an individual to be eligible for residential state 74875  
supplement payments, all of the following must be the case: 74876

(1) Except as provided by division (H) of this section, the 74877  
individual must reside in one of the following: 74878

(a) A ~~home or~~ residential care facility, ~~other than a nursing~~ 74879  
~~home or nursing home unit of a home for the aging~~, licensed by the 74880  
department of health under Chapter 3721. of the Revised Code or an 74881  
assisted living program as defined in section 5111.89 of the 74882  
Revised Code; 74883

(b) A residential facility as defined in division (A)(9)(b) 74884  
of section ~~5119.22~~ 5119.34 of the Revised Code licensed by the 74885  
department of ~~mental health~~ mental health and addiction services; 74886

(c) An apartment or room used to provide community mental health housing services certified by the department of ~~mental health~~ mental health and addiction services under section ~~5119.611~~ 5119.36 of the Revised Code and approved by a board of alcohol, drug addiction, and mental health services under division (A)(14) of section 340.03 of the Revised Code.

(2) A residential state supplement administrative agency must have determined that the environment in which the individual will be living while receiving the payments is appropriate for the individual's needs. If the individual is eligible for social security payments, supplemental security income payments, or social security disability insurance benefits because of a mental disability, the residential state supplement administrative agency shall refer the individual to a community mental health ~~agency~~ services provider for an assessment under division (A) of section 340.091 of the Revised Code.

(3) The individual satisfies all eligibility requirements established by rules adopted under division (E) of this section.

(E) The ~~directors~~ director of ~~mental health~~ mental health and addiction services and ~~job and family services~~ medicaid director shall adopt rules in accordance with section 111.15 of the Revised Code as necessary to implement the residential state supplement program.

To the extent permitted by Title XVI of the "Social Security Act," and any other provision of federal law, the medicaid ~~director of job and family services~~ may adopt rules establishing standards for adjusting the eligibility requirements concerning the level of impairment a person must have so that the amount appropriated for the program by the general assembly is adequate for the number of eligible individuals. The rules shall not limit the eligibility of disabled persons solely on a basis classifying disabilities as physical or mental. The medicaid ~~director of job~~

~~and family services~~ also may adopt rules that establish 74919  
eligibility standards for aged, blind, or disabled individuals who 74920  
reside in one of the homes or facilities specified in division 74921  
(D)(1) of this section but who, because of their income, do not 74922  
receive supplemental security income payments. The rules may 74923  
provide that these individuals may include individuals who receive 74924  
other types of benefits, including, social security payments or 74925  
social security disability insurance benefits provided under Title 74926  
II of the "Social Security Act," ~~49 Stat. 620 (1935)~~, 42 U.S.C.A. 74927  
401, ~~as amended et seq.~~ Notwithstanding division (B) of this 74928  
section, such payments may be made if funds are available for 74929  
them. 74930

The director of ~~mental health~~ mental health and addiction 74931  
services may adopt rules establishing the method to be used to 74932  
determine the amount an eligible individual will receive under the 74933  
program. The amount the general assembly appropriates for the 74934  
program may be a factor included in the method that director 74935  
establishes. 74936

(F) The county department of job and family services of the 74937  
county in which an applicant for the residential state supplement 74938  
program resides shall determine whether the applicant meets income 74939  
and resource requirements for the program. 74940

(G) The department of ~~mental health~~ mental health and 74941  
addiction services shall maintain a waiting list of any 74942  
individuals eligible for payments under this section but not 74943  
receiving them because moneys appropriated to the department for 74944  
the purposes of this section are insufficient to make payments to 74945  
all eligible individuals. An individual may apply to be placed on 74946  
the waiting list even though the individual does not reside in one 74947  
of the homes or facilities specified in division (D)(1) of this 74948  
section at the time of application. The director of ~~mental health~~ 74949  
mental health and addiction services, by rules adopted in 74950

accordance with Chapter 119. of the Revised Code, may specify 74951  
procedures and requirements for placing an individual on the 74952  
waiting list and priorities for the order in which individuals 74953  
placed on the waiting list are to begin to receive residential 74954  
state supplement payments. The rules specifying priorities may 74955  
give priority to individuals placed on the waiting list on or 74956  
after July 1, 2006, who receive social security payments, social 74957  
security disability insurance, or supplemental security income 74958  
benefits under Title XVI of the "Social Security Act," ~~86 Stat.~~ 74959  
~~1475 (1972)~~, 42 U.S.C. 1381, ~~as amended~~ et seq. The rules shall 74960  
not affect the place on the waiting list of any person who was on 74961  
the list on July 1, 2006. The rules specifying priorities may also 74962  
set additional priorities based on living arrangement, such as 74963  
whether an individual resides in a facility listed in division 74964  
(D)(1) of this section or has been admitted to a nursing facility. 74965

(H) An individual in a licensed or certified living 74966  
arrangement receiving state supplementation on November 15, 1990, 74967  
under former section 5101.531 of the Revised Code shall not become 74968  
ineligible for payments under this section solely by reason of the 74969  
individual's living arrangement as long as the individual remains 74970  
in the living arrangement in which the individual resided on 74971  
November 15, 1990. 74972

(I) The ~~department of mental health~~ county department of job 74973  
and family services from which the person is receiving benefits 74974  
shall notify each person denied approval for payments under this 74975  
section of the person's right to a hearing. On request, the 74976  
hearing shall be provided in accordance with Chapter 119. of the 74977  
Revised Code. 74978

**Sec. ~~5119.691~~ 5119.411.** On a periodic schedule determined by 74979  
the department of ~~mental health~~ mental health and addiction 74980  
services, each residential state supplement administrative agency 74981

shall determine whether individuals who reside in the area that 74982  
the agency serves and are on a waiting list for the residential 74983  
state supplement program have been admitted to a nursing facility. 74984  
~~if~~ The department shall have a process in place to ensure that if 74985  
a residential state supplement administrative agency determines 74986  
that such an individual has been admitted to a nursing facility, 74987  
~~the agency shall notify the long term care consultation program~~ 74988  
~~administrator serving the area in which the individual resides~~ 74989  
~~about the determination. The administrator shall determine there~~ 74990  
~~shall be a determination~~ whether the residential state supplement 74991  
program is appropriate for the individual and whether the 74992  
individual would rather participate in the program than continue 74993  
residing in the nursing facility. ~~If the administrator determines~~ 74994  
~~it is determined~~ that the residential state supplement program is 74995  
appropriate for the individual and the individual would rather 74996  
participate in the program than continue residing in the nursing 74997  
facility, ~~the administrator shall so notify the department of~~ 74998  
~~mental health. On receipt of the notice from the administrator,~~ 74999  
~~the department of mental health~~ mental health and addiction 75000  
services shall approve the individual's enrollment in the 75001  
residential state supplement program in accordance with the 75002  
priorities specified in rules adopted under division (G) of 75003  
section ~~5119.69~~ 5119.41 of the Revised Code. Each quarter in which 75004  
a waiting list is in place, the department of ~~mental health~~ mental 75005  
health and addiction services shall certify to the director of 75006  
budget and management the estimated increase in costs of the 75007  
residential state supplement program resulting from enrollment of 75008  
individuals in the program pursuant to this section. 75009

**Sec. ~~5119.63~~ 5119.42.** (A) As used in this section, "private, 75010  
nonprofit organization" means a private association, organization, 75011  
corporation, or other entity that is tax exempt under section 75012  
501(a) and described in section 501(c) of the "Internal Revenue 75013

Code of 1986," 100 Stat. 2085, 26 U.S.C. 501. 75014

(B) To the extent funds are available and on application by 75015  
boards of alcohol, drug addiction, and mental health services, the 75016  
director of ~~mental health~~ mental health and addiction services may 75017  
approve state reimbursement of, or state grants for, community 75018  
~~mental health~~ construction programs including residential housing 75019  
for severely mentally disabled persons and persons with substance 75020  
use disorders. The director may also approve an application for 75021  
reimbursement or a grant for such programs submitted by other 75022  
governmental entities or by private, nonprofit organizations, 75023  
after the application has been reviewed and recommended for 75024  
approval or disapproval by the board of alcohol, drug addiction, 75025  
and mental health services for the district from which the 75026  
application came, and the application is consistent with the plan 75027  
submitted by the board under division (A) of section 340.03 of the 75028  
Revised Code and the budget and statement of services submitted by 75029  
the board under divisions (A) and (B) of section 340.08 of the 75030  
Revised Code. 75031

(C)(1) The director of ~~mental health~~ mental health and 75032  
addiction services shall adopt rules in accordance with Chapter 75033  
119. of the Revised Code that specify procedures for applying for 75034  
state reimbursement of and state grants for community construction 75035  
programs, including residential housing for severely mentally 75036  
disabled persons and persons with substance use disorders and 75037  
procedures and criteria for approval of such reimbursement and 75038  
grants. 75039

(2) The director of ~~mental health~~ mental health and addiction 75040  
services shall not approve state reimbursement or a state grant 75041  
unless all of the following conditions are met: 75042

(a) The applicant includes with the application a plan 75043  
specifying the services, in addition to housing, that will be 75044  
provided to persons who will reside in the residential housing. 75045



Services specified may include any of the services ~~listed~~ 75046  
described in section 340.09 of the Revised Code. 75047

(b) The director is satisfied that the residential housing 75048  
for severely mentally disabled persons will be developed to 75049  
promote the maximum practical integration of severely mentally 75050  
disabled persons with persons at the same site who are not 75051  
severely mentally disabled. 75052

(c) The use of any funds distributed pursuant to the 75053  
reimbursement or grant will not subject any obligation from which 75054  
the funds are derived to federal income taxation. 75055

(3) The director may enter into an agreement establishing 75056  
terms for any reimbursement or grant approved under this division 75057  
with the organization, board, or other government entity that is 75058  
the recipient of the reimbursement or grant. Any such agreement is 75059  
subject to any covenant or agreement pertaining to any obligation 75060  
issued to provide funds for the reimbursement or grant. 75061

**Sec. ~~5119.631~~ 5119.421.** (A) This section applies to a board 75062  
of alcohol, drug addiction, and mental health services, another 75063  
governmental entity, or a private, nonprofit organization that 75064  
received a grant or reimbursement under section ~~5119.63~~ 5119.42 of 75065  
the Revised Code for a facility on which the department of ~~mental~~ 75066  
~~health~~ mental health and addiction services holds a security 75067  
interest. 75068

(B) A board of alcohol, drug addiction, and mental health 75069  
services, another governmental entity, or a private, nonprofit 75070  
organization to which this section applies may apply to the 75071  
director of ~~mental health~~ mental health and addiction services for 75072  
approval to sell its facility and acquire, construct, or renovate 75073  
a replacement facility pursuant to this section. The director 75074  
shall prescribe the form of the application. Before submitting an 75075  
application to the director, a governmental entity or private, 75076

nonprofit organization must obtain approval of the application 75077  
from the board of alcohol, drug addiction, and mental health 75078  
services with jurisdiction over the service district in which the 75079  
existing facility is located. The director shall approve an 75080  
application for a replacement project upon determining that the 75081  
project provides for the continuation of appropriate mental health 75082  
and addiction services to the population served by the board, 75083  
entity, or organization. 75084

(C) A board, entity, or organization that obtains approval 75085  
for a project under division (B) of this section shall pay the 75086  
proceeds of the sale of its facility to the director of ~~mental~~ 75087  
~~health~~ mental health and addiction services. The director shall 75088  
deposit the proceeds to the credit of the community capital 75089  
replacement facilities fund. 75090

(D) When a board, entity, or organization that has sold its 75091  
facility notifies the director of ~~mental health~~ mental health and 75092  
addiction services that it is ready to acquire, construct, or 75093  
renovate a replacement facility, the director shall do one of the 75094  
following: 75095

(1) If the replacement facility is located in the same 75096  
alcohol, drug addiction, and mental health service district as the 75097  
original facility, and if the purposes for which the replacement 75098  
facility will be used are the same as or similar to those for the 75099  
original facility, the director shall pay to the board, entity, or 75100  
organization from the community capital replacement facilities 75101  
fund an amount equal to the lesser of an amount equal to the 75102  
proceeds of the sale of the original facility or the amount of the 75103  
state's agreed-upon participation (as a per cent of the total 75104  
cost) in the cost of the replacement facility. If the amount of 75105  
the state's agreed-upon participation in the cost of the 75106  
replacement facility is less than the value of the state's 75107  
security interest in the original facility, the difference between 75108

the state's agreed-upon participation in the cost of the 75109  
replacement facility and the value of the state's security 75110  
interest in the original facility shall be retained in the 75111  
community capital replacement facilities fund, and any excess 75112  
proceeds shall be paid to the board, entity, or organization. 75113

(2) If the replacement facility is located in a different 75114  
alcohol, drug addiction, and mental health service district than 75115  
the original facility, or if the purposes for which the 75116  
replacement facility will be used are not the same as or similar 75117  
to those for the original facility, the director shall request 75118  
controlling board approval for release of funds for the project. 75119  
If the controlling board so approves, the director shall pay to 75120  
the board, entity, or organization from the community capital 75121  
replacement facilities fund the lesser of an amount equal to the 75122  
proceeds of the sale of the original facility or the amount of the 75123  
state's agreed-upon participation (as a per cent of the total 75124  
cost) in the cost of the replacement facility. ~~if~~ If the amount of 75125  
the state's agreed-upon participation in the cost of the 75126  
replacement facility is less than the value of the state's 75127  
security interest in the original facility, the difference between 75128  
the state's agreed-upon participation in the cost of the 75129  
replacement facility and the value of the state's security 75130  
interest in the original facility shall be retained in the 75131  
community capital replacement facilities fund, and any excess 75132  
proceeds shall be paid to the board, entity, or organization. 75133

(E) The director of ~~mental health~~ mental health and addiction 75134  
services and a board, entity, or organization shall enter into an 75135  
agreement specifying the terms of any payment made to the board, 75136  
entity, or organization under division (D) of this section. The 75137  
terms may include provision for the department of ~~mental health~~ 75138  
mental health and addiction services to hold a security interest 75139  
in the facility. 75140

(F)(1) When approving an application under division (B) of this section, the director of ~~mental health~~ mental health and addiction services shall establish a deadline by which the board, entity, or organization must notify the director that it is ready to acquire, construct, or renovate a replacement facility. If the board, entity, or organization does not notify the director on or before the deadline, the director may cancel the project. Upon canceling the project, the director shall pay to the board, entity, or organization from the community capital replacement facilities fund an amount equal to the portion of the proceeds of the sale of the original facility that exceeds the value of the state's security interest in the facility.

(2) Notwithstanding the deadline established under division (F)(1) of this section, if at any time a board, entity, or organization notifies the director that it does not intend to acquire, construct, or renovate a replacement facility under this section, the director shall cancel the replacement project and pay to the board, entity, or organization from the community capital replacement facilities fund an amount equal to the portion of the proceeds of the sale of the original facility that exceeds the value of the state's security interest in the facility.

(G) If a replacement project is canceled after the sale of the original facility, the director of ~~mental health~~ mental health and addiction services shall use funds equal to the value of the state's security interest in the original facility for additional grants or reimbursements under section ~~5119.63~~ 5119.42 of the Revised Code. The director shall obtain the approval of the controlling board before releasing the additional grants or reimbursements.

(H) The community capital replacement facilities fund is hereby created in the state treasury. The director of ~~mental health~~ mental health and addiction services shall use the fund for

the purposes of this section. 75173

**Sec. ~~5119.16~~ 5119.44.** As used in this section, "free clinic" 75174  
has the same meaning as in section 2305.2341 of the Revised Code. 75175

(A) The department of ~~mental health~~ mental health and 75176  
addiction services may provide certain goods and services for the 75177  
department of ~~mental health~~ mental health and addiction services, 75178  
the department of developmental disabilities, the department of 75179  
rehabilitation and correction, the department of youth services, 75180  
and other state, county, or municipal agencies requesting such 75181  
goods and services when the department of ~~mental health~~ mental 75182  
health and addiction services determines that it is in the public 75183  
interest, and considers it advisable, to provide these goods and 75184  
services. The department of ~~mental health~~ mental health and 75185  
addiction services also may provide goods and services to agencies 75186  
operated by the United States government and to public or private 75187  
nonprofit agencies, other than free clinics, that are funded in 75188  
whole or in part by the state if the public or private nonprofit 75189  
agencies are designated for participation in this program by the 75190  
director of ~~mental health~~ mental health and addiction services for 75191  
community addiction services providers and community mental health 75192  
~~agencies~~ services providers, the director of developmental 75193  
disabilities for community mental retardation and developmental 75194  
disabilities agencies, the director of rehabilitation and 75195  
correction for community rehabilitation and correction agencies, 75196  
or the director of youth services for community youth services 75197  
agencies. 75198

Designated community agencies or services providers shall 75199  
receive goods and services through the department of ~~mental health~~ 75200  
mental health and addiction services only in those cases where the 75201  
designating state agency certifies that providing such goods and 75202  
services to the agency or services provider will conserve public 75203

resources to the benefit of the public and where the provision of 75204  
such goods and services is considered feasible by the department 75205  
of ~~mental health~~ mental health and addiction services. 75206

(B) The department of ~~mental health~~ mental health and 75207  
addiction services may permit free clinics to purchase certain 75208  
goods and services to the extent the purchases fall within the 75209  
exemption to the Robinson-Patman Act, 15 U.S.C. 13 et seq., 75210  
applicable to nonprofit institutions, in 15 U.S.C. 13c, as 75211  
amended. 75212

(C) The goods and services that may be provided by the 75213  
department of ~~mental health~~ mental health and addiction services 75214  
under divisions (A) and (B) of this section may include: 75215

(1) Procurement, storage, processing, and distribution of 75216  
food and professional consultation on food operations; 75217

(2) Procurement, storage, and distribution of medical and 75218  
laboratory supplies, dental supplies, medical records, forms, 75219  
optical supplies, and sundries, subject to section 5120.135 of the 75220  
Revised Code; 75221

(3) Procurement, storage, repackaging, distribution, and 75222  
dispensing of drugs, the provision of professional pharmacy 75223  
consultation, and drug information services; 75224

(4) Other goods and services. 75225

(D) The department of ~~mental health~~ mental health and 75226  
addiction services may provide the goods and services designated 75227  
in division (C) of this section to its institutions and to 75228  
state-operated community-based mental health or addiction services 75229  
providers. 75230

(E) After consultation with and advice from the director of 75231  
developmental disabilities, the director of rehabilitation and 75232  
correction, and the director of youth services, the department of 75233

~~mental health~~ mental health and addiction services may provide the 75234  
goods and services designated in division (C) of this section to 75235  
the department of developmental disabilities, the department of 75236  
rehabilitation and correction, and the department of youth 75237  
services. 75238

(F) The cost of administration of this section shall be 75239  
determined by the department of ~~mental health~~ mental health and 75240  
addiction services and paid by the agencies, services providers, 75241  
or free clinics receiving the goods and services to the department 75242  
for deposit in the state treasury to the credit of the ~~mental~~ 75243  
~~health~~ office of support services fund, which is hereby created. 75244  
The fund shall be used to pay the cost of administration of this 75245  
section to the department. 75246

(G) Whenever a state agency fails to make a payment for goods 75247  
and services provided under this section within thirty-one days 75248  
after the date the payment was due, the office of budget and 75249  
management may transfer moneys from the state agency to the 75250  
department of ~~mental health~~ mental health and addiction services. 75251  
The amount transferred shall not exceed the amount of overdue 75252  
payments. Prior to making a transfer under this division, the 75253  
office of budget and management shall apply any credits the state 75254  
agency has accumulated in payments for goods and services provided 75255  
under this section. 75256

(H) Purchases of goods and services under this section are 75257  
not subject to section 307.86 of the Revised Code. 75258

**Sec. ~~5119.161~~ 5119.45.** Unless otherwise specifically provided 75259  
by law, all moneys received by the department of ~~mental health~~ 75260  
mental health and addiction services from the sale of goods and 75261  
services, including, but not limited to, shared service agreements 75262  
with other governmental entities and nongovernmental entities, 75263  
employee housing and cafeteria receipts, fees for copying 75264

services, and sales of other tangible personal property under the 75265  
department's control, shall be paid into the state treasury to the 75266  
credit of the sale of goods and services fund, which is hereby 75267  
created. Moneys received by the department pursuant to section 75268  
~~5119.16~~ 5119.44 of the Revised Code shall not be paid into the 75269  
fund. The department shall use the moneys in the fund for paying 75270  
operating expenses of the department. 75271

**Sec. ~~5119.18~~ 5119.46.** There is hereby created in the state 75272  
treasury the department of ~~mental health~~ mental health and 75273  
addiction services trust fund. Not later than the first day of 75274  
September of each year, the director of ~~mental health~~ mental 75275  
health and addiction services shall certify to the director of 75276  
budget and management the amount of all of the unexpended, 75277  
unencumbered balances of general revenue fund appropriations made 75278  
to the department of ~~mental health~~ mental health and addiction 75279  
services for the previous fiscal year, excluding funds 75280  
appropriated for rental payments to the Ohio public facilities 75281  
commission. On receipt of the certification, the director of 75282  
budget and management shall transfer cash to the trust fund in an 75283  
amount up to, but not exceeding, the total of the amounts 75284  
certified by the director of ~~mental health~~ mental health and 75285  
addiction services. 75286

In addition, the trust fund shall receive all amounts, 75287  
subject to any provisions in bond documents, received from the 75288  
sale or lease of lands and facilities by the department. 75289

All moneys in the trust fund shall be used by the department 75290  
of ~~mental health~~ mental health and addiction services to pay for 75291  
expenditures the department incurs in performing any of its duties 75292  
under this chapter. The use of moneys in the trust fund pursuant 75293  
to this section does not represent an ongoing commitment to the 75294  
continuation of the trust fund or to the use of moneys in the 75295



trust fund. 75296

**Sec. ~~3793.032~~ 5119.47.** The director of ~~alcohol and drug~~ 75297  
~~addiction services~~ mental health and addiction services shall 75298  
administer the problem casino gambling and addictions fund. The 75299  
director shall use the money in the fund to support ~~programs that~~ 75300  
~~provide~~ gambling addiction services, alcohol and drug addiction 75301  
~~programs that provide alcohol and drug addiction~~ services, other 75302  
~~programs~~ services that relate to gambling addiction and substance 75303  
abuse, and research that relates to gambling addiction and 75304  
substance abuse. Treatment and prevention services ~~provided under~~ 75305  
~~programs~~ supported by money in the fund under this section shall 75306  
be services that are ~~provided by alcohol and drug addiction~~ 75307  
~~treatment programs~~ certified by the department of ~~alcohol and drug~~ 75308  
~~addiction services~~ or ~~provided by counselors who are certified by~~ 75309  
~~the department~~ mental health and addiction services. Prevention 75310  
~~services provided under programs supported by money in the fund~~ 75311  
~~under this section shall be services that are provided by alcohol~~ 75312  
~~and drug addiction prevention programs certified by the department~~ 75313  
~~of alcohol and drug addiction services.~~ 75314

The director shall prepare an annual report describing the 75315  
use of the fund for these purposes. The director shall submit the 75316  
report to the Ohio casino control commission, the speaker and 75317  
minority leader of the house of representatives, the president and 75318  
minority leader of the senate, the governor, and the joint 75319  
committee on gaming and wagering. 75320

**Sec. ~~3793.22~~ 5119.49.** (A) The director of ~~alcohol and drug~~ 75321  
~~addiction services~~ mental health and addiction services shall 75322  
collaborate with the state board of pharmacy and attorney general 75323  
in the establishment and administration of a drug take-back 75324  
program, as provided under section 4729.69 of the Revised Code. 75325

(B) The department may accept grants, gifts, or donations for 75326  
purposes of the program. Money received under this division shall 75327  
be deposited into the drug take-back program fund established 75328  
under section 109.90 of the Revised Code. 75329

**Sec. ~~5119.34~~ 5119.50.** The director of ~~mental health~~ mental 75330  
health and addiction services may accept, hold, and administer in 75331  
trust on behalf of the state, if it is for the public interest, 75332  
any grant, gift, devise, or bequest of money or property made to 75333  
the state for the use or benefit of any institution described in 75334  
section ~~5119.02~~ 5119.14 of the Revised Code or for the use and 75335  
benefit of mentally ill persons under its control. If the trust so 75336  
provides, the money or property may be used for any work which the 75337  
department of ~~mental health~~ mental health and addiction services 75338  
is authorized to undertake. 75339

The department shall keep such gift, grant, devise, or 75340  
bequest as a distinct property or fund and, if it is in money, 75341  
shall invest it in the manner provided by law. The department may 75342  
deposit in a proper trust company or savings bank any money left 75343  
in trust during a specified life or lives and shall adopt rules 75344  
governing the deposit, transfer, withdrawal, or investment of such 75345  
money and the income thereof. 75346

The department shall, in the manner prescribed by the 75347  
director of budget and management pursuant to section 126.21 of 75348  
the Revised Code, account for all money or property received or 75349  
expended under this section. The records, together with a 75350  
statement certified by the depository showing the funds deposited 75351  
there to the credit of the trust, shall be open to public 75352  
inspection. The director of budget and management may require the 75353  
department to file a report with ~~him~~ the director on any 75354  
particular portion, or the whole, of any trust property received 75355  
or expended by it. 75356

The department shall, upon the expiration of any trust 75357  
according to its terms, dispose of the funds or property held 75358  
thereunder in the manner provided in the instrument creating the 75359  
trust. If the instrument creating the trust failed to make any 75360  
terms of disposition, or if no trust was in evidence, then the 75361  
decedent patient's money, saving or commercial deposits, dividends 75362  
or distributions, bonds, or any other interest-bearing debt 75363  
certificate or stamp issued by the United States government shall 75364  
escheat to the state. All such unclaimed intangible personal 75365  
property of a former patient shall be retained by the managing 75366  
officer in such institution for the period of one year, during 75367  
which time every possible effort shall be made to find such former 75368  
patient or ~~his~~ the former patient's legal representative. 75369

If, after a period of one year from the time the patient has 75370  
left the institution or has died, the managing officer has been 75371  
unable to locate such person or ~~his~~ the person's legal 75372  
representative, then upon proper notice of such fact the director 75373  
shall at that time formulate in writing a method of disposition on 75374  
the minutes of the department authorizing the managing officer to 75375  
convert such intangible personal property to cash to be paid into 75376  
the state treasury to the credit of the general revenue fund. 75377

The department shall include in its annual report a statement 75378  
of all money and property and the terms and conditions relating 75379  
thereto. 75380

**Sec. ~~5119.17~~ 5119.51.** (A) As used in this section, 75381  
"supplemental services" has the same meaning as in section 5815.28 75382  
of the Revised Code. 75383

(B) There is hereby created in the state treasury the 75384  
services fund for individuals with mental illness. On the death of 75385  
the beneficiary of a trust created pursuant to section 5815.28 of 75386  
the Revised Code, the portion of the remaining assets of the trust 75387

specified in the trust instrument shall be deposited to the credit 75388  
of the fund. Money credited to the fund shall be used for 75389  
individuals with mental illness. 75390

Supplemental services may be provided through the department 75391  
or boards of alcohol, drug addiction, and mental health services. 75392  
In accordance with Chapter 119. of the Revised Code, the 75393  
department of ~~mental health~~ mental health and addiction services 75394  
may adopt any rules necessary to implement this section. 75395

**Sec. ~~5119.36~~ 5119.52.** Each managing officer of an institution 75396  
under the jurisdiction of the department of ~~mental health~~ mental 75397  
health and addiction services as described in section ~~5119.02~~ 75398  
5119.14 of the Revised Code, with the approval of the director of 75399  
~~mental health~~ mental health and addiction services, may establish 75400  
local institution funds designated as follows: 75401

(A) Industrial and entertainment fund created and maintained 75403  
for the entertainment and welfare of the patients of the 75404  
institution. The director shall establish rules for the operation 75405  
of the industrial and entertainment fund. 75406

(B) Commissary fund created and maintained for the benefit of 75407  
patients in the institution. Commissary revenue over and above 75408  
operating costs and reserve shall be considered profits. All 75409  
profits from the commissary fund operations shall be paid into the 75410  
industrial and entertainment fund and used only for the 75411  
entertainment and ~~wel-fare~~ welfare of patients. The director shall 75412  
establish rules for the operation of the commissary fund. 75413

**Sec. ~~5119.33~~ 5119.54.** The treasurer of state shall have 75414  
charge of all funds under the jurisdiction of the department of 75415  
~~mental health~~ mental health and addiction services and shall pay 75416  
out the same only in accordance with this chapter. 75417

The department shall cause to be furnished a contract of indemnity to cover all funds received by it or by its managing officers, employees, or agents while the funds are in the possession of such managing officers, employees or agents. Such funds are designated as follows:

(A) Funds which are due and payable to the treasurer of state as provided by Chapter 131. of the Revised Code;

(B) Those funds which are held in trust by the managing officers, employees, or agents of the institution as local funds or accounts under the jurisdiction of the department.

Such contract of indemnity shall be made payable to the state and the premium for such contract of indemnity may be paid from any of the moneys received for the use of the department under this chapter and Chapters 5121. and 5122. of the Revised Code.

Funds collected from various sources, such as the sale of goods, and all miscellaneous articles, shall be transmitted on or before Monday of each week to the treasurer of state and a detailed statement of such collections shall be made to the department.

**Sec. ~~5119.351~~ 5119.55.** The department of ~~mental health~~ mental health and addiction services may pay an amount for personal use to each individual residing in a state institution as described in section ~~5119.02~~ 5119.14 of the Revised Code who would be eligible for supplemental security income benefits at the reduced rate established by Title XVI of the "Social Security Act," ~~49 Stat. 620 (1935),~~ 42 U.S.C.A. ~~1382,~~ 1381 et seq., if the ~~state plan for providing medical assistance under section 5111.01 of the Revised Code included reimbursement of~~ medicaid program covers services provided in such institutions. The amount paid by the department shall not exceed the reduced supplemental security income benefit rate established by Title XVI of the "Social

Security Act." 75449

**Sec. ~~5119.35~~ 5119.56.** Money or property deposited with 75450  
managing officers of institutions under the jurisdiction of the 75451  
department of ~~mental health~~ mental health and addiction services 75452  
by any patient under the department's control or by relatives, 75453  
guardians, conservators, and others for the special benefit of 75454  
such patient, as well as all other funds and all other income paid 75455  
to the patient, ~~his~~ the patient's estate, or on ~~his~~ the patient's 75456  
behalf, or paid to the managing officer or to the institution as 75457  
representative payee or otherwise paid on the patient's behalf, 75458  
shall remain in the hands of such officers in appropriate accounts 75459  
for use accordingly. The managing officer shall keep itemized book 75460  
accounts of the receipt and disposition of such money and 75461  
property, which book shall be open at all times to the inspection 75462  
of the department. The director of ~~mental health~~ mental health and 75463  
addiction services shall adopt rules governing the deposit, 75464  
transfer, withdrawal, or investment of the funds and the income 75465  
thereof, as well as rules under which such funds and income shall 75466  
be paid by managing officers for the support of the patients 75467  
pursuant to Chapter 5121. of the Revised Code, or for their other 75468  
needs. 75469

Whenever any patient confined in any state institution 75470  
subject to the jurisdiction of the department dies, escapes, or is 75471  
discharged from such institution, and any personal funds of such 75472  
person remain in the hands of the managing officer thereof and no 75473  
demand for such funds is made upon such managing officer by the 75474  
owner of the funds or ~~his~~ the owner's legally appointed 75475  
representative, the managing officer shall hold the funds in the 75476  
personal deposit fund for a period of at least one year during 75477  
which time the managing officer shall make every effort possible 75478  
to locate the owner or ~~his~~ the owner's legally appointed 75479  
representative. 75480

If at the end of this period no demand has been made for the 75481  
funds, the managing officer shall dispose of the funds as follows: 75482

(A) All money in a personal deposit fund in excess of ten 75483  
dollars due for the support of a patient shall be paid in 75484  
accordance with the provisions of Chapter 5121. of the Revised 75485  
Code. 75486

(B) All money in a personal deposit fund in excess of ten 75487  
dollars not due for the support of a patient shall be placed to 75488  
the credit of the institution's local account designated as the 75489  
"industrial and entertainment" fund. 75490

(C) The first ten dollars to the credit of a patient shall be 75491  
placed to the credit of the institution's local account designated 75492  
as the "industrial and entertainment" fund. 75493

Whenever any patient in any state institution subject to the 75494  
jurisdiction of the department dies, escapes, or is discharged 75495  
from such institution, and any personal effects of such person 75496  
remain in the hands of the managing officer thereof, and no demand 75497  
is made upon such managing officer by the owner of the property or 75498  
~~his~~ the owner's legally appointed representative, the managing 75499  
officer shall hold and dispose of such property in the following 75500  
manner. 75501

All the miscellaneous personal effects shall be held for a 75502  
period of at least one year, during which time the managing 75503  
officer shall make every effort possible to locate the owner or 75504  
~~his~~ the owner's legal representative. If at the end of this 75505  
period, no demand has been made by the owner of the property or 75506  
~~his~~ the owner's legal representative, the managing officer shall 75507  
file with the county recorder of the county of commitment of such 75508  
owner, all deeds, wills, contract mortgages, or assignments. The 75509  
balance of the personal effects shall be sold at public auction 75510  
after being duly advertised, and the funds turned over to the 75511

treasurer of state for credit to the general revenue fund. If any 75512  
of the property is not of a type to be filed with the county 75513  
recorder and is not salable at public auction, then the managing 75514  
officer of the institution shall destroy such property. 75515

**Sec. ~~5119.46~~ 5119.60.** ~~In its annual report, the~~ The 75516  
department of ~~mental health~~ mental health and addiction services 75517  
shall submit an annual report to the governor that shall describe 75518  
the services the department offers and how appropriated funds have 75519  
been spent. The report shall include ~~the~~ all of the following: 75520

(A) The utilization of state hospitals by each alcohol, drug 75521  
addiction, and mental health service district, ~~the~~ i 75522

(B) The number of persons served by community addiction 75523  
services providers that receive funds distributed by the 75524  
department, with a breakdown into categories including age, sex, 75525  
race, the type of drug to which the person is addicted, and any 75526  
other categories the director of mental health and addiction 75527  
services considers significant; 75528

(C) The number of severely mentally disabled persons served 75529  
in each district, ~~and the~~ i 75530

(D) The number and types of services provided to severely 75531  
mentally disabled persons through state-operated services and 75532  
community mental health ~~agencies~~ services providers; 75533

(E) A report measuring the success of community addiction 75534  
services providers, based on the measures for accountability 75535  
developed by the department, including the percentage of persons 75536  
served by such community addiction services providers who have not 75537  
relapsed; 75538

(F) Any other information that the director considers 75539  
significant or is requested by the governor. 75540



**Sec. ~~3793.12~~ 5119.61.** (A) The department of alcohol and drug 75541  
~~addiction services~~ mental health and addiction services shall 75542  
collect and compile statistics and other information on the care 75543  
and treatment of mentally disabled persons, and the care, 75544  
treatment, and rehabilitation of alcoholics, drug dependent 75545  
persons, and persons in danger of drug dependence in this state, 75546  
including, without limitation, information on the number of such 75547  
persons, the type of drug involved, the type of care, treatment, 75548  
or rehabilitation prescribed or undertaken, and the success or 75549  
failure of the care, treatment, or rehabilitation. The department 75550  
shall collect information about services delivered and persons 75551  
served as required for reporting and evaluation relating to state 75552  
and federal funds expended for such purposes. 75553

(B) No alcohol ~~or~~, drug addiction ~~program,~~ or mental health 75554  
services provider shall fail to supply statistics and other 75555  
information within its knowledge and with respect to its ~~programs~~ 75556  
services, upon request of the department. 75557

(C) Communications by a person seeking aid in good faith for 75558  
alcoholism or drug dependence are confidential, and this section 75559  
does not require the collection or permit the disclosure of 75560  
information which reveals or comprises the identity of any person 75561  
seeking aid. 75562

(D) Based on the information collected and compiled under 75563  
division (A) of this section, the department shall develop a 75564  
project to assess the outcomes of persons served by alcohol and 75565  
drug addiction ~~programs~~ services providers and mental health 75566  
services providers that receive funds distributed by the 75567  
department. 75568

**Sec. ~~5119.50~~ 5119.70.** The "interstate compact on mental 75569  
health" is hereby ratified, enacted into law, and entered into by 75570

the state of Ohio as a party thereto with any other state which 75571  
has legally joined in the compact as follows: 75572

INTERSTATE COMPACT ON MENTAL HEALTH 75573

The contracting states solemnly agree that: 75574

Article I 75575

The party states find that the proper and expeditious 75576  
treatment of the mentally ill and mentally retarded can be 75577  
facilitated by cooperative action, to the benefit of the patients, 75578  
their families, and society as a whole. Further, the party states 75579  
find that the necessity of and desirability for furnishing such 75580  
care and treatment bears no primary relation to the residence or 75581  
citizenship of the patient but that, on the contrary, the 75582  
controlling factors of community safety and humanitarianism 75583  
require that facilities and services be made available for all who 75584  
are in need of them. Consequently, it is the purpose of this 75585  
compact and of the party states to provide the necessary legal 75586  
basis for the institutionalization or other appropriate care and 75587  
treatment of the mentally ill and mentally retarded under a system 75588  
that recognizes the paramount importance of patient welfare and to 75589  
establish the responsibilities of the party states in terms of 75590  
such welfare. 75591

Article II 75592

As used in this compact: 75593

(a) "Sending state" shall mean a party state from which a 75594  
patient is transported pursuant to the provisions of the compact 75595  
or from which it is contemplated that a patient may be so sent. 75596

(b) "Receiving state" shall mean a party state to which a 75597  
patient is transported pursuant to the provisions of the compact 75598  
or to which it is contemplated that a patient may be so sent. 75599

(c) "Institution" shall mean any hospital or other facility 75600  
maintained by a party state or political subdivision thereof for 75601

the care and treatment of mental illness or mental retardation. 75602

(d) "Patient" shall mean any person subject to or eligible as 75603  
determined by the laws of the sending state, for 75604  
institutionalization or other care, treatment, or supervision 75605  
pursuant to the provisions of this compact. 75606

(e) "After-care" shall mean care, treatment and services 75607  
provided a patient, as defined herein, or convalescent status or 75608  
conditional release. 75609

(f) "Mental illness" shall mean mental disease to such extent 75610  
that a person so afflicted requires care and treatment for his own 75611  
welfare, or the welfare of others, or of the community. 75612

(g) "Mental retardation" shall mean mental retardation as 75613  
defined by appropriate clinical authorities to such extent that a 75614  
person so afflicted is incapable of managing himself and his 75615  
affairs, but shall not include mental illness as defined herein. 75616

(h) "State" shall mean any state, territory or possession of 75617  
the United States, the District of Columbia, and the Commonwealth 75618  
of Puerto Rico. 75619

Article III 75620

(a) Whenever a person physically present in any party state 75621  
shall be in need of institutionalization by reason of mental 75622  
illness or mental retardation, he shall be eligible for care and 75623  
treatment in an institution in that state irrespective of his 75624  
residence, settlement or citizenship qualifications. 75625

(b) The provisions of paragraph (a) of this article to the 75626  
contrary notwithstanding, any patient may be transferred to an 75627  
institution in another state whenever there are factors based upon 75628  
clinical determinations indicating that the care and treatment of 75629  
said patient would be facilitated or improved thereby. Any such 75630  
institutionalization may be for the entire period of care and 75631  
treatment or for any portion or portions thereof. The factors 75632

referred to in this paragraph shall include the patient's full 75633  
record with due regard for the location of the patient's family, 75634  
character of the illness and probable duration thereof, and such 75635  
other factors as shall be considered appropriate. 75636

(c) No state shall be obliged to receive any patient pursuant 75637  
to the provisions of paragraph (b) of this article unless the 75638  
sending state has given advance notice of its intention to send 75639  
the patient; furnished all available medical and other pertinent 75640  
records concerning the patient; given the qualified medical or 75641  
other appropriate clinical authorities of the receiving state an 75642  
opportunity to examine the patient if said authorities so wish; 75643  
and unless the receiving state shall agree to accept the patient. 75644

(d) In the event that the laws of the receiving state 75645  
establish a system of priorities for the admission of patients, an 75646  
interstate patient under this compact shall receive the same 75647  
priority as a local patient and shall be taken in the same order 75648  
and at the same time that he would be taken if he were a local 75649  
patient. 75650

(e) Pursuant to this compact, the determination as to the 75651  
suitable place of institutionalization for a patient may be 75652  
reviewed at any time and such further transfer of the patient may 75653  
be made as seems likely to be in the best interest of the patient. 75654

#### Article IV 75655

(a) Whenever, pursuant to the laws of the state in which a 75656  
patient is physically present, it shall be determined that the 75657  
patient should receive after-care or supervision, such care or 75658  
supervision may be provided in a receiving state. If the medical 75659  
or other appropriate clinical authorities having responsibility 75660  
for the care and treatment of the patient in the sending state 75661  
shall have reason to believe that after-care in another state 75662  
would be in the best interest of the patient and would not 75663  
jeopardize the public safety, they shall request the appropriate 75664

authorities in the receiving state to investigate the desirability 75665  
of affording the patient such after-care in said receiving state, 75666  
and such investigation shall be made with all reasonable speed. 75667  
The request for investigation shall be accompanied by complete 75668  
information concerning the patient's intended place of residence 75669  
and the identity of the person in whose charge it is proposed to 75670  
place the patient, the complete medical history of the patient, 75671  
and such other documents as may be pertinent. 75672

(b) If the medical or other appropriate clinical authorities 75673  
having responsibility for the care and treatment of the patient in 75674  
the sending state and the appropriate authorities in the receiving 75675  
state find that the best interest of the patient would be served 75676  
thereby, and if the public safety would not be jeopardized 75677  
thereby, the patient may receive after-care or supervision in the 75678  
receiving state. 75679

(c) In supervising, treating, or caring for a patient on 75680  
after-care pursuant to the terms of this article, a receiving 75681  
state shall employ the same standards of visitation, examination, 75682  
care, and treatment that it employs for similar local patients. 75683

Article V 75684

Whenever a dangerous or potentially dangerous patient escapes 75685  
from an institution in any party state, that state shall promptly 75686  
notify all appropriate authorities within and without the 75687  
jurisdiction of the escape in a manner reasonably calculated to 75688  
facilitate the speedy apprehension of the escapee. Immediately 75689  
upon the apprehension and identification of any such dangerous or 75690  
potentially dangerous patient, he shall be detained in the state 75691  
where found pending disposition in accordance with law. 75692

Article VI 75693

The duly accredited officers of any state party to this 75694  
compact, upon the establishment of their authority and the 75695  
identity of the patient, shall be permitted to transport any 75696

patient being moved pursuant to this compact through any and all 75697  
states party to this compact, without interference. 75698

Article VII 75699

(a) No person shall be deemed a patient of more than one 75700  
institution at any given time. Completion of transfer of any 75701  
patient to an institution in a receiving state shall have the 75702  
effect of making the person a patient of the institution in the 75703  
receiving state. 75704

(b) The sending state shall pay all costs of and incidental 75705  
to the transportation of any patient pursuant to this compact, but 75706  
any two or more party states may, by making a specific agreement 75707  
for that purpose, arrange for a different allocation of costs as 75708  
among themselves. 75709

(c) No provision of this compact shall be construed to alter 75710  
or affect any internal relationships among the departments, 75711  
agencies and officers of and in the government of a party state, 75712  
or between a party state and its subdivisions, as to the payment 75713  
of costs, or responsibilities therefor. 75714

(d) Nothing in this compact shall be construed to prevent any 75715  
party state or subdivision thereof from asserting any right 75716  
against any person, agency or other entity in regard to costs for 75717  
which such party state or subdivision thereof may be responsible 75718  
pursuant to any provision of this compact. 75719

(e) Nothing in this compact shall be construed to invalidate 75720  
any reciprocal agreement between a party state and a nonparty 75721  
state relating to institutionalization, care or treatment of the 75722  
mentally ill or mentally retarded, or any statutory authority 75723  
pursuant to which such agreements may be made. 75724

Article VIII 75725

(a) Nothing in this compact shall be construed to abridge, 75726  
diminish, or in any way impair the rights, duties, and 75727

responsibilities of any patient's guardian on his own behalf or in 75728  
respect of any patient for whom he may serve, except that where 75729  
the transfer of any patient to another jurisdiction makes 75730  
advisable the appointment of a supplemental or substitute 75731  
guardian, any court of competent jurisdiction in the receiving 75732  
state may make such supplemental or substitute appointment and the 75733  
court which appointed the previous guardian shall upon being duly 75734  
advised of the new appointment, and upon the satisfactory 75735  
completion of such accounting and other acts as such court may by 75736  
law require, relieve the previous guardian of power and 75737  
responsibility to whatever extent shall be appropriate in the 75738  
circumstances; provided, however, that in the case of any patient 75739  
having settlement in the sending state, the court of competent 75740  
jurisdiction in the sending state shall have the sole discretion 75741  
to relieve a guardian appointed by it or continue his power and 75742  
responsibility, whichever it shall deem advisable. The court in 75743  
the receiving state may, in its discretion, confirm or reappoint 75744  
the person or persons previously serving as guardian in the 75745  
sending state in lieu of making a supplemental or substitute 75746  
appointment. 75747

(b) The term "guardian" as used in paragraph (a) of this 75748  
article shall include any guardian, trustee, legal committee, 75749  
conservator, or other person or agency however denominated who is 75750  
charged by law with power to act for or responsibility for the 75751  
person or property of a patient. 75752

Article IX 75753

(a) No provision of this compact except Article V shall apply 75754  
to any person institutionalized while under sentence in a penal or 75755  
correctional institution or while subject to trial on a criminal 75756  
charge, or whose institutionalization is due to the commission of 75757  
an offense for which, in the absence of mental illness or mental 75758  
retardation, said person would be subject to incarceration in a 75759

penal or correctional institution. 75760

(b) To every extent possible, it shall be the policy of 75761  
states party to this compact that no patient shall be placed or 75762  
detained in any prison, jail or lockup, but such patient shall, 75763  
with all expedition, be taken to a suitable institutional facility 75764  
for mental illness or mental retardation. 75765

Article X 75766

(a) Each party state shall appoint a "compact administrator" 75767  
who, on behalf of his state, shall act as general coordinator of 75768  
activities under the compact in his state and who shall receive 75769  
copies of all reports, correspondence, and other documents 75770  
relating to any patient processed under the compact by his state 75771  
either in the capacity of sending or receiving state. The compact 75772  
administrator or his duly designated representative shall be the 75773  
official with whom other party states shall deal in any matter 75774  
relating to the compact or any patient processed thereunder. 75775

(b) The compact administrators of the respective party states 75776  
shall have power to promulgate reasonable rules and regulations to 75777  
carry out more effectively the terms and provisions of this 75778  
compact. 75779

Article XI 75780

The duly constituted administrative authorities of any two or 75781  
more party states may enter into supplementary agreements for the 75782  
provision of any service or facility or for the maintenance of any 75783  
institution on a joint or cooperative basis whenever the states 75784  
concerned shall find that such agreements will improve services, 75785  
facilities, or institutional care and treatment in the fields of 75786  
mental illness or mental retardation. No such supplementary 75787  
agreement shall be construed so as to relieve any party state of 75788  
any obligation which it otherwise would have under other 75789  
provisions of this compact. 75790



Article XII

75791

This compact shall enter into full force and effect as to any state when enacted by it into law and such states shall thereafter be a party thereto with any and all states legally joining therein.

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Article XIII

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(a) A state party to this compact may withdraw therefrom by enacting a statute repealing the same. Such withdrawal shall take effect one year after notice thereof has been communicated officially and in writing to the governors and compact administrators of all other party states. However, the withdrawal of any state shall not change the status of any patient who has been sent to said state or sent out of said state pursuant to the provisions of the compact.

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(b) Withdrawal from any agreement permitted by Article VII (b) as to costs or from any supplementary agreement made pursuant to Article XI shall be in accordance with the terms of such agreement.

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Article XIV

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This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

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**Sec. ~~5119.51~~ 5119.71.** Pursuant to Article X of the compact 75823  
set forth in section ~~5119.50~~ 5119.70 of the Revised Code, the 75824  
director of ~~mental health~~ mental health and addiction services and 75825  
the director of developmental disabilities each shall designate an 75826  
officer who shall be the compact administrator for the department 75827  
and who, acting jointly with like officers of other party states, 75828  
shall adopt rules to carry out more effectively the terms of the 75829  
compact. The compact administrators of each department shall serve 75830  
subject to the pleasure of the governor and shall cooperate with 75831  
all departments, agencies, and officers of and in the government 75832  
of this state and its subdivisions in facilitating the proper 75833  
administration of the compact or of any supplementary agreements 75834  
entered into by this state thereunder. 75835

**Sec. ~~5119.52~~ 5119.72.** The compact administrator may enter 75836  
into supplementary agreements with appropriate officials of other 75837  
states pursuant to articles VII and XI of the compact set forth in 75838  
section ~~5119.50~~ 5119.70 of the Revised Code. In the event that 75839  
such supplementary agreements require or contemplate the use of 75840  
any institution or facility of this state or require or 75841  
contemplate the provision of any service by this state, no such 75842  
agreement shall have force or effect until approved by the head of 75843  
the department or agency under whose jurisdiction the institution 75844  
or facility is operated or whose department or agency will be 75845  
charged with the rendering of such service. 75846

**Sec. ~~5119.53~~ 5119.73.** Any payments necessary to discharge any 75847  
financial obligations imposed upon the state of Ohio by the 75848  
compact or by any supplementary agreement entered into thereunder, 75849  
as provided in sections ~~5119.50~~ 5119.70 to ~~5119.52~~ 5119.72 of the 75850  
Revised Code, shall be made from appropriated funds upon 75851  
presentation to the director of budget and management of itemized 75852

vouchers approved by the compact administrator. 75853

**Sec. ~~3793.31~~ 5119.90.** As used in sections ~~3793.31~~ 5119.90 to 75854  
~~3793.39~~ 5119.98 of the Revised Code: 75855

(A) "Alcohol and other drug abuse" means alcoholism or drug 75856  
addiction. 75857

(B) "Another drug" means a controlled substance as defined in 75858  
section 3719.01 of the Revised Code or a harmful intoxicant as 75859  
defined in section 2925.01 of the Revised Code. 75860

(C) "Board of alcohol, drug addiction, and mental health 75861  
services" means a board of alcohol, drug addiction, and mental 75862  
health services established under section 340.02 or 340.021 of the 75863  
Revised Code. 75864

(D) "Danger" or "threat of danger to self, family, or others" 75865  
means substantial physical harm or threat of substantial physical 75866  
harm upon self, family, or others. 75867

(E) "Hospital" has the same meaning as in section 3701.01 or 75868  
3727.01 of the Revised Code but does not include either a hospital 75869  
operated by the department of ~~mental health~~ mental health and 75870  
addiction services or an inpatient unit licensed by the 75871  
department. 75872

(F) "Intoxicated" means being under the influence of alcohol, 75873  
another drug, or both alcohol and another drug and, as a result, 75874  
having a significantly impaired ability to function. 75875

(G) "Petitioner" means a person who institutes a proceeding 75876  
under sections ~~3793.32~~ 5119.91 to ~~3793.39~~ 5119.98 of the Revised 75877  
Code. 75878

(H) "Probate court" means the probate division of the court 75879  
of common pleas. 75880

(I) "Qualified health professional" means a person that is 75881

properly credentialed or licensed to conduct a drug and alcohol 75882  
assessment and diagnosis under Ohio law. 75883

(J) "Residence" means the legal residence of a person as 75884  
determined by applicable principles governing conflicts of law. 75885

(K) "Respondent" means a person alleged in a petition filed 75886  
or hearing under sections ~~3793.32~~ 5119.91 to ~~3793.39~~ 5119.98 of 75887  
the Revised Code to be a person who is suffering from alcohol and 75888  
other drug abuse and who may be ordered under those sections to 75889  
undergo treatment. 75890

(L) "Treatment" means services and programs for the care and 75891  
rehabilitation of intoxicated persons and persons suffering from 75892  
alcohol and other drug abuse. "Treatment" includes residential 75893  
treatment, a halfway house setting, and an intensive outpatient or 75894  
outpatient level of care. 75895

**Sec. ~~3793.32~~ 5119.91.** A probate court may order involuntary 75896  
treatment for a person suffering from alcohol and other drug abuse 75897  
pursuant to the procedures set forth in sections ~~3793.34~~ 5119.90 75898  
to ~~3793.39~~ 5119.98 of the Revised Code. 75899

**Sec. ~~3793.33~~ 5119.92.** No person shall be ordered to undergo 75900  
treatment under sections ~~3793.34~~ 5119.90 to ~~3793.39~~ 5119.98 of the 75901  
Revised Code unless all of the following apply to that person: 75902

(A) The person suffers from alcohol and other drug abuse. 75903

(B) The person presents an imminent danger or imminent threat 75904  
of danger to self, family, or others as a result of alcohol and 75905  
other drug abuse, or there exists a substantial likelihood of such 75906  
a threat in the near future. 75907

(C) The person can reasonably benefit from treatment. 75908

**Sec. ~~3793.34~~ 5119.93.** (A) A person may initiate proceedings 75909

for treatment for an individual suffering from alcohol and other 75910  
drug abuse by filing a verified petition in the probate court and 75911  
paying a filing fee in the same amount, if any, that is charged 75912  
for the filing under section 5122.11 of the Revised Code of an 75913  
affidavit seeking the hospitalization of a person. The petition 75914  
and all subsequent court documents shall be entitled: "In the 75915  
interest of (name of respondent)." A spouse, relative, or guardian 75916  
of the individual concerning whom the petition is filed shall file 75917  
the petition. 75918

(B) A petition filed under division (A) of this section shall 75919  
set forth all of the following: 75920

(1) The petitioner's relationship to the respondent; 75921

(2) The respondent's name, residence address, and current 75922  
location, if known; 75923

(3) The name and residence of the respondent's parents, if 75924  
living and if known, or of the respondent's legal guardian, if any 75925  
and if known; 75926

(4) The name and residence of the respondent's spouse, if any 75927  
and if known; 75928

(5) The name and residence of the person having custody of 75929  
the respondent, if any, or if no such person is known, the name 75930  
and residence of a near relative or a statement that the person is 75931  
unknown; 75932

(6) The petitioner's belief, including the factual basis for 75933  
the belief, that the respondent is suffering from alcohol and 75934  
other drug abuse and presents an imminent danger or imminent 75935  
threat of danger to self, family, or others if not treated for 75936  
alcohol or other drug abuse. 75937

(C)(1) Any petition filed pursuant to divisions (A) and (B) 75938  
of this section shall be accompanied by a certificate of a 75939

physician who has examined the respondent within two days prior to 75940  
the day that the petition is filed in the probate court. The 75941  
physician shall be authorized to practice medicine and surgery or 75942  
osteopathic medicine and surgery under Chapter 4731. of the 75943  
Revised Code. The physician's certificate shall set forth the 75944  
physician's findings in support of the need to treat the 75945  
respondent for alcohol or other drug abuse. The certificate shall 75946  
indicate if the respondent presents an imminent danger or imminent 75947  
threat of danger to self, family, or others if not treated. 75948  
Further, the certificate shall indicate the type and length of 75949  
treatment required and if the respondent can reasonably benefit 75950  
from treatment. If the physician's certificate indicates that 75951  
inpatient treatment is required, the certificate shall identify 75952  
any inpatient facilities known to the physician that are able and 75953  
willing to provide the recommended inpatient treatment. 75954

If the respondent refuses to undergo an examination with a 75955  
physician concerning the respondent's possible need for treatment 75956  
for alcohol or other drug abuse, the petition shall state that the 75957  
respondent has refused all requests made by the petitioner to 75958  
undergo a physician's examination. In that case, the petitioner 75959  
shall not be required to provide a physician's certificate with 75960  
the petition. 75961

(2) Any petition filed pursuant to divisions (A) and (B) of 75962  
this section shall contain a statement that the petitioner has 75963  
arranged for treatment of the respondent. Further, the petition 75964  
shall be accompanied by a statement from the person or facility 75965  
who has agreed to provide the treatment that verifies that the 75966  
person or facility has agreed to provide the treatment and the 75967  
estimated cost of the treatment. 75968

(D) Any petition filed pursuant to divisions (A) and (B) of 75969  
this section shall be accompanied by both of the following: 75970

(1) A security deposit to be deposited with the clerk of the 75971

probate court that will cover half of the estimated cost of 75972  
treatment of the respondent; 75973

(2) A guarantee, signed by the petitioner or another person 75974  
authorized to file the petition obligating the guarantor to pay 75975  
the costs of the examinations of the respondent conducted by the 75976  
physician and qualified health professional under division (B)(5) 75977  
of section ~~3793.35~~ 5119.94 of the Revised Code, the costs of the 75978  
respondent that are associated with a hearing conducted in 75979  
accordance with section ~~3793.35~~ 5119.94 of the Revised Code and 75980  
that the court determines to be appropriate, and the costs of any 75981  
treatment ordered by the court. 75982

**Sec. ~~3793.35~~ 5119.94.** (A) Upon receipt of a petition filed 75983  
under section ~~3793.34~~ 5119.93 of the Revised Code and the payment 75984  
of the appropriate filing fee, if any, the probate court shall 75985  
examine the petitioner under oath as to the contents of the 75986  
petition. 75987

(B) If, after reviewing the allegations contained in the 75988  
petition and examining the petitioner under oath, it appears to 75989  
the probate court that there is probable cause to believe the 75990  
respondent may reasonably benefit from treatment, the court shall 75991  
do all of the following: 75992

(1) Schedule a hearing to be held within seven days to 75993  
determine if there is clear and convincing evidence that the 75994  
respondent may reasonably benefit from treatment for alcohol and 75995  
other drug abuse; 75996

(2) Notify the respondent, the legal guardian, if any and if 75997  
known, and the spouse, parents, or nearest relative or friend of 75998  
the respondent concerning the allegations and contents of the 75999  
petition and of the date and purpose of the hearing; 76000

(3) Notify the respondent that the respondent may retain 76001

counsel and, if the person is unable to obtain an attorney, that 76002  
the respondent may be represented by court-appointed counsel at 76003  
public expense if the person is indigent. Upon the appointment of 76004  
an attorney to represent an indigent respondent, the court shall 76005  
notify the respondent of the name, address, and telephone number 76006  
of the attorney appointed to represent the respondent. 76007

(4) Notify the respondent that the court shall cause the 76008  
respondent to be examined not later than twenty-four hours before 76009  
the hearing date by a physician for the purpose of a physical 76010  
examination and by a qualified health professional for the purpose 76011  
of a drug and alcohol addiction assessment and diagnosis. In 76012  
addition, the court shall notify the respondent that the 76013  
respondent may have an independent expert evaluation of the 76014  
person's physical and mental condition conducted at the 76015  
respondent's own expense. 76016

(5) Cause the respondent to be examined not later than 76017  
twenty-four hours before the hearing date by a physician for the 76018  
purpose of a physical examination and by a qualified health 76019  
professional for the purpose of a drug and alcohol addiction 76020  
assessment and diagnosis; 76021

(6) Conduct the hearing. 76022

(C) The physician and qualified health professional who 76023  
examine the respondent pursuant to division (B)(5) of this section 76024  
or who are obtained by the respondent at the respondent's own 76025  
expense shall certify their findings to the court within 76026  
twenty-four hours of the examinations. The findings of each 76027  
qualified health professional shall include a recommendation for 76028  
treatment if the qualified health professional determines that 76029  
treatment is necessary. 76030

(D)(1) If upon completion of the hearing held under this 76031  
section the probate court finds by clear and convincing evidence 76032



that the respondent may reasonably benefit from treatment, the 76033  
court may order the treatment after considering the qualified 76034  
health professionals' recommendations for treatment that have been 76035  
submitted to the court under division (C) of this section. If the 76036  
court orders the treatment under this division, the court shall 76037  
order the treatment to be provided through ~~an alcohol and drug a~~ 76038  
community addiction program services provider certified under 76039  
section ~~3793.06~~ 5119.36 of the Revised Code or by an individual 76040  
licensed or certified by the state medical board under Chapter 76041  
4731. of the Revised Code, the chemical dependency professionals 76042  
board under Chapter 4758. of the Revised Code, the counselor, 76043  
social worker, and marriage and family therapist board under 76044  
Chapter 4757. of the Revised Code, or a similar board of another 76045  
state authorized to provide substance abuse treatment. 76046

(2) Failure of a respondent to undergo and complete any 76047  
treatment ordered pursuant to this division is contempt of court. 76048  
Any alcohol and drug addiction program or person providing 76049  
treatment under this division shall notify the probate court of a 76050  
respondent's failure to undergo or complete the ordered treatment. 76051

(E) If, at any time after a petition is filed under section 76052  
~~3793.34~~ 5119.93 of the Revised Code, the probate court finds that 76053  
there is not probable cause to continue treatment or if the 76054  
petitioner withdraws the petition, then the court shall dismiss 76055  
the proceedings against the respondent. 76056

**Sec. ~~3793.36~~ 5119.95.** (A) Following an examination by a 76057  
qualified health professional and a certification by that 76058  
professional that the person meets the criteria specified in 76059  
section ~~3793.33~~ 5119.92 of the Revised Code, a probate court may 76060  
order the person hospitalized for a period not to exceed 76061  
seventy-two hours if the court finds by clear and convincing 76062  
evidence that the person presents an imminent threat of danger to 76063

self, family, or others as a result of alcohol and other drug 76064  
abuse. However, if the hearing to be held under section ~~3793.35~~ 76065  
5119.94 of the Revised Code will not be held within seventy-two 76066  
hours, the court may order the person hospitalized until the 76067  
hearing. In making its order, the court shall inform the person 76068  
that the person may immediately make a reasonable number of 76069  
telephone calls or use other reasonable means to contact an 76070  
attorney, a licensed physician, or a qualified health 76071  
professional, to contact any other person or persons to secure 76072  
representation by counsel, or to obtain medical or psychological 76073  
assistance and that the person will be provided assistance in 76074  
making calls if the assistance is needed and requested. 76075

(B) Any person who has been admitted to a hospital under 76076  
division (A) of this section shall be released from the hospital 76077  
immediately upon the expiration of the time period established by 76078  
the court for the hospitalization. 76079

(C) No person ordered hospitalized under this section shall 76080  
be held in jail pending transportation to the hospital or 76081  
evaluation unless the probate court previously has found the 76082  
person to be in contempt of court for either failure to undergo 76083  
treatment or failure to appear at the evaluation ordered pursuant 76084  
to section ~~3793.35~~ 5119.94 of the Revised Code. 76085

**Sec. ~~3793.37~~ 5119.96.** When a probate court is authorized to 76086  
issue an order that the respondent be transported to a hospital, 76087  
the court may issue a summons. If the respondent fails to attend 76088  
an examination scheduled before the hearing under section ~~3793.35~~ 76089  
5119.94 of the Revised Code, the court shall issue a summons. A 76090  
summons so issued shall be directed to the respondent and shall 76091  
command the respondent to appear at a time and place specified in 76092  
the summons. If a respondent who has been summoned fails to appear 76093  
at the hospital or the examination, the probate court may order 76094

the sheriff or any other peace officer to transport the respondent 76095  
to a hospital on the list provided under section ~~3793.38~~ 5119.97 76096  
of the Revised Code for treatment. The sheriff or any other peace 76097  
officer, upon agreement of a person authorized by the peace 76098  
officer, may authorize a board of alcohol, drug addiction, and 76099  
mental health services, a private ~~agency~~ services provider under 76100  
contract with a board of alcohol, drug addiction, and mental 76101  
health services, or an ambulance service designated by a board of 76102  
alcohol, drug addiction, and mental health services to transport 76103  
the respondent to the hospital. The transportation costs of the 76104  
sheriff, other peace officer, ambulance service, or other private 76105  
~~agency~~ services provider under contract with the board of alcohol, 76106  
drug addiction, and mental health services shall be included in 76107  
the costs of treatment for alcohol and other drug abuse to be paid 76108  
by the petitioner. 76109

**Sec. ~~3793.38~~ 5119.97.** Each board of alcohol, drug addiction, 76110  
and mental health services on at least an annual basis shall 76111  
submit each of the following lists to the clerk of the probate 76112  
court in each county served by the board: 76113

(A) A list of all hospitals in the counties served by the 76114  
board that are able and willing to take respondents ordered to 76115  
undergo seventy-two hours of treatment and observation pursuant to 76116  
section ~~3793.36~~ 5119.95 of the Revised Code; 76117

(B) A list of hospitals and treatment providers in the 76118  
counties served by the board that are able and willing to provide 76119  
treatment for alcohol and other drug abuse ordered pursuant to 76120  
section ~~3793.35~~ 5119.94 of the Revised Code. 76121

**Sec. ~~3793.39~~ 5119.98.** Sections ~~3793.12, 3793.13~~ 5119.26, 76122  
5119.27, and ~~3793.14~~ 5119.61 of the Revised Code apply to a person 76123  
who is ordered to undergo treatment under sections ~~3793.31 to~~ 76124

~~3793.39~~ 5119.90 to 5119.98 of the Revised Code. 76125

**Sec. 5119.99.** (A) Whoever violates section ~~5119.21~~ 5119.333 76126  
of the Revised Code is guilty of a misdemeanor of the first 76127  
degree. 76128

(B) Whoever violates division (B) of section 5119.61 of the 76129  
Revised Code is guilty of a misdemeanor of the fourth degree. 76130

(C) Whoever violates section 5119.27 or 5119.28 of the 76131  
Revised Code is guilty of a felony of the fifth degree. 76132

**Sec. 5120.07.** (A) There is hereby created the ex-offender 76133  
reentry coalition consisting of the following ~~eighteen~~ seventeen 76134  
members or their designees: 76135

(1) The director of rehabilitation and correction; 76136

(2) The director of aging; 76137

(3) The director of ~~alcohol and drug addiction services~~ 76138  
mental health and addiction services; 76139

(4) The director of development services; 76140

(5) The superintendent of public instruction; 76141

(6) The director of health; 76142

(7) The director of job and family services; 76143

(8) ~~The director of mental health;~~ 76144

~~(9)~~ The director of developmental disabilities; 76145

~~(10)~~(9) The director of public safety; 76146

~~(11)~~(10) The director of youth services; 76147

~~(12)~~(11) The chancellor of the Ohio board of regents; 76148

~~(13)~~(12) A representative or member of the governor's staff; 76149

~~(14)~~(13) The director of the rehabilitation services 76150

commission; 76151

~~(15)~~(14) The director of the department of commerce; 76152

~~(16)~~(15) The executive director of a health care licensing 76153  
board created under Title XLVII of the Revised Code, as appointed 76154  
by the chairperson of the coalition; 76155

~~(17)~~(16) The director of veterans services; 76156

~~(18)~~(17) An ex-offender appointed by the director of 76157  
rehabilitation and correction. 76158

(B) The members of the coalition shall serve without 76159  
compensation. The director of rehabilitation and correction or the 76160  
director's designee shall be the chairperson of the coalition. 76161

(C) In consultation with persons interested and involved in 76162  
the reentry of ex-offenders into the community, including but not 76163  
limited to, services providers, community-based organizations, and 76164  
local governments, the coalition shall identify and examine social 76165  
service barriers and other obstacles to the reentry of 76166  
ex-offenders into the community. Not later than one year after 76167  
April 7, 2009, and on or before the same date of each year 76168  
thereafter, the coalition shall submit to the speaker of the house 76169  
of representatives and the president of the senate a report, 76170  
including recommendations for legislative action, the activities 76171  
of the coalition, and the barriers affecting the successful 76172  
reentry of ex-offenders into the community. The report shall 76173  
analyze the effects of those barriers on ex-offenders and on their 76174  
children and other family members in various areas, including but 76175  
not limited to, the following: 76176

(1) Admission to public and other housing; 76177

(2) Child support obligations and procedures; 76178

(3) Parental incarceration and family reunification; 76179

(4) Social security benefits, veterans' benefits, food 76180

stamps, and other forms of public assistance;	76181
(5) Employment;	76182
(6) Education programs and financial assistance;	76183
(7) Substance abuse, <del>mental health</del> , and sex offender treatment programs and financial assistance <u>and mental health services and financial assistance</u> ;	76184 76185 76186
(8) Civic and political participation;	76187
(9) Other collateral consequences under the Revised Code or the Ohio administrative code law that may result from a criminal conviction.	76188 76189 76190
(D)(1) The report shall also include the following information:	76191 76192
(a) Identification of state appropriations for reentry programs;	76193 76194
(b) Identification of other funding sources for reentry programs that are not funded by the state;	76195 76196
(2) The coalition shall gather information about reentry programs in a repository maintained and made available by the coalition. Where available, the information shall include the following:	76197 76198 76199 76200
(a) The amount of funding received;	76201
(b) The number of program participants;	76202
(c) The composition of the program, including program goals, methods for measuring success, and program success rate;	76203 76204
(d) The type of post-program tracking that is utilized;	76205
(e) Information about employment rates and recidivism rates of ex-offenders.	76206 76207
(E) The coalition shall cease to exist on December 31, 2014.	76208

**Sec. 5120.09.** Under the supervision and control of the 76209  
director of rehabilitation and correction, the division of 76210  
business administration shall do all of the following: 76211

(A) Submit the budgets for the several divisions of the 76212  
department of rehabilitation and correction, as prepared by the 76213  
respective chiefs of those divisions, to the director. The 76214  
director, with the assistance of the chief of the division of 76215  
business administration, shall compile a departmental budget that 76216  
contains all proposals submitted by the chiefs of the divisions 76217  
and shall forward the departmental budget to the governor with 76218  
comments and recommendations that the director considers 76219  
necessary. 76220

(B) Maintain accounts and records and compile statistics that 76221  
the director prescribes; 76222

(C) Under the control of the director, coordinate and make 76223  
the necessary purchases and requisitions for the department and 76224  
its divisions, except when goods and services are provided to the 76225  
department as described in section ~~5119.16~~ 5119.44 of the Revised 76226  
Code; 76227

(D) Administer within this state federal criminal justice 76228  
acts that the governor requires the department to administer. In 76229  
order to improve the criminal justice system of this state, the 76230  
division of business administration shall apply for, allocate, 76231  
disburse, and account for grants that are made available pursuant 76232  
to those federal criminal justice acts and grants that are made 76233  
available from other federal government sources, state government 76234  
sources, or private sources. As used in this division, "criminal 76235  
justice system" and "federal criminal justice acts" have the same 76236  
meanings as in section 5502.61 of the Revised Code. 76237

(E) Audit the activities of governmental entities, persons as 76238  
defined in section 1.59 of the Revised Code, and other types of 76239

nongovernmental entities that are financed in whole or in part by 76240  
funds that the department allocates or disburses and that are 76241  
derived from grants described in division (D) of this section; 76242

(F) Enter into contracts, including contracts with federal, 76243  
state, or local governmental entities, persons as defined in 76244  
section 1.59 of the Revised Code, foundations, and other types of 76245  
nongovernmental entities, that are necessary for the department to 76246  
carry out its duties and that neither the director nor another 76247  
section of the Revised Code authorizes another division of the 76248  
department to enter; 76249

(G) Exercise other powers and perform other duties that the 76250  
director may assign to the division of business administration. 76251

**Sec. 5120.135.** (A) As used in this section, "laboratory 76252  
services" includes the performance of medical laboratory analysis; 76253  
professional laboratory and pathologist consultation; the 76254  
procurement, storage, and distribution of laboratory supplies; and 76255  
the performance of phlebotomy services. 76256

(B) The department of rehabilitation and correction may 76257  
provide laboratory services to the departments of ~~mental health~~ 76258  
mental health and addiction services, developmental disabilities, 76259  
youth services, and rehabilitation and correction. The department 76260  
of rehabilitation and correction may also provide laboratory 76261  
services to other state, county, or municipal agencies and to 76262  
private persons that request laboratory services if the department 76263  
of rehabilitation and correction determines that the provision of 76264  
laboratory services is in the public interest and considers it 76265  
advisable to provide such services. The department of 76266  
rehabilitation and correction may also provide laboratory services 76267  
to agencies operated by the United States government and to public 76268  
and private entities funded in whole or in part by the state if 76269  
the director of rehabilitation and correction designates them as 76270



eligible to receive such services. 76271

The department of rehabilitation and correction shall provide 76272  
laboratory services from a laboratory that complies with the 76273  
standards for certification set by the United States department of 76274  
health and human services under the "Clinical Laboratory 76275  
Improvement Amendments of 1988," 102 Stat. 293, 42 U.S.C.A. 263a. 76276  
In addition, the laboratory shall maintain accreditation or 76277  
certification with an appropriate accrediting or certifying 76278  
organization as considered necessary by the recipients of its 76279  
laboratory services and as authorized by the director of 76280  
rehabilitation and correction. 76281

(C) The cost of administering this section shall be 76282  
determined by the department of rehabilitation and correction and 76283  
shall be paid by entities that receive laboratory services to the 76284  
department for deposit in the state treasury to the credit of the 76285  
laboratory services fund, which is hereby created. The fund shall 76286  
be used to pay the costs the department incurs in administering 76287  
this section. 76288

(D) Whenever a state agency fails to make a payment for 76289  
laboratory services provided to it by the department of 76290  
rehabilitation and correction under this section within thirty-one 76291  
days after the date the payment was due, the office of budget and 76292  
management may transfer moneys from that state agency to the 76293  
department of rehabilitation and correction for deposit to the 76294  
credit of the laboratory services fund. The amount transferred 76295  
shall not exceed the amount of the overdue payments. Prior to 76296  
making a transfer under this division, the office shall apply any 76297  
credits the state agency has accumulated in payment for laboratory 76298  
services provided under this section. 76299

**Sec. 5120.17.** (A) As used in this section: 76300

(1) "Mental illness" means a substantial disorder of thought, 76301

mood, perception, orientation, or memory that grossly impairs 76302  
judgment, behavior, capacity to recognize reality, or ability to 76303  
meet the ordinary demands of life. 76304

(2) "Mentally ill person subject to hospitalization" means a 76305  
mentally ill person to whom any of the following applies because 76306  
of the person's mental illness: 76307

(a) The person represents a substantial risk of physical harm 76308  
to the person as manifested by evidence of threats of, or attempts 76309  
at, suicide or serious self-inflicted bodily harm. 76310

(b) The person represents a substantial risk of physical harm 76311  
to others as manifested by evidence of recent homicidal or other 76312  
violent behavior, evidence of recent threats that place another in 76313  
reasonable fear of violent behavior and serious physical harm, or 76314  
other evidence of present dangerousness. 76315

(c) The person represents a substantial and immediate risk of 76316  
serious physical impairment or injury to the person as manifested 76317  
by evidence that the person is unable to provide for and is not 76318  
providing for the person's basic physical needs because of the 76319  
person's mental illness and that appropriate provision for those 76320  
needs cannot be made immediately available in the correctional 76321  
institution in which the inmate is currently housed. 76322

(d) The person would benefit from treatment in a hospital for 76323  
the person's mental illness and is in need of treatment in a 76324  
hospital as manifested by evidence of behavior that creates a 76325  
grave and imminent risk to substantial rights of others or the 76326  
person. 76327

(3) "Psychiatric hospital" means all or part of a facility 76328  
that is operated and managed by the department of ~~mental health~~ 76329  
mental health and addiction services to provide psychiatric 76330  
hospitalization services in accordance with the requirements of 76331  
this section pursuant to an agreement between the directors of 76332

rehabilitation and correction and ~~mental health~~ mental health and 76333  
addiction services or, is licensed by the department of ~~mental~~ 76334  
~~health~~ mental health and addiction services pursuant to section 76335  
~~5119.20~~ 5119.33 of the Revised Code as a psychiatric hospital and 76336  
is accredited by a healthcare accrediting organization approved by 76337  
the department of ~~mental health~~ mental health and addiction 76338  
services and the psychiatric hospital is any of the following: 76339

(a) Operated and managed by the department of rehabilitation 76340  
and correction within a facility that is operated by the 76341  
department of rehabilitation and correction; 76342

(b) Operated and managed by a contractor for the department 76343  
of rehabilitation and correction within a facility that is 76344  
operated by the department of rehabilitation and correction; 76345

(c) Operated and managed in the community by an entity that 76346  
has contracted with the department of rehabilitation and 76347  
correction to provide psychiatric hospitalization services in 76348  
accordance with the requirements of this section. 76349

(4) "Inmate patient" means an inmate who is admitted to a 76350  
psychiatric hospital. 76351

(5) "Admitted" to a psychiatric hospital means being accepted 76352  
for and staying at least one night at the psychiatric hospital. 76353

(6) "Treatment plan" means a written statement of reasonable 76354  
objectives and goals for an inmate patient that is based on the 76355  
needs of the inmate patient and that is established by the 76356  
treatment team, with the active participation of the inmate 76357  
patient and with documentation of that participation. "Treatment 76358  
plan" includes all of the following: 76359

(a) The specific criteria to be used in evaluating progress 76360  
toward achieving the objectives and goals; 76361

(b) The services to be provided to the inmate patient during 76362

the inmate patient's hospitalization; 76363

(c) The services to be provided to the inmate patient after 76364  
discharge from the hospital, including, but not limited to, 76365  
housing and mental health services provided at the state 76366  
correctional institution to which the inmate patient returns after 76367  
discharge or community mental health services. 76368

(7) "Mentally retarded person subject to institutionalization 76369  
by court order" has the same meaning as in section 5123.01 of the 76370  
Revised Code. 76371

(8) "Emergency transfer" means the transfer of a mentally ill 76372  
inmate to a psychiatric hospital when the inmate presents an 76373  
immediate danger to self or others and requires hospital-level 76374  
care. 76375

(9) "Uncontested transfer" means the transfer of a mentally 76376  
ill inmate to a psychiatric hospital when the inmate has the 76377  
mental capacity to, and has waived, the hearing required by 76378  
division (B) of this section. 76379

(10)(a) "Independent decision-maker" means a person who is 76380  
employed or retained by the department of rehabilitation and 76381  
correction and is appointed by the chief or chief clinical officer 76382  
of mental health services as a hospitalization hearing officer to 76383  
conduct due process hearings. 76384

(b) An independent decision-maker who presides over any 76385  
hearing or issues any order pursuant to this section shall be a 76386  
psychiatrist, psychologist, or attorney, shall not be specifically 76387  
associated with the institution in which the inmate who is the 76388  
subject of the hearing or order resides at the time of the hearing 76389  
or order, and previously shall not have had any treatment 76390  
relationship with nor have represented in any legal proceeding the 76391  
inmate who is the subject of the order. 76392

(B)(1) Except as provided in division (C) of this section, if 76393

the warden of a state correctional institution or the warden's 76394  
designee believes that an inmate should be transferred from the 76395  
institution to a psychiatric hospital, the department shall hold a 76396  
hearing to determine whether the inmate is a mentally ill person 76397  
subject to hospitalization. The department shall conduct the 76398  
hearing at the state correctional institution in which the inmate 76399  
is confined, and the department shall provide qualified 76400  
independent assistance to the inmate for the hearing. An 76401  
independent decision-maker provided by the department shall 76402  
preside at the hearing and determine whether the inmate is a 76403  
mentally ill person subject to hospitalization. 76404

(2) Except as provided in division (C) of this section, prior 76405  
to the hearing held pursuant to division (B)(1) of this section, 76406  
the warden or the warden's designee shall give written notice to 76407  
the inmate that the department is considering transferring the 76408  
inmate to a psychiatric hospital, that it will hold a hearing on 76409  
the proposed transfer at which the inmate may be present, that at 76410  
the hearing the inmate has the rights described in division (B)(3) 76411  
of this section, and that the department will provide qualified 76412  
independent assistance to the inmate with respect to the hearing. 76413  
The department shall not hold the hearing until the inmate has 76414  
received written notice of the proposed transfer and has had 76415  
sufficient time to consult with the person appointed by the 76416  
department to provide assistance to the inmate and to prepare for 76417  
a presentation at the hearing. 76418

(3) At the hearing held pursuant to division (B)(1) of this 76419  
section, the department shall disclose to the inmate the evidence 76420  
that it relies upon for the transfer and shall give the inmate an 76421  
opportunity to be heard. Unless the independent decision-maker 76422  
finds good cause for not permitting it, the inmate may present 76423  
documentary evidence and the testimony of witnesses at the hearing 76424  
and may confront and cross-examine witnesses called by the 76425

department. 76426

(4) If the independent decision-maker does not find clear and 76427  
convincing evidence that the inmate is a mentally ill person 76428  
subject to hospitalization, the department shall not transfer the 76429  
inmate to a psychiatric hospital but shall continue to confine the 76430  
inmate in the same state correctional institution or in another 76431  
state correctional institution that the department considers 76432  
appropriate. If the independent decision-maker finds clear and 76433  
convincing evidence that the inmate is a mentally ill person 76434  
subject to hospitalization, the decision-maker shall order that 76435  
the inmate be transported to a psychiatric hospital for 76436  
observation and treatment for a period of not longer than thirty 76437  
days. After the hearing, the independent decision-maker shall 76438  
submit to the department a written decision that states one of the 76439  
findings described in division (B)(4) of this section, the 76440  
evidence that the decision-maker relied on in reaching that 76441  
conclusion, and, if the decision is that the inmate should be 76442  
transferred, the reasons for the transfer. 76443

(C)(1) The department may transfer an inmate to a psychiatric 76444  
hospital under an emergency transfer order if the chief clinical 76445  
officer of mental health services of the department or that 76446  
officer's designee and either a psychiatrist employed or retained 76447  
by the department or, in the absence of a psychiatrist, a 76448  
psychologist employed or retained by the department determines 76449  
that the inmate is mentally ill, presents an immediate danger to 76450  
self or others, and requires hospital-level care. 76451

(2) The department may transfer an inmate to a psychiatric 76452  
hospital under an uncontested transfer order if both of the 76453  
following apply: 76454

(a) A psychiatrist employed or retained by the department 76455  
determines all of the following apply: 76456

(i) The inmate has a mental illness or is a mentally ill person subject to hospitalization. 76457  
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(ii) The inmate requires hospital care to address the mental illness. 76459  
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(iii) The inmate has the mental capacity to make a reasoned choice regarding the inmate's transfer to a hospital. 76461  
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(b) The inmate agrees to a transfer to a hospital. 76463

(3) The written notice and the hearing required under divisions (B)(1) and (2) of this section are not required for an emergency transfer or uncontested transfer under division (C)(1) or (2) of this section. 76464  
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(4) After an emergency transfer under division (C)(1) of this section, the department shall hold a hearing for continued hospitalization within five working days after admission of the transferred inmate to the psychiatric hospital. The department shall hold subsequent hearings pursuant to division (F) of this section at the same intervals as required for inmate patients who are transported to a psychiatric hospital under division (B)(4) of this section. 76468  
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(5) After an uncontested transfer under division (C)(2) of this section, the inmate may withdraw consent to the transfer in writing at any time. Upon the inmate's withdrawal of consent, the hospital shall discharge the inmate, or, within five working days, the department shall hold a hearing for continued hospitalization. The department shall hold subsequent hearings pursuant to division (F) of this section at the same time intervals as required for inmate patients who are transported to a psychiatric hospital under division (B)(4) of this section. 76476  
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(D)(1) If an independent decision-maker, pursuant to division (B)(4) of this section, orders an inmate transported to a psychiatric hospital or if an inmate is transferred pursuant to 76485  
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division (C)(1) or (2) of this section, the staff of the 76488  
psychiatric hospital shall examine the inmate patient when 76489  
admitted to the psychiatric hospital as soon as practicable after 76490  
the inmate patient arrives at the hospital and no later than 76491  
twenty-four hours after the time of arrival. The attending 76492  
physician responsible for the inmate patient's care shall give the 76493  
inmate patient all information necessary to enable the patient to 76494  
give a fully informed, intelligent, and knowing consent to the 76495  
treatment the inmate patient will receive in the hospital. The 76496  
attending physician shall tell the inmate patient the expected 76497  
physical and medical consequences of any proposed treatment and 76498  
shall give the inmate patient the opportunity to consult with 76499  
another psychiatrist at the hospital and with the inmate advisor. 76500

(2) No inmate patient who is transported or transferred 76501  
pursuant to division (B)(4) or (C)(1) or (2) of this section to a 76502  
psychiatric hospital within a facility that is operated by the 76503  
department of rehabilitation and correction shall be subjected to 76504  
any of the following procedures: 76505

(a) Convulsive therapy; 76506

(b) Major aversive interventions; 76507

(c) Any unusually hazardous treatment procedures; 76508

(d) Psychosurgery. 76509

(E) The department of rehabilitation and correction shall 76510  
ensure that an inmate patient hospitalized pursuant to this 76511  
section receives or has all of the following: 76512

(1) Receives sufficient professional care within twenty days 76513  
of admission to ensure that an evaluation of the inmate patient's 76514  
current status, differential diagnosis, probable prognosis, and 76515  
description of the current treatment plan have been formulated and 76516  
are stated on the inmate patient's official chart; 76517



- (2) Has a written treatment plan consistent with the evaluation, diagnosis, prognosis, and goals of treatment; 76518  
76519
- (3) Receives treatment consistent with the treatment plan; 76520
- (4) Receives periodic reevaluations of the treatment plan by the professional staff at intervals not to exceed thirty days; 76521  
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- (5) Is provided with adequate medical treatment for physical disease or injury; 76523  
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- (6) Receives humane care and treatment, including, without being limited to, the following: 76525  
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- (a) Access to the facilities and personnel required by the treatment plan; 76527  
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- (b) A humane psychological and physical environment; 76529
- (c) The right to obtain current information concerning the treatment program, the expected outcomes of treatment, and the expectations for the inmate patient's participation in the treatment program in terms that the inmate patient reasonably can understand; 76530  
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- (d) Opportunity for participation in programs designed to help the inmate patient acquire the skills needed to work toward discharge from the psychiatric hospital; 76535  
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- (e) The right to be free from unnecessary or excessive medication and from unnecessary restraints or isolation; 76538  
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- (f) All other rights afforded inmates in the custody of the department consistent with rules, policy, and procedure of the department. 76540  
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- (F) The department shall hold a hearing for the continued hospitalization of an inmate patient who is transported or transferred to a psychiatric hospital pursuant to division (B)(4) or (C)(1) of this section prior to the expiration of the initial thirty-day period of hospitalization. The department shall hold 76543  
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any subsequent hearings, if necessary, not later than ninety days 76548  
after the first thirty-day hearing and then not later than each 76549  
one hundred and eighty days after the immediately prior hearing. 76550  
An independent decision-maker shall conduct the hearings at the 76551  
psychiatric hospital in which the inmate patient is confined. The 76552  
inmate patient shall be afforded all of the rights set forth in 76553  
this section for the hearing prior to transfer to the psychiatric 76554  
hospital. The department may not waive a hearing for continued 76555  
commitment. A hearing for continued commitment is mandatory for an 76556  
inmate patient transported or transferred to a psychiatric 76557  
hospital pursuant to division (B)(4) or (C)(1) of this section 76558  
unless the inmate patient has the capacity to make a reasoned 76559  
choice to execute a waiver and waives the hearing in writing. An 76560  
inmate patient who is transferred to a psychiatric hospital 76561  
pursuant to an uncontested transfer under division (C)(2) of this 76562  
section and who has scheduled hearings after withdrawal of consent 76563  
for hospitalization may waive any of the scheduled hearings if the 76564  
inmate has the capacity to make a reasoned choice and executes a 76565  
written waiver of the hearing. 76566

If upon completion of the hearing the independent 76567  
decision-maker does not find by clear and convincing evidence that 76568  
the inmate patient is a mentally ill person subject to 76569  
hospitalization, the independent decision-maker shall order the 76570  
inmate patient's discharge from the psychiatric hospital. If the 76571  
independent decision-maker finds by clear and convincing evidence 76572  
that the inmate patient is a mentally ill person subject to 76573  
hospitalization, the independent decision-maker shall order that 76574  
the inmate patient remain at the psychiatric hospital for 76575  
continued hospitalization until the next required hearing. 76576

If at any time prior to the next required hearing for 76577  
continued hospitalization, the medical director of the hospital or 76578  
the attending physician determines that the treatment needs of the 76579

inmate patient could be met equally well in an available and 76580  
appropriate less restrictive state correctional institution or 76581  
unit, the medical director or attending physician may discharge 76582  
the inmate to that facility. 76583

(G) An inmate patient is entitled to the credits toward the 76584  
reduction of the inmate patient's stated prison term pursuant to 76585  
Chapters 2967. and 5120. of the Revised Code under the same terms 76586  
and conditions as if the inmate patient were in any other 76587  
institution of the department of rehabilitation and correction. 76588

(H) The adult parole authority may place an inmate patient on 76589  
parole or under post-release control directly from a psychiatric 76590  
hospital. 76591

(I) If an inmate patient who is a mentally ill person subject 76592  
to hospitalization is to be released from a psychiatric hospital 76593  
because of the expiration of the inmate patient's stated prison 76594  
term, the director of rehabilitation and correction or the 76595  
director's designee, at least fourteen days before the expiration 76596  
date, may file an affidavit under section 5122.11 or 5123.71 of 76597  
the Revised Code with the probate court in the county where the 76598  
psychiatric hospital is located or the probate court in the county 76599  
where the inmate will reside, alleging that the inmate patient is 76600  
a mentally ill person subject to hospitalization by court order or 76601  
a mentally retarded person subject to institutionalization by 76602  
court order, whichever is applicable. The proceedings in the 76603  
probate court shall be conducted pursuant to Chapter 5122. or 76604  
5123. of the Revised Code except as modified by this division. 76605

Upon the request of the inmate patient, the probate court 76606  
shall grant the inmate patient an initial hearing under section 76607  
5122.141 of the Revised Code or a probable cause hearing under 76608  
section 5123.75 of the Revised Code before the expiration of the 76609  
stated prison term. After holding a full hearing, the probate 76610  
court shall make a disposition authorized by section 5122.15 or 76611

5123.76 of the Revised Code before the date of the expiration of 76612  
the stated prison term. No inmate patient shall be held in the 76613  
custody of the department of rehabilitation and correction past 76614  
the date of the expiration of the inmate patient's stated prison 76615  
term. 76616

(J) The department of rehabilitation and correction shall set 76617  
standards for treatment provided to inmate patients. 76618

(K) A certificate, application, record, or report that is 76619  
made in compliance with this section and that directly or 76620  
indirectly identifies an inmate or former inmate whose 76621  
hospitalization has been sought under this section is 76622  
confidential. No person shall disclose the contents of any 76623  
certificate, application, record, or report of that nature or any 76624  
other psychiatric or medical record or report regarding a mentally 76625  
ill inmate unless one of the following applies: 76626

(1) The person identified, or the person's legal guardian, if 76627  
any, consents to disclosure, and the chief clinical officer or 76628  
designee of mental health services of the department of 76629  
rehabilitation and correction determines that disclosure is in the 76630  
best interests of the person. 76631

(2) Disclosure is required by a court order signed by a 76632  
judge. 76633

(3) An inmate patient seeks access to the inmate patient's 76634  
own psychiatric and medical records, unless access is specifically 76635  
restricted in the treatment plan for clear treatment reasons. 76636

(4) Hospitals and other institutions and facilities within 76637  
the department of rehabilitation and correction may exchange 76638  
psychiatric records and other pertinent information with other 76639  
hospitals, institutions, and facilities of the department, but the 76640  
information that may be released about an inmate patient is 76641  
limited to medication history, physical health status and history, 76642

summary of course of treatment in the hospital, summary of 76643  
treatment needs, and a discharge summary, if any. 76644

(5) An inmate patient's family member who is involved in 76645  
planning, providing, and monitoring services to the inmate patient 76646  
may receive medication information, a summary of the inmate 76647  
patient's diagnosis and prognosis, and a list of the services and 76648  
personnel available to assist the inmate patient and family if the 76649  
attending physician determines that disclosure would be in the 76650  
best interest of the inmate patient. No disclosure shall be made 76651  
under this division unless the inmate patient is notified of the 76652  
possible disclosure, receives the information to be disclosed, and 76653  
does not object to the disclosure. 76654

(6) The department of rehabilitation and correction may 76655  
exchange psychiatric hospitalization records, other mental health 76656  
treatment records, and other pertinent information with county 76657  
sheriffs' offices, hospitals, institutions, and facilities of the 76658  
department of ~~mental health~~ mental health and addiction services 76659  
and with community mental health ~~agencies~~ services providers and 76660  
boards of alcohol, drug addiction, and mental health services with 76661  
which the department of ~~mental health~~ mental health and addiction 76662  
services has a current agreement for patient care or services to 76663  
ensure continuity of care. Disclosure under this division is 76664  
limited to records regarding a mentally ill inmate's medication 76665  
history, physical health status and history, summary of course of 76666  
treatment, summary of treatment needs, and a discharge summary, if 76667  
any. No office, department, agency, provider, or board shall 76668  
disclose the records and other information unless one of the 76669  
following applies: 76670

(a) The mentally ill inmate is notified of the possible 76671  
disclosure and consents to the disclosure. 76672

(b) The mentally ill inmate is notified of the possible 76673  
disclosure, an attempt to gain the consent of the inmate is made, 76674

and the office, department, agency, or board documents the attempt 76675  
to gain consent, the inmate's objections, if any, and the reasons 76676  
for disclosure in spite of the inmate's objections. 76677

(7) Information may be disclosed to staff members designated 76678  
by the director of rehabilitation and correction for the purpose 76679  
of evaluating the quality, effectiveness, and efficiency of 76680  
services and determining if the services meet minimum standards. 76681

The name of an inmate patient shall not be retained with the 76682  
information obtained during the evaluations. 76683

(L) The director of rehabilitation and correction may adopt 76684  
rules setting forth guidelines for the procedures required under 76685  
divisions (B), (C)(1), and (C)(2) of this section. 76686

**Sec. 5120.171.** (A) The department of rehabilitation and 76687  
correction shall have exclusive direction and control of the care 76688  
and treatment of seriously mentally ill inmates who are in the 76689  
department's custody. The department shall enter into any 76690  
arrangements it considers desirable on such matters, including but 76691  
not limited to both of the following: 76692

(1) The monitoring of such services by another state agency 76693  
or agencies; 76694

(2) Adopting joint standards for the provision and monitoring 76695  
of mental health services with the department of ~~mental health~~ 76696  
mental health and addiction services and other state agencies. 76697

(B) In order to implement its duties imposed by division (A) 76698  
of this section, the department of rehabilitation and correction 76699  
may enter into a contract for the provision of the mental health 76700  
services described in that division. 76701

**Sec. 5120.652.** To participate in the prison nursery program, 76702  
each eligible inmate selected by the department shall do all the 76703

following: 76704

(A) Agree in writing to do all the following: 76705

(1) Comply with any program, educational, counseling, and 76706  
other requirements established for the program by the department 76707  
of rehabilitation and correction; 76708

(2) If eligible, have the child participate in the medicaid 76709  
program or a health insurance program; 76710

(3) Accept the normal risks of childrearing; 76711

(4) Abide by any court decisions regarding the allocation of 76712  
parental rights and responsibilities with respect to the child. 76713

(B) Assign to the department any rights to support from any 76714  
other person, excluding support assigned pursuant to section 76715  
5107.20 of the Revised Code and medical support assigned pursuant 76716  
to section ~~5101.59~~ 5160.38 of the Revised Code; 76717

(C) Specify with whom the child is to be placed in the event 76718  
the inmate's participation in the program is terminated for a 76719  
reason other than release from imprisonment. 76720

**Sec. 5120.654.** (A) The rights to support assigned by an 76721  
inmate pursuant to section 5120.652 of the Revised Code constitute 76722  
an obligation of the person who is responsible for providing the 76723  
support to the department of rehabilitation and correction for the 76724  
support provided the inmate and child pursuant to the prison 76725  
nursery program. The division of child support in the department 76726  
of job and family services shall collect support payments made 76727  
pursuant to the assignment and forward them to the department of 76728  
rehabilitation and correction. 76729

(B) The department of rehabilitation and correction may 76730  
receive the following: 76731

(1) Money that is assigned or donated on behalf of, and 76732

public assistance provided under Ohio works first to, a specific inmate or child participating in the prison nursery program;

(2) Money assigned or donated to establish and maintain the prison nursery program.

(C) The amounts described in division (B)(1) of this section shall be placed in the individual nursery account created and maintained under section 5120.655 of the Revised Code for the inmate and child for whom the money was received. The money described in division (B)(2) of this section shall be deposited in the appropriate prison nursery program fund.

**Sec. 5121.051.** All outstanding liability of relatives for the support of any patient or resident in a benevolent institution under the control of the department of ~~mental health~~ mental health and addiction services or the department of developmental disabilities accrued prior to January 1, 1956, including the liability of the patient personally, is hereby canceled, provided that this section does not abrogate any written agreements or security arrangement for the payment of support charges entered into between the state and any patient or liable relative prior to such date.

**Sec. 5121.30.** As used in sections 5121.30 to 5121.56 of the Revised Code:

(A) ~~"Community mental health services client" or "client" means a person receiving state-operated community mental health services.~~

~~(B)~~ "Countable assets" means all of the following:

(1) Cash;

(2) Bank deposits;

(3) Securities;



(4) Individual retirement accounts;	76762
(5) Qualified employer plans, including 401(k) and Keogh plans;	76763 76764
(6) Annuities;	76765
(7) Funds in a trust created under section 5815.28 of the Revised Code;	76766 76767
(8) Investment property and income;	76768
(9) The cash surrender values of life insurance policies;	76769
(10) Assets acquired by gift, bequest, devise, or inheritance;	76770 76771
(11) Any other asset determined by the department of <del>mental health</del> <u>mental health and addiction services</u> to be equivalent to the assets enumerated in this division.	76772 76773 76774
<del>(C)</del> (B) "Federal poverty level" or "FPL" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	76775 76776 76777 76778 76779 76780 76781
<del>(D)</del> (C) "Federal poverty guidelines" means the poverty guidelines as revised annually by the United States department of health and human services in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.	76782 76783 76784 76785 76786 76787
<del>(E)</del> (D) "Hospital" means an institution, hospital, or other place established, controlled, or supervised by the department of <del>mental health</del> <u>mental health and addiction services</u> under Chapter 5119. of the Revised Code.	76788 76789 76790 76791

~~(F)~~(E) "Liable relative" means all of the following: 76792

(1) A patient's spouse; 76793

(2) A patient's mother or father, or both, if the patient is 76794  
under eighteen years of age; 76795

(3) A patient's guardian. 76796

~~(G)~~(F) "Patient" means a person admitted to a hospital for 76797  
inpatient care or treatment, including a person transferred to a 76798  
hospital from a state correctional institution or a person under 76799  
indictment or conviction who has been transferred to a hospital. 76800

**Sec. 5121.32.** On an annual basis, the department of ~~mental~~ 76801  
~~health~~ mental health and addiction services shall determine both 76802  
of the following using generally accepted governmental accounting 76803  
principles: 76804

(A) The applicable per diem charge for each hospital operated 76805  
by the department; 76806

(B) The ancillary per diem rate for each hospital operated by 76807  
the department. 76808

In determining a hospital's applicable per diem charge and 76809  
ancillary per diem rate, the department shall consider the average 76810  
actual per diem cost of maintaining and treating a patient at the 76811  
hospital or, at the department's discretion, the average actual 76812  
per diem cost of maintaining and treating a patient in a unit of 76813  
the hospital. 76814

**Sec. 5121.33.** Except as provided in sections 5121.35, 76815  
5121.43, 5121.46, 5121.47, 5121.49, and 5121.52 of the Revised 76816  
Code, the department of ~~mental health~~ mental health and addiction 76817  
services shall, for each billing cycle, charge a patient, 76818  
patient's estate, or liable relative an amount equal to the sum of 76819  
the following: 76820

(A) The applicable per diem charge multiplied by the number 76821  
of days the patient was admitted to the hospital; 76822

(B) An amount that was previously billed but not paid. 76823

**Sec. 5121.34.** (A) A patient, patient's estate, and patient's 76824  
liable relatives shall be jointly and severally liable for amounts 76825  
charged by the department of ~~mental health~~ mental health and 76826  
addiction services in accordance with section 5121.33 or 5121.35 76827  
of the Revised Code. In no case shall any of the foregoing persons 76828  
be liable for more than one hundred per cent of the full sum 76829  
charged under section 5121.33 of the Revised Code. 76830

(B) Collections of support payments shall be made by the 76831  
department and, subject to meeting prior requirements for payment 76832  
and crediting of such collections and other available receipts, in 76833  
accordance with the bond proceedings applicable to obligations 76834  
issued pursuant to section 154.20 of the Revised Code. The 76835  
collections and other available receipts designated by the 76836  
director of ~~mental health~~ mental health and addiction services for 76837  
deposit in the special accounts, together with insurance contract 76838  
payments provided for in section 5121.43 of the Revised Code, 76839  
shall be remitted to the treasurer of state for deposit in the 76840  
state treasury to the credit of the mental health operating fund, 76841  
which is hereby created, to be used for the general purposes of 76842  
the department. The department shall make refunds of overpayment 76843  
of support charges from the mental health operating fund. 76844

**Sec. 5121.35.** The department of ~~mental health~~ mental health 76845  
and addiction services shall charge a patient, patient's estate, 76846  
or liable relative an amount discounted from the amount the 76847  
department charges under section 5121.33 of the Revised Code if 76848  
the department determines through the application process 76849  
described in section 5121.36 of the Revised Code or through the 76850

financial assessment process described in section 5121.37 of the Revised Code that the patient, estate, or relative is eligible for a discount.

**Sec. 5121.36.** (A) A patient, patient's estate, or liable relative may apply for a discount by completing an application form prescribed by the director of ~~mental health~~ mental health and addiction services. The department of ~~mental health~~ mental health and addiction services may require a patient, estate, or relative to furnish any of the following with an application form:

(1) A copy of the patient's, estate's, or liable relative's federal income tax return for the year preceding the date of application or, if that is not yet available, the preceding year;

(2) A copy of the patient's, estate's, or liable relative's employee tax withholding return (form W-2) for the year preceding the date of application;

(3) Any other relevant documents prescribed by the director of ~~mental health~~ mental health and addiction services.

(B) To be considered, an application must be submitted to the department not later than ninety days after the date the patient is admitted to a hospital.

(C) From the information provided by a patient, estate, or relative, the department shall determine whether the department will charge the person a discounted amount in accordance with sections 5121.40 and 5121.41 of the Revised Code. In making this determination, the department shall consider whether the patient is covered by an insurance policy or other contract that provides for payment of expenses and treatment for mental illness. If the department determines that the patient has coverage, the department shall require payment in accordance with section 5121.43 of the Revised Code.

(D) The department shall notify the patient, executor or administrator of the patient's estate, or liable relative who submitted the application form in writing regarding whether that person will be charged a discounted amount and the per diem rate to be charged.

(E) In accordance with section 5121.42 of the Revised Code, the department may, at any time, modify an amount charged or change the per diem rate to be charged if the department learns of countable assets or income that was not previously disclosed or was acquired after the application form was submitted. Within a reasonable time, the department shall notify in writing any person affected by a modification or change.

**Sec. 5121.37.** After a patient's admittance to a hospital, the department of ~~mental health~~ mental health and addiction services shall conduct a financial assessment to determine whether the patient, patient's estate, or liable relative will be charged an amount discounted from the amount the department charges under section 5121.33 of the Revised Code. The department shall make the determination in accordance with sections 5121.40 and 5121.41 of the Revised Code.

If a discounted rate is to be charged, the department shall notify the person whose financial condition was assessed. The notice shall specify the per diem rate to be charged.

In accordance with section 5121.42 of the Revised Code, the department may, at any time, modify an amount charged or change the per diem rate to be charged if the department learns of countable assets or income that was not previously disclosed or was acquired after the assessment was conducted. Within a reasonable time, the department shall notify in writing any person affected by a modification or change.

**Sec. 5121.38.** The department of ~~mental health~~ mental health 76911  
and addiction services may subpoena witnesses, take testimony 76912  
under oath, and examine any public records relating to the income 76913  
and other assets of a patient or of a relative liable for such 76914  
patient's support. All information, conclusions, and 76915  
recommendations shall be submitted to the department by the 76916  
investigating agent of the department. 76917

**Sec. 5121.40.** (A) A patient, patient's estate, or liable 76918  
relative may be eligible to be charged an amount discounted from 76919  
the amount the department of ~~mental health~~ mental health and 76920  
addiction services charges under section 5121.33 of the Revised 76921  
Code if the patient, estate, or relative has countable assets with 76922  
a total value that is not greater than an amount equal to fifty 76923  
per cent of the difference between the following: 76924

(1) The gross annual income that corresponds with a family 76925  
size of two persons at one hundred per cent of the federal poverty 76926  
level for the state; 76927

(2) The gross annual income that corresponds with a family 76928  
size of one person at one hundred per cent of the federal poverty 76929  
level for the state. For purposes of determining family size, the 76930  
patient is one dependent. One additional dependent shall be 76931  
included for each of the following circumstances and persons: 76932

(a) The patient or liable relative is legally blind or deaf. 76933

(b) The patient or liable relative is ~~of~~ sixty-five years of 76934  
age or older. 76935

(c) Each child under eighteen years of age for which the 76936  
patient or liable relative has legal custody; 76937

(d) The patient's or liable relative's spouse. 76938

(B) A patient, estate, or relative may, not later than ninety 76939

days after the patient's admission to a hospital, surrender the 76940  
value of countable assets sufficient to reduce countable assets to 76941  
not more than the limit described in division (A) of this section. 76942

**Sec. 5121.42.** (A) Except as provided in division (B) of this 76943  
section, a patient, patient's estate, or liable relative shall 76944  
cease to be eligible for a discount under ~~sections~~ section 5121.36 76945  
or 5121.37 of the Revised Code on accumulation of countable assets 76946  
in excess of an amount equal to fifty per cent of the difference 76947  
between the following: 76948

(1) The gross annual income that corresponds with a family 76949  
size of two persons at one hundred per cent of the federal poverty 76950  
level for the state; 76951

(2) The gross annual income that corresponds with a family 76952  
size of one person at one hundred per cent of the federal poverty 76953  
level for the state. 76954

(B) Money needed to meet the patient's needs and burial fund 76955  
as determined by a needs assessment conducted by the department of 76956  
~~mental health~~ mental health and addiction services pursuant to 76957  
rules adopted under ~~section 5119.01~~ 5119.10 of the Revised Code 76958  
shall be excluded from any determination the department makes 76959  
under division (A) of this section. 76960

**Sec. 5121.43.** If a patient is covered by an insurance policy 76961  
or other contract that provides for payment of expenses for care 76962  
and treatment for mental illness at or from a hospital under the 76963  
jurisdiction of the department of ~~mental health~~ mental health and 76964  
addiction services, sections 5121.33 to 5121.55 of the Revised 76965  
Code are inapplicable to the extent that the policy or contract is 76966  
in force. Any insurance carrier or other third party payor 76967  
providing coverage for such care and treatment shall pay for the 76968  
patient's support obligation in amounts equal to the lesser of 76969

amounts charged by the department under section 5121.33 of the Revised Code or the benefits provided under the policy or other contract. Whether or not an insured, owner of, or other person having an interest in such policy or other contract is liable for support payments, the insured, policy owner, or other person shall assign payment directly to the department of all assignable benefits under the policy or other contract and shall pay to the department, within ten days of receipt, all insurance or other benefits received as reimbursement or payment for expenses incurred by the patient or for any other reason. If the insured, policy owner, or other person refuses to assign payment to the department or refuses to pay received reimbursements or payments to the department within ten days of receipt, the total liability of the insured, policy owner, or other person for the services is an amount equal to the per diem charge for the hospital where the patient was admitted multiplied by the number of days the patient was admitted.

In no event shall this total liability exceed the department's actual cost of providing care and treatment to a patient. The department may disqualify patients and liable relatives who have retained third party funds from future discounts. The department may request that the attorney general petition a court of competent jurisdiction to compel the insured, owner of, or other person having an interest in the policy or contract to comply with the assignment requirements in this section.

**Sec. 5121.44.** The department of ~~mental health~~ mental health and addiction services may enter into an extended payment agreement with a patient, patient's estate, or liable relative who has notified the department that the patient, estate, or relative cannot reasonably pay an amount the department has charged. In no



case shall the department take a security interest, mortgage, or 77001  
lien against the principal family residence of a patient or liable 77002  
relative. 77003

**Sec. 5121.45.** (A) For purposes of this section, "delinquent 77004  
payment" means an amount owed by a patient, patient's estate, or 77005  
liable relative to the department of ~~mental health~~ mental health  
and addiction services for which the person has failed to do 77006  
either of the following not later than ninety days after the 77007  
service associated with the charge was incurred: 77008  
77009

(1) Make payment in full; 77010

(2) Make a payment in accordance with the terms of an 77011  
agreement entered into under section 5121.44 of the Revised Code. 77012

(B) An action to enforce the collection of a delinquent 77013  
payment shall be commenced not later than six years after the 77014  
later of the following: 77015

(1) The last date the department received money to satisfy 77016  
the delinquent payment; 77017

(2) The date the charge was due. 77018

(C) In all actions to enforce the collection of delinquent 77019  
payments, a court of record shall receive into evidence the proof 77020  
of claim document made by the state together with all debts and 77021  
credits. The proof of claim document shall be prima-facie evidence 77022  
of the facts stated in the document. 77023

**Sec. 5121.46.** The department of ~~mental health~~ mental health  
and addiction services shall not charge a liable relative under 77024  
sections 5121.33 and 5121.35 of the Revised Code who has done 77025  
either of the following: 77026  
77027

(A) Paid all amounts charged by the department for the care 77028

and treatment of a particular patient for fifteen consecutive 77029  
years; 77030

(B) Paid amounts charged by the department for the care and 77031  
treatment of more than one patient for a total of fifteen 77032  
consecutive years. 77033

**Sec. 5121.47.** Irrespective of the number of patients for 77034  
which the department of ~~mental health~~ mental health and addiction 77035  
services may charge a liable relative under sections 5121.33 ~~or~~ 77036  
and 5121.35 of the Revised Code, the department shall not charge a 77037  
liable relative or group of liable relatives who are members of 77038  
the same family unit for the support of more than one patient 77039  
during the same period of time. 77040

**Sec. 5121.49.** (A) Any person who has been charged under 77041  
section 5121.33 or 5121.35 of the Revised Code may petition the 77042  
department of ~~mental health~~ mental health and addiction services 77043  
to do the following: 77044

(1) Release the person from a charge; 77045

(2) Modify or cancel a charge. 77046

(B) The department shall respond to a petition in writing and 77047  
inform the petitioner of whether a release, modification, or 77048  
cancellation has been approved. 77049

**Sec. 5121.50.** When a patient is committed to a hospital 77050  
pursuant to judicial proceedings, the judge ordering the 77051  
commitment shall: 77052

(A) Make a reliable report on the financial condition of the 77053  
patient and of each liable relative, as provided in rules adopted 77054  
by the director of ~~mental health~~ mental health and addiction 77055  
services; 77056

(B) Certify the report required under division (A) of this section to the managing officer of the hospital. The managing officer shall thereupon enter in the managing officer's records the name and address of any guardian appointed and of any relative liable for the patient's support.

**Sec. 5121.51.** In case the estate of any patient in a hospital is sufficient for the patient's support and no guardian has been appointed for such estate, the agent of the department of ~~mental health~~ mental health and addiction services shall petition the probate court of the proper county to appoint a guardian.

**Sec. 5121.52.** On the death of a person who is a patient, or has been a patient in a hospital, or on the death of a person responsible under section 5121.34 of the Revised Code for the support of a patient, the department of ~~mental health~~ mental health and addiction services may waive the presentation of any claim for support against the estate of such decedent, when in its judgment an otherwise dependent person will be directly benefited by the estate. Claims against an estate for support of a patient are subject to section 5815.28 and Chapter 2117. of the Revised Code, and shall be treated, and may be barred, the same as the claims of other creditors of the estate, pursuant to that section or chapter.

The department of ~~mental health~~ mental health and addiction services may accept from a guardian or trustee of a patient a contract agreeing to pay to the state from the property of the guardian's or trustee's ward before or at the death of the ward a fixed annual amount for the support of the ward while the ward is a patient, with interest at four per cent per annum. A copy of the contract shall be filed in the probate court of the proper county and duly entered as a part of the records concerning the ward.

**Sec. 5121.55.** The cost for support of a client of 77087  
state-operated community mental health services is an amount 77088  
determined using guidelines the department of ~~mental health~~ mental 77089  
health and addiction services shall issue. The guidelines shall be 77090  
based on cost findings and rate-settings applicable to such 77091  
services. 77092

**Sec. 5122.01.** As used in this chapter and Chapter 5119. of 77093  
the Revised Code: 77094

(A) "Mental illness" means a substantial disorder of thought, 77095  
mood, perception, orientation, or memory that grossly impairs 77096  
judgment, behavior, capacity to recognize reality, or ability to 77097  
meet the ordinary demands of life. 77098

(B) "Mentally ill person subject to hospitalization by court 77099  
order" means a mentally ill person who, because of the person's 77100  
illness: 77101

(1) Represents a substantial risk of physical harm to self as 77102  
manifested by evidence of threats of, or attempts at, suicide or 77103  
serious self-inflicted bodily harm; 77104

(2) Represents a substantial risk of physical harm to others 77105  
as manifested by evidence of recent homicidal or other violent 77106  
behavior, evidence of recent threats that place another in 77107  
reasonable fear of violent behavior and serious physical harm, or 77108  
other evidence of present dangerousness; 77109

(3) Represents a substantial and immediate risk of serious 77110  
physical impairment or injury to self as manifested by evidence 77111  
that the person is unable to provide for and is not providing for 77112  
the person's basic physical needs because of the person's mental 77113  
illness and that appropriate provision for those needs cannot be 77114  
made immediately available in the community; or 77115

(4) Would benefit from treatment in a hospital for the 77116

person's mental illness and is in need of such treatment as 77117  
manifested by evidence of behavior that creates a grave and 77118  
imminent risk to substantial rights of others or the person. 77119

(C)(1) "Patient" means, subject to division (C)(2) of this 77120  
section, a person who is admitted either voluntarily or 77121  
involuntarily to a hospital or other place under section 2945.39, 77122  
2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a 77123  
finding of not guilty by reason of insanity or incompetence to 77124  
stand trial or under this chapter, who is under observation or 77125  
receiving treatment in such place. 77126

(2) "Patient" does not include a person admitted to a 77127  
hospital or other place under section 2945.39, 2945.40, 2945.401, 77128  
or 2945.402 of the Revised Code to the extent that the reference 77129  
in this chapter to patient, or the context in which the reference 77130  
occurs, is in conflict with any provision of sections 2945.37 to 77131  
2945.402 of the Revised Code. 77132

(D) "Licensed physician" means a person licensed under the 77133  
laws of this state to practice medicine or a medical officer of 77134  
the government of the United States while in this state in the 77135  
performance of the person's official duties. 77136

(E) "Psychiatrist" means a licensed physician who has 77137  
satisfactorily completed a residency training program in 77138  
psychiatry, as approved by the residency review committee of the 77139  
American medical association, the committee on post-graduate 77140  
education of the American osteopathic association, or the American 77141  
osteopathic board of neurology and psychiatry, or who on July 1, 77142  
1989, has been recognized as a psychiatrist by the Ohio state 77143  
medical association or the Ohio osteopathic association on the 77144  
basis of formal training and five or more years of medical 77145  
practice limited to psychiatry. 77146

(F) "Hospital" means a hospital or inpatient unit licensed by 77147

the department of ~~mental health~~ mental health and addiction 77148  
services under section ~~5119.20~~ 5119.33 of the Revised Code, and 77149  
any institution, hospital, or other place established, controlled, 77150  
or supervised by the department under Chapter 5119. of the Revised 77151  
Code. 77152

(G) "Public hospital" means a facility that is tax-supported 77153  
and under the jurisdiction of the department of ~~mental health~~ 77154  
mental health and addiction services. 77155

(H) "Community mental health ~~agency~~ services provider" means 77156  
an agency, association, corporation, individual, or program that 77157  
provides community mental health services that are certified by 77158  
the director of ~~mental health~~ mental health and addiction services 77159  
under section ~~5119.611~~ 5119.36 of the Revised Code. 77160

(I) "Licensed clinical psychologist" means a person who holds 77161  
a current valid psychologist license issued under section 4732.12 77162  
or 4732.15 of the Revised Code, and in addition, meets either of 77163  
the following criteria: 77164

(1) Meets the educational requirements set forth in division 77165  
(B) of section 4732.10 of the Revised Code and has a minimum of 77166  
two years' full-time professional experience, or the equivalent as 77167  
determined by rule of the state board of psychology, at least one 77168  
year of which shall be a predoctoral internship, in clinical 77169  
psychological work in a public or private hospital or clinic or in 77170  
private practice, diagnosing and treating problems of mental 77171  
illness or mental retardation under the supervision of a 77172  
psychologist who is licensed or who holds a diploma issued by the 77173  
American board of professional psychology, or whose qualifications 77174  
are substantially similar to those required for licensure by the 77175  
state board of psychology when the supervision has occurred prior 77176  
to enactment of laws governing the practice of psychology; 77177

(2) Meets the educational requirements set forth in division 77178

(B) of section 4732.15 of the Revised Code and has a minimum of 77179  
four years' full-time professional experience, or the equivalent 77180  
as determined by rule of the state board of psychology, in 77181  
clinical psychological work in a public or private hospital or 77182  
clinic or in private practice, diagnosing and treating problems of 77183  
mental illness or mental retardation under supervision, as set 77184  
forth in division (I)(1) of this section. 77185

(J) "Health officer" means any public health physician; 77186  
public health nurse; or other person authorized by or designated 77187  
by a city health district; a general health district; or a board 77188  
of alcohol, drug addiction, and mental health services to perform 77189  
the duties of a health officer under this chapter. 77190

(K) "Chief clinical officer" means the medical director of a 77191  
hospital, or a community mental health ~~agency~~ services provider, 77192  
or a board of alcohol, drug addiction, and mental health services, 77193  
or, if there is no medical director, the licensed physician 77194  
responsible for the treatment a hospital or community mental 77195  
health ~~agency~~ services provider provides. The chief clinical 77196  
officer may delegate to the attending physician responsible for a 77197  
patient's care the duties imposed on the chief clinical officer by 77198  
this chapter. Within a community mental health ~~agency~~ services 77199  
provider, the chief clinical officer shall be designated by the 77200  
governing body of the ~~agency~~ services provider and shall be a 77201  
licensed physician or licensed clinical psychologist who 77202  
supervises diagnostic and treatment services. A licensed physician 77203  
or licensed clinical psychologist designated by the chief clinical 77204  
officer may perform the duties and accept the responsibilities of 77205  
the chief clinical officer in the chief clinical officer's 77206  
absence. 77207

(L) "Working day" or "court day" means Monday, Tuesday, 77208  
Wednesday, Thursday, and Friday, except when such day is a 77209  
holiday. 77210

(M) "Indigent" means unable without deprivation of satisfaction of basic needs to provide for the payment of an attorney and other necessary expenses of legal representation, including expert testimony.

(N) "Respondent" means the person whose detention, commitment, hospitalization, continued hospitalization or commitment, or discharge is being sought in any proceeding under this chapter.

(O) "Ohio protection and advocacy system" has the same meaning as in section 5123.60 of the Revised Code.

(P) "Independent expert evaluation" means an evaluation conducted by a licensed clinical psychologist, psychiatrist, or licensed physician who has been selected by the respondent or the respondent's counsel and who consents to conducting the evaluation.

(Q) "Court" means the probate division of the court of common pleas.

(R) "Expunge" means:

(1) The removal and destruction of court files and records, originals and copies, and the deletion of all index references;

(2) The reporting to the person of the nature and extent of any information about the person transmitted to any other person by the court;

(3) Otherwise insuring that any examination of court files and records in question shall show no record whatever with respect to the person;

(4) That all rights and privileges are restored, and that the person, the court, and any other person may properly reply that no such record exists, as to any matter expunged.

(S) "Residence" means a person's physical presence in a



county with intent to remain there, except that: 77241

(1) If a person is receiving a mental health service at a 77242  
facility that includes nighttime sleeping accommodations, 77243  
residence means that county in which the person maintained the 77244  
person's primary place of residence at the time the person entered 77245  
the facility; 77246

(2) If a person is committed pursuant to section 2945.38, 77247  
2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, 77248  
residence means the county where the criminal charges were filed. 77249

When the residence of a person is disputed, the matter of 77250  
residence shall be referred to the department of ~~mental health~~ 77251  
mental health and addiction services for investigation and 77252  
determination. Residence shall not be a basis for a board's 77253  
denying services to any person present in the board's service 77254  
district, and the board shall provide services for a person whose 77255  
residence is in dispute while residence is being determined and 77256  
for a person in an emergency situation. 77257

(T) "Admission" to a hospital or other place means that a 77258  
patient is accepted for and stays at least one night at the 77259  
hospital or other place. 77260

(U) "Prosecutor" means the prosecuting attorney, village 77261  
solicitor, city director of law, or similar chief legal officer 77262  
who prosecuted a criminal case in which a person was found not 77263  
guilty by reason of insanity, who would have had the authority to 77264  
prosecute a criminal case against a person if the person had not 77265  
been found incompetent to stand trial, or who prosecuted a case in 77266  
which a person was found guilty. 77267

(V) "Treatment plan" means a written statement of reasonable 77268  
objectives and goals for an individual established by the 77269  
treatment team, with specific criteria to evaluate progress 77270  
towards achieving those objectives. The active participation of 77271

the patient in establishing the objectives and goals shall be 77272  
documented. The treatment plan shall be based on patient needs and 77273  
include services to be provided to the patient while the patient 77274  
is hospitalized and after the patient is discharged. The treatment 77275  
plan shall address services to be provided upon discharge, 77276  
including but not limited to housing, financial, and vocational 77277  
services. 77278

(W) "Community control sanction" has the same meaning as in 77279  
section 2929.01 of the Revised Code. 77280

(X) "Post-release control sanction" has the same meaning as 77281  
in section 2967.01 of the Revised Code. 77282

**Sec. 5122.03.** A patient admitted under section 5122.02 of the 77283  
Revised Code who requests release in writing, or whose release is 77284  
requested in writing by the patient's counsel, legal guardian, 77285  
parent, spouse, or adult next of kin shall be released forthwith, 77286  
except that when: 77287

(A) The patient was admitted on the patient's own application 77288  
and the request for release is made by a person other than the 77289  
patient, release may be conditional upon the agreement of the 77290  
patient; or 77291

(B) The chief clinical officer of the hospital, within three 77292  
court days from the receipt of the request for release, files or 77293  
causes to be filed with the court of the county where the patient 77294  
is hospitalized or of the county where the patient is a resident, 77295  
an affidavit under section 5122.11 of the Revised Code. Release 77296  
may be postponed until the hearing held under section 5122.141 of 77297  
the Revised Code. A telephone communication within three court 77298  
days from the receipt of the request for release from the chief 77299  
clinical officer to the court, indicating that the required 77300  
affidavit has been mailed, is sufficient compliance with the time 77301  
limit for filing such affidavit. 77302

Unless the patient is released within three days from the receipt of the request by the chief clinical officer, the request shall serve as a request for an initial hearing under section 5122.141 of the Revised Code. If the court finds that the patient is a mentally ill person subject to hospitalization by court order, all provisions of this chapter with respect to involuntary hospitalization apply to such person.

Judicial proceedings for hospitalization shall not be commenced with respect to a voluntary patient except pursuant to this section.

Sections 5121.30 to 5121.56 of the Revised Code apply to persons received in a hospital operated by the department of ~~mental health~~ mental health and addiction services on a voluntary application.

The chief clinical officer of the hospital shall provide reasonable means and arrangements for informing patients of their rights to release as provided in this section and for assisting them in making and presenting requests for release or for a hearing under section 5122.141 of the Revised Code.

Before a patient is released from a public hospital, the chief clinical officer shall, when possible, notify the board of the patient's county of residence of the patient's pending release after the chief clinical officer has informed the patient that the board will be so notified.

**Sec. 5122.10.** Any psychiatrist, licensed clinical psychologist, licensed physician, health officer, parole officer, police officer, or sheriff may take a person into custody, or the chief of the adult parole authority or a parole or probation officer with the approval of the chief of the authority may take a parolee, an offender under a community control sanction or a post-release control sanction, or an offender under transitional

control into custody and may immediately transport the parolee, 77334  
offender on community control or post-release control, or offender 77335  
under transitional control to a hospital or, notwithstanding 77336  
section ~~5119.20~~ 5119.33 of the Revised Code, to a general hospital 77337  
not licensed by the department of ~~mental health~~ mental health and  
addiction services where the parolee, offender on community 77338  
control or post-release control, or offender under transitional 77339  
control may be held for the period prescribed in this section, if 77340  
the psychiatrist, licensed clinical psychologist, licensed 77341  
physician, health officer, parole officer, police officer, or 77342  
sheriff has reason to believe that the person is a mentally ill 77343  
person subject to hospitalization by court order under division 77344  
(B) of section 5122.01 of the Revised Code, and represents a 77345  
substantial risk of physical harm to self or others if allowed to 77346  
remain at liberty pending examination. 77347  
77348

A written statement shall be given to such hospital by the 77349  
transporting psychiatrist, licensed clinical psychologist, 77350  
licensed physician, health officer, parole officer, police 77351  
officer, chief of the adult parole authority, parole or probation 77352  
officer, or sheriff stating the circumstances under which such 77353  
person was taken into custody and the reasons for the 77354  
psychiatrist's, licensed clinical psychologist's, licensed 77355  
physician's, health officer's, parole officer's, police officer's, 77356  
chief of the adult parole authority's, parole or probation 77357  
officer's, or sheriff's belief. This statement shall be made 77358  
available to the respondent or the respondent's attorney upon 77359  
request of either. 77360

Every reasonable and appropriate effort shall be made to take 77361  
persons into custody in the least conspicuous manner possible. A 77362  
person taking the respondent into custody pursuant to this section 77363  
shall explain to the respondent: the name, and professional 77364  
designation, ~~and agency~~ affiliation of the person taking the 77365

respondent into custody; that the custody-taking is not a criminal 77366  
arrest; and that the person is being taken for examination by 77367  
mental health professionals at a specified mental health facility 77368  
identified by name. 77369

If a person taken into custody under this section is 77370  
transported to a general hospital, the general hospital may admit 77371  
the person, or provide care and treatment for the person, or both, 77372  
notwithstanding section ~~5119.20~~ 5119.33 of the Revised Code, but 77373  
by the end of twenty-four hours after arrival at the general 77374  
hospital, the person shall be transferred to a hospital as defined 77375  
in section 5122.01 of the Revised Code. 77376

A person transported or transferred to a hospital or 77377  
community mental health ~~agency~~ services provider under this 77378  
section shall be examined by the staff of the hospital or ~~agency~~ 77379  
services provider within twenty-four hours after arrival at the 77380  
hospital or ~~agency~~ services provider. If to conduct the 77381  
examination requires that the person remain overnight, the 77382  
hospital or ~~agency~~ services provider shall admit the person in an 77383  
unclassified status until making a disposition under this section. 77384  
After the examination, if the chief clinical officer of the 77385  
hospital or ~~agency~~ services provider believes that the person is 77386  
not a mentally ill person subject to hospitalization by court 77387  
order, the chief clinical officer shall release or discharge the 77388  
person immediately unless a court has issued a temporary order of 77389  
detention applicable to the person under section 5122.11 of the 77390  
Revised Code. After the examination, if the chief clinical officer 77391  
believes that the person is a mentally ill person subject to 77392  
hospitalization by court order, the chief clinical officer may 77393  
detain the person for not more than three court days following the 77394  
day of the examination and during such period admit the person as 77395  
a voluntary patient under section 5122.02 of the Revised Code or 77396  
file an affidavit under section 5122.11 of the Revised Code. If 77397

neither action is taken and a court has not otherwise issued a 77398  
temporary order of detention applicable to the person under 77399  
section 5122.11 of the Revised Code, the chief clinical officer 77400  
shall discharge the person at the end of the three-day period 77401  
unless the person has been sentenced to the department of 77402  
rehabilitation and correction and has not been released from the 77403  
person's sentence, in which case the person shall be returned to 77404  
that department. 77405

**Sec. 5122.11.** Proceedings for the hospitalization of a person 77406  
pursuant to sections 5122.11 to 5122.15 of the Revised Code shall 77407  
be commenced by the filing of an affidavit in the manner and form 77408  
prescribed by the department of ~~mental health~~ mental health and 77409  
addiction services, by any person or persons with the court, 77410  
either on reliable information or actual knowledge, whichever is 77411  
determined to be proper by the court. This section does not apply 77412  
to the hospitalization of a person pursuant to section 2945.39, 77413  
2945.40, 2945.401, or 2945.402 of the Revised Code. 77414

The affidavit shall contain an allegation setting forth the 77415  
specific category or categories under division (B) of section 77416  
5122.01 of the Revised Code upon which the jurisdiction of the 77417  
court is based and a statement of alleged facts sufficient to 77418  
indicate probable cause to believe that the person is a mentally 77419  
ill person subject to hospitalization by court order. The 77420  
affidavit may be accompanied, or the court may require that the 77421  
affidavit be accompanied, by a certificate of a psychiatrist, or a 77422  
certificate signed by a licensed clinical psychologist and a 77423  
certificate signed by a licensed physician stating that the person 77424  
who issued the certificate has examined the person and is of the 77425  
opinion that the person is a mentally ill person subject to 77426  
hospitalization by court order, or shall be accompanied by a 77427  
written statement by the applicant, under oath, that the person 77428  
has refused to submit to an examination by a psychiatrist, or by a 77429

licensed clinical psychologist and licensed physician. 77430

Upon receipt of the affidavit, if a judge of the court or a 77431  
referee who is an attorney at law appointed by the court has 77432  
probable cause to believe that the person named in the affidavit 77433  
is a mentally ill person subject to hospitalization by court 77434  
order, the judge or referee may issue a temporary order of 77435  
detention ordering any health or police officer or sheriff to take 77436  
into custody and transport the person to a hospital or other place 77437  
designated in section 5122.17 of the Revised Code, or may set the 77438  
matter for further hearing. 77439

The person may be observed and treated until the hearing 77440  
provided for in section 5122.141 of the Revised Code. If no such 77441  
hearing is held, the person may be observed and treated until the 77442  
hearing provided for in section 5122.15 of the Revised Code. 77443

**Sec. 5122.12.** After receipt of the affidavit required by 77444  
section 5122.11 of the Revised Code, the court shall cause written 77445  
notice by mail or otherwise of any hearing as the court directs to 77446  
be given to the following persons: 77447

(A) The respondent; 77448

(B) The respondent's legal guardian, if any, the respondent's 77449  
spouse, if any, and the respondent's parents, if the respondent is 77450  
a minor, if these persons' addresses are known to the court or can 77451  
be obtained through exercise of reasonable diligence; 77452

(C) The person who filed the affidavit; 77453

(D) Any one person designated by the respondent; but if the 77454  
respondent does not make a selection, the notice shall be sent to 77455  
the adult next of kin other than the person who filed the 77456  
affidavit if that person's address is known to the court or can be 77457  
obtained through exercise of reasonable diligence; 77458

(E) The respondent's counsel; 77459

(F) The director, chief clinical officer, or the respective 77460  
designee of the hospital, board, ~~agency~~ community mental health 77461  
services provider, or facility to which the person has been 77462  
committed; 77463

(G) The board of alcohol, drug addiction, and mental health 77464  
services serving the respondent's county of residence or ~~an agency~~ 77465  
a services provider the board designates. 77466

Any person entitled to notice under this section, with the 77467  
exception of the respondent, may waive the notice. 77468

A copy of the affidavit and temporary order of detention 77469  
shall be served with the notice to the parties and to respondent's 77470  
counsel, if counsel has been appointed or retained. 77471

**Sec. 5122.13.** Upon receipt of the affidavit required by 77472  
section 5122.11 of the Revised Code, the court shall refer the 77473  
affidavit to the board of alcohol, drug addiction, and mental 77474  
health services or ~~an agency~~ community mental health services 77475  
provider the board designates to assist the court in determining 77476  
whether the respondent is subject to hospitalization and whether 77477  
alternative services are available, unless the ~~agency~~ services 77478  
provider or board has already performed such screening. The board 77479  
or ~~agency~~ services provider shall review the allegations of the 77480  
affidavit and other information relating to whether or not the 77481  
person named in the affidavit or statement is a mentally ill 77482  
person subject to hospitalization by court order, and the 77483  
availability of appropriate treatment alternatives. 77484

The person who conducts the investigation shall promptly make 77485  
a report to the court, in writing, in open court or in chambers, 77486  
as directed by the court and a full record of the report shall be 77487  
made by the court. The report is not admissible as evidence for 77488  
the purpose of establishing whether or not the respondent is a 77489  
mentally ill person subject to hospitalization by court order, but 77490



shall be considered by the court in its determination of an 77491  
appropriate placement for any person after that person is found to 77492  
be a mentally ill person subject to hospitalization. 77493

The court, prior to the hearing under section 5122.141 of the 77494  
Revised Code, shall release a copy of the investigative report to 77495  
the respondent's counsel. 77496

Nothing in this section precludes a judge or referee from 77497  
issuing a temporary order of detention pursuant to section 5122.11 77498  
of the Revised Code. 77499

**Sec. 5122.15.** (A) Full hearings shall be conducted in a 77500  
manner consistent with this chapter and with due process of law. 77501  
The hearings shall be conducted by a judge of the probate court or 77502  
a referee designated by a judge of the probate court and may be 77503  
conducted in or out of the county in which the respondent is held. 77504  
Any referee designated under this division shall be an attorney. 77505

(1) With the consent of the respondent, the following shall 77506  
be made available to counsel for the respondent: 77507

(a) All relevant documents, information, and evidence in the 77508  
custody or control of the state or prosecutor; 77509

(b) All relevant documents, information, and evidence in the 77510  
custody or control of the hospital in which the respondent 77511  
currently is held, or in which the respondent has been held 77512  
pursuant to this chapter; 77513

(c) All relevant documents, information, and evidence in the 77514  
custody or control of any hospital, facility, or person not 77515  
included in division (A)(1)(a) or (b) of this section. 77516

(2) The respondent has the right to attend the hearing and to 77517  
be represented by counsel of the respondent's choice. The right to 77518  
attend the hearing may be waived only by the respondent or counsel 77519  
for the respondent after consultation with the respondent. 77520

(3) If the respondent is not represented by counsel, is 77521  
absent from the hearing, and has not validly waived the right to 77522  
counsel, the court shall appoint counsel immediately to represent 77523  
the respondent at the hearing, reserving the right to tax costs of 77524  
appointed counsel to the respondent, unless it is shown that the 77525  
respondent is indigent. If the court appoints counsel, or if the 77526  
court determines that the evidence relevant to the respondent's 77527  
absence does not justify the absence, the court shall continue the 77528  
case. 77529

(4) The respondent shall be informed that the respondent may 77530  
retain counsel and have independent expert evaluation. If the 77531  
respondent is unable to obtain an attorney, the respondent shall 77532  
be represented by court-appointed counsel. If the respondent is 77533  
indigent, court-appointed counsel and independent expert 77534  
evaluation shall be provided as an expense under section 5122.43 77535  
of the Revised Code. 77536

(5) The hearing shall be closed to the public, unless counsel 77537  
for the respondent, with the permission of the respondent, 77538  
requests that the hearing be open to the public. 77539

(6) If the hearing is closed to the public, the court, for 77540  
good cause shown, may admit persons who have a legitimate interest 77541  
in the proceedings. If the respondent, the respondent's counsel, 77542  
or the designee of the director or of the chief clinical officer 77543  
objects to the admission of any person, the court shall hear the 77544  
objection and any opposing argument and shall rule upon the 77545  
admission of the person to the hearing. 77546

(7) The affiant under section 5122.11 of the Revised Code 77547  
shall be subject to subpoena by either party. 77548

(8) The court shall examine the sufficiency of all documents 77549  
filed and shall inform the respondent, if present, and the 77550  
respondent's counsel of the nature and content of the documents 77551

and the reason for which the respondent is being detained, or for 77552  
which the respondent's placement is being sought. 77553

(9) The court shall receive only reliable, competent, and 77554  
material evidence. 77555

(10) Unless proceedings are initiated pursuant to section 77556  
5120.17 or 5139.08 of the Revised Code ~~or proceedings are~~ 77557  
~~initiated regarding a resident of the service district of a board~~ 77558  
~~of alcohol, drug addiction, and mental health services that elects~~ 77559  
~~under division (C)(2) of section 5119.62 of the Revised Code not~~ 77560  
~~to accept the amount allocated to it under that section, an~~ 77561  
attorney that the board designates shall present the case 77562  
demonstrating that the respondent is a mentally ill person subject 77563  
to hospitalization by court order. The attorney shall offer 77564  
evidence of the diagnosis, prognosis, record of treatment, if any, 77565  
and less restrictive treatment plans, if any. In proceedings 77566  
pursuant to section 5120.17 or 5139.08 of the Revised Code ~~and in~~ 77567  
~~proceedings in which the respondent is a resident of a service~~ 77568  
~~district of a board that elects under division (C)(2) of section~~ 77569  
~~5119.62 of the Revised Code not to accept the amount allocated to~~ 77570  
~~it under that section, the attorney general shall designate an~~ 77571  
attorney who shall present the case demonstrating that the 77572  
respondent is a mentally ill person subject to hospitalization by 77573  
court order. The attorney shall offer evidence of the diagnosis, 77574  
prognosis, record of treatment, if any, and less restrictive 77575  
treatment plans, if any. 77576

(11) The respondent or the respondent's counsel has the right 77577  
to subpoena witnesses and documents and to examine and 77578  
cross-examine witnesses. 77579

(12) The respondent has the right, but shall not be 77580  
compelled, to testify, and shall be so advised by the court. 77581

(13) On motion of the respondent or the respondent's counsel 77582

for good cause shown, or on the court's own motion, the court may 77583  
order a continuance of the hearing. 77584

(14) If the respondent is represented by counsel and the 77585  
respondent's counsel requests a transcript and record, or if the 77586  
respondent is not represented by counsel, the court shall make and 77587  
maintain a full transcript and record of the proceeding. If the 77588  
respondent is indigent and the transcript and record is made, a 77589  
copy shall be provided to the respondent upon request and be 77590  
treated as an expense under section 5122.43 of the Revised Code. 77591

(15) To the extent not inconsistent with this chapter, the 77592  
Rules of Civil Procedure are applicable. 77593

(B) Unless, upon completion of the hearing the court finds by 77594  
clear and convincing evidence that the respondent is a mentally 77595  
ill person subject to hospitalization by court order, it shall 77596  
order the respondent's discharge immediately. 77597

(C) If, upon completion of the hearing, the court finds by 77598  
clear and convincing evidence that the respondent is a mentally 77599  
ill person subject to hospitalization by court order, the court 77600  
shall order the respondent for a period not to exceed ninety days 77601  
to any of the following: 77602

(1) A hospital operated by the department of ~~mental health~~ 77603  
mental health and addiction services if the respondent is 77604  
committed pursuant to section 5139.08 of the Revised Code; 77605

(2) A nonpublic hospital; 77606

(3) The veterans' administration or other agency of the 77607  
United States government; 77608

(4) A board of alcohol, drug addiction, and mental health 77609  
services or ~~agency~~ services provider the board designates; 77610

(5) Receive private psychiatric or psychological care and 77611  
treatment; 77612

(6) Any other suitable facility or person consistent with the 77613  
diagnosis, prognosis, and treatment needs of the respondent. 77614

(D) Any order made pursuant to division (C)(2), (3), (5), or 77615  
(6) of this section shall be conditioned upon the receipt by the 77616  
court of consent by the hospital, facility, agency, or person to 77617  
accept the respondent. 77618

(E) In determining the place to which, or the person with 77619  
whom, the respondent is to be committed, the court shall consider 77620  
the diagnosis, prognosis, preferences of the respondent and the 77621  
projected treatment plan for the respondent and shall order the 77622  
implementation of the least restrictive alternative available and 77623  
consistent with treatment goals. If the court determines that the 77624  
least restrictive alternative available that is consistent with 77625  
treatment goals is inpatient hospitalization, the court's order 77626  
shall so state. 77627

(F) During such ninety-day period the hospital; facility; 77628  
board of alcohol, drug addiction, and mental health services; 77629  
~~agency~~ services provider the board designates; or person shall 77630  
examine and treat the individual. If, at any time prior to the 77631  
expiration of the ninety-day period, it is determined by the 77632  
hospital, facility, board, ~~agency~~ services provider, or person 77633  
that the respondent's treatment needs could be equally well met in 77634  
an available and appropriate less restrictive environment, both of 77635  
the following apply: 77636

(1) The respondent shall be released from the care of the 77637  
hospital, ~~agency~~ services provider, facility, or person 77638  
immediately and shall be referred to the court together with a 77639  
report of the findings and recommendations of the hospital, ~~agency~~ 77640  
services provider, facility, or person; and 77641

(2) The hospital, ~~agency~~ services provider, facility, or 77642  
person shall notify the respondent's counsel or the attorney 77643

designated by a board of alcohol, drug addiction, and mental 77644  
health services or, if the respondent was committed to a board or 77645  
~~an agency~~ a services provider designated by the board, it shall 77646  
place the respondent in the least restrictive environment 77647  
available consistent with treatment goals and notify the court and 77648  
the respondent's counsel of the placement. 77649

The court shall dismiss the case or order placement in the 77650  
least restrictive environment. 77651

(G)(1) Except as provided in divisions (G)(2) and (3) of this 77652  
section, any person who has been committed under this section, or 77653  
for whom proceedings for hospitalization have been commenced 77654  
pursuant to section 5122.11 of the Revised Code, may apply at any 77655  
time for voluntary admission to the hospital, facility, ~~agency or~~ 77656  
services provider that the board designates, or person to which 77657  
the person was committed. Upon admission as a voluntary patient 77658  
the chief clinical officer of the hospital, ~~agency services~~ 77659  
provider, or other facility, or the person immediately shall 77660  
notify the court, the patient's counsel, and the attorney 77661  
designated by the board, if the attorney has entered the 77662  
proceedings, in writing of that fact, and, upon receipt of the 77663  
notice, the court shall dismiss the case. 77664

(2) A person who is found incompetent to stand trial or not 77665  
guilty by reason of insanity and who is committed pursuant to 77666  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 77667  
Code shall not voluntarily commit the person pursuant to this 77668  
section until after the final termination of the commitment, as 77669  
described in division (J) of section 2945.401 of the Revised Code. 77670

(H) If, at the end of the first ninety-day period or any 77671  
subsequent period of continued commitment, there has been no 77672  
disposition of the case, either by discharge or voluntary 77673  
admission, the hospital, facility, board, ~~agency services~~ 77674  
provider, or person shall discharge the patient immediately, 77675

unless at least ten days before the expiration of the period the 77676  
attorney the board designates or the prosecutor files with the 77677  
court an application for continued commitment. The application of 77678  
the attorney or the prosecutor shall include a written report 77679  
containing the diagnosis, prognosis, past treatment, a list of 77680  
alternative treatment settings and plans, and identification of 77681  
the treatment setting that is the least restrictive consistent 77682  
with treatment needs. The attorney the board designates or the 77683  
prosecutor shall file the written report at least three days prior 77684  
to the full hearing. A copy of the application and written report 77685  
shall be provided to the respondent's counsel immediately. 77686

The court shall hold a full hearing on applications for 77687  
continued commitment at the expiration of the first ninety-day 77688  
period and at least every two years after the expiration of the 77689  
first ninety-day period. 77690

Hearings following any application for continued commitment 77691  
are mandatory and may not be waived. 77692

Upon request of a person who is involuntarily committed under 77693  
this section, or the person's counsel, that is made more than one 77694  
hundred eighty days after the person's last full hearing, 77695  
mandatory or requested, the court shall hold a full hearing on the 77696  
person's continued commitment. Upon the application of a person 77697  
involuntarily committed under this section, supported by an 77698  
affidavit of a psychiatrist or licensed clinical psychologist, 77699  
alleging that the person no longer is a mentally ill person 77700  
subject to hospitalization by court order, the court for good 77701  
cause shown may hold a full hearing on the person's continued 77702  
commitment prior to the expiration of one hundred eighty days 77703  
after the person's last full hearing. Section 5122.12 of the 77704  
Revised Code applies to all hearings on continued commitment. 77705

If the court, after a hearing for continued commitment finds 77706  
by clear and convincing evidence that the respondent is a mentally 77707

ill person subject to hospitalization by court order, the court 77708  
may order continued commitment at places specified in division (C) 77709  
of this section. 77710

(I) Unless the admission is pursuant to section 5120.17 or 77711  
5139.08 of the Revised Code, the chief clinical officer of the 77712  
hospital or ~~agency~~ services provider admitting a respondent 77713  
pursuant to a judicial proceeding, within ten working days of the 77714  
admission, shall make a report of the admission to the board of 77715  
alcohol, drug addiction, and mental health services serving the 77716  
respondent's county of residence. 77717

(J) A referee appointed by the court may make all orders that 77718  
a judge may make under this section and sections 5122.11 and 77719  
5122.141 of the Revised Code, except an order of contempt of 77720  
court. The orders of a referee take effect immediately. Within 77721  
fourteen days of the making of an order by a referee, a party may 77722  
file written objections to the order with the court. The filed 77723  
objections shall be considered a motion, shall be specific, and 77724  
shall state their grounds with particularity. Within ten days of 77725  
the filing of the objections, a judge of the court shall hold a 77726  
hearing on the objections and may hear and consider any testimony 77727  
or other evidence relating to the respondent's mental condition. 77728  
At the conclusion of the hearing, the judge may ratify, rescind, 77729  
or modify the referee's order. 77730

(K) An order of the court under division (C), (H), or (J) of 77731  
this section is a final order. 77732

(L) Before a board, or ~~an agency~~ a services provider the 77733  
board designates, may place an unconsenting respondent in an 77734  
inpatient setting from a less restrictive placement, the board or 77735  
~~agency~~ services provider shall do all of the following: 77736

(1) Determine that the respondent is in immediate need of 77737  
treatment in an inpatient setting because the respondent 77738



represents a substantial risk of physical harm to the respondent 77739  
or others if allowed to remain in a less restrictive setting; 77740

(2) On the day of placement in the inpatient setting or on 77741  
the next court day, file with the court a motion for transfer to 77742  
an inpatient setting or communicate to the court by telephone that 77743  
the required motion has been mailed; 77744

(3) Ensure that every reasonable and appropriate effort is 77745  
made to take the respondent to the inpatient setting in the least 77746  
conspicuous manner possible; 77747

(4) Immediately notify the board's designated attorney and 77748  
the respondent's attorney. 77749

At the respondent's request, the court shall hold a hearing 77750  
on the motion and make a determination pursuant to division (E) of 77751  
this section within five days of the placement. 77752

(M) Before a board, or ~~an agency~~ a services provider the 77753  
board designates, may move a respondent from one residential 77754  
placement to another, the board or ~~agency~~ services provider shall 77755  
consult with the respondent about the placement. If the respondent 77756  
objects to the placement, the proposed placement and the need for 77757  
it shall be reviewed by a qualified mental health professional who 77758  
otherwise is not involved in the treatment of the respondent. 77759

**Sec. 5122.17.** Pending ~~his~~ removal to a hospital, a person 77760  
taken into custody or ordered to be hospitalized pursuant to this 77761  
chapter may be detained for not more than forty-eight hours in a 77762  
licensed rest or nursing home, a licensed or unlicensed hospital, 77763  
a community mental health ~~agency~~ services provider, or a county 77764  
home, but ~~he~~ the person shall not be detained in a nonmedical 77765  
facility used for detention of persons charged with or convicted 77766  
of penal offenses unless the court finds that a less restrictive 77767  
alternative cannot be made available. 77768

**Sec. 5122.18.** Whenever a person has been involuntarily 77769  
detained at or admitted to a hospital, community mental health 77770  
~~agency~~ services provider, or other facility at the request of 77771  
anyone other than the person's legal guardian, spouse, or next of 77772  
kin under this chapter, the chief clinical officer of the 77773  
hospital, ~~agency~~ services provider, or other facility in which the 77774  
person is temporarily detained under section 5122.17 of the 77775  
Revised Code shall immediately notify the person's legal guardian, 77776  
spouse or next of kin, and counsel, if these persons can be 77777  
ascertained through exercise of reasonable diligence. If a person 77778  
voluntarily remains at or is admitted to a hospital, ~~agency~~ 77779  
services provider, or other facility, such notification shall not 77780  
be given without ~~his~~ the person's consent. The chief clinical 77781  
officer of the hospital, ~~agency~~ services provider, or other 77782  
facility shall inform a person voluntarily remaining at or 77783  
admitted to a hospital, ~~agency~~ services provider, or other 77784  
facility that ~~he~~ the person may authorize such notification. 77785

**Sec. 5122.19.** Every person transported to a hospital or 77786  
community mental health ~~agency~~ services provider pursuant to 77787  
sections 5122.11 to 5122.16 of the Revised Code, shall be examined 77788  
by the staff of the hospital or ~~agency~~ services provider as soon 77789  
as practicable after ~~his~~ arrival at the hospital or ~~agency~~ 77790  
services provider. Such an examination shall be held within 77791  
twenty-four hours after the time of arrival, and if the chief 77792  
clinical officer fails after such an examination to certify that 77793  
in ~~his~~ the chief clinical officer's opinion the person is a 77794  
mentally ill person subject to hospitalization by court order, the 77795  
person shall be immediately released. 77796

**Sec. 5122.20.** The director of ~~mental health~~ mental health and 77797  
addiction services or the director's designee may transfer, or 77798

authorize the transfer of, an involuntary patient, or a consenting 77799  
voluntary patient hospitalized pursuant to section 5122.02 or 77800  
sections 5122.11 to 5122.15 of the Revised Code, from one public 77801  
hospital to another, or to a hospital, community mental health 77802  
~~agency services provider~~, or other facility offering treatment or 77803  
other services for mental illness, if the medical director of the 77804  
department of ~~mental health~~ mental health and addiction services 77805  
determines that it would be consistent with the medical needs of 77806  
the patient to do so. If such a transfer is made to a private 77807  
facility, the transfer shall be conditioned upon the consent of 77808  
the facility. 77809

Before an involuntary patient may be transferred to a more 77810  
restrictive setting, the chief clinical officer shall file a 77811  
motion with the court requesting the court to amend its order of 77812  
placement issued under section 5122.15 of the Revised Code. At the 77813  
patient's request, the court shall hold a hearing on the motion at 77814  
which the patient has the same rights as at a full hearing under 77815  
section 5122.15 of the Revised Code. The hearing shall be held 77816  
within ten days after the date on which the respondent was 77817  
transferred to the more restrictive setting or on which the motion 77818  
was filed, whichever is earlier. On the motion of the respondent, 77819  
the respondent's counsel, or the chief clinical officer, or on its 77820  
own motion, and for good cause shown, the court may order a 77821  
continuance of the hearing for up to ten days. 77822

Whenever an involuntary patient is transferred, written 77823  
notice of the transfer shall be given to the patient's legal 77824  
guardian, parents, spouse, and counsel, or, if none is known, to 77825  
the patient's nearest known relative or friend. If the patient is 77826  
a minor, the department, before making such a transfer, shall make 77827  
a minute of the order for the transfer and the reason for it upon 77828  
its record and shall send a certified copy at least seven days 77829  
prior to the transfer to the person shown by its record to have 77830

had the care or custody of the minor immediately prior to the 77831  
minor's commitment. Whenever a consenting voluntary patient is 77832  
transferred, the notification shall be given only at the patient's 77833  
request. The chief clinical officer shall advise a voluntary 77834  
patient who is being transferred that the patient may decide if 77835  
the notification shall be given. In all such transfers, due 77836  
consideration shall be given to the wishes of the patient, and the 77837  
relationship of the patient to the patient's family, legal 77838  
guardian, or friends, so as to maintain the relationship and 77839  
encourage visits beneficial to the patient. 77840

When a voluntary patient whose medical or psychological needs 77841  
are found by the chief clinical officer to warrant a transfer 77842  
refuses to be transferred to an alternate facility, the chief 77843  
clinical officer may file an affidavit for a hearing under section 77844  
5122.11 of the Revised Code. 77845

**Sec. 5122.21.** (A) The chief clinical officer shall as 77846  
frequently as practicable, and at least once every thirty days, 77847  
examine or cause to be examined every patient, and, whenever the 77848  
chief clinical officer determines that the conditions justifying 77849  
involuntary hospitalization or commitment no longer obtain, shall 77850  
discharge the patient not under indictment or conviction for crime 77851  
and immediately make a report of the discharge to the department 77852  
of ~~mental health~~ mental health and addiction services. The chief 77853  
clinical officer may discharge a patient who is under an 77854  
indictment, a sentence of imprisonment, a community control 77855  
sanction, or a post-release control sanction or on parole ten days 77856  
after written notice of intent to discharge the patient has been 77857  
given by personal service or certified mail, return receipt 77858  
requested, to the court having criminal jurisdiction over the 77859  
patient. Except when the patient was found not guilty by reason of 77860  
insanity and the defendant's commitment is pursuant to section 77861  
2945.40 of the Revised Code, the chief clinical officer has final 77862

authority to discharge a patient who is under an indictment, a 77863  
sentence of imprisonment, a community control sanction, or a 77864  
post-release control sanction or on parole. 77865

(B) After a finding pursuant to section 5122.15 of the 77866  
Revised Code that a person is a mentally ill person subject to 77867  
hospitalization by court order, the chief clinical officer of the 77868  
hospital or ~~agency~~ community mental health services provider to 77869  
which the person is ordered or to which the person is transferred 77870  
under section 5122.20 of the Revised Code, may grant a discharge 77871  
without the consent or authorization of any court. 77872

Upon discharge, the chief clinical officer shall notify the 77873  
court that caused the judicial hospitalization of the discharge 77874  
from the hospital. 77875

**Sec. 5122.23.** The chief clinical officer of a public hospital 77876  
shall immediately report to the department of ~~mental health~~ mental 77877  
health and addiction services and the board of alcohol, drug 77878  
addiction, and mental health services serving the patient's county 77879  
of residence the removal, death, escape, discharge, or trial visit 77880  
of any patient hospitalized under section 5122.15 of the Revised 77881  
Code, or the return of such an escaped or visiting patient to the 77882  
department, the probate judge of the county from which such 77883  
patient was hospitalized, and the probate judge of the county of 77884  
residence of such patient. In case of death, the chief clinical 77885  
officer also shall notify one or more of the nearest relatives of 77886  
the deceased patient, if known to ~~him~~ the chief clinical officer, 77887  
by letter, telegram, or telephone. If the place of residence of 77888  
such relative is unknown to the chief clinical officer, 77889  
immediately upon receiving notification the probate judge shall in 77890  
the speediest manner possible notify such relatives, if known to 77891  
~~him~~ the probate judge. 77892

The chief clinical officer of a public hospital, upon the request of the probate judge of the county from which a patient was hospitalized or the probate judge of the county of residence of such a patient, shall make a report to the judge of the condition of any patient under the care, treatment, custody, or control of the chief clinical officer.

**Sec. 5122.25.** Upon the request of a hospital, person, board, ~~agency~~ community mental health services provider, or facility who has custody of a patient hospitalized pursuant to section 5122.15 of the Revised Code, or on the order of the court, such patient may be called for a rehearing at such place within the county of ~~his~~ the patient's residence or the county where such patient is hospitalized as the court designates. The hearing shall be conducted pursuant to section 5122.15 of the Revised Code.

**Sec. 5122.26.** (A) If a patient is absent without leave, on a verbal or written order issued within five days of the time of the unauthorized absence by the department of ~~mental health~~ mental health and addiction services, the chief clinical officer of the hospital from which the patient is absent without leave, or the court of either the county from which the patient was committed or in which the patient is found, any health or police officer or sheriff may take the patient into custody and transport the patient to the hospital in which the patient was hospitalized or to a place that is designated in the order. The officer immediately shall report such fact to the ~~agency~~ entity that issued the order.

The chief clinical officer of a hospital may discharge a patient who is under an indictment, a sentence of imprisonment, a community control sanction, or a post-release control sanction or on parole and who has been absent without leave for more than thirty days but shall give written notice of the discharge to the

court with criminal jurisdiction over the patient. The chief 77924  
clinical officer of a hospital may discharge any other patient who 77925  
has been absent without leave for more than fourteen days. 77926

The chief clinical officer shall take all proper measures for 77927  
the apprehension of an escaped patient. The expense of the return 77928  
of an escaped patient shall be borne by the hospital where the 77929  
patient is hospitalized. 77930

(B)(1) Subject to division (B)(2) of this section, no patient 77931  
hospitalized under Chapter 5122. of the Revised Code whose absence 77932  
without leave was caused or contributed to by the patient's mental 77933  
illness shall be subject to a charge of escape. 77934

(2) Division (B)(1) of this section does not apply to any 77935  
person who was hospitalized, institutionalized, or confined in a 77936  
facility under an order made pursuant to or under authority of 77937  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 77938  
2945.402 of the Revised Code and who escapes from the facility, 77939  
from confinement in a vehicle for transportation to or from the 77940  
facility, or from supervision by an employee of the facility that 77941  
is incidental to hospitalization, institutionalization, or 77942  
confinement in the facility and that occurs outside the facility, 77943  
in violation of section 2921.34 of the Revised Code. 77944

**Sec. 5122.27.** The chief clinical officer of the hospital or 77945  
the chief clinical officer's designee shall assure that all 77946  
patients hospitalized or committed pursuant to this chapter shall: 77947

(A) Receive, within twenty days of their admission sufficient 77948  
professional care to assure that an evaluation of current status, 77949  
differential diagnosis, probable prognosis, and description of the 77950  
current treatment plan is stated on the official chart; 77951

(B) Have a written treatment plan consistent with the 77952  
evaluation, diagnosis, prognosis, and goals which shall be 77953

provided, upon request of the patient or patient's counsel, to the patient's counsel and to any private physician or licensed clinical psychologist designated by the patient or the patient's counsel or to the Ohio protection and advocacy system;

(C) Receive treatment consistent with the treatment plan. The department of ~~mental health~~ mental health and addiction services shall set standards for treatment provided to such patients, consistent wherever possible with standards set by the joint commission ~~on accreditation of healthcare organizations~~.

(D) Receive periodic reevaluations of the treatment plan by the professional staff at intervals not to exceed ninety days;

(E) Be provided with adequate medical treatment for physical disease or injury;

(F) Receive humane care and treatment, including without limitation, the following:

(1) The least restrictive environment consistent with the treatment plan;

(2) The necessary facilities and personnel required by the treatment plan;

(3) A humane psychological and physical environment;

(4) The right to obtain current information concerning the patient's treatment program and expectations in terms that the patient can reasonably understand;

(5) Participation in programs designed to afford the patient substantial opportunity to acquire skills to facilitate return to the community or to terminate an involuntary commitment;

(6) The right to be free from unnecessary or excessive medication;

(7) Freedom from restraints or isolation unless it is stated in a written order by the chief clinical officer or the chief



clinical officer's designee, or the patient's individual physician 77984  
or psychologist in a private or general hospital. 77985

If the chief clinical officer of the hospital is unable to 77986  
provide the treatment required by divisions (C), (E), and (F) of 77987  
this section for any patient hospitalized pursuant to Chapter 77988  
5122. of the Revised Code, the chief clinical officer shall 77989  
immediately notify the patient, the court, the Ohio protection and 77990  
advocacy system, the director of ~~mental health~~ mental health and  
addiction services, and the patient's counsel and legal guardian, 77991  
if known. If within ten days after receipt of such notification by 77992  
the director, the director is unable to effect a transfer of the 77993  
patient, pursuant to section 5122.20 of the Revised Code, to a 77994  
hospital, community mental health ~~agency~~ services provider, or 77995  
other medical facility where treatment is available, or has not 77996  
received an order of the court to the contrary, the involuntary 77997  
commitment of any patient hospitalized pursuant to Chapter 5122. 77998  
of the Revised Code and defined as a mentally ill person subject 77999  
to hospitalization by court order under division (B)(4) of section 78000  
5122.01 of the Revised Code shall automatically be terminated. 78001  
78002

**Sec. 5122.271.** (A) Except as provided in divisions (C), (D), 78003  
and (E) of this section, the chief clinical officer or, in a 78004  
nonpublic hospital, the attending physician responsible for a 78005  
patient's care shall provide all information, including expected 78006  
physical and medical consequences, necessary to enable any patient 78007  
of a hospital for the mentally ill to give a fully informed, 78008  
intelligent, and knowing consent, the opportunity to consult with 78009  
independent specialists and counsel, and the right to refuse 78010  
consent for any of the following: 78011

(1) Surgery; 78012

(2) Convulsive therapy; 78013

(3) Major aversive interventions; 78014

(4) Sterilizations; 78015

(5) Any unusually hazardous treatment procedures; 78016

(6) Psycho-surgery. 78017

(B) No patient shall be subjected to any of the procedures 78018  
listed in divisions (A)(4) to (6) of this section until both the 78019  
patient's informed, intelligent, and knowing consent and the 78020  
approval of the court have been obtained, except that court 78021  
approval is not required for a legally competent and voluntary 78022  
patient in a nonpublic hospital. 78023

(C) If, after providing the information required under 78024  
division (A) of this section to the patient, the chief clinical 78025  
officer or attending physician concludes that a patient is 78026  
physically or mentally unable to receive the information required 78027  
for surgery under division (A)(1) of this section, or has been 78028  
adjudicated incompetent, the information may be provided to the 78029  
patient's natural or court-appointed guardian, who may give an 78030  
informed, intelligent, and knowing written consent. 78031

If a patient is physically or mentally unable to receive the 78032  
information required for surgery under division (A)(1) of this 78033  
section and has no guardian, the information, the recommendation 78034  
of the chief clinical officer, and the concurring judgment of a 78035  
licensed physician who is not a full-time employee of the state 78036  
may be provided to the court in the county in which the hospital 78037  
is located, which may approve the surgery. Before approving the 78038  
surgery, the court shall notify the Ohio protection and advocacy 78039  
system created by section 5123.60 of the Revised Code, and shall 78040  
notify the patient of the rights to consult with counsel, to have 78041  
counsel appointed by the court if the patient is indigent, and to 78042  
contest the recommendation of the chief clinical officer. 78043

(D) If, in a medical emergency, and after providing the 78044  
information required under division (A) of this section to the 78045

patient, it is the judgment of one licensed physician that delay 78046  
in obtaining surgery would create a grave danger to the health of 78047  
the patient, it may be administered without the consent of the 78048  
patient or the patient's guardian if the necessary information is 78049  
provided to the patient's spouse or next of kin to enable that 78050  
person to give informed, intelligent, and knowing written consent. 78051  
If no spouse or next of kin can reasonably be contacted, or if the 78052  
spouse or next of kin is contacted, but refuses to consent, the 78053  
surgery may be performed upon the written authorization of the 78054  
chief clinical officer or, in a nonpublic hospital, upon the 78055  
written authorization of the attending physician responsible for 78056  
the patient's care, and after the approval of the court has been 78057  
obtained. However, if delay in obtaining court approval would 78058  
create a grave danger to the life of the patient, the chief 78059  
clinical officer or, in a nonpublic hospital, the attending 78060  
physician responsible for the patient's care may authorize 78061  
surgery, in writing, without court approval. If the surgery is 78062  
authorized without court approval, the chief clinical officer or 78063  
the attending physician who made the authorization and the 78064  
physician who performed the surgery shall each execute an 78065  
affidavit describing the circumstances constituting the emergency 78066  
and warranting the surgery and the circumstances warranting their 78067  
not obtaining prior court approval. The affidavit shall be filed 78068  
with the court with which the request for prior approval would 78069  
have been filed within five court days after the surgery, and a 78070  
copy of the affidavit shall be placed in the patient's file and be 78071  
given to the guardian, spouse, or next of kin of the patient, to 78072  
the hospital at which the surgery was performed, and to the Ohio 78073  
protection and advocacy system as defined in section 5123.60 of 78074  
the Revised Code. 78075

(E) Major aversive interventions shall not be used unless a 78076  
patient continues to engage in behavior destructive to self or 78077  
others after other forms of therapy have been attempted. Major 78078

aversive interventions may be applied if approved by the director 78079  
of ~~mental health~~ mental health and addiction services. Major 78080  
aversive interventions shall not be applied to a voluntary patient 78081  
without the informed, intelligent, and knowing written consent of 78082  
the patient or the patient's guardian. 78083

(F) Unless there is substantial risk of physical harm to self 78084  
or others, or other than under division (D) of this section, this 78085  
chapter does not authorize any form of compulsory medical, 78086  
psychological, or psychiatric treatment of any patient who is 78087  
being treated by spiritual means through prayer alone in 78088  
accordance with a recognized religious method of healing without 78089  
specific court authorization. 78090

(G) For purposes of this section, "convulsive therapy" does 78091  
not include defibrillation. 78092

**Sec. 5122.31.** (A) All certificates, applications, records, 78093  
and reports made for the purpose of this chapter and sections 78094  
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 78095  
Code, other than court journal entries or court docket entries, 78096  
and directly or indirectly identifying a patient or former patient 78097  
or person whose hospitalization has been sought under this 78098  
chapter, shall be kept confidential and shall not be disclosed by 78099  
any person except: 78100

(1) If the person identified, or the person's legal guardian, 78101  
if any, or if the person is a minor, the person's parent or legal 78102  
guardian, consents, and if the disclosure is in the best interests 78103  
of the person, as may be determined by the court for judicial 78104  
records and by the chief clinical officer for medical records; 78105

(2) When disclosure is provided for in this chapter, Chapters 78106  
340. or 5119., Title XLVII, or section 5123.601 of the Revised 78107  
Code; 78108

(3) That hospitals, boards of alcohol, drug addiction, and mental health services, and community mental health ~~agencies~~ services providers may release necessary medical information to insurers and other third-party payers, including government entities responsible for processing and authorizing payment, to obtain payment for goods and services furnished to the patient;

(4) Pursuant to a court order signed by a judge;

(5) That a patient shall be granted access to the patient's own psychiatric and medical records, unless access specifically is restricted in a patient's treatment plan for clear treatment reasons;

(6) That hospitals and other institutions and facilities within the department of ~~mental health~~ mental health and addiction services may exchange psychiatric records and other pertinent information with other hospitals, institutions, and facilities of the department, and with community mental health ~~agencies~~ services providers and boards of alcohol, drug addiction, and mental health services with which the department has a current agreement for patient care or services. Records and information that may be released pursuant to this division shall be limited to medication history, physical health status and history, financial status, summary of course of treatment in the hospital, summary of treatment needs, and a discharge summary, if any.

(7) That hospitals within the department, and other institutions and facilities within the department, ~~hospitals licensed by the department under section 5119.20 of the Revised Code, and community mental health agencies~~ may exchange psychiatric records and other pertinent information with payers and other providers of treatment and health services if the purpose of the exchange is to facilitate continuity of care for a patient or for the emergency treatment of an individual;

(8) That a patient's family member who is involved in the provision, planning, and monitoring of services to the patient may receive medication information, a summary of the patient's diagnosis and prognosis, and a list of the services and personnel available to assist the patient and the patient's family, if the patient's treating physician determines that the disclosure would be in the best interests of the patient. No such disclosure shall be made unless the patient is notified first and receives the information and does not object to the disclosure.

(9) That community mental health ~~agencies~~ services providers may exchange psychiatric records and certain other information with the board of alcohol, drug addiction, and mental health services and other ~~agencies~~ services providers in order to provide services to a person involuntarily committed to a board. Release of records under this division shall be limited to medication history, physical health status and history, financial status, summary of course of treatment, summary of treatment needs, and discharge summary, if any.

(10) That information may be disclosed to the executor or the administrator of an estate of a deceased patient when the information is necessary to administer the estate;

(11) That records in the possession of the Ohio historical society may be released to the closest living relative of a deceased patient upon request of that relative;

~~(12) That information may be disclosed to staff members of the appropriate board or to staff members designated by the director of mental health for the purpose of evaluating the quality, effectiveness, and efficiency of services and determining if the services meet minimum standards. Information obtained during such evaluations shall not be retained with the name of any patient.~~

~~(13)~~ That records pertaining to the patient's diagnosis, 78171  
course of treatment, treatment needs, and prognosis shall be 78172  
disclosed and released to the appropriate prosecuting attorney if 78173  
the patient was committed pursuant to section 2945.38, 2945.39, 78174  
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 78175  
attorney designated by the board for proceedings pursuant to 78176  
involuntary commitment under this chapter. 78177

~~(14)~~(13) That the department of ~~mental health~~ mental health 78178  
and addiction services may exchange psychiatric hospitalization 78179  
records, other mental health treatment records, and other 78180  
pertinent information with the department of rehabilitation and 78181  
correction and with the department of youth services to ensure 78182  
continuity of care for inmates or offenders who are receiving 78183  
mental health services in an institution of the department of 78184  
rehabilitation and correction or the department of youth services 78185  
and may exchange psychiatric hospitalization records, other mental 78186  
health treatment records, and other pertinent information with 78187  
boards of alcohol, drug addiction, and mental health services and 78188  
community mental health services providers to ensure continuity of 78189  
care for inmates or offenders who are receiving mental health 78190  
services in an institution and are scheduled for release within 78191  
six months. The department shall not disclose those records unless 78192  
the inmate or offender is notified, receives the information, and 78193  
does not object to the disclosure. The release of records under 78194  
this division is limited to records regarding an inmate's or 78195  
offender's medication history, physical health status and history, 78196  
summary of course of treatment, summary of treatment needs, and a 78197  
discharge summary, if any. 78198

~~(15)~~ That a ~~community mental health agency that ceases to~~ 78199  
~~operate may transfer to either a community mental health agency~~ 78200  
~~that assumes its caseload or to the board of alcohol, drug~~ 78201  
~~addiction, and mental health services of the service district in~~ 78202

~~which the patient resided at the time services were most recently 78203  
provided any treatment records that have not been transferred 78204  
elsewhere at the patient's request. 78205~~

(B) Before records are disclosed pursuant to divisions 78206  
(A)(3), (6), and (9) of this section, the custodian of the records 78207  
shall attempt to obtain the patient's consent for the disclosure. 78208  
No person shall reveal the contents of a medical record of a 78209  
patient except as authorized by law. 78210

(C) The managing officer of a hospital who releases necessary 78211  
medical information under division (A)(3) of this section to allow 78212  
an insurance carrier or other third party payor to comply with 78213  
section 5121.43 of the Revised Code shall neither be subject to 78214  
criminal nor civil liability. 78215

**Sec. 5122.311.** (A) Notwithstanding any provision of the 78216  
Revised Code to the contrary, if, on or after ~~the effective date~~ 78217  
~~of this section~~ April 8, 2004, an individual is found by a court 78218  
to be a mentally ill person subject to hospitalization by court 78219  
order or becomes an involuntary patient other than one who is a 78220  
patient only for purposes of observation, the probate judge who 78221  
made the adjudication or the chief clinical officer of the 78222  
hospital, ~~agency~~ community mental health services provider, or 78223  
facility in which the person is an involuntary patient shall 78224  
notify the bureau of criminal identification and investigation, on 78225  
the form described in division (C) of this section, of the 78226  
identity of the individual. The notification shall be transmitted 78227  
by the judge or the chief clinical officer not later than seven 78228  
days after the adjudication or commitment. 78229

(B) The bureau of criminal identification and investigation 78230  
shall compile and maintain the notices it receives under division 78231  
(A) of this section and shall use them for the purpose of 78232  
conducting incompetency records checks pursuant to section 311.41 78233



of the Revised Code. The notices and the information they contain 78234  
are confidential, except as provided in this division, and are not 78235  
public records. 78236

(C) The attorney general, by rule adopted under Chapter 119. 78237  
of the Revised Code, shall prescribe and make available to all 78238  
probate judges and all chief clinical officers a form to be used 78239  
by them for the purpose of making the notifications required by 78240  
division (A) of this section. 78241

**Sec. 5122.32.** (A) As used in this section: 78242

(1) "Quality assurance committee" means a committee that is 78243  
appointed in the central office of the department of ~~mental health~~ 78244  
mental health and addiction services by the director of ~~mental~~ 78245  
~~health~~ mental health and addiction services, a committee of a 78246  
hospital or community setting program, ~~a committee established~~ 78247  
~~pursuant to section 5119.47 of the Revised Code of the department~~ 78248  
~~of mental health appointed by the managing officer of the hospital~~ 78249  
~~or program~~, or a duly authorized subcommittee of a committee of 78250  
that nature and that is designated to carry out quality assurance 78251  
program activities. 78252

(2) "Quality assurance program" means a comprehensive program 78253  
within the department of ~~mental health~~ mental health and addiction 78254  
services to systematically review and improve the quality of 78255  
medical and mental health services within the department and its 78256  
hospitals and community setting programs, the safety and security 78257  
of persons receiving medical and mental health services within the 78258  
department and its hospitals and community setting programs, and 78259  
the efficiency and effectiveness of the utilization of staff and 78260  
resources in the delivery of medical and mental health services 78261  
within the department and its hospitals and community setting 78262  
programs. "Quality assurance program" includes the central office 78263  
quality assurance committees, morbidity and mortality review 78264

committees, quality assurance programs of community setting 78265  
programs, quality assurance committees of hospitals operated by 78266  
the department of ~~mental health~~ mental health and addiction 78267  
services, and the office of licensure and certification of the 78268  
department. 78269

(3) "Quality assurance program activities" include collecting 78270  
or compiling information and reports required by a quality 78271  
assurance committee, receiving, reviewing, or implementing the 78272  
recommendations made by a quality assurance committee, and 78273  
credentialing, privileging, infection control, tissue review, peer 78274  
review, utilization review including access to patient care 78275  
records, patient care assessment records, and medical and mental 78276  
health records, medical and mental health resource management, 78277  
mortality and morbidity review, and identification and prevention 78278  
of medical or mental health incidents and risks, whether performed 78279  
by a quality assurance committee or by persons who are directed by 78280  
a quality assurance committee. 78281

(4) "Quality assurance records" means the proceedings, 78282  
discussion, records, findings, recommendations, evaluations, 78283  
opinions, minutes, reports, and other documents or actions that 78284  
emanate from quality assurance committees, quality assurance 78285  
programs, or quality assurance program activities. "Quality 78286  
assurance records" does not include aggregate statistical 78287  
information that does not disclose the identity of persons 78288  
receiving or providing medical or mental health services in 78289  
department of ~~mental health institutions~~ mental health and 78290  
addiction services hospitals or community setting programs . 78291

(B)(1) Except as provided in division (E) of this section, 78292  
quality assurance records are confidential and are not public 78293  
records under section 149.43 of the Revised Code, and shall be 78294  
used only in the course of the proper functions of a quality 78295  
assurance program. 78296

(2) Except as provided in division (E) of this section, no person who possesses or has access to quality assurance records and who knows that the records are quality assurance records shall willfully disclose the contents of the records to any person or entity.

(C)(1) Except as provided in division (E) of this section, no quality assurance record shall be subject to discovery ~~in~~, and is not admissible in evidence, in any judicial or administrative proceeding.

(2) Except as provided in division (E) of this section, no member of a quality assurance committee or a person who is performing a function that is part of a quality assurance program shall be permitted or required to testify in a judicial or administrative proceeding with respect to quality assurance records or with respect to any finding, recommendation, evaluation, opinion, or other action taken by the committee, member, or person.

(3) Information, documents, or records otherwise available from original sources are not to be construed as being unavailable for discovery or admission in evidence in a judicial or administrative proceeding merely because they were presented to a quality assurance committee. No person testifying before a quality assurance committee or person who is a member of a quality assurance committee shall be prevented from testifying as to matters within the person's knowledge, but the witness cannot be asked about the witness' testimony before the quality assurance committee or about an opinion formed by the person as a result of the quality assurance committee proceedings.

(D)(1) A person who, without malice and in the reasonable belief that the information is warranted by the facts known to the person, provides information to a person engaged in quality assurance program activities is not liable for damages in a civil

action for injury, death, or loss to person or property to any person as a result of providing the information. 78329  
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(2) A member of a quality assurance committee, a person engaged in quality assurance program activities, and an employee of the department of ~~mental health~~ mental health and addiction services shall not be liable in damages in a civil action for injury, death, or loss to person or property to any person for any acts, omissions, decisions, or other conduct within the scope of the functions of the quality assurance program. 78331  
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(3) Nothing in this section shall relieve any institution or individual from liability arising from the treatment of a patient. 78338  
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(E) Quality assurance records may be disclosed, and testimony may be provided concerning quality assurance records, only to the following persons or entities: 78340  
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(1) Persons who are employed or retained by the department of ~~mental health~~ mental health and addiction services and who have authority to evaluate or implement the recommendations of a state-operated hospital, community setting program, or central office quality assurance committee; 78343  
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(2) Public or private agencies or organizations if needed to perform a licensing or accreditation function related to department of ~~mental health~~ mental health and addiction services hospitals or community setting programs, or to perform monitoring of a hospital or program of that nature as required by law. 78348  
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(F) A disclosure of quality assurance records pursuant to division (E) of this section does not otherwise waive the confidential and privileged status of the disclosed quality assurance records. 78353  
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(G) Nothing in this section shall limit the access of the Ohio protection and advocacy system to records or personnel as required under section 5123.601 of the Revised Code. Nothing in 78357  
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this section shall limit the admissibility of documentary or 78360  
testimonial evidence in an action brought by the Ohio protection 78361  
and advocacy system in its own name or on behalf of a client. 78362

**Sec. 5122.33.** The department of ~~mental health~~ mental health 78363  
and addiction services may prescribe the form of applications, 78364  
reports, records, and medical certificates provided for under this 78365  
chapter, and the information required to be contained therein; 78366  
require reports from the chief clinical officer of any public 78367  
hospital relating to the admission, examination, diagnosis, 78368  
release, or discharge of any patient; visit each such hospital 78369  
regularly to review the admission procedures of all new patients 78370  
admitted between visits; investigate by personal visit complaints 78371  
made by any patient or by any person on behalf of a patient; and 78372  
adopt such rules as are reasonably necessary to effectuate the 78373  
provisions of this chapter. 78374

**Sec. 5122.34.** (A) Persons, including, but not limited to, 78375  
boards of alcohol, drug addiction, and mental health services and 78376  
community mental health ~~agencies~~ services providers, acting in 78377  
good faith, either upon actual knowledge or information thought by 78378  
them to be reliable, who procedurally or physically assist in the 78379  
hospitalization or discharge, determination of appropriate 78380  
placement, or in judicial proceedings of a person under this 78381  
chapter, do not come within any criminal provisions, and are free 78382  
from any liability to the person hospitalized or to any other 78383  
person. 78384

(B) Regardless of whether any affirmative action has been 78385  
taken under this chapter with respect to a mental health client or 78386  
patient and except as otherwise provided in section 2305.51 of the 78387  
Revised Code, no person shall be liable for any harm that results 78388  
to any other person as a result of failing to disclose any 78389  
confidential information about the mental health client or 78390

patient, or failing to otherwise attempt to protect such other 78391  
person from harm by such client or patient. 78392

(C) This section applies to expert witnesses who testify at 78393  
hearings under this chapter. 78394

(D) The immunity from liability conferred by this section is 78395  
in addition to and not in limitation of any immunity conferred by 78396  
any other section of the Revised Code or by judicial precedent. 78397

**Sec. 5122.341.** (A) As used in this section: 78398

(1) "Facility or ~~agency~~ provider" means, in the context of a 78399  
person committed to the department of ~~mental health~~ mental health 78400  
and addiction services under sections 2945.37 to 2945.402 of the 78401  
Revised Code, any entity in which the department of ~~mental health~~ 78402  
mental health and addiction services places such a person. 78403

(2) "Person committed to the department" means a person 78404  
committed to the department of ~~mental health~~ mental health and 78405  
addiction services under sections 2945.37 to 2945.402 of the 78406  
Revised Code. 78407

(B) No member of a board of directors, or employee, of a 78408  
facility or ~~agency~~ provider in which the department of ~~mental~~ 78409  
~~health~~ mental health and addiction services places a person 78410  
committed to the department is liable for injury or damages caused 78411  
by any action or inaction taken within the scope of the board 78412  
member's official duties or employee's employment relating to the 78413  
commitment of, and services provided to, the person committed to 78414  
the department, unless the action or inaction constitutes willful 78415  
or wanton misconduct. A board member's or employee's action or 78416  
inaction does not constitute willful or wanton misconduct if the 78417  
board member or employee acted in good faith and reasonably under 78418  
the circumstances and with the knowledge reasonably attributable 78419  
to the board member or employee. 78420

The immunity from liability conferred by this section is in 78421  
addition to and not in limitation of any immunity conferred by any 78422  
other section of the Revised Code or by judicial precedent. 78423

**Sec. 5122.39.** (A) Mentally ill minors shall remain under the 78424  
natural guardianship of their parents, notwithstanding 78425  
hospitalization pursuant to this chapter, unless parental rights 78426  
have been terminated pursuant to a court finding that the minor is 78427  
neglected or dependent. Where a mentally ill minor is found to be 78428  
dependent or neglected, the public children's services agency in 78429  
the county of residence has final guardianship authority and 78430  
responsibility. 78431

(B) In no case shall the guardianship of a mentally ill 78432  
person be assigned to the chief medical officer or any staff 78433  
member of a hospital, board, or ~~agency~~ provider from which the 78434  
person is receiving mental health services. 78435

**Sec. 5122.43.** (A) Costs, fees, and expenses of all 78436  
proceedings held under this chapter shall be paid as follows: 78437

(1) To police and health officers, other than sheriffs or 78438  
their deputies, the same fees allowed to constables, to be paid 78439  
upon the approval of the probate judge; 78440

(2) To sheriffs or their deputies, the same fees allowed for 78441  
similar services in the court of common pleas; 78442

(3) To physicians or licensed clinical psychologists acting 78443  
as expert witnesses and to other expert witnesses designated by 78444  
the court, an amount determined by the court; 78445

(4) To other witnesses, the same fees and mileage as for 78446  
attendance at the court of common pleas, to be paid upon the 78447  
approval of the probate judge; 78448

(5) To a person, other than the sheriff or the sheriff's 78449

deputies, for taking a mentally ill person to a hospital or 78450  
removing a mentally ill person from a hospital, the actual 78451  
necessary expenses incurred, specifically itemized, and approved 78452  
by the probate judge; 78453

(6) To assistants who convey mentally ill persons to the 78454  
hospital when authorized by the probate judge, a fee set by the 78455  
probate court, provided the assistants are not drawing a salary 78456  
from the state or any political subdivision of the state, and 78457  
their actual necessary expenses incurred, provided that the 78458  
expenses are specifically itemized and approved by the probate 78459  
judge; 78460

(7) To an attorney appointed by the probate division for an 78461  
indigent who allegedly is a mentally ill person pursuant to any 78462  
section of this chapter, the fees that are determined by the 78463  
probate division. When those indigent persons are before the 78464  
court, all filing and recording fees shall be waived. 78465

(8) To a referee who is appointed to conduct proceedings 78466  
under this chapter that involve a respondent whose domicile is or, 78467  
before the respondent's hospitalization, was not the county in 78468  
which the proceedings are held, compensation as fixed by the 78469  
probate division, but not more than the compensation paid for 78470  
similar proceedings for respondents whose domicile is in the 78471  
county in which the proceedings are held; 78472

(9) To a court reporter appointed to make a transcript of 78473  
proceedings under this chapter, the compensation and fees allowed 78474  
in other cases under section 2101.08 of the Revised Code. 78475

(B) A county shall pay for the costs, fees, and expenses 78476  
described in division (A) of this section with money appropriated 78477  
pursuant to section 2101.11 of the Revised Code. A county may seek 78478  
reimbursement from the department of ~~mental health~~ mental health 78479  
and addiction services by submitting a request and certification 78480



by the county auditor of the costs, fees, and expenses to the 78481  
department within two months of the date the costs, fees, and 78482  
expenses are incurred by the county. 78483

Each fiscal year, based on past allocations, historical 78484  
utilization, and other factors the department considers 78485  
appropriate, the department shall allocate for each county an 78486  
amount for reimbursements under this section. The total of all the 78487  
allocations shall equal the amount appropriated for the fiscal 78488  
year to the department specifically for the purposes of this 78489  
section. 78490

On receipt, the department shall review each request for 78491  
reimbursement and prepare a voucher for the amount of the costs, 78492  
fees, and expenses incurred by the county, provided that the total 78493  
amount of money paid to all counties in each fiscal year shall not 78494  
exceed the total amount of moneys specifically appropriated to the 78495  
department for these purposes. 78496

The department's total reimbursement to each county shall be 78497  
the lesser of the full amount requested or the amount allocated 78498  
for the county under this division. In addition, the department 78499  
shall distribute any surplus remaining from the money appropriated 78500  
for the fiscal year to the department for the purposes of this 78501  
section as follows to counties whose full requests exceed their 78502  
allocations: 78503

(1) If the surplus is sufficient to reimburse such counties 78504  
the full amount of their requests, each such county shall receive 78505  
the full amount of its request; 78506

(2) If the surplus is insufficient, each such county shall 78507  
receive a percentage of the surplus determined by dividing the 78508  
difference between the county's full request and its allocation by 78509  
the difference between the total of the full requests of all such 78510  
counties and the total of the amounts allocated for all such 78511

counties. 78512

The department may adopt rules in accordance with Chapter 78513  
119. of the Revised Code to implement the payment of costs, fees, 78514  
and expenses under this section. 78515

**Sec. 5122.44.** As used in sections 5122.44 to 5122.47 of the 78516  
Revised Code: 78517

(A) "Compilation" means a written list of the following 78518  
information, as the department of ~~mental health~~ mental health and 78519  
addiction services is able to reasonably ascertain, for every 78520  
patient who was buried, entombed, or inurned prior to ~~the~~ 78521  
~~effective date of this section~~ March 31, 2005, in a cemetery 78522  
located on the grounds of or adjacent to the grounds of a public 78523  
hospital: 78524

(1) Name; 78525

(2) Date of birth; 78526

(3) Date of death or burial; 78527

(4) Specific physical location of the burial, entombment, or 78528  
inurnment, including the plot or grave site number if available. 78529

(B) "Patient" means an individual who died while admitted to 78530  
a public hospital that was under the control of the department of 78531  
~~mental health~~ mental health and addiction services. 78532

(C) "Record" has the same meaning as in section 149.011 of 78533  
the Revised Code. 78534

(D) "State agency" means every organized body, office, or 78535  
agency established by the laws of the state for the exercise of 78536  
any function of state government. 78537

**Sec. 5122.45.** The department of ~~mental health~~ mental health 78538  
and addiction services shall create a separate compilation for 78539

each cemetery located on the grounds of or adjacent to the grounds 78540  
of a public hospital that is under the control of the department 78541  
on ~~the effective date of this section~~ March 31, 2005. The 78542  
compilation shall be created within a reasonable time not 78543  
exceeding three years after ~~the effective date of this section~~ 78544  
March 31, 2005. The department shall use its best efforts to 78545  
create the most complete compilations possible using records in 78546  
the department's possession and records obtained in accordance 78547  
with section 5122.46 of the Revised Code. 78548

**Sec. 5122.46.** The Ohio historical society and each state 78549  
agency shall, at the request of the department of ~~mental health~~ 78550  
mental health and addiction services, provide the department 78551  
access to records and information in the possession of the 78552  
historical society or state agency for purposes of creating 78553  
compilations. 78554

**Sec. 5122.47.** The department of ~~mental health~~ mental health 78555  
and addiction services shall deposit a copy of each compilation 78556  
with the Ohio historical society and the state library as soon as 78557  
a compilation is completed. The department shall not disclose any 78558  
record or information used to create a compilation except as 78559  
provided in sections 149.43 and 5122.31 of the Revised Code. 78560

**Sec. 5123.01.** As used in this chapter: 78561

(A) "Chief medical officer" means the licensed physician 78562  
appointed by the managing officer of an institution for the 78563  
mentally retarded with the approval of the director of 78564  
developmental disabilities to provide medical treatment for 78565  
residents of the institution. 78566

(B) "Chief program director" means a person with special 78567  
training and experience in the diagnosis and management of the 78568

mentally retarded, certified according to division (C) of this 78569  
section in at least one of the designated fields, and appointed by 78570  
the managing officer of an institution for the mentally retarded 78571  
with the approval of the director to provide habilitation and care 78572  
for residents of the institution. 78573

(C) "Comprehensive evaluation" means a study, including a 78574  
sequence of observations and examinations, of a person leading to 78575  
conclusions and recommendations formulated jointly, with 78576  
dissenting opinions if any, by a group of persons with special 78577  
training and experience in the diagnosis and management of persons 78578  
with mental retardation or a developmental disability, which group 78579  
shall include individuals who are professionally qualified in the 78580  
fields of medicine, psychology, and social work, together with 78581  
such other specialists as the individual case may require. 78582

(D) "Education" means the process of formal training and 78583  
instruction to facilitate the intellectual and emotional 78584  
development of residents. 78585

(E) "Habilitation" means the process by which the staff of 78586  
the institution assists the resident in acquiring and maintaining 78587  
those life skills that enable the resident to cope more 78588  
effectively with the demands of the resident's own person and of 78589  
the resident's environment and in raising the level of the 78590  
resident's physical, mental, social, and vocational efficiency. 78591  
Habilitation includes but is not limited to programs of formal, 78592  
structured education and training. 78593

(F) "Health officer" means any public health physician, 78594  
public health nurse, or other person authorized or designated by a 78595  
city or general health district. 78596

(G) "Home and community-based services" means medicaid-funded 78597  
home and community-based services specified in division ~~(B)~~(A)(1) 78598  
of section ~~5111.87~~ 5166.20 of the Revised Code provided under the 78599

medicaid waiver components the department of developmental 78600  
disabilities administers pursuant to section ~~5111.871~~ 5166.21 of 78601  
the Revised Code. Except as provided in section 5123.0412 of the 78602  
Revised Code, home and community-based services provided under the 78603  
medicaid waiver component known as the transitions developmental 78604  
disabilities waiver are to be considered to be home and 78605  
community-based services for the purposes of this chapter, and 78606  
Chapters 5124. and 5126. of the Revised Code, only to the extent, 78607  
if any, provided by the contract required by section ~~5111.871~~ 78608  
5166.21 of the Revised Code regarding the waiver. 78609

(H) "ICF/MR" has the same meaning as in section 5124.01 of 78610  
the Revised Code. 78611

(I) "Indigent person" means a person who is unable, without 78612  
substantial financial hardship, to provide for the payment of an 78613  
attorney and for other necessary expenses of legal representation, 78614  
including expert testimony. 78615

~~(I)~~(J) "Institution" means a public or private facility, or a 78616  
part of a public or private facility, that is licensed by the 78617  
appropriate state department and is equipped to provide 78618  
residential habilitation, care, and treatment for the mentally 78619  
retarded. 78620

~~(J)~~(K) "Licensed physician" means a person who holds a valid 78621  
certificate issued under Chapter 4731. of the Revised Code 78622  
authorizing the person to practice medicine and surgery or 78623  
osteopathic medicine and surgery, or a medical officer of the 78624  
government of the United States while in the performance of the 78625  
officer's official duties. 78626

~~(K)~~(L) "Managing officer" means a person who is appointed by 78627  
the director of developmental disabilities to be in executive 78628  
control of an institution for the mentally retarded under the 78629  
jurisdiction of the department. 78630

~~(L) "Medicaid" has the same meaning as in section 5111.01 of  
the Revised Code.~~ 78631  
78632

(M) "Medicaid case management services" means case management 78633  
services provided to an individual with mental retardation or 78634  
other developmental disability that the state medicaid plan 78635  
requires. 78636

(N) "Mentally retarded person" means a person having 78637  
significantly subaverage general intellectual functioning existing 78638  
concurrently with deficiencies in adaptive behavior, manifested 78639  
during the developmental period. 78640

(O) "Mentally retarded person subject to institutionalization 78641  
by court order" means a person eighteen years of age or older who 78642  
is at least moderately mentally retarded and in relation to whom, 78643  
because of the person's retardation, either of the following 78644  
conditions exist: 78645

(1) The person represents a very substantial risk of physical 78646  
impairment or injury to self as manifested by evidence that the 78647  
person is unable to provide for and is not providing for the 78648  
person's most basic physical needs and that provision for those 78649  
needs is not available in the community; 78650

(2) The person needs and is susceptible to significant 78651  
habilitation in an institution. 78652

(P) "A person who is at least moderately mentally retarded" 78653  
means a person who is found, following a comprehensive evaluation, 78654  
to be impaired in adaptive behavior to a moderate degree and to be 78655  
functioning at the moderate level of intellectual functioning in 78656  
accordance with standard measurements as recorded in the most 78657  
current revision of the manual of terminology and classification 78658  
in mental retardation published by the American association on 78659  
mental retardation. 78660

(Q) As used in this division, "substantial functional 78661

limitation," "developmental delay," and "established risk" have 78662  
the meanings established pursuant to section 5123.011 of the 78663  
Revised Code. 78664

"Developmental disability" means a severe, chronic disability 78665  
that is characterized by all of the following: 78666

(1) It is attributable to a mental or physical impairment or 78667  
a combination of mental and physical impairments, other than a 78668  
mental or physical impairment solely caused by mental illness as 78669  
defined in division (A) of section 5122.01 of the Revised Code. 78670

(2) It is manifested before age twenty-two. 78671

(3) It is likely to continue indefinitely. 78672

(4) It results in one of the following: 78673

(a) In the case of a person under three years of age, at 78674  
least one developmental delay or an established risk; 78675

(b) In the case of a person at least three years of age but 78676  
under six years of age, at least two developmental delays or an 78677  
established risk; 78678

(c) In the case of a person six years of age or older, a 78679  
substantial functional limitation in at least three of the 78680  
following areas of major life activity, as appropriate for the 78681  
person's age: self-care, receptive and expressive language, 78682  
learning, mobility, self-direction, capacity for independent 78683  
living, and, if the person is at least sixteen years of age, 78684  
capacity for economic self-sufficiency. 78685

(5) It causes the person to need a combination and sequence 78686  
of special, interdisciplinary, or other type of care, treatment, 78687  
or provision of services for an extended period of time that is 78688  
individually planned and coordinated for the person. 78689

(R) "Developmentally disabled person" means a person with a 78690  
developmental disability. 78691

(S) "State institution" means an institution that is 78692  
tax-supported and under the jurisdiction of the department. 78693

(T) "Residence" and "legal residence" have the same meaning 78694  
as "legal settlement," which is acquired by residing in Ohio for a 78695  
period of one year without receiving general assistance prior to 78696  
July 17, 1995, under former Chapter 5113. of the Revised Code, 78697  
financial assistance under Chapter 5115. of the Revised Code, or 78698  
assistance from a private agency that maintains records of 78699  
assistance given. A person having a legal settlement in the state 78700  
shall be considered as having legal settlement in the assistance 78701  
area in which the person resides. No adult person coming into this 78702  
state and having a spouse or minor children residing in another 78703  
state shall obtain a legal settlement in this state as long as the 78704  
spouse or minor children are receiving public assistance, care, or 78705  
support at the expense of the other state or its subdivisions. For 78706  
the purpose of determining the legal settlement of a person who is 78707  
living in a public or private institution or in a home subject to 78708  
licensing by the department of job and family services, the 78709  
department of ~~mental health~~ mental health and addiction services, 78710  
or the department of developmental disabilities, the residence of 78711  
the person shall be considered as though the person were residing 78712  
in the county in which the person was living prior to the person's 78713  
entrance into the institution or home. Settlement once acquired 78714  
shall continue until a person has been continuously absent from 78715  
Ohio for a period of one year or has acquired a legal residence in 78716  
another state. A woman who marries a man with legal settlement in 78717  
any county immediately acquires the settlement of her husband. The 78718  
legal settlement of a minor is that of the parents, surviving 78719  
parent, sole parent, parent who is designated the residential 78720  
parent and legal custodian by a court, other adult having 78721  
permanent custody awarded by a court, or guardian of the person of 78722  
the minor, provided that: 78723



(1) A minor female who marries shall be considered to have 78724  
the legal settlement of her husband and, in the case of death of 78725  
her husband or divorce, she shall not thereby lose her legal 78726  
settlement obtained by the marriage. 78727

(2) A minor male who marries, establishes a home, and who has 78728  
resided in this state for one year without receiving general 78729  
assistance prior to July 17, 1995, under former Chapter 5113. of 78730  
the Revised Code, financial assistance under Chapter 5115. of the 78731  
Revised Code, or assistance from a private agency that maintains 78732  
records of assistance given shall be considered to have obtained a 78733  
legal settlement in this state. 78734

(3) The legal settlement of a child under eighteen years of 78735  
age who is in the care or custody of a public or private child 78736  
caring agency shall not change if the legal settlement of the 78737  
parent changes until after the child has been in the home of the 78738  
parent for a period of one year. 78739

No person, adult or minor, may establish a legal settlement 78740  
in this state for the purpose of gaining admission to any state 78741  
institution. 78742

(U)(1) "Resident" means, subject to division ~~(R)~~(U)(2) of 78743  
this section, a person who is admitted either voluntarily or 78744  
involuntarily to an institution or other facility pursuant to 78745  
section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised 78746  
Code subsequent to a finding of not guilty by reason of insanity 78747  
or incompetence to stand trial or under this chapter who is under 78748  
observation or receiving habilitation and care in an institution. 78749

(2) "Resident" does not include a person admitted to an 78750  
institution or other facility under section 2945.39, 2945.40, 78751  
2945.401, or 2945.402 of the Revised Code to the extent that the 78752  
reference in this chapter to resident, or the context in which the 78753  
reference occurs, is in conflict with any provision of sections 78754

2945.37 to 2945.402 of the Revised Code. 78755

(V) "Respondent" means the person whose detention, 78756  
commitment, or continued commitment is being sought in any 78757  
proceeding under this chapter. 78758

(W) "Working day" and "court day" mean Monday, Tuesday, 78759  
Wednesday, Thursday, and Friday, except when such day is a legal 78760  
holiday. 78761

(X) "Prosecutor" means the prosecuting attorney, village 78762  
solicitor, city director of law, or similar chief legal officer 78763  
who prosecuted a criminal case in which a person was found not 78764  
guilty by reason of insanity, who would have had the authority to 78765  
prosecute a criminal case against a person if the person had not 78766  
been found incompetent to stand trial, or who prosecuted a case in 78767  
which a person was found guilty. 78768

(Y) "Court" means the probate division of the court of common 78769  
pleas. 78770

(Z) "Supported living" and "residential services" have the 78771  
same meanings as in section 5126.01 of the Revised Code. 78772

**Sec. 5123.021.** (A) As used in this section, "mentally 78773  
retarded individual" and "specialized services" have the same 78774  
meanings as in section ~~5111.202~~ 5165.03 of the Revised Code. 78775

(B)(1) Except as provided in division (B)(2) of this section 78776  
and rules adopted under division (E)(3) of this section, for 78777  
purposes of section ~~5111.202~~ 5165.03 of the Revised Code, the 78778  
department of developmental disabilities shall determine in 78779  
accordance with section 1919(e)(7) of the "Social Security Act," 78780  
49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, and regulations 78781  
adopted under section 1919(f)(8)(A) of that act whether, because 78782  
of the individual's physical and mental condition, a mentally 78783  
retarded individual seeking admission to a nursing facility 78784

requires the level of services provided by a nursing facility and, 78785  
if the individual requires that level of services, whether the 78786  
individual requires specialized services for mental retardation. 78787

(2) A determination under this division is not required for 78788  
any of the following: 78789

(a) An individual seeking readmission to a nursing facility 78790  
after having been transferred from a nursing facility to a 78791  
hospital for care; 78792

(b) An individual who meets all of the following conditions: 78793

(i) The individual is admitted to the nursing facility 78794  
directly from a hospital after receiving inpatient care at the 78795  
hospital; 78796

(ii) The individual requires nursing facility services for 78797  
the condition for which the individual received care in the 78798  
hospital; 78799

(iii) The individual's attending physician has certified, 78800  
before admission to the nursing facility, that the individual is 78801  
likely to require less than thirty days of nursing facility 78802  
services. 78803

(c) An individual transferred from one nursing facility to 78804  
another nursing facility, with or without an intervening hospital 78805  
stay. 78806

(C) Except as provided in rules adopted under division (F)(3) 78807  
of this section, the department of developmental disabilities 78808  
shall review and determine, for each resident of a nursing 78809  
facility who is mentally retarded, whether the resident, because 78810  
of the resident's physical and mental condition, requires the 78811  
level of services provided by a nursing facility and whether the 78812  
resident requires specialized services for mental retardation. The 78813  
review and determination shall be conducted in accordance with 78814

section 1919(e)(7) of the "Social Security Act" and the 78815  
regulations adopted under section 1919(f)(8)(A) of the act. The 78816  
review and determination shall be completed promptly after a 78817  
nursing facility has notified the department that there has been a 78818  
significant change in the resident's mental or physical condition. 78819

(D)(1) In the case of a nursing facility resident who has 78820  
continuously resided in a nursing facility for at least thirty 78821  
months before the date of a review and determination under 78822  
division (C) of this section, if the resident is determined not to 78823  
require the level of services provided by a nursing facility, but 78824  
is determined to require specialized services for mental 78825  
retardation, the department, in consultation with the resident's 78826  
family or legal representative and care givers, shall do all of 78827  
the following: 78828

(a) Inform the resident of the institutional and 78829  
noninstitutional alternatives covered under the state plan for 78830  
medical assistance; 78831

(b) Offer the resident the choice of remaining in the nursing 78832  
facility or receiving covered services in an alternative 78833  
institutional or noninstitutional setting; 78834

(c) Clarify the effect on eligibility for services under the 78835  
state plan for medical assistance if the resident chooses to leave 78836  
the facility, including its effect on readmission to the facility; 78837

(d) Provide for or arrange for the provision of specialized 78838  
services for the resident's mental retardation in the setting 78839  
chosen by the resident. 78840

(2) In the case of a nursing facility resident who has 78841  
continuously resided in a nursing facility for less than thirty 78842  
months before the date of the review and determination under 78843  
division (C) of this section, if the resident is determined not to 78844  
require the level of services provided by a nursing facility, but 78845

is determined to require specialized services for mental 78846  
retardation, or if the resident is determined to require neither 78847  
the level of services provided by a nursing facility nor 78848  
specialized services for mental retardation, the department shall 78849  
act in accordance with its alternative disposition plan approved 78850  
by the United States department of health and human services under 78851  
section 1919(e)(7)(E) of the "Social Security Act." 78852

(3) In the case of an individual who is determined under 78853  
division (B) or (C) of this section to require both the level of 78854  
services provided by a nursing facility and specialized services 78855  
for mental retardation, the department of developmental 78856  
disabilities shall provide or arrange for the provision of the 78857  
specialized services needed by the individual or resident while 78858  
residing in a nursing facility. 78859

(E) The department of developmental disabilities shall adopt 78860  
rules in accordance with Chapter 119. of the Revised Code that do 78861  
all of the following: 78862

(1) Establish criteria to be used in making the 78863  
determinations required by divisions (B) and (C) of this section. 78864  
The criteria shall not exceed the criteria established by 78865  
regulations adopted by the United States department of health and 78866  
human services under section 1919(f)(8)(A) of the "Social Security 78867  
Act." 78868

(2) Specify information to be provided by the individual or 78869  
nursing facility resident being assessed; 78870

(3) Specify any circumstances, in addition to circumstances 78871  
listed in division (B) of this section, under which determinations 78872  
under divisions (B) and (C) of this section are not required to be 78873  
made. 78874

**Sec. 5123.022.** ~~It~~ (A) As used in this section: 78875

(1) "Community employment" means competitive employment that 78876  
takes place in an integrated setting. 78877

(2) "Competitive employment" means full-time or part-time 78878  
work in the competitive labor market in which payment is at or 78879  
above the minimum wage but not less than the customary wage and 78880  
level of benefits paid by the employer for the same or similar 78881  
work performed by persons who are not disabled. 78882

(3) "Integrated setting" means a setting typically found in 78883  
the community where individuals with developmental disabilities 78884  
interact with individuals who do not have disabilities to the same 78885  
extent that individuals in comparable positions who are not 78886  
disabled interact with other individuals, including in employment 78887  
settings in which employees interact with the community through 78888  
technology. 78889

(B) It is hereby declared to be the policy of this state that 78890  
employment services for individuals with developmental 78891  
disabilities be directed at placement whenever possible of each 78892  
individual in a position in the community in which the individual 78893  
is integrated with the employer's other workers who are not 78894  
developmentally disabled employment. The Every individual with a 78895  
developmental disability is presumed capable of community 78896  
employment unless proven otherwise through an individualized 78897  
assessment process. 78898

The departments of developmental disabilities, education, 78899  
medicaid, job and family services, and ~~mental health~~ mental health 78900  
and addiction services; the rehabilitation services commission ; 78901  
and each other state agency that provides employment services to 78902  
individuals with developmental disabilities shall implement ~~this~~ 78903  
the policy of this state and ensure that it is followed whenever 78904  
employment services are provided to individuals with developmental 78905  
disabilities. 78906

The department of developmental disabilities shall coordinate the actions taken by state agencies to comply with the state's policy. Agencies shall collaborate within their divisions and with each other to ensure that state programs, policies, procedures, and funding support competitive and integrated employment of individuals with developmental disabilities. State agencies shall share information with the department, and the department shall track progress toward full implementation of the policy. The department, in coordination with any task force established by the governor, shall compile data and annually submit to the governor a report on implementation of the policy.

The department and state agencies may adopt rules to implement the state's policy.

(C) The state's policy articulated in this section is intended to promote the right of each individual with a developmental disability to informed choice; however, nothing in this section requires any employer to give preference in hiring to an individual because the individual has a disability.

**Sec. 5123.023.** (A) The director of developmental disabilities may establish an employment first task force consisting of the departments of developmental disabilities, education, medicaid, job and family services, and mental health and addiction services; and the opportunities for Ohioans with disabilities agency. The purpose of the task force shall be to improve the coordination of the state's efforts to address the needs of individuals with developmental disabilities who seek community employment as defined in section 5123.022 of the Revised Code.

(B) The department of developmental disabilities may enter into interagency agreements with any of the government entities on the task force. The interagency agreements may specify either or

both of the following: 78938

(1) The roles and responsibilities of the government entities that are members of the task force, including any money to be contributed by those entities; 78939  
78940  
78941

(2) The projects and activities of the task force. 78942

(C) There is hereby created in the state treasury the employment first taskforce fund. Any money received by the task force from its members shall be credited to the fund. The department of developmental disabilities shall use the fund to support the work of the task force. 78943  
78944  
78945  
78946  
78947

(D) The task force shall cease to exist on January 1, 2020. Any money, assets, or employees of the department of developmental disabilities that on that date are dedicated to the work of the task force shall be reallocated by the department for employment services for individuals with developmental disabilities. 78948  
78949  
78950  
78951  
78952

**Sec. 5123.03.** (A) The department of developmental disabilities shall do all of the following: 78953  
78954

(1) Maintain, operate, manage, and govern all state institutions for the care, treatment, and training of the mentally retarded; 78955  
78956  
78957

(2) Designate all such institutions by appropriate names; 78958

(3) Provide and designate facilities for the custody, care, and special treatment of persons of the following classes: 78959  
78960

(a) Dangerous persons in state institutions for the mentally retarded who represent a serious threat to the safety of the other patients of the institution; 78961  
78962  
78963

(b) Persons charged with crimes who are found incompetent to stand trial or not guilty by reason of insanity and who are also mentally retarded persons subject to institutionalization by court 78964  
78965  
78966



order. 78967

(4) Have control of all institutions maintained in part by 78968  
the state for the care, treatment, and training of the mentally 78969  
retarded; 78970

(5) Administer the laws relative to persons in such 78971  
institutions in an efficient, economical, and humane manner; 78972

(6) Ascertain by actual examinations and inquiry whether 78973  
institutionalizations are made according to law. 78974

(B) The department may do any of the following: 78975

(1) Subject to section 5139.08 of the Revised Code, receive 78976  
from the department of youth services for observation, diagnosis, 78977  
care, habilitation, or placement any children in the custody of 78978  
the department of youth services; 78979

(2) Receive for observation any minor from a public 78980  
institution other than an institution under the jurisdiction of 78981  
the department of developmental disabilities, from a private 78982  
charitable institution, or from a person having legal custody of 78983  
such a minor, upon such terms as are proper; 78984

(3) Receive from the department of ~~mental health~~ mental 78985  
health and addiction services any patient in the custody of the 78986  
department who is transferred to the department of developmental 78987  
disabilities upon such terms and conditions as may be agreed upon 78988  
by the two departments. 78989

(C) In addition to the powers and duties expressly conferred 78990  
by this section, the department may take any other action 78991  
necessary for the full and efficient executive, administrative, 78992  
and fiscal supervision of the state institutions described in this 78993  
section. 78994

**Sec. 5123.0412.** (A) The department of developmental 78995  
disabilities shall charge each county board of developmental 78996

disabilities an annual fee equal to one and one-quarter per cent 78997  
of the total value of all medicaid paid claims for home and 78998  
community-based services provided during the year to an individual 78999  
eligible for services from the county board. However, the 79000  
department shall not charge the fee for home and community-based 79001  
services provided under the medicaid waiver component known as the 79002  
transitions developmental disabilities waiver. No county board 79003  
shall pass the cost of a fee charged to the county board under 79004  
this section on to another provider of these services. 79005

(B) The fees collected under this section shall be deposited 79006  
into the ODDD administration and oversight fund ~~and the ODJFS~~ 79007  
~~administration and oversight fund, both of~~ which are is hereby 79008  
created in the state treasury. ~~The portion of the fees to be~~ 79009  
~~deposited into the ODDD administration and oversight fund and the~~ 79010  
~~portion of the fees to be deposited into the ODJFS administration~~ 79011  
~~and oversight fund shall be the portion specified in an~~ 79012  
~~interagency agreement entered into under division (C) of this~~ 79013  
~~section.~~ The department ~~of developmental disabilities~~ shall use 79014  
the money in the ODDD administration and oversight fund ~~and the~~ 79015  
~~department of job and family services shall use the money in the~~ 79016  
~~ODJFS administration and oversight fund~~ for both of the following 79017  
purposes: 79018

(1) Medicaid administrative costs, including administrative 79019  
and oversight costs of medicaid case management services and home 79020  
and community-based services. The administrative and oversight 79021  
costs of medicaid case management services and home and 79022  
community-based services shall include costs for staff, systems, 79023  
and other resources the ~~departments need~~ department needs and 79024  
~~dedicate~~ dedicates solely to the following duties associated with 79025  
the services: 79026

(a) Eligibility determinations; 79027

(b) Training; 79028

(c) Fiscal management; 79029

(d) Claims processing; 79030

(e) Quality assurance oversight; 79031

(f) Other duties the ~~departments identify~~ department  
identifies. 79032  
79033

(2) Providing technical support to county boards' local 79034  
administrative authority under section 5126.055 of the Revised 79035  
Code for the services. 79036

~~(C) The departments of developmental disabilities and job and 79037  
family services shall enter into an interagency agreement to do 79038  
both of the following: 79039~~

~~(1) Specify which portion of the fees collected under this 79040  
section is to be deposited into the ODDD administration and 79041  
oversight fund and which portion is to be deposited into the ODJFS 79042  
administration and oversight fund; 79043~~

~~(2) Provide for the departments to coordinate the staff whose 79044  
costs are paid for with money in the ODDD administration and 79045  
oversight fund and the ODJFS administration and oversight fund. 79046~~

~~(D) The departments department shall submit an annual report 79047  
to the director of budget and management certifying how the 79048  
~~departments~~ department spent the money in the ODDD administration 79049  
and oversight fund ~~and the ODJFS administration and oversight fund~~ 79050  
for the purposes specified in division (B) of this section. 79051~~

**Sec. 5123.0417.** (A) The director of developmental 79052  
disabilities shall establish one or more programs for individuals 79053  
under twenty-two years of age who have intensive behavioral needs, 79054  
including such individuals with a primary diagnosis of autism 79055  
spectrum disorder. The programs may include one or more medicaid 79056  
waiver components that the director administers pursuant to 79057  
section ~~5111.871~~ 5166.21 of the Revised Code. The programs may do 79058

one or more of the following: 79059

(1) Establish models that incorporate elements common to 79060  
effective intervention programs and evidence-based practices in 79061  
services for children with intensive behavioral needs; 79062

(2) Design a template for individualized education plans and 79063  
individual service plans that provide consistent intervention 79064  
programs and evidence-based practices for the care and treatment 79065  
of children with intensive behavioral needs; 79066

(3) Disseminate best practice guidelines for use by families 79067  
of children with intensive behavioral needs and professionals 79068  
working with such families; 79069

(4) Develop a transition planning model for effectively 79070  
mainstreaming school-age children with intensive behavioral needs 79071  
to their public school district; 79072

(5) Contribute to the field of early and effective 79073  
identification and intervention programs for children with 79074  
intensive behavioral needs by providing financial support for 79075  
scholarly research and publication of clinical findings. 79076

(B) The director of developmental disabilities shall 79077  
collaborate with the medicaid director ~~of job and family services~~ 79078  
and consult with the executive director of the Ohio center for 79079  
autism and low incidence and university-based programs that 79080  
specialize in services for individuals with developmental 79081  
disabilities when establishing programs under this section. 79082

**Sec. 5123.09.** Subject to the rules of the department of 79083  
developmental disabilities, each institution under the 79084  
jurisdiction of the department shall be under the control of a 79085  
managing officer to be known as a superintendent or by other 79086  
appropriate title. The managing officer shall be appointed by the 79087  
director of developmental disabilities and shall be in the 79088

unclassified service and serve at the pleasure of the director. 79089  
Each managing officer shall be of good moral character and have 79090  
skill, ability, and experience in the managing officer's 79091  
profession. Appointment to the position of managing officer of an 79092  
institution may be made from persons holding positions in the 79093  
classified service in the department. 79094

The managing officer, under the director, shall have entire 79095  
executive charge of the institution for which the managing officer 79096  
is appointed, except as provided in section ~~5119.16~~ 5119.44 of the 79097  
Revised Code. Subject to civil service rules and rules adopted by 79098  
the department, the managing officer shall appoint the necessary 79099  
employees, and the managing officer or the director may remove 79100  
those employees for cause. A report of all appointments, 79101  
resignations, and discharges shall be filed with the appropriate 79102  
division at the close of each month. 79103

After conference with the managing officer of each 79104  
institution, the director shall determine the number of employees 79105  
to be appointed to the various institutions and clinics. 79106

**Sec. 5123.171.** As used in this section, "respite care" means 79107  
appropriate, short-term, temporary care provided to a mentally 79108  
retarded or developmentally disabled person to sustain the family 79109  
structure or to meet planned or emergency needs of the family. 79110

The department of developmental disabilities shall provide 79111  
respite care services to persons with mental retardation or a 79112  
developmental disability for the purpose of promoting 79113  
self-sufficiency and normalization, preventing or reducing 79114  
inappropriate institutional care, and furthering the unity of the 79115  
family by enabling the family to meet the special needs of a 79116  
mentally retarded or developmentally disabled person. 79117

In order to be eligible for respite care services under this 79118  
section, the mentally retarded or developmentally disabled person 79119

must be in need of habilitation services as defined in section 79120  
5126.01 of the Revised Code. 79121

Respite care may be provided in a residential facility 79122  
licensed under section 5123.19 of the Revised Code ~~including a~~ 79123  
~~residential facility certified as an intermediate care facility~~ 79124  
~~for the mentally retarded under Title XIX of the "Social Security~~ 79125  
~~Act," 79 Stat. 344 (1965), 42 U.S.C. 1396, et seq., as amended)~~ 79126  
ICF/MR, and a respite care home certified under section 5126.05 of 79127  
the Revised Code. 79128

The department shall develop a system for locating vacant 79129  
beds that are available for respite care and for making 79130  
information on vacant beds available to users of respite care 79131  
services. ~~Facilities certified as intermediate care facilities for~~ 79132  
~~the mentally retarded~~ ICFs/MR shall report vacant beds to the 79133  
department but shall not be required to accept respite care 79134  
clients. 79135

The director of developmental disabilities shall adopt, and 79136  
may amend or rescind, rules in accordance with Chapter 119. of the 79137  
Revised Code for both of the following: 79138

(A) Certification by county boards of developmental 79139  
disabilities of respite care homes; 79140

(B) Provision of respite care services authorized by this 79141  
section. Rules adopted under this division shall establish all of 79142  
the following: 79143

(1) A formula for distributing funds appropriated for respite 79144  
care services; 79145

(2) Standards for supervision, training and quality control 79146  
in the provision of respite care services; 79147

(3) Eligibility criteria for emergency respite care services. 79148

**Sec. 5123.19.** (A) As used in sections 5123.19 to 5123.20 of 79149

the Revised Code: 79150

(1) "Independent living arrangement" means an arrangement in 79151  
which a mentally retarded or developmentally disabled person 79152  
resides in an individualized setting chosen by the person or the 79153  
person's guardian, which is not dedicated principally to the 79154  
provision of residential services for mentally retarded or 79155  
developmentally disabled persons, and for which no financial 79156  
support is received for rendering such service from any 79157  
governmental agency by a provider of residential services. 79158

~~(2) "Intermediate care facility for the mentally retarded" 79159  
has the same meaning as in section 1905(d) of the "Social Security 79160  
Act," 101 Stat. 1330-204 (1987), 42 U.S.C. 1396d(d), as amended. 79161~~

~~(3) "Licensee" means the person or government agency that has 79162  
applied for a license to operate a residential facility and to 79163  
which the license was issued under this section. 79164~~

~~(4)(3) "Political subdivision" means a municipal corporation, 79165  
county, or township. 79166~~

~~(5)(4) "Related party" has the same meaning as in section 79167  
5123.16 of the Revised Code except that "provider" as used in the 79168  
definition of "related party" means a person or government entity 79169  
that held or applied for a license to operate a residential 79170  
facility, rather than a person or government entity certified to 79171  
provide supported living. 79172~~

~~(6)(5)(a) Except as provided in division (A)(6)(5)(b) of this 79173  
section, "residential facility" means a home or facility, 79174  
including a facility certified as an intermediate care facility 79175  
for the mentally retarded an ICF/MR, in which an individual with 79176  
mental retardation or a developmental disability resides. 79177~~

(b) "Residential facility" does not mean any of the 79178  
following: 79179

(i) The home of a relative or legal guardian in which an individual with mental retardation or a developmental disability resides; 79180  
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(ii) A respite care home certified under section 5126.05 of the Revised Code; 79183  
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(iii) A county home or district home operated pursuant to Chapter 5155. of the Revised Code; 79185  
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(iv) A dwelling in which the only residents with mental retardation or developmental disabilities are in independent living arrangements or are being provided supported living. 79187  
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(B) Every person or government agency desiring to operate a residential facility shall apply for licensure of the facility to the director of developmental disabilities unless the residential facility is subject to section 3721.02, 5103.03, ~~5119.20~~ 5119.33, or division (A)(9)(b) of section ~~5119.22~~ 5119.34 of the Revised Code. 79190  
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(C) Subject to section 5123.196 of the Revised Code, the director of developmental disabilities shall license the operation of residential facilities. An initial license shall be issued for a period that does not exceed one year, unless the director denies the license under division (D) of this section. A license shall be renewed for a period that does not exceed three years, unless the director refuses to renew the license under division (D) of this section. The director, when issuing or renewing a license, shall specify the period for which the license is being issued or renewed. A license remains valid for the length of the licensing period specified by the director, unless the license is terminated, revoked, or voluntarily surrendered. 79196  
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(D) If it is determined that an applicant or licensee is not in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a 79208  
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provision, the director may deny issuance of a license, refuse to 79211  
renew a license, terminate a license, revoke a license, issue an 79212  
order for the suspension of admissions to a facility, issue an 79213  
order for the placement of a monitor at a facility, issue an order 79214  
for the immediate removal of residents, or take any other action 79215  
the director considers necessary consistent with the director's 79216  
authority under this chapter regarding residential facilities. In 79217  
the director's selection and administration of the sanction to be 79218  
imposed, all of the following apply: 79219

(1) The director may deny, refuse to renew, or revoke a 79220  
license, if the director determines that the applicant or licensee 79221  
has demonstrated a pattern of serious noncompliance or that a 79222  
violation creates a substantial risk to the health and safety of 79223  
residents of a residential facility. 79224

(2) The director may terminate a license if more than twelve 79225  
consecutive months have elapsed since the residential facility was 79226  
last occupied by a resident or a notice required by division (K) 79227  
of this section is not given. 79228

(3) The director may issue an order for the suspension of 79229  
admissions to a facility for any violation that may result in 79230  
sanctions under division (D)(1) of this section and for any other 79231  
violation specified in rules adopted under division (H)(2) of this 79232  
section. If the suspension of admissions is imposed for a 79233  
violation that may result in sanctions under division (D)(1) of 79234  
this section, the director may impose the suspension before 79235  
providing an opportunity for an adjudication under Chapter 119. of 79236  
the Revised Code. The director shall lift an order for the 79237  
suspension of admissions when the director determines that the 79238  
violation that formed the basis for the order has been corrected. 79239

(4) The director may order the placement of a monitor at a 79240  
residential facility for any violation specified in rules adopted 79241  
under division (H)(2) of this section. The director shall lift the 79242

order when the director determines that the violation that formed 79243  
the basis for the order has been corrected. 79244

(5) If the director determines that two or more residential 79245  
facilities owned or operated by the same person or government 79246  
entity are not being operated in compliance with a provision of 79247  
this chapter that applies to residential facilities or the rules 79248  
adopted under such a provision, and the director's findings are 79249  
based on the same or a substantially similar action, practice, 79250  
circumstance, or incident that creates a substantial risk to the 79251  
health and safety of the residents, the director shall conduct a 79252  
survey as soon as practicable at each residential facility owned 79253  
or operated by that person or government entity. The director may 79254  
take any action authorized by this section with respect to any 79255  
facility found to be operating in violation of a provision of this 79256  
chapter that applies to residential facilities or the rules 79257  
adopted under such a provision. 79258

(6) When the director initiates license revocation 79259  
proceedings, no opportunity for submitting a plan of correction 79260  
shall be given. The director shall notify the licensee by letter 79261  
of the initiation of the proceedings. The letter shall list the 79262  
deficiencies of the residential facility and inform the licensee 79263  
that no plan of correction will be accepted. The director shall 79264  
also send a copy of the letter to the county board of 79265  
developmental disabilities. The county board shall send a copy of 79266  
the letter to each of the following: 79267

(a) Each resident who receives services from the licensee; 79268

(b) The guardian of each resident who receives services from 79269  
the licensee if the resident has a guardian; 79270

(c) The parent or guardian of each resident who receives 79271  
services from the licensee if the resident is a minor. 79272

(7) Pursuant to rules which shall be adopted in accordance 79273

with Chapter 119. of the Revised Code, the director may order the 79274  
immediate removal of residents from a residential facility 79275  
whenever conditions at the facility present an immediate danger of 79276  
physical or psychological harm to the residents. 79277

(8) In determining whether a residential facility is being 79278  
operated in compliance with a provision of this chapter that 79279  
applies to residential facilities or the rules adopted under such 79280  
a provision, or whether conditions at a residential facility 79281  
present an immediate danger of physical or psychological harm to 79282  
the residents, the director may rely on information obtained by a 79283  
county board of developmental disabilities or other governmental 79284  
agencies. 79285

(9) In proceedings initiated to deny, refuse to renew, or 79286  
revoke licenses, the director may deny, refuse to renew, or revoke 79287  
a license regardless of whether some or all of the deficiencies 79288  
that prompted the proceedings have been corrected at the time of 79289  
the hearing. 79290

(E) The director shall establish a program under which public 79291  
notification may be made when the director has initiated license 79292  
revocation proceedings or has issued an order for the suspension 79293  
of admissions, placement of a monitor, or removal of residents. 79294  
The director shall adopt rules in accordance with Chapter 119. of 79295  
the Revised Code to implement this division. The rules shall 79296  
establish the procedures by which the public notification will be 79297  
made and specify the circumstances for which the notification must 79298  
be made. The rules shall require that public notification be made 79299  
if the director has taken action against the facility in the 79300  
eighteen-month period immediately preceding the director's latest 79301  
action against the facility and the latest action is being taken 79302  
for the same or a substantially similar violation of a provision 79303  
of this chapter that applies to residential facilities or the 79304  
rules adopted under such a provision. The rules shall specify a 79305

method for removing or amending the public notification if the 79306  
director's action is found to have been unjustified or the 79307  
violation at the residential facility has been corrected. 79308

(F)(1) Except as provided in division (F)(2) of this section, 79309  
appeals from proceedings initiated to impose a sanction under 79310  
division (D) of this section shall be conducted in accordance with 79311  
Chapter 119. of the Revised Code. 79312

(2) Appeals from proceedings initiated to order the 79313  
suspension of admissions to a facility shall be conducted in 79314  
accordance with Chapter 119. of the Revised Code, unless the order 79315  
was issued before providing an opportunity for an adjudication, in 79316  
which case all of the following apply: 79317

(a) The licensee may request a hearing not later than ten 79318  
days after receiving the notice specified in section 119.07 of the 79319  
Revised Code. 79320

(b) If a timely request for a hearing that includes the 79321  
licensee's current address is made, the hearing shall commence not 79322  
later than thirty days after the department receives the request. 79323

(c) After commencing, the hearing shall continue 79324  
uninterrupted, except for Saturdays, Sundays, and legal holidays, 79325  
unless other interruptions are agreed to by the licensee and the 79326  
director. 79327

(d) If the hearing is conducted by a hearing examiner, the 79328  
hearing examiner shall file a report and recommendations not later 79329  
than ten days after the last of the following: 79330

(i) The close of the hearing; 79331

(ii) If a transcript of the proceedings is ordered, the 79332  
hearing examiner receives the transcript; 79333

(iii) If post-hearing briefs are timely filed, the hearing 79334  
examiner receives the briefs. 79335

(e) A copy of the written report and recommendation of the hearing examiner shall be sent, by certified mail, to the licensee and the licensee's attorney, if applicable, not later than five days after the report is filed.

(f) Not later than five days after the hearing examiner files the report and recommendations, the licensee may file objections to the report and recommendations.

(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the director shall issue an order approving, modifying, or disapproving the report and recommendations.

(h) Notwithstanding the pendency of the hearing, the director shall lift the order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(G) Neither a person or government agency whose application for a license to operate a residential facility is denied nor a related party of the person or government agency may apply for a license to operate a residential facility before the date that is one year after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation.

(H) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities. The rules for residential facilities that are ~~intermediate care facilities for the mentally retarded~~ ICFs/MR may differ from those for other residential facilities. The rules shall establish and specify the following:

(1) Procedures and criteria for issuing and renewing

licenses, including procedures and criteria for determining the length of the licensing period that the director must specify for each license when it is issued or renewed;	79367 79368 79369
(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility;	79370 79371 79372 79373
(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;	79374 79375 79376
(4) Procedures for surveying residential facilities;	79377
(5) Requirements for the training of residential facility personnel;	79378 79379
(6) Classifications for the various types of residential facilities;	79380 79381
(7) Certification procedures for licensees and management contractors that the director determines are necessary to ensure that they have the skills and qualifications to properly operate or manage residential facilities;	79382 79383 79384 79385
(8) The maximum number of persons who may be served in a particular type of residential facility;	79386 79387
(9) Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;	79388 79389
(10) Other standards for the operation of residential facilities and the services provided at residential facilities;	79390 79391
(11) Procedures for waiving any provision of any rule adopted under this section.	79392 79393
(I) Before issuing a license, the director of the department or the director's designee shall conduct a survey of the residential facility for which application is made. The director	79394 79395 79396

or the director's designee shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there.

In conducting surveys, the director or the director's designee shall be given access to the residential facility; all records, accounts, and any other documents related to the operation of the facility; the licensee; the residents of the facility; and all persons acting on behalf of, under the control of, or in connection with the licensee. The licensee and all persons on behalf of, under the control of, or in connection with the licensee shall cooperate with the director or the director's designee in conducting the survey.

Following each survey, unless the director initiates a license revocation proceeding, the director or the director's designee shall provide the licensee with a report listing any deficiencies, specifying a timetable within which the licensee shall submit a plan of correction describing how the deficiencies will be corrected, and, when appropriate, specifying a timetable within which the licensee must correct the deficiencies. After a plan of correction is submitted, the director or the director's designee shall approve or disapprove the plan. A copy of the report and any approved plan of correction shall be provided to any person who requests it.

The director shall initiate disciplinary action against any department employee who notifies or causes the notification to any unauthorized person of an unannounced survey of a residential facility by an authorized representative of the department.

(J) In addition to any other information which may be required of applicants for a license pursuant to this section, the

director shall require each applicant to provide a copy of an 79429  
approved plan for a proposed residential facility pursuant to 79430  
section 5123.042 of the Revised Code. This division does not apply 79431  
to renewal of a license or to an applicant for an initial or 79432  
modified license who meets the requirements of section 5123.197 of 79433  
the Revised Code. 79434

(K) A licensee shall notify the owner of the building in 79435  
which the licensee's residential facility is located of any 79436  
significant change in the identity of the licensee or management 79437  
contractor before the effective date of the change if the licensee 79438  
is not the owner of the building. 79439

Pursuant to rules which shall be adopted in accordance with 79440  
Chapter 119. of the Revised Code, the director may require 79441  
notification to the department of any significant change in the 79442  
ownership of a residential facility or in the identity of the 79443  
licensee or management contractor. If the director determines that 79444  
a significant change of ownership is proposed, the director shall 79445  
consider the proposed change to be an application for development 79446  
by a new operator pursuant to section 5123.042 of the Revised Code 79447  
and shall advise the applicant within sixty days of the 79448  
notification that the current license shall continue in effect or 79449  
a new license will be required pursuant to this section. If the 79450  
director requires a new license, the director shall permit the 79451  
facility to continue to operate under the current license until 79452  
the new license is issued, unless the current license is revoked, 79453  
refused to be renewed, or terminated in accordance with Chapter 79454  
119. of the Revised Code. 79455

(L) A county board of developmental disabilities and any 79456  
interested person may file complaints alleging violations of 79457  
statute or department rule relating to residential facilities with 79458  
the department. All complaints shall be in writing and shall state 79459  
the facts constituting the basis of the allegation. The department 79460



shall not reveal the source of any complaint unless the 79461  
complainant agrees in writing to waive the right to 79462  
confidentiality or until so ordered by a court of competent 79463  
jurisdiction. 79464

The department shall adopt rules in accordance with Chapter 79465  
119. of the Revised Code establishing procedures for the receipt, 79466  
referral, investigation, and disposition of complaints filed with 79467  
the department under this division. 79468

(M) The department shall establish procedures for the 79469  
notification of interested parties of the transfer or interim care 79470  
of residents from residential facilities that are closing or are 79471  
losing their license. 79472

(N) Before issuing a license under this section to a 79473  
residential facility that will accommodate at any time more than 79474  
one mentally retarded or developmentally disabled individual, the 79475  
director shall, by first class mail, notify the following: 79476

(1) If the facility will be located in a municipal 79477  
corporation, the clerk of the legislative authority of the 79478  
municipal corporation; 79479

(2) If the facility will be located in unincorporated 79480  
territory, the clerk of the appropriate board of county 79481  
commissioners and the fiscal officer of the appropriate board of 79482  
township trustees. 79483

The director shall not issue the license for ten days after 79484  
mailing the notice, excluding Saturdays, Sundays, and legal 79485  
holidays, in order to give the notified local officials time in 79486  
which to comment on the proposed issuance. 79487

Any legislative authority of a municipal corporation, board 79488  
of county commissioners, or board of township trustees that 79489  
receives notice under this division of the proposed issuance of a 79490  
license for a residential facility may comment on it in writing to 79491

the director within ten days after the director mailed the notice, 79492  
excluding Saturdays, Sundays, and legal holidays. If the director 79493  
receives written comments from any notified officials within the 79494  
specified time, the director shall make written findings 79495  
concerning the comments and the director's decision on the 79496  
issuance of the license. If the director does not receive written 79497  
comments from any notified local officials within the specified 79498  
time, the director shall continue the process for issuance of the 79499  
license. 79500

(O) Any person may operate a licensed residential facility 79501  
that provides room and board, personal care, habilitation 79502  
services, and supervision in a family setting for at least six but 79503  
not more than eight persons with mental retardation or a 79504  
developmental disability as a permitted use in any residential 79505  
district or zone, including any single-family residential district 79506  
or zone, of any political subdivision. These residential 79507  
facilities may be required to comply with area, height, yard, and 79508  
architectural compatibility requirements that are uniformly 79509  
imposed upon all single-family residences within the district or 79510  
zone. 79511

(P) Any person may operate a licensed residential facility 79512  
that provides room and board, personal care, habilitation 79513  
services, and supervision in a family setting for at least nine 79514  
but not more than sixteen persons with mental retardation or a 79515  
developmental disability as a permitted use in any multiple-family 79516  
residential district or zone of any political subdivision, except 79517  
that a political subdivision that has enacted a zoning ordinance 79518  
or resolution establishing planned unit development districts may 79519  
exclude these residential facilities from those districts, and a 79520  
political subdivision that has enacted a zoning ordinance or 79521  
resolution may regulate these residential facilities in 79522  
multiple-family residential districts or zones as a conditionally 79523

permitted use or special exception, in either case, under 79524  
reasonable and specific standards and conditions set out in the 79525  
zoning ordinance or resolution to: 79526

(1) Require the architectural design and site layout of the 79527  
residential facility and the location, nature, and height of any 79528  
walls, screens, and fences to be compatible with adjoining land 79529  
uses and the residential character of the neighborhood; 79530

(2) Require compliance with yard, parking, and sign 79531  
regulation; 79532

(3) Limit excessive concentration of these residential 79533  
facilities. 79534

(Q) This section does not prohibit a political subdivision 79535  
from applying to residential facilities nondiscriminatory 79536  
regulations requiring compliance with health, fire, and safety 79537  
regulations and building standards and regulations. 79538

(R) Divisions (O) and (P) of this section are not applicable 79539  
to municipal corporations that had in effect on June 15, 1977, an 79540  
ordinance specifically permitting in residential zones licensed 79541  
residential facilities by means of permitted uses, conditional 79542  
uses, or special exception, so long as such ordinance remains in 79543  
effect without any substantive modification. 79544

(S)(1) The director may issue an interim license to operate a 79545  
residential facility to an applicant for a license under this 79546  
section if either of the following is the case: 79547

(a) The director determines that an emergency exists 79548  
requiring immediate placement of persons in a residential 79549  
facility, that insufficient licensed beds are available, and that 79550  
the residential facility is likely to receive a permanent license 79551  
under this section within thirty days after issuance of the 79552  
interim license. 79553

(b) The director determines that the issuance of an interim license is necessary to meet a temporary need for a residential facility. 79554  
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(2) To be eligible to receive an interim license, an applicant must meet the same criteria that must be met to receive a permanent license under this section, except for any differing procedures and time frames that may apply to issuance of a permanent license. 79557  
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(3) An interim license shall be valid for thirty days and may be renewed by the director for a period not to exceed one hundred fifty days. 79562  
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(4) The director shall adopt rules in accordance with Chapter 119. of the Revised Code as the director considers necessary to administer the issuance of interim licenses. 79565  
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(T) Notwithstanding rules adopted pursuant to this section establishing the maximum number of persons who may be served in a particular type of residential facility, a residential facility shall be permitted to serve the same number of persons being served by the facility on the effective date of the rules or the number of persons for which the facility is authorized pursuant to a current application for a certificate of need with a letter of support from the department of developmental disabilities and which is in the review process prior to April 4, 1986. 79568  
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(U) The director or the director's designee may enter at any time, for purposes of investigation, any home, facility, or other structure that has been reported to the director or that the director has reasonable cause to believe is being operated as a residential facility without a license issued under this section. 79577  
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The director may petition the court of common pleas of the county in which an unlicensed residential facility is located for an order enjoining the person or governmental agency operating the 79582  
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facility from continuing to operate without a license. The court 79585  
may grant the injunction on a showing that the person or 79586  
governmental agency named in the petition is operating a 79587  
residential facility without a license. The court may grant the 79588  
injunction, regardless of whether the residential facility meets 79589  
the requirements for receiving a license under this section. 79590

**Sec. 5123.192.** (A) A person or government agency operating, 79591  
on ~~the effective date of this section~~ September 10, 2012, an 79592  
~~intermediate care facility for the mentally retarded~~ ICF/MR 79593  
pursuant to a nursing home license issued under Chapter 3721. of 79594  
the Revised Code shall do both of the following as a condition of 79595  
continuing to operate the ~~facility~~ ICF/MR on and after July 1, 79596  
2013: 79597

(1) Not later than February 1, 2013, apply to the director of 79598  
developmental disabilities for a residential facility license 79599  
under section 5123.19 of the Revised Code for the ~~facility~~ ICF/MR; 79600  
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(2) Not later than July 1, 2013, obtain the residential 79602  
facility license for the ~~facility~~ ICF/MR. 79603

(B) The nursing home license of an ~~intermediate care facility~~ 79604  
~~for the mentally retarded~~ ICF/MR shall cease to be valid at the 79605  
earliest of the following: 79606

(1) The date that the ~~facility's~~ ICF/MR's nursing home 79607  
license is revoked or voided under section 3721.07 of the Revised 79608  
Code; 79609

(2) The date that a residential facility license is obtained 79610  
for the ~~facility~~ ICF/MR under section 5123.19 of the Revised Code; 79611

(3) July 1, 2013. 79612

(C) Except for existing nursing home beds not certified as 79613  
~~intermediate care facility for the mentally retarded~~ ICF/MR beds 79614

and relocated in accordance with a move authorized by a 79615  
certificate of need under Chapter 3702. of the Revised Code, no 79616  
bed that is part of an ~~intermediate care facility for the mentally~~ 79617  
~~retarded~~ ICF/MR that is licensed as a nursing home on ~~the~~ 79618  
~~effective date of this section~~ September 10, 2012, may be used as 79619  
part of a nursing home on and after the earlier of the following: 79620

(1) The date that a residential facility license is obtained 79621  
for the ~~facility~~ ICF/MR under section 5123.19 of the Revised Code; 79622

(2) July 1, 2013. 79623

**Sec. 5123.197.** Neither an applicant for an initial 79624  
residential facility license under section 5123.19 of the Revised 79625  
Code nor an applicant for a modification of an existing 79626  
residential facility license under that section is required to 79627  
obtain approval of a plan for the proposed new residential 79628  
facility or modification to the existing residential facility 79629  
pursuant to section 5123.042 of the Revised Code if all of the 79630  
following apply: 79631

(A) The new residential facility or modification to the 79632  
existing residential facility is to serve individuals who have 79633  
diagnoses or special care needs for which a medicaid ~~reimbursement~~ 79634  
payment rate is set pursuant to section ~~5111.258~~ 5124.153 of the 79635  
Revised Code; 79636

(B) The ~~directors of job and family services~~ medicaid 79637  
director and director of developmental disabilities determine that 79638  
there is a need under the medicaid program for the proposed new 79639  
residential facility or modification to the existing residential 79640  
facility and that approving the application for the initial 79641  
residential facility license or modification to the existing 79642  
residential facility license is fiscally prudent for the medicaid 79643  
program; 79644

(C) The director of budget and management notifies the 79645  
~~directors of job and family services~~ medicaid director and 79646  
director of developmental disabilities that the director of budget 79647  
and management agrees with the directors' determination under 79648  
division (B) of this section. 79649

**Sec. 5123.198.** (A) As used in this section, "date of the 79650  
commitment" means the date that an individual specified in 79651  
division (B) of this section begins to reside in a state-operated 79652  
~~intermediate care facility for the mentally retarded~~ ICF/MR after 79653  
being committed to the ~~facility~~ ICF/MR pursuant to sections 79654  
5123.71 to 5123.76 of the Revised Code. 79655

(B) Except as provided in division (C) of this section, 79656  
whenever a resident of a residential facility is committed to a 79657  
state-operated ~~intermediate care facility for the mentally~~ 79658  
~~retarded~~ ICF/MR pursuant to sections 5123.71 to 5123.76 of the 79659  
Revised Code, the department of developmental disabilities, 79660  
pursuant to an adjudication order issued in accordance with 79661  
Chapter 119. of the Revised Code, shall reduce by one the number 79662  
of residents for which the residential facility in which the 79663  
resident resided is licensed. 79664

(C) The department shall not reduce under division (B) of 79665  
this section the number of residents for which a residential 79666  
facility is licensed if any of the following are the case: 79667

(1) The resident of the residential facility who is committed 79668  
to a state-operated ~~intermediate care facility for the mentally~~ 79669  
~~retarded~~ ICF/MR resided in the residential facility because of the 79670  
closure, on or after June 26, 2003, of another state-operated 79671  
~~intermediate care facility for the mentally retarded~~ ICF/MR; 79672

(2) The residential facility admits within ninety days of the 79673  
date of the commitment an individual who resides on the date of 79674  
the commitment in a state-operated ~~intermediate care facility for~~ 79675

~~the mentally retarded ICF/MR~~ or another residential facility; 79676

(3) The department fails to do either of the following within 79677  
ninety days of the date of the commitment: 79678

(a) Identify an individual to whom all of the following 79679  
applies: 79680

(i) Resides on the date of the commitment in a state-operated 79681  
~~intermediate care facility for the mentally retarded ICF/MR~~ or 79682  
another residential facility; 79683

(ii) Has indicated to the department an interest in 79684  
relocating to the residential facility or has a parent or guardian 79685  
who has indicated to the department an interest for the individual 79686  
to relocate to the residential facility; 79687

(iii) The department determines the individual has needs that 79688  
the residential facility can meet. 79689

(b) Provide the residential facility with information about 79690  
the individual identified under division (C)(2)(a) of this section 79691  
that the residential facility needs in order to determine whether 79692  
the facility can meet the individual's needs. 79693

(4) If the department completes the actions specified in 79694  
divisions (C)(3)(a) and (b) of this section not later than ninety 79695  
days after the date of the commitment and except as provided in 79696  
division (D) of this section, the residential facility does all of 79697  
the following not later than ninety days after the date of the 79698  
commitment: 79699

(a) Evaluates the information provided by the department; 79700

(b) Assesses the identified individual's needs; 79701

(c) Determines that the residential facility cannot meet the 79702  
identified individual's needs. 79703

(5) If the department completes the actions specified in 79704  
divisions (C)(3)(a) and (b) of this section not later than ninety 79705



days after the date of the commitment and the residential facility 79706  
determines that the residential facility can meet the identified 79707  
individual's needs, the individual, or a parent or guardian of the 79708  
individual, refuses placement in the residential facility. 79709

(D) The department may reduce under division (B) of this 79710  
section the number of residents for which a residential facility 79711  
is licensed even though the residential facility completes the 79712  
actions specified in division (C)(4) of this section not later 79713  
than ninety days after the date of the commitment if all of the 79714  
following are the case: 79715

(1) The department disagrees with the residential facility's 79716  
determination that the residential facility cannot meet the 79717  
identified individual's needs. 79718

(2) The department issues a written decision pursuant to the 79719  
uniform procedures for admissions, transfers, and discharges 79720  
established by rules adopted under division (H)(9) of section 79721  
5123.19 of the Revised Code that the residential facility should 79722  
admit the identified individual. 79723

(3) After the department issues the written decision 79724  
specified in division (D)(2) of this section, the residential 79725  
facility refuses to admit the identified individual. 79726

(E) A residential facility that admits, refuses to admit, 79727  
transfers, or discharges a resident under this section shall 79728  
comply with the uniform procedures for admissions, transfers, and 79729  
discharges established by rules adopted under division (H)(9) of 79730  
section 5123.19 of the Revised Code. 79731

~~(F) The department of developmental disabilities may notify 79732  
the department of job and family services of any reduction under 79733  
this section in the number of residents for which a residential 79734  
facility that is an intermediate care facility for the mentally 79735  
retarded is licensed. On receiving the notice, the department of 79736~~

~~job and family services may transfer to the department of 79737  
developmental disabilities the savings in the nonfederal share of 79738  
medicaid expenditures for each fiscal year after the year of the 79739  
commitment to be used for costs of the resident's care in the 79740  
state-operated intermediate care facility for the mentally 79741  
retarded. In determining the amount saved, the department of job 79742  
and family services shall consider medicaid payments for the 79743  
remaining residents of the facility in which the resident resided. 79744~~

**Sec. 5123.38.** (A) Except as provided in division (B) of this 79745  
section, if an individual receiving supported living or home and 79746  
community-based services funded by a county board of developmental 79747  
disabilities is committed to a state-operated ~~intermediate care~~ 79748  
~~facility for the mentally retarded~~ ICF/MR pursuant to sections 79749  
5123.71 to 5123.76 of the Revised Code, the county board is 79750  
responsible for the nonfederal share of medicaid expenditures for 79751  
the individual's care in the state-operated ~~facility~~ ICF/MR. The 79752  
department of developmental disabilities shall collect the amount 79753  
of the nonfederal share from the county board by either 79754  
withholding that amount from funds the department has otherwise 79755  
allocated to the county board or submitting an invoice for payment 79756  
of that amount to the county board. 79757

(B) Division (A) of this section does not apply under any of 79758  
the following circumstances: 79759

(1) The county board, not later than ninety days after the 79760  
date of the commitment of a person receiving supported living, 79761  
commences funding of supported living for an individual who 79762  
resides in a state-operated ~~intermediate care facility for the~~ 79763  
~~mentally retarded~~ ICF/MR on the date of the commitment or another 79764  
eligible individual designated by the department. 79765

(2) The county board, not later than ninety days after the 79766  
date of the commitment of a person receiving home and 79767

community-based services, commences funding of home and 79768  
community-based services for an individual who resides in a 79769  
state-operated ~~intermediate care facility for the mentally~~ 79770  
~~retarded~~ ICF/MR on the date of the commitment or another eligible 79771  
individual designated by the department. 79772

(3) The director of developmental disabilities, after 79773  
determining that circumstances warrant granting a waiver in an 79774  
individual's case, grants the county board a waiver that exempts 79775  
the county board from responsibility for the nonfederal share for 79776  
that case. 79777

**Sec. 5123.61.** (A) As used in this section: 79778

(1) "Law enforcement agency" means the state highway patrol, 79779  
the police department of a municipal corporation, or a county 79780  
sheriff. 79781

(2) "Abuse" has the same meaning as in section 5123.50 of the 79782  
Revised Code, except that it includes a misappropriation, as 79783  
defined in that section. 79784

(3) "Neglect" has the same meaning as in section 5123.50 of 79785  
the Revised Code. 79786

(B) The department of developmental disabilities shall 79787  
establish a registry office for the purpose of maintaining reports 79788  
of abuse, neglect, and other major unusual incidents made to the 79789  
department under this section and reports received from county 79790  
boards of developmental disabilities under section 5126.31 of the 79791  
Revised Code. The department shall establish committees to review 79792  
reports of abuse, neglect, and other major unusual incidents. 79793

(C)(1) Any person listed in division (C)(2) of this section, 79794  
having reason to believe that a person with mental retardation or 79795  
a developmental disability has suffered or faces a substantial 79796  
risk of suffering any wound, injury, disability, or condition of 79797

such a nature as to reasonably indicate abuse or neglect of that 79798  
person, shall immediately report or cause reports to be made of 79799  
such information to the entity specified in this division. Except 79800  
as provided in section 5120.173 of the Revised Code or as 79801  
otherwise provided in this division, the person making the report 79802  
shall make it to a law enforcement agency or to the county board 79803  
of developmental disabilities. If the report concerns a resident 79804  
of a facility operated by the department of developmental 79805  
disabilities the report shall be made either to a law enforcement 79806  
agency or to the department. If the report concerns any act or 79807  
omission of an employee of a county board of developmental 79808  
disabilities, the report immediately shall be made to the 79809  
department and to the county board. 79810

(2) All of the following persons are required to make a 79811  
report under division (C)(1) of this section: 79812

(a) Any physician, including a hospital intern or resident, 79813  
any dentist, podiatrist, chiropractor, practitioner of a limited 79814  
branch of medicine as specified in section 4731.15 of the Revised 79815  
Code, hospital administrator or employee of a hospital, nurse 79816  
licensed under Chapter 4723. of the Revised Code, employee of an 79817  
ambulatory health facility as defined in section 5101.61 of the 79818  
Revised Code, employee of a home health agency, employee of a 79819  
residential facility licensed under section ~~5119.22~~ 5119.34 of the 79820  
Revised Code that provides accommodations, supervision, and person 79821  
care services for three to sixteen unrelated adults, or employee 79822  
of a community mental health facility; 79823

(b) Any school teacher or school authority, social worker, 79824  
psychologist, attorney, peace officer, coroner, or residents' 79825  
rights advocate as defined in section 3721.10 of the Revised Code; 79826

(c) A superintendent, board member, or employee of a county 79827  
board of developmental disabilities; an administrator, board 79828  
member, or employee of a residential facility licensed under 79829

section 5123.19 of the Revised Code; an administrator, board 79830  
member, or employee of any other public or private provider of 79831  
services to a person with mental retardation or a developmental 79832  
disability, or any MR/DD employee, as defined in section 5123.50 79833  
of the Revised Code; 79834

(d) A member of a citizen's advisory council established at 79835  
an institution or branch institution of the department of 79836  
developmental disabilities under section 5123.092 of the Revised 79837  
Code; 79838

(e) A member of the clergy who is employed in a position that 79839  
includes providing specialized services to an individual with 79840  
mental retardation or another developmental disability, while 79841  
acting in an official or professional capacity in that position, 79842  
or a person who is employed in a position that includes providing 79843  
specialized services to an individual with mental retardation or 79844  
another developmental disability and who, while acting in an 79845  
official or professional capacity, renders spiritual treatment 79846  
through prayer in accordance with the tenets of an organized 79847  
religion. 79848

(3)(a) The reporting requirements of this division do not 79849  
apply to employees of the Ohio protection and advocacy system. 79850

(b) An attorney or physician is not required to make a report 79851  
pursuant to division (C)(1) of this section concerning any 79852  
communication the attorney or physician receives from a client or 79853  
patient in an attorney-client or physician-patient relationship, 79854  
if, in accordance with division (A) or (B) of section 2317.02 of 79855  
the Revised Code, the attorney or physician could not testify with 79856  
respect to that communication in a civil or criminal proceeding, 79857  
except that the client or patient is deemed to have waived any 79858  
testimonial privilege under division (A) or (B) of section 2317.02 79859  
of the Revised Code with respect to that communication and the 79860  
attorney or physician shall make a report pursuant to division 79861

(C)(1) of this section, if both of the following apply: 79862

(i) The client or patient, at the time of the communication, 79863  
is a person with mental retardation or a developmental disability. 79864

(ii) The attorney or physician knows or suspects, as a result 79865  
of the communication or any observations made during that 79866  
communication, that the client or patient has suffered or faces a 79867  
substantial risk of suffering any wound, injury, disability, or 79868  
condition of a nature that reasonably indicates abuse or neglect 79869  
of the client or patient. 79870

(4) Any person who fails to make a report required under 79871  
division (C) of this section and who is an MR/DD employee, as 79872  
defined in section 5123.50 of the Revised Code, shall be eligible 79873  
to be included in the registry regarding misappropriation, abuse, 79874  
neglect, or other specified misconduct by MR/DD employees 79875  
established under section 5123.52 of the Revised Code. 79876

(D) The reports required under division (C) of this section 79877  
shall be made forthwith by telephone or in person and shall be 79878  
followed by a written report. The reports shall contain the 79879  
following: 79880

(1) The names and addresses of the person with mental 79881  
retardation or a developmental disability and the person's 79882  
custodian, if known; 79883

(2) The age of the person with mental retardation or a 79884  
developmental disability; 79885

(3) Any other information that would assist in the 79886  
investigation of the report. 79887

(E) When a physician performing services as a member of the 79888  
staff of a hospital or similar institution has reason to believe 79889  
that a person with mental retardation or a developmental 79890  
disability has suffered injury, abuse, or physical neglect, the 79891

physician shall notify the person in charge of the institution or 79892  
that person's designated delegate, who shall make the necessary 79893  
reports. 79894

(F) Any person having reasonable cause to believe that a 79895  
person with mental retardation or a developmental disability has 79896  
suffered or faces a substantial risk of suffering abuse or neglect 79897  
may report or cause a report to be made of that belief to the 79898  
entity specified in this division. Except as provided in section 79899  
5120.173 of the Revised Code or as otherwise provided in this 79900  
division, the person making the report shall make it to a law 79901  
enforcement agency or the county board of developmental 79902  
disabilities. If the person is a resident of a facility operated 79903  
by the department of developmental disabilities, the report shall 79904  
be made to a law enforcement agency or to the department. If the 79905  
report concerns any act or omission of an employee of a county 79906  
board of developmental disabilities, the report immediately shall 79907  
be made to the department and to the county board. 79908

(G)(1) Upon the receipt of a report concerning the possible 79909  
abuse or neglect of a person with mental retardation or a 79910  
developmental disability, the law enforcement agency shall inform 79911  
the county board of developmental disabilities or, if the person 79912  
is a resident of a facility operated by the department of 79913  
developmental disabilities, the director of the department or the 79914  
director's designee. 79915

(2) On receipt of a report under this section that includes 79916  
an allegation of action or inaction that may constitute a crime 79917  
under federal law or the law of this state, the department of 79918  
developmental disabilities shall notify the law enforcement 79919  
agency. 79920

(3) When a county board of developmental disabilities 79921  
receives a report under this section that includes an allegation 79922  
of action or inaction that may constitute a crime under federal 79923

law or the law of this state, the superintendent of the board or 79924  
an individual the superintendent designates under division (H) of 79925  
this section shall notify the law enforcement agency. The 79926  
superintendent or individual shall notify the department of 79927  
developmental disabilities when it receives any report under this 79928  
section. 79929

(4) When a county board of developmental disabilities 79930  
receives a report under this section and believes that the degree 79931  
of risk to the person is such that the report is an emergency, the 79932  
superintendent of the board or an employee of the board the 79933  
superintendent designates shall attempt a face-to-face contact 79934  
with the person with mental retardation or a developmental 79935  
disability who allegedly is the victim within one hour of the 79936  
board's receipt of the report. 79937

(H) The superintendent of the board may designate an 79938  
individual to be responsible for notifying the law enforcement 79939  
agency and the department when the county board receives a report 79940  
under this section. 79941

(I) An adult with mental retardation or a developmental 79942  
disability about whom a report is made may be removed from the 79943  
adult's place of residence only by law enforcement officers who 79944  
consider that the adult's immediate removal is essential to 79945  
protect the adult from further injury or abuse or in accordance 79946  
with the order of a court made pursuant to section 5126.33 of the 79947  
Revised Code. 79948

(J) A law enforcement agency shall investigate each report of 79949  
abuse or neglect it receives under this section. In addition, the 79950  
department, in cooperation with law enforcement officials, shall 79951  
investigate each report regarding a resident of a facility 79952  
operated by the department to determine the circumstances 79953  
surrounding the injury, the cause of the injury, and the person 79954  
responsible. The investigation shall be in accordance with the 79955



memorandum of understanding prepared under section 5126.058 of the Revised Code. The department shall determine, with the registry office which shall be maintained by the department, whether prior reports have been made concerning an adult with mental retardation or a developmental disability or other principals in the case. If the department finds that the report involves action or inaction that may constitute a crime under federal law or the law of this state, it shall submit a report of its investigation, in writing, to the law enforcement agency. If the person with mental retardation or a developmental disability is an adult, with the consent of the adult, the department shall provide such protective services as are necessary to protect the adult. The law enforcement agency shall make a written report of its findings to the department.

If the person is an adult and is not a resident of a facility operated by the department, the county board of developmental disabilities shall review the report of abuse or neglect in accordance with sections 5126.30 to 5126.33 of the Revised Code and the law enforcement agency shall make the written report of its findings to the county board.

(K) Any person or any hospital, institution, school, health department, or agency participating in the making of reports pursuant to this section, any person participating as a witness in an administrative or judicial proceeding resulting from the reports, or any person or governmental entity that discharges responsibilities under sections 5126.31 to 5126.33 of the Revised Code shall be immune from any civil or criminal liability that might otherwise be incurred or imposed as a result of such actions except liability for perjury, unless the person or governmental entity has acted in bad faith or with malicious purpose.

(L) No employer or any person with the authority to do so shall discharge, demote, transfer, prepare a negative work

performance evaluation, reduce pay or benefits, terminate work 79988  
privileges, or take any other action detrimental to an employee or 79989  
retaliate against an employee as a result of the employee's having 79990  
made a report under this section. This division does not preclude 79991  
an employer or person with authority from taking action with 79992  
regard to an employee who has made a report under this section if 79993  
there is another reasonable basis for the action. 79994

(M) Reports made under this section are not public records as 79995  
defined in section 149.43 of the Revised Code. Information 79996  
contained in the reports on request shall be made available to the 79997  
person who is the subject of the report, to the person's legal 79998  
counsel, and to agencies authorized to receive information in the 79999  
report by the department or by a county board of developmental 80000  
disabilities. 80001

(N) Notwithstanding section 4731.22 of the Revised Code, the 80002  
physician-patient privilege shall not be a ground for excluding 80003  
evidence regarding the injuries or physical neglect of a person 80004  
with mental retardation or a developmental disability or the cause 80005  
thereof in any judicial proceeding resulting from a report 80006  
submitted pursuant to this section. 80007

**Sec. 5123.86.** (A) Except as provided in divisions (C), (D), 80008  
(E), and (F) of this section, the chief medical officer shall 80009  
provide all information, including expected physical and medical 80010  
consequences, necessary to enable any resident of an institution 80011  
for the mentally retarded to give a fully informed, intelligent, 80012  
and knowing consent if any of the following procedures are 80013  
proposed: 80014

(1) Surgery; 80015

(2) Convulsive therapy; 80016

(3) Major aversive interventions; 80017

(4) Sterilization; 80018

(5) Experimental procedures; 80019

(6) Any unusual or hazardous treatment procedures. 80020

(B) No resident shall be subjected to any of the procedures 80021  
listed in division (A)(4), (5), or (6) of this section without the 80022  
resident's informed consent. 80023

(C) If a resident is physically or mentally unable to receive 80024  
the information required for surgery under division (A)(1) of this 80025  
section, or has been adjudicated incompetent, the information may 80026  
be provided to the resident's natural or court-appointed guardian, 80027  
including an agency providing guardianship services under contract 80028  
with the department of developmental disabilities under sections 80029  
5123.55 to 5123.59 of the Revised Code, who may give the informed, 80030  
intelligent, and knowing written consent for surgery. Consent for 80031  
surgery shall not be provided by a guardian who is an officer or 80032  
employee of the department of ~~mental health~~ mental health and 80033  
addiction services or the department of developmental 80034  
disabilities. 80035

If a resident is physically or mentally unable to receive the 80036  
information required for surgery under division (A)(1) of this 80037  
section and has no guardian, then the information, the 80038  
recommendation of the chief medical officer, and the concurring 80039  
judgment of a licensed physician who is not a full-time employee 80040  
of the state may be provided to the court in the county in which 80041  
the institution is located, which may approve the surgery. Before 80042  
approving the surgery, the court shall notify the Ohio protection 80043  
and advocacy system created by section 5123.60 of the Revised 80044  
Code, and shall notify the resident of the resident's rights to 80045  
consult with counsel, to have counsel appointed by the court if 80046  
the resident is indigent, and to contest the recommendation of the 80047  
chief medical officer. 80048

(D) If, in the judgment of two licensed physicians, delay in 80049  
obtaining consent for surgery would create a grave danger to the 80050  
health of a resident, emergency surgery may be performed without 80051  
the consent of the resident if the necessary information is 80052  
provided to the resident's guardian, including an agency providing 80053  
guardianship services under contract with the department of 80054  
developmental disabilities under sections 5123.55 to 5123.59 of 80055  
the Revised Code, or to the resident's spouse or next of kin to 80056  
enable that person or agency to give an informed, intelligent, and 80057  
knowing written consent. 80058

If the guardian, spouse, or next of kin cannot be contacted 80059  
through exercise of reasonable diligence, or if the guardian, 80060  
spouse, or next of kin is contacted, but refuses to consent, then 80061  
the emergency surgery may be performed upon the written 80062  
authorization of the chief medical officer and after court 80063  
approval has been obtained. However, if delay in obtaining court 80064  
approval would create a grave danger to the life of the resident, 80065  
the chief medical officer may authorize surgery, in writing, 80066  
without court approval. If the surgery is authorized without court 80067  
approval, the chief medical officer who made the authorization and 80068  
the physician who performed the surgery shall each execute an 80069  
affidavit describing the circumstances constituting the emergency 80070  
and warranting the surgery and the circumstances warranting their 80071  
not obtaining prior court approval. The affidavit shall be filed 80072  
with the court with which the request for prior approval would 80073  
have been filed within five court days after the surgery, and a 80074  
copy of the affidavit shall be placed in the resident's file and 80075  
shall be given to the guardian, spouse, or next of kin of the 80076  
resident, to the hospital at which the surgery was performed, and 80077  
to the Ohio protection and advocacy system created by section 80078  
5123.60 of the Revised Code. 80079

(E)(1) If it is the judgment of two licensed physicians, as 80080

described in division (E)(2) of this section, that a medical 80081  
emergency exists and delay in obtaining convulsive therapy creates 80082  
a grave danger to the life of a resident who is both mentally 80083  
retarded and mentally ill, convulsive therapy may be administered 80084  
without the consent of the resident if the resident is physically 80085  
or mentally unable to receive the information required for 80086  
convulsive therapy and if the necessary information is provided to 80087  
the resident's natural or court-appointed guardian, including an 80088  
agency providing guardianship services under contract with the 80089  
department of developmental disabilities under sections 5123.55 to 80090  
5123.59 of the Revised Code, or to the resident's spouse or next 80091  
of kin to enable that person or agency to give an informed, 80092  
intelligent, and knowing written consent. If neither the 80093  
resident's guardian, spouse, nor next of kin can be contacted 80094  
through exercise of reasonable diligence, or if the guardian, 80095  
spouse, or next of kin is contacted, but refuses to consent, then 80096  
convulsive therapy may be performed upon the written authorization 80097  
of the chief medical officer and after court approval has been 80098  
obtained. 80099

(2) The two licensed physicians referred to in division 80100  
(E)(1) of this section shall not be associated with each other in 80101  
the practice of medicine or surgery by means of a partnership or 80102  
corporate arrangement, other business arrangement, or employment. 80103  
At least one of the physicians shall be a psychiatrist as defined 80104  
in division (E) of section 5122.01 of the Revised Code. 80105

(F) Major aversive interventions shall not be used unless a 80106  
resident continues to engage in behavior destructive to self or 80107  
others after other forms of therapy have been attempted. Major 80108  
aversive interventions shall not be applied to a voluntary 80109  
resident without the informed, intelligent, and knowing written 80110  
consent of the resident or the resident's guardian, including an 80111  
agency providing guardianship services under contract with the 80112

department of developmental disabilities under sections 5123.55 to 80113  
5123.59 of the Revised Code. 80114

(G)(1) This chapter does not authorize any form of compulsory 80115  
medical or psychiatric treatment of any resident who is being 80116  
treated by spiritual means through prayer alone in accordance with 80117  
a recognized religious method of healing. 80118

(2) For purposes of this section, "convulsive therapy" does 80119  
not include defibrillation. 80120

**Sec. 5124.01. As used in this chapter:** 80121

(A) "Affiliated operator" means an operator affiliated with 80122  
either of the following: 80123

(1) The exiting operator for whom the affiliated operator is 80124  
to assume liability for the entire amount of the exiting 80125  
operator's debt under the medicaid program or the portion of the 80126  
debt that represents the franchise permit fee the exiting operator 80127  
owes; 80128

(2) The entering operator involved in the change of operator 80129  
with the exiting operator specified in division (A)(1) of this 80130  
section. 80131

(B) "Allowable costs" means an ICF/MR's costs that the 80132  
department of developmental disabilities determines are 80133  
reasonable. Fines paid under section 5124.99 of the Revised Code 80134  
are not allowable costs. 80135

(C) "Capital costs" means an ICF/MR's costs of ownership and 80136  
costs of nonextensive renovation. 80137

(D) "Case-mix score" means the measure determined under 80138  
section 5124.192 of the Revised Code of the relative direct-care 80139  
resources needed to provide care and habilitation to an ICF/MR 80140  
resident. 80141

(E) "Change of operator" means an entering operator becoming the operator of an ICF/MR in the place of the exiting operator. 80142  
80143

(1) Actions that constitute a change of operator include the following: 80144  
80145

(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship; 80146  
80147  
80148

(b) A transfer of all the exiting operator's ownership interest in the operation of the ICF/MR to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the ICF/MR is also transferred; 80149  
80150  
80151  
80152  
80153

(c) A lease of the ICF/MR to the entering operator or the exiting operator's termination of the exiting operator's lease; 80154  
80155

(d) If the exiting operator is a partnership, dissolution of the partnership; 80156  
80157

(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply: 80158  
80159

(i) The change in composition does not cause the partnership's dissolution under state law. 80160  
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(ii) The partners agree that the change in composition does not constitute a change in operator. 80162  
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(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation. 80164  
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(2) The following, alone, do not constitute a change of operator: 80168  
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(a) A contract for an entity to manage an ICF/MR as the operator's agent, subject to the operator's approval of daily 80170  
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<u>operating and management decisions;</u>	80172
<u>(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with an ICF/MR if an entering operator does not become the operator in place of an exiting operator;</u>	80173 80174 80175 80176
<u>(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.</u>	80177 80178 80179 80180
<u>(F) "Cost center" means the following:</u>	80181
<u>(1) Capital costs;</u>	80182
<u>(2) Direct care costs;</u>	80183
<u>(3) Indirect care costs;</u>	80184
<u>(4) Other protected costs.</u>	80185
<u>(G) "Costs of nonextensive renovations" means the actual expense incurred by an ICF/MR for depreciation or amortization and interest on renovations that are not extensive renovations.</u>	80186 80187 80188
<u>(H)(1) "Costs of ownership" means the actual expenses incurred by an ICF/MR for all of the following:</u>	80189 80190
<u>(a) Subject to division (H)(2) of this section, depreciation and interest on any capital assets that cost five hundred dollars or more per item, including the following:</u>	80191 80192 80193
<u>(i) Buildings;</u>	80194
<u>(ii) Building improvements that are not approved as nonextensive renovations under section 5124.17 of the Revised Code;</u>	80195 80196 80197
<u>(iii) Equipment;</u>	80198
<u>(iv) Extensive renovations;</u>	80199



<u>(v) Transportation equipment.</u>	80200
<u>(b) Amortization and interest on land improvements and leasehold improvements;</u>	80201 80202
<u>(c) Amortization of financing costs;</u>	80203
<u>(d) Except as provided in division (Z) of this section, lease and rent of land, building, and equipment.</u>	80204 80205
<u>(2) The costs of capital assets of less than five hundred dollars per item may be considered costs of ownership in accordance with an ICF/MR provider's practice.</u>	80206 80207 80208
<u>(I)(1) "Date of licensure" means the following:</u>	80209
<u>(a) In the case of an ICF/MR that was originally licensed as a nursing home under Chapter 3721. of the Revised Code, the date that it was originally so licensed, regardless that it was subsequently licensed as a residential facility under section 5123.19 of the Revised Code;</u>	80210 80211 80212 80213 80214
<u>(b) In the case of an ICF/MR that was originally licensed as a residential facility under section 5123.19 of the Revised Code, the date it was originally so licensed;</u>	80215 80216 80217
<u>(c) In the case of an ICF/MR that was not required by law to be licensed as a nursing home or residential facility when it was originally operated as a residential facility, the date it first was operated as a residential facility, regardless of the date the ICF/MR was first licensed as a nursing home or residential facility.</u>	80218 80219 80220 80221 80222 80223
<u>(2) If, after an ICF/MR's original date of licensure, more residential facility beds are added to the ICF/MR or all or part of the ICF/MR undergoes an extensive renovation, the ICF/MR has a different date of licensure for the additional beds or extensively renovated portion of the ICF/MR. This does not apply, however, to additional beds when both of the following apply:</u>	80224 80225 80226 80227 80228 80229

(a) The additional beds are located in a part of the ICF/MR that was constructed at the same time as the continuing beds already located in that part of the ICF/MR; 80230  
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(b) The part of the ICF/MR in which the additional beds are located was constructed as part of the ICF/MR at a time when the ICF/MR was not required by law to be licensed as a nursing home or residential facility. 80233  
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(3) The definition of "date of licensure" in this section applies in determinations of ICFs/MR's medicaid payment rates but does not apply in determinations of ICFs/MR's franchise permit fees under sections 5168.60 to 5168.71 of the Revised Code. 80237  
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(J) "Desk-reviewed" means that an ICF/MR's costs as reported on a cost report filed under section 5124.10 or 5124.101 of the Revised Code have been subjected to a desk review under section 5124.108 of the Revised Code and preliminarily determined to be allowable costs. 80241  
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(K) "Developmental center" means a residential facility that is maintained and operated by the department of developmental disabilities. 80246  
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(L) "Direct care costs" means all of the following costs incurred by an ICF/MR: 80249  
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(1) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the ICF/MR; 80251  
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(2) Costs for direct care staff, administrative nursing staff, medical directors, respiratory therapists, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation staff (including habilitation supervisors), qualified intellectual disability professionals, program directors, social services staff, activities staff, off-site day programming, psychologists, psychology assistants, social workers, counselors, 80253  
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<u>and other persons holding degrees qualifying them to provide</u>	80261
<u>therapy;</u>	80262
<u>(3) Costs of purchased nursing services;</u>	80263
<u>(4) Costs of training and staff development, employee</u>	80264
<u>benefits, payroll taxes, and workers' compensation premiums or</u>	80265
<u>costs for self-insurance claims and related costs as specified in</u>	80266
<u>rules adopted under section 5124.03 of the Revised Code, for</u>	80267
<u>personnel listed in divisions (L)(1), (2), and (3) of this</u>	80268
<u>section;</u>	80269
<u>(5) Costs of quality assurance;</u>	80270
<u>(6) Costs of consulting and management fees related to direct</u>	80271
<u>care;</u>	80272
<u>(7) Allocated direct care home office costs;</u>	80273
<u>(8) Costs of other direct-care resources that are specified</u>	80274
<u>as direct care costs in rules adopted under section 5124.03 of the</u>	80275
<u>Revised Code.</u>	80276
<u>(M) "Downsized ICF/MR" means an ICF/MR that permanently</u>	80277
<u>reduced its medicaid-certified capacity pursuant to a plan</u>	80278
<u>approved by the department of developmental disabilities under</u>	80279
<u>section 5123.042 of the Revised Code.</u>	80280
<u>(N) "Effective date of a change of operator" means the day</u>	80281
<u>the entering operator becomes the operator of the ICF/MR.</u>	80282
<u>(O) "Effective date of a facility closure" means the last day</u>	80283
<u>that the last of the residents of the ICF/MR resides in the</u>	80284
<u>ICF/MR.</u>	80285
<u>(P) "Effective date of an involuntary termination" means the</u>	80286
<u>date the department of medicaid terminates the operator's provider</u>	80287
<u>agreement for the ICF/MR or the last day that such a provider</u>	80288
<u>agreement is in effect when the department cancels or refuses to</u>	80289
<u>revalidate it.</u>	80290

<u>(Q) "Effective date of a voluntary termination" means the day</u>	80291
<u>the ICF/MR ceases to accept medicaid recipients.</u>	80292
<u>(R) "Entering operator" means the person or government entity</u>	80293
<u>that will become the operator of an ICF/MR when a change of</u>	80294
<u>operator occurs or following an involuntary termination.</u>	80295
<u>(S) "Exiting operator" means any of the following:</u>	80296
<u>(1) An operator that will cease to be the operator of an</u>	80297
<u>ICF/MR on the effective date of a change of operator;</u>	80298
<u>(2) An operator that will cease to be the operator of an</u>	80299
<u>ICF/MR on the effective date of a facility closure;</u>	80300
<u>(3) An operator of an ICF/MR that is undergoing or has</u>	80301
<u>undergone a voluntary termination;</u>	80302
<u>(4) An operator of an ICF/MR that is undergoing or has</u>	80303
<u>undergone an involuntary termination.</u>	80304
<u>(T)(1) "Extensive renovation" means the following:</u>	80305
<u>(a) An ICF/MR's betterment, improvement, or restoration to</u>	80306
<u>which both of the following apply:</u>	80307
<u>(i) It was started before July 1, 1993;</u>	80308
<u>(ii) It meets the definition of "extensive renovation"</u>	80309
<u>established in rules that were adopted by the director of job and</u>	80310
<u>family services and in effect on December 22, 1992.</u>	80311
<u>(b) An ICF/MR's betterment, improvement, or restoration to</u>	80312
<u>which all of the following apply:</u>	80313
<u>(i) It was started on or after July 1, 1993;</u>	80314
<u>(ii) Except as provided in division (T)(2) of this section,</u>	80315
<u>it costs more than sixty-five per cent and not more than</u>	80316
<u>eighty-five per cent of the cost of constructing a new bed;</u>	80317
<u>(iii) It extends the useful life of the assets for at least</u>	80318
<u>ten years.</u>	80319

(2) The department of developmental disabilities may treat a renovation that costs more than eighty-five per cent of the cost of constructing new beds as an extensive renovation if the department determines that the renovation is more prudent than construction of new beds. 80320  
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(3) For the purpose of division (T)(1)(b)(ii) of this section, the cost of constructing a new bed shall be considered to be forty thousand dollars, adjusted for the estimated rate of inflation from January 1, 1993, to the end of the calendar year during which the extensive renovation is completed, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics. 80325  
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(U)(1) Subject to divisions (U)(2) and (3) of this section, "facility closure" means either of the following: 80333  
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(a) Discontinuance of the use of the building, or part of the building, that houses the facility as an ICF/MR that results in the relocation of all of the facility's residents; 80335  
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(b) Conversion of the building, or part of the building, that houses an ICF/MR to a different use with any necessary license or other approval needed for that use being obtained and one or more of the facility's residents remaining in the facility to receive services under the new use. 80338  
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(2) A facility closure occurs regardless of any of the following: 80343  
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(a) The operator completely or partially replacing the ICF/MR by constructing a new ICF/MR or transferring the ICF/MR's license to another ICF/MR; 80345  
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(b) The ICF/MR's residents relocating to another of the operator's ICFs/MR; 80348  
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(c) Any action the department of health takes regarding the ICF/MR's medicaid certification that may result in the transfer of part of the ICF/MR's survey findings to another of the operator's ICFs/MR; 80350  
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(d) Any action the department of developmental disabilities takes regarding the ICF/MR's license under section 5123.19 of the Revised Code. 80354  
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(3) A facility closure does not occur if all of the ICF/MR's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the ICF/MR not later than thirty days after the evacuation occurs. 80357  
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(V) "Fiscal year" means the fiscal year of this state, as specified in section 9.34 of the Revised Code. 80361  
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(W) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code. 80363  
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(X) "Home and community-based services" has the same meaning as in section 5123.01 of the Revised Code. 80365  
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(Y) "ICF/MR services" means ICF/IID services as defined in 42 C.F.R. 440.150. 80367  
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(Z)(1) "Indirect care costs" means all reasonable costs incurred by an ICF/MR other than capital costs, direct care costs, and other protected costs. "Indirect care costs" includes costs of habilitation supplies, pharmacy consultants, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repair expenses, help-wanted advertising, informational advertising, start-up 80369  
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costs, organizational expenses, other interest, property 80381  
insurance, employee training and staff development, employee 80382  
benefits, payroll taxes, and workers' compensation premiums or 80383  
costs for self-insurance claims and related costs, as specified in 80384  
rules adopted under section 5124.03 of the Revised Code, for 80385  
personnel listed in this division. Notwithstanding division (H) of 80386  
this section, "indirect care costs" also means the cost of 80387  
equipment, including vehicles, acquired by operating lease 80388  
executed before December 1, 1992, if the costs are reported as 80389  
administrative and general costs on the ICF/MR's cost report for 80390  
the cost reporting period ending December 31, 1992. 80391

(2) For the purpose of division (Z)(1) of this section, an 80392  
operating lease shall be construed in accordance with generally 80393  
accepted accounting principles. 80394

(AA) "Inpatient days" means both of the following: 80395

(1) All days during which a resident, regardless of payment 80396  
source, occupies a bed in an ICF/MR that is included in the 80397  
ICF/MR's medicaid-certified capacity; 80398

(2) All days for which payment is made under section 5124.34 80399  
of the Revised Code. 80400

(BB) "Intermediate care facility for the mentally retarded" 80401  
and "ICF/MR" mean an intermediate care facility for the mentally 80402  
retarded as defined in the "Social Security Act," section 1905(d), 80403  
42 U.S.C. 1396d(d). 80404

(CC) "Involuntary termination" means the department of 80405  
medicaid's termination of, cancellation of, or refusal to 80406  
revalidate the operator's provider agreement for the ICF/MR when 80407  
such action is not taken at the operator's request. 80408

(DD) "Low resource utilization resident" means a medicaid 80409  
recipient residing in an ICF/MR who is placed in the typical 80410  
adaptive needs and nonsignificant behaviors classification 80411

pursuant to the resident assessment instrument and grouper methodology established in rules authorized by sections 5124.191 and 5124.192 of the Revised Code. 80412  
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(EE) "Maintenance and repair expenses" means, except as provided in division (UU)(2)(b) of this section, expenditures that are necessary and proper to maintain an asset in a normally efficient working condition and that do not extend the useful life of the asset two years or more. "Maintenance and repair expenses" includes the costs of ordinary repairs such as painting and wallpapering. 80415  
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(FF) "Medicaid-certified capacity" means the number of an ICF/MR's beds that are certified for participation in medicaid as ICF/IID beds. 80422  
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(GG) "Medicaid days" means both of the following: 80425

(1) All days during which a resident who is a medicaid recipient eligible for ICF/MR services occupies a bed in an ICF/MR that is included in the ICF/MR's medicaid-certified capacity; 80426  
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(2) All days for which payment is made under section 5124.34 of the Revised Code. 80429  
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(HH)(1) "New ICF/MR" means an ICF/MR for which the provider obtains an initial provider agreement following the director of health's medicaid certification of the ICF/MR, including such an ICF/MR that replaces one or more ICFs/MR for which a provider previously held a provider agreement. 80431  
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(2) "New ICF/MR" does not mean either of the following: 80436

(a) An ICF/MR for which the entering operator seeks a provider agreement pursuant to section 5124.511 or 5124.512 or (pursuant to section 5124.515) section 5124.07 of the Revised Code; 80437  
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(b) A downsized ICF/MR or partially converted ICF/MR. 80441



(II) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code. 80442  
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(JJ) "Operator" means the person or government entity responsible for the daily operating and management decisions for an ICF/MR. 80444  
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(KK) "Other protected costs" means costs incurred by an ICF/MR for medical supplies; real estate, franchise, and property taxes; natural gas, fuel oil, water, electricity, sewage, and refuse and hazardous medical waste collection; allocated other protected home office costs; and any additional costs defined as other protected costs in rules adopted under section 5124.03 of the Revised Code. 80447  
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(LL)(1) "Owner" means any person or government entity that has at least five per cent ownership or interest, either directly, indirectly, or in any combination, in any of the following regarding an ICF/MR: 80454  
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(a) The land on which the ICF/MR is located; 80458

(b) The structure in which the ICF/MR is located; 80459

(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the ICF/MR is located; 80460  
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(d) Any lease or sublease of the land or structure on or in which the ICF/MR is located. 80463  
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(2) "Owner" does not mean a holder of a debenture or bond related to an ICF/MR and purchased at public issue or a regulated lender that has made a loan related to the ICF/MR unless the holder or lender operates the ICF/MR directly or through a subsidiary. 80465  
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(MM) "Partially converted ICF/MR" means an ICF/MR that converted some, but not all, of its beds to providing home and 80470  
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community-based services under the individual options waiver 80472  
pursuant to section 5124.60 of the Revised Code. 80473

(NN)(1) Except as provided in divisions (NN)(2) and (3) of 80474  
this section, "per diem" means an ICF/MR's desk-reviewed, actual, 80475  
allowable costs in a given cost center in a cost reporting period, 80476  
divided by the facility's inpatient days for that cost reporting 80477  
period. 80478

(2) When determining capital costs for the purpose of section 80479  
5124.17 of the Revised Code, "per diem" means an ICF/MR's actual, 80480  
allowable capital costs in a cost-reporting period divided by the 80481  
greater of the facility's inpatient days for that period or the 80482  
number of inpatient days the ICF/MR would have had during that 80483  
period if its occupancy rate had been ninety-five per cent. 80484

(3) When determining indirect care costs for the purpose of 80485  
section 5124.21 of the Revised Code, "per diem" means an ICF/MR's 80486  
actual, allowable indirect care costs in a cost-reporting period 80487  
divided by the greater of the ICF/MR's inpatient days for that 80488  
period or the number of inpatient days the ICF/MR would have had 80489  
during that period if its occupancy rate had been eighty-five per 80490  
cent. 80491

(OO) "Provider" means an operator with a valid provider 80492  
agreement. 80493

(PP) "Provider agreement" means a provider agreement, as 80494  
defined in section 5164.01 of the Revised Code, that is between 80495  
the department of medicaid and the operator of an ICF/MR for the 80496  
provision of ICF/MR services under the medicaid program. 80497

(OO) "Purchased nursing services" means services that are 80498  
provided in an ICF/MR by registered nurses, licensed practical 80499  
nurses, or nurse aides who are not employees of the ICF/MR. 80500

(RR) "Reasonable" means that a cost is an actual cost that is 80501  
appropriate and helpful to develop and maintain the operation of 80502

resident care facilities and activities, including normal standby costs, and that does not exceed what a prudent buyer pays for a given item or services. Reasonable costs may vary from provider to provider and from time to time for the same provider. 80503  
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(SS) "Related party" means an individual or organization that, to a significant extent, has common ownership with, is associated or affiliated with, has control of, or is controlled by, a provider. 80507  
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(1) An individual who is a relative of an owner is a related party. 80511  
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(2) Common ownership exists when an individual or individuals possess significant ownership or equity in both the provider and the other organization. Significant ownership or equity exists when an individual or individuals possess five per cent ownership or equity in both the provider and a supplier. Significant ownership or equity is presumed to exist when an individual or individuals possess ten per cent ownership or equity in both the provider and another organization from which the provider purchases or leases real property. 80513  
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(3) Control exists when an individual or organization has the power, directly or indirectly, to significantly influence or direct the actions or policies of an organization. 80522  
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(4) An individual or organization that supplies goods or services to a provider shall not be considered a related party if all of the following conditions are met: 80525  
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(a) The supplier is a separate bona fide organization. 80528

(b) A substantial part of the supplier's business activity of the type carried on with the provider is transacted with others than the provider and there is an open, competitive market for the types of goods or services the supplier furnishes. 80529  
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(c) The types of goods or services are commonly obtained by other ICFs/MR from outside organizations and are not a basic element of resident care ordinarily furnished directly to residents by the ICFs/MR. 80533  
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(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier. 80537  
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(TT) "Relative of owner" means an individual who is related to an owner of an ICF/MR by one of the following relationships: 80541  
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(1) Spouse; 80543

(2) Natural parent, child, or sibling; 80544

(3) Adopted parent, child, or sibling; 80545

(4) Stepparent, stepchild, stepbrother, or stepsister; 80546

(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law; 80547  
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(6) Grandparent or grandchild; 80549

(7) Foster caregiver, foster child, foster brother, or foster sister. 80550  
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(UU)(1) "Renovation" means the following: 80552

(a) An ICF/MR's betterment, improvement, or restoration to which both of the following apply: 80553  
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(i) It was started before July 1, 1993; 80555

(ii) It meets the definition of "renovation" established in rules that were adopted by the director of job and family services and in effect on December 22, 1992. 80556  
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(b) An ICF/MR's betterment, improvement, or restoration to which both of the following apply: 80559  
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<u>(i) It was started on or after July 1, 1993;</u>	80561
<u>(ii) It betters, improves, or restores the ICF/MR beyond its current functional capacity through a structural change that costs at least five hundred dollars per bed.</u>	80562 80563 80564
<u>(2) A renovation started on or after July 1, 1993, may include both of the following:</u>	80565 80566
<u>(a) A betterment, improvement, restoration, or replacement of assets that are affixed to a building and have a useful life of at least five years;</u>	80567 80568 80569
<u>(b) Costs that otherwise would be considered maintenance and repair expenses if they are an integral part of the structural change that makes up the renovation project.</u>	80570 80571 80572
<u>(3) "Renovation" does not mean construction of additional space for beds that will be added to an ICF/MR's licensed capacity or medicaid-certified capacity.</u>	80573 80574 80575
<u>(VV) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.</u>	80576 80577
<u>(WW) "Sponsor" means an adult relative, friend, or guardian of an ICF/MR resident who has an interest or responsibility in the resident's welfare.</u>	80578 80579 80580
<u>(XX) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396, et seq.</u>	80581 80582
<u>(YY) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395, et seq.</u>	80583 80584
<u>(ZZ) "Voluntary termination" means an operator's voluntary election to terminate the participation of an ICF/MR in the medicaid program but to continue to provide service of the type provided by a residential facility as defined in section 5123.19 of the Revised Code.</u>	80585 80586 80587 80588 80589

~~Sec. 5111.226 5124.02.~~ Subject, if needed, to the approval of 80590  
the United States secretary of health and human services, the The 80591  
department of ~~job and family services~~ medicaid shall enter into a 80592  
contract with the department of developmental disabilities under 80593  
section ~~5111.91~~ 5162.35 of the Revised Code that provides for the 80594  
department of developmental disabilities to assume the powers and 80595  
duties of the department of ~~job and family services~~ medicaid with 80596  
regard to the medicaid program's coverage of ICF/MR services 80597  
~~provided by intermediate care facilities for the mentally~~ 80598  
~~retarded.~~ The contract shall include a schedule for the assumption 80599  
of the powers and duties. Except as otherwise authorized by the 80600  
United States secretary of health and human services, no provision 80601  
of the contract may violate a federal law or regulation governing 80602  
the medicaid program. ~~Once the contract goes into effect, all~~ 80603  
~~references to the department of job and family services, and all~~ 80604  
~~references to the director of job and family services, with regard~~ 80605  
~~to intermediate care facilities for the mentally retarded that are~~ 80606  
~~in law enacted by the general assembly shall be deemed to be~~ 80607  
~~references to the department of developmental disabilities and~~ 80608  
~~director of developmental disabilities, respectively, to the~~ 80609  
~~extent necessary to implement the terms of the contract.~~ 80610

Sec. 5124.03. To the extent authorized by rules authorized by 80612  
section 5162.021 of the Revised Code, the director of 80613  
developmental disabilities shall adopt rules in accordance with 80614  
Chapter 119. of the Revised Code as necessary to implement this 80615  
chapter. 80616

Sec. 5124.05. The medicaid program shall cover ICF/MR 80617  
services when all of the following apply: 80618

(A) The ICF/MR services are provided to a medicaid recipient 80619

eligible for the services. 80620

(B) The ICF/MR services are provided by an ICF/MR for which the provider has a valid provider agreement. 80621  
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(C) Federal financial participation is available for the ICF/MR services. 80623  
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**Sec. 5124.06.** (A) Subject to section 5124.072 of the Revised Code, an ICF/MR operator is eligible to enter into a provider agreement for an ICF/MR if all of the following apply: 80625  
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(1) The ICF/MR is certified by the director of health for participation in medicaid; 80628  
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(2) The ICF/MR is licensed by the director of developmental disabilities as a residential facility; 80630  
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(3) Subject to division (B) of this section, the operator and ICF/MR comply with all applicable state and federal statutes and rules. 80632  
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(B) A state rule that requires an ICF/MR operator to have received approval of a plan for the proposed ICF/MR pursuant to section 5123.042 of the Revised Code as a condition of the operator being eligible to receive medicaid payments for ICF/MR services the ICF/MR provides does not apply if, under former section 5123.193 of the Revised Code as enacted by Am. Sub. H.B. 1 of the 128th general assembly or section 5123.197 of the Revised Code, a residential facility license was obtained or modified for the ICF/MR without obtaining approval of such a plan. 80635  
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**Sec. 5124.07.** (A) Except as provided in section 5124.072 of the Revised Code, the department of medicaid shall enter into a provider agreement with an ICF/MR operator who applies, and is eligible, for the provider agreement. 80644  
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(B) A provider agreement shall require the department of 80648

developmental disabilities, pursuant to its agreement with the 80649  
department of medicaid under section 5124.02 of the Revised Code, 80650  
to make medicaid payments to the provider in accordance with this 80651  
chapter for ICF/MR services the ICF/MR provides to its residents 80652  
who are medicaid recipients eligible for ICF/MR services. 80653

(C) A provider agreement shall require the provider to do all 80654  
of the following: 80655

(1) Maintain eligibility for the provider agreement as 80656  
provided in section 5124.06 of the Revised Code; 80657

(2) Keep records relating to a cost reporting period for the 80658  
greater of seven years after the cost report is filed or, if the 80659  
department of developmental disabilities issues an audit report in 80660  
accordance with section 5124.109 of the Revised Code, six years 80661  
after all appeal rights relating to the audit report are 80662  
exhausted; 80663

(3) File reports as the department of developmental 80664  
disabilities requires; 80665

(4) Open all records relating to the costs of the ICF/MR's 80666  
services for inspection and audit by the department of 80667  
developmental disabilities; 80668

(5) Open its premises for inspection by the department of 80669  
developmental disabilities, department of health, and any other 80670  
state or local authority having authority to inspect; 80671

(6) Supply to the department of developmental disabilities 80672  
such information as it requires concerning the ICF/MR's services 80673  
to residents who are, or are eligible to be, medicaid recipients; 80674

(7) Comply with section 5124.08 of the Revised Code. 80675

(D) A provider agreement may contain other provisions that 80676  
are consistent with law and considered necessary by the department 80677  
of medicaid or the department of developmental disabilities. 80678



Sec. 5124.071. An ICF/MR operator may enter into provider agreements for more than one ICF/MR. 80679  
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Sec. 5124.072. The department of medicaid, in accordance with rules adopted under section 5165.02 of the Revised Code, may elect not to enter into, not to revalidate, or to terminate an ICF/MR provider agreement when the department determines that such an agreement would not be in the best interests of medicaid recipients or the state. The department shall not revalidate an ICF/MR provider agreement if the provider fails to maintain eligibility for the provider agreement as provided in section 5124.06 of the Revised Code. 80681  
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Sec. 5124.08. (A) Every provider agreement with an ICF/MR provider shall do both of the following: 80690  
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(1) Except as provided by division (B) of this section, include any part of the ICF/MR that meets federal and state standards for medicaid certification; 80692  
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(2) Prohibit the provider from doing either of the following: 80695

(a) Discriminating against a resident on the basis of race, color, sex, creed, or national origin; 80696  
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(b) Subject to division (D) of this section, failing or refusing to do either of the following: 80698  
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(i) Admit as a resident of the ICF/MR an individual because the individual is, or may (as a resident of the ICF/MR) become, a medicaid recipient if less than eighty per cent of the ICF/MR's residents are medicaid recipients; 80700  
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(ii) Retain as a resident of the ICF/MR an individual because the individual is, or may (as a resident of the ICF/MR) become, a medicaid recipient. 80704  
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(B) Unless otherwise required by federal law, an ICF/MR bed is not required to be included in a provider agreement if the bed is designated for respite care under a medicaid waiver component operated pursuant to a waiver sought under section 5166.20 of the Revised Code. 80707  
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(C) For the purpose of division (A)(2)(b)(ii) of this section, a medicaid recipient who is a resident of an ICF/MR shall be considered a resident of the ICF/MR during any hospital stays totaling less than twenty-five days during any twelve-month period. A medicaid recipient identified by the department of developmental disabilities or its designee as requiring the level of care of an ICF/MR shall not be subject to a maximum period of absences during which the recipient is considered to be an ICF/MR resident if prior authorization of the department for visits with relatives and friends and participation in therapeutic programs is obtained in accordance with rules adopted under section 5124.03 of the Revised Code. 80712  
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(D) Nothing in this section shall bar a provider from doing any of the following: 80724  
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(1) If the provider is a religious organization operating a religious or denominational ICF/MR, giving preference to persons of the same religion or denomination; 80726  
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(2) Giving preference to persons with whom the provider has contracted to provide continuing care; 80729  
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(3) Retaining residents who have resided in the provider's ICF/MR for not less than one year as private pay residents and who subsequently become medicaid recipients but refusing to admit as a resident an individual who is, or may (as a resident of the ICF/MR) become, a medicaid recipient, if all of the following apply: 80731  
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(a) The provider does not refuse to retain a resident who has 80737

resided in the provider's ICF/MR for not less than one year as a private pay resident because the resident becomes a medicaid recipient, except as necessary to comply with division (D)(3)(b) of this section. 80738  
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(b) The number of medicaid recipients retained under division (D)(3) of this section does not at any time exceed ten per cent of all the ICF/MR's residents. 80742  
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(c) On July 1, 1980, all the ICF/MR's residents were private pay residents. 80745  
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(E) No provider shall violate the provider agreement obligations imposed by this section. 80747  
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**Sec. 5124.081.** An ICF/MR resident has a cause of action against the provider of the ICF/MR for breach of the provider agreement obligations or other duties imposed by section 5124.08 of the Revised Code. The action may be commenced by the resident, or on the resident's behalf by the resident's sponsor, by the filing of a civil action in the court of common pleas of the county in which the ICF/MR is located or in the court of common pleas of Franklin county. 80749  
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If a court of common pleas finds that a provider has breached a provider agreement obligation or other duty imposed by section 5124.08 of the Revised Code, the court may do one or more of the following: 80757  
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(A) Enjoin the provider from engaging in the practice; 80761

(B) Order such affirmative relief as may be necessary; 80762

(C) Award to a resident and a sponsor that brings the action on behalf of a resident actual damages, costs, and reasonable attorney's fees. 80763  
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**Sec. 5124.10.** (A) Except as provided in division (D) of this 80766

section and division (E)(2) of section 5124.101 of the Revised Code, each ICF/MR provider shall file with the department of developmental disabilities an annual cost report for each of the provider's ICFs/MR for which the provider has a valid provider agreement. The cost report for a year shall cover the calendar year or portion of the calendar year during which the ICF/MR participated in the medicaid program. Except as provided in division (E) of this section, the cost report is due not later than ninety days after the end of the calendar year, or portion of the calendar year, that the cost report covers. 80767  
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(B)(1) If an ICF/MR undergoes a change of provider that the department determines, in accordance with rules adopted under section 5124.03 of the Revised Code, is not an arms length transaction, the new provider shall file the ICF/MR's cost report in accordance with division (A) of this section and the cost report shall cover the portion of the calendar year during which the new provider operated the ICF/MR and the portion of the calendar year during which the previous provider operated the ICF/MR. 80777  
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(2) If an ICF/MR undergoes a change of provider that the department determines, in accordance with rules adopted under section 5124.03 of the Revised Code, is an arms length transaction, the new provider shall file with the department a cost report for the ICF/MR not later than, except as provided in division (E) of this section, ninety days after the end of the ICF/MR's first three full calendar months of operation under the new provider. The cost report shall cover the period that begins with the ICF/MR's first day of operation under the new provider and ends on the first day of the month immediately following the first three full months of operation under the new provider. 80786  
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(C) If the medicaid payment rate for a new ICF/MR was most 80797

recently determined in accordance with section 5124.151 of the 80798  
Revised Code, the provider shall file with the department a cost 80799  
report for the new ICF/MR not later than, except as provided in 80800  
division (E) of this section, ninety days after the end of the new 80801  
ICF/MR's first three full calendar months of operation. The cost 80802  
report shall cover the period that begins with the ICF/MR's first 80803  
day of operation and ends on the first day of the month 80804  
immediately following the first three full months of operation. 80805

(D) An ICF/MR provider is not required to file a cost report 80806  
for an ICF/MR for a calendar year in accordance with division (A) 80807  
of this section if the provider files a cost report for the ICF/MR 80808  
under division (B)(2) or (C) of this section and that cost report 80809  
covers a period that begins after the first day of October of that 80810  
calendar year. The provider shall file a cost report for the 80811  
ICF/MR in accordance with division (A) of this section for the 80812  
immediately following calendar year. 80813

(E) The department may grant to a provider a fourteen-day 80814  
extension to file a cost report under this section or section 80815  
5124.101 of the Revised Code if the provider provides the 80816  
department a written request for the extension and the department 80817  
determines that there is good cause for the extension. 80818

**Sec. 5124.101.** (A) The provider of an ICF/MR that becomes a 80819  
downsized ICF/MR or partially converted ICF/MR may file with the 80820  
department of developmental disabilities a cost report covering 80821  
the period specified in division (B) of this section if the ICF/MR 80822  
has both of the following on the day it becomes a downsized ICF/MR 80823  
or partially converted ICF/MR: 80824

(1) A medicaid-certified capacity that is at least ten per 80825  
cent less than its medicaid-certified capacity on the day 80826  
immediately preceding the day it becomes a downsized ICF/MR or 80827  
partially converted ICF/MR; 80828

(2) At least five fewer beds certified as ICF/MR beds than it has on the day immediately preceding the day it becomes a downsized ICF/MR or partially converted ICF/MR. 80829  
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(B) A cost report filed under division (A) of this section shall cover the period that begins with the day that the ICF/MR becomes a downsized ICF/MR or partially converted ICF/MR and ends on the first day of the month immediately following the first three full months of operation as a downsized ICF/MR or partially converted ICF/MR. 80832  
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(C) The department shall refuse to accept a cost report filed under division (A) of this section if either of the following apply: 80838  
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(1) Except as provided in division (E) of section 5124.10 of the Revised Code, the provider fails to file the cost report with the department not later than ninety days after the last day of the period the cost report covers; 80841  
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(2) The cost report is incomplete or inadequate. 80845

(D) If the department accepts a cost report filed under division (A) of this section, the department shall determine the ICF/MR's medicaid payment rate in accordance with this chapter using that cost report. The provider shall be paid that rate for ICF/MR services the ICF/MR provides during the period that begins and ends as follows: 80846  
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(1) The period begins on the following: 80852

(a) The day that the ICF/MR becomes a downsized ICF/MR or partially converted ICF/MR if that day is the first day of a month; 80853  
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(b) The first day of the month immediately following the month that the ICF/MR becomes a downsized ICF/MR or partially converted ICF/MR if division (D)(1)(a) of this section does not 80856  
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apply. 80859

(2) The period ends on the first day of the fiscal year for which the ICF/MR begins to be paid a rate determined using a cost report that division (E) of this section requires be filed in accordance with division (A) of section 5124.10 of the Revised Code. 80860  
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(E)(1) If the department accepts a cost report filed under division (A) of this section for an ICF/MR that becomes a downsized ICF/MR or partially converted ICF/MR on or before the first day of October of a calendar year, the provider also shall file a cost report for the ICF/MR in accordance with division (A) of section 5124.10 of the Revised Code for the portion of that calendar year that the ICF/MR operated as a downsized ICF/MR or partially converted ICF/MR. 80865  
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(2) If the department accepts a cost report filed under division (A) of this section for an ICF/MR that becomes a downsized ICF/MR or partially converted ICF/MR after the first day of October of a calendar year, the provider is not required to file a cost report for that calendar year in accordance with division (A) of section 5124.10 of the Revised Code. The provider shall file a cost report for the ICF/MR in accordance with division (A) of section 5124.10 of the Revised Code for the immediately following calendar year. 80873  
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**Sec. 5124.102.** No ICF/MR provider shall report fines paid under section 5124.99 of the Revised Code in a cost report filed under section 5124.10, 5124.101, or 5124.522 of the Revised Code. 80882  
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**Sec. 5124.103.** Cost reports shall be completed using the form prescribed under section 5124.104 of the Revised Code and in accordance with the guidelines established under that section. 80885  
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Sec. 5124.104. The department of developmental disabilities shall do all of the following: 80888  
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(A) Prescribe the form to be used for completing a cost report and a uniform chart of accounts for the purpose of reporting costs on the form; 80890  
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(B) Distribute a paper copy of the form, or computer software for electronic submission of the form, to each provider at least sixty days before the date the cost report is due; 80893  
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(C) Establish guidelines for completing the form. 80896

Sec. 5124.105. The department of developmental disabilities shall develop an addendum to the cost report form that an ICF/MR provider may use to set forth costs that the provider believes the department may dispute. The department may consider such costs in determining an ICF/MR's medicaid payment rate. If the department does not consider such costs in determining an ICF/MR's medicaid payment rate, the provider may seek reconsideration of the determination in accordance with section 5124.38 of the Revised Code. If the department subsequently includes such costs in an ICF/MR's medicaid payment rate, the department shall pay the provider interest at a reasonable rate established in rules adopted under section 5124.03 of the Revised Code for the period that the rate excluded the costs. 80897  
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Sec. 5124.106. If an ICF/MR provider required by section 5124.10 of the Revised Code to file a cost report for the ICF/MR fails to file the cost report by the date it is due or the date, if any, to which the due date is extended pursuant to division (E) of that section, or files an incomplete or inadequate report for the ICF/MR under that section, the department of developmental disabilities shall provide immediate written notice to the provider that the provider agreement for the ICF/MR will be 80910  
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terminated in thirty days unless the provider submits a complete 80918  
and adequate cost report for the ICF/MR within thirty days. During 80919  
the thirty-day termination period or any additional time allowed 80920  
for an appeal of the proposed termination of a provider agreement, 80921  
the provider shall be paid the ICF/MR's then current per medicaid 80922  
day payment rate, minus the dollar amount by which ICFs/MR's per 80923  
medicaid day payment rates are reduced during fiscal year 2013 in 80924  
accordance with division (A)(2) of section 5111.26 of the Revised 80925  
Code (renumbered as section 5165.10 of the Revised Code by H.B. 59 80926  
of the 130th general assembly) as that section existed on the day 80927  
immediately preceding the effective date of this section. On the 80928  
first day of each July, the department shall adjust the amount of 80929  
the reduction in effect during the previous twelve months to 80930  
reflect the rate of inflation during the preceding twelve months, 80931  
as shown in the consumer price index for all items for all urban 80932  
consumers for the north central region, published by the United 80933  
States bureau of labor statistics. 80934

**Sec. 5124.107.** (A) Except as provided in division (B) of this 80935  
section and not later than three years after an ICF/MR provider 80936  
files a cost report with the department of developmental 80937  
disabilities under section 5124.10 or 5124.101 of the Revised 80938  
Code, the provider may amend the cost report if the provider 80939  
discovers a material error in the cost report or additional 80940  
information to be included in the cost report. The department 80941  
shall review the amended cost report for accuracy and notify the 80942  
provider of its determination. 80943

(B) An ICF/MR provider may not amend a cost report if the 80944  
department has notified the provider that an audit of the cost 80945  
report or a cost report of the provider for a subsequent cost 80946  
reporting period is to be conducted under section 5124.109 of the 80947  
Revised Code. The provider may, however, provide the department 80948

information that affects the costs included in the cost report. 80949  
Such information may not be provided after the adjudication of the 80950  
final settlement of the cost report. 80951

**Sec. 5124.108.** The department of developmental disabilities 80952  
shall conduct a desk review of all cost reports it receives under 80953  
sections 5124.10, 5124.101, and 5124.522 of the Revised Code. 80954  
Based on the desk review, the department shall make a preliminary 80955  
determination of whether the reported costs are allowable costs. 80956  
The department shall notify each ICF/MR provider of whether any of 80957  
the reported costs are preliminarily determined not to be 80958  
allowable costs, the medicaid payment rate determined under this 80959  
chapter as a result of the determination regarding allowable 80960  
costs, and the reasons for the determination and resulting rate. 80961  
The department shall allow the provider to verify the calculation 80962  
and submit additional information. 80963

**Sec. 5124.109.** (A) The department of developmental 80964  
disabilities may conduct an audit, as defined in rules adopted 80965  
under section 5124.03 of the Revised Code, of any cost report 80966  
filed under section 5124.10, 5124.101, or 5124.522 of the Revised 80967  
Code. The decision whether to conduct an audit and the scope of 80968  
the audit, which may be a desk or field audit, may be determined 80969  
based on prior performance of the provider, a risk analysis, or 80970  
other evidence that gives the department reason to believe that 80971  
the provider has reported costs improperly. A desk or field audit 80972  
may be performed annually, but is required whenever a provider 80973  
does not pass the risk analysis tolerance factors. 80974

(B) Audits shall be conducted by auditors under contract with 80975  
the department, auditors working for firms under contract with the 80976  
department, or auditors employed by the department. 80977

The department may establish a contract for the auditing of 80978

ICFs/MR by outside firms. Each contract entered into by bidding shall be effective for one to two years. 80979  
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(C) The department shall notify a provider of the findings of an audit of a cost report by issuing an audit report. The department shall issue the audit report not later than three years after the earlier of the following: 80981  
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(1) The date the cost report is filed; 80985

(2) The date a desk or field audit of the cost report or a cost report for a subsequent cost reporting period is completed. 80986  
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(D) The department shall prepare a written summary of any audit disallowance that is made after the effective date of the rate that is based on the cost. Where the provider is pursuing judicial or administrative remedies in good faith regarding the disallowance, the department shall not withhold from the provider's current payments any amounts the department claims to be due from the provider pursuant to section 5124.41 of the Revised Code. 80988  
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(E)(1) The department shall establish an audit manual and program for field audits conducted under this section. Each auditor conducting a field audit under this section shall follow the audit manual and program, regardless of whether the auditor is under contract with the department, works for a firm under contract with the department, or is employed by the department. The manual and program shall do both of the following: 80996  
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(a) Require each field audit to be conducted by an auditor to whom all of the following apply: 81003  
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(i) During the period of the auditor's contract, firm's contract, or auditor's employment with the department, the auditor or firm does not have and is not committed to acquire any direct or indirect financial interest in the ownership, financing, or operation of ICFs/MR in this state. 81005  
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(ii) The auditor does not audit any provider that has been a client of the auditor or the auditor's firm. 81010  
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(iii) The auditor is otherwise independent as determined by the standards of independence included in the government auditing standards produced by the United States government accountability office. 81012  
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(b) Require each auditor conducting a field audit to do all of the following: 81016  
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(i) Comply with applicable rules prescribed pursuant to Title XIX; 81018  
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(ii) Consider generally accepted auditing standards prescribed by the American institute of certified public accountants; 81020  
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(iii) Include a written summary as to whether the costs included in the cost report examined during the audit are allowable and are presented in accordance with state and federal laws and regulations, and whether, in all material respects, allowable costs are documented, reasonable, and related to patient care; 81023  
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(iv) Complete the audit within the time period specified by the department; 81029  
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(v) Provide to the provider complete written interpretations that explain in detail the application of all relevant contract provisions, regulations, auditing standards, rate formulae, and departmental policies, with explanations and examples, that are sufficient to permit the provider to calculate with reasonable certainty those costs that are allowable and the rate to which the provider's ICF/MR is entitled. 81031  
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(2) For the purpose of division (E)(1)(a)(i) of this section, employment of a member of an auditor's family by an ICF/MR that 81038  
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the auditor does not audit does not constitute a direct or 81040  
indirect financial interest in the ownership, financing, or 81041  
operation of the ICF/MR. 81042

**Sec. ~~5111.224~~ 5124.15.** (A) Except as otherwise provided by 81043  
sections ~~5111.20~~ 5165.151 to ~~5111.331~~ 5165.155 of the Revised Code 81044  
and ~~by~~ division (B) of this section, the ~~payments~~ total per 81045  
medicaid day payment rate that the department of ~~job and family~~ 81046  
~~services~~ developmental disabilities shall ~~agree to make pay~~ to the 81047  
an ICF/MR provider ~~of an intermediate care facility for the~~ 81048  
~~mentally retarded pursuant to a provider agreement for ICF/MR~~ 81049  
services the provider's ICF/MR provides during a fiscal year shall 81050  
equal the sum of all of the following: 81051

(1) The per medicaid day payment rate for capital costs 81052  
determined for the ICF/MR under section 5124.17 of the Revised 81053  
Code; 81054

(2) The per medicaid day payment rate for direct care costs 81055  
determined for the ~~facility~~ ICF/MR under section ~~5111.23~~ 5124.19 81056  
of the Revised Code; 81057

~~(2)~~(3) The per medicaid day payment rate for indirect care 81058  
costs determined for the ICF/MR under section 5124.21 of the 81059  
Revised Code; 81060

(4) The per medicaid day payment rate for other protected 81061  
costs determined for the ~~facility~~ ICF/MR under section ~~5111.235~~ 81062  
5124.23 of the Revised Code; 81063

~~(3)~~ The rate for indirect care costs determined for the 81064  
facility under section 5111.241 of the Revised Code; 81065

~~(4)~~ The rate for capital costs determined for the facility 81066  
under section 5111.251 of the Revised Code. 81067

(B) The department shall adjust the total rate otherwise 81068  
determined under division (A) of this section as directed by the 81069

general assembly through the enactment of law governing medicaid 81070  
payments to ICF/MR providers ~~of intermediate care facilities for~~ 81071  
~~the mentally retarded.~~ 81072

(C) In addition to paying an ICF/MR provider the total rate 81073  
determined for the provider's ICF/MR under divisions (A) and (B) 81074  
of this section for a fiscal year, the department, in accordance 81075  
with section 5124.25 of the Revised Code, may pay the provider a 81076  
rate add-on for pediatric ventilator-dependent outlier ICF/MR 81077  
services if the rate add-on is to be paid under that section and 81078  
the department approves the provider's application for the rate 81079  
add-on. The rate add-on is not to be part of the ICF/MR's total 81080  
rate. 81081

**Sec. 5111.255 5124.151.** (A) ~~The department of job and family~~ 81082  
~~services shall establish initial rates for an intermediate care~~ 81083  
~~facility for the mentally retarded with a first date of licensure~~ 81084  
~~that is on or after January 1, 1993, including a facility that~~ 81085  
~~replaces one or more existing facilities, or for an intermediate~~ 81086  
~~care facility for the mentally retarded with a first date of~~ 81087  
~~licensure before that date that was initially certified for the~~ 81088  
~~medicaid program on or after that date, total per medicaid day~~ 81089  
~~payment rate determined under section 5124.15 of the Revised Code~~ 81090  
~~shall not be the initial rate for ICF/MR services provided by a~~ 81091  
~~new ICF/MR. Instead, the initial total per medicaid day payment~~ 81092  
~~rate for ICF/MR services provided by a new ICF/MR shall be~~ 81093  
~~determined in the following manner:~~ 81094

(1) The initial rate for capital costs shall be determined 81095  
under section 5124.17 of the Revised Code using the greater of the 81096  
new ICF/MR's actual inpatient days or an imputed occupancy rate of 81097  
eighty per cent. 81098

(2) The initial rate for direct care costs shall be 81099  
determined as follows: 81100

(a) If there are no cost or resident assessment data for the 81101  
new ICF/MR as necessary to ~~calculate~~ determine a rate under 81102  
section ~~5111.23~~ 5124.19 of the Revised Code, the rate shall be 81103  
determined as follows: 81104

(i) Determine the median cost per case-mix unit ~~calculated~~ 81105  
determined under division (B)~~(1)~~ of ~~that~~ section 5124.19 of the 81106  
Revised Code for the ~~relevant~~ new ICF/MR's peer group for the 81107  
calendar year preceding the fiscal year in which the rate will be 81108  
paid, ~~multiplied;~~ 81109

(ii) Multiply the amount determined under division 81110  
(A)(2)(a)(i) of this section by the median annual average case-mix 81111  
score for the new ICF/MR's peer group for that period ~~and;~~ 81112

(iii) Adjust the product determined under division 81113  
(A)(2)(a)(ii) of this section by the rate of inflation estimated 81114  
under division ~~(B)(3)~~(D) of ~~that~~ section 5124.19 of the Revised 81115  
Code. ~~This rate shall be recalculated to reflect the facility's~~ 81116  
~~actual quarterly average case mix score, in accordance with that~~ 81117  
~~section, after it submits its first quarterly assessment data that~~ 81118  
~~qualifies for use in calculating a case mix score in accordance~~ 81119  
~~with rules authorized by division (E) of section 5111.232 of the~~ 81120  
~~Revised Code. If the facility's first two quarterly submissions do~~ 81121  
~~not contain assessment data that qualifies for use in calculating~~ 81122  
~~a case mix score, the department shall continue to calculate the~~ 81123  
~~rate using the median annual case mix score for the peer group in~~ 81124  
~~lieu of an assigned quarterly case mix score. The department shall~~ 81125  
~~assign a case mix score or, if necessary, a cost per case mix unit~~ 81126  
~~under division (D) of section 5111.232 of the Revised Code for any~~ 81127  
~~subsequent submissions that do not contain assessment data that~~ 81128  
~~qualifies for use in calculating a case mix score.~~ 81129

(b) If the ~~facility~~ new ICF/MR is a replacement facility 81130  
ICF/MR and the ~~facility~~ ICF/MR or ~~facilities~~ ICFs/MR that are 81131  
being replaced are in operation immediately before the ~~replacement~~ 81132

~~facility~~ new ICF/MR opens, the rate shall be the same as the rate 81133  
for the replaced ~~facility~~ ICF/MR or ~~facilities~~ ICFs/MR, 81134  
proportionate to the number of ICF/MR beds in each replaced 81135  
~~facility~~ ICF/MR. ~~If one or more of the replaced facilities is~~ 81136

(c) If the new ICF/MR is a replacement ICF/MR and the ICF/MR 81137  
or ICFs/MR that are being replaced are not in operation 81138  
immediately before the ~~replacement facility~~ new ICF/MR opens, ~~its~~ 81139  
~~proportion~~ the rate shall be determined under division 81140  
(A)~~(1)~~(2)(a) of this section. 81141

~~(2)~~(3) The initial rate for indirect care costs shall be the 81142  
maximum rate for the new ICF/MR's peer group as determined for the 81143  
fiscal year in accordance with division (C) of section 5124.21 of 81144  
the Revised Code. 81145

(4) The initial rate for other protected costs shall be one 81146  
hundred fifteen per cent of the median rate for ~~intermediate care~~ 81147  
~~facilities for the mentally retarded~~ calculated ICFs/MR determined 81148  
for the fiscal year under section ~~5111.235~~ 5124.23 of the Revised 81149  
Code. 81150

~~(3) The rate for indirect care costs shall be the applicable~~ 81151  
~~maximum rate for the facility's peer group as specified in~~ 81152  
~~division (B) of section 5111.241 of the Revised Code.~~ 81153

~~(4) The rate for capital costs shall be determined under~~ 81154  
~~section 5111.251 of the Revised Code using the greater of actual~~ 81155  
~~inpatient days or an imputed occupancy rate of eighty per cent.~~ 81156

(B) If a new ICF/MR's initial rate for direct care costs is 81157  
determined under division (A)(2)(a) of this section, the 81158  
department shall redetermine the rate in accordance with section 81159  
5124.19 of the Revised Code to reflect the new ICF/MR's actual 81160  
quarterly case-mix score, after the provider, in accordance with 81161  
section 5124.191 of the Revised Code, submits the first quarterly 81162  
resident assessment data for the ICF/MR that qualifies for use in 81163



determining a case-mix score. If the first two quarterly 81164  
submissions for the ICF/MR do not contain resident assessment data 81165  
that qualifies for use in determining a case-mix score, the 81166  
department shall continue to determine the ICF/MR's rate using the 81167  
median annual case-mix score for the peer group in lieu of an 81168  
assigned quarterly case-mix score. The department shall assign a 81169  
case-mix score or, if necessary, a cost per case-mix unit under 81170  
division (B) of section 5124.192 of the Revised Code for any 81171  
subsequent submissions that do not contain resident assessment 81172  
data that qualifies for use in determining a case-mix score. 81173

(C) The department shall adjust ~~the rates established~~ a new 81174  
ICF/MR's initial total per medicaid day payment rate determined 81175  
under ~~division (A)~~ of this section at both of the following times: 81176  
81177

(1) Effective the first day of July, to reflect new rate 81178  
~~calculations~~ determinations for all ~~facilities~~ ICFs/MR under 81179  
~~sections 5111.20 to 5111.331 of the Revised Code~~ this chapter; 81180

(2) Following the provider's submission of the ~~facility's~~ 81181  
ICF/MR's cost report under division ~~(A)(1)(b)~~(C) of section 81182  
~~5111.26~~ 5124.10 of the Revised Code. 81183

The department shall pay the rate adjusted based on the cost 81184  
report beginning the first day of the calendar quarter that begins 81185  
more than ninety days after the department receives the cost 81186  
report. 81187

**Sec. 5124.152.** The total per medicaid day payment rate 81188  
determined under section 5124.15 of the Revised Code shall not be 81189  
paid for ICF/MR services provided on or after July 1, 2014, to low 81190  
resource utilization residents. Instead, the total per medicaid 81191  
day payment rate for such ICF/MR services shall be a flat rate set 81192  
in rules adopted under section 5124.03 of the Revised Code. 81193

Sec. 5124.153. (A) The total per medicaid day payment rate 81194  
determined under section 5124.15 of the Revised Code shall not be 81195  
paid for ICF/MR services provided by an ICF/MR, or discrete unit 81196  
of an ICF/MR, designated by the department of developmental 81197  
disabilities as an outlier ICF/MR or unit. Instead, the provider 81198  
of a designated outlier ICF/MR or unit shall be paid each fiscal 81199  
year a total per medicaid day payment rate that the department 81200  
shall prospectively determine in accordance with a methodology 81201  
established in rules authorized by this section. 81202

(B) The department may designate an ICF/MR, or discrete unit 81203  
of an ICF/MR, as an outlier ICF/MR or unit if the ICF/MR or unit 81204  
serves residents who have either of the following: 81205

(1) Diagnoses or special care needs that require direct care 81206  
resources that are not measured adequately by the resident 81207  
assessment instrument specified in rules authorized by section 81208  
5124.191 of the Revised Code; 81209

(2) Diagnoses or special care needs that are specified in 81210  
rules authorized by this section as otherwise qualifying for 81211  
consideration under this section. 81212

(C) Notwithstanding any other provision of this chapter, the 81213  
costs incurred by a designated outlier ICF/MR or unit shall not be 81214  
considered in establishing medicaid payment rates for other 81215  
ICFs/MR or units. 81216

(D) The director of developmental disabilities shall adopt 81217  
rules under section 5124.03 of the Revised Code as necessary to 81218  
implement this section. 81219

(1)(a) The rules shall do both of the following: 81220

(i) Specify the criteria and procedures the department will 81221  
apply when designating an ICF/MR, or discrete unit of an ICF/MR, 81222  
as an outlier ICF/MR or unit; 81223

(ii) Establish a methodology for prospectively determining the total per medicaid day payment rate that will be paid each fiscal year for ICF/MR services provided by a designated outlier ICF/MR or unit. 81224  
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(b) The rules adopted under division (D)(1)(a)(i) of this section regarding the criteria for designating outlier ICFs/MR and units shall do both of the following: 81228  
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(i) Provide for consideration of whether all of the allowable costs of an ICF/MR, or discrete unit of an ICF/MR, would be paid by the rate determined under section 5124.15 of the Revised Code; 81231  
81232  
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(ii) Specify the minimum number of ICF/MR beds that an ICF/MR, or discrete unit of an ICF/MR, must have to be designated an outlier ICF/MR or unit. 81234  
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(c) The rules authorized by division (D)(1)(a)(i) of this section regarding the criteria for designating outlier ICFs/MR and units shall not limit the designation to ICFs/MR, or discrete units of ICFs/MR, located in large cities. 81237  
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(d) The rules authorized by division (D)(1)(a)(ii) of this section regarding the methodology for prospectively determining the rates of designated outlier ICFs/MR and units shall provide for the methodology to consider the historical costs of providing ICF/MR services to the residents of designated outlier ICFs/MR and units. 81241  
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(2)(a) The rules may do both of the following: 81247

(i) Include for designation as an outlier ICF/MR or unit, an ICF/MR, or discrete unit of an ICF/MR, that serves residents who have complex medical conditions or severe behavioral problems; 81248  
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(ii) Require that a designated outlier ICF/MR or unit receive authorization from the department before admitting or retaining a resident. 81251  
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(b) If the director adopts rules authorized by division 81254  
(D)(2)(a)(ii) of this section regarding the authorization of a 81255  
designated outlier ICF/MR or unit to admit or retain a resident, 81256  
the rules shall specify the criteria and procedures the department 81257  
will apply when granting the authorization. 81258

**Sec. 5124.154.** (A) To the extent, if any, provided for in 81259  
rules authorized by this section, the total per medicaid day 81260  
payment rate determined under section 5124.15 of the Revised Code 81261  
shall not be paid for ICF/MR services that an ICF/MR not 81262  
designated as an outlier ICF/MR or unit provides to a resident who 81263  
meets the criteria for admission to a designated outlier ICF/MR or 81264  
unit, as specified in rules authorized by section 5124.153 of the 81265  
Revised Code. Instead, the provider of an ICF/MR providing ICF/MR 81266  
services to such a resident shall be paid each fiscal year a total 81267  
per medicaid day payment rate that the department shall 81268  
prospectively determine in accordance with a methodology 81269  
established in rules authorized by this section. 81270

(B) The director of developmental disabilities may adopt 81271  
rules under section 5124.03 of the Revised Code to implement this 81272  
section. The rules may require that an ICF/MR receive 81273  
authorization from the department before admitting or retaining a 81274  
resident who meets the criteria for admission to a designated 81275  
outlier ICF/MR or unit. If the director adopts such rules, the 81276  
rules shall specify the criteria and procedures the department 81277  
will apply when granting the authorization. 81278

**Sec. ~~5111.291~~ 5124.155.** ~~Notwithstanding sections 5111.20 to~~ 81279  
~~5111.331 of the Revised Code~~ The department of developmental 81280  
~~disabilities is not required to pay the total per medicaid day~~ 81281  
~~payment rates determined under section 5124.15 of the Revised Code~~ 81282  
~~for ICF/MR services provided by developmental centers. Instead,~~ 81283  
~~the department of job and family services may compute~~ determine 81284

the ~~rate~~ medicaid payment rates for ~~intermediate care facilities~~ 81285  
~~for the mentally retarded operated by the department of~~ 81286  
~~developmental disabilities or the department of mental health~~ 81287  
centers according to the reasonable cost principles of Title 81288  
XVIII. 81289

**Sec. ~~5111.251~~ 5124.17.** (A) ~~The~~ For each fiscal year, the 81290  
department of ~~job and family services~~ developmental disabilities 81291  
shall ~~pay a provider for~~ prospectively determine each of the 81292  
~~provider's eligible intermediate care facilities for the mentally~~ 81293  
~~retarded for its reasonable capital costs, a~~ ICF/MR's per resident 81294  
~~per medicaid day payment rate established prospectively each~~ 81295  
fiscal year for each intermediate care facility for the mentally 81296  
retarded for reasonable capital costs. Except as otherwise 81297  
provided in ~~sections 5111.20 to 5111.331 of the Revised Code~~ this 81298  
chapter, the an ICF/MR's rate shall be based on the ~~facility's~~ 81299  
ICF/MR's capital costs for the calendar year preceding the fiscal 81300  
year in which the rate will be paid. ~~The~~ Subject to section 81301  
5124.28, an ICF/MR's rate shall equal the sum of the following: 81302

(1) ~~The facility's~~ ICF/MR's desk-reviewed, actual, allowable, 81304  
per diem ~~cost~~ costs of ownership for the immediately preceding 81305  
cost reporting period, limited as provided in divisions (B) and 81306  
(C) ~~and (F)~~ of this section; 81307

(2) ~~Any efficiency incentive determined under division (B) of~~ 81308  
~~this section;~~ 81309

~~(3) Any amounts for~~ The ICF/MR's per medicaid day payment for 81310  
the ICF/MR's per diem capitalized costs of nonextensive 81311  
renovations determined under division (D)(1) of this section if 81312  
the ICF/MR qualifies for a payment for such costs as specified in 81313  
division (D)(2) of this section; 81314

~~(4) Any amounts for return on equity determined under~~ 81315

~~division (H) of this section (3) The ICF/MR's per medicaid day efficiency incentive payment determined under division (E) of this section.~~ 81316  
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~~Buildings shall be depreciated using the straight line method over forty years or over a different period approved by the department. Components and equipment shall be depreciated using the straight line method over a period designated by the director of job and family services in rules adopted under section 5111.02 of the Revised Code, consistent with the guidelines of the American hospital association, or over a different period approved by the department of job and family services. Any rules authorized by this division that specify useful lives of buildings, components, or equipment apply only to assets acquired on or after July 1, 1993. Depreciation for costs paid or reimbursed by any government agency shall not be included in costs of ownership or renovation unless that part of the payment under sections 5111.20 to 5111.331 of the Revised Code is used to reimburse the government agency.~~ 81319  
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~~(B) The department of job and family services shall pay to a provider for each of the provider's eligible intermediate care facilities for the mentally retarded an efficiency incentive equal to fifty per cent of the difference between any desk reviewed, actual, allowable cost of ownership and the applicable limit on cost of ownership payments under division (C) of this section. For purposes of computing the efficiency incentive, depreciation for costs paid or reimbursed by any government agency shall be considered as a cost of ownership, and the applicable limit under division (C) of this section shall apply both to facilities with more than eight beds and facilities with eight or fewer beds. The efficiency incentive paid to a provider for a facility with eight or fewer beds shall not exceed three dollars per patient day, adjusted annually for the inflation rate for the twelve month~~ 81334  
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~~period beginning on the first day of July of the calendar year 81348  
preceding the calendar year that precedes the fiscal year for 81349  
which the efficiency incentive is determined and ending on the 81350  
thirtieth day of the following June, using the consumer price 81351  
index for shelter costs for all urban consumers for the north 81352  
central region, as published by the United States bureau of labor 81353  
statistics. 81354~~

~~(C) Cost The costs of ownership payments per diem payment 81355  
rates for intermediate care facilities for the mentally retarded 81356  
ICFs/MR with more than eight beds shall not exceed the following 81357  
limits: 81358~~

~~(1) For facilities ICFs/MR with dates of licensure prior to 81359  
January 1, 1958, not exceeding two dollars and fifty cents ~~per 81360  
patient day;~~ 81361~~

~~(2) For facilities ICFs/MR with dates of licensure after 81362  
December 31, 1957, but prior to January 1, 1968, not exceeding: 81363~~

~~(a) Three dollars and fifty cents ~~per patient day~~ if the cost 81364  
of construction was three thousand five hundred dollars or more 81365  
per bed; 81366~~

~~(b) Two dollars and fifty cents ~~per patient day~~ if the cost 81367  
of construction was less than three thousand five hundred dollars 81368  
per bed. 81369~~

~~(3) For facilities ICFs/MR with dates of licensure after 81370  
December 31, 1967, but prior to January 1, 1976, not exceeding: 81371~~

~~(a) Four dollars and fifty cents ~~per patient day~~ if the cost 81372  
of construction was five thousand one hundred fifty dollars or 81373  
more per bed; 81374~~

~~(b) Three dollars and fifty cents ~~per patient day~~ if the cost 81375  
of construction was less than five thousand one hundred fifty 81376  
dollars per bed, but exceeds three thousand five hundred dollars 81377~~

per bed; 81378

(c) Two dollars and fifty cents ~~per patient day~~ if the cost 81379  
of construction was three thousand five hundred dollars or less 81380  
per bed. 81381

(4) For ~~facilities~~ ICFs/MR with dates of licensure after 81382  
December 31, 1975, but prior to January 1, 1979, not exceeding: 81383

(a) Five dollars and fifty cents ~~per patient day~~ if the cost 81384  
of construction was six thousand eight hundred dollars or more per 81385  
bed; 81386

(b) Four dollars and fifty cents ~~per patient day~~ if the cost 81387  
of construction was less than six thousand eight hundred dollars 81388  
per bed but exceeds five thousand one hundred fifty dollars per 81389  
bed; 81390

(c) Three dollars and fifty cents ~~per patient day~~ if the cost 81391  
of construction was five thousand one hundred fifty dollars or 81392  
less per bed, but exceeds three thousand five hundred dollars per 81393  
bed; 81394

(d) Two dollars and fifty cents ~~per patient day~~ if the cost 81395  
of construction was three thousand five hundred dollars or less 81396  
per bed. 81397

(5) For ~~facilities~~ ICFs/MR with dates of licensure after 81398  
December 31, 1978, but prior to January 1, 1980, not exceeding: 81399

(a) Six dollars ~~per patient day~~ if the cost of construction 81400  
was seven thousand six hundred twenty-five dollars or more per 81401  
bed; 81402

(b) Five dollars and fifty cents ~~per patient day~~ if the cost 81403  
of construction was less than seven thousand six hundred 81404  
twenty-five dollars per bed but exceeds six thousand eight hundred 81405  
dollars per bed; 81406

(c) Four dollars and fifty cents ~~per patient day~~ if the cost 81407



of construction was six thousand eight hundred dollars or less per 81408  
bed but exceeds five thousand one hundred fifty dollars per bed; 81409

(d) Three dollars and fifty cents ~~per patient day~~ if the cost 81410  
of construction was five thousand one hundred fifty dollars or 81411  
less but exceeds three thousand five hundred dollars per bed; 81412

(e) Two dollars and fifty cents ~~per patient day~~ if the cost 81413  
of construction was three thousand five hundred dollars or less 81414  
per bed. 81415

(6) For ~~facilities~~ ICFs/MR with dates of licensure after 81416  
December 31, 1979, but prior to January 1, 1981, not exceeding: 81417

(a) Twelve dollars ~~per patient day~~ if the beds were 81418  
originally licensed as residential facility beds by the department 81419  
of developmental disabilities; 81420

(b) Six dollars ~~per patient day~~ if the beds were originally 81421  
licensed as nursing home beds by the department of health. 81422

(7) For ~~facilities~~ ICFs/MR with dates of licensure after 81423  
December 31, 1980, but prior to January 1, 1982, not exceeding: 81424

(a) Twelve dollars ~~per patient day~~ if the beds were 81425  
originally licensed as residential facility beds by the department 81426  
of developmental disabilities; 81427

(b) Six dollars and forty-five cents ~~per patient day~~ if the 81428  
beds were originally licensed as nursing home beds by the 81429  
department of health. 81430

(8) For ~~facilities~~ ICFs/MR with dates of licensure after 81431  
December 31, 1981, but prior to January 1, 1983, not exceeding: 81432

(a) Twelve dollars ~~per patient day~~ if the beds were 81433  
originally licensed as residential facility beds by the department 81434  
of developmental disabilities; 81435

(b) Six dollars and seventy-nine cents ~~per patient day~~ if the 81436  
beds were originally licensed as nursing home beds by the 81437

department of health. 81438

(9) For ~~facilities~~ ICFs/MR with dates of licensure after 81439  
December 31, 1982, but prior to January 1, 1984, not exceeding: 81440

(a) Twelve dollars ~~per patient day~~ if the beds were 81441  
originally licensed as residential facility beds by the department 81442  
of developmental disabilities; 81443

(b) Seven dollars and nine cents ~~per patient day~~ if the beds 81444  
were originally licensed as nursing home beds by the department of 81445  
health. 81446

(10) For ~~facilities~~ ICFs/MR with dates of licensure after 81447  
December 31, 1983, but prior to January 1, 1985, not exceeding: 81448

(a) Twelve dollars and twenty-four cents ~~per patient day~~ if 81449  
the beds were originally licensed as residential facility beds by 81450  
the department of developmental disabilities; 81451

(b) Seven dollars and twenty-three cents ~~per patient day~~ if 81452  
the beds were originally licensed as nursing home beds by the 81453  
department of health. 81454

(11) For ~~facilities~~ ICFs/MR with dates of licensure after 81455  
December 31, 1984, but prior to January 1, 1986, not exceeding: 81456

(a) Twelve dollars and fifty-three cents ~~per patient day~~ if 81457  
the beds were originally licensed as residential facility beds by 81458  
the department of developmental disabilities; 81459

(b) Seven dollars and forty cents ~~per patient day~~ if the beds 81460  
were originally licensed as nursing home beds by the department of 81461  
health. 81462

(12) For ~~facilities~~ ICFs/MR with dates of licensure after 81463  
December 31, 1985, but prior to January 1, 1987, not exceeding: 81464

(a) Twelve dollars and seventy cents ~~per patient day~~ if the 81465  
beds were originally licensed as residential facility beds by the 81466  
department of developmental disabilities; 81467

(b) Seven dollars and fifty cents ~~per patient day~~ if the beds 81468  
were originally licensed as nursing home beds by the department of 81469  
health. 81470

(13) For ~~facilities~~ ICFs/MR with dates of licensure after 81471  
December 31, 1986, but prior to January 1, 1988, not exceeding: 81472

(a) Twelve dollars and ninety-nine cents ~~per patient day~~ if 81473  
the beds were originally licensed as residential facility beds by 81474  
the department of developmental disabilities; 81475

(b) Seven dollars and sixty-seven cents ~~per patient day~~ if 81476  
the beds were originally licensed as nursing home beds by the 81477  
department of health. 81478

(14) For ~~facilities~~ ICFs/MR with dates of licensure after 81479  
December 31, 1987, but prior to January 1, 1989, not exceeding 81480  
thirteen dollars and twenty-six cents ~~per patient day~~; 81481

(15) For ~~facilities~~ ICFs/MR with dates of licensure after 81482  
December 31, 1988, but prior to January 1, 1990, not exceeding 81483  
thirteen dollars and forty-six cents ~~per patient day~~; 81484

(16) For ~~facilities~~ ICFs/MR with dates of licensure after 81485  
December 31, 1989, but prior to January 1, 1991, not exceeding 81486  
thirteen dollars and sixty cents ~~per patient day~~; 81487

(17) For ~~facilities~~ ICFs/MR with dates of licensure after 81488  
December 31, 1990, but prior to January 1, 1992, not exceeding 81489  
thirteen dollars and forty-nine cents ~~per patient day~~; 81490

(18) For ~~facilities~~ ICFs/MR with dates of licensure after 81491  
December 31, 1991, but prior to January 1, 1993, not exceeding 81492  
thirteen dollars and sixty-seven cents ~~per patient day~~; 81493

(19) For ~~facilities~~ ICFs/MR with dates of licensure after 81494  
December 31, 1992, not exceeding fourteen dollars and twenty-eight 81495  
cents ~~per patient day~~. 81496

(C)(1) The costs of ownership per diem payment rate for an 81497

ICF/MR with eight or fewer beds shall not exceed the following 81498  
limits: 81499

(a) Eighteen dollars and thirty cents as adjusted for 81500  
inflation pursuant to division (C)(2) of this section if any of 81501  
the following apply to the ICF/MR: 81502

(i) The ICF/MR has a date of licensure, or was granted 81503  
project authorization by the department of developmental 81504  
disabilities, before July 1, 1993. 81505

(ii) The ICF/MR has a date of licensure, or was granted 81506  
project authorization by the department, on or after July 1, 1993, 81507  
and the provider demonstrates that the provider made substantial 81508  
commitments of funds for the ICF/MR before that date. 81509

(iii) The ICF/MR has a date of licensure, or was granted 81510  
project authorization by the department, on or after July 1, 1993, 81511  
the provider made no substantial commitment of funds for the 81512  
ICF/MR before that date, and the department of job and family 81513  
services or department of developmental disabilities gave prior 81514  
approval for the ICF/MR's construction. 81515

(b) If division (C)(1)(a) of this section does not apply to 81516  
the ICF/MR, the amount that would apply to the ICF/MR under 81517  
division (B) of this section if it had more than eight beds. 81518

(2) The eighteen-dollar and thirty-cent payment rate 81519  
specified in division (C)(1)(a) of this section shall be increased 81520  
as follows: 81521

(a) For the period beginning June 30, 1990, and ending July 81522  
1, 1993, by the change in the "Dodge building cost indexes, 81523  
northeastern and north central states," published by Marshall and 81524  
Swift; 81525

(b) For each fiscal year thereafter, in accordance with 81526  
division (F) of this section. 81527

(D)~~(1)~~ Beginning January 1, 1981, regardless of the original date of licensure, the ~~department of job and family services shall~~ pay a payment rate for the per diem capitalized costs of nonextensive renovations ~~to intermediate care facilities for the mentally retarded~~ made after January 1, 1981, to a qualifying ICF/MR, shall not exceeding exceed six dollars per patient medicaid day using 1980 as the base year and adjusting the amount annually until June 30, 1993, for fluctuations in construction costs calculated by the department using the "Dodge building cost indexes, northeastern and north central states," published by Marshall and Swift. The payment rate shall be further adjusted in accordance with division (F) of this section. The payment provided for in this division is the only payment that shall be made for ~~the an ICF/MR's~~ capitalized costs of a nonextensive ~~renovation of an intermediate care facility for the mentally retarded~~ renovations. ~~Nonextensive renovation costs~~ Costs of nonextensive renovations shall not be included in ~~cost~~ costs of ownership, and ~~a nonextensive renovation~~ shall not affect the date of licensure for purposes of division (B) or (C) of this section. This division applies to nonextensive renovations regardless of whether they are made by an owner or a lessee. If the tenancy of a lessee that has made nonextensive renovations ends before the depreciation expense for the ~~renovation~~ costs of nonextensive renovations has been fully reported, the former lessee shall not report the undepreciated balance as an expense.

~~For a nonextensive renovation to qualify~~ (2) An ICF/MR qualifies for a payment under this division, both for costs of nonextensive renovations if all of the following conditions must be met apply:

~~(1)~~(a) The ICF/MR has eight or fewer beds.

(b) At least five years have elapsed since the ICF/MR's date of licensure or date of an extensive renovation of the portion of

the ~~facility~~ ICF/MR that is proposed to be nonextensively 81560  
renovated, ~~except that this condition does not apply if unless~~ the 81561  
nonextensive renovation is necessary to meet the requirements of 81562  
federal, state, or local statutes, ordinances, rules, or policies. 81563

~~(2)(c) The provider has obtained prior approval from the~~ 81564  
~~department of job and family services. The provider shall submit~~ 81565  
of the ICF/MR does both of the following: 81566

(i) Submits to the department a plan that describes in detail 81567  
the changes in capital assets to be accomplished by means of the 81568  
nonextensive renovation and the timetable for completing the 81569  
project. ~~The time for completion of the project, which shall be no~~ 81570  
not more than eighteen months after the nonextensive renovation 81571  
begins; 81572

(ii) Obtains prior approval from the department for the 81573  
nonextensive renovation. The 81574

(3) The director of ~~job and family services~~ developmental 81575  
disabilities shall adopt rules under section ~~5111.02~~ 5124.03 of 81576  
the Revised Code that specify criteria and procedures for prior 81577  
approval of nonextensive renovation projects. No provider shall 81578  
separate a project with the intent to evade the characterization 81579  
of the project as a renovation or as an extensive renovation. No 81580  
provider shall increase the scope of a project after it is 81581  
approved by the department ~~of job and family services~~ unless the 81582  
increase in scope is approved by the department. 81583

(E)(1) Subject to division (E)(2) of this section, an 81584  
ICF/MR's per medicaid day efficiency incentive payment rate shall 81585  
equal the following percentage of the difference between the 81586  
ICF/MR's desk-reviewed, actual, allowable per diem costs of 81587  
ownership and the applicable limit on costs of ownership payment 81588  
rates established by division (B) of this section: 81589

(a) In the case of an ICF/MR with more than eight beds, 81590

twenty-five per cent; 81591

(b) In the case of an ICF/MR with eight or fewer beds, fifty per cent. 81592  
81593

(2) The efficiency incentive payment rate for an ICF/MR with eight or fewer beds shall not exceed three dollars per medicaid day, adjusted annually in accordance with division (F) of this section. For the purpose of determining an ICF/MR's efficiency incentive payment rate, both of the following apply: 81594  
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(a) Depreciation for costs paid or reimbursed by any government agency shall be considered as a cost of ownership; 81599  
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(b) The applicable limit under division (B) of this section shall apply both to ICFs/MR with more than eight beds and ICFs/MR with eight or fewer beds. 81601  
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(F) The amounts specified in divisions (B), (C) and, (D), and (E) of this section shall be adjusted beginning July 1, 1993, for the estimated inflation rate for the twelve-month period beginning on the first day of July of the calendar year immediately preceding the calendar year that immediately precedes the fiscal year for which rate will be paid and ending on the thirtieth day of the following June, using the consumer price index for shelter costs for all urban consumers for the north central region, as published by the United States bureau of labor statistics. 81604  
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~~(F)(1) For facilities of eight or fewer beds that have dates of licensure or have been granted project authorization by the department of developmental disabilities before July 1, 1993, and for facilities of eight or fewer beds that have dates of licensure or have been granted project authorization after that date if the providers of the facilities demonstrate that they made substantial commitments of funds on or before that date, cost of ownership shall not exceed eighteen dollars and thirty cents per resident per day. The eighteen dollar and thirty cent amount shall be~~ 81613  
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~~increased by the change in the "Dodge building cost indexes, 81622  
northeastern and north central states," published by Marshall and 81623  
Swift, during the period beginning June 30, 1990, and ending July 81624  
1, 1993, and by the change in the consumer price index for shelter 81625  
costs for all urban consumers for the north central region, as 81626  
published by the United States bureau of labor statistics, 81627  
annually thereafter. 81628~~

~~(2) For facilities with eight or fewer beds that have dates 81629  
of licensure or have been granted project authorization by the 81630  
department of developmental disabilities on or after July 1, 1993, 81631  
for which substantial commitments of funds were not made before 81632  
that date, cost of ownership payments shall not exceed the 81633  
applicable amount calculated under division (F)(1) of this 81634  
section, if the department of job and family services gives prior 81635  
approval for construction of the facility. If the department does 81636  
not give prior approval, cost of ownership payments shall not 81637  
exceed the amount specified in division (C) of this section. 81638~~

~~(3)(G) Notwithstanding divisions (C) and (D) and (F)(1) and 81639  
(2) of this section, the total payment rate for cost costs of 81640  
ownership, cost of ownership efficiency incentive, and capitalized 81641  
costs of nonextensive renovations, and the efficiency incentive 81642  
for an intermediate care facility for the mentally retarded ICF/MR 81643  
with eight or fewer beds shall not exceed the sum of the 81644  
limitations specified in divisions (C) and (D) of this section. 81645~~

~~(G) Notwithstanding any provision of this section or section 81646  
5111.241 of the Revised Code, the director of job and family 81647  
services may adopt rules under section 5111.02 of the Revised Code 81648  
that provide for a calculation of a combined maximum payment limit 81649  
for indirect care costs and cost of ownership for intermediate 81650  
care facilities for the mentally retarded with eight or fewer 81651  
beds. 81652~~

~~(H) The department of job and family services shall pay a 81653~~



~~provider for each of the provider's eligible proprietary 81654  
intermediate care facilities for the mentally retarded a return on 81655  
the facility's net equity computed at the rate of one and one half 81656  
times the average of interest rates on special issues of public 81657  
debt obligations issued to the federal hospital insurance trust 81658  
fund for the cost reporting period. No facility's return on net 81659  
equity paid under this division shall exceed one dollar per 81660  
patient day. 81661~~

~~In calculating the rate for return on net equity, the 81662  
department shall use the greater of the facility's inpatient days 81663  
during the applicable cost reporting period or the number of 81664  
inpatient days the facility would have had during that period if 81665  
its occupancy rate had been ninety five per cent. (1) For the 81666  
purpose of determining ICFs/MR's medicaid payment rates for 81667  
capital costs: 81668~~

~~(a) Buildings shall be depreciated using the straight line 81669  
method over forty years or over a different period approved by the 81670  
department. 81671~~

~~(b) Components and equipment shall be depreciated using the 81672  
straight line method over a period designated by the director of 81673  
developmental disabilities in rules adopted under section 5124.03 81674  
of the Revised Code, consistent with the guidelines of the 81675  
American hospital association, or over a different period approved 81676  
by the department. 81677~~

~~(2) Any rules authorized by division (H)(1) of this section 81678  
that specify useful lives of buildings, components, or equipment 81679  
apply only to assets acquired on or after July 1, 1993. 81680  
Depreciation for costs paid or reimbursed by any government agency 81681  
shall not be included in costs of ownership or costs of 81682  
nonextensive renovations unless that part of the payment under 81683  
this chapter is used to reimburse the government agency. 81684~~

(I)(1) Except as provided in division (I)(2) of this section, 81685  
if a provider leases or transfers an interest in ~~a facility~~ an 81686  
ICF/MR to another provider who is a related party, the related 81687  
party's allowable ~~cost~~ costs of ownership shall include the lesser 81688  
of the following: 81689

(a) The annual lease expense or actual cost of ownership, 81690  
whichever is applicable; 81691

(b) The reasonable cost to the lessor or provider making the 81692  
transfer. 81693

(2) If a provider leases or transfers an interest in ~~a~~ 81694  
~~facility~~ an ICF/MR to another provider who is a related party, 81695  
regardless of the date of the lease or transfer, the related 81696  
party's allowable cost of ownership shall include the annual lease 81697  
expense or actual cost of ownership, whichever is applicable, 81698  
subject to the limitations specified in divisions (B) to (H) of 81699  
this section, if all of the following conditions are met: 81700

(a) The related party is a relative of owner; 81701

(b) In the case of a lease, if the lessor retains any 81702  
ownership interest, it is, except as provided in division 81703  
(I)(2)(d)(ii) of this section, in only the real property and any 81704  
improvements on the real property; 81705

(c) In the case of a transfer, the provider making the 81706  
transfer retains, except as provided in division (I)(2)(d)(iv) of 81707  
this section, no ownership interest in the ~~facility~~ ICF/MR; 81708

(d) The department ~~of job and family services~~ determines that 81709  
the lease or transfer is an arm's length transaction pursuant to 81710  
rules adopted under section ~~5111.02~~ 5124.03 of the Revised Code. 81711  
The rules shall provide that a lease or transfer is an arm's 81712  
length transaction if all of the following, as applicable, apply: 81713

(i) In the case of a lease, once the lease goes into effect, 81714

the lessor has no direct or indirect interest in the lessee or, 81715  
except as provided in division (I)(2)(b) of this section, the 81716  
~~facility~~ ICF/MR itself, including interest as an owner, officer, 81717  
director, employee, independent contractor, or consultant, but 81718  
excluding interest as a lessor. 81719

(ii) In the case of a lease, the lessor does not reacquire an 81720  
interest in the ~~facility~~ ICF/MR except through the exercise of a 81721  
lessor's rights in the event of a default. If the lessor 81722  
reacquires an interest in the ~~facility~~ ICF/MR in this manner, the 81723  
department shall treat the ~~facility~~ ICF/MR as if the lease never 81724  
occurred when the department ~~calculates~~ determines its 81725  
~~reimbursement rates~~ payment rate for capital costs. 81726

(iii) In the case of a transfer, once the transfer goes into 81727  
effect, the provider that made the transfer has no direct or 81728  
indirect interest in the provider that acquires the ~~facility~~ 81729  
ICF/MR or the ~~facility~~ ICF/MR itself, including interest as an 81730  
owner, officer, director, employee, independent contractor, or 81731  
consultant, but excluding interest as a creditor. 81732

(iv) In the case of a transfer, the provider that made the 81733  
transfer does not reacquire an interest in the ~~facility~~ ICF/MR 81734  
except through the exercise of a creditor's rights in the event of 81735  
a default. If the provider reacquires an interest in the ~~facility~~ 81736  
ICF/MR in this manner, the department shall treat the ~~facility~~ 81737  
ICF/MR as if the transfer never occurred when the department 81738  
~~calculates~~ determines its ~~reimbursement rates~~ payment rate for 81739  
capital costs. 81740

(v) The lease or transfer satisfies any other criteria 81741  
specified in the rules. 81742

(e) Except in the case of hardship caused by a catastrophic 81743  
event, as determined by the department, or in the case of a lessor 81744  
or provider making the transfer who is at least sixty-five years 81745

of age, not less than twenty years have elapsed since, for the 81746  
same facility ICF/MR, allowable cost of ownership was determined 81747  
most recently under this division. 81748

~~Sec. 5111.23 5124.19.~~ (A)(1) The department of ~~job and family~~ 81749  
~~services developmental disabilities~~ shall ~~pay a provider for~~ 81750  
~~prospectively determine~~ each ~~of the provider's eligible~~ 81751  
~~intermediate care facilities for the mentally retarded a ICF/MR's~~ 81752  
~~per resident per medicaid day payment rate~~ for direct care costs 81753  
~~established prospectively for each facility. The department shall~~ 81754  
~~establish each facility's rate for direct care costs quarterly as~~ 81755  
~~follows:~~ 81756

(a) Multiply the lesser of the following by the ICF/MR's 81757  
case-mix score determined or assigned under section 5124.192 of 81758  
the Revised Code for the calendar quarter that preceded the 81759  
immediately preceding calendar quarter: 81760

(i) The ICF/MR's cost per case-mix unit for the calendar year 81761  
immediately preceding the fiscal year in which the rate will be 81762  
paid, as determined under division (B) of this section; 81763

(ii) The maximum cost per case-mix unit for the ICF/MR's peer 81764  
group for the fiscal year in which the rate will be paid, as set 81765  
under division (C) of this section; 81766

(b) Adjust the product determined under division (A)(1)(a) of 81767  
this section by the inflation rate estimated under division (D)(1) 81768  
of this section and modified under division (D)(2) of this 81769  
section. 81770

(2) Except as otherwise directed by law enacted by the 81771  
general assembly, the department shall prospectively determine 81772  
each ICF/MR's rate for direct care costs for each quarter of every 81773  
fiscal year. 81774

~~(B) Each facility's rate for direct care costs shall be based~~ 81775

~~on the facility's cost per case mix unit, subject to the maximum 81776  
costs per case mix unit established under division (B)(2) of this 81777  
section, from the calendar year preceding the fiscal year in which 81778  
the rate is paid. To determine the rate, the department shall do 81779  
all of the following: 81780~~

~~(1) Determine each facility's an ICF/MR's cost per case-mix 81781  
unit for the calendar year immediately preceding the fiscal year 81782  
in which the rate will be paid by dividing, the facility's 81783  
department shall divide the ICF/MR's desk-reviewed, actual, 81784  
allowable, per diem direct care costs for that calendar year by 81785  
its annual average case-mix score determined under section 81786  
5111.232 5124.192 of the Revised Code for the same calendar year. 81787~~

~~(2)(a) Set (C)(1) For each fiscal year for which a rate will 81788  
be paid, the department shall set the maximum cost per case-mix 81789  
unit for each peer group of intermediate care facilities for the 81790  
mentally retarded ICFs/MR with more than eight beds specified in 81791  
rules adopted under division (F) of this section at a percentage 81792  
above the cost per case-mix unit of determined under division (B) 81793  
of this section for the facility ICF/MR in the peer group that has 81794  
the peer group's median number of medicaid day days for the 81795  
calendar year immediately preceding the fiscal year in which the 81796  
rate will be paid, as calculated under division (B)(1) of this 81797  
section, that is. The percentage shall be no less than the 81798  
percentage calculated under division (E)(2) of this section above 81799  
the cost per case-mix unit determined under division (B) of this 81800  
section for the ICF/MR that has the median number of medicaid days 81801  
for calendar year 1992 for all ICFs/MR with more than eight beds 81802  
that would result in payment of all desk-reviewed, actual, 81803  
allowable direct care costs for eighty and one-half per cent of 81804  
the medicaid days for such ICFs/MR for calendar year 1992. 81805~~

~~(b) Set (2) For each fiscal year for which a rate will be 81806  
paid, the department shall set the maximum cost per case-mix unit 81807~~

for each peer group of ~~intermediate care facilities for the~~ 81808  
~~mentally retarded ICFs/MR with eight or fewer beds specified in~~ 81809  
~~rules adopted under division (F) of this section at a percentage~~ 81810  
above the cost per case-mix unit of determined under division (B) 81811  
of this section for the facility ICF/MR in the peer group that has 81812  
the peer group's median number of medicaid day days for the 81813  
calendar year immediately preceding the fiscal year in which the 81814  
rate will be paid, ~~as calculated under division (B)(1) of this~~ 81815  
~~section, that is. The percentage shall be no less than the~~ 81816  
percentage calculated under division (E)(3) of this section above 81817  
the cost per case-mix unit determined under division (B) of this 81818  
section for the ICF/MR that has the median number of medicaid days 81819  
for calendar year 1992 for all ICFs/MR with eight or fewer beds 81820  
that would result in payment of all desk-reviewed, actual, 81821  
allowable direct care costs for eighty and one-half per cent of 81822  
the medicaid days for such ICFs/MR for calendar year 1992. 81823

~~(e)(3)~~ In calculating determining the maximum cost per 81824  
case-mix unit under divisions ~~(B)(2)(a)(C)(1)~~ and ~~(b)(2)~~ of this 81825  
section for each peer group, the department shall exclude from its 81826  
~~calculations~~ determinations the cost per case-mix unit of any 81827  
~~facility ICF/MR~~ in the peer group that participated in the 81828  
medicaid program under the same ~~operator~~ provider for less than 81829  
twelve months during the calendar year immediately preceding the 81830  
fiscal year in which the rate will be paid. 81831

~~(3) Estimate~~ (4) The department shall not reset a peer 81832  
group's maximum cost per case-mix unit for a fiscal year under 81833  
division (C)(1) or (2) of this section based on additional 81834  
information that it receives after it sets the maximum for that 81835  
fiscal year. The department shall reset a peer group's maximum 81836  
cost per case-mix unit for a fiscal year only if it made an error 81837  
in setting the maximum for that fiscal year based on information 81838  
available to the department at the time it originally sets the 81839

maximum for that fiscal year. 81840

~~(D)(1) The department shall estimate the rate of inflation 81841  
for the eighteen-month period beginning on the first day of July 81842  
of the calendar year preceding the fiscal year in which ~~the a~~ a rate 81843  
will be paid and ending on the thirty-first day of December of the 81844  
fiscal year in which the rate will be paid, using the ~~index~~ 81845  
~~specified in division (C) of this section. If the estimated~~ 81846  
~~inflation rate for the eighteen month period is different from the~~ 81847  
~~actual inflation rate for that period, as measured using the same~~ 81848  
~~index, the difference shall be added to or subtracted from the~~ 81849  
~~inflation rate estimated under division (B)(3) of this section for~~ 81850  
~~the following fiscal year.~~ 81851~~

~~(4) The department shall not recalculate a maximum cost per 81852  
case mix unit under division (B)(2) of this section or a 81853  
percentage under division (E) of this section based on additional 81854  
information that it receives after the maximum costs per case mix 81855  
unit or percentages are set. The department shall recalculate a 81856  
maximum cost per case mix units or percentage only if it made an 81857  
error in computing the maximum cost per case mix unit or 81858  
percentage based on information available at the time of the 81859  
original calculation. 81860~~

~~(C) The department shall use the following index for the 81861  
purpose of division (B)(3) of this section: 81862~~

~~(1) The (a) Subject to division (D)(1)(b) of this section, 81863  
the employment cost index for total compensation, health services 81864  
component, published by the United States bureau of labor 81865  
statistics; 81866~~

~~(2)(b) If the United States bureau of labor statistics ceases 81867  
to publish the index specified in division ~~(C)~~(D)(1)(a) of this 81868  
section, the index that is subsequently published by the bureau 81869  
and covers ~~nursing facilities~~ the staff costs of ICFs/MR. 81870~~

~~(D) Each facility's rate for direct care costs shall be determined as follows for each calendar quarter within a fiscal year:~~ 81871  
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~~(1) Multiply the lesser of the following by the facility's average case mix score determined under section 5111.232 of the Revised Code for the calendar quarter that preceded the immediately preceding calendar quarter:~~ 81874  
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81877

~~(a) The facility's cost per case mix unit for the calendar year preceding the fiscal year in which the rate will be paid, as determined under division (B)(1) of this section;~~ 81878  
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~~(b) The maximum cost per case mix unit established for the fiscal year in which the rate will be paid for the facility's peer group under division (B)(2) of this section;~~ 81881  
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81883

~~(2) Adjust the product determined under division (D)(1) of this section by the inflation rate estimated under division (B)(3) of this section.~~ 81884  
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~~(E)(1) The department shall calculate the percentage above the median cost per case mix unit determined under division (B)(1) of this section for the facility that has the median medicaid day for calendar year 1992 for all intermediate care facilities for the mentally retarded with more than eight beds that would result in payment of all desk reviewed, actual, allowable direct care costs for eighty and one half per cent of the medicaid days for such facilities for calendar year 1992.~~ 81887  
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~~(2) The department shall calculate the percentage above the median cost per case mix unit determined under division (B)(1) of this section for the facility that has the median medicaid day for calendar year 1992 for all intermediate care facilities for the mentally retarded with eight or fewer beds that would result in payment of all desk reviewed, actual, allowable direct care costs for eighty and one half per cent of the medicaid days for such~~ 81895  
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~~facilities for calendar year 1992.~~ 81902

~~(F)(2) If the estimated inflation rate for the eighteen-month period specified in division (D)(1) of this section is different from the actual inflation rate for that period, as measured using the same index, the difference shall be added to or subtracted from the inflation rate estimated under division (D)(1) of this section for the following fiscal year.~~ 81903  
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~~(E) The director of job and family services developmental disabilities shall adopt rules under section 5111.02 5124.03 of the Revised Code that specify peer groups of intermediate care facilities for the mentally retarded ICFs/MR with more than eight beds and intermediate care facilities for the mentally retarded peer groups of ICFs/MR with eight or fewer beds, based on findings of significant per diem direct care cost differences due to geography and facility bed-size. The rules also may specify peer groups based on findings of significant per diem direct care cost differences due to other factors which may include case-mix.~~ 81909  
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~~(G) The department, in accordance with division (D) of section 5111.232 of the Revised Code and rules adopted under division (F) of that section, may assign case mix scores or costs per case mix unit if a provider fails to submit assessment data necessary to calculate an intermediate care facility for the mentally retarded's case mix score in accordance with that section.~~ 81919  
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Sec. 5124.191. Each calendar quarter, each ICF/MR provider shall compile complete assessment data for each resident of each of the provider's ICFs/MR, regardless of payment source, who is in the ICF/MR, or on hospital or therapeutic leave from the ICF/MR, on the last day of the quarter. A resident assessment instrument specified in rules adopted under section 5124.03 of the Revised Code shall be used to compile the resident assessment data. Each 81926  
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provider shall submit the resident assessment data to the 81933  
department of developmental disabilities not later than fifteen 81934  
days after the end of the calendar quarter for which the data is 81935  
compiled. The resident assessment data shall be submitted to the 81936  
department through the medium or media specified in rules adopted 81937  
under section 5124.03 of the Revised Code. 81938

**Sec. 5124.192.** (A) Except as provided in division (B) of this 81939  
section, the department of developmental disabilities shall do 81940  
both of the following: 81941

(1) For each calendar quarter, determine a case-mix score for 81942  
each ICF/MR using the resident assessment data submitted to the 81943  
department under section 5124.191 of the Revised Code and the 81944  
grouper methodology prescribed in rules authorized by this 81945  
section; 81946

(2) After the end of each calendar year and in accordance 81947  
with rules authorized by this section, determine an annual average 81948  
case-mix score for each ICF/MR using the ICF/MR's quarterly 81949  
case-mix scores for that calendar year. 81950

(B)(1) Subject to division (B)(2) of this section, the 81951  
department, for one or more months of a calendar quarter, may 81952  
assign to an ICF/MR a case-mix score that is five per cent less 81953  
than the ICF/MR's case-mix score for the immediately preceding 81954  
calendar quarter if any of the following apply: 81955

(a) The provider does not timely submit complete and accurate 81956  
resident assessment data necessary to determine the ICF/MR's 81957  
case-mix score for the calendar quarter; 81958

(b) The ICF/MR was subject to an exception review under 81959  
section 5124.193 of the Revised Code for the immediately preceding 81960  
calendar quarter; 81961

(c) The ICF/MR was assigned a case-mix score for the 81962

immediately preceding calendar quarter. 81963

(2) Before assigning a case-mix score to an ICF/MR due to the 81964  
submission of incorrect resident assessment data, the department 81965  
shall permit the provider to correct the data. The department may 81966  
assign the case-mix score if the provider fails to submit the 81967  
corrected resident assessment data not later than eighty days 81968  
after the end of the calendar quarter to which the data pertains 81969  
or later due date specified in rules authorized by this section. 81970

(3) If, for more than six months during a calendar year, a 81971  
provider is paid a rate determined for an ICF/MR using a case-mix 81972  
score assigned to the ICF/MR under division (B)(1) of this 81973  
section, the department may assign the ICF/MR a cost per case-mix 81974  
unit that is five per cent less than the ICF/MR's actual or 81975  
assigned cost per case-mix unit for the immediately preceding 81976  
calendar year. The department may use the assigned cost per 81977  
case-mix unit, instead of determining the ICF/MR's actual cost per 81978  
case-mix unit in accordance with section 5124.19 of the Revised 81979  
Code, to establish the ICF/MR's rate for direct care costs for the 81980  
fiscal year immediately following the calendar year for which the 81981  
cost per case-mix unit is assigned. 81982

(4) The department shall take action under division (B)(1), 81983  
(2), or (3) of this section only in accordance with rules 81984  
authorized by this section. The department shall not take an 81985  
action that affects medicaid payment rates for prior payment 81986  
periods except in accordance with sections 5124.41 and 5124.42 of 81987  
the Revised Code. 81988

(C) The director of developmental disabilities shall adopt 81989  
rules under section 5124.03 of the Revised Code as necessary to 81990  
implement this section. 81991

(1) The rules shall do all of the following: 81992

(a) Prescribe a grouper methodology to be used when 81993

<u>determining the case-mix scores for ICFs/MR;</u>	81994
<u>(b) Specify the process for determining the annual average case-mix scores for ICFs/MR;</u>	81995
<u>(c) Establish procedures under which resident assessment data is to be reviewed for accuracy and providers are to be notified of any data that requires correction;</u>	81997
<u>(d) Establish procedures for providers to correct resident assessment data and, if necessary, specify a due date for corrections that is later than the due date specified in division (B)(2) of this section.</u>	81998
<u>(e) Specify when and how the department will assign a case-mix score or cost per case-mix unit to an ICF/MR under division (B) of this section if information necessary to calculate the ICF/MR's case-mix score is not provided or corrected in accordance with the procedures established by the rules.</u>	81999
<u>(2) Notwithstanding any other provision of this chapter, the rules may provide for excluding case-mix scores assigned to an ICF/MR under division (B) of this section from the determination of the ICF/MR's annual average case-mix score and the maximum cost per case-mix unit for the ICF/MR's peer group.</u>	82000
<u>Sec. 5124.193. (A) The department of developmental disabilities may, pursuant to rules authorized by this section, conduct an exception review of resident assessment data submitted by an ICF/MR provider under section 5124.191 of the Revised Code. The department may conduct an exception review based on the findings of a medicaid certification survey conducted by the department of health, a risk analysis, or prior performance of the provider.</u>	82001
<u>Exception reviews shall be conducted at the ICF/MR by appropriate health professionals under contract with or employed</u>	82002
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by the department. The professionals may review resident 82024  
assessment forms and supporting documentation, conduct interviews, 82025  
and observe residents to identify any patterns or trends of 82026  
inaccurate resident assessments and resulting inaccurate case-mix 82027  
scores. 82028

(B) If an exception review is conducted before the effective 82029  
date of an ICF/MR's rate for direct care costs that is based on 82030  
the resident assessment data being reviewed and the review results 82031  
in findings that exceed tolerance levels specified in the rules 82032  
authorized by this section, the department, in accordance with the 82033  
rules authorized by this section, may use the findings to 82034  
redetermine individual resident case-mix scores, the ICF/MR's 82035  
case-mix score for the quarter, and the ICF/MR's annual average 82036  
case-mix score. The department may use the ICF/MR's redetermined 82037  
quarterly and annual average case-mix scores to determine the 82038  
ICF/MR's rate for direct care costs for the appropriate calendar 82039  
quarter or quarters. 82040

(C) The department shall prepare a written summary of any 82041  
exception review finding that is made after the effective date of 82042  
an ICF/MR's rate for direct care costs that is based on the 82043  
resident assessment data that was reviewed. Where the provider is 82044  
pursuing judicial or administrative remedies in good faith 82045  
regarding the finding, the department shall not withhold from the 82046  
provider's current payments any amounts the department claims to 82047  
be due from the provider pursuant to section 5124.41 of the 82048  
Revised Code. 82049

(D)(1) The director of developmental disabilities shall adopt 82050  
rules under section 5124.03 of the Revised Code as necessary to 82051  
implement this section. The rules shall establish an exception 82052  
review program that does all of the following: 82053

(a) Requires each exception review to comply with Title XIX; 82054

(b) Requires a written summary for each exception review that states whether resident assessment forms have been completed accurately; 82055  
82056  
82057

(c) Prohibits each health professional who conducts an exception review from doing either of the following: 82058  
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(i) During the period of the professional's contract or employment with the department, having or being committed to acquire any direct or indirect financial interest in the ownership, financing, or operation of ICFs/MR in this state; 82060  
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(ii) Reviewing any provider that has been a client of the professional. 82064  
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(2) For the purposes of division (D)(1)(c)(i) of this section, employment of a member of a health professional's family by an ICF/MR that the professional does not review does not constitute a direct or indirect financial interest in the ownership, financing, or operation of the ICF/MR. 82066  
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82068  
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**Sec. ~~5111.233~~ 5124.194.** The costs of day programming shall be 82071  
part of the direct care costs of an ~~intermediate care facility for~~ 82072  
~~the mentally retarded~~ ICF/MR as off-site day programming if the 82073  
area in which the day programming is provided is not certified by 82074  
the director of health as an ~~intermediate care facility for the~~ 82075  
~~mentally retarded~~ ICF/MR under Title XIX and regardless of either 82076  
of the following: 82077

(A) Whether or not the area in which the day programming is 82078  
provided is less than two hundred feet away from the ~~intermediate~~ 82079  
~~care facility for the mentally retarded~~ ICF/MR; 82080

(B) Whether or not the day programming is provided by an 82081  
individual who, or organization that, is a related party to the 82082  
provider of the ~~intermediate care facility for the mentally~~ 82083  
~~retarded~~ ICF/MR. 82084

~~Sec. 5111.241~~ 5124.21. (A) ~~The~~ For each fiscal year, the 82085  
~~department of job and family services developmental disabilities~~ 82086  
~~shall pay a provider for prospectively determine each of the~~ 82087  
~~provider's eligible intermediate care facilities for the mentally~~ 82088  
~~retarded a ICF/MR's per resident per medicaid day payment rate for~~ 82089  
~~indirect care costs established prospectively each fiscal year for~~ 82090  
~~each facility. The Subject to section 5124.28 of the Revised Code,~~ 82091  
~~an ICF/MR's rate for each intermediate care facility for the~~ 82092  
~~mentally retarded shall be the sum of the following, but shall not~~ 82093  
~~exceed lesser of the individual rate determined under division (B)~~ 82094  
~~of this section and the maximum rate established determined for~~ 82095  
~~the facility's ICF/MR's peer group under division (B)(C) of this~~ 82096  
~~section.~~ 82097

(B) An ICF/MR's individual rate is the sum of the following: 82098

(1) ~~The facility's ICF/MR's~~ desk-reviewed, actual, allowable, 82099  
per diem indirect care costs from the calendar year immediately 82100  
preceding the fiscal year in which the rate will be paid, adjusted 82101  
for the inflation rate estimated under division ~~(C)~~(D)(1) of this 82102  
section; 82103

(2) An efficiency incentive in the following amount: 82104

~~(a) For fiscal years ending in even numbered calendar years:~~ 82105

~~(i) In the case of intermediate care facilities for the~~ 82106  
~~mentally retarded with~~ If the ICF/MR has more than eight beds, the 82107  
following: 82108

(i) For fiscal year 2014, seven and one-tenth per cent of the 82109  
maximum rate established for the ~~facility's ICF/MR's~~ peer group 82110  
under division ~~(B)~~(C) of this section; 82111

~~(ii) In the case of intermediate care facilities for the~~ 82112  
~~mentally retarded with~~ For fiscal years 2015 and 2016 and each 82113  
fiscal year thereafter ending in an even-numbered calendar year, 82114

three and fifty-five hundredths per cent of the maximum rate 82115  
established for the ICF/MR's peer group under division (C) of this 82116  
section; 82117

(iii) For fiscal year 2017 and each fiscal year thereafter 82118  
ending in an odd-numbered calendar year, the amount calculated for 82119  
the immediately preceding fiscal year under division (B)(2)(a)(ii) 82120  
of this section. 82121

(b) If the ICF/MR has eight or fewer beds, the following: 82122

(i) For each fiscal year ending in an even-numbered calendar 82123  
year, seven per cent of the maximum rate established for the 82124  
facility's ICF/MR's peer group under division ~~(B)~~(C) of this 82125  
section; 82126

~~(b)(ii)~~ For each fiscal ~~years~~ year ending in an odd-numbered 82127  
calendar ~~years~~ year, the amount calculated for the immediately 82128  
preceding fiscal year under division ~~(A)~~(B)(2)~~(a)~~(b)(i) of this 82129  
section. 82130

~~(B)(C)(1)~~ The maximum rate for indirect care costs for each 82131  
peer group of ~~intermediate care facilities for the mentally~~ 82132  
~~retarded~~ ICFs/MR with more than eight beds ~~specified in rules~~ 82133  
~~adopted under division (D) of this section~~ shall be determined as 82134  
follows: 82135

(a) For each fiscal ~~years~~ year ending in an even-numbered 82136  
calendar ~~years~~ year, the maximum rate for each such peer group 82137  
shall be the rate that is no less than twelve and four-tenths per 82138  
cent above the median desk-reviewed, actual, allowable, per diem 82139  
indirect care cost for all ~~intermediate care facilities for the~~ 82140  
~~mentally retarded with more than eight beds~~ ICFs/MR in the peer 82141  
group, ~~(excluding facilities~~ ICFs/MR in the peer group whose 82142  
indirect care costs for that period are more than three standard 82143  
deviations from the mean desk-reviewed, actual, allowable, per 82144  
diem indirect care cost for all ~~intermediate care facilities for~~ 82145



~~the mentally retarded ICFs/MR with more than eight beds,~~ for the 82146  
calendar year immediately preceding the fiscal year in which the 82147  
rate will be paid, adjusted by the inflation rate estimated under 82148  
division ~~(C)~~(D)(1) of this section. 82149

(b) For each fiscal ~~years~~ year ending in an odd-numbered 82150  
calendar ~~years~~ year, the maximum rate for each such peer group is 82151  
the peer group's maximum rate for the previous fiscal year, 82152  
adjusted for the inflation rate estimated under division ~~(C)~~(D)(2) 82153  
of this section. 82154

(2) The maximum rate for indirect care costs for each peer 82155  
group of ~~intermediate care facilities for the mentally retarded~~ 82156  
ICFs/MR with eight or fewer beds ~~specified in rules adopted under~~ 82157  
~~division (D) of this section~~ shall be determined as follows: 82158

(a) For each fiscal ~~years~~ year ending in an even-numbered 82159  
calendar ~~years~~ year, the maximum rate for each such peer group 82160  
shall be the rate that is no less than ten and three-tenths per 82161  
cent above the median desk-reviewed, actual, allowable, per diem 82162  
indirect care cost for all ~~intermediate care facilities for the~~ 82163  
~~mentally retarded with eight or fewer beds~~ ICFs/MR in the peer 82164  
group, ~~(excluding facilities ICFs/MR in the peer group whose~~ 82165  
indirect care costs are more than three standard deviations from 82166  
the mean desk-reviewed, actual, allowable, per diem indirect care 82167  
cost for all ~~intermediate care facilities for the mentally~~ 82168  
~~retarded ICFs/MR with eight or fewer beds,~~ for the calendar year 82169  
immediately preceding the fiscal year in which the rate will be 82170  
paid, adjusted by the inflation rate estimated under division 82171  
~~(C)~~(D)(1) of this section. 82172

(b) For each fiscal ~~years that end~~ year ending in an 82173  
odd-numbered calendar ~~years~~ year, the maximum rate for each such 82174  
peer group is the peer group's maximum rate for the previous 82175  
fiscal year, adjusted for the inflation rate estimated under 82176  
division ~~(C)~~(D)(2) of this section. 82177

(3) The department shall not ~~recalculate~~ redetermine a maximum rate for indirect care costs under division ~~(B)~~(C)(1) or (2) of this section based on additional information that it receives after the maximum rate is set. The department shall ~~recalculate~~ redetermine the maximum rate for indirect care costs only if it made an error in computing the maximum rate based on the information available to the department at the time of the original calculation.

~~(C)~~(D)(1) When adjusting rates for inflation under divisions ~~(A)~~(B)(1), ~~(B)~~(C)(1)(a), and ~~(B)~~(C)(2)(a) of this section, the department shall estimate the rate of inflation for the eighteen-month period beginning on the first day of July of the calendar year immediately preceding the fiscal year in which the rate will be paid and ending on the thirty-first day of December of the fiscal year in which the rate will be paid. To estimate the rate of inflation, the department shall use the following:

(a) The Subject to division (D)(1)(b) of this section, the consumer price index for all items for all urban consumers for the north central region, published by the United States bureau of labor statistics;

(b) If the United States bureau of labor statistics ceases to publish the index specified in division ~~(C)~~(D)(1)(a) of this section, a comparable index that the bureau publishes and the department determines is appropriate.

(2) When adjusting rates for inflation under divisions ~~(B)~~(C)(1)(b) and ~~(B)~~(C)(2)(b) of this section, the department shall estimate the rate of inflation for the twelve-month period beginning on the first day of January of the fiscal year immediately preceding the fiscal year in which the rate will be paid and ending on the thirty-first day of December of the fiscal year in which the rate will be paid. To estimate the rate of inflation, the department shall use the following:

(a) ~~The~~ Subject to division (D)(2)(b) of this section, the 82210  
consumer price index for all items for all urban consumers for the 82211  
north central region, published by the United States bureau of 82212  
labor statistics; 82213

(b) If the United States bureau of labor statistics ceases to 82214  
publish the index specified in division ~~(C)~~(D)(2)(a) of this 82215  
section, a comparable index that the bureau publishes and the 82216  
department determines is appropriate. 82217

(3) If an inflation rate estimated under division ~~(C)~~(D)(1) 82218  
or (2) of this section is different from the actual inflation rate 82219  
for the relevant time period, as measured using the same index, 82220  
the difference shall be added to or subtracted from the inflation 82221  
rate estimated pursuant to this division for the following fiscal 82222  
year. 82223

~~(D)~~(E) The director of ~~job and family services~~ developmental 82224  
disabilities shall adopt rules under section ~~5111.02~~ 5124.03 of 82225  
the Revised Code that specify peer groups of ~~intermediate care~~ 82226  
~~facilities for the mentally retarded~~ ICFs/MR with more than eight 82227  
beds, and peer groups of ~~intermediate care facilities for the~~ 82228  
~~mentally retarded~~ ICFs/MR with eight or fewer beds, based on 82229  
findings of significant per diem indirect care cost differences 82230  
due to geography and ~~facility~~ bed-size. The rules also may specify 82231  
peer groups based on findings of significant per diem indirect 82232  
care cost differences due to other factors, including case-mix. 82233

**Sec. ~~5111.235~~ 5124.23.** (A) ~~The~~ For each fiscal year, the 82234  
department of ~~job and family services~~ developmental disabilities 82235  
shall ~~pay a provider for~~ prospectively determine each of the 82236  
~~provider's eligible intermediate care facilities for the mentally~~ 82237  
~~retarded a~~ ICF/MR's per resident per medicaid day payment rate for 82238  
other protected costs ~~established prospectively each fiscal year~~ 82239  
~~for each facility. The~~ An ICF/MR's rate for each facility shall be 82240

the ~~facility's~~ ICF/MR's desk-reviewed, actual, allowable, per diem 82241  
other protected costs from the calendar year immediately preceding 82242  
the fiscal year in which the rate will be paid, all adjusted for 82243  
the estimated inflation rate for the eighteen-month period 82244  
beginning on the first day of July of the calendar year 82245  
immediately preceding the fiscal year in which the rate will be 82246  
paid and ending on the thirty-first day of December of that fiscal 82247  
year. The department shall estimate inflation using the index 82248  
specified in division (B) of this section. If the estimated 82249  
inflation rate for the eighteen-month period is different from the 82250  
actual inflation rate for that period, the difference shall be 82251  
added to or subtracted from the inflation rate estimated for the 82252  
following year. 82253

(B) The department shall use the following index for the 82254  
purpose of division (A) of this section: 82255

(1) The Subject to division (B)(2) of this section, the 82256  
consumer price index for all urban consumers for nonprescription 82257  
drugs and medical supplies, as published by the United States 82258  
bureau of labor statistics; 82259

(2) If the United States bureau of labor statistics ceases to 82260  
publish the index specified in division (B)(1) of this section, 82261  
the index that is subsequently published by the bureau and covers 82262  
nonprescription drugs and medical supplies. 82263

**Sec. 5124.25.** (A) Subject to division (D) of this section, 82264  
the department of developmental disabilities may pay a medicaid 82265  
rate add-on to an ICF/MR provider for outlier ICF/MR services the 82266  
ICF/MR provides to qualifying ventilator-dependent residents on or 82267  
after July 1, 2014, if the provider applies to the department of 82268  
developmental disabilities to receive the rate add-on and the 82269  
department approves the application. The department of 82270  
developmental disabilities may approve a provider's application if 82271

all of the following apply: 82272

(1) The provider submits to the department of developmental disabilities a best practices protocol for providing outlier ICF/MR services under this section and the department of developmental disabilities determines that the protocol is acceptable; 82273  
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82275  
82276  
82277

(2) The provider executes with the department of medicaid an addendum to its provider agreement for the ICF/MR regarding the outlier ICF/MR services; 82278  
82279  
82280

(3) The provider and ICF/MR meet all other eligibility requirements for the rate add-on established in rules authorized by this section. 82281  
82282  
82283

(B) An ICF/MR that has been approved by the department of developmental disabilities to provider outlier ICF/MR services under this section shall provide the services in accordance with both of the following: 82284  
82285  
82286  
82287

(1) The best practices protocol the department of developmental disabilities determined is acceptable; 82288  
82289

(2) Requirements regarding the services established in rules authorized by this section. 82290  
82291

(C) To qualify to receive outlier ICF/MR services from an ICF/MR under this section, a resident of the ICF/MR must be a medicaid recipient, be under twenty-two years of age, be dependent on a ventilator, and meet all other eligibility requirements established in rules authorized by this section. 82292  
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(D) The department of developmental disabilities shall negotiate the amount of the medicaid payment rate add-on, if any, to be paid under this section, or the method by which that amount is to be determined, with the department of medicaid. The department of developmental disabilities shall not pay the rate 82297  
82298  
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82301

add-on unless the department has approved the amount of the rate 82302  
add-on or method by which the amount is to be determined. 82303

Sec. 5124.28. Notwithstanding any provision of section 82304  
5124.17 or 5124.21 of the Revised Code, the director of 82305  
developmental disabilities may adopt rules under section 5124.03 82306  
of the Revised Code that provide for the determination of a 82307  
combined maximum payment limit for indirect care costs and costs 82308  
of ownership for ICFs/MR with eight or fewer beds. 82309

~~Sec. 5111.263~~ 5124.29. Except as otherwise provided in 82310  
section ~~5111.264~~ 5124.30 of the Revised Code, the department of 82311  
~~job and family services~~ developmental disabilities, in determining 82312  
whether an ~~intermediate care facility for the mentally retarded's~~ 82313  
ICF/MR's direct care costs and indirect care costs are allowable, 82314  
shall place no limit on specific categories of reasonable costs 82315  
other than compensation of owners, compensation of relatives of 82316  
owners, and compensation of administrators. 82317

Compensation cost limits for owners and relatives of owners 82318  
shall be based on compensation costs for individuals who hold 82319  
comparable positions but who are not owners or relatives of 82320  
owners, as reported on ~~facility~~ ICFs/MR's cost reports. As used in 82321  
this section, "comparable position" means the position that is 82322  
held by the owner or the owner's relative, if that position is 82323  
listed separately on the cost report form, or if the position is 82324  
not listed separately, the group of positions that is listed on 82325  
the cost report form and that includes the position held by the 82326  
owner or the owner's relative. In the case of an owner or owner's 82327  
relative who serves the ~~facility~~ ICFs/MR in a capacity such as 82328  
corporate officer, proprietor, or partner for which no comparable 82329  
position or group of positions is listed on the cost report form, 82330  
the compensation cost limit shall be based on civil service 82331  
equivalents and shall be specified in rules adopted under section 82332

~~5111.02~~ 5124.03 of the Revised Code. 82333

Compensation cost limits for administrators shall be based on 82334  
compensation costs for administrators who are not owners or 82335  
relatives of owners, as reported on ~~facility~~ ICFs/MR's cost 82336  
reports. Compensation cost limits for administrators of four or 82337  
more ~~intermediate care facilities for the mentally retarded~~ 82338  
ICFs/MR shall be the same as the limits for administrators of 82339  
~~intermediate care facilities for the mentally retarded~~ ICFs/MR 82340  
with one hundred fifty or more beds. 82341

Sec. 5124.30. Except as provided in section 5124.17 of the 82342  
Revised Code, the costs of goods, services, and facilities, 82343  
furnished to an ICF/MR provider by a related party are includable 82344  
in the allowable costs of the provider at the reasonable cost to 82345  
the related party. 82346

Sec. 5124.31. The department of developmental disabilities 82347  
shall adjust medicaid payment rates determined under this chapter 82348  
to account for reasonable additional costs that must be incurred 82349  
by ICFs/MR to comply with requirements of federal or state 82350  
statutes, rules, or policies enacted or amended after January 1, 82351  
1992, or with orders issued by state or local fire authorities. 82352

Sec. 5124.32. The department of developmental disabilities 82353  
shall not reduce an ICF/MR's medicaid payment rate determined 82354  
under this chapter on the basis that the provider charges a lower 82355  
rate to any resident who is not eligible for medicaid. 82356

Sec. 5124.33. No medicaid payment shall be made to an ICF/MR 82357  
provider for the day a medicaid recipient is discharged from the 82358  
ICF/MR. 82359

~~Sec. 5111.33~~ 5124.34. Reimbursement to a (A) The department 82360

~~of developmental disabilities shall pay an ICF/MR provider of an 82361  
intermediate care facility for the mentally retarded under 82362  
sections 5111.20 to 5111.331 of the Revised Code shall include 82363  
payments to the provider, at a rate equal to the percentage one 82364  
hundred per cent of the per resident total per medicaid day rates 82365  
that the department of job and family services has established 82366  
payment rate determined for the provider's facility ICF/MR under 82367  
sections 5111.20 to 5111.331 of the Revised Code for the fiscal 82368  
year for which the cost of services is reimbursed, this chapter to 82369  
reserve a bed for a resident who is a medicaid recipient during a 82370  
temporary absence under conditions prescribed by the department, 82371  
to include hospitalization for an acute condition, visits with 82372  
relatives and friends, and participation in therapeutic programs 82373  
outside the facility, when the if all of the following apply: 82374~~

~~(1) The recipient is temporarily absent from the ICF/MR for a 82375  
reason that makes the absence qualified for payments under this 82376  
section as specified in rules authorized by this section; 82377~~

~~(2) The resident's plan of care provides for such the absence 82378  
and federal; 82379~~

~~(3) Federal financial participation in the payments is 82380  
available for the payments. The 82381~~

~~(B) The maximum period during which medicaid payments may be 82382  
made to reserve a bed shall not exceed the maximum period 82383  
specified under in federal regulations, and shall not be more than 82384  
thirty days during any calendar year for hospital stays, visits 82385  
with relatives and friends, and participation in therapeutic 82386  
programs. 82387~~

~~Recipients programs. However, a resident shall not be subject 82388  
to a maximum period during which payments may be made to reserve a 82389  
bed in an intermediate care facility for the mentally retarded if 82390  
prior authorization of the department is obtained for hospital 82391~~



stays, visits with relatives and friends, and participation in 82392  
therapeutic programs. The 82393

(C)(1) The director of ~~job and family services~~ developmental 82394  
disabilities shall adopt rules under section ~~5111.02~~ 5124.03 of 82395  
the Revised Code ~~establishing as necessary to implement this~~ 82396  
section, including rules that do the following: 82397

(a) Specify the reasons for which a temporary absence from an 82398  
ICF/MR makes the absence qualify for payments under this section; 82399

(b) Establish conditions under which prior authorization may 82400  
be obtained for the purpose of division (B) of this section. 82401

(2) The rules authorized by division (C)(1)(a) of this 82402  
section shall include the following as reasons for which a 82403  
temporary absence from an ICF/MR qualifies for payments under this 82404  
section: 82405

(a) Hospitalization for acute conditions; 82406

(b) Visits with relatives and friends; 82407

(c) Participation in therapeutic programs outside the ICF/MR. 82408

Sec. 5124.35. Medicaid payments may be made for ICF/MR 82409  
services provided not later than thirty days after the effective 82410  
date of an involuntary termination of the ICF/MR that provides the 82411  
services if the services are provided to a medicaid recipient who 82412  
is eligible for the services and resided in the ICF/MR before the 82413  
effective date of the involuntary termination. 82414

Sec. 5124.37. The department of developmental disabilities 82415  
shall make its best efforts each year to determine ICFs/MR's 82416  
medicaid payment rates under this chapter in time to pay the rates 82417  
by August fifteenth of each fiscal year. If the department is 82418  
unable to calculate the rates so that they can be paid by that 82419  
date, the department shall pay each provider the rate calculated 82420

for the provider's ICFs/MR under those sections at the end of the 82421  
previous fiscal year. If the department also is unable to 82422  
calculate the rates to make the payments due by the fifteenth day 82423  
of September and the fifteenth day of October, the department 82424  
shall pay the previous fiscal year's rate to make those payments. 82425  
The department may increase by five per cent the previous fiscal 82426  
year's rate paid for any ICF/MR pursuant to this section at the 82427  
request of the provider. The department shall use rates calculated 82428  
for the current fiscal year to make the payments due by the 82429  
fifteenth day of November. 82430

If an ICF/MR's medicaid payment rate paid under this section 82431  
is lower than the rate calculated for it for the current fiscal 82432  
year, the department shall pay the provider the difference between 82433  
the two rates for the number of days for which the provider is 82434  
paid the lower rate. If an ICF/MR's medicaid payment rate paid 82435  
under this section is higher than the rate calculated for it for 82436  
the current fiscal year, the provider shall refund to the 82437  
department the difference between the two rates for the number of 82438  
days for which the provider is paid the higher rate. 82439

**Sec. 5124.38.** (A) The director of developmental disabilities 82440  
shall establish a process under which an ICF/MR provider, or a 82441  
group or association of ICF/MR providers, may seek reconsideration 82442  
of medicaid payment rates established under this chapter, 82443  
including a rate for direct care costs redetermined before the 82444  
effective date of the rate as a result of an exception review 82445  
conducted under section 5124.193 of the Revised Code. Except as 82446  
provided in divisions (B) to (D) of this section, the only issue 82447  
that a provider, group, or association may raise in the rate 82448  
reconsideration is whether the rate was calculated in accordance 82449  
with this chapter and the rules adopted under section 5124.03 of 82450  
the Revised Code. The provider, group, or association may submit 82451

written arguments or other materials that support its position. 82452  
The provider, group, or association and department shall take 82453  
actions regarding the rate reconsideration within time frames 82454  
specified in rules authorized by this section. 82455

If the department determines, as a result of the rate 82456  
reconsideration, that the rate established for one or more ICFs/MR 82457  
is less than the rate to which the ICF/MR is entitled, the 82458  
department shall increase the rate. If the department has paid the 82459  
incorrect rate for a period of time, the department shall pay the 82460  
provider of the ICF/MR the difference between the amount the 82461  
provider was paid for that period for the ICF/MR and the amount 82462  
the provider should have been paid for the ICF/MR. 82463

(B)(1) The department, through the rate reconsideration 82464  
process, may increase during a fiscal year the medicaid payment 82465  
rate determined for an ICF/MR under this chapter if the provider 82466  
demonstrates that the ICF/MR's actual, allowable costs have 82467  
increased because of any of the following extreme circumstances: 82468

(a) A natural disaster; 82469

(b) A nonextensive renovation approved under division (D) of 82470  
section 5124.17 of the Revised Code; 82471

(c) If the ICF/MR has an appropriate claims management 82472  
program, an increase in the ICF/MR's workers' compensation 82473  
experience rating of greater than five per cent; 82474

(d) If the ICF/MR is an inner-city ICF/MR, increased security 82475  
costs; 82476

(e) A change of ownership that results from bankruptcy, 82477  
foreclosure, or findings by the department of health of violations 82478  
of medicaid certification requirements; 82479

(f) Other extreme circumstances specified in rules authorized 82480  
by this section. 82481

(2) An ICF/MR may qualify for a rate increase under this division only if its per diem, actual, allowable costs have increased to a level that exceeds its total rate. An increase under this division is subject to any rate limitations or maximum rates established by this chapter for specific cost centers. Any rate increase granted under this division shall take effect on the first day of the first month after the department receives the request. 82482  
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(C) The department, through the rate reconsideration process, may increase an ICF/MR's rate as determined under this chapter if the department, in the department's sole discretion, determines that the rate as determined under those sections works an extreme hardship on the ICF/MR. 82490  
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(D) When beds certified for the medicaid program are added to an existing ICF/MR or replaced at the same site, the department, through the rate reconsideration process, shall increase the ICF/MR's rate for capital costs proportionately, as limited by any applicable limitation under section 5124.17 of the Revised Code, to account for the costs of the beds that are added or replaced. The department shall make this increase one month after the first day of the month after the department receives sufficient documentation of the costs. Any rate increase granted under this division after June 30, 1993, shall remain in effect until the effective date of a rate for capital costs determined under section 5124.17 of the Revised Code that includes costs incurred for a full calendar year for the bed addition or bed replacement. The ICF/MR shall report double accumulated depreciation in an amount equal to the depreciation included in the rate adjustment on its cost report for the first year of operation. During the term of any loan used to finance a project for which a rate adjustment is granted under this division, if the ICF/MR is operated by the same provider, the provider shall subtract from 82495  
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the interest costs it reports on its cost report an amount equal 82514  
to the difference between the following: 82515

(1) The actual, allowable interest costs for the loan during 82516  
the calendar year for which the costs are being reported; 82517

(2) The actual, allowable interest costs attributable to the 82518  
loan that were used to calculate the rates paid to the provider 82519  
for the ICF/MR during the same calendar year. 82520

(E) The department's decision at the conclusion of the 82521  
reconsideration process is not subject to any administrative 82522  
proceedings under Chapter 119. or any other provision of the 82523  
Revised Code. 82524

(F) The director of developmental disabilities shall adopt 82525  
rules under section 5124.03 of the Revised Code as necessary to 82526  
implement this section. 82527

**Sec. 5124.40.** If an ICF/MR provider properly amends a cost 82528  
report for an ICF/MR under section 5124.107 of the Revised Code 82529  
and the amended report shows that the provider received a lower 82530  
medicaid payment rate under the original cost report than the 82531  
provider was entitled to receive, the department of developmental 82532  
disabilities shall adjust the provider's rate for the ICF/MR 82533  
prospectively to reflect the corrected information. The department 82534  
shall pay the adjusted rate beginning two months after the first 82535  
day of the month after the provider files the amended cost report. 82536

If the department finds, from an exception review of resident 82537  
assessment data conducted pursuant to section 5124.193 of the 82538  
Revised Code after the effective date of an ICF/MR's rate for 82539  
direct care costs that is based on the resident assessment data, 82540  
that inaccurate resident assessment data resulted in the provider 82541  
receiving a lower rate for the ICF/MR than the provider was 82542  
entitled to receive, the department prospectively shall adjust the 82543

provider's rate for the ICF/MR accordingly. The department shall 82544  
make payments to the provider using the adjusted rate for the 82545  
remainder of the calendar quarter for which the resident 82546  
assessment data is used to determine the rate, beginning one month 82547  
after the first day of the month after the exception review is 82548  
completed. 82549

Sec. 5124.41. (A) The department of developmental 82550  
disabilities shall redetermine a provider's medicaid payment rate 82551  
for an ICF/MR using revised information if any of the following 82552  
results in a determination that the provider received a higher 82553  
medicaid payment rate for the ICF/MR than the provider was 82554  
entitled to receive: 82555

(1) The provider properly amends a cost report for the ICF/MR 82556  
under section 5124.107 of the Revised Code; 82557

(2) The department makes a finding based on an audit under 82558  
section 5124.109 of the Revised Code; 82559

(3) The department makes a finding based on an exception 82560  
review of resident assessment data conducted under section 82561  
5124.193 of the Revised Code after the effective date of the 82562  
ICF/MR's rate for direct care costs that is based on the resident 82563  
assessment data. 82564

(B) The department shall apply the redetermined rate to the 82565  
periods when the provider received the incorrect rate to determine 82566  
the amount of the overpayment. The provider shall refund the 82567  
amount of the overpayment. The department may charge the provider 82568  
the following amount of interest from the time the overpayment was 82569  
made: 82570

(1) If the overpayment resulted from costs reported for 82571  
calendar year 1993, the interest shall be not greater than one and 82572  
one-half times the current average bank prime rate. 82573

(2) If the overpayment resulted from costs reported for a subsequent calendar year: 82574  
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(a) The interest shall be not greater than two times the current average bank prime rate if the overpayment was not more than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to determine a rate. 82576  
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(b) The interest shall be not greater than two and one-half times the current average bank prime rate if the overpayment was more than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to determine a rate. 82581  
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Sec. 5124.42. In addition to the other penalties authorized by this chapter, the department of developmental disabilities may impose the following penalties on an ICF/MR provider: 82586  
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(A) If the provider does not furnish invoices or other documentation that the department requests during an audit within sixty days after the request, a fine of not more than the greater of the following: 82589  
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(1) One thousand dollars per audit; 82593

(2) Twenty-five per cent of the cumulative amount by which the costs for which documentation was not furnished increased the total medicaid payments to the provider during the fiscal year for which the costs were used to determine a rate. 82594  
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(B) If an exiting operator or owner fails to provide notice of a facility closure or voluntary termination as required by section 5124.50 of the Revised Code, or an exiting operator or owner and entering operator fail to provide notice of a change of operator as required by section 5124.51 of the Revised Code, a fine of not more than the current average bank prime rate plus 82598  
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four per cent of the last two monthly payments. 82604

Sec. 5124.43. For the purposes of sections 5124.41 and 82605  
5124.42 of the Revised Code, the department of developmental 82606  
disabilities shall determine the current average bank prime rate 82607  
using statistical release H.15, "selected interest rates," a 82608  
weekly publication of the federal reserve board, or any successor 82609  
publication. If statistical release H.15, or its successor, ceases 82610  
to contain the bank prime rate information or ceases to be 82611  
published, the department shall request a written statement of the 82612  
average bank prime rate from the federal reserve bank of Cleveland 82613  
or the federal reserve board. 82614

Sec. 5124.44. (A) Except as provided in division (B) of this 82615  
section, the department of developmental disabilities shall deduct 82616  
the following from the next available medicaid payment the 82617  
department makes to an ICF/MR provider who continues to 82618  
participate in medicaid: 82619

(1) Any amount the provider is required to refund, and any 82620  
interest charged, under section 5124.41 of the Revised Code; 82621

(2) The amount of any penalty imposed on the provider under 82622  
section 5124.42 of the Revised Code. 82623

(B) The department and an ICF/MR provider may enter into an 82624  
agreement under which a deduction required by division (A) of this 82625  
section is taken in installments from payments the department 82626  
makes to the provider. 82627

Sec. 5124.45. The department of developmental disabilities 82628  
shall transmit to the treasurer of state for deposit in the 82629  
general revenue fund amounts collected from the following: 82630

(A) Refunds required by, and interest charged under, section 82631  
5124.41 of the Revised Code; 82632



(B) Amounts collected from penalties imposed under section 5124.42 of the Revised Code. 82633  
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Sec. 5124.46. All of the following are subject to an adjudication conducted in accordance with Chapter 119. of the Revised Code: 82635  
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(A) Any audit disallowance that the department of developmental disabilities makes as the result of an audit under section 5124.109 of the Revised Code; 82638  
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82640

(B) Any adverse finding that results from an exception review of resident assessment data conducted for an ICF/MR under section 5124.193 of the Revised Code after the effective date of the ICF/MR's medicaid payment rate for direct care costs that is based on the resident assessment data; 82641  
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(C) Any medicaid payment deemed an overpayment under section 5124.523 of the Revised Code; 82646  
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(D) Any penalty the department imposes under section 5124.42 of the Revised Code or section 5124.523 of the Revised Code. 82648  
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Sec. 5124.50. An exiting operator or owner of an ICF/MR participating in the medicaid program shall provide the department of developmental disabilities and department of medicaid written notice of a facility closure or voluntary termination not less than ninety days before the effective date of the facility closure or voluntary termination. The written notice shall be provided to the department of developmental disabilities and department of medicaid in accordance with the method specified in rules authorized by section 5124.53 of the Revised Code. 82650  
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The written notice shall include all of the following: 82659

(A) The name of the exiting operator and, if any, the exiting operator's authorized agent; 82660  
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(B) The name of the ICF/MR that is the subject of the written notice; 82662  
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(C) The exiting operator's medicaid provider agreement number for the ICF/MR that is the subject of the written notice; 82664  
82665

(D) The effective date of the facility closure or voluntary termination; 82666  
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(E) The signature of the exiting operator's or owner's representative. 82668  
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**Sec. 5124.51.** (A) An exiting operator or owner and entering operator shall provide the department of developmental disabilities and department of medicaid written notice of a change of operator if the ICF/MR participates in the medicaid program and the entering operator seeks to continue the ICF/MR's participation. The written notice shall be provided to the department of developmental disabilities and department of medicaid in accordance with the method specified in rules authorized by section 5124.53 of the Revised Code. The written notice shall be provided to the department of developmental disabilities and department of medicaid not later than forty-five days before the effective date of the change of operator if the change of operator does not entail the relocation of residents. The written notice shall be provided to the department of developmental disabilities and department of medicaid not later than ninety days before the effective date of the change of operator if the change of operator entails the relocation of residents. 82670  
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The written notice shall include all of the following: 82688

(1) The name of the exiting operator and, if any, the exiting operator's authorized agent; 82689  
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(2) The name of the ICF/MR that is the subject of the change 82691

<u>of operator;</u>	82692
<u>(3) The exiting operator's seven-digit medicaid legacy number</u>	82693
<u>and ten-digit national provider identifier number for the ICF/MR</u>	82694
<u>that is the subject of the change of operator;</u>	82695
<u>(4) The name of the entering operator;</u>	82696
<u>(5) The effective date of the change of operator;</u>	82697
<u>(6) The manner in which the entering operator becomes the</u>	82698
<u>ICF/MR's operator, including through sale, lease, merger, or other</u>	82699
<u>action;</u>	82700
<u>(7) If the manner in which the entering operator becomes the</u>	82701
<u>ICF/MR's operator involves more than one step, a description of</u>	82702
<u>each step;</u>	82703
<u>(8) Written authorization from the exiting operator or owner</u>	82704
<u>and entering operator for the department of medicaid to process a</u>	82705
<u>provider agreement for the entering operator;</u>	82706
<u>(9) The names and addresses of the persons to whom the</u>	82707
<u>department of developmental disabilities and department of</u>	82708
<u>medicaid should send initial correspondence regarding the change</u>	82709
<u>of operator;</u>	82710
<u>(10) The signature of the exiting operator's or owner's</u>	82711
<u>representative.</u>	82712
<u>(B) An exiting operator or owner and entering operator</u>	82713
<u>immediately shall provide the department of developmental</u>	82714
<u>disabilities and department of medicaid notice of any changes to</u>	82715
<u>information included in a written notice of a change of operator</u>	82716
<u>that occur after that notice is provided to the department of</u>	82717
<u>developmental disabilities and department of medicaid. The notice</u>	82718
<u>of the changes shall be provided to the department of</u>	82719
<u>developmental disabilities and department of medicaid in</u>	82720
<u>accordance with the method specified in rules authorized by</u>	82721

section 5124.53 of the Revised Code. 82722

Sec. 5124.511. The department of medicaid may enter into a 82723  
provider agreement with an entering operator that goes into effect 82724  
at 12:01 a.m. on the effective date of the change of operator if 82725  
all of the following requirements are met: 82726

(A) The department receives a properly completed written 82727  
notice required by section 5124.51 of the Revised Code on or 82728  
before the date required by that section. 82729

(B) The department receives both of the following in 82730  
accordance with the method specified in rules authorized by 82731  
section 5124.53 of the Revised Code and not later than ten days 82732  
after the effective date of the change of operator: 82733

(1) From the entering operator, a completed application for a 82734  
provider agreement and all other forms and documents specified in 82735  
rules authorized by section 5124.53 of the Revised Code; 82736

(2) From the exiting operator or owner, all forms and 82737  
documents specified in rules authorized by section 5124.53 of the 82738  
Revised Code. 82739

(C) The entering operator is eligible to enter into a 82740  
provider agreement for the ICF/MR as provided in section 5124.06 82741  
of the Revised Code. 82742

Sec. 5124.512. (A) The department of medicaid may enter into 82743  
a provider agreement with an entering operator that goes into 82744  
effect at 12:01 a.m. on the date determined under division (B) of 82745  
this section if all of the following are the case: 82746

(1) The department receives a properly completed written 82747  
notice required by section 5124.51 of the Revised Code. 82748

(2) The department receives, from the entering operator and 82749  
in accordance with the method specified in rules authorized by 82750

section 5124.53 of the Revised Code, a completed application for a provider agreement and all other forms and documents specified in rules adopted under that section. 82751  
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(3) The department receives, from the exiting operator or owner and in accordance with the method specified in rules authorized by section 5124.53 of the Revised Code, all forms and documents specified in rules adopted under that section. 82754  
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(4) One or more of the following apply: 82758

(a) The requirement of division (A)(1) of this section is met after the time required by section 5124.51 of the Revised Code; 82759  
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(b) The requirement of division (A)(2) of this section is met more than ten days after the effective date of the change of operator; 82761  
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(c) The requirement of division (A)(3) of this section is met more than ten days after the effective date of the change of operator. 82764  
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(5) The entering operator is eligible to enter into a provider agreement for the ICF/MR as provided in section 5124.06 of the Revised Code. 82767  
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(B) The department shall determine the date a provider agreement entered into under this section is to go into effect as follows: 82770  
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(1) The effective date shall give the department sufficient time to process the change of operator and give the department sufficient time to assure no duplicate payments are made and make the withholding required by section 5124.521 of the Revised Code. 82773  
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(2) The effective date shall be not earlier than the latest of the following: 82777  
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(a) The effective date of the change of operator; 82779

(b) The date that the entering operator complies with section 82780

5124.51 of the Revised Code and division (A)(2) of this section; 82781

(c) The date that the exiting operator or owner complies with 82782  
section 5124.51 of the Revised Code and division (A)(3) of this 82783  
section. 82784

(3) The effective date shall be not later than the following 82785  
after the later of the dates specified in division (B)(2) of this 82786  
section: 82787

(a) Forty-five days if the change of operator does not entail 82788  
the relocation of residents; 82789

(b) Ninety days if the change of operator entails the 82790  
relocation of residents. 82791

**Sec. 5124.513. A provider that enters into a provider** 82792  
**agreement with the department of medicaid under section 5124.511** 82793  
**or 5124.512 of the Revised Code shall do all of the following:** 82794

(A) Comply with all applicable federal statutes and 82795  
regulations; 82796

(B) Comply with section 5124.07 of the Revised Code and all 82797  
other applicable state statutes and rules; 82798

(C) Comply with all the terms and conditions of the exiting 82799  
operator's provider agreement, including all of the following: 82800

(1) Any plan of correction; 82801

(2) Compliance with health and safety standards; 82802

(3) Compliance with the ownership and financial interest 82803  
disclosure requirements of 42 C.F.R. 455.104, 455.105, and 1002.3; 82804

(4) Compliance with the civil rights requirements of 45 82805  
C.F.R. parts 80, 84, and 90; 82806

(5) Compliance with additional requirements imposed by the 82807  
department; 82808

(6) Any sanctions relating to remedies for violation of the provider agreement, including deficiencies, compliance periods, accountability periods, monetary penalties, notification for correction of contract violations, and history of deficiencies. 82809  
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Sec. 5124.514. In the case of a change of operator, the exiting operator shall be considered to be the operator of the ICF/MR for purposes of the medicaid program, including medicaid payments, until the effective date of the entering operator's provider agreement if the provider agreement is entered into under section 5124.511 or 5124.512 of the Revised Code. 82813  
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Sec. 5124.515. The department of medicaid may enter into a provider agreement as provided in section 5124.07 of the Revised Code, rather than section 5124.511 or 5124.512 of the Revised Code, with an entering operator if the entering operator does not agree to a provider agreement that satisfies the requirements of division (C) of section 5124.513 of the Revised Code. The department may not enter into the provider agreement unless the department of health certifies the ICF/MR under Title XIX. The effective date of the provider agreement shall not precede any of the following: 82819  
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(A) The date that the department of health certifies the ICF/MR; 82829  
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(B) The effective date of the change of operator; 82831

(C) The date the requirement of section 5124.51 of the Revised Code is satisfied. 82832  
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Sec. 5124.516. The director of developmental disabilities may adopt rules under section 5124.03 of the Revised Code governing adjustments to the medicaid reimbursement rate for an ICF/MR that undergoes a change of operator. No rate adjustment resulting from 82834  
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a change of operator shall be effective before the effective date 82838  
of the entering operator's provider agreement. This is the case 82839  
regardless of whether the provider agreement is entered into under 82840  
section 5124.511, section 5124.512, or, pursuant to section 82841  
5124.515, section 5124.07 of the Revised Code. 82842

**Sec. 5124.517.** The department of developmental disabilities' 82843  
determination that a change of operator has or has not occurred 82844  
for purposes of licensure under section 5123.19 of the Revised 82845  
Code shall not affect either of the following: 82846

(A) A determination by the department of developmental 82847  
disabilities or department of medicaid of whether or when a change 82848  
of operator occurs; 82849

(B) The department of medicaid's determination of the 82850  
effective date of an entering operator's provider agreement under 82851  
section 5124.511, section 5124.512, or, pursuant to section 82852  
5124.515, section 5124.07 of the Revised Code. 82853

**Sec. 5124.52.** (A) On receipt of a written notice under 82854  
section 5124.50 of the Revised Code of a facility closure or 82855  
voluntary termination, on receipt of a written notice under 82856  
section 5124.51 of the Revised Code of a change of operator, or on 82857  
the effective date of an involuntary termination, the department 82858  
of developmental disabilities shall estimate the amount of any 82859  
overpayments made under the medicaid program to the exiting 82860  
operator, including overpayments the exiting operator disputes, 82861  
and other actual and potential debts the exiting operator owes or 82862  
may owe to the department and United States centers for medicare 82863  
and medicaid services under the medicaid program, including a 82864  
franchise permit fee. 82865

(B) In estimating the exiting operator's other actual and 82866  
potential debts to the department and the United States centers 82867



for medicare and medicaid services under the medicaid program, the 82868  
department shall use a debt estimation methodology the director of 82869  
developmental disabilities shall establish in rules authorized by 82870  
section 5124.53 of the Revised Code. The methodology shall provide 82871  
for estimating all of the following that the department determines 82872  
are applicable: 82873

(1) Refunds due the department under section 5124.41 of the 82874  
Revised Code; 82875

(2) Interest owed to the department and United States centers 82876  
for medicare and medicaid services; 82877

(3) Final civil monetary and other penalties for which all 82878  
right of appeal has been exhausted; 82879

(4) Money owed the department and United States centers for 82880  
medicare and medicaid services from any outstanding final fiscal 82881  
audit, including a final fiscal audit for the last fiscal year or 82882  
portion thereof in which the exiting operator participated in the 82883  
medicaid program; 82884

(5) Other amounts the department determines are applicable. 82885

(C) The department shall provide the exiting operator written 82886  
notice of the department's estimate under division (A) of this 82887  
section not later than thirty days after the department receives 82888  
the notice under section 5124.50 of the Revised Code of the 82889  
facility closure or voluntary termination; the department receives 82890  
the notice under section 5124.51 of the Revised Code of the change 82891  
of operator; or the effective date of the involuntary termination. 82892  
The department's written notice shall include the basis for the 82893  
estimate. 82894

**Sec. 5124.521.** (A) Except as provided in divisions (B), (C), 82895  
and (D) of this section, the department of developmental 82896  
disabilities may withhold from payment due an exiting operator 82897

under the medicaid program the total amount specified in the 82898  
notice provided under division (C) of section 5124.52 of the 82899  
Revised Code that the exiting operator owes or may owe to the 82900  
department and United States centers for medicare and medicaid 82901  
services under the medicaid program. 82902

(B) In the case of a change of operator and subject to 82903  
division (E) of this section, the following shall apply regarding 82904  
a withholding under division (A) of this section if the exiting 82905  
operator or entering operator or an affiliated operator executes a 82906  
successor liability agreement meeting the requirements of division 82907  
(F) of this section: 82908

(1) If the exiting operator, entering operator, or affiliated 82909  
operator assumes liability for the total, actual amount of debt 82910  
the exiting operator owes the department and the United States 82911  
centers for medicare and medicaid services under the medicaid 82912  
program as determined under section 5124.525 of the Revised Code, 82913  
the department shall not make the withholding. 82914

(2) If the exiting operator, entering operator, or affiliated 82915  
operator assumes liability for only the portion of the amount 82916  
specified in division (B)(1) of this section that represents the 82917  
franchise permit fee the exiting operator owes, the department 82918  
shall withhold not more than the difference between the total 82919  
amount specified in the notice provided under division (C) of 82920  
section 5124.52 of the Revised Code and the amount for which the 82921  
exiting operator, entering operator, or affiliated operator 82922  
assumes liability. 82923

(C) In the case of a voluntary termination or facility 82924  
closure and subject to division (E) of this section, the following 82925  
shall apply regarding a withholding under division (A) of this 82926  
section if the exiting operator or an affiliated operator executes 82927  
a successor liability agreement meeting the requirements of 82928

division (F) of this section: 82929

(1) If the exiting operator or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section 5124.525 of the Revised Code, the department shall not make the withholding. 82930  
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(2) If the exiting operator or affiliated operator assumes liability for only the portion of the amount specified in division (C)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the notice provided under division (C) of section 5124.52 of the Revised Code and the amount for which the exiting operator or affiliated operator assumes liability. 82936  
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(D) In the case of an involuntary termination and subject to division (E) of this section, the following shall apply regarding a withholding under division (A) of this section if the exiting operator, the entering operator, or an affiliated operator executes a successor liability agreement meeting the requirements of division (F) of this section and the department approves the successor liability agreement: 82944  
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(1) If the exiting operator, entering operator, or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section 5124.525 of the Revised Code, the department shall not make the withholding. 82951  
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(2) If the exiting operator, entering operator, or affiliated operator assumes liability for only the portion of the amount specified in division (D)(1) of this section that represents the 82957  
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franchise permit fee the exiting operator owes, the department 82960  
shall withhold not more than the difference between the total 82961  
amount specified in the notice provided under division (C) of 82962  
section 5124.52 of the Revised Code and the amount for which the 82963  
exiting operator, entering operator, or affiliated operator 82964  
assumes liability. 82965

(E) For an exiting operator or affiliated operator to be 82966  
eligible to enter into a successor liability agreement under 82967  
division (B), (C), or (D) of this section, both of the following 82968  
must apply: 82969

(1) The exiting operator or affiliated operator must have one 82970  
or more valid provider agreements, other than the provider 82971  
agreement for the ICF/MR that is the subject of the involuntary 82972  
termination, voluntary termination, facility closure, or change of 82973  
operator; 82974

(2) During the twelve-month period preceding either the 82975  
effective date of the involuntary termination or the month in 82976  
which the department receives the notice of the voluntary 82977  
termination or facility closure under section 5124.50 of the 82978  
Revised Code or the notice of the change of operator under section 82979  
5124.51 of the Revised Code, the average monthly medicaid payment 82980  
made to the exiting operator or affiliated operator pursuant to 82981  
the exiting operator's or affiliated operator's one or more 82982  
provider agreements, other than the provider agreement for the 82983  
ICF/MR that is the subject of the involuntary termination, 82984  
voluntary termination, facility closure, or change of operator, 82985  
must equal at least ninety per cent of the sum of the following: 82986

(a) The average monthly medicaid payment made to the exiting 82987  
operator pursuant to the exiting operator's provider agreement for 82988  
the ICF/MR that is the subject of the involuntary termination, 82989  
voluntary termination, facility closure, or change of operator; 82990

<u>(b) Whichever of the following apply:</u>	82991
<u>(i) If the exiting operator or affiliated operator has assumed liability under one or more other successor liability agreements, the total amount for which the exiting operator or affiliated operator has assumed liability under the other successor liability agreements;</u>	82992 82993 82994 82995 82996
<u>(ii) If the exiting operator or affiliated operator has not assumed liability under any other successor liability agreements, zero.</u>	82997 82998 82999
<u>(F) A successor liability agreement executed under this section must comply with all of the following:</u>	83000 83001
<u>(1) It must provide for the operator who executes the successor liability agreement to assume liability for either of the following as specified in the agreement:</u>	83002 83003 83004
<u>(a) The total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section 5124.525 of the Revised Code;</u>	83005 83006 83007 83008
<u>(b) The portion of the amount specified in division (F)(1)(a) of this section that represents the franchise permit fee the exiting operator owes.</u>	83009 83010 83011
<u>(2) It may not require the operator who executes the successor liability agreement to furnish a surety bond.</u>	83012 83013
<u>(3) It must provide that the department, after determining under section 5124.525 of the Revised Code the actual amount of debt the exiting operator owes the department and United States centers for medicare and medicaid services under the medicaid program, may deduct the lesser of the following from medicaid payments made to the operator who executes the successor liability agreement:</u>	83014 83015 83016 83017 83018 83019 83020

(a) The total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section 5124.525 of the Revised Code; 83021  
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(b) The amount for which the operator who executes the successor liability agreement assumes liability under the agreement. 83025  
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(4) It must provide that the deductions authorized by division (F)(3) of this section are to be made for a number of months, not to exceed six, agreed to by the operator who executes the successor liability agreement and the department or, if the operator who executes the successor liability agreement and department cannot agree on a number of months that is less than six, a greater number of months determined by the attorney general pursuant to a claims collection process authorized by statute of this state. 83028  
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(5) It must provide that, if the attorney general determines the number of months for which the deductions authorized by division (F)(3) of this section are to be made, the operator who executes the successor liability agreement shall pay, in addition to the amount collected pursuant to the attorney general's claims collection process, the part of the amount so collected that, if not for division (H) of this section, would be required by section 109.081 of the Revised Code to be paid into the attorney general claims fund. 83037  
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(G) Execution of a successor liability agreement does not waive an exiting operator's right to contest the amount specified in the notice the department provides the exiting operator under division (C) of section 5124.52 of the Revised Code. 83046  
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(H) Notwithstanding section 109.081 of the Revised Code, the entire amount that the attorney general, whether by employees or 83050  
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agents of the attorney general or by special counsel appointed 83052  
pursuant to section 109.08 of the Revised Code, collects under a 83053  
successor liability agreement, other than the additional amount 83054  
the operator who executes the agreement is required by division 83055  
(F)(5) of this section to pay, shall be paid to the department of 83056  
developmental disabilities for deposit into the appropriate fund. 83057  
The additional amount that the operator is required to pay shall 83058  
be paid into the state treasury to the credit of the attorney 83059  
general claims fund created under section 109.081 of the Revised 83060  
Code. 83061

**Sec. 5124.522.** (A) Except as provided in division (B) of this 83062  
section, an exiting operator shall file with the department of 83063  
developmental disabilities a cost report not later than ninety 83064  
days after the last day the exiting operator's provider agreement 83065  
is in effect. The cost report shall cover the period that begins 83066  
with the day after the last day covered by the operator's most 83067  
recent previous cost report filed under section 5124.10 or 83068  
5124.101 of the Revised Code and ends on the last day the exiting 83069  
operator's provider agreement is in effect. The cost report shall 83070  
include, as applicable, all of the following: 83071

(1) The sale price of the ICF/MR; 83072

(2) A final depreciation schedule that shows which assets are 83073  
transferred to the buyer and which assets are not transferred to 83074  
the buyer; 83075

(3) Any other information the department requires. 83076

(B) The department, at its sole discretion, may waive the 83077  
requirement that an exiting operator file a cost report in 83078  
accordance with division (A) of this section. 83079

**Sec. 5124.523.** If an exiting operator required by section 83080  
5124.522 of the Revised Code to file a cost report with the 83081

department of developmental disabilities fails to file the cost report in accordance with that section, all payments under the medicaid program for the period the cost report is required to cover are deemed overpayments until the date the department receives the properly completed cost report. The department may impose on the exiting operator a penalty of one hundred dollars for each calendar day the properly completed cost report is late. 83082  
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Sec. 5124.524. The department of developmental disabilities may not provide an exiting operator final payment under the medicaid program until the department receives all properly completed cost reports the exiting operator is required to file under sections 5124.10 and 5124.522 of the Revised Code. 83089  
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Sec. 5124.525. The department of developmental disabilities shall determine the actual amount of debt an exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program by completing all final fiscal audits not already completed and performing all other appropriate actions the department determines to be necessary. The department shall issue an initial debt summary report on this matter not later than sixty days after the date the exiting operator files the properly completed cost report required by section 5124.522 of the Revised Code with the department or, if the department waives the cost report requirement for the exiting operator, sixty days after the date the department waives the cost report requirement. The initial debt summary report becomes the final debt summary report thirty-one days after the department issues the initial debt summary report unless the exiting operator, or an affiliated operator who executes a successor liability agreement under section 5124.521 of the Revised Code, requests a review before that date. 83094  
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The exiting operator, and an affiliated operator who executes 83112  
a successor liability agreement under section 5124.521 of the 83113  
Revised Code, may request a review to contest any of the 83114  
department's findings included in the initial debt summary report. 83115  
The request for the review must be submitted to the department not 83116  
later than thirty days after the date the department issues the 83117  
initial debt summary report. The department shall conduct the 83118  
review on receipt of a timely request and issue a revised debt 83119  
summary report. If the department has withheld money from payment 83120  
due the exiting operator under division (A) of section 5124.521 of 83121  
the Revised Code, the department shall issue the revised debt 83122  
summary report not later than ninety days after the date the 83123  
department receives the timely request for the review unless the 83124  
department and exiting operator or affiliated operator agree to a 83125  
later date. The exiting operator or affiliated operator may submit 83126  
information to the department explaining what the operator 83127  
contests before and during the review, including documentation of 83128  
the amount of any debt the department owes the operator. The 83129  
exiting operator or affiliated operator may submit additional 83130  
information to the department not later than thirty days after the 83131  
department issues the revised debt summary report. The revised 83132  
debt summary report becomes the final debt summary report 83133  
thirty-one days after the department issues the revised debt 83134  
summary report unless the exiting operator or affiliated operator 83135  
timely submits additional information to the department. If the 83136  
exiting operator or affiliated operator timely submits additional 83137  
information to the department, the department shall consider the 83138  
additional information and issue a final debt summary report not 83139  
later than sixty days after the department issues the revised debt 83140  
summary report unless the department and exiting operator or 83141  
affiliated operator agree to a later date. 83142

Each debt summary report the department issues under this 83143  
section shall include the department's findings and the amount of 83144

debt the department determines the exiting operator owes the 83145  
department and United States centers for medicare and medicaid 83146  
services under the medicaid program. The department shall explain 83147  
its findings and determination in each debt summary report. 83148

The exiting operator, and an affiliated operator who executes 83149  
a successor liability agreement under section 5124.521 of the 83150  
Revised Code, may request, in accordance with Chapter 119. of the 83151  
Revised Code, an adjudication regarding a finding in a final debt 83152  
summary report that pertains to an audit or alleged overpayment 83153  
made under the medicaid program to the exiting operator. The 83154  
adjudication shall be consolidated with any other uncompleted 83155  
adjudication that concerns a matter addressed in the final debt 83156  
summary report. 83157

Sec. 5124.526. The department of developmental disabilities 83158  
shall release the actual amount withheld under division (A) of 83159  
section 5124.521 of the Revised Code, less any amount the exiting 83160  
operator owes the department and United States centers for 83161  
medicare and medicaid services under the medicaid program, as 83162  
follows: 83163

(A) Unless the department issues the initial debt summary 83164  
report required by section 5124.525 of the Revised Code not later 83165  
than sixty days after the date the exiting operator files the 83166  
properly completed cost report required by section 5124.522 of the 83167  
Revised Code, sixty-one days after the date the exiting operator 83168  
files the properly completed cost report; 83169

(B) If the department issues the initial debt summary report 83170  
required by section 5124.525 of the Revised Code not later than 83171  
sixty days after the date the exiting operator files a properly 83172  
completed cost report required by section 5124.522 of the Revised 83173  
Code, not later than the following: 83174

(1) Thirty days after the deadline for requesting an 83175

adjudication under section 5124.525 of the Revised Code regarding 83176  
the final debt summary report if the exiting operator, and an 83177  
affiliated operator who executes a successor liability agreement 83178  
under section 5124.521 of the Revised Code, fail to request the 83179  
adjudication on or before the deadline; 83180

(2) Thirty days after the completion of an adjudication of 83181  
the final debt summary report if the exiting operator, or an 83182  
affiliated operator who executes a successor liability agreement 83183  
under section 5124.521 of the Revised Code, requests the 83184  
adjudication on or before the deadline for requesting the 83185  
adjudication. 83186

(C) Unless the department issues the initial debt summary 83187  
report required by section 5124.525 of the Revised Code not later 83188  
than sixty days after the date the department waives the cost 83189  
report requirement of section 5124.522 of the Revised Code, 83190  
sixty-one days after the date the department waives the cost 83191  
report requirement; 83192

(D) If the department issues the initial debt summary report 83193  
required by section 5124.525 of the Revised Code not later than 83194  
sixty days after the date the department waives the cost report 83195  
requirement of section 5124.522 of the Revised Code, not later 83196  
than the following: 83197

(1) Thirty days after the deadline for requesting an 83198  
adjudication under section 5124.525 of the Revised Code regarding 83199  
the final debt summary report if the exiting operator, and an 83200  
affiliated operator who executes a successor liability agreement 83201  
under section 5124.521 of the Revised Code, fail to request the 83202  
adjudication on or before the deadline; 83203

(2) Thirty days after the completion of an adjudication of 83204  
the final debt summary report if the exiting operator, or an 83205  
affiliated operator who executes a successor liability agreement 83206

under section 5124.521 of the Revised Code, requests the 83207  
adjudication on or before the deadline for requesting the 83208  
adjudication. 83209

Sec. 5124.527. The department of developmental disabilities, 83210  
at its sole discretion, may release the amount withheld under 83211  
division (A) of section 5124.521 of the Revised Code if the 83212  
exiting operator submits to the department written notice of a 83213  
postponement of a change of operator, facility closure, or 83214  
voluntary termination and the transactions leading to the change 83215  
of operator, facility closure, or voluntary termination are 83216  
postponed for at least thirty days but less than ninety days after 83217  
the date originally proposed for the change of operator, facility 83218  
closure, or voluntary termination as reported in the written 83219  
notice required by section 5124.50 or 5124.51 of the Revised Code. 83220  
The department shall release the amount withheld if the exiting 83221  
operator submits to the department written notice of a 83222  
cancellation or postponement of a change of operator, facility 83223  
closure, or voluntary termination and the transactions leading to 83224  
the change of operator, facility closure, or voluntary termination 83225  
are canceled or postponed for more than ninety days after the date 83226  
originally proposed for the change of operator, facility closure, 83227  
or voluntary termination as reported in the written notice 83228  
required by section 5124.50 or 5124.51 of the Revised Code. A 83229  
written notice shall be provided to the department in accordance 83230  
with the method specified in rules authorized by section 5124.53 83231  
of the Revised Code. 83232

After the department receives a written notice regarding a 83233  
cancellation or postponement of a facility closure or voluntary 83234  
termination, the exiting operator or owner shall provide new 83235  
written notice to the department under section 5124.50 of the 83236  
Revised Code regarding any transactions leading to a facility 83237  
closure or voluntary termination at a future time. After the 83238

department receives a written notice regarding a cancellation or 83239  
postponement of a change of operator, the exiting operator or 83240  
owner and entering operator shall provide new written notice to 83241  
the department under section 5124.51 of the Revised Code regarding 83242  
any transactions leading to a change of operator at a future time. 83243

**Sec. 5124.528.** (A) All amounts withheld under section 83244  
5124.521 of the Revised Code from payment due an exiting operator 83245  
under the medicaid program shall be deposited into the medicaid 83246  
payment withholding fund created by the controlling board pursuant 83247  
to section 131.35 of the Revised Code. Money in the fund shall be 83248  
used as follows: 83249

(1) To pay an exiting operator when a withholding is released 83250  
to the exiting operator under section 5124.526 or 5124.527 of the 83251  
Revised Code; 83252

(2) To pay the department of medicaid or department of 83253  
developmental disabilities, and United States centers for medicare 83254  
and medicaid services, the amount an exiting operator owes the 83255  
department of medicaid or department of developmental disabilities 83256  
and United States centers under the medicaid program. 83257

(B) Amounts paid from the medicaid payment withholding fund 83258  
pursuant to division (A)(2) of this section shall be deposited 83259  
into the appropriate fund. 83260

**Sec. 5124.53.** The director of developmental disabilities 83261  
shall adopt rules under section 5124.03 of the Revised Code to 83262  
implement sections 5124.50 to 5124.53 of the Revised Code. The 83263  
rules shall specify all of the following: 83264

(A) The method by which written notices to the department 83265  
required by sections 5124.50 to 5124.53 of the Revised Code are to 83266  
be provided; 83267

(B) The forms and documents that are to be provided to the 83268

department under sections 5124.511 and 5124.512 of the Revised Code, which shall include, in the case of such forms and documents provided by entering operators, all the fully executed leases, management agreements, merger agreements and supporting documents, and fully executed sales contracts and any other supporting documents culminating in the change of operator; 83269  
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(C) The method by which the forms and documents identified in division (B) of this section are to be provided to the department. 83275  
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~~Sec. 5111.874 5124.60. (A) As used in sections 5111.874 to 5111.8710 of the Revised Code:~~ 83277  
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~~"Home and community based services" has the same meaning as in section 5123.01 of the Revised Code.~~ 83279  
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~~"ICF/MR services" means intermediate care facility for the mentally retarded services covered by the medicaid program that an intermediate care facility for the mentally retarded provides to a resident of the facility who is a medicaid recipient eligible for medicaid covered intermediate care facility for the mentally retarded services.~~ 83281  
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~~"Intermediate care facility for the mentally retarded" means an intermediate care facility for the mentally retarded that is certified as in compliance with applicable standards for the medicaid program by the director of health in accordance with Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended, and licensed as a residential facility under section 5123.19 of the Revised Code.~~ 83287  
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~~"Residential facility" has the same meaning as in section 5123.19 of the Revised Code.~~ 83294  
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~~(B) For the purpose of increasing the number of slots available for home and community-based services and subject to sections 5111.877 5124.63 and 5111.878 5124.64 of the Revised~~ 83296  
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Code, the operator of an ~~intermediate care facility for the~~ 83299  
~~mentally retarded~~ ICF/MR may convert some or all of the beds in 83300  
the ~~facility~~ ICF/MR from providing ICF/MR services to providing 83301  
home and community-based services if all of the following 83302  
requirements are met: 83303

(1) The operator provides the directors of health and 83304  
developmental disabilities at least ninety days' notice of the 83305  
operator's intent to make the conversion. 83306

(2) The operator complies with the requirements of sections 83307  
~~5111.65~~ 5124.50 to ~~5111.689~~ 5124.53 of the Revised Code regarding 83308  
a voluntary termination ~~as defined in section 5111.65 of the~~ 83309  
~~Revised Code~~ if those requirements are applicable. 83310

(3) If the operator intends to convert all of the ~~facility's~~ 83311  
ICF/MR's beds, the operator notifies each of the ~~facility's~~ 83312  
ICF/MR's residents that the ~~facility~~ ICF/MR is to cease providing 83313  
ICF/MR services and inform each resident that the resident may do 83314  
either of the following: 83315

(a) Continue to receive ICF/MR services by transferring to 83316  
another ~~facility~~ ICF/MR that is an ~~intermediate care facility for~~ 83317  
~~the mentally retarded~~ willing and able to accept the resident if 83318  
the resident continues to qualify for ICF/MR services; 83319

(b) Begin to receive home and community-based services 83320  
instead of ICF/MR services from any provider of home and 83321  
community-based services that is willing and able to provide the 83322  
services to the resident if the resident is eligible for the 83323  
services and a slot for the services is available to the resident. 83324

(4) If the operator intends to convert some but not all of 83325  
the ~~facility's~~ ICF/MR's beds, the operator notifies each of the 83326  
~~facility's~~ ICF/MR's residents that the ~~facility~~ ICF/MR is to 83327  
convert some of its beds from providing ICF/MR services to 83328  
providing home and community-based services and inform each 83329

resident that the resident may do either of the following: 83330

(a) Continue to receive ICF/MR services from any ~~provider of~~ 83331  
~~services~~ ICF/MR that is willing and able to provide the services 83332  
to the resident if the resident continues to qualify for ICF/MR 83333  
services; 83334

(b) Begin to receive home and community-based services 83335  
instead of ICF/MR services from any provider of home and 83336  
community-based services that is willing and able to provide the 83337  
services to the resident if the resident is eligible for the 83338  
services and a slot for the services is available to the resident. 83339

(5) The operator meets the requirements for providing home 83340  
and community-based services, including the following: 83341

(a) Such requirements applicable to a residential facility if 83342  
the operator maintains the facility's license as a residential 83343  
facility; 83344

(b) Such requirements applicable to a facility that is not 83345  
licensed as a residential facility if the operator surrenders the 83346  
facility's license as a residential facility under section 5123.19 83347  
of the Revised Code. 83348

(6) The director of developmental disabilities approves the 83349  
conversion. 83350

~~(C)~~(B) A decision by the director of developmental 83351  
disabilities to approve or refuse to approve a proposed conversion 83352  
of beds is final. In making a decision, the director shall 83353  
consider all of the following: 83354

(1) The fiscal impact on the ~~facility~~ ICF/MR if some but not 83355  
all of the beds are converted; 83356

(2) The fiscal impact on the ~~medical assistance~~ medicaid 83357  
program; 83358

(3) The availability of home and community-based services. 83359



~~(D)~~(C) The notice provided to the directors under division 83360  
~~(B)~~(A)(1) of this section shall specify whether some or all of the 83361  
~~facility's~~ ICF/MR's beds are to be converted. If some but not all 83362  
of the beds are to be converted, the notice shall specify how many 83363  
of the ~~facility's~~ ICF/MR's beds are to be converted and how many 83364  
of the beds are to continue to provide ICF/MR services. The notice 83365  
to the director of developmental disabilities shall specify 83366  
whether the operator wishes to surrender the ~~facility's~~ ICF/MR's 83367  
license as a residential facility under section 5123.19 of the 83368  
Revised Code. 83369

~~(E)~~(D)(1) If the director of developmental disabilities 83370  
approves a conversion under division ~~(C)~~(B) of this section, the 83371  
director of health shall do the following: 83372

(a) Terminate the ICF/MR's medicaid certification ~~of the~~ 83373  
~~intermediate care facility for the mentally retarded~~ if the notice 83374  
specifies that all of the ~~facility's~~ ICF/MR's beds are to be 83375  
converted; 83376

(b) Reduce the ~~facility's certified~~ ICF/MR's 83377  
medicaid-certified capacity by the number of beds being converted 83378  
if the notice specifies that some but not all of the beds are to 83379  
be converted. 83380

(2) The director of health shall notify the medicaid director 83381  
~~of job and family services~~ of the termination or reduction. On 83382  
receipt of the ~~director of health's~~ notice, the medicaid director 83383  
~~of job and family services~~ shall do the following: 83384

(a) Terminate the operator's medicaid provider agreement that 83385  
authorizes the operator to provide ICF/MR services at the ~~facility~~ 83386  
ICF/MR if the ~~facility's~~ ICF/MR's certification was terminated; 83387  
83388

(b) Amend the operator's medicaid provider agreement to 83389  
reflect the ~~facility's~~ ICF/MR's reduced ~~certified~~ 83390

~~medicaid-certified~~ capacity if the ~~facility's certified ICF/MR's~~ 83391  
~~medicaid-certified~~ capacity is reduced. 83392

(3) In the case of action taken under division ~~(E)(D)(2)(a)~~ 83393  
of this section, the operator is not entitled to notice or a 83394  
hearing under Chapter 119. of the Revised Code before the medicaid 83395  
~~director of job and family services~~ terminates the medicaid 83396  
provider agreement. 83397

**Sec. ~~5111.875~~ 5124.61.** (A) For the purpose of increasing the 83398  
number of slots available for home and community-based services 83399  
and subject to sections ~~5111.877~~ 5124.63 and ~~5111.878~~ 5124.64 of 83400  
the Revised Code, a person who acquires, through a request for 83401  
proposals issued by the director of developmental disabilities, a 83402  
~~residential facility that is an intermediate care facility for the~~ 83403  
~~mentally retarded and an ICF/MR~~ for which a residential 83404  
facility license ~~as a residential facility~~ was previously 83405  
surrendered or revoked may convert some or all of the ~~facility's~~ 83406  
ICF/MR's beds from providing ICF/MR services to providing home and 83407  
community-based services if all of the following requirements are 83408  
met: 83409

(1) The person provides the directors of health, ~~job and~~ 83410  
~~family services,~~ and developmental disabilities and medicaid 83411  
director at least ninety days' notice of the person's intent to 83412  
make the conversion. 83413

(2) The person complies with the requirements of sections 83414  
~~5111.65~~ 5124.50 to ~~5111.689~~ 5124.53 of the Revised Code regarding 83415  
a voluntary termination ~~as defined in section 5111.65 of the~~ 83416  
~~Revised Code~~ if those requirements are applicable. 83417

(3) If the person intends to convert all of the ~~facility's~~ 83418  
ICF/MR's beds, the person notifies each of the ~~facility's ICF/MR's~~ 83419  
residents that the ~~facility~~ ICF/MR is to cease providing ICF/MR 83420  
services and informs each resident that the resident may do either 83421

of the following: 83422

(a) Continue to receive ICF/MR services by transferring to 83423  
another ~~facility that is an intermediate care facility for the~~ 83424  
~~mentally retarded~~ ICF/MR willing and able to accept the resident 83425  
if the resident continues to qualify for ICF/MR services; 83426

(b) Begin to receive home and community-based services 83427  
instead of ICF/MR services from any provider of home and 83428  
community-based services that is willing and able to provide the 83429  
services to the resident if the resident is eligible for the 83430  
services and a slot for the services is available to the resident. 83431

(4) If the person intends to convert some but not all of the 83432  
~~facility's~~ ICF/MR's beds, the person notifies each of the 83433  
~~facility's~~ ICF/MR's residents that the ~~facility~~ ICF/MR is to 83434  
convert some of its beds from providing ICF/MR services to 83435  
providing home and community-based services and inform each 83436  
resident that the resident may do either of the following: 83437

(a) Continue to receive ICF/MR services from any ~~provider of~~ 83438  
~~ICF/MR services~~ that is willing and able to provide the services 83439  
to the resident if the resident continues to qualify for ICF/MR 83440  
services; 83441

(b) Begin to receive home and community-based services 83442  
instead of ICF/MR services from any provider of home and 83443  
community-based services that is willing and able to provide the 83444  
services to the resident if the resident is eligible for the 83445  
services and a slot for the services is available to the resident. 83446

(5) The person meets the requirements for providing home and 83447  
community-based services at a residential facility. 83448

(B) The notice provided to the directors under division 83449  
(A)(1) of this section shall specify whether some or all of the 83450  
~~facility's~~ ICF/MR's beds are to be converted. If some but not all 83451  
of the beds are to be converted, the notice shall specify how many 83452

of the ~~facility's~~ ICF/MR's beds are to be converted and how many 83453  
of the beds are to continue to provide ICF/MR services. 83454

(C) On receipt of a notice under division (A)(1) of this 83455  
section, the director of health shall do the following: 83456

(1) Terminate the ICF/MR's medicaid certification ~~of the~~ 83457  
~~intermediate care facility for the mentally retarded~~ if the notice 83458  
specifies that all of the facility's beds are to be converted; 83459

(2) Reduce the ~~facility's certified~~ ICF/MR's 83460  
medicaid-certified capacity by the number of beds being converted 83461  
if the notice specifies that some but not all of the beds are to 83462  
be converted. 83463

(D) The director of health shall notify the medicaid director 83464  
~~of job and family services~~ of the termination or reduction under 83465  
division (C) of this section. On receipt of the director of 83466  
health's notice, the medicaid director ~~of job and family services~~ 83467  
shall do the following: 83468

(1) Terminate the person's medicaid provider agreement that 83469  
authorizes the person to provide ICF/MR services at the ~~facility~~ 83470  
ICF/MR if the ~~facility's~~ ICF/MR's medicaid certification was 83471  
terminated; 83472

(2) Amend the person's medicaid provider agreement to reflect 83473  
the ~~facility's~~ ICF/MR's reduced ~~certified~~ medicaid-certified 83474  
capacity if the ~~facility's certified~~ ICF/MR's medicaid-certified 83475  
capacity is reduced. 83476

The person is not entitled to notice or a hearing under 83477  
Chapter 119. of the Revised Code before the medicaid director ~~of~~ 83478  
~~job and family services~~ terminates or amends the medicaid provider 83479  
agreement. 83480

**Sec. ~~5111.876~~ 5124.62.** Subject to section ~~5111.877~~ 5124.63 of 83481  
the Revised Code, the director of developmental disabilities may 83482

request that the medicaid director ~~of job and family services~~ seek 83483  
the approval of the United States secretary of health and human 83484  
services to increase the number of slots available for home and 83485  
community-based services by a number not exceeding the number of 83486  
beds that were part of the licensed capacity of a residential 83487  
facility that had its license revoked or surrendered under section 83488  
5123.19 of the Revised Code if the residential facility was an 83489  
~~intermediate care facility for the mentally retarded~~ ICF/MR at the 83490  
time of the license revocation or surrender. The revocation or 83491  
surrender may have occurred before, or may occur on or after, June 83492  
24, 2008. The request may include beds the director of 83493  
developmental disabilities removed from such a residential 83494  
facility's licensed capacity before transferring ownership or 83495  
operation of the residential facility pursuant to a request for 83496  
proposals. 83497

**Sec. ~~5111.877~~ 5124.63.** The medicaid director ~~of job and~~ 83498  
~~family services~~ may seek approval from the United States secretary 83499  
of health and human services for not more than a total of five 83500  
hundred slots for home and community-based services for the 83501  
purposes of sections ~~5111.874~~ 5124.60, ~~5111.875~~ 5124.61, and 83502  
~~5111.876~~ 5124.62 of the Revised Code. 83503

**Sec. ~~5111.878~~ 5124.64.** Not more than a total of five hundred 83504  
beds may be converted from providing ICF/MR services to providing 83505  
home and community-based services under sections ~~5111.874~~ 5124.60 83506  
and ~~5111.875~~ 5124.61 of the Revised Code. 83507

**Sec. ~~5111.879~~ 5124.65.** No person or government entity may 83508  
reconvert a bed to be used for ICF/MR services if the bed was 83509  
converted to use for home and community-based services under 83510  
section ~~5111.874~~ 5124.60 or ~~5111.875~~ 5124.61 of the Revised Code. 83511  
This prohibition applies regardless of either of the following: 83512

(A) The bed is part of the licensed capacity of a residential facility. 83513  
83514

(B) The bed has been sold, leased, or otherwise transferred to another person or government entity. 83515  
83516

**Sec. 5124.99.** Whoever violates section 5124.102 or division 83517  
(E) of section 5124.08 of the Revised Code shall be fined not less 83518  
than five hundred dollars nor more than one thousand dollars for 83519  
the first offense and not less than one thousand dollars nor more 83520  
than five thousand dollars for each subsequent offense. 83521

Fines paid under this section shall be deposited in the state 83522  
treasury to the credit of the general revenue fund. 83523

**Sec. 5126.01.** As used in this chapter: 83524

(A) As used in this division, "adult" means an individual who 83525  
is eighteen years of age or over and not enrolled in a program or 83526  
service under Chapter 3323. of the Revised Code and an individual 83527  
sixteen or seventeen years of age who is eligible for adult 83528  
services under rules adopted by the director of developmental 83529  
disabilities pursuant to Chapter 119. of the Revised Code. 83530

(1) "Adult services" means services provided to an adult 83531  
outside the home, except when they are provided within the home 83532  
according to an individual's assessed needs and identified in an 83533  
individual service plan, that support learning and assistance in 83534  
the area of self-care, sensory and motor development, 83535  
socialization, daily living skills, communication, community 83536  
living, social skills, or vocational skills. 83537

(2) "Adult services" includes all of the following: 83538

(a) Adult day habilitation services; 83539

(b) Adult day care; 83540

(c) Prevocational services; 83541

(d) Sheltered employment;	83542
(e) Educational experiences and training obtained through entities and activities that are not expressly intended for individuals with mental retardation and developmental disabilities, including trade schools, vocational or technical schools, adult education, job exploration and sampling, unpaid work experience in the community, volunteer activities, and spectator sports;	83543 83544 83545 83546 83547 83548 83549
(f) Community employment services and supported employment services.	83550 83551
(B)(1) "Adult day habilitation services" means adult services that do the following:	83552 83553
(a) Provide access to and participation in typical activities and functions of community life that are desired and chosen by the general population, including such activities and functions as opportunities to experience and participate in community exploration, companionship with friends and peers, leisure activities, hobbies, maintaining family contacts, community events, and activities where individuals without disabilities are involved;	83554 83555 83556 83557 83558 83559 83560 83561
(b) Provide supports or a combination of training and supports that afford an individual a wide variety of opportunities to facilitate and build relationships and social supports in the community.	83562 83563 83564 83565
(2) "Adult day habilitation services" includes all of the following:	83566 83567
(a) Personal care services needed to ensure an individual's ability to experience and participate in vocational services, educational services, community activities, and any other adult day habilitation services;	83568 83569 83570 83571

(b) Skilled services provided while receiving adult day habilitation services, including such skilled services as behavior management intervention, occupational therapy, speech and language therapy, physical therapy, and nursing services; 83572  
83573  
83574  
83575

(c) Training and education in self-determination designed to help the individual do one or more of the following: develop self-advocacy skills, exercise the individual's civil rights, acquire skills that enable the individual to exercise control and responsibility over the services received, and acquire skills that enable the individual to become more independent, integrated, or productive in the community; 83576  
83577  
83578  
83579  
83580  
83581  
83582

(d) Recreational and leisure activities identified in the individual's service plan as therapeutic in nature or assistive in developing or maintaining social supports; 83583  
83584  
83585

(e) Counseling and assistance provided to obtain housing, including such counseling as identifying options for either rental or purchase, identifying financial resources, assessing needs for environmental modifications, locating housing, and planning for ongoing management and maintenance of the housing selected; 83586  
83587  
83588  
83589  
83590

(f) Transportation necessary to access adult day habilitation services; 83591  
83592

(g) Habilitation management, as described in section 5126.14 of the Revised Code. 83593  
83594

(3) "Adult day habilitation services" does not include activities that are components of the provision of residential services, family support services, or supported living services. 83595  
83596  
83597

(C) "Appointing authority" means the following: 83598

(1) In the case of a member of a county board of developmental disabilities appointed by, or to be appointed by, a board of county commissioners, the board of county commissioners; 83599  
83600  
83601



(2) In the case of a member of a county board appointed by, 83602  
or to be appointed by, a senior probate judge, the senior probate 83603  
judge. 83604

(D) "Community employment," "competitive employment," and 83605  
"integrated setting" have the same meanings as in section 5123.022 83606  
of the Revised Code. 83607

(E) "Community employment services" or "supported employment 83608  
services" means job training and other services related to 83609  
employment outside a sheltered workshop. "Community employment 83610  
services" or "supported employment services" include all of the 83611  
following: 83612

(1) Job training resulting in the attainment of ~~competitive~~ 83613  
~~work~~ community employment, supported work in a typical work 83614  
environment, or self-employment; 83615

(2) Supervised work experience through an employer paid to 83616  
provide the supervised work experience; 83617

(3) Ongoing ~~work in a competitive work environment at a wage~~ 83618  
~~commensurate with workers without disabilities~~ community 83619  
employment; 83620

(4) Ongoing supervision by an employer paid to provide the 83621  
supervision. 83622

~~(E)~~(F) As used in this division, "substantial functional 83623  
limitation," "developmental delay," and "established risk" have 83624  
the meanings established pursuant to section 5123.011 of the 83625  
Revised Code. 83626

"Developmental disability" means a severe, chronic disability 83627  
that is characterized by all of the following: 83628

(1) It is attributable to a mental or physical impairment or 83629  
a combination of mental and physical impairments, other than a 83630  
mental or physical impairment solely caused by mental illness as 83631

defined in division (A) of section 5122.01 of the Revised Code; 83632

(2) It is manifested before age twenty-two; 83633

(3) It is likely to continue indefinitely; 83634

(4) It results in one of the following: 83635

(a) In the case of a person under age three, at least one 83636  
developmental delay or an established risk; 83637

(b) In the case of a person at least age three but under age 83638  
six, at least two developmental delays or an established risk; 83639

(c) In the case of a person age six or older, a substantial 83640  
functional limitation in at least three of the following areas of 83641  
major life activity, as appropriate for the person's age: 83642  
self-care, receptive and expressive language, learning, mobility, 83643  
self-direction, capacity for independent living, and, if the 83644  
person is at least age sixteen, capacity for economic 83645  
self-sufficiency. 83646

(5) It causes the person to need a combination and sequence 83647  
of special, interdisciplinary, or other type of care, treatment, 83648  
or provision of services for an extended period of time that is 83649  
individually planned and coordinated for the person. 83650

~~(F)~~(G) "Early childhood services" means a planned program of 83651  
habilitation designed to meet the needs of individuals with mental 83652  
retardation or other developmental disabilities who have not 83653  
attained compulsory school age. 83654

~~(G)~~(H)(1) "Environmental modifications" means the physical 83655  
adaptations to an individual's home, specified in the individual's 83656  
service plan, that are necessary to ensure the individual's 83657  
health, safety, and welfare or that enable the individual to 83658  
function with greater independence in the home, and without which 83659  
the individual would require institutionalization. 83660

(2) "Environmental modifications" includes such adaptations 83661

as installation of ramps and grab-bars, widening of doorways, 83662  
modification of bathroom facilities, and installation of 83663  
specialized electric and plumbing systems necessary to accommodate 83664  
the individual's medical equipment and supplies. 83665

(3) "Environmental modifications" does not include physical 83666  
adaptations or improvements to the home that are of general 83667  
utility or not of direct medical or remedial benefit to the 83668  
individual, including such adaptations or improvements as 83669  
carpeting, roof repair, and central air conditioning. 83670

~~(H)~~(I) "Family support services" means the services provided 83671  
under a family support services program operated under section 83672  
5126.11 of the Revised Code. 83673

~~(I)~~(J) "Habilitation" means the process by which the staff of 83674  
the facility or agency assists an individual with mental 83675  
retardation or other developmental disability in acquiring and 83676  
maintaining those life skills that enable the individual to cope 83677  
more effectively with the demands of the individual's own person 83678  
and environment, and in raising the level of the individual's 83679  
personal, physical, mental, social, and vocational efficiency. 83680  
Habilitation includes, but is not limited to, programs of formal, 83681  
structured education and training. 83682

~~(J)~~(K) "Home and community-based services" ~~means~~ 83683  
~~medicaid funded home and community based services specified in~~ 83684  
~~division (B)(1) of section 5111.87 of the Revised Code and~~ 83685  
~~provided under the medicaid waiver components the department of~~ 83686  
~~developmental disabilities administers pursuant to~~ has the same 83687  
meaning as in section ~~5111.87~~ 5123.01 of the Revised Code. 83688  
~~However, home and community based services provided under the~~ 83689  
~~medicaid waiver component known as the transitions developmental~~ 83690  
~~disabilities waiver are to be considered to be home and~~ 83691  
~~community based services for the purposes of this chapter only to~~ 83692  
~~the extent, if any, provided by the contract required by section~~ 83693

~~5111.871 of the Revised Code regarding the waiver.~~ 83694

~~(K)(L) "ICF/MR" has the same meaning as in section 5124.01 of~~ 83695  
~~the Revised Code.~~ 83696

(M) "Immediate family" means parents, grandparents, brothers, 83697  
sisters, spouses, sons, daughters, aunts, uncles, mothers-in-law, 83698  
fathers-in-law, brothers-in-law, sisters-in-law, sons-in-law, and 83699  
daughters-in-law. 83700

~~(L) "Medicaid" has the same meaning as in section 5111.01 of~~ 83701  
~~the Revised Code.~~ 83702

~~(M)(N)~~ (N) "Medicaid case management services" means case 83703  
management services provided to an individual with mental 83704  
retardation or other developmental disability that the state 83705  
medicaid plan requires. 83706

~~(N)(O)~~ (O) "Mental retardation" means a mental impairment 83707  
manifested during the developmental period characterized by 83708  
significantly subaverage general intellectual functioning existing 83709  
concurrently with deficiencies in the effectiveness or degree with 83710  
which an individual meets the standards of personal independence 83711  
and social responsibility expected of the individual's age and 83712  
cultural group. 83713

~~(O)(P)~~ (P) "Residential services" means services to individuals 83714  
with mental retardation or other developmental disabilities to 83715  
provide housing, food, clothing, habilitation, staff support, and 83716  
related support services necessary for the health, safety, and 83717  
welfare of the individuals and the advancement of their quality of 83718  
life. "Residential services" includes program management, as 83719  
described in section 5126.14 of the Revised Code. 83720

~~(P)(Q)~~ (Q) "Resources" means available capital and other assets, 83721  
including moneys received from the federal, state, and local 83722  
governments, private grants, and donations; appropriately 83723  
qualified personnel; and appropriate capital facilities and 83724

equipment. 83725

~~(Q)~~(R) "Senior probate judge" means the current probate judge 83726  
of a county who has served as probate judge of that county longer 83727  
than any of the other current probate judges of that county. If a 83728  
county has only one probate judge, "senior probate judge" means 83729  
that probate judge. 83730

~~(R)~~(S) "Service and support administration" means the duties 83731  
performed by a service and support administrator pursuant to 83732  
section 5126.15 of the Revised Code. 83733

~~(S)~~(T)(1) "Specialized medical, adaptive, and assistive 83734  
equipment, supplies, and supports" means equipment, supplies, and 83735  
supports that enable an individual to increase the ability to 83736  
perform activities of daily living or to perceive, control, or 83737  
communicate within the environment. 83738

(2) "Specialized medical, adaptive, and assistive equipment, 83739  
supplies, and supports" includes the following: 83740

(a) Eating utensils, adaptive feeding dishes, plate guards, 83741  
mylatex straps, hand splints, reaches, feeder seats, adjustable 83742  
pointer sticks, interpreter services, telecommunication devices 83743  
for the deaf, computerized communications boards, other 83744  
communication devices, support animals, veterinary care for 83745  
support animals, adaptive beds, supine boards, prone boards, 83746  
wedges, sand bags, sidelayers, bolsters, adaptive electrical 83747  
switches, hand-held shower heads, air conditioners, humidifiers, 83748  
emergency response systems, folding shopping carts, vehicle lifts, 83749  
vehicle hand controls, other adaptations of vehicles for 83750  
accessibility, and repair of the equipment received. 83751

(b) Nondisposable items not covered by medicaid that are 83752  
intended to assist an individual in activities of daily living or 83753  
instrumental activities of daily living. 83754

~~(T)~~(U) "Supportive home services" means a range of services 83755

to families of individuals with mental retardation or other 83756  
developmental disabilities to develop and maintain increased 83757  
acceptance and understanding of such persons, increased ability of 83758  
family members to teach the person, better coordination between 83759  
school and home, skills in performing specific therapeutic and 83760  
management techniques, and ability to cope with specific 83761  
situations. 83762

~~(U)~~(V)(1) "Supported living" means services provided for as 83763  
long as twenty-four hours a day to an individual with mental 83764  
retardation or other developmental disability through any public 83765  
or private resources, including moneys from the individual, that 83766  
enhance the individual's reputation in community life and advance 83767  
the individual's quality of life by doing the following: 83768

(a) Providing the support necessary to enable an individual 83769  
to live in a residence of the individual's choice, with any number 83770  
of individuals who are not disabled, or with not more than three 83771  
individuals with mental retardation and developmental disabilities 83772  
unless the individuals are related by blood or marriage; 83773

(b) Encouraging the individual's participation in the 83774  
community; 83775

(c) Promoting the individual's rights and autonomy; 83776

(d) Assisting the individual in acquiring, retaining, and 83777  
improving the skills and competence necessary to live successfully 83778  
in the individual's residence. 83779

(2) "Supported living" includes the provision of all of the 83780  
following: 83781

(a) Housing, food, clothing, habilitation, staff support, 83782  
professional services, and any related support services necessary 83783  
to ensure the health, safety, and welfare of the individual 83784  
receiving the services; 83785

(b) A combination of lifelong or extended-duration supervision, training, and other services essential to daily living, including assessment and evaluation and assistance with the cost of training materials, transportation, fees, and supplies;

(c) Personal care services and homemaker services;

(d) Household maintenance that does not include modifications to the physical structure of the residence;

(e) Respite care services;

(f) Program management, as described in section 5126.14 of the Revised Code.

**Sec. 5126.026.** Except as otherwise provided in this section and section 5126.0218 of the Revised Code, a member of a county board of developmental disabilities may be reappointed to the county board. Prior to making a reappointment, the appointing authority shall ascertain, through written communication with the board, that the member being considered for reappointment meets the requirements of sections 5126.022 and 5126.0218 of the Revised Code.

A member who has served during each of three consecutive terms shall not be reappointed for a subsequent term until two years after ceasing to be a member of the county board, except that a member who has served for ten years or less within three consecutive terms may be reappointed for a subsequent term before becoming ineligible for reappointment for two years.

If, however, a county board experiences extenuating circumstances that would severely restrict the board from being able to fill a pending vacancy of a board member who will become ineligible for service on the board after serving three consecutive terms, the appointing authority may request a waiver

from the director of developmental disabilities to allow that 83816  
member to serve an additional four-year term subsequent to serving 83817  
three consecutive four-year terms. The director shall determine if 83818  
the extenuating circumstances associated with the board warrant 83819  
the granting of such a waiver. 83820

**Sec. 5126.05.** (A) Subject to the rules established by the 83821  
director of developmental disabilities pursuant to Chapter 119. of 83822  
the Revised Code for programs and services offered pursuant to 83823  
this chapter, and subject to the rules established by the state 83824  
board of education pursuant to Chapter 119. of the Revised Code 83825  
for programs and services offered pursuant to Chapter 3323. of the 83826  
Revised Code, the county board of developmental disabilities 83827  
shall: 83828

(1) Administer and operate facilities, programs, and services 83829  
as provided by this chapter and Chapter 3323. of the Revised Code 83830  
and establish policies for their administration and operation; 83831

(2) Coordinate, monitor, and evaluate existing services and 83832  
facilities available to individuals with mental retardation and 83833  
developmental disabilities; 83834

(3) Provide early childhood services, supportive home 83835  
services, and adult services, according to the plan and priorities 83836  
developed under section 5126.04 of the Revised Code; 83837

(4) Provide or contract for special education services 83838  
pursuant to Chapters 3317. and 3323. of the Revised Code and 83839  
ensure that related services, as defined in section 3323.01 of the 83840  
Revised Code, are available according to the plan and priorities 83841  
developed under section 5126.04 of the Revised Code; 83842

(5) Adopt a budget, authorize expenditures for the purposes 83843  
specified in this chapter and do so in accordance with section 83844  
319.16 of the Revised Code, approve attendance of board members 83845



and employees at professional meetings and approve expenditures 83846  
for attendance, and exercise such powers and duties as are 83847  
prescribed by the director; 83848

(6) Submit annual reports of its work and expenditures, 83849  
pursuant to sections 3323.09 and 5126.12 of the Revised Code, to 83850  
the director, the superintendent of public instruction, and the 83851  
board of county commissioners at the close of the fiscal year and 83852  
at such other times as may reasonably be requested; 83853

(7) Authorize all positions of employment, establish 83854  
compensation, including but not limited to salary schedules and 83855  
fringe benefits for all board employees, approve contracts of 83856  
employment for management employees that are for a term of more 83857  
than one year, employ legal counsel under section 309.10 of the 83858  
Revised Code, and contract for employee benefits; 83859

(8) Provide service and support administration in accordance 83860  
with section 5126.15 of the Revised Code; 83861

(9) Certify respite care homes pursuant to rules adopted 83862  
under section 5123.171 of the Revised Code by the director of 83863  
developmental disabilities; 83864

(10) Implement an employment first policy that clearly 83865  
identifies community employment as the desired outcome for every 83866  
individual of working age who receives services from the board; 83867

(11) Set benchmarks for improving community employment 83868  
outcomes; 83869

(12) Establish a list of services, from least to most 83870  
integrated, that improve community employment outcomes. 83871

(B) To the extent that rules adopted under this section apply 83872  
to the identification and placement of children with disabilities 83873  
under Chapter 3323. of the Revised Code, they shall be consistent 83874  
with the standards and procedures established under sections 83875

3323.03 to 3323.05 of the Revised Code. 83876

(C) Any county board may enter into contracts with other such 83877  
boards and with public or private, nonprofit, or profit-making 83878  
agencies or organizations of the same or another county, to 83879  
provide the facilities, programs, and services authorized or 83880  
required, upon such terms as may be agreeable, and in accordance 83881  
with this chapter and Chapter 3323. of the Revised Code and rules 83882  
adopted thereunder and in accordance with sections 307.86 and 83883  
5126.071 of the Revised Code. 83884

(D) A county board may combine transportation for children 83885  
and adults enrolled in programs and services offered under Chapter 83886  
5126. of the Revised Code with transportation for children 83887  
enrolled in classes funded under ~~section~~ sections 3317.0213 and 83888  
3317.20 ~~or units approved under section 3317.05~~ of the Revised 83889  
Code. 83890

(E) A county board may purchase all necessary insurance 83891  
policies, may purchase equipment and supplies through the 83892  
department of administrative services or from other sources, and 83893  
may enter into agreements with public agencies or nonprofit 83894  
organizations for cooperative purchasing arrangements. 83895

(F) A county board may receive by gift, grant, devise, or 83896  
bequest any moneys, lands, or property for the benefit of the 83897  
purposes for which the board is established and hold, apply, and 83898  
dispose of the moneys, lands, and property according to the terms 83899  
of the gift, grant, devise, or bequest. All money received by 83900  
gift, grant, bequest, or disposition of lands or property received 83901  
by gift, grant, devise, or bequest shall be deposited in the 83902  
county treasury to the credit of such board and shall be available 83903  
for use by the board for purposes determined or stated by the 83904  
donor or grantor, but may not be used for personal expenses of the 83905  
board members. Any interest or earnings accruing from such gift, 83906  
grant, devise, or bequest shall be treated in the same manner and 83907

subject to the same provisions as such gift, grant, devise, or 83908  
bequest. 83909

(G) The board of county commissioners shall levy taxes and 83910  
make appropriations sufficient to enable the county board of 83911  
developmental disabilities to perform its functions and duties, 83912  
and may utilize any available local, state, and federal funds for 83913  
such purpose. 83914

**Sec. 5126.051.** (A) To the extent that resources are 83915  
available, a county board of developmental disabilities shall 83916  
provide for or arrange residential services and supported living 83917  
for individuals with mental retardation and developmental 83918  
disabilities. 83919

A county board may acquire, convey, lease, or sell property 83920  
for residential services and supported living and enter into loan 83921  
agreements, including mortgages, for the acquisition of such 83922  
property. A county board is not required to comply with provisions 83923  
of Chapter 307. of the Revised Code providing for competitive 83924  
bidding or sheriff sales in the acquisition, lease, conveyance, or 83925  
sale of property under this division, but the acquisition, lease, 83926  
conveyance, or sale must be at fair market value determined by 83927  
appraisal of one or more disinterested persons appointed by the 83928  
board. 83929

Any action taken by a county board under this division that 83930  
will incur debt on the part of the county shall be taken in 83931  
accordance with Chapter 133. of the Revised Code. A county board 83932  
shall not incur any debt on the part of the county without the 83933  
prior approval of the board of county commissioners. 83934

(B)(1) To the extent that resources are available, ~~in~~ 83935  
~~addition to sheltered employment and work activities provided as a~~ 83936  
county board shall provide or arrange for the provision of adult 83937  
services pursuant to division (A)(3) of section 5126.05 of the 83938

Revised Code, ~~a county board of developmental disabilities may~~ 83939  
~~provide or arrange for~~ including job training, vocational 83940  
evaluation, and community employment services to ~~mentally retarded~~ 83941  
~~and developmentally disabled~~ individuals who are age eighteen and 83942  
older and not enrolled in a program or service under Chapter 3323. 83943  
of the Revised Code or age sixteen or seventeen and eligible for 83944  
adult services under rules adopted by the director of 83945  
developmental disabilities under Chapter 119. of the Revised Code. 83946  
These services shall be provided in accordance with the 83947  
individual's individual service or habilitation plan and shall 83948  
include support services specified in the plan. 83949

(2) A county board may, in cooperation with the ~~Ohio~~ 83950  
rehabilitation services commission, seek federal funds for job 83951  
training and community employment services. 83952

(3) A county board may contract with any agency, board, or 83953  
other entity that is accredited by the commission on accreditation 83954  
of rehabilitation facilities to provide services. A county board 83955  
that is accredited by the commission on accreditation of 83956  
rehabilitation facilities may provide services for which it is 83957  
certified by the commission. 83958

(C) To the extent that resources are available, a county 83959  
board may provide services to an individual with mental 83960  
retardation or other developmental disability in addition to those 83961  
provided pursuant to this section, section 5126.05 of the Revised 83962  
Code, or any other section of this chapter. The services shall be 83963  
provided in accordance with the individual's habilitation or 83964  
service plan and may be provided in collaboration with other 83965  
entities of state or local government. 83966

**Sec. 5126.054.** (A) Each county board of developmental 83967  
disabilities shall, by resolution, develop a three-calendar year 83968  
plan that includes the following three components: 83969

- (1) An assessment component that includes all of the following: 83970  
83971
- (a) The number of individuals with mental retardation or other developmental disability residing in the county who need the level of care provided by an ~~intermediate care facility for the mentally retarded~~ ICF/MR, may seek home and community-based services, and are given priority on a waiting list established for the services pursuant to section 5126.042 of the Revised Code; the service needs of those individuals; and the projected annualized cost for services; 83972  
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83979
- (b) The source of funds available to the county board to pay the nonfederal share of medicaid expenditures that the county board is required by sections 5126.059 and 5126.0510 of the Revised Code to pay; 83980  
83981  
83982  
83983
- (c) Any other applicable information or conditions that the department of developmental disabilities requires as a condition of approving the component under section 5123.046 of the Revised Code. 83984  
83985  
83986  
83987
- (2) A preliminary implementation component that specifies the number of individuals to be provided, during the first year that the plan is in effect, home and community-based services pursuant to the waiting list priority given to them under section 5126.042 of the Revised Code and the types of home and community-based services the individuals are to receive; 83988  
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83993
- (3) A component that provides for the implementation of medicaid case management services and home and community-based services for individuals who begin to receive the services on or after the date the plan is approved under section 5123.046 of the Revised Code. A county board shall include all of the following in the component: 83994  
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83996  
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83999
- (a) If the department of developmental disabilities or 84000

department of ~~job and family services~~ medicaid requires, an 84001  
agreement to pay the nonfederal share of medicaid expenditures 84002  
that the county board is required by sections 5126.059 and 84003  
5126.0510 of the Revised Code to pay; 84004

(b) How the services are to be phased in over the period the 84005  
plan covers, including how the county board will serve individuals 84006  
who have priority on a waiting list established under section 84007  
5126.042 of the Revised Code; 84008

(c) Any agreement or commitment regarding the county board's 84009  
funding of home and community-based services that the county board 84010  
has with the department at the time the county board develops the 84011  
component; 84012

(d) Assurances adequate to the department that the county 84013  
board will comply with all of the following requirements: 84014

(i) To provide the types of home and community-based services 84015  
specified in the preliminary implementation component required by 84016  
division (A)(2) of this section to at least the number of 84017  
individuals specified in that component; 84018

(ii) To use any additional funds the county board receives 84019  
for the services to improve the county board's resource 84020  
capabilities for supporting such services available in the county 84021  
at the time the component is developed and to expand the services 84022  
to accommodate the unmet need for those services in the county; 84023

(iii) To employ or contract with a business manager or enter 84024  
into an agreement with another county board of developmental 84025  
disabilities that employs or contracts with a business manager to 84026  
have the business manager serve both county boards. No 84027  
superintendent of a county board may serve as the county board's 84028  
business manager. 84029

(iv) To employ or contract with a medicaid services manager 84030  
or enter into an agreement with another county board of 84031

developmental disabilities that employs or contracts with a 84032  
medicaid services manager to have the medicaid services manager 84033  
serve both county boards. No superintendent of a county board may 84034  
serve as the county board's medicaid services manager. 84035

(e) Programmatic and financial accountability measures and 84036  
projected outcomes expected from the implementation of the plan; 84037

(f) Any other applicable information or conditions that the 84038  
department requires as a condition of approving the component 84039  
under section 5123.046 of the Revised Code. 84040

(B) A county board whose plan developed under division (A) of 84041  
this section is approved by the department under section 5123.046 84042  
of the Revised Code shall update and renew the plan in accordance 84043  
with a schedule the department shall develop. 84044

**Sec. 5126.055.** (A) Except as provided in section 5126.056 of 84045  
the Revised Code, a county board of developmental disabilities has 84046  
medicaid local administrative authority to, and shall, do all of 84047  
the following for an individual with mental retardation or other 84048  
developmental disability who resides in the county that the county 84049  
board serves and seeks or receives home and community-based 84050  
services: 84051

(1) Perform assessments and evaluations of the individual. As 84052  
part of the assessment and evaluation process, the county board 84053  
shall do all of the following: 84054

(a) Make a recommendation to the department of developmental 84055  
disabilities on whether the department should approve or deny the 84056  
individual's application for the services, including on the basis 84057  
of whether the individual needs the level of care an ~~intermediate~~ 84058  
~~care facility for the mentally retarded~~ ICF/MR provides; 84059

(b) If the individual's application is denied because of the 84060  
county board's recommendation and the individual ~~requests a~~ 84061

~~hearing under~~ appeals pursuant to section 5101.35 5160.31 of the 84062  
Revised Code, present, with the department of developmental 84063  
disabilities or department of ~~job and family services~~ medicaid, 84064  
whichever denies the application, the reasons for the 84065  
recommendation and denial at the hearing; 84066

(c) If the individual's application is approved, recommend to 84067  
the departments of developmental disabilities and ~~job and family~~ 84068  
~~services~~ medicaid the services that should be included in the 84069  
individual's individualized service plan and, if either department 84070  
approves, reduces, denies, or terminates a service included in the 84071  
individual's individualized service plan under section ~~5111.871~~ 84072  
5166.20 of the Revised Code because of the county board's 84073  
recommendation, present, with the department that made the 84074  
approval, reduction, denial, or termination, the reasons for the 84075  
recommendation and approval, reduction, denial, or termination at 84076  
a hearing held pursuant to an appeal made under section ~~5101.35~~ 84077  
5160.31 of the Revised Code. 84078

(2) Perform any duties assigned to the county board in rules 84079  
adopted under section 5126.046 of the Revised Code regarding the 84080  
individual's right to choose a qualified and willing provider of 84081  
the services and, at a hearing held pursuant to an appeal made 84082  
under section ~~5101.35 5160.31~~ of the Revised Code, present 84083  
evidence of the process for appropriate assistance in choosing 84084  
providers; 84085

(3) If the county board is certified under section 5123.161 84086  
of the Revised Code to provide the services and agrees to provide 84087  
the services to the individual and the individual chooses the 84088  
county board to provide the services, furnish, in accordance with 84089  
the county board's medicaid provider agreement and for the 84090  
authorized reimbursement rate, the services the individual 84091  
requires; 84092

(4) Monitor the services provided to the individual and 84093



ensure the individual's health, safety, and welfare. The 84094  
monitoring shall include quality assurance activities. If the 84095  
county board provides the services, the department of 84096  
developmental disabilities shall also monitor the services. 84097

(5) Develop, with the individual and the provider of the 84098  
individual's services, an effective individualized service plan 84099  
that includes coordination of services, recommend that the 84100  
departments of developmental disabilities and ~~job and family~~ 84101  
~~services~~ medicaid approve the plan, and implement the plan unless 84102  
either department disapproves it. The individualized service plan 84103  
shall include a summary page, agreed to by the county board, 84104  
provider, and individual receiving services, that clearly outlines 84105  
the amount, duration, and scope of services to be provided under 84106  
the plan. 84107

(6) Have an investigative agent conduct investigations under 84108  
section 5126.313 of the Revised Code that concern the individual; 84109

(7) Have a service and support administrator perform the 84110  
duties under division (B)(9) of section 5126.15 of the Revised 84111  
Code that concern the individual. 84112

(B) A county board shall perform its medicaid local 84113  
administrative authority under this section in accordance with all 84114  
of the following: 84115

(1) The county board's plan that the department of 84116  
developmental disabilities approves under section 5123.046 of the 84117  
Revised Code; 84118

(2) All applicable federal and state laws; 84119

(3) All applicable policies of the departments of 84120  
developmental disabilities and ~~job and family services~~ medicaid 84121  
and the United States department of health and human services; 84122

(4) The department of ~~job and family services'~~ medicaid's 84123

supervision under its authority ~~under section 5111.01 of the~~ 84124  
~~Revised Code to act~~ as the single state medicaid agency; 84125

(5) The department of developmental disabilities' oversight. 84126

(C) The departments of developmental disabilities and ~~job and~~ 84127  
~~family services~~ medicaid shall communicate with and provide 84128  
training to county boards regarding medicaid local administrative 84129  
authority granted by this section. The communication and training 84130  
shall include issues regarding audit protocols and other standards 84131  
established by the United States department of health and human 84132  
services that the departments determine appropriate for 84133  
communication and training. County boards shall participate in the 84134  
training. The departments shall assess the county board's 84135  
compliance against uniform standards that the departments shall 84136  
establish. 84137

(D) A county board may not delegate its medicaid local 84138  
administrative authority granted under this section but may 84139  
contract with a person or government entity, including a council 84140  
of governments, for assistance with its medicaid local 84141  
administrative authority. A county board that enters into such a 84142  
contract shall notify the director of developmental disabilities. 84143  
The notice shall include the tasks and responsibilities that the 84144  
contract gives to the person or government entity. The person or 84145  
government entity shall comply in full with all requirements to 84146  
which the county board is subject regarding the person or 84147  
government entity's tasks and responsibilities under the contract. 84148  
The county board remains ultimately responsible for the tasks and 84149  
responsibilities. 84150

(E) A county board that has medicaid local administrative 84151  
authority under this section shall, through the departments of 84152  
developmental disabilities and ~~job and family services~~ medicaid, 84153  
reply to, and cooperate in arranging compliance with, a program or 84154  
fiscal audit or program violation exception that a state or 84155

federal audit or review discovers. The department of ~~job and family services~~ medicaid shall timely notify the department of developmental disabilities and the county board of any adverse findings. After receiving the notice, the county board, in conjunction with the department of developmental disabilities, shall cooperate fully with the department of ~~job and family services~~ medicaid and timely prepare and send to the department a written plan of correction or response to the adverse findings. The county board is liable for any adverse findings that result from an action it takes or fails to take in its implementation of medicaid local administrative authority.

(F) If the department of developmental disabilities or department of ~~job and family services~~ medicaid determines that a county board's implementation of its medicaid local administrative authority under this section is deficient, the department that makes the determination shall require that county board do the following:

(1) If the deficiency affects the health, safety, or welfare of an individual with mental retardation or other developmental disability, correct the deficiency within twenty-four hours;

(2) If the deficiency does not affect the health, safety, or welfare of an individual with mental retardation or other developmental disability, receive technical assistance from the department or submit a plan of correction to the department that is acceptable to the department within sixty days and correct the deficiency within the time required by the plan of correction.

Sec. 5126.131. (A)(1) Each regional council established under section 5126.13 of the Revised Code shall file with the department of developmental disabilities an annual cost report detailing the regional council's income and expenditures.

(2) Each county board of developmental disabilities shall

file with the department an annual cost report detailing the 84187  
board's income and expenditures. 84188

(B)(1)(a) Unless the department establishes a later date for 84189  
all regional council cost reports, each council shall file its 84190  
cost report not later than the last day of April. At the written 84191  
request of a regional council, the department may grant a 84192  
fourteen-day extension for filing the cost report. 84193

(b) Unless the department establishes a later date for all 84194  
county board cost reports, each board shall file its cost report 84195  
not later than the last day of May. At the written request of a 84196  
board, the department may grant a fourteen-day extension for 84197  
filing the board's cost report. 84198

(2) The cost report shall contain information on the previous 84199  
calendar year's income and expenditures. Once filed by a regional 84200  
council or board, no changes may be made to the cost report, 84201  
including the submission of additional documentation, except as 84202  
otherwise provided in this section. 84203

(C) Each cost report filed under this section by a regional 84204  
council or board shall be audited by the department or an entity 84205  
designated by the department. The department or designated entity 84206  
shall notify the regional council or board of the date on which 84207  
the audit is to begin. The department may permit a regional 84208  
council or board to submit changes to the cost report before the 84209  
audit begins. 84210

If the department or designated entity determines that a 84211  
filed cost report is not auditable, it shall provide written 84212  
notification to the regional council or board of the cost report's 84213  
deficiencies and may request additional documentation. If the 84214  
department or designated entity requests additional documentation, 84215  
the regional council or board shall be given sixty days after the 84216  
request is made to provide the additional documentation. After 84217

sixty days, the department or designated entity shall determine 84218  
whether the cost report is auditable with any additional 84219  
documentation provided and shall notify the regional council or 84220  
board of its determination. The determination of the department or 84221  
designated entity is final. 84222

(D) The department or designated entity shall certify its 84223  
audit as complete and file a copy of the certified audit in the 84224  
office of the clerk of the governing body, executive officer of 84225  
the governing body, and chief fiscal officer of the audited 84226  
regional council or board. Changes may not be made to a cost 84227  
report once the department or designated entity files the 84228  
certified audit. The cost report is not a public record under 84229  
section 149.43 of the Revised Code until copies of the cost report 84230  
are filed pursuant to this section. 84231

(E) The department may withhold any funds that it distributes 84232  
to a regional council or board as subsidy payments if either of 84233  
the following is the case: 84234

(1) The cost report is not timely filed by the regional 84235  
council or board with the department in accordance with division 84236  
(B) of this section. 84237

(2) The cost report is determined not auditable under 84238  
division (C) of this section after the department or designated 84239  
entity gives the regional council or board sixty days to provide 84240  
additional documentation. 84241

(F) Cost reports shall be retained by regional councils and 84242  
boards for seven years. The department shall provide annual 84243  
training to regional council and board employees regarding cost 84244  
reports required by this section. 84245

(G) The department, in accordance with Chapter 119. of the 84246  
Revised Code, may adopt any rules necessary to implement this 84247  
section. 84248

**Sec. 5126.24.** (A) As used in this section: 84249

(1) "License" means an educator license issued by the state 84250  
board of education under section 3319.22 of the Revised Code or a 84251  
certificate issued by the department of developmental 84252  
disabilities. 84253

(2) "Teacher" means a person employed by a county board of 84254  
developmental disabilities in a position that requires a license. 84255

(3) "Nonteaching employee" means a person employed by a 84256  
county board of developmental disabilities in a position that does 84257  
not require a license. 84258

(4) "Years of service" includes all service described in 84259  
division (A) of section ~~3317.13~~ 3317.14 of the Revised Code. 84260

(B) Subject to rules established by the director of 84261  
developmental disabilities pursuant to Chapter 119. of the Revised 84262  
Code, each county board of developmental disabilities shall 84263  
annually adopt separate salary schedules for teachers and 84264  
nonteaching employees. 84265

(C) The teachers' salary schedule shall provide for 84266  
increments based on training and years of service. The board may 84267  
establish its own service requirements ~~provided no teacher~~ 84268  
~~receives less than the salary the teacher would be paid under~~ 84269  
~~section 3317.13 of the Revised Code if the teacher were employed~~ 84270  
~~by a school district board of education and~~ provided full credit 84271  
for a minimum of five years of actual teaching and military 84272  
experience as defined in division (A) of such section is given to 84273  
each teacher. 84274

Each teacher who has completed training that would qualify 84275  
the teacher for a higher salary bracket pursuant to this section 84276  
shall file by the fifteenth day of September with the fiscal 84277  
officer of the board, satisfactory evidence of the completion of 84278

such additional training. The fiscal officer shall then 84279  
immediately place the teacher, pursuant to this section, in the 84280  
proper salary bracket in accordance with training and years of 84281  
service. ~~No teacher shall be paid less than the salary to which 84282~~  
~~the teacher would be entitled under section 3317.13 of the Revised 84283~~  
~~Code if the teacher were employed by a school district board of 84284~~  
~~education. 84285~~

The superintendent of each county board, on or before the 84286  
fifteenth day of October of each year, shall certify to the state 84287  
board of education the name of each teacher employed, on an annual 84288  
salary, in each special education program operated pursuant to 84289  
section 3323.09 of the Revised Code during the first full school 84290  
week of October. The superintendent further shall certify, for 84291  
each teacher, the number of years of training completed at a 84292  
recognized college, the degrees earned from a college recognized 84293  
by the state board, the type of license held, the number of months 84294  
employed by the board, the annual salary, and other information 84295  
that the state board may request. 84296

(D) The nonteaching employees' salary schedule established by 84297  
the board shall be based on training, experience, and 84298  
qualifications with initial salaries no less than salaries in 84299  
effect on July 1, 1985. Each board shall prepare and may amend 84300  
from time to time, specifications descriptive of duties, 84301  
responsibilities, requirements, and desirable qualifications of 84302  
the classifications of employees required to perform the duties 84303  
specified in the salary schedule. All nonteaching employees shall 84304  
be notified of the position classification to which they are 84305  
assigned and the salary for the classification. The compensation 84306  
of all nonteaching employees working for a particular board shall 84307  
be uniform for like positions except as compensation would be 84308  
affected by salary increments based upon length of service. 84309

On the fifteenth day of October of each year the nonteaching 84310

employees' salary schedule and list of job classifications and 84311  
salaries in effect on that date shall be filed by each board with 84312  
the superintendent of public instruction. If such salary schedule 84313  
and classification plan is not filed, the superintendent of public 84314  
instruction shall order the board to file such schedule and list 84315  
forthwith. If this condition is not corrected within ten days 84316  
after receipt of the order from the superintendent, no money shall 84317  
be distributed to the board under Chapter 3317. of the Revised 84318  
Code until the superintendent has satisfactory evidence of the 84319  
board's full compliance with such order. 84320

**Sec. 5139.03.** The department of youth services shall control 84321  
and manage all state institutions or facilities established or 84322  
created for the training or rehabilitation of delinquent children 84323  
committed to the department, except where the control and 84324  
management of an institution or facility is vested by law in 84325  
another agency. The department shall employ, in addition to other 84326  
personnel authorized under Chapter 5139. of the Revised Code, 84327  
sufficient personnel to maintain food service and buildings and 84328  
grounds operations. 84329

The department of youth services shall, insofar as 84330  
practicable, purchase foods and other commodities incident to food 84331  
service operations from the department of ~~mental health~~ mental 84332  
health and addiction services. The department of youth services 84333  
may enter into agreements with the department of ~~mental health~~ 84334  
mental health and addiction services providing for assistance and 84335  
consultation in the construction of, or major modifications to, 84336  
capital facilities of the department of youth services. 84337

The directors of ~~mental health~~ mental health and addiction 84338  
services and of youth services shall enter into written agreements 84339  
to implement this section. Such directors may, from time to time, 84340  
amend any agreements entered into under this section for the 84341



purposes of making more efficient use of personnel, taking 84342  
advantage of economies in quantity purchasing, or for any other 84343  
purpose which is mutually advantageous to both the department of 84344  
youth services and the department of ~~mental health~~ mental health 84345  
and addiction services. 84346

The department of youth services may transfer any of its 84347  
excess or surplus supplies to a community corrections facility. 84348  
These supplies shall remain the property of the department for a 84349  
period of five years from the date of the transfer. After the 84350  
five-year period, the supplies shall become the property of the 84351  
facility. 84352

**Sec. 5139.04.** The department of youth services shall do all 84353  
of the following: 84354

(A) Support service districts through a central 84355  
administrative office that shall have as its administrative head a 84356  
deputy director who shall be appointed by the director of the 84357  
department. When a vacancy occurs in the office of that deputy 84358  
director, an assistant deputy director shall act as that deputy 84359  
director until the vacancy is filled. The position of deputy 84360  
director and assistant deputy director described in this division 84361  
shall be in the unclassified civil service of the state. 84362

(B) Receive custody of all children committed to it under 84363  
Chapter 2152. of the Revised Code, cause a study to be made of 84364  
those children, and issue any orders, as it considers best suited 84365  
to the needs of any of those children and the interest of the 84366  
public, for the treatment of each of those children; 84367

(C) Obtain personnel necessary for the performance of its 84368  
duties; 84369

(D) Adopt rules that regulate its organization and operation, 84370  
that implement sections 5139.34 and 5139.41 to 5139.43 of the 84371

Revised Code, and that pertain to the administration of other sections of this chapter;	84372 84373
(E) Submit reports of its operations to the governor and the general assembly by the thirty-first day of January of each odd-numbered year;	84374 84375 84376
(F) Conduct a program of research in diagnosis, training, and treatment of delinquent children to evaluate the effectiveness of the department's services and to develop more adequate methods;	84377 84378 84379
(G) Develop a standard form for the disposition investigation report that a juvenile court is required pursuant to section 2152.18 of the Revised Code to complete and provide to the department when the court commits a child to the legal custody of the department;	84380 84381 84382 84383 84384
(H) <u>Allow the state public defender the access authorized under division (I) of section 120.06 of the Revised Code in order to fulfill the department's constitutional obligation to provide juveniles who have been committed to the department's care access to the courts.</u>	84385 84386 84387 84388 84389
(I) Do all other acts necessary or desirable to carry out this chapter.	84390 84391
<b>Sec. 5139.08.</b> The department of youth services may enter into an agreement with the director of rehabilitation and correction pursuant to which the department of youth services, in accordance with division (C)(2) of section 5139.06 and section 5120.162 of the Revised Code, may transfer to a correctional medical center established by the department of rehabilitation and correction, children who are within its custody for diagnosis or treatment of an illness, physical condition, or other medical problem. The department of youth services may enter into any other agreements with the director of job and family services, the director of	84392 84393 84394 84395 84396 84397 84398 84399 84400 84401

~~mental health~~ mental health and addiction services, the director 84402  
of developmental disabilities, the director of rehabilitation and 84403  
correction, with the courts having probation officers or other 84404  
public officials, and with private agencies or institutions for 84405  
separate care or special treatment of children subject to the 84406  
control of the department of youth services. The department of 84407  
youth services may, upon the request of a juvenile court not 84408  
having a regular probation officer, provide probation services for 84409  
such court. 84410

Upon request by the department of youth services, any public 84411  
agency or group care facility established or administered by the 84412  
state for the care and treatment of children and youth shall, 84413  
consistent with its functions, accept and care for any child whose 84414  
custody is vested in the department in the same manner as it would 84415  
be required to do if custody had been vested by a court in such 84416  
agency or group care facility. If the department has reasonable 84417  
grounds to believe that any child or youth whose custody is vested 84418  
in it is mentally ill or mentally retarded, the department may 84419  
file an affidavit under section 5122.11 or 5123.76 of the Revised 84420  
Code. The department's affidavit for admission of a child or youth 84421  
to such institution shall be filed with the probate court of the 84422  
county from which the child was committed to the department. Such 84423  
court may request the probate court of the county in which the 84424  
child is held to conduct the hearing on the application, in which 84425  
case the court making such request shall bear the expenses of the 84426  
proceeding. If the department files such an affidavit, the child 84427  
or youth may be kept in such institution until a final decision on 84428  
the affidavit is made by the appropriate court. 84429

**Sec. 5139.34.** (A) Funds may be appropriated to the department 84430  
of youth services for the purpose of granting state subsidies to 84431  
counties. A county or the juvenile court that serves a county 84432  
shall use state subsidies granted to the county pursuant to this 84433

section only in accordance with divisions (B)(2)(a) and (3)(a) of 84434  
section 5139.43 of the Revised Code and the rules pertaining to 84435  
the state subsidy funds that the department adopts pursuant to 84436  
division (D) of section 5139.04 of the Revised Code. The 84437  
department shall not grant financial assistance pursuant to this 84438  
section for the provision of care and services for children in a 84439  
placement facility unless the facility has been certified, 84440  
licensed, or approved by a state or national agency with 84441  
certification, licensure, or approval authority, including, but 84442  
not limited to, the department of job and family services, 84443  
department of education, department of ~~mental health~~ mental health 84444  
and addiction services, department of developmental disabilities, 84445  
or American correctional association. For the purposes of this 84446  
section, placement facilities do not include a state institution 84447  
or a county or district children's home. 84448

The department also shall not grant financial assistance 84449  
pursuant to this section for the provision of care and services 84450  
for children, including, but not limited to, care and services in 84451  
a detention facility, in another facility, or in out-of-home 84452  
placement, unless the minimum standards applicable to the care and 84453  
services that the department prescribes in rules adopted pursuant 84454  
to division (D) of section 5139.04 of the Revised Code have been 84455  
satisfied. 84456

(B) The department of youth services shall apply the 84457  
following formula to determine the amount of the annual grant that 84458  
each county is to receive pursuant to division (A) of this 84459  
section, subject to the appropriation for this purpose to the 84460  
department made by the general assembly: 84461

(1) Each county shall receive a basic annual grant of fifty 84462  
thousand dollars. 84463

(2) The sum of the basic annual grants provided under 84464  
division (B)(1) of this section shall be subtracted from the total 84465

amount of funds appropriated to the department of youth services 84466  
for the purpose of making grants pursuant to division (A) of this 84467  
section to determine the remaining portion of the funds 84468  
appropriated. The remaining portion of the funds appropriated 84469  
shall be distributed on a per capita basis to each county that has 84470  
a population of more than twenty-five thousand for that portion of 84471  
the population of the county that exceeds twenty-five thousand. 84472

(C)(1) Prior to a county's receipt of an annual grant 84473  
pursuant to this section, the juvenile court that serves the 84474  
county shall prepare, submit, and file in accordance with division 84475  
(B)(3)(a) of section 5139.43 of the Revised Code an annual grant 84476  
agreement and application for funding that is for the combined 84477  
purposes of, and that satisfies the requirements of, this section 84478  
and section 5139.43 of the Revised Code. In addition to the 84479  
subject matters described in division (B)(3)(a) of section 5139.43 84480  
of the Revised Code or in the rules that the department adopts to 84481  
implement that division, the annual grant agreement and 84482  
application for funding shall address fiscal accountability and 84483  
performance matters pertaining to the programs, care, and services 84484  
that are specified in the agreement and application and for which 84485  
state subsidy funds granted pursuant to this section will be used. 84486

(2) The county treasurer of each county that receives an 84487  
annual grant pursuant to this section shall deposit the state 84488  
subsidy funds so received into the county's felony delinquent care 84489  
and custody fund created pursuant to division (B)(1) of section 84490  
5139.43 of the Revised Code. Subject to exceptions prescribed in 84491  
section 5139.43 of the Revised Code that may apply to the 84492  
disbursement, the department shall disburse the state subsidy 84493  
funds to which a county is entitled in a lump sum payment that 84494  
shall be made in July of each calendar year. 84495

(3) Upon an order of the juvenile court that serves a county 84496  
and subject to appropriation by the board of county commissioners 84497

of that county, a county treasurer shall disburse from the 84498  
county's felony delinquent care and custody fund the state subsidy 84499  
funds granted to the county pursuant to this section for use only 84500  
in accordance with this section, the applicable provisions of 84501  
section 5139.43 of the Revised Code, and the county's approved 84502  
annual grant agreement and application for funding. 84503

(4) The moneys in a county's felony delinquent care and 84504  
custody fund that represent state subsidy funds granted pursuant 84505  
to this section are subject to appropriation by the board of 84506  
county commissioners of the county; shall be disbursed by the 84507  
county treasurer as required by division (C)(3) of this section; 84508  
shall be used in the manners referred to in division (C)(3) of 84509  
this section; shall not revert to the county general fund at the 84510  
end of any fiscal year; shall carry over in the felony delinquent 84511  
care and custody fund from the end of any fiscal year to the next 84512  
fiscal year; shall be in addition to, and shall not be used to 84513  
reduce, any usual annual increase in county funding that the 84514  
juvenile court is eligible to receive or the current level of 84515  
county funding of the juvenile court and of any programs, care, or 84516  
services for alleged or adjudicated delinquent children, unruly 84517  
children, or juvenile traffic offenders or for children who are at 84518  
risk of becoming delinquent children, unruly children, or juvenile 84519  
traffic offenders; and shall not be used to pay for the care and 84520  
custody of felony ~~delinquents~~ delinquents who are in the care and 84521  
custody of an institution pursuant to a commitment, recommitment, 84522  
or revocation of a release on parole by the juvenile court of that 84523  
county or who are in the care and custody of a community 84524  
corrections facility pursuant to a placement by the department 84525  
with the consent of the juvenile court as described in division 84526  
(E) of section 5139.36 of the Revised Code. 84527

(5) As a condition of the continued receipt of state subsidy 84528  
funds pursuant to this section, each county and the juvenile court 84529

that serves each county that receives an annual grant pursuant to 84530  
this section shall comply with divisions (B)(3)(b), (c), and (d) 84531  
of section 5139.43 of the Revised Code. 84532

**Sec. 5145.162.** (A) There is hereby created the office of 84533  
enterprise development advisory council of directors for prison 84534  
labor-consisting board to advise and assist the department of 84535  
rehabilitation and correction with the creation of training 84536  
programs and jobs for inmates and releasees through partnerships 84537  
with private sector businesses. The board shall consist of at 84538  
least five appointed members and the executive director of the 84539  
office of the correctional institution inspection committee, who 84540  
shall serve as an ex officio member. Each member shall have 84541  
experience in labor relations, marketing, business management, or 84542  
business. The members and chairperson shall be appointed by the 84543  
governor director of the department of rehabilitation and 84544  
correction. Within thirty days after April 9, 1981, the governor 84545  
shall make the initial appointments to the council of directors. 84546  
Of the initial appointments made to the council of directors, two 84547  
shall be for a term ending one year after April 9, 1981, two shall 84548  
be for a term ending two years after that date, and one shall be 84549  
for a term ending three years after that date. After the 84550  
expiration of the initial terms, the terms of office for the 84551  
members shall be for three years, each term ending on the same day 84552  
of the same month of the year as did the term that it succeeds. 84553  
Each member shall hold office from the date of appointment until 84554  
the end of the term for which the member was appointed. Any 84555  
vacancy on the advisory council shall be filled by the governor. 84556  
Any member appointed to fill a vacancy occurring prior to the 84557  
expiration of the term for which the member's predecessor was 84558  
appointed shall hold office for the remainder of the predecessor's 84559  
term. Any member shall continue in office subsequent to the 84560  
expiration date of the member's term until a successor takes 84561

~~office, or until a period of sixty days has elapsed, whichever  
occurs first.~~ 84562  
84563

(B) Each member of the advisory ~~council, while engaged in the~~ 84564  
~~performance of the business of the advisory council, board~~ shall 84565  
~~receive no compensation but may~~ be reimbursed for expenses 84566  
actually and necessarily incurred in the performance of official 84567  
duties of the board. Members of the board who are state employees 84568  
shall be reimbursed for expenses pursuant to travel rules 84569  
promulgated by the office of budget and management. 84570

(C) The advisory ~~council board~~ shall adopt procedures for the 84571  
conduct of the board's meetings. The board shall meet within two 84572  
weeks after the initial members have been appointed at a time and 84573  
place determined by the governor. At its first meeting, the 84574  
advisory council shall elect a chairperson and shall adopt rules 84575  
for its procedures. The advisory council shall elect a new 84576  
chairperson annually at its January meeting. The advisory council 84577  
shall meet at least once every January and at least once every two 84578  
months thereafter quarter, and otherwise shall meet at the call of 84579  
the chairperson or upon the written request of at least a quorum 84580  
of the members. Three director of the department of rehabilitation 84581  
and correction. Sixty per cent of the members constitutes shall 84582  
constitute a quorum, and no action. No transaction of the board's 84583  
business shall be taken without the concurrence of a quorum of the 84584  
members. The board may have committees with persons who are not 84585  
members of the board but whose experience and expertise is 84586  
relevant and useful to the work of the committee. 84587

(D) The advisory ~~council board~~ shall ~~advise and assist the~~ 84588  
~~department of rehabilitation and correction when the department~~ 84589  
~~adopts rules pursuant to division (B) of section 5145.03 of the~~ 84590  
~~Revised Code, establishes prices for goods, products, services, or~~ 84591  
~~labor produced or supplied by prisoners, and otherwise establishes~~ 84592  
~~and administers the program for employment of prisoners~~ 84593



~~established by the department pursuant to division (A) of section 84594  
5145.16 of the Revised Code. The department shall consider the 84595  
advice and assistance of the advisory council that is provided 84596  
pursuant to this section, and shall cooperate with the advisory 84597  
council. The advisory council may recommend have the following 84598  
duties: 84599~~

~~(1) Solicit business proposals offering job training, 84600  
apprenticeship, education programs, and employment opportunities 84601  
for inmates and releasees; 84602~~

~~(2) Provide information and input to the office of enterprise 84603  
development to support the job training and employment program of 84604  
inmates and releasees and any additional, related duties as 84605  
requested by the director of the department of rehabilitation and 84606  
correction; 84607~~

~~(3) Recommend to the ~~general assembly~~ office of enterprise 84608  
development any further legislation, administrative rule, or 84609  
department policy change that ~~it~~ the board believes is necessary 84610  
to implement the department's program of ~~employment of prisoners;~~ 84611~~

~~(4) Promote public awareness of the office of enterprise 84612  
development and the office's employment program; 84613~~

~~(5) Familiarize itself and the public with avenues to access 84614  
the office of enterprise development on employment program 84615  
concerns; 84616~~

~~(6) Advocate for the needs and concerns of the office of 84617  
enterprise development in local communities, counties, and the 84618  
state; 84619~~

~~(7) Play an active role in the office of enterprise 84620  
development's efforts to reduce recidivism in the state by doing 84621  
all of the following: 84622~~

~~(a) Providing input and making recommendations for the 84623~~

office's consideration in monitoring employment program compliance and effectiveness; 84624  
84625

(b) Making suggestions on the appropriate priorities for the office's grant award criteria; 84626  
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(c) Being a liaison between the office and constituents of the board's members; 84628  
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(d) Working to develop constituent groups interested in employment program issues; 84630  
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(8) Aid in the employment program development process by playing a leadership role in professional associations by discussing employment program issues. 84632  
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(E) The department of rehabilitation and correction shall initially screen each proposal obtained under division (D)(1) of this section to ensure that the proposal is a viable venture to pursue. If the department determines that a proposal is a viable venture to pursue, the department shall submit the proposal to the board for objective review against established guidelines. The board shall determine whether to recommend the implementation of the program to the department. 84635  
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**Sec. 5145.18.** Any printing or binding performed in a state 84643  
correctional institution may be performed for the use of the 84644  
institution, the departments of ~~mental health~~ mental health and 84645  
addiction services, developmental disabilities, and rehabilitation 84646  
and correction, the department of public safety in connection with 84647  
the registration of motor vehicles, and for any other purpose 84648  
authorized by division (B) of section 5145.03 and by sections 84649  
5145.16 and 5145.161 of the Revised Code. 84650

**Sec. 5153.16.** (A) Except as provided in section 2151.422 of 84651  
the Revised Code, in accordance with rules adopted under section 84652  
5153.166 of the Revised Code, and on behalf of children in the 84653

county whom the public children services agency considers to be in 84654  
need of public care or protective services, the public children 84655  
services agency shall do all of the following: 84656

(1) Make an investigation concerning any child alleged to be 84657  
an abused, neglected, or dependent child; 84658

(2) Enter into agreements with the parent, guardian, or other 84659  
person having legal custody of any child, or with the department 84660  
of job and family services, department of ~~mental health~~ mental 84661  
health and addiction services, department of developmental 84662  
disabilities, other department, any certified organization within 84663  
or outside the county, or any agency or institution outside the 84664  
state, having legal custody of any child, with respect to the 84665  
custody, care, or placement of any child, or with respect to any 84666  
matter, in the interests of the child, provided the permanent 84667  
custody of a child shall not be transferred by a parent to the 84668  
public children services agency without the consent of the 84669  
juvenile court; 84670

(3) Accept custody of children committed to the public 84671  
children services agency by a court exercising juvenile 84672  
jurisdiction; 84673

(4) Provide such care as the public children services agency 84674  
considers to be in the best interests of any child adjudicated to 84675  
be an abused, neglected, or dependent child the agency finds to be 84676  
in need of public care or service; 84677

(5) Provide social services to any unmarried girl adjudicated 84678  
to be an abused, neglected, or dependent child who is pregnant 84679  
with or has been delivered of a child; 84680

(6) Make available to the bureau for children with medical 84681  
handicaps of the department of health at its request any 84682  
information concerning a crippled child found to be in need of 84683  
treatment under sections 3701.021 to 3701.028 of the Revised Code 84684

who is receiving services from the public children services 84685  
agency; 84686

(7) Provide temporary emergency care for any child considered 84687  
by the public children services agency to be in need of such care, 84688  
without agreement or commitment; 84689

(8) Find certified foster homes, within or outside the 84690  
county, for the care of children, including handicapped children 84691  
from other counties attending special schools in the county; 84692

(9) Subject to the approval of the board of county 84693  
commissioners and the state department of job and family services, 84694  
establish and operate a training school or enter into an agreement 84695  
with any municipal corporation or other political subdivision of 84696  
the county respecting the operation, acquisition, or maintenance 84697  
of any children's home, training school, or other institution for 84698  
the care of children maintained by such municipal corporation or 84699  
political subdivision; 84700

(10) Acquire and operate a county children's home, establish, 84701  
maintain, and operate a receiving home for the temporary care of 84702  
children, or procure certified foster homes for this purpose; 84703

(11) Enter into an agreement with the trustees of any 84704  
district children's home, respecting the operation of the district 84705  
children's home in cooperation with the other county boards in the 84706  
district; 84707

(12) Cooperate with, make its services available to, and act 84708  
as the agent of persons, courts, the department of job and family 84709  
services, the department of health, and other organizations within 84710  
and outside the state, in matters relating to the welfare of 84711  
children, except that the public children services agency shall 84712  
not be required to provide supervision of or other services 84713  
related to the exercise of parenting time rights granted pursuant 84714  
to section 3109.051 or 3109.12 of the Revised Code or 84715

companionship or visitation rights granted pursuant to section 84716  
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 84717  
juvenile court, pursuant to Chapter 2151. of the Revised Code, or 84718  
a common pleas court, pursuant to division (E)(6) of section 84719  
3113.31 of the Revised Code, requires the provision of supervision 84720  
or other services related to the exercise of the parenting time 84721  
rights or companionship or visitation rights; 84722

(13) Make investigations at the request of any superintendent 84723  
of schools in the county or the principal of any school concerning 84724  
the application of any child adjudicated to be an abused, 84725  
neglected, or dependent child for release from school, where such 84726  
service is not provided through a school attendance department; 84727

(14) Administer funds provided under Title IV-E of the 84728  
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 84729  
amended, in accordance with rules adopted under section 5101.141 84730  
of the Revised Code; 84731

(15) In addition to administering Title IV-E adoption 84732  
assistance funds, enter into agreements to make adoption 84733  
assistance payments under section 5153.163 of the Revised Code; 84734

(16) Implement a system of safety and risk assessment, in 84735  
accordance with rules adopted by the director of job and family 84736  
services, to assist the public children services agency in 84737  
determining the risk of abuse or neglect to a child; 84738

(17) Enter into a plan of cooperation with the board of 84739  
county commissioners under section 307.983 of the Revised Code and 84740  
comply with each fiscal agreement the board enters into under 84741  
section 307.98 of the Revised Code that include family services 84742  
duties of public children services agencies and contracts the 84743  
board enters into under sections 307.981 and 307.982 of the 84744  
Revised Code that affect the public children services agency; 84745

(18) Make reasonable efforts to prevent the removal of an 84746

alleged or adjudicated abused, neglected, or dependent child from 84747  
the child's home, eliminate the continued removal of the child 84748  
from the child's home, or make it possible for the child to return 84749  
home safely, except that reasonable efforts of that nature are not 84750  
required when a court has made a determination under division 84751  
(A)(2) of section 2151.419 of the Revised Code; 84752

(19) Make reasonable efforts to place the child in a timely 84753  
manner in accordance with the permanency plan approved under 84754  
division (E) of section 2151.417 of the Revised Code and to 84755  
complete whatever steps are necessary to finalize the permanent 84756  
placement of the child; 84757

(20) Administer a Title IV-A program identified under 84758  
division (A)(4)(c) or ~~(f)~~(g) of section 5101.80 of the Revised 84759  
Code that the department of job and family services provides for 84760  
the public children services agency to administer under the 84761  
department's supervision pursuant to section 5101.801 of the 84762  
Revised Code; 84763

(21) Administer the kinship permanency incentive program 84764  
created under section 5101.802 of the Revised Code under the 84765  
supervision of the director of job and family services; 84766

(22) Provide independent living services pursuant to sections 84767  
2151.81 to 2151.84 of the Revised Code; 84768

(23) File a missing child report with a local law enforcement 84769  
agency upon becoming aware that a child in the custody of the 84770  
public children services agency is or may be missing. 84771

(B) The public children services agency shall use the system 84772  
implemented pursuant to division (A)(16) of this section in 84773  
connection with an investigation undertaken pursuant to division 84774  
(F)(1) of section 2151.421 of the Revised Code to assess both of 84775  
the following: 84776

(1) The ongoing safety of the child; 84777

(2) The appropriateness of the intensity and duration of the services provided to meet child and family needs throughout the duration of a case. 84778  
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(C) Except as provided in section 2151.422 of the Revised Code, in accordance with rules of the director of job and family services, and on behalf of children in the county whom the public children services agency considers to be in need of public care or protective services, the public children services agency may do the following: 84781  
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(1) Provide or find, with other child serving systems, specialized foster care for the care of children in a specialized foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code; 84787  
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84789  
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(2)(a) Except as limited by divisions (C)(2)(b) and (c) of this section, contract with the following for the purpose of assisting the agency with its duties: 84791  
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(i) County departments of job and family services; 84794

(ii) Boards of alcohol, drug addiction, and mental health services; 84795  
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(iii) County boards of developmental disabilities; 84797

(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code; 84798  
84799

(v) Private and government providers of services; 84800

(vi) Managed care organizations and prepaid health plans. 84801

(b) A public children services agency contract under division (C)(2)(a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules. 84802  
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(c) Only a county children services board appointed under 84807

section 5153.03 of the Revised Code that is a public children 84808  
services agency may contract under division (C)(2)(a) of this 84809  
section. If an entity specified in division (B) or (C) of section 84810  
5153.02 of the Revised Code is the public children services agency 84811  
for a county, the board of county commissioners may enter into 84812  
contracts pursuant to section 307.982 of the Revised Code 84813  
regarding the agency's duties. 84814

Sec. 5160.01. As used in this chapter: 84815

(A) "Dual eligible individual" has the same meaning as in the 84816  
"Social Security Act," section 1915(h)(2)(B), 42 U.S.C. 84817  
1396n(h)(2)(B). A dual eligible individual is a medicare-medicaid 84818  
enrollee (MME). 84819

(B) "Exchange" has the same meaning as in 45 C.F.R. 155.20. 84820

(C) "Federal financial participation" means the federal 84821  
government's share of expenditures made by an entity in 84822  
implementing a medical assistance program. 84823

(D) "Medical assistance program" means all of the following: 84824

(1) The medicaid program; 84825

(2) The children's health insurance program; 84826

(3) The refugee medical assistance program; 84827

(4) Any other program that provides medical assistance and 84828  
state statutes authorize the department of medicaid to administer. 84829

(E) "Medical assistance recipient" means a recipient of a 84830  
medical assistance program. To the extent appropriate in the 84831  
context, "medical assistance recipient" includes an individual 84832  
applying for a medical assistance program, a former medical 84833  
assistance recipient, or both. 84834

(F) "Medicaid managed care organization" has the same meaning 84835  
as in section 5167.01 of the Revised Code. 84836



(G) "Refugee medical assistance program" means the program 84837  
that the department of medicaid administers pursuant to section 84838  
5160.50 of the Revised Code. 84839

Sec. 5160.011. References to the department or director of 84840  
public welfare, department or director of human services, 84841  
department or director of job and family services, office of 84842  
medical assistance, or medical assistance director in any statute, 84843  
rule, contract, grant, or other document is deemed to refer to the 84844  
department of medicaid or medicaid director, as the case may be, 84845  
to the extent the reference is about a duty or authority of the 84846  
department of medicaid or medicaid director regarding a medical 84847  
assistance program. 84848

Sec. 5160.02. The medicaid director shall adopt rules as 84849  
necessary to implement this chapter. 84850

Sec. 5160.021. (A) When the medicaid director is authorized 84851  
by a statute to adopt a rule, the director shall adopt the rule in 84852  
accordance with the following: 84853

(1) Chapter 119. of the Revised Code if either of the 84854  
following applies: 84855

(a) The statute authorizing the rule requires that the rule 84856  
be adopted in accordance with Chapter 119. of the Revised Code. 84857

(b) Unless division (A)(2)(b) of this section applies, the 84858  
statute authorizing the rule does not specify the procedure for 84859  
the rule's adoption. 84860

(2) Section 111.15 of the Revised Code, excluding divisions 84861  
(D) and (E) of that section, if either of the following applies: 84862

(a) The statute authorizing the rule requires that the rule 84863  
be adopted in accordance with section 111.15 of the Revised Code 84864  
and, by the terms of division (D) of that section, division (D) of 84865

that section does not apply to the rule. 84866

(b) The statute authorizing the rule does not specify the 84867  
procedure for the rule's adoption and the rule concerns the 84868  
day-to-day staff procedures and operations of the department of 84869  
medicaid or financial and operational matters between the 84870  
department and a person or government entity receiving a grant 84871  
from the department. 84872

(3) Section 111.15 of the Revised Code, including divisions 84873  
(D) and (E) of that section, if the statute authorizing the rule 84874  
requires that the rule be adopted in accordance with that section 84875  
and the rule is not exempt from the application of division (D) of 84876  
that section. 84877

(B) Except as otherwise required by a statute, the adoption 84878  
of a rule in accordance with Chapter 119. of the Revised Code does 84879  
not make the department of medicaid subject to the notice, 84880  
hearing, or other requirements of sections 119.06 to 119.13 of the 84881  
Revised Code. 84882

Sec. 5160.03. The medicaid director is the executive head of 84883  
the department of medicaid. All duties conferred on the department 84884  
by law or order of the director are under the director's control 84885  
and shall be performed in accordance with rules the director 84886  
adopts. 84887

Sec. 5160.04. The medicaid director shall appoint one 84888  
assistant director for the department of medicaid. The assistant 84889  
director shall exercise powers, and perform duties, as ordered by 84890  
the medicaid director. The assistant director shall act as the 84891  
medicaid director in the medicaid director's absence or disability 84892  
and when the position of medicaid director is vacant. 84893

Sec. 5160.05. The medicaid director may appoint such 84894

employees as are necessary for the efficient operation of the 84895  
department of medicaid. The director may prescribe the title and 84896  
duties of the employees. 84897

Sec. 5160.051. If the medicaid director determines that a 84898  
position with the department of medicaid can best be filled in 84899  
accordance with division (A)(2) of section 124.30 of the Revised 84900  
Code or without regard to a residency requirement established by a 84901  
rule adopted by the director of administrative services, the 84902  
medicaid director shall provide the director of administrative 84903  
services certification of the determination. 84904

Sec. 5160.052. The department of medicaid shall collaborate 84905  
with the superintendent of the bureau of criminal identification 84906  
and investigation to develop procedures and formats necessary to 84907  
produce the notices described in division (C) of section 109.5721 84908  
of the Revised Code in a format that is acceptable for use by the 84909  
department. The medicaid director may adopt rules under section 84910  
5160.02 of the Revised Code necessary for such collaboration. Any 84911  
such rules shall be adopted in accordance with section 111.15 of 84912  
the Revised Code as if they were internal management rules. 84913

The medicaid director may adopt rules under section 5160.02 84914  
of the Revised Code necessary for utilizing the information 84915  
received pursuant to section 109.5721 of the Revised Code. The 84916  
rules shall be adopted in accordance with Chapter 119. of the 84917  
Revised Code. 84918

Sec. 5160.06. The medicaid director may require any of the 84919  
employees of the department of medicaid who may be charged with 84920  
custody or control of any public money or property or who is 84921  
required to give bond, to give a bond, properly conditioned, in a 84922  
sum to be fixed by the director which when approved by the 84923

director, shall be filed in the office of the secretary of state. 84924  
The cost of such bonds, when approved by the director, shall be 84925  
paid from funds available for the department. The bonds required 84926  
or authorized by this section may, in the discretion of the 84927  
director, be individual, schedule, or blanket bonds. 84928

**Sec. 5160.10.** The medicaid director may expend funds 84929  
appropriated or available to the department of medicaid from 84930  
persons and government entities. For purposes of this section, the 84931  
director may enter into contracts or agreements with persons and 84932  
government entities and make grants to persons and government 84933  
entities. To the extent permitted by federal law, the director may 84934  
advance funds to a grantee when necessary for the grantee to 84935  
perform duties under the grant as specified by the director. 84936

The director may adopt rules under section 5160.02 of the 84937  
Revised Code as necessary to define terms and adopt procedures and 84938  
other provisions necessary to implement this section. 84939

**Sec. 5160.11.** The state health care grants fund is hereby 84940  
created in the state treasury. Money the department of medicaid 84941  
receives from private foundations in support of pilot projects 84942  
that promote exemplary programs that enhance programs the 84943  
department administers shall be credited to the fund. The 84944  
department may expend the money on such projects, may use the 84945  
money, to the extent allowable, to match federal financial 84946  
participation in support of such projects, and shall comply with 84947  
requirements the foundations have stipulated in their agreements 84948  
with the department as to the purposes for which the money may be 84949  
expended. 84950

**Sec. 5160.12.** (A) As used in this section, "entity" includes 84951  
an agency, board, commission, or department of the state or a 84952

political subdivision of the state; a private, nonprofit entity; a school district; a private school; or a public or private institution of higher education. 84953  
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(B) This section does not apply to contracts entered into under section 5162.32 or 5162.35 of the Revised Code. 84956  
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(C) At the request of any public entity having authority to implement a program administered by the department of medicaid or any private entity under contract with a public entity to implement a program administered by the department, the department may seek to obtain federal financial participation for costs incurred by the entity. Federal financial participation may be sought from programs operated pursuant to Title XIX of the "Social Security Act," 42 U.S.C. 1396, et seq., and any other statute or regulation under which federal financial participation may be available, except that federal financial participation may be sought only for expenditures made with funds for which federal financial participation is available under federal law. 84958  
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(D) All funds collected by the department pursuant to division (C) of this section shall be distributed to the entities that incurred the costs. 84970  
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(E) In distributing federal financial participation pursuant to this section, the department may either enter into an agreement with the entity that is to receive the funds or distribute the funds in accordance with rules authorized by division (H) of this section. If the department decides to enter into an agreement to distribute the funds, the agreement may include terms that do any of the following: 84973  
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(1) Provide for the whole or partial reimbursement of any cost incurred by the entity in implementing the program; 84980  
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(2) In the event that federal financial participation is 84982

disallowed or otherwise unavailable for any expenditure, require 84983  
the department or the entity, whichever party caused the 84984  
disallowance or unavailability of federal financial participation, 84985  
to assume responsibility for the expenditures; 84986

(3) Require the entity to certify to the department the 84987  
availability of sufficient unencumbered funds to match the federal 84988  
financial participation the entity receives under this section; 84989

(4) Establish the length of the agreement, which may be for a 84990  
fixed or a continuing period of time; 84991

(5) Establish any other requirements determined by the 84992  
department to be necessary for the efficient administration of the 84993  
agreement. 84994

(F) An entity that receives federal financial participation 84995  
pursuant to this section for a program aiding children and their 84996  
families shall establish a process for collaborative planning with 84997  
the department for the use of the funds to improve and expand the 84998  
program. 84999

(G) Federal financial participation received pursuant to this 85000  
section shall not be included in any calculation made under 85001  
section 5101.16 or 5101.161 of the Revised Code. 85002

(H) The medicaid director may adopt rules under section 85003  
5160.02 of the Revised Code as necessary to implement this 85004  
section, including rules for the distribution of federal financial 85005  
participation pursuant to this section. The rules shall be adopted 85006  
in accordance with Chapter 119. of the Revised Code. 85007

**Sec. 5160.13.** The department of medicaid may enter into 85008  
contracts with private entities to maximize federal revenue 85009  
without the expenditure of state money. In selecting private 85010  
entities with which to contract, the department shall engage in a 85011  
request for proposals process. The department, subject to the 85012

approval of the controlling board, may also directly enter into 85013  
contracts with public entities providing revenue maximization 85014  
services. 85015

Sec. 5160.16. The department of medicaid may appoint and 85016  
commission any competent person to serve as a special agent, 85017  
investigator, or representative to perform a designated duty for 85018  
and on behalf of the department. Specific credentials shall be 85019  
given by the department to each person so designated, and each 85020  
credential shall state the following: 85021

(A) The person's name; 85022

(B) The agency with which the person is connected; 85023

(C) The purpose of the appointment; 85024

(D) The date the appointment expires, if appropriate; 85025

(E) Such information as the department considers proper. 85026

Sec. 5160.20. (A) The department of medicaid may conduct any 85027  
audits or investigations that are necessary in the performance of 85028  
the department's duties, and to that end, the department has the 85029  
same power as a judge of a county court to administer oaths and to 85030  
enforce the attendance and testimony of witnesses and the 85031  
production of books or papers. 85032

The department shall keep a record of the department's audits 85033  
and investigations stating the time, place, charges, or subject; 85034  
witnesses summoned and examined; and the department's conclusions. 85035

Witnesses shall be paid the fees and mileage provided for 85036  
under section 119.094 of the Revised Code. 85037

(B) Any judge of any division of the court of common pleas, 85038  
on application of the department, may compel the attendance of 85039  
witnesses, the production of books or papers, and the giving of 85040

testimony before the department, by a judgment for contempt or 85041  
otherwise, in the same manner as in cases before those courts. 85042

(C) Until an audit report is formally released by the 85043  
department, the audit report or any working paper or other 85044  
document or record prepared by the department and related to the 85045  
audit that is the subject of the audit report is not a public 85046  
record under section 149.43 of the Revised Code. 85047

(D) The medicaid director may adopt rules under section 85048  
5160.02 of the Revised Code as necessary to implement this 85049  
section. The rules shall be adopted in accordance with section 85050  
111.15 of the Revised Code as if they were internal management 85051  
rules. 85052

**Sec. 5160.21.** On the request of the medicaid director, the 85053  
auditor of state may conduct an audit of any medical assistance 85054  
recipient. If the auditor decides to conduct an audit under this 85055  
section, the auditor shall enter into an interagency agreement 85056  
with the department of medicaid that specifies that the auditor 85057  
agrees to comply with section 5160.45 of the Revised Code with 85058  
respect to any information the auditor receives pursuant to the 85059  
audit. 85060

**Sec. 5160.22.** (A) The auditor of state and attorney general, 85061  
or their designees, may examine any records, whether in computer 85062  
or printed format, in the possession of the medicaid director or 85063  
any county director of job and family services, regarding medical 85064  
assistance programs. The auditor of state and attorney general 85065  
shall do both of the following regarding the records: 85066

(1) Provide safeguards that restrict access to the records to 85067  
purposes directly connected with an audit or investigation, 85068  
prosecution, or criminal or civil proceeding conducted in 85069  
connection with the administration of the programs; 85070



(2) Comply, and ensure that their designees comply, with section 5160.45 of the Revised Code and rules of the medicaid director restricting the disclosure of information regarding medical assistance recipients. 85071  
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(B) Any person who fails to comply with the restriction specified in division (A) of this section is disqualified from acting as an agent or employee or in any other capacity under appointment or employment of any state board, commission, or agency. 85075  
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Sec. 5160.23. The auditor of state is responsible for the costs the auditor incurs in carrying out the auditor's duties under sections 5160.21 and 5160.22 of the Revised Code. 85080  
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Sec. 5160.30. (A) Except as provided in divisions (B) and (C) of this section, the department of medicaid may accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities for medical assistance programs. 85083  
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(B) The department may enter into agreements with one or more agencies of the federal government, the state, other states, and local governments of this or other states to accept applications, determine eligibility, redetermine eligibility, and perform related administrative activities on behalf of the department with respect to medical assistance programs. 85088  
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(C) If federal law requires a face-to-face interview to complete an eligibility determination for a medical assistance program, the department shall not conduct the face-to-face interview. 85094  
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(D) Subject to division (C) of this section, if the department elects to accept applications, determine eligibility, redetermine eligibility, and perform related administrative 85098  
85099  
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activities for a medical assistance program, both of the following 85101  
apply: 85102

(1) An individual may apply for the medical assistance 85103  
program to the department or an agency authorized by an agreement 85104  
entered into under division (B) of this section to accept the 85105  
individual's application; 85106

(2) The department is subject to federal statutes and 85107  
regulations and state statutes and rules that require, permit, or 85108  
prohibit an action regarding accepting applications, determining 85109  
or redetermining eligibility, and performing related 85110  
administrative activities for the medical assistance program. 85111

**Sec. 5160.31. (A) A medical assistance recipient may appeal a** 85112  
**decision regarding the recipient's eligibility for a medical** 85113  
**assistance program or services available to the recipient under a** 85114  
**medical assistance program.** 85115

(B) Regarding appeals authorized by this section, the 85116  
department of medicaid shall do one or more of the following: 85117

(1) Administer an appeals process similar to the appeals 85118  
process established under section 5101.35 of the Revised Code; 85119

(2) Contract with the department of job and family services 85120  
pursuant to section 5162.35 of the Revised Code to provide for the 85121  
department of job and family services to hear the appeals in 85122  
accordance with section 5101.35 of the Revised Code; 85123

(3) Delegate authority to hear appeals to an exchange or 85124  
exchange appeals entity. 85125

(C) If a medical assistance recipient files an appeal as 85126  
authorized by this section, the department of medicaid may do 85127  
either or both of the following: 85128

(1) Take corrective action regarding the matter being 85129  
appealed before a hearing decision regarding the matter is issued; 85130

(2) If a hearing decision, administrative appeal decision, or court ruling is against the recipient, take action in favor of the recipient despite the contrary decision or ruling, unless, in the case of a court's ruling, the ruling prohibits the department from taking the action. 85131  
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**Sec. ~~5101.571~~ 5160.35.** As used in sections ~~5101.571~~ 5160.35 to ~~5101.591~~ 5160.43 of the Revised Code: 85136  
85137

(A) "Information" means all of the following: 85138

(1) An individual's name, address, date of birth, and social security number; 85139  
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(2) The group or plan number, or other identifier, assigned by a third party to a policy held by an individual or a plan in which the individual participates and the nature of the coverage; 85141  
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85143

(3) Any other data the medicaid director ~~of job and family services~~ specifies in rules ~~adopted under~~ authorized by section ~~5101.591~~ 5160.43 of the Revised Code. 85144  
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~~(B) "Medical assistance" means medical items or services provided under any of the following:~~ 85147  
85148

~~(1) Medicaid, as defined in section 5111.01 of the Revised Code;~~ 85149  
85150

~~(2) The children's health insurance program part I, part II, and part III established under sections 5101.50, 5101.51, and 5101.52 of the Revised Code.~~ 85151  
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~~(C) "Medical support" means support specified as support for the purpose of medical care by order of a court or administrative agency.~~ 85154  
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~~(D) "Public assistance" means medical assistance or assistance under the Ohio works first program established under Chapter 5107. of the Revised Code.~~ 85157  
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~~(E)~~(C)(1) Subject to division ~~(E)~~(C)(2) of this section, and 85160  
except as provided in division ~~(E)~~(C)(3) of this section, "third 85161  
party" means all of the following: 85162

(a) A person authorized to engage in the business of sickness 85163  
and accident insurance under Title XXXIX of the Revised Code; 85164

(b) A person or governmental entity providing coverage for 85165  
medical services or items to individuals on a self-insurance 85166  
basis; 85167

(c) A health insuring corporation as defined in section 85168  
1751.01 of the Revised Code; 85169

(d) A group health plan as defined in 29 U.S.C. 1167; 85170

(e) A service benefit plan as referenced in 42 U.S.C. 85171  
1396a(a)(25); 85172

(f) A managed care organization; 85173

(g) A pharmacy benefit manager; 85174

(h) A third party administrator; 85175

(i) Any other person or governmental entity that is, by law, 85176  
contract, or agreement, responsible for the payment or processing 85177  
of a claim for a medical item or service for a ~~public~~ medical 85178  
assistance recipient ~~or participant~~. 85179

(2) Except when otherwise provided by the "Social Security 85180  
Act," section 1862(b), 42 U.S.C. 1395y(b), a person or 85181  
governmental entity listed in division ~~(E)~~(C)(1) of this section 85182  
is a third party even if the person or governmental entity limits 85183  
or excludes payments for a medical item or service in the case of 85184  
a public assistance recipient. 85185

(3) "Third party" does not include the program for medically 85186  
handicapped children established under section 3701.023 of the 85187  
Revised Code. 85188

Sec. 5160.36. Enrollment in a medical assistance program 85189  
gives a right of subrogation to the department of medicaid for any 85190  
workers' compensation benefits payable to a person who is subject 85191  
to a support order, as defined in section 3119.01 of the Revised 85192  
Code, on behalf of the medical assistance recipient, to the extent 85193  
of any payments made under the medical assistance program on the 85194  
recipient's behalf. If the department, in consultation with a 85195  
child support enforcement agency and the administrator of the 85196  
bureau of workers' compensation, determines that a person 85197  
responsible for support payments to a medical assistance recipient 85198  
is receiving workers' compensation, the department shall notify 85199  
the administrator of the amount of the benefit to be paid to the 85200  
department. 85201

~~Sec. 5101.58~~ 5160.37. (A) ~~The acceptance of public~~ A medical 85202  
assistance recipient's enrollment in a medical assistance program 85203  
gives an automatic right of recovery to the department of ~~job and~~ 85204  
~~family services~~ medicaid and a county department of job and family 85205  
services against the liability of a third party for the cost of 85206  
medical assistance paid on behalf of the ~~public assistance~~ 85207  
recipient ~~or participant~~. When an action or claim is brought 85208  
against a third party by a ~~public~~ medical assistance recipient ~~or~~ 85209  
~~participant~~, any payment, settlement or compromise of the action 85210  
or claim, or any court award or judgment, is subject to the 85211  
recovery right of the department of ~~job and family services~~ 85212  
medicaid or county department of ~~job and family services~~. Except 85213  
in the case of a medical assistance recipient ~~or participant~~ who 85214  
receives medical assistance through a medicaid managed care 85215  
organization, the department's or county department's claim shall 85216  
not exceed the amount of medical assistance paid by ~~a~~ the 85217  
department or county department on behalf of the recipient ~~or~~ 85218  
~~participant~~. A payment, settlement, compromise, judgment, or award 85219

that excludes the cost of medical assistance paid for by a the 85220  
department or county department shall not preclude a department 85221  
from enforcing its rights under this section. 85222

(B) In the case of a medical assistance recipient ~~or~~ 85223  
~~participant~~ who receives medical assistance through a medicaid 85224  
managed care organization, the amount of the department's or 85225  
county department's claim shall be the amount the medicaid managed 85226  
care organization pays for medical assistance rendered to the 85227  
recipient ~~or participant~~, even if that amount is more than the 85228  
amount a the department or county department pays to the medicaid 85229  
managed care organization for the recipient's ~~or participant's~~ 85230  
medical assistance. 85231

(C) A medical assistance recipient ~~or participant~~, and the 85232  
recipient's ~~or participant's~~ attorney, if any, shall cooperate 85233  
with the departments. In furtherance of this requirement, the 85234  
medical assistance recipient ~~or participant~~, or the recipient's ~~or~~ 85235  
~~participant's~~ attorney, if any, shall, not later than thirty days 85236  
after initiating informal recovery activity or filing a legal 85237  
recovery action against a third party, provide written notice of 85238  
the activity or action to the department of ~~job and family~~ 85239  
~~services when~~ medicaid or county department if it has paid for 85240  
medical assistance under ~~medicaid has been paid~~ a medical 85241  
assistance program. 85242

(D) The written notice that must be given under division (C) 85243  
of this section shall disclose the identity and address of any 85244  
third party against whom the medical assistance recipient ~~or~~ 85245  
~~participant~~ has or may have a right of recovery. 85246

(E) No settlement, compromise, judgment, or award or any 85247  
recovery in any action or claim by a medical assistance recipient 85248  
~~or participant~~ where the ~~departments have~~ department or county 85249  
department has a right of recovery shall be made final without 85250  
first giving the ~~appropriate departments~~ department or county 85251

department written notice as described in division (C) of this 85252  
section and a reasonable opportunity to perfect ~~their~~ its rights 85253  
of recovery. If the ~~departments are~~ department or county 85254  
department is not given the appropriate written notice, the 85255  
medical assistance recipient ~~or participant~~ and, if there is one, 85256  
the recipient's ~~or participant's~~ attorney, are liable to reimburse 85257  
the ~~departments~~ department or county department for the recovery 85258  
received to the extent of medical assistance payments made by the 85259  
~~departments~~ department or county department. 85260

(F) The ~~departments~~ department or county department shall be 85261  
permitted to enforce ~~their~~ its recovery rights against the third 85262  
party even though ~~they~~ it accepted prior payments in discharge of 85263  
~~their~~ its rights under this section if, at the time the 85264  
~~departments~~ department or county department received such 85265  
payments, ~~they were~~ it was not aware that additional medical 85266  
expenses had been incurred but had not yet been paid by the 85267  
~~departments~~ department or county department. The third party 85268  
becomes liable to the department ~~of job and family services~~ or 85269  
county department ~~of job and family services~~ as soon as the third 85270  
party is notified in writing of the valid claims for recovery 85271  
under this section. 85272

(G)(1) Subject to division (G)(2) of this section, the right 85273  
of recovery of ~~a~~ the department or county department does not 85274  
apply to that portion of any judgment, award, settlement, or 85275  
compromise of a claim, to the extent of attorneys' fees, costs, or 85276  
other expenses incurred by a medical assistance recipient ~~or~~ 85277  
~~participant~~ in securing the judgment, award, settlement, or 85278  
compromise, or to the extent of medical, surgical, and hospital 85279  
expenses paid by such recipient ~~or participant~~ from the 85280  
recipient's ~~or participant's~~ own resources. 85281

(2) Reasonable attorneys' fees, not to exceed one-third of 85282  
the total judgment, award, settlement, or compromise, plus costs 85283

and other expenses incurred by the medical assistance recipient ~~or~~ 85284  
~~participant~~ in securing the judgment, award, settlement, or 85285  
compromise, shall first be deducted from the total judgment, 85286  
award, settlement, or compromise. After fees, costs, and other 85287  
expenses are deducted from the total judgment, award, settlement, 85288  
or compromise, the department of ~~job and family services~~ medicaid 85289  
or ~~appropriate~~ county department of ~~job and family services~~ shall 85290  
receive no less than one-half of the remaining amount, or the 85291  
actual amount of medical assistance paid, whichever is less. 85292

(H) A right of recovery created by this section may be 85293  
enforced separately or jointly by the department of ~~job and family~~ 85294  
~~services~~ medicaid or the ~~appropriate~~ county department of ~~job and~~ 85295  
~~family services~~. To enforce ~~their~~ its recovery rights, the 85296  
~~departments~~ department or county department may do any of the 85297  
following: 85298

(1) Intervene or join in any action or proceeding brought by 85299  
the medical assistance recipient ~~or participant~~ or on the 85300  
recipient's ~~or participant's~~ behalf against any third party who 85301  
may be liable for the cost of medical assistance paid; 85302

(2) Institute and pursue legal proceedings against any third 85303  
party who may be liable for the cost of medical assistance paid; 85304

(3) Initiate legal proceedings in conjunction with any 85305  
injured, diseased, or disabled medical assistance recipient ~~or~~ 85306  
~~participant~~ or the recipient's ~~or participant's~~ attorney or 85307  
representative. 85308

(I) A medical assistance recipient ~~or participant~~ shall not 85309  
assess attorney fees, costs, or other expenses against the 85310  
department of ~~job and family services~~ medicaid or a county 85311  
department of ~~job and family services~~ when the department or 85312  
county department enforces its right of recovery created by this 85313  
section. 85314



(J) The right of recovery given to the department under this 85315  
section ~~does not include rights to support from any other person~~ 85316  
~~assigned to the state under sections 5107.20 and 5115.07 of the~~ 85317  
~~Revised Code, but~~ includes payments made by a third party under 85318  
contract with a person having a duty to support. 85319

(K) The department of medicaid may assign to a medical 85320  
assistance provider the right of recovery given to the department 85321  
under this section with respect to any claim for which the 85322  
department has notified the provider that the department intends 85323  
to recoup the department's prior payment for the claim. 85324

Sec. 5160.371. In addition to the requirement of division (C) 85325  
of section 5160.37 of the Revised Code to cooperate with the 85326  
department of medicaid and county department of job and family 85327  
services, a medical assistance recipient and the recipient's 85328  
attorney, if any, shall cooperate with each medical provider of 85329  
the recipient. Cooperation with a medical provider shall consist 85330  
of disclosing to the provider all information the recipient and 85331  
attorney, if any, possess that would assist the provider in 85332  
determining each third party that is responsible for the payment 85333  
or processing of a claim for medical assistance provided to the 85334  
recipient. If disclosure is not made in accordance with this 85335  
section, the recipient and the recipient's attorney, if any, are 85336  
liable to reimburse the department or county department for the 85337  
amount that would have been paid by a third party had the third 85338  
party been disclosed to the provider by the recipient or the 85339  
recipient's attorney. 85340

Sec. ~~5101.59~~ 5160.38. (A) The application for, or acceptance 85341  
of enrollment in, ~~public~~ a medical assistance program constitutes 85342  
an automatic assignment of ~~certain~~ rights specified in division 85343  
(B) of this section to the department of ~~job and family services~~ 85344  
medicaid. This assignment includes the rights of the applicant, 85345

medical assistance recipient, ~~or participant~~ and also the rights 85346  
of any other member of the assistance group for whom the 85347  
~~applicant, recipient, or participant~~ can legally make an 85348  
assignment. 85349

(B) Pursuant to this section, ~~the applicant, a medical~~ 85350  
assistance recipient, ~~or participant~~ assigns to the department any 85351  
rights to medical support available to the ~~applicant, recipient,~~ 85352  
~~or participant~~ or for other members of the recipient's assistance 85353  
group under an order of a court or administrative agency, and any 85354  
rights to payments by a liable third party for the cost of medical 85355  
assistance paid on behalf of a ~~public assistance~~ the recipient or 85356  
participant or other members of the assistance group. The 85357  
recipient ~~or participant~~ shall cooperate with the department in 85358  
obtaining such payments. 85359

Medicare benefits shall not be assigned pursuant to this 85360  
section. Benefits assigned to the department by operation of this 85361  
section are directly reimbursable to the department by liable 85362  
third parties. 85363

(C) Refusal by ~~the applicant~~ a medical assistance, recipient, 85364  
~~or participant~~ to cooperate in obtaining medical assistance paid 85365  
for self or any other member of the recipient's assistance group 85366  
renders the ~~applicant, recipient, or participant~~ ineligible for 85367  
~~public~~ a medical assistance program, unless cooperation is waived 85368  
by the department. Eligibility shall continue for any individual 85369  
who cannot legally assign the individual's own rights and who 85370  
would have been eligible for ~~public~~ a medical assistance program 85371  
but for the refusal to assign the individual's rights or to 85372  
cooperate as required by this section by another person legally 85373  
able to assign the individual's rights. 85374

(D) If ~~the applicant, a medical assistance~~ recipient, ~~or~~ 85375  
~~participant~~ or any member of the recipient's assistance group 85376  
becomes ineligible for ~~public~~ a medical assistance program, the 85377

department shall restore to the ~~applicant, recipient, participant,~~ 85378  
or ~~member of the~~ assistance group member any future rights to 85379  
benefits assigned under this section. 85380

~~(E) The rights of assignment given to the department under 85381  
this section do not include rights to support assigned under 85382  
section 5107.20 or 5115.07 of the Revised Code. 85383~~

**Sec. ~~5101.572~~ 5160.39.** (A) A third party shall cooperate with 85384  
the department of ~~job and family services~~ medicaid in identifying 85385  
individuals for the purpose of establishing third party liability 85386  
~~pursuant to Title XIX of the Social Security Act, as amended~~ 85387  
regarding medical assistance programs. 85388

(B) In furtherance of the requirement in division (A) of this 85389  
section and to allow the department to determine any period that 85390  
the individual or the individual's spouse or dependent may have 85391  
been covered by the third party and the nature of the coverage, a 85392  
third party shall provide, as the department so chooses, 85393  
information or access to information, or both, in the third 85394  
party's electronic data system on the department's request and in 85395  
accordance with division (C) of this section. 85396

(C)(1) If the department chooses to receive information 85397  
directly, the third party shall provide the information under all 85398  
of the following circumstances: 85399

(a) In a medium, format, and manner prescribed ~~by the~~ 85400  
~~director of job and family services~~ in rules ~~adopted under~~ 85401  
authorized by section ~~5101.591~~ 5160.43 of the Revised Code; 85402

(b) Free of charge; 85403

(c) Not later than the end of the thirtieth day after the 85404  
department makes its request, unless a different time is agreed to 85405  
by the director in writing. 85406

(2) If the department chooses to receive access to 85407

information, the third party shall provide access by a method 85408  
prescribed ~~by the director of job and family services~~ in rules 85409  
~~adopted under~~ authorized by section ~~5101.591~~ 5160.43 of the 85410  
Revised Code. In facilitating access, the department may enter 85411  
into a trading partner agreement with the third party to permit 85412  
the exchange of information via "ASC X 12N 270/271 Health Care 85413  
Eligibility Benefit Inquiry and Response" transactions. 85414

(D) All of the following apply with respect to information 85415  
provided by a third party to the department under this section: 85416

(1) The information is confidential and not a public record 85417  
under section 149.43 of the Revised Code. 85418

(2) The release of information to the department is not to be 85419  
considered a violation of any right of confidentiality or contract 85420  
that the third party may have with covered persons including, but 85421  
not limited to, contractees, beneficiaries, heirs, assignees, and 85422  
subscribers. 85423

(3) The third party is immune from any liability that it may 85424  
otherwise incur through its release of information to the 85425  
department. 85426

The department ~~of job and family services~~ shall limit its use 85427  
of information gained from third parties to purposes directly 85428  
connected with the administration of the medicaid program and the 85429  
child support program authorized by Title IV-D of the "Social 85430  
Security Act," 42 U.S.C. 651 et seq. 85431

(E) No third party shall disclose to other parties or make 85432  
use of any information regarding medical assistance recipients ~~of~~ 85433  
~~aid under Chapter 5107. or 5111. of the Revised Code~~ that it 85434  
obtains from the department, except in the manner provided ~~for by~~ 85435  
~~the director of job and family services~~ in administrative rules 85436  
authorized by section 5160.43 of the Revised Code. 85437

**Sec. ~~5101.573~~ 5160.40.** (A) Subject to divisions (B) and (C) 85438  
of this section, a third party shall do all of the following: 85439

(1) Accept the department of ~~job and family services'~~ 85440  
medicaid's right of recovery under section ~~5101.58~~ 5160.37 of the 85441  
Revised Code and the assignment of rights to the department that 85442  
are described in section ~~5101.59~~ 5160.38 of the Revised Code; 85443

(2) Respond to an inquiry by the department regarding a claim 85444  
for payment of a medical item or service that was submitted to the 85445  
third party not later than six years after the date of the 85446  
provision of such medical item or service; 85447

(3) Not charge a fee to do either of the following for a 85448  
claim described in division (A)(2) of this section: 85449

(a) Determine whether the claim should be paid; 85450

(b) Process the claim. 85451

(4) Pay a claim described in division (A)(2) of this section; 85452

(5) Not deny a claim submitted by the department solely on 85453  
the basis of the date of submission of the claim, type or format 85454  
of the claim form, or a failure by the medical assistance 85455  
recipient who is the subject of the claim to present proper 85456  
documentation of coverage at the time of service, if both of the 85457  
following ~~are true~~ have occurred: 85458

(a) The claim was submitted by the department not later than 85459  
six years after the date of the provision of the medical item or 85460  
service. 85461

(b) An action by the department to enforce its right of 85462  
recovery under section ~~5101.58~~ 5160.37 of the Revised Code on the 85463  
claim was commenced not later than six years after the 85464  
department's submission of the claim. 85465

(6) Consider the department's payment of a claim for a 85466

medical item or service to be the equivalent of the medical 85467  
assistance recipient having obtained prior authorization for the 85468  
item or service from the third party; 85469

(7) Not deny a claim described in division (A)(6) of this 85470  
section that is submitted by the department solely on the basis of 85471  
the medical assistance recipient's failure to obtain prior 85472  
authorization for the medical item or service. 85473

(B) For purposes of the requirements in division (A) of this 85474  
section, a third party shall treat a medicaid managed care 85475  
organization as the department for a claim ~~in which both of the~~ 85476  
~~following are true:~~ 85477

~~(1) The if the individual who is the subject of the claim 85478  
received a medical item or service through a medicaid managed care 85479  
organization ~~that has entered into a contract with the department~~ 85480  
~~of job and family services under section 5111.17 of the Revised~~ 85481  
~~Code;~~ 85482~~

~~(2) The and the department has assigned its right of recovery 85483  
for the claim to the medicaid managed care organization. 85484~~

(C) If the department of medicaid, as permitted by division 85485  
(K) of section 5160.37 of the Revised Code, assigns to a medical 85486  
assistance provider the department's right of recovery for a claim 85487  
for which it has notified the provider that it intends to recoup 85488  
its prior payment for a claim, a third party shall treat the 85489  
provider as the department and shall pay the provider the greater 85490  
of the following: 85491

(1) The amount the department intends to recoup from the 85492  
provider for the claim. 85493

(2) If the third party and the provider have an agreement 85494  
that requires the third party to pay the provider at the time the 85495  
provider presents the claim to the third party, the amount that is 85496  
to be paid under that agreement. 85497

(D) The time limitations associated with the requirements in 85498  
divisions (A)(2) and (5) of this section apply only to submissions 85499  
of claims to, and payments of claims by, a health insurer to which 85500  
the "Social Security Act," section 1902(a)(25)(I), 42 U.S.C. 85501  
1396a(a)(25)(I), applies. 85502

**Sec. ~~5101.574~~ 5160.41.** No third party shall consider whether 85503  
an individual is eligible for or ~~receives~~ enrolled in a medical 85504  
assistance program when either of the following applies: 85505

(A) The individual seeks to obtain a policy or enroll in a 85506  
plan or program operated or administered by the third party; 85507

(B) The individual, or a person or governmental entity on the 85508  
individual's behalf, seeks payment for a medical item or service 85509  
provided to the individual. 85510

**Sec. ~~5101.575~~ 5160.42.** (A) If a third party violates section 85511  
~~5101.572~~ 5160.39, ~~5101.573~~ 5160.40, or ~~5101.574~~ 5160.41 of the 85512  
Revised Code, a governmental entity that is responsible for 85513  
issuing a license, certificate of authority, registration, or 85514  
approval that authorizes the third party to do business in this 85515  
state may impose a fine against the third party or deny, revoke, 85516  
or terminate the third party's license, certificate, registration, 85517  
or approval to do business in this state. The governmental entity 85518  
shall determine which sanction is to be imposed. All actions to 85519  
impose the sanction shall be taken in accordance with Chapter 119. 85520  
of the Revised Code. 85521

(B) In addition to the sanctions that may be imposed under 85522  
division (A) of this section for a violation of section ~~5101.572~~ 85523  
5160.39, ~~5101.573~~ 5160.40, or ~~5101.574~~ 5160.41 of the Revised 85524  
Code, the attorney general may petition a court of common pleas to 85525  
enjoin the violation. 85526

~~Sec. 5101.591~~ 5160.43. (A) ~~Except as provided in division (B)~~ 85527  
~~of this section, the The medicaid director of job and family~~ 85528  
~~services~~ may adopt rules ~~in accordance with Chapter 119.~~ under 85529  
section 5160.02 of the Revised Code to implement sections ~~5101.571~~ 85530  
5160.35 to ~~5101.59~~ 5160.43 of the Revised Code, including rules 85531  
that specify what constitutes cooperating with efforts to obtain 85532  
support or payments, or medical assistance payments, and when 85533  
cooperation may be waived. 85534

(B) The department shall adopt rules ~~in accordance with~~ 85535  
~~Chapter 119.~~ under section 5160.02 of the Revised Code to do all 85536  
of the following: 85537

(1) For purposes of the definition of "information" in 85538  
division (A) of section ~~5101.571~~ 5160.35 of the Revised Code, any 85539  
data other than the data specified in that division that should be 85540  
included in the definition. 85541

(2) For purposes of division (C)(1)(a) of section ~~5101.572~~ 85542  
5160.39 of the Revised Code, the medium, format, and manner in 85543  
which a third party must provide information to the department. 85544

(3) For purposes of division (C)(2) of section ~~5101.572~~ 85545  
5160.39 of the Revised Code, the method by which a third party 85546  
must provide the department with access to information. 85547

(C) Rules authorized by division (A) of this section may be 85548  
adopted in accordance with section 111.15 of the Revised Code. 85549  
Rules authorized by division (B) of this section shall be adopted 85550  
in accordance with Chapter 119. of the Revised Code. 85551

~~Sec. 5101.271~~ 5160.45. (A) As used in sections 5160.45 to 85552  
5160.481 of the Revised Code, "information" means all of the 85553  
following: 85554

(1) Records, as defined in section 149.011 of the Revised 85555  
Code; 85556



(2) Any other documents in any format; 85557

(3) Data derived from records and documents that are generated, acquired, or maintained by the department of medicaid, a county department of job and family services, or an entity performing duties on behalf of the department or a county department. 85558  
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(B) Except as permitted by this section, section ~~5101.273~~ 85563  
~~5160.47~~, or rules ~~adopted under~~ authorized by section ~~5101.30~~ 85564  
~~5160.48~~ or ~~5160.481~~ of the Revised Code, or when required by 85565  
federal law, no person or government entity shall use or disclose 85566  
information regarding a medical assistance recipient for any 85567  
purpose not directly connected with the administration of ~~the a~~ 85568  
medical assistance program. 85569

~~(B)~~(C) Both of the following shall be considered to be 85570  
purposes directly connected with the administration of ~~the a~~ 85571  
medical assistance program: 85572

(1) Treatment, payment, or other operations or activities 85573  
authorized by 42 C.F.R. Chapter IV; 85574

(2) Any administrative function or duty the department of ~~job~~ 85575  
~~and family services~~ medicaid performs alone or jointly with a 85576  
federal government entity, another state government entity, or a 85577  
local government entity implementing a provision of federal law. 85578

~~(C)~~(D) The department or a county ~~agency~~ department of job 85579  
and family services may disclose information regarding a medical 85580  
assistance recipient to any of the following: 85581

(1) The recipient or the recipient's authorized 85582  
representative; 85583

(2) The recipient's legal guardian in accordance with 85584  
division (C) of section 2111.13 of the Revised Code; 85585

(3) The attorney of the recipient, if the department or 85586

county ~~agency~~ department has obtained authorization from the 85587  
recipient, or the recipient's authorized representative, ~~or the~~ 85588  
~~recipient's~~ legal guardian that meets all requirements of the 85589  
Health Insurance Portability and Accountability Act of 1996, ~~Pub.~~ 85590  
~~L. 104 191, 110 Stat. 1955,~~ 42 U.S.C. 1320d et seq., ~~as amended,~~ 85591  
regulations promulgated by the United States department of health 85592  
and human services to implement the act, section ~~5101.272~~ 5160.46 85593  
of the Revised Code, and any rules ~~the director of job and family~~ 85594  
~~services adopts under~~ authorized by section ~~5101.30~~ 5160.48 of the 85595  
Revised Code; 85596

(4) A health information or health records management entity 85597  
that has executed with the department a business associate 85598  
agreement required by 45 C.F.R 164.502(e)(2) and has been 85599  
authorized by the recipient, or the recipient's authorized 85600  
representative, ~~or the recipient's~~ legal guardian to receive the 85601  
recipient's electronic health records in accordance with rules ~~the~~ 85602  
~~director of job and family services adopts under~~ authorized by 85603  
section ~~5101.30~~ 5160.48 of the Revised Code; 85604

(5) A court if pursuant to a written order of the court. 85605

~~(D)~~(E) The department may receive from county departments of 85606  
job and family services information regarding any medical 85607  
assistance recipient for purposes of training and verifying the 85608  
accuracy of eligibility determinations for a medical assistance 85609  
program. The department may assemble information received under 85610  
this division into a report if the report is in a form specified 85611  
by the department. Information received and assembled into a 85612  
report under this division shall remain confidential and not be 85613  
subject to disclosure pursuant to section 149.43 or 1347.08 of the 85614  
Revised Code. 85615

~~(E)~~(F) The department shall notify courts in this state 85616  
regarding its authority, under division ~~(C)~~(D)(5) of this section, 85617  
to disclose information regarding a medical assistance recipient 85618

pursuant to a written court order. 85619

Sec. 5160.46. (A) For the purposes of section 5160.45 of the 85620  
Revised Code, an authorization shall be made on a form that uses 85621  
language understandable to the average person and contains all of 85622  
the following: 85623

(1) A description of the information to be used or disclosed 85624  
that identifies the information in a specific and meaningful 85625  
fashion; 85626

(2) The name or other specific identification of the person 85627  
or class of persons authorized to make the requested use or 85628  
disclosure; 85629

(3) The name or other specific identification of the person 85630  
or government entity to which the information may be released; 85631

(4) A description of each purpose of the requested use or 85632  
disclosure of the information; 85633

(5) The date on which the authorization expires or an event 85634  
related either to the individual who is the subject of the request 85635  
or to the purposes of the requested use or disclosure, the 85636  
occurrence of which will cause the authorization to expire; 85637

(6) A statement that the information used or disclosed 85638  
pursuant to the authorization may be disclosed by the recipient of 85639  
the information and may no longer be protected from disclosure; 85640

(7) The signature of the individual or the individual's 85641  
authorized representative and the date on which the authorization 85642  
was signed; 85643

(8) If signed by an authorized representative, a description 85644  
of the representative's authority to act for the individual; 85645

(9) A statement of the individual or authorized 85646  
representative's right to prospectively revoke the written 85647

authorization in writing, along with either of the following: 85648

(a) A description of how the individual or authorized representative may revoke the authorization: 85649

(b) If the department of medicaid has established a privacy notice that contains a description of how the individual or authorized representative may revoke the authorization, a reference to the privacy notice. 85650

(10) A statement that treatment, payment, enrollment, or eligibility for a medical assistance program cannot be conditioned on signing the authorization unless the authorization is necessary for determining eligibility for the program. 85651

(B) An authorization for the release of information regarding a medical assistance recipient to the recipient's attorney under division (D)(3) of section 5160.45 of the Revised Code may include a provision specifically authorizing the release of the recipient's electronic health records, if any, in accordance with rules authorized by section 5160.48 or 5160.481 of the Revised Code. 85652

(C) When an individual requests information pursuant to section 5160.45 of the Revised Code regarding the individual's enrollment in a medical assistance program and does not wish to provide a statement of purpose, the statement "at request of the individual" is a sufficient description for purposes of division (A)(4) of this section. 85653

Sec. 5160.47. The department of medicaid shall enter into any necessary agreements with the United States department of health and human services and neighboring states to join and participate as an active member in the public assistance reporting information system. The department may disclose information regarding a medical assistance recipient to the extent necessary to 85654

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participate as an active member in the system. 85678

Sec. 5160.48. (A) The medicaid director shall adopt rules 85679  
under section 5160.02 of the Revised Code implementing sections 85680  
5160.45 to 5160.481 of the Revised Code and governing the custody, 85681  
use, disclosure, and preservation of the information generated or 85682  
received by the department of medicaid, county departments of job 85683  
and family services, other state and county entities, contractors, 85684  
grantees, private entities, or officials participating in the 85685  
administration of medical assistance programs. The rules shall be 85686  
adopted in accordance with Chapter 119. of the Revised Code. The 85687  
rules may define who is an "authorized representative" for 85688  
purposes of sections 5160.45 and 5160.46 of the Revised Code. The 85689  
rules shall specify conditions and procedures for the release of 85690  
information, which may include both of the following: 85691

(1) Permitting a provider of a service under a medical 85692  
assistance program limited access to information that is essential 85693  
for the provider to render the service or to bill for the service 85694  
rendered; 85695

(2) Permitting a contractor, grantee, or other state or 85696  
county entity limited access to information that is essential for 85697  
the contractor, grantee, or entity to perform administrative or 85698  
other duties on behalf of the department or a county department. 85699

(B) The department of aging, when investigating a complaint 85700  
under section 173.20 of the Revised Code, shall be granted any 85701  
limited access permitted in the rules authorized by division 85702  
(A)(1) of this section. 85703

A contractor, grantee, or entity given access to information 85704  
pursuant to the rules authorized by division (A)(2) of this 85705  
section is bound by the director's rules. Disclosure of the 85706  
information by the contractor, grantee, or entity in a manner not 85707

authorized by the rules is a violation of section 5160.45 of the 85708  
Revised Code. 85709

Sec. 5160.481. Whenever names, addresses, or other 85710  
information relating to medical assistance recipients is held by 85711  
any agency other than the department of medicaid or a county 85712  
department of job and family services, that other agency shall 85713  
adopt rules consistent with sections 5160.45 to 5160.481 of the 85714  
Revised Code to prevent the publication or disclosure of names, 85715  
lists, or other information concerning those recipients. 85716

Sec. 5160.50. The department of medicaid shall administer the 85717  
refugee medical assistance program authorized by the "Immigration 85718  
and Nationality Act," section 412(e), 8 U.S.C. 1522(e). 85719  
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Sec. 5160.52. The medicaid director may provide for the 85721  
department of medicaid to develop, participate in the development 85722  
of, negotiate, and enter into one or more interstate compacts on 85723  
behalf of this state with agencies of any other states, for the 85724  
provision of medical assistance to children in relation to whom 85725  
all of the following apply: 85726

(A) They have special needs. 85727

(B) This state or another state that is a party to the 85728  
interstate compact is providing adoption assistance on their 85729  
behalf. 85730

(C) They move into this state from another state or move out 85731  
of this state to another state. 85732

Sec. 5160.99. Whoever violates division (B) of section 85733  
5160.45 of the Revised Code is guilty of a misdemeanor of the 85734  
first degree. 85735

Sec. 5161.01. (A) As used in the Revised Code, "children's health insurance program" and, when used as an acronym for the children's health insurance program, "CHIP" mean the program of child health assistance authorized by Title XXI of the "Social Security Act," 42 U.S.C. 1397aa et seq. CHIP part I, CHIP part II, and CHIP part III, as authorized by this chapter, are components of CHIP. Any reference in statute enacted by the general assembly to medicaid or the medicaid program also means CHIP to the extent, if any, that CHIP is provided under the medicaid program.

(B) As used in this chapter, "federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2).

~~Sec. 5101.502~~ 5161.02. The medicaid director of ~~job and family services~~ may adopt rules in accordance with Chapter 119. of the Revised Code as necessary for the efficient administration of the children's health insurance program ~~part I~~, including rules that establish all of the following:

(A) The conditions under which ~~health assistance services~~ the program will ~~be reimbursed~~ pay for health benefits coverage;

(B) The method of ~~reimbursement~~ applicable to services reimbursable under the program payment;

(C) The amount of ~~reimbursement~~ payment, or the method by which the amount is to be determined, for each ~~reimbursable~~ service included in the health benefits coverage.

~~Sec. 5101.50~~ 5161.05. (A) ~~As used in sections 5101.50 to~~

~~5101.529 of the Revised Code:~~ 85765

~~(1) "Children's health insurance program" means the program authorized by Title XXI of the "Social Security Act," 111 Stat. 552 (1997), 42 U.S.C.A. 1397aa.~~ 85766  
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~~(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.~~ 85769  
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~~(B) The medicaid director of job and family services may continue to operate the component of the children's health insurance program initially authorized by an executive order issued under section 107.17 of the Revised Code as long as federal financial participation is available for the program. If operated, the program component shall provide health assistance to pay for part or all of the cost of health benefits coverage for uninsured individuals under nineteen years of age with family incomes not exceeding one hundred fifty per cent of the federal poverty guidelines line. In accordance with 42 U.S.C.A. 1397aa, the director may provide for the health assistance to meet the requirements of 42 U.S.C.A. 1397cc, to be provided under the medicaid program established under Chapter 5111. of the Revised Code, or to be a combination of both.~~ 85771  
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~~**Sec. 5101.501 5161.06.** Health assistance provided under The component of the children's health insurance program authorized by section ~~5101.50~~ 5161.05 of the Revised Code shall be known as ~~the~~ children's health insurance program CHIP part I.~~ 85785  
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~~**Sec. 5101.51 5161.10.** In accordance with federal law governing the children's health insurance program, the medicaid director of job and family services may submit a state child health plan to the United States secretary of health and human services to provide pay, except as provided in section ~~5101.516~~ 5161.22 of the Revised Code, health assistance to for part or all~~ 85789  
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~~of the cost of health benefits coverage for uninsured individuals~~ 85795  
~~under nineteen years of age with family incomes above one hundred~~ 85796  
~~fifty per cent of the federal poverty ~~guidelines~~ line but not~~ 85797  
~~exceeding two hundred per cent of the federal poverty ~~guidelines~~~~ 85798  
~~line. If the director submits the plan, the director shall ~~include~~~~ 85799  
~~~~both of the following~~ stipulate in the plan:~~ 85800

~~(A) The health assistance will not begin before January 1,~~ 85801  
~~2000.~~ 85802

~~(B) The health assistance that the payments will be available~~ 85803  
~~only while federal financial participation is available for ~~it~~~~ 85804  
~~them.~~ 85805

**Sec. ~~5101.511~~ 5161.11.** ~~Health assistance provided under The~~ 85806  
~~component of the children's health insurance program authorized by~~ 85807  
~~section ~~5101.51~~ 5161.10 of the Revised Code shall be known as ~~the~~~~ 85808  
~~~~children's health insurance program~~ CHIP part II.~~ 85809

**Sec. ~~5101.512~~ 5161.12.** ~~If the medicaid director ~~of job and~~~~ 85810  
~~~~family services~~ submits a state child health plan to the United~~ 85811  
~~States secretary of health and human services under section~~ 85812  
~~~~5101.51~~ 5161.10 of the Revised Code and the secretary approves the~~ 85813  
~~plan, the director shall implement ~~the children's health insurance~~~~ 85814  
~~~~program~~ CHIP part II in accordance with the plan. ~~The director may~~~~ 85815  
~~~~adopt rules in accordance with Chapter 119. of the Revised Code as~~~~ 85816  
~~~~necessary for the efficient administration of the program,~~~~ 85817  
~~~~including rules that establish all of the following:~~~~ 85818

~~(A) The conditions under which health assistance services~~ 85819  
~~will be reimbursed;~~ 85820

~~(B) The method of reimbursement applicable to services~~ 85821  
~~reimbursable under the program;~~ 85822

~~(C) The amount of reimbursement, or the method by which the~~ 85823  
~~amount is to be determined, for each reimbursable service.~~ 85824

**Sec. ~~5101.52~~ 5161.15.** In accordance with federal law 85825  
governing the children's health insurance program, the medicaid 85826  
~~director of job and family services~~ may submit a request for a 85827  
federal waiver to the United States secretary of health and human 85828  
services to ~~provide pay~~, except as provided in section ~~5101.526~~ 85829  
5161.22 of the Revised Code, ~~health assistance to~~ for part or all 85830  
of the cost of health benefits coverage for individuals under 85831  
nineteen years of age with family incomes above two hundred per 85832  
cent of the federal poverty ~~guidelines~~ line but not exceeding 85833  
three hundred per cent of the federal poverty ~~guidelines~~ line. If 85834  
the director submits the ~~plan waiver request~~, the director shall 85835  
stipulate in the ~~plan request~~ that the ~~health assistance payments~~ 85836  
will be available only while federal financial participation is 85837  
available for it ~~and that health assistance shall not begin before~~ 85838  
~~January 1, 2008~~ them. 85839

**Sec. ~~5101.521~~ 5161.16.** ~~Health assistance provided under~~ The 85840  
component of the children's health insurance program authorized by 85841  
section ~~5101.52~~ 5161.15 of the Revised Code shall be known as ~~the~~ 85842  
~~children's health insurance program~~ CHIP part III. 85843

**Sec. ~~5101.522~~ 5161.17.** If the medicaid director ~~of job and~~ 85844  
~~family services~~ submits a waiver request to the United States 85845  
secretary of health and human services under section ~~5101.52~~ 85846  
5161.15 of the Revised Code and the secretary grants the waiver, 85847  
the director shall implement ~~the children's health insurance~~ 85848  
~~program~~ CHIP part III in accordance with the waiver. ~~The director~~ 85849  
~~may adopt rules in accordance with Chapter 119. of the Revised~~ 85850  
~~Code as necessary for the efficient administration of the program,~~ 85851  
~~including rules that establish all of the following:~~ 85852

~~(A) The conditions under which health assistance services~~ 85853  
~~will be reimbursed;~~ 85854

~~(B) The method of reimbursement applicable to services reimbursable under the program;~~ 85855  
85856

~~(C) The amount of reimbursement, or the method by which the amount is to be determined, for each reimbursable service.~~ 85857  
85858

**Sec. ~~5101.524~~ 5161.20.** In accordance with the "Social Security Act," section 2101, 42 U.S.C. 1397aa, ~~the director of job and family services shall provide for health assistance under the children's health insurance program part III to meet~~ shall provide payments for obtaining health benefits coverage through any of the following: 85859  
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(A) Obtaining coverage that meets the requirements the "Social Security Act," section 2103, of 42 U.S.C. 1397cc, ~~to be provided;~~ 85865  
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(B) Providing benefits under the medicaid program established under Chapter 5111. of the Revised Code, ~~or to be a;~~ 85868  
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(C) A combination of both divisions (A) and (B) of this section. 85870  
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**Sec. ~~5101.516~~ 5161.22.** If the medicaid ~~director of job and family services~~ determines that federal financial participation for ~~the children's health insurance program CHIP part II, part III, or both parts~~ is insufficient to ~~provide health assistance to~~ pay for part or all of the costs of health benefits coverage for all the individuals the director anticipates are eligible for the ~~program part or parts,~~ the director may refuse to accept new applications for the ~~program part or parts~~ or may make the ~~program's~~ eligibility requirements more restrictive for the part or parts. 85872  
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**Sec. ~~5101.517~~ 5161.24.** To the extent permitted by the "Social Security Act," section 2103(e), 42 U.S.C.A. 1397cc(e), the 85882  
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~~medicaid~~ director ~~of job and family services~~ may require an 85884  
individual ~~receiving health assistance under the children's health~~ 85885  
~~insurance program seeking to enroll, or who is enrolled, in CHIP~~ 85886  
part II to pay a premium, deductible, coinsurance payment, or 85887  
other cost-sharing expense. 85888

**Sec. ~~5101.527~~ 5161.25.** To the extent permitted by the "Social 85889  
Security Act," section 2103(e), 42 U.S.C. 1397cc(e), the medicaid 85890  
~~director of job and family services~~ shall require an individual 85891  
~~receiving health assistance under the children's health insurance~~ 85892  
~~program seeking to enroll, or who is enrolled, in CHIP~~ part III to 85893  
pay the following as a term of ~~participation in the program~~ 85894  
enrollment: 85895

(A) A premium of not less than forty dollars per month for a 85896  
family with one individual ~~receiving health assistance under~~ 85897  
seeking to enroll, or who is enrolled, in the program part; 85898

(B) A premium of not less than eighty dollars per month for a 85899  
family with two individuals ~~receiving health assistance under~~ 85900  
seeking to enroll, or who is enrolled, in the program part; 85901

(C) A premium of not less than one hundred twenty dollars per 85902  
month for a family with three or more individuals ~~receiving health~~ 85903  
~~assistance under seeking to enroll, or who are enrolled, in the~~ 85904  
program part. 85905

**Sec. ~~5101.519~~ 5161.27.** A completed application for ~~medical~~ 85906  
~~assistance under Chapter 5111. of the Revised Code~~ medicaid shall 85907  
be treated as an application for ~~health assistance under the~~ 85908  
children's health insurance program ~~part II~~ if the application is 85909  
for an assistance group that includes a child under nineteen years 85910  
of age and is denied. 85911

**Sec. ~~5101.513~~ 5161.30.** The medicaid director ~~of job and~~ 85912

~~family services~~ may contract with a government entity or person to 85913  
perform the director's administrative duties regarding ~~the~~ 85914  
~~children's health insurance program~~ CHIP part I, part II, part 85915  
III, two of the parts, or all three parts, other than the duty to 85916  
submit a state child health plan to the United States secretary of 85917  
health and human services under section ~~5101.51~~ 5161.10 of the 85918  
Revised Code, the duty to submit a waiver request under section 85919  
5161.15 of the Revised Code, and the duty to adopt rules under 85920  
section ~~5101.512~~ 5161.02 of the Revised Code. 85921

**Sec. ~~5101.5110~~ 5161.35.** (A) The medicaid director ~~of job and~~ 85922  
~~family services~~ may submit a waiver request to the United States 85923  
secretary of health and human services to provide health 85924  
assistance to any individual who meets all of the following 85925  
requirements: 85926

(1) Is the parent of a child who is under nineteen years of 85927  
age ~~who,~~ resides with the parent, and is ~~eligible for health~~ 85928  
~~assistance under~~ enrolled in the children's health insurance 85929  
program part I or II or the medicaid program ~~established under~~ 85930  
~~Chapter 5111. of the Revised Code;~~ 85931

(2) Is uninsured; 85932

(3) Has a family income that does not exceed one hundred per 85933  
cent of the federal poverty ~~guidelines~~ line. 85934

(B) A waiver request the director submits under division (A) 85935  
of this section may seek federal funds allotted to the state under 85936  
~~Title XXI of the "Social Security Act," 111 Stat. 558 (1997)~~ 85937  
section 2104, 42 U.S.C.A. 1397dd, as amended, that are not 85938  
otherwise used to fund the children's health insurance program 85939  
parts I and II. 85940

~~(C) If a waiver request the director submits under division~~ 85941  
~~(A) of this section is granted, the director may adopt rules in~~ 85942

~~accordance with Chapter 119. of the Revised Code as necessary for~~ 85943  
~~the efficient administration of the program authorization by the~~ 85944  
~~waiver.~~ 85945

Sec. 5162.01. (A) As used in the Revised Code: 85946

(1) "Medicaid" and "medicaid program" mean the program of 85947  
medical assistance established by Title XIX of the "Social 85948  
Security Act," 42 U.S.C. 1396 et seq., including any medical 85949  
assistance provided under the medicaid state plan or a federal 85950  
medicaid waiver granted by the United States secretary of health 85951  
and human services. 85952

(2) "Medicare" and "medicare program" mean the federal health 85953  
insurance program established by Title XVIII of the "Social 85954  
Security Act," 42 U.S.C. 1395 et seq. 85955

(B) As used in this chapter: 85956

(1) "Dual eligible individual" has the same meaning as in 85957  
section 5160.01 of the Revised Code. 85958

(2) "Federal financial participation" has the same meaning as 85959  
in section 5160.01 of the Revised Code. 85960

(3) "Federal poverty line" means the official poverty line 85961  
defined by the United States office of management and budget based 85962  
on the most recent data available from the United States bureau of 85963  
the census and revised by the United States secretary of health 85964  
and human services pursuant to the "Omnibus Budget Reconciliation 85965  
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 85966

(4) "Healthy start component" means the component of the 85967  
medicaid program that covers pregnant women and children and is 85968  
identified in rules adopted under section 5162.02 of the Revised 85969  
Code as the healthy start component. 85970

(5) "ICF/MR" has the same meaning as in section 5124.01 of 85971  
the Revised Code. 85972

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|---|-------|
| <u>(6) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.</u>   | 85973 |
|   | 85974 |
| <u>(7) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.</u>  | 85975 |
|   | 85976 |
| <u>(8) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.</u>  | 85977 |
|   | 85978 |
| <u>(9) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.</u>   | 85979 |
|   | 85980 |
| <u>(10) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities only in a geographical area smaller than that of the state.</u>   | 85981 |
|   | 85982 |
|   | 85983 |
|   | 85984 |
| <u>(11) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code.</u>   | 85985 |
|   | 85986 |
| <u>(12) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.</u>  | 85987 |
|   | 85988 |
| <u>(13) "Qualified medicaid school provider" means the board of education of a city, local, or exempted village school district, the governing authority of a community school established under Chapter 3314. of the Revised Code, the state school for the deaf, and the state school for the blind to which both of the following apply:</u> | 85989 |
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|   | 85993 |
|   | 85994 |
| <u>(a) It holds a valid provider agreement.</u>   | 85995 |
| <u>(b) It meets all other conditions for participation in the medicaid school component of the medicaid program established in rules authorized by section 5162.364 of the Revised Code.</u>  | 85996 |
|   | 85997 |
|   | 85998 |
| <u>(14) "State agency" means every organized body, office, or agency, other than the department of medicaid, established by the laws of the state for the exercise of any function of state government.</u>   | 85999 |
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|   | 86001 |
|   | 86002 |

(15) "Vendor offset" means a reduction of a medicaid payment to a medicaid provider to correct a previous, incorrect medicaid payment to that provider. 86003  
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Sec. 5162.02. The medicaid director shall adopt rules as necessary to implement this chapter. 86006  
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Sec. 5162.021. The medicaid director shall adopt rules under sections 5160.02, 5162.02, 5163.03, 5164.04, 5165.05, 5166.02, and 5167.02 of the Revised Code as necessary to authorize the directors of other state agencies to adopt rules regarding medicaid components, or aspects of medicaid components, the other state agencies administer pursuant to contracts entered into under section 5162.35 of the Revised Code. 86008  
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Sec. 5162.022. The medicaid director's rules governing medicaid are binding on other state agencies and political subdivisions that administer one or more components of the medicaid program, or one or more aspects of a component, pursuant to contracts entered into under section 5162.35 of the Revised Code. No state agency or political subdivision may establish, by rule or otherwise, a policy governing medicaid that is inconsistent with a medicaid policy established, in rule or otherwise, by the director. 86015  
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Sec. ~~5111.01~~ 5162.03. (A) As used in this chapter: 86024

"Children's health insurance program" means the children's health insurance program part I, children's health insurance program part II, and children's health insurance program part III authorized by sections 5101.50 to 5101.529 of the Revised Code. 86025  
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"Medical assistance program" or "medicaid" means the program that is authorized by this chapter and provided by the office of medical assistance under this chapter, Title XIX of the "Social 86029  
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~~Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, et seq., as 86032  
amended, and the waivers of Title XIX requirements granted to the 86033  
office by the centers for medicare and medicaid services of the 86034  
United States department of health and human services. 86035~~

~~(B) There is hereby established the office of medical 86036  
assistance as a work unit within the department of job and family 86037  
services. The chief of the office shall hold the title of medical 86038  
assistance director. Notwithstanding section 5101.06 of the 86039  
Revised Code, the governor shall appoint the medical assistance 86040  
director and the medical assistance director shall serve at the 86041  
governor's pleasure. The medical assistance director is not an 86042  
assistant director of the department of job and family services 86043  
for purposes of section 121.05 or 5101.03 of the Revised Code or 86044  
any other purpose. 86045~~

~~Subject to appropriations for the medicaid program and 86046  
children's health insurance program, the department of job and 86047  
family services shall provide staff and support services as 86048  
necessary for the operation of the office of medical assistance. 86049~~

~~If a statute, rule, contract, or other legal authority 86050  
requires the director of job and family services or department of 86051  
job and family services to take an action regarding the medicaid 86052  
program or children's health insurance program, the medical 86053  
assistance director or office of medical assistance shall take the 86054  
action in place of the director of job and family services or 86055  
department of job and family services. If a statute, rule, 86056  
contract, or other legal authority permits the director of job and 86057  
family services or department of job and family services to take 86058  
an action regarding the medicaid program or children's health 86059  
insurance program, the medical assistance director or office of 86060  
medical assistance shall take the action in place of the director 86061  
of job and family services or department of job and family 86062  
services if the action is to be taken. 86063~~

~~The office~~ For the purpose of the "Social Security Act," 86064  
~~section 1902(a)(5), 42 U.S.C. 1396a(a)(5), the department of~~ 86065  
~~medical assistance~~ medicaid shall act as the single state agency 86066  
to supervise the administration of the medicaid program. As the 86067  
single state agency, the ~~office~~ department shall comply with 42 86068  
C.F.R. 431.10(e) and all other federal requirements applicable to 86069  
the single state agency. ~~The office's rules governing medicaid are~~ 86070  
~~binding on other agencies that administer components of the~~ 86071  
~~medicaid program. No agency may establish, by rule or otherwise, a~~ 86072  
~~policy governing medicaid that is inconsistent with a medicaid~~ 86073  
~~policy established, in rule or otherwise, by the medical~~ 86074  
~~assistance director.~~ 86075

~~(C) The office of medical assistance may provide medical~~ 86076  
~~assistance under the medicaid program as long as federal funds are~~ 86077  
~~provided for such assistance, to the following:~~ 86078

~~(1) Families with children that meet either of the following~~ 86079  
~~conditions:~~ 86080

~~(a) The family meets the income, resource, and family~~ 86081  
~~composition requirements in effect on July 16, 1996, for the~~ 86082  
~~former aid to dependent children program as those requirements~~ 86083  
~~were established by Chapter 5107. of the Revised Code, federal~~ 86084  
~~waivers granted pursuant to requests made under former section~~ 86085  
~~5101.09 of the Revised Code, and rules adopted by the department~~ 86086  
~~or any changes the department makes to those requirements in~~ 86087  
~~accordance with paragraph (a)(2) of section 114 of the "Personal~~ 86088  
~~Responsibility and Work Opportunity Reconciliation Act of 1996,"~~ 86089  
~~110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of~~ 86090  
~~implementing section 5111.0120 of the Revised Code. An adult loses~~ 86091  
~~eligibility for medicaid under division (C)(1)(a) of this section~~ 86092  
~~pursuant to division (E) of section 5107.16 of the Revised Code.~~ 86093

~~(b) The family does not meet the requirements specified in~~ 86094  
~~division (C)(1)(a) of this section but is eligible for medicaid~~ 86095

~~pursuant to section 5101.18 of the Revised Code.~~ 86096

~~(2) Aged, blind, and disabled persons who meet the following conditions:~~ 86097  
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~~(a) Receive federal aid under Title XVI of the "Social Security Act," or are eligible for but are not receiving such aid, provided that the income from all other sources for individuals with independent living arrangements shall not exceed one hundred seventy five dollars per month. The income standards hereby established shall be adjusted annually at the rate that is used by the United States department of health and human services to adjust the amounts payable under Title XVI.~~ 86099  
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~~(b) Do not receive aid under Title XVI, but meet any of the following criteria:~~ 86107  
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~~(i) Would be eligible to receive such aid, except that their income, other than that excluded from consideration as income under Title XVI, exceeds the maximum under division (C)(2)(a) of this section, and incurred expenses for medical care, as determined under federal regulations applicable to section 209(b) of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 U.S.C. 1396a(f), as amended, equal or exceed the amount by which their income exceeds the maximum under division (C)(2)(a) of this section;~~ 86109  
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~~(ii) Received aid for the aged, aid to the blind, or aid for the permanently and totally disabled prior to January 1, 1974, and continue to meet all the same eligibility requirements;~~ 86118  
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~~(iii) Are eligible for medicaid pursuant to section 5101.18 of the Revised Code.~~ 86121  
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~~(3) Persons to whom federal law requires, as a condition of state participation in the medicaid program, that medicaid be provided;~~ 86123  
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~~(4) Persons under age twenty one who meet the income requirements for the Ohio works first program established under Chapter 5107. of the Revised Code but do not meet other eligibility requirements for the program. The medical assistance director shall adopt rules in accordance with Chapter 119. of the Revised Code specifying which Ohio works first requirements shall be waived for the purpose of providing medicaid eligibility under division (C)(4) of this section.~~

~~(D) If sufficient funds are appropriated for the medicaid program, the office of medical assistance may provide medical assistance under the medicaid program to persons in groups designated by federal law as groups to which a state, at its option, may provide medical assistance under the medicaid program.~~

~~(E) The office of medical assistance may expand eligibility for the medicaid program to include individuals under age nineteen with family incomes at or below one hundred fifty per cent of the federal poverty guidelines, except that the eligibility expansion shall not occur unless the office receives the approval of the federal government. The office may implement the eligibility expansion authorized under this division on any date selected by the office, but not sooner than January 1, 1998.~~

~~(F) In addition to any other authority or requirement to adopt rules under this chapter, the medical assistance director may adopt rules in accordance with section 111.15 of the Revised Code as the director considers necessary to establish standards, procedures, and other requirements regarding the provision of medical assistance under the medicaid program. The rules may establish requirements to be followed in applying for medicaid, making determinations of eligibility for medicaid, and verifying eligibility for medicaid. The rules may include special conditions as the office determines appropriate for making applications, determining eligibility, and verifying eligibility for any medical~~

~~assistance that the office may provide under the medicaid program 86158  
pursuant to division (E) of this section and section 5111.014 or 86159  
5111.0120 of the Revised Code. 86160~~

**Sec. ~~5111.98~~ 5162.031.** (A) The medicaid director ~~of job and 86161  
family services~~ may do all of the following as necessary for the 86162  
department of ~~job and family services~~ medicaid to fulfill the 86163  
duties it has, as the single state agency for the medicaid 86164  
program, under the "Medicare Prescription Drug, Improvement, and 86165  
Modernization Act of 2003" Pub. L. No. 108-173, ~~117 Stat. 2066:~~ 86166

(1) Adopt rules in accordance with division (B) of this 86167  
section; 86168

(2) Assign duties to county departments of job and family 86169  
services; 86170

(3) Make payments to the United States department of health 86171  
and human services from appropriations made to the department of 86172  
~~job and family services~~ medicaid for this purpose. 86173

(B) Rules ~~adopted under~~ authorized by division (A)(1) of this 86174  
section shall be adopted as follows: 86175

(1) If the rules concern the department's duties regarding 86176  
~~service~~ medicaid providers, ~~in accordance with Chapter 119. under~~ 86177  
sections 5164.02 and 5165.02 of the Revised Code, as appropriate; 86178

(2) If the rules concern the department's duties concerning 86179  
individuals' eligibility for medicaid services, ~~in accordance with~~ 86180  
under section ~~111.15~~ 5163.02 of the Revised Code; 86181

(3) If the rules concern the department's duties concerning 86182  
financial and operational matters between the department and 86183  
county departments of job and family services, ~~in accordance with~~ 86184  
under section ~~111.15~~ 5162.02 of the Revised Code ~~as if the rules~~ 86185  
~~were internal management rules.~~ 86186

**Sec. ~~5111.102~~ 5162.04.** As used in this section, "state agency" has the same meaning as in section 9.23 of the Revised Code. 86187  
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No provision of Title LI of the Revised Code or any other law of this state that incorporates any provision of federal ~~Medicaid~~ medicaid law, ~~Title XIX of the Social Security Act, 79 Stat. 286 (1965), 42 U.S.C. 1396,~~ or that may be construed as requiring the state, a state agency, or any state official or employee to comply with that federal provision, shall be construed as creating a cause of action to enforce such state law beyond the causes of action available under federal law for enforcement of the provision of federal law. 86190  
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**Sec. 5162.05.** The medicaid program shall be implemented in accordance with all of the following: 86199  
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(A) The medicaid state plan approved by the United States secretary of health and human services, including amendments to the plan approved by the United States secretary; 86201  
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(B) Federal medicaid waivers granted by the United States secretary, including amendments to waivers approved by the United States secretary; 86204  
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(C) Other types of federal approval, including demonstration grants, that establish requirements for components of the medicaid program; 86207  
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(D) Except as otherwise authorized by a federal medicaid waiver granted by the United States secretary, all applicable federal statutes, regulations, and policy guidances; 86210  
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(E) All applicable state statutes. 86213

**Sec. 5162.06.** (A) Notwithstanding any other state statute, no component, or aspect of a component, of the medicaid program shall 86214  
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be implemented without all of the following: 86216

(1) Subject to division (B) of this section, if the 86217  
component, or aspect of the component, requires federal approval, 86218  
receipt of the federal approval; 86219

(2) Sufficient federal financial participation for the 86220  
component or aspect of the component; 86221

(3) Sufficient nonfederal funds for the component or aspect 86222  
of the component that qualify as funds needed to obtain the 86223  
federal financial participation. 86224

(B) A component, or aspect of a component, of the medicaid 86225  
program that requires federal approval may begin to be implemented 86226  
before receipt of the federal approval if federal law authorizes 86227  
implementation to begin before receipt of the federal approval. 86228  
Implementation shall cease if the federal approval is ultimately 86229  
denied. 86230

**Sec. 5162.07.** The medicaid director shall seek federal 86231  
approval for all components, and aspects of components, of the 86232  
medicaid program for which federal approval is needed, except that 86233  
the director is permitted rather than required to seek federal 86234  
approval for components, and aspects of components, that state 86235  
statutes permit rather than require be implemented. Federal 86236  
approval shall be sought in the following forms as appropriate: 86237

(A) The medicaid state plan; 86238

(B) Amendments to the medicaid state plan; 86239

(C) Federal medicaid waivers; 86240

(D) Amendments to federal medicaid waivers; 86241

(E) Other types of federal approval, including demonstration 86242  
grants. 86243

~~Sec. 5111.10~~ 5162.10. The medicaid director of ~~job and family services~~ may conduct reviews of the medicaid program. The reviews may include physical inspections of records and sites where ~~medicaid-funded~~ medicaid services are provided and interviews of medicaid providers and medicaid recipients ~~of the services~~. If the director determines pursuant to a review that a person or government entity has violated a rule governing the medicaid program, the director may establish a corrective action plan for the violator and impose fiscal, administrative, or both types of sanctions on the violator in accordance with rules ~~governing the medicaid program~~ adopted under section 5162.02 of the Revised Code.

~~Sec. 5111.915~~ 5162.11. (A) The department of ~~job and family services~~ medicaid shall enter into an agreement with the department of administrative services for the department of administrative services to contract through competitive selection pursuant to section 125.07 of the Revised Code with a vendor to perform an assessment of the data collection and data warehouse functions of the medicaid data warehouse system, including the ability to link the data sets of all agencies serving medicaid recipients.

The assessment of the data system shall include functions related to fraud and abuse detection, program management and budgeting, and performance measurement capabilities of all agencies serving medicaid recipients, including the departments of aging, ~~alcohol and drug addiction services~~, health, job and family services, medicaid, mental health mental health and addiction services, and developmental disabilities.

~~The department of administrative services shall enter into this contract within thirty days after September 29, 2005. The contract shall require the vendor to complete the assessment~~



~~within ninety days after September 29, 2005.~~ 86275

A qualified vendor with whom the department of administrative services contracts to assess the data system shall also assist the medicaid agencies in the definition of the requirements for an enhanced data system or a new data system and assist the department of administrative services in the preparation of a request for proposal to enhance or develop a data system. 86276  
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(B) Based on the assessment performed pursuant to division (A) of this section, the department of administrative services shall seek a qualified vendor through competitive selection pursuant to section 125.07 of the Revised Code to develop or enhance a data collection and data warehouse system for the department of ~~job and family services~~ medicaid and all agencies serving medicaid recipients. 86282  
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~~Within ninety days after September 29, 2005, the~~ The department of ~~job and family services~~ medicaid shall seek enhanced federal ~~funding~~ financial participation for ninety per cent of the funds required to establish or enhance the data system. The department of administrative services shall not award a contract for establishing or enhancing the data system until the department of ~~job and family services~~ medicaid receives approval from the ~~secretary of the~~ United States ~~department~~ secretary of health and human services for the ninety per cent federal ~~match~~ financial participation. 86289  
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Sec. 5162.12. (A) The medicaid director may enter into a contract with one or more persons to receive and process, on the director's behalf, requests for medicaid recipient or claims payment data, data from reports of audits conducted under section 5165.109 of the Revised Code, or extracts or analyses of any of the foregoing data made by persons who intend to use the items for commercial or academic purposes. 86299  
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(B) At a minimum, a contract entered into under this section shall do both of the following: 86306  
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(1) Authorize the contracting person to engage in the activities described in division (A) of this section for compensation, which must be stated as a percentage of the fees paid by persons who are provided the items; 86308  
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(2) Specify the schedule of fees the contracting person is to charge for the items. 86312  
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(C) Except as required by federal or state law and subject to division (E) of this section, both of the following conditions apply with respect to a request for data described in division (A) of this section: 86314  
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(1) The request shall be made through a person who has entered into a contract with the medicaid director under this section. 86318  
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(2) An item prepared pursuant to the request may be provided to the department of medicaid and is confidential and not subject to disclosure under section 149.43 or 1347.08 of the Revised Code. 86321  
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(D) The medicaid director shall use fees the director receives pursuant to a contract entered into under this section to pay obligations specified in contracts entered under this section. Any money remaining after the obligations are paid shall be deposited in the health care services administration fund created under section 5162.54 of the Revised Code. 86324  
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(E) This section does not apply to requests for medicaid recipient or claims payment data, data from reports of audits conducted under section 5165.109 of the Revised Code, or extracts or analyses of any of the foregoing data that are for any of the following purposes: 86330  
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(1) Treatment of medicaid recipients; 86335

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|--|--|
| <u>(2) Payment of medicaid claims;</u>   | 86336  |
| <u>(3) Establishment or management of medicaid third party liability pursuant to sections 5160.35 to 5160.43 of the Revised Code;</u>  | 86337<br>86338<br>86339  |
| <u>(4) Compliance with the terms of an agreement the medicaid director enters into for purposes of administering the medicaid program;</u>   | 86340<br>86341<br>86342  |
| <u>(5) Compliance with an operating protocol the executive director of the office of health transformation or the executive director's designee adopts under division (D) of section 191.06 of the Revised Code.</u>   | 86343<br>86344<br>86345<br>86346   |
| <b>Sec. <del>5111.09</del> <u>5162.13</u>.</b> On or before the first day of January of each year, the department of <del>job and family services</del> <u>medicaid</u> shall submit to the speaker and minority leader of the house of representatives and the president and minority leader of the senate, and shall make available to the public, a report on the effectiveness of the <del>Ohio works first program established under Chapter 5107. of the Revised Code and the medical assistance medicaid program established under this chapter</del> in meeting the health care needs of low-income pregnant women, infants, and children. The report shall include: the estimated number of <del>persons eligible for health care services to pregnant women, infants, and children under the programs</del> <u>eligible for the program;</u> the actual number of eligible persons <del>served</del> <u>enrolled in the program;</u> the number of prenatal, postpartum, and child health visits; a report on birth outcomes, including a comparison of low-birthweight births and infant mortality rates of <del>program participants</del> <u>medicaid recipients</u> with the general female child-bearing and infant population in this state; and a comparison of the prenatal, delivery, and child health costs of the <del>programs</del> <u>program</u> with such costs of similar programs in other | 86347<br>86348<br>86349<br>86350<br>86351<br>86352<br>86353<br>86354<br>86355<br>86356<br>86357<br>86358<br>86359<br>86360<br>86361<br>86362<br>86363<br>86364<br>86365<br>86366 |

states, where available. 86367

**Sec. ~~5111.091~~ 5162.131.** Semiannually, the medicaid director 86368  
~~of job and family services~~ shall submit to the president and 86369  
minority leader of the senate, speaker and minority leader of the 86370  
house of representatives, and the chairpersons of the standing 86371  
committees of the senate and house of representatives with primary 86372  
responsibility for legislation making biennial appropriations a 86373  
report on the establishment and implementation of programs 86374  
designed to control the increase of the cost of the medicaid 86375  
program, increase the efficiency of the medicaid program, and 86376  
promote better health outcomes. In each calendar year, one report 86377  
shall be submitted not later than the last day of June and the 86378  
subsequent report shall be submitted not later than the last day 86379  
of December. 86380

**Sec. ~~5111.092~~ 5162.132.** ~~(A) Not later than January 1, 2010,~~ 86381  
~~and each year thereafter~~ Annually, the department of ~~job and~~ 86382  
~~family services~~ medicaid shall prepare a report on the 86383  
department's efforts to minimize fraud, waste, and abuse in the 86384  
medicaid program. 86385

~~(B)~~ Each report shall be made available on the department's 86386  
web site. The department shall submit a copy of each report to the 86387  
governor and, in accordance with section 101.68 of the Revised 86388  
Code, the general assembly. Copies of the report also shall be 86389  
made available to the public on request. 86390

**Sec. ~~5111.101~~ 5162.15.** (A) As used in this section; 86391

"Agent" and "contractor" include any agent, contractor, 86392  
subcontractor, or other person who, on behalf of an entity, 86393  
furnishes or authorizes the furnishing of ~~health care items or~~ 86394  
medicaid services ~~under the medicaid program~~, performs billing or 86395  
coding functions, or is involved in monitoring of health care that 86396

an entity provides. 86397

"Employee" includes any officer or employee (including 86398  
management employees) of an entity. 86399

"Entity" includes a governmental entity or an organization, 86400  
unit, corporation, partnership, or other business arrangement, 86401  
including any medicaid managed care organization, irrespective of 86402  
the form of business structure or arrangement by which it exists, 86403  
whether for-profit or not-for-profit. "Entity" does not include a 86404  
government entity that administers one or more components of the 86405  
medicaid program, unless the government entity receives medicaid 86406  
payments for providing ~~items or~~ medicaid services. 86407

"Federal health care programs" has the same meaning as in the 86408  
"Social Security Act," section 1128B, 42 U.S.C. 1320a-7b(f). 86409

(B) Each entity that receives or makes in a federal fiscal 86410  
year payments under the medicaid program, either through the 86411  
medicaid state ~~medicaid~~ plan or a federal medicaid waiver, 86412  
totaling at least five million dollars shall, as a condition of 86413  
receiving such payments, do all of the following not later than 86414  
the first day of the succeeding calendar year: 86415

(1) Establish written policies for all of the entity's 86416  
employees, contractors, and agents that provide detailed 86417  
information about the role of all of the following in preventing 86418  
and detecting fraud, waste, and abuse in federal health care 86419  
programs: 86420

(a) Federal false claims law under 31 U.S.C. 3729 to 3733; 86421

(b) Federal administrative remedies for false claims and 86422  
statements available under 31 U.S.C. 3801 to 3812; 86423

(c) Sections 124.341, 2913.40, 2913.401, and 2921.13 of the 86424  
Revised Code and any other state laws pertaining to civil or 86425  
criminal penalties for false claims and statements; 86426

(d) Whistleblower protections under the laws specified in 86427  
divisions (B)(1)(a) to (c) of this section. 86428

(2) Include as part of the written policies required by 86429  
division (B)(1) of this section detailed provisions regarding the 86430  
entity's policies and procedures for preventing and detecting 86431  
fraud, waste, and abuse. 86432

(3) Disseminate the written policies required by division 86433  
(B)(1) of this section to each of the entity's employees, 86434  
contractors, and agents in a paper or electronic form and make the 86435  
written policies readily available to the entity's employees, 86436  
contractors, and agents. 86437

(4) If the entity has an employee handbook, include in the 86438  
employee handbook a specific discussion of the laws specified in 86439  
division (B)(1) of this section, the rights of employees to be 86440  
protected as whistleblowers, and the entity's policies and 86441  
procedures for preventing and detecting fraud, waste, and abuse. 86442

(5) Require the entity's contractors and agents to adopt the 86443  
entity's written policies required by division (B)(1) of this 86444  
section. 86445

(C) An entity that furnishes ~~items or~~ medicaid services at 86446  
multiple locations or under multiple contractual or other payment 86447  
arrangements is required to comply with division (B) of this 86448  
section if the entity receives in a federal fiscal year medicaid 86449  
payments totaling in the aggregate at least five million dollars. 86450  
This applies regardless of whether the entity submits claims for 86451  
medicaid payments using multiple provider identification or tax 86452  
identification numbers. 86453

**Sec. ~~5111.0112~~ 5162.20.** (A) The ~~director~~ department of job 86454  
~~and family services~~ medicaid shall institute a cost-sharing 86455  
~~program under~~ requirements for the medicaid program. ~~In~~ 86456

~~instituting the cost sharing program, the director shall comply~~ 86457  
~~with federal law. The cost-sharing program requirements shall~~ 86458  
~~establish~~ include a copayment requirement for at least dental 86459  
services, vision services, nonemergency emergency department 86460  
services, and ~~prescription~~ prescribed drugs, ~~other than generic~~ 86461  
~~drugs~~. The cost-sharing ~~program requirements also~~ shall ~~establish~~ 86462  
include requirements regarding premiums, enrollment fees, 86463  
deductions, and similar charges. ~~The director shall adopt rules~~ 86464  
~~under section 5111.02 of the Revised Code governing the~~ 86465  
~~cost sharing program.~~ 86466

~~(B) The cost sharing program shall, to the extent permitted~~ 86467  
~~by federal law, provide for all of the following with regard to~~ 86468  
~~any providers participating in the medicaid program:~~ 86469

(1) No provider shall refuse to provide a service to a 86470  
medicaid recipient who is unable to pay a required copayment for 86471  
the service. 86472

(2) Division (B)(1) of this section shall not be considered 86473  
to do either of the following with regard to a medicaid recipient 86474  
who is unable to pay a required copayment: 86475

(a) Relieve the medicaid recipient from the obligation to pay 86476  
a copayment; 86477

(b) Prohibit the provider from attempting to collect an 86478  
unpaid copayment. 86479

~~(3)(C)~~ (C) Except as provided in division ~~(C)(F)~~ (F) of this section, 86480  
no provider shall waive a medicaid recipient's obligation to pay 86481  
the provider a copayment. 86482

~~(4)(D)~~ (D) No provider or drug manufacturer, including the 86483  
manufacturer's representative, employee, independent contractor, 86484  
or agent, shall pay any copayment on behalf of a medicaid 86485  
recipient. 86486

~~(5)(E)~~ If it is the routine business practice of ~~the a~~ 86487  
provider to refuse service to any individual who owes an 86488  
outstanding debt to the provider, the provider may consider an 86489  
unpaid copayment imposed by the cost-sharing ~~program~~ requirements 86490  
as an outstanding debt and may refuse service to a medicaid 86491  
recipient who owes the provider an outstanding debt. If the 86492  
provider intends to refuse service to a medicaid recipient who 86493  
owes the provider an outstanding debt, the provider shall notify 86494  
the ~~individual recipient~~ of the provider's intent to refuse 86495  
~~services~~ service. 86496

~~(C)(F)~~ In the case of a provider that is a hospital, the 86497  
cost-sharing program shall permit the hospital to take action to 86498  
collect a copayment by providing, at the time services are 86499  
rendered to a medicaid recipient, notice that a copayment may be 86500  
owed. If the hospital provides the notice and chooses not to take 86501  
any further action to pursue collection of the copayment, the 86502  
prohibition against waiving copayments specified in division 86503  
~~(B)(3)(C)~~ of this section does not apply. 86504

~~(D)(G)~~ The department of ~~job and family services~~ medicaid may 86505  
~~work~~ collaborate with a state agency that is administering, 86506  
pursuant to a contract entered into under section ~~5111.91~~ 5162.35 86507  
of the Revised Code, one or more components ~~of the medicaid~~ 86508  
~~program~~, or one or more aspects of a component, of the medicaid 86509  
program as necessary for the state agency to apply the 86510  
cost-sharing ~~program~~ requirements to the components or aspects of 86511  
~~the medicaid program~~ a component that the state agency 86512  
administers. 86513

**Sec. ~~5111.11~~ 5162.21.** (A) As used in this section and section 86514  
~~5111.111~~ 5162.211 of the Revised Code: 86515

(1) "Estate" includes both of the following: 86516

(a) All real and personal property and other assets to be 86517



administered under Title XXI of the Revised Code and property that 86518  
would be administered under that title if not for section 2113.03 86519  
or 2113.031 of the Revised Code; 86520

(b) Any other real and personal property and other assets in 86521  
which an individual had any legal title or interest at the time of 86522  
death (to the extent of the interest), including assets conveyed 86523  
to a survivor, heir, or assign of the individual through joint 86524  
tenancy, tenancy in common, survivorship, life estate, living 86525  
trust, or other arrangement. 86526

(2) "Institution" means a nursing facility, ~~intermediate care~~ 86527  
~~facility for the mentally retarded~~ ICF/MR, or a medical 86528  
institution. 86529

(3) ~~"Intermediate care facility for the mentally retarded"~~ 86530  
~~and "nursing facility" have the same meanings as in section~~ 86531  
~~5111.20 of the Revised Code.~~ 86532

~~(4)~~ "Permanently institutionalized individual" means an 86533  
individual to whom all of the following apply: 86534

(a) Is an inpatient in an institution; 86535

(b) Is required, as a condition of the medicaid program 86536  
paying for the individual's services in the institution, to spend 86537  
for costs of medical or nursing care all of the individual's 86538  
income except for an amount for personal needs specified by the 86539  
department of ~~job and family services~~ medicaid; 86540

(c) Cannot reasonably be expected to be discharged from the 86541  
institution and return home as determined by the department of ~~job~~ 86542  
~~and family services~~ medicaid. 86543

~~(5)~~(4) "Qualified state long-term care insurance partnership 86544  
program" means the program established under section ~~5111.18~~ 86545  
5164.86 of the Revised Code. 86546

~~(6)~~(5) "Time of death" shall not be construed to mean a time 86547

after which a legal title or interest in real or personal property 86548  
or other asset may pass by survivorship or other operation of law 86549  
due to the death of the decedent or terminate by reason of the 86550  
decedent's death. 86551

(B) To the extent permitted by federal law, the department of 86552  
~~job and family services~~ medicaid shall institute a medicaid estate 86553  
recovery program under which the department shall, except as 86554  
provided in divisions (C) and (E) of this section, and subject to 86555  
division (D) of this section, do all of the following: 86556

(1) For the costs of medicaid services the medicaid program 86557  
correctly paid or will pay on behalf of a permanently 86558  
institutionalized individual of any age, seek adjustment or 86559  
recovery from the individual's estate or on the sale of property 86560  
of the individual or spouse that is subject to a lien imposed 86561  
under section ~~5111.111~~ 5162.211 of the Revised Code; 86562

(2) For the costs of medicaid services the medicaid program 86563  
correctly paid or will pay on behalf of an individual fifty-five 86564  
years of age or older who is not a permanently institutionalized 86565  
individual, seek adjustment or recovery from the individual's 86566  
estate; 86567

(3) Seek adjustment or recovery from the estate of other 86568  
individuals as permitted by federal law. 86569

(C)(1) No adjustment or recovery may be made under division 86570  
(B)(1) of this section from a permanently institutionalized 86571  
individual's estate or on the sale of property of a permanently 86572  
institutionalized individual that is subject to a lien imposed 86573  
under section ~~5111.111~~ 5162.211 of the Revised Code or under 86574  
division (B)(2) or (3) of this section from an individual's estate 86575  
while either of the following are alive: 86576

(a) The spouse of the permanently institutionalized 86577  
individual or individual; 86578

(b) The son or daughter of a permanently institutionalized individual or individual if the son or daughter is under age twenty-one or, under the "Social Security Act," section 1614, 42 U.S.C. 1382c, is considered blind or disabled.

(2) No adjustment or recovery may be made under division (B)(1) of this section from a permanently institutionalized individual's home that is subject to a lien imposed under section ~~5111.111~~ 5162.211 of the Revised Code while either of the following lawfully reside in the home:

(a) The permanently institutionalized individual's sibling who resided in the home for at least one year immediately before the date of the permanently institutionalized individual's admission to the institution and on a continuous basis since that time;

(b) The permanently institutionalized individual's son or daughter who provided care to the permanently institutionalized individual that delayed the permanently institutionalized individual's institutionalization and resided in the home for at least two years immediately before the date of the permanently institutionalized individual's admission to the institution and on a continuous basis since that time.

(D) In the case of a participant of the qualified state long-term care insurance partnership program, adjustment or recovery required by this section may be reduced in accordance with rules ~~adopted under~~ authorized by division (G) of this section.

(E) The department shall, in accordance with procedures and criteria established in rules ~~adopted under~~ authorized by division (G) of this section, waive seeking an adjustment or recovery otherwise required by this section if the medicaid director ~~of job and family services~~ determines that adjustment or recovery would

work an undue hardship. The department may limit the duration of 86610  
the waiver to the period during which the undue hardship exists. 86611

(F) For the purpose of determining whether an individual 86612  
meets the definition of "permanently institutionalized individual" 86613  
established for this section, a rebuttable presumption exists that 86614  
the individual cannot reasonably be expected to be discharged from 86615  
an institution and return home if either of the following is the 86616  
case: 86617

(1) The individual declares that he or she does not intend to 86618  
return home. 86619

(2) The individual has been an inpatient in an institution 86620  
for at least six months. 86621

~~(G) The director of job and family services shall adopt rules 86622  
in accordance with Chapter 119. of the Revised Code regarding the 86623  
medicaid estate recovery program, including rules that Rules 86624  
adopted under section 5162.02 of the Revised Code shall do both of 86625  
the following: 86626~~

(1) For the purpose of division (D) of this section and 86627  
consistent with the "Social Security Act," section 1917(b)(1)(C), 86628  
42 U.S.C. 1396p(b)(1)(C), provide for reducing an adjustment or 86629  
recovery in the case of a participant of the qualified state 86630  
long-term care insurance partnership program; 86631

(2) For the purpose of division (E) of this section and 86632  
consistent with the standards specified by the United States 86633  
secretary of health and human services under the "Social Security 86634  
Act," section 1917(b)(3), 42 U.S.C. 1396p(b)(3), establish 86635  
procedures and criteria for waiving adjustment or recovery due to 86636  
an undue hardship. 86637

**Sec. ~~5111.111~~ 5162.211.** (A) Except as provided in division 86638  
(B) of this section and section ~~5111.12~~ 5162.23 of the Revised 86639

Code, no lien may be imposed against the property of an individual 86640  
before the individual's death on account of medicaid services 86641  
correctly paid or to be paid on the individual's behalf. 86642

(B) Except as provided in division (C) of this section, the 86643  
department of ~~job and family services~~ medicaid may impose a lien 86644  
against the real property of a medicaid recipient who is a 86645  
permanently institutionalized individual and against the real 86646  
property of the recipient's spouse, including any real property 86647  
that is jointly held by the recipient and spouse. The lien may be 86648  
imposed on account of medicaid paid or to be paid on the 86649  
recipient's behalf. 86650

(C) No lien may be imposed under division (B) of this section 86651  
against the home of a medicaid recipient if any of the following 86652  
lawfully resides in the home: 86653

(1) The recipient's spouse; 86654

(2) The recipient's son or daughter who is under twenty-one 86655  
years of age or, under the "Social Security Act," section 1614, 42 86656  
U.S.C. 1382c, considered to be blind or disabled; 86657

(3) The recipient's sibling who has an equity interest in the 86658  
home and resided in the home for at least one year immediately 86659  
before the date of the recipient's admission to the institution. 86660

(D) The medicaid director ~~of job and family services~~ or a 86661  
person designated by the director shall sign a certificate to 86662  
effectuate a lien required to be imposed under this section. The 86663  
county department of job and family services shall file for 86664  
recording and indexing the certificate, or a certified copy, in 86665  
the real estate mortgage records in the office of the county 86666  
recorder in every county in which real property of the recipient 86667  
or spouse is situated. From the time of filing the certificate in 86668  
the office of the county recorder, the lien attaches to all real 86669  
property of the recipient or spouse described in the certificate 86670

for all amounts for which adjustment or recovery may be made under 86671  
section ~~5111.11~~ 5162.21 of the Revised Code and, except as 86672  
provided in division (E) of this section, shall remain a lien 86673  
until satisfied. 86674

Upon filing the certificate in the office of the recorder, 86675  
all persons are charged with notice of the lien and the rights of 86676  
the department of ~~job and family services~~ medicaid thereunder. 86677

The county recorder shall keep a record of every certificate 86678  
filed showing its date, the time of filing, the name and residence 86679  
of the recipient or spouse, and any release, waivers, or 86680  
satisfaction of the lien. 86681

The priority of the lien shall be established in accordance 86682  
with state and federal law. 86683

The department may waive the priority of its lien to provide 86684  
for the costs of the last illness as determined by the department, 86685  
administration, attorney fees, administrator fees, a sum for the 86686  
payment of the costs of burial, which shall be computed by 86687  
deducting from five hundred dollars whatever amount is available 86688  
for the same purpose from all other sources, and a similar sum for 86689  
the spouse of the decedent. 86690

(E) A lien imposed with respect to a medicaid recipient under 86691  
this section shall dissolve on the recipient's discharge from the 86692  
institution and return home. 86693

**Sec. ~~5111.112~~ 5162.212.** The department of ~~job and family~~ 86694  
~~services~~ medicaid shall certify amounts due under the medicaid 86695  
estate recovery program instituted under section ~~5111.11~~ 5162.21 86696  
of the Revised Code to the attorney general pursuant to section 86697  
131.02 of the Revised Code. The attorney general may enter into a 86698  
contract with any person or government entity to collect the 86699  
amounts due on behalf of the attorney general. 86700

The attorney general, in entering into a contract under this section, shall comply with all of the requirements that must be met for the state to receive federal financial participation for the costs incurred in entering into the contract and carrying out actions under the contract. The contract may provide for the person or government entity with which the attorney general contracts to be compensated from the property recovered under the medicaid estate recovery program or may provide for another manner of compensation agreed to by the parties to the contract.

Regardless of whether the attorney general collects the amounts due under the medicaid estate recovery program or contracts with a person or government entity to collect the amounts due on behalf of the attorney general, the amounts due shall be collected in accordance with applicable requirements of federal statutes and regulations and state statutes and rules.

**Sec. ~~5111.113~~ 5162.22.** (A) As used in this section:

(1) "Commissioner" means a person appointed by a probate court under division (E) of section 2113.03 of the Revised Code to act as a commissioner.

(2) "Home" has the same meaning as in section 3721.10 of the Revised Code.

(3) "Personal needs allowance account" means an account or petty cash fund that holds the money of a resident of ~~an adult~~ care a residential facility or home and that the facility or home manages for the resident.

(4) "Residential facility" means a residential facility licensed under section ~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults.

(B) Except as provided in divisions (C) and (D) of this

section, the owner or operator of a home or residential facility 86731  
shall transfer to the department of ~~job and family services~~ 86732  
medicaid the money in the personal needs allowance account of a 86733  
resident of the home or facility who was a medicaid recipient ~~of~~ 86734  
~~the medical assistance program~~ no earlier than sixty days but not 86735  
later than ninety days after the resident dies. The home or 86736  
facility shall transfer the money even though the owner or 86737  
operator of the facility or home has not been issued letters 86738  
testamentary or letters of administration concerning the 86739  
resident's estate. 86740

(C) If funeral or burial expenses for a resident of a home or 86741  
residential facility who has died have not been paid and the only 86742  
resource the resident had that could be used to pay for the 86743  
expenses is the money in the resident's personal needs allowance 86744  
account, or all other resources of the resident are inadequate to 86745  
pay the full cost of the expenses, the money in the resident's 86746  
personal needs allowance account shall be used to pay for the 86747  
expenses rather than being transferred to the department of ~~job~~ 86748  
~~and family services~~ medicaid pursuant to division (B) of this 86749  
section. 86750

(D) If, not later than sixty days after a resident of a home 86751  
or residential facility dies, letters testamentary or letters of 86752  
administration are issued, or an application for release from 86753  
administration is filed under section 2113.03 of the Revised Code, 86754  
concerning the resident's estate, the owner or operator of the 86755  
home or facility shall transfer the money in the resident's 86756  
personal needs allowance account to the administrator, executor, 86757  
commissioner, or person who filed the application for release from 86758  
administration. 86759

(E) The transfer or use of money in a resident's personal 86760  
needs allowance account in accordance with division (B), (C), or 86761  
(D) of this section discharges and releases the home or 86762



residential facility, and the owner or operator of the home, from 86763  
any claim for the money from any source. 86764

(F) If, sixty-one or more days after a resident of a home or 86765  
residential facility dies, letters testamentary or letters of 86766  
administration are issued, or an application for release from 86767  
administration under section 2113.03 of the Revised Code is filed, 86768  
concerning the resident's estate, the department of ~~job and family~~ 86769  
~~services~~ medicaid shall transfer the funds to the administrator, 86770  
executor, commissioner, or person who filed the application, 86771  
unless the department is entitled to recover the money under the 86772  
medicaid estate recovery program instituted under section ~~5111.11~~ 86773  
5162.21 of the Revised Code. 86774

**Sec. ~~5111.12~~ 5162.23.** (A) The medicaid director ~~of job and~~ 86775  
~~family services~~ shall ~~establish~~ adopt rules under ~~which~~ section 86776  
5162.02 of the Revised Code permitting county departments of job 86777  
and family services may to take action to recover benefits 86778  
incorrectly paid on behalf of medicaid recipients ~~of medical~~ 86779  
~~assistance~~. The rules shall provide for recovery by the following 86780  
methods: 86781

(1) Soliciting voluntary payments from recipients or from 86782  
persons holding property in which a recipient has a legal or 86783  
equitable interest; 86784

(2) Obtaining a lien on property pursuant to division (B) of 86785  
this section. 86786

(B) A county department of job and family services may bring 86787  
a civil action in a court of common pleas against a medicaid 86788  
recipient ~~of medical assistance~~ for the recovery of any ~~medical~~ 86789  
~~assistance benefits~~ medicaid payments determined by the court to 86790  
have been paid incorrectly on behalf of the recipient. All persons 86791  
holding property in which the recipient has a legal or equitable 86792  
interest may be joined as parties. The court may issue 86793

pre-judgment orders, including injunctive relief or attachment 86794  
under Chapter 2715. of the Revised Code, for the preservation of 86795  
real or personal property in which the recipient may have a legal 86796  
or equitable interest. If the court determines that ~~benefits~~ 86797  
medicaid payments were ~~paid~~ made incorrectly and issues a judgment 86798  
to that effect, the county department may obtain a lien upon 86799  
property of the recipient in accordance with Chapter 2329. of the 86800  
Revised Code. 86801

(C) The county department of job and family services shall 86802  
retain fifty per cent of the balance remaining after deduction 86803  
from the recovery of the amount required to be returned to the 86804  
federal government and shall pay the other fifty per cent of the 86805  
balance to the department of ~~job and family services~~ medicaid. 86806

(D) Recovery of ~~medical assistance benefits~~ medicaid payments 86807  
incorrectly ~~paid to~~ made on behalf of a medicaid recipient may not 86808  
be accomplished by reducing the amount of benefits the recipient 86809  
is entitled to receive under another government assistance 86810  
program. 86811

(E) The remedies provided pursuant to this section do not 86812  
affect any other remedies county departments of job and family 86813  
services may have to recover benefits incorrectly paid on behalf 86814  
of medicaid recipients ~~of medical assistance~~. 86815

**Sec. ~~5111.121~~ 5162.24.** (A) As used in this section, "third 86816  
party" has the same meaning as in section ~~5101.571~~ 5160.35 of the 86817  
Revised Code. 86818

(B) In addition to the authority granted under section 86819  
~~5101.59~~ 5160.38 of the Revised Code, the department of ~~job and~~ 86820  
~~family services~~ medicaid may, to the extent necessary to reimburse 86821  
its costs, garnish the wages, salary, or other employment income 86822  
of, and withhold amounts from state tax refunds to, any person to 86823  
whom both of the following apply: 86824

(1) The person is required by a court or administrative order 86825  
to provide coverage of the cost of health care services to a child 86826  
eligible for ~~medical assistance under this chapter~~ medicaid. 86827

(2) The person has received payment from a third party for 86828  
the costs of such services but has not used the payment to 86829  
reimburse either the other parent or guardian of the child or the 86830  
provider of the services. 86831

(C) Claims for current and past due child support shall take 86832  
priority over claims under division (B) of this section. 86833

Sec. 5162.31. Local funds, whether from public or private 86834  
sources, expended by a county department of job and family 86835  
services for administration of the healthy start component shall 86836  
be considered to have been expended by the state for the purpose 86837  
of determining the extent to which the state has complied with any 86838  
federal requirement that the state provide funds to match federal 86839  
financial participation for the medicaid program. This section 86840  
does not affect the amount of funds a county is entitled to 86841  
receive under sections 5101.16 and 5101.161 of the Revised Code. 86842

~~Sec. 5111.90 5162.32. (A) As used in sections 5111.90 to 86843~~  
~~5111.93 of the Revised Code:~~ 86844

~~(1) "Political subdivision" means a municipal corporation, 86845~~  
~~township, county, school district, or other body corporate and 86846~~  
~~politic responsible for governmental activities only in a 86847~~  
~~geographical area smaller than that of the state.~~ 86848

~~(2) "State agency" means every organized body, office, or 86849~~  
~~agency, other than the department of job and family services, 86850~~  
~~established by the laws of the state for the exercise of any 86851~~  
~~function of state government.~~ 86852

~~(B) To the extent permitted by Title XIX of the "Social 86853~~  
~~Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1396, as amended,~~ 86854

~~and regulations adopted under that title, the~~ The department of 86855  
~~job and family services~~ medicaid may enter into contracts with 86856  
political subdivisions to use funds of the political subdivision 86857  
to pay the nonfederal share of expenditures under the medicaid 86858  
program. The determination and provision of federal financial 86859  
~~reimbursement~~ participation to a subdivision entering into a 86860  
contract under this section shall be determined by the department, 86861  
subject to section ~~5111.92~~ 5162.40 of the Revised Code, ~~approval~~ 86862  
~~by the United States secretary of health and human services, and~~ 86863  
~~the availability of federal financial participation.~~ 86864

**Sec. ~~5111.91~~ 5162.35.** The department of ~~job and family~~ 86865  
~~services~~ medicaid may enter into contracts with one or more other 86866  
state agencies or political subdivisions to have the state agency 86867  
or political subdivision administer one or more components of the 86868  
medicaid program, or one or more aspects of a component, under the 86869  
department's supervision. A state agency or political subdivision 86870  
that enters into such a contract shall comply with the terms of 86871  
the contract and any rules the medicaid director ~~of job and family~~ 86872  
~~services~~ has adopted governing the component, or aspect of the 86873  
component, that the state agency or political subdivision is to 86874  
administer, including any rules establishing review, audit, and 86875  
corrective action plan requirements. A contract with a state 86876  
agency shall be in the form of an interagency agreement. 86877

A state agency or political subdivision that enters into a 86878  
contract with the department under this section shall reimburse 86879  
the department for the nonfederal share of the cost to the 86880  
department of performing, or contracting for the performance of, a 86881  
fiscal audit of the component of the medicaid program, or aspect 86882  
of the component, that the state agency or political subdivision 86883  
administers if rules governing the component, or aspect of the 86884  
component, require that a fiscal audit be conducted. 86885

~~There is hereby created in the state treasury the medicaid administrative reimbursement fund. The department shall use money in the fund to pay for the nonfederal share of the cost of a fiscal audit for which a state agency or political subdivision is required by this section to reimburse the department. The department shall deposit the reimbursements into the fund.~~

**Sec. ~~5111.71~~ 5162.36.** (A) ~~As used in sections 5111.71 to 5111.715 of the Revised Code, "qualified medicaid school provider" means the board of education of a city, local, or exempted village school district, the governing authority of a community school established under Chapter 3314. of the Revised Code, the state school for the deaf, and the state school for the blind to which both of the following apply:~~

~~(1) It holds a valid medicaid provider agreement.~~

~~(2) It meets all other conditions for participation in the medicaid school component of the medicaid program established in rules adopted under section 5111.715 of the Revised Code.~~

(B) The medicaid director ~~of job and family services~~ shall submit a state medicaid plan amendment to the United States secretary of health and human services for the purpose of creating create, in accordance with sections ~~5111.71~~ 5162.36 to ~~5111.715~~ 5162.364 of the Revised Code, the medicaid school component of the medicaid program. The director shall create the medicaid school component on receipt of the United States secretary's approval of the amendment.

**Sec. ~~5111.711~~ 5162.361.** A qualified medicaid school provider participating in the medicaid school component of the medicaid program may submit a claim to the department of ~~job and family services~~ medicaid for federal financial participation for providing, in schools, services covered by the medicaid school

component to medicaid recipients who are eligible for the 86916  
services. No qualified medicaid school provider may submit such a 86917  
claim before the provider incurs the cost of providing the 86918  
service. 86919

The claim shall include certification of the qualified 86920  
medicaid school provider's expenditures for the service. The 86921  
certification shall show that the money the qualified medicaid 86922  
school provider used for the expenditures was nonfederal money the 86923  
provider may legally use for providing the service and that the 86924  
amount of the expenditures was sufficient to pay the full cost of 86925  
the service. 86926

Except as otherwise provided in sections ~~5111.71~~ 5162.36 to 86927  
~~5111.715~~ 5162.364 of the Revised Code and rules ~~adopted under~~ 86928  
authorized by sections ~~5111.713~~ 5162.363 and ~~5111.715~~ 5162.364 of 86929  
the Revised Code, a qualified medicaid school provider is subject 86930  
to all conditions of participation in the medicaid program that 86931  
generally apply to providers of goods and services under the 86932  
medicaid program, including conditions regarding audits and 86933  
recovery of overpayments. 86934

**Sec. ~~5111.712~~ 5162.362.** The department of ~~job and family~~ 86935  
~~services~~ medicaid shall seek federal financial participation for 86936  
each claim a qualified medicaid school provider properly submits 86937  
to the department under section ~~5111.711~~ 5162.361 of the Revised 86938  
Code. The department shall disburse the federal financial 86939  
participation the department receives from the federal government 86940  
for such a claim to the qualified medicaid school provider that 86941  
submitted the claim. The department may not pay the qualified 86942  
medicaid school provider the nonfederal share of the cost of the 86943  
services for which the claim was submitted. 86944

**Sec. ~~5111.713~~ 5162.363.** The department of ~~job and family~~ 86945

~~services~~ medicaid shall enter into an interagency agreement with 86946  
the department of education under section ~~5111.91~~ 5162.35 of the 86947  
Revised Code that provides for the department of education to 86948  
administer the medicaid school component of the medicaid program 86949  
other than the aspects of the component that sections ~~5111.71~~ 86950  
5162.36 to ~~5111.715~~ 5162.364 of the Revised Code require the 86951  
department of ~~job and family services~~ medicaid to administer. The 86952  
interagency agreement may include a provision that provides for 86953  
the department of education to pay to the department of ~~job and~~ 86954  
~~family services~~ medicaid the nonfederal share of a portion of the 86955  
administrative expenses the department of ~~job and family services~~ 86956  
medicaid incurs in administering the aspects of the component that 86957  
the department of ~~job and family services~~ medicaid administers. 86958

The To the extent authorized by rules authorized by section 86959  
5162.021 of the Revised Code, the department of education shall 86960  
establish, in rules adopted under ~~Chapter 119.~~ section 5162.02 of 86961  
the Revised Code, a process by which qualified medicaid school 86962  
providers participating in the medicaid school component pay to 86963  
the department of education the nonfederal share of the 86964  
department's expenses incurred in administering the component. The 86965  
rules shall be adopted in accordance with Chapter 119. of the 86966  
Revised Code. 86967

**Sec. ~~5111.715~~ 5162.364.** The medicaid director ~~of job and~~ 86968  
~~family services~~ shall adopt rules under ~~Chapter 119.~~ section 86969  
5162.02 of the Revised Code as necessary to implement the medicaid 86970  
school component of the medicaid program, including rules that 86971  
establish or specify all of the following: 86972

(A) Conditions a board of education of a city, local, or 86973  
exempted school district, governing authority of a community 86974  
school established under Chapter 3314. of the Revised Code, the 86975  
state school for the deaf, and the state school for the blind must 86976

meet to participate in the component; 86977

(B) Services the component covers; 86978

(C) ~~Reimbursement~~ Payment rates for the services the 86979  
component covers. 86980

The rules shall be adopted in accordance with Chapter 119. of 86981  
the Revised Code. 86982

**Sec. ~~5111.911~~ 5162.37.** Any contract the department of ~~job and~~ 86983  
~~family services~~ medicaid enters into with the department of ~~mental~~ 86984  
~~health or department of alcohol and drug addiction services~~ mental 86985  
health and addiction services under section ~~5111.91~~ 5162.35 of the 86986  
Revised Code is subject to the approval of the director of budget 86987  
and management and shall require or specify all of the following: 86988

(A) ~~In the case of a contract with the department of mental~~ 86989  
~~health, that~~ That section ~~5111.912~~ 5162.371 of the Revised Code be 86990  
complied with; 86991

(B) ~~In the case of a contract with the department of alcohol~~ 86992  
~~and drug addiction services, that~~ section ~~5111.913~~ of the Revised 86993  
Code be complied with; 86994

~~(C)~~ How providers will be paid for providing the services; 86995

~~(D)~~(C) The department of ~~mental health's or department of~~ 86996  
~~alcohol and drug addiction services'~~ responsibilities of the 86997  
department of mental health and addiction services with regard to 86998  
providers, including program oversight and quality assurance. 86999

**Sec. ~~5111.912~~ 5162.371.** If the department of ~~job and family~~ 87000  
~~services~~ medicaid enters into a contract with the department of 87001  
~~mental health~~ mental health and addiction services under section 87002  
~~5111.91~~ 5162.35 of the Revised Code, the department of ~~job and~~ 87003  
~~family services~~ medicaid shall pay the nonfederal share of any 87004  
medicaid payment to a provider for services under the component, 87005



or aspect of the component, the department of ~~mental health~~ mental 87006  
health and addiction services administers. ~~If necessary, the~~ 87007  
~~director of job and family services shall submit a medicaid state~~ 87008  
~~plan amendment to the United States secretary of health and human~~ 87009  
~~services regarding the department of job and family services' duty~~ 87010  
~~under this section.~~ 87011

**Sec. ~~5111.92~~ 5162.40.** (A)(1) Except as provided in division 87012  
(B) of this section, if a state agency or political subdivision 87013  
administers one or more components of the medicaid program that 87014  
the United States department of health and human services 87015  
approved, and for which federal financial participation was 87016  
initially obtained, prior to January 1, 2002, or administers one 87017  
or more aspects of such a component, the department of ~~job and~~ 87018  
~~family services~~ medicaid may retain or collect not more than ten 87019  
per cent of the federal financial participation the state agency 87020  
or political subdivision obtains through an approved, 87021  
administrative claim regarding the component or aspect of the 87022  
component. If the department retains or collects a percentage of 87023  
such federal financial participation, the percentage the 87024  
department retains or collects shall be specified in a contract 87025  
the department enters into with the state agency or political 87026  
subdivision under section ~~5111.91~~ 5162.35 of the Revised Code. 87027

(2) Except as provided in division (B) of this section, if a 87028  
state agency or political subdivision administers one or more 87029  
components of the medicaid program that the United States 87030  
department of health and human services approved on or after 87031  
January 1, 2002, or administers one or more aspects of such a 87032  
component, the department of ~~job and family services~~ medicaid 87033  
shall retain or collect not less than three and not more than ten 87034  
per cent of the federal financial participation the state agency 87035  
or political subdivision obtains through an approved, 87036

administrative claim regarding the component or aspect of the 87037  
component. The percentage the department retains or collects shall 87038  
be specified in a contract the department enters into with the 87039  
state agency or political subdivision under section ~~5111.91~~ 87040  
5162.35 of the Revised Code. 87041

~~(B) The department of job and family services may retain or 87042  
collect a percentage of federal financial participation under 87043  
divisions (A)(1) and (2) of this section only to the extent 87044  
permitted by federal statutes and regulations. 87045~~

~~(C) All amounts the department retains or collects under this 87046  
section shall be deposited into the health care services 87047  
administration fund created under section ~~5111.94~~ 5162.54 of the 87048  
Revised Code. 87049~~

**Sec. ~~5111.93~~ 5162.41.** The department of ~~job and family 87050  
services~~ medicaid may retain or collect a percentage of the 87051  
federal financial participation included in a supplemental 87052  
medicaid payment to one or more medicaid providers owned or 87053  
operated by a state agency or political subdivision that brings 87054  
the payment to such provider or providers to the upper payment 87055  
limit established by 42 C.F.R. 447.272. If the department retains 87056  
or collects a percentage of that federal financial participation, 87057  
the ~~department~~ medicaid director shall adopt a rule under ~~Chapter 87058  
119.~~ section 5162.02 of the Revised Code specifying the percentage 87059  
the department is to retain or collect. All amounts the department 87060  
retains or collects under this section shall be deposited into the 87061  
health care services administration fund created under section 87062  
~~5111.94~~ 5162.54 of the Revised Code. 87063

**Sec. ~~5111.943~~ 5162.50.** (A) The health care - federal fund is 87064  
hereby created in the state treasury. All of the following shall 87065  
be credited to the fund: 87066

(1) Funds that division (B) of section ~~5112.18~~ 5168.11 of the Revised Code requires be credited to the fund; 87067  
87068

(2) The federal share of all rebates paid by drug manufacturers to the department of ~~job and family services~~ medicaid in accordance with a rebate agreement required by the "Social Security Act," section 1927, 42 U.S.C. 1396r-8; 87069  
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87071  
87072

(3) The federal share of all supplemental rebates paid by drug manufacturers to the department of ~~job and family services~~ medicaid in accordance with the supplemental drug rebate program established under section ~~5111.081~~ 5164.755 of the Revised Code; 87073  
87074  
87075  
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(4) Except as otherwise provided by statute or as authorized by the controlling board, the federal share of all other medicaid-related revenues, collections, and recoveries. 87077  
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(B) All money credited to the health care - federal fund pursuant to division (B) of section ~~5112.18~~ 5168.11 of the Revised Code shall be used solely for distributing funds to hospitals under section ~~5112.08~~ 5168.09 of the Revised Code. The department of ~~job and family services~~ medicaid shall use all other money credited to the fund to pay for other medicaid services and contracts. 87080  
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**Sec. ~~5111.941~~ 5162.52.** (A) The health care/medicaid support and recoveries fund is hereby created in the state treasury. All of the following shall be credited to the fund: 87087  
87088  
87089

(1) Except as otherwise provided by statute or as authorized by the controlling board, the nonfederal share of all medicaid-related revenues, collections, and recoveries; 87090  
87091  
87092

(2) Federal reimbursement received for payment adjustments made pursuant to ~~section 1923~~ of the "Social Security Act," ~~101 Stat. 1330-148 (1987)~~ section 1923, 42 U.S.C. 1396r-4, ~~as amended,~~ under the medicaid program to state mental health hospitals 87093  
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maintained and operated by the department of ~~mental health~~ mental health and addiction services under division (A) of section ~~5119.02~~ 5119.14 of the Revised Code; 87097  
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(3) Revenues the department of ~~job and family services~~ medicaid receives from another state agency for medicaid services pursuant to an interagency agreement, other than such revenues required to be deposited into the health care services administration fund created under section ~~5111.94~~ 5162.54 of the Revised Code; 87100  
87101  
87102  
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(4) The first seven hundred fifty thousand dollars the department receives in a fiscal year for performing eligibility verification services necessary for compliance with the independent, certified audit requirement of 42 C.F.R. 455.304; 87106  
87107  
87108  
87109

(5) The nonfederal share of all rebates paid by drug manufacturers to the department of medicaid in accordance with a rebate agreement required by the "Social Security Act," section 1927, 42 U.S.C. 1396r-8; 87110  
87111  
87112  
87113

(6) The nonfederal share of all supplemental rebates paid by drug manufacturers to the department of medicaid in accordance with the supplemental drug rebate program established under section 5164.755 of the Revised Code. 87114  
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87116  
87117

(B) The department of ~~job and family services~~ medicaid shall use money credited to the health care/medicaid support and recoveries fund to pay for medicaid services and contracts. 87118  
87119  
87120

**Sec. ~~5111.94~~ 5162.54.** (A) ~~As used in this section, "vendor offset" means a reduction of a medicaid payment to a medicaid provider to correct a previous, incorrect medicaid payment to that provider.~~ 87121  
87122  
87123  
87124

~~(B)~~ There is hereby created in the state treasury the health care services administration fund. Except as provided in division 87125  
87126

(C) of this section, all the following shall be deposited into the fund: 87127  
87128

(1) Amounts deposited into the fund pursuant to sections 87129  
~~5111.92~~ 5162.12, 5162.40, and ~~5111.93~~ 5162.41 of the Revised Code; 87130

(2) The amount of the state share of all money the department 87131  
of ~~job and family services, in fiscal year 2003 and each fiscal~~ 87132  
~~year thereafter, medicaid~~ recovers each fiscal year pursuant to a 87133  
tort action under the department's right of recovery under section 87134  
~~5101.58~~ 5160.37 of the Revised Code that exceeds the state share 87135  
of all money the department, in fiscal year 2002, recovers 87136  
pursuant to a tort action under that right of recovery; 87137

(3) Subject to division ~~(D)~~(B) of this section, the amount of 87138  
the state share of all money the department of ~~job and family~~ 87139  
~~services medicaid~~, in fiscal year 2003 and each fiscal year 87140  
thereafter, recovers through audits of medicaid providers that 87141  
exceeds the state share of all money the department, in fiscal 87142  
year 2002, recovers through such audits; 87143

(4) Amounts from assessments on hospitals under section 87144  
~~5112.06~~ 5168.06 of the Revised Code and intergovernmental 87145  
transfers by governmental hospitals under section ~~5112.07~~ 5168.07 87146  
of the Revised Code that are deposited into the fund in accordance 87147  
with the law; 87148

(5) Amounts that the department of education pays to the 87149  
department of ~~job and family services medicaid~~, if any, pursuant 87150  
to an interagency agreement ~~entered into under~~ authorized by 87151  
section ~~5111.713~~ 5162.363 of the Revised Code; 87152

(6) The application fees charged to providers under section 87153  
~~5111.063~~ 5164.31 of the Revised Code; 87154

(7) The fines collected under section ~~5111.271~~ 5165.1010 of 87155  
the Revised Code; 87156

(8) Money the department receives in a fiscal year for performing eligibility verification services necessary for compliance with the independent, certified audit requirement of 42 C.F.R. 455.304, other than the amounts of such money that are to be credited to the health care/medicaid support and recoveries fund under section 5162.52 of the Revised Code. 87157  
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~~(C) No funds shall be deposited into the health care services administration fund in violation of federal statutes or regulations.~~ 87163  
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~~(D)~~(B) In determining under division ~~(B)~~(A)(3) of this section the amount of money the department, in a fiscal year, recovers through audits of medicaid providers, the amount recovered in the form of vendor offset shall be excluded. 87166  
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~~(E)~~(C) The ~~director~~ department of ~~job and family services~~ medicaid shall use funds available in the health care services administration fund to pay for costs associated with the administration of the medicaid program. 87170  
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**Sec. 5111.945 5162.56.** There is created in the state treasury the health care special activities fund. The department of ~~job and family services~~ medicaid shall deposit all funds it receives pursuant to the administration of the medicaid program into the fund, other than any such funds that are required by law to be deposited into another fund. The department shall use the money in the fund to pay for expenses related to the services provided under, and the administration of, the medicaid program. 87174  
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**Sec. 5111.944 5162.58.** ~~(A) As used in this section:~~ 87182

~~"Dual eligible individual" has the same meaning as in section 1915(h)(2)(B) of the "Social Security Act," 124 Stat. 315 (2010), 42 U.S.C. 1396n(h)(2)(B).~~ 87183  
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~~"Dual eligible integrated care demonstration project" means~~ 87186

~~the demonstration project authorized by section 5111.981 of the Revised Code.~~ 87187  
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~~"Medicare program" means the program created under Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended.~~ 87189  
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~~(B) There is created in the state treasury the integrated care delivery systems fund. If the terms of the federal approval for the dual eligible integrated care demonstration project authorized by section 5164.91 of the Revised Code provide for the state to receive a portion of the amounts that the demonstration project saves the medicare program, such amounts shall be deposited into the fund. The department of job and family services medicaid shall use the money in the fund to further develop integrated delivery systems and improved care coordination for dual eligible individuals.~~ 87192  
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Sec. 5162.60. (A) There is hereby created in the state treasury the managed care performance payment fund. The fund shall consist of all of the following: 87202  
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(1) Amounts transferred to it by the director of budget and management for the purpose of the managed care performance payment program established under section 5167.30 of the Revised Code; 87205  
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(2) All fines imposed on and collected from medicaid managed care organizations for failure to meet performance standards or other requirements specified in provider agreements or rules adopted under section 5167.02 of the Revised Code; 87208  
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(3) All investment earnings of the fund. 87212

(B) Amounts in the fund may be used for the following: 87213

(1) To make performance payments to medicaid managed care organizations in accordance with section 5167.30 of the Revised Code; 87214  
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|  |       |
|--|-------|
| <u>(2) To meet obligations specified in the provider agreements;</u>   | 87217 |
| <u>(3) To pay for medicaid services provided by a medicaid managed care organization;</u>  | 87218 |
|  | 87219 |
| <u>(4) To reimburse a medicaid managed care organization that has paid a fine for failure to meet performance standards or other requirements specified in provider agreements or rules adopted under section 5167.02 of the Revised Code if that organization comes into compliance with those standards or requirements.</u>   | 87220 |
|  | 87221 |
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|  | 87224 |
| <u>Sec. 5162.62. There is hereby created in the state treasury the medicaid administrative reimbursement fund. The department of medicaid shall use money in the fund to pay for the nonfederal share of the cost of a fiscal audit for which a state agency or political subdivision is required by section 5162.35 of the Revised Code to reimburse the department. The department shall deposit the reimbursements into the fund.</u> | 87225 |
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| <u>Sec. 5111.714 5162.64. (A) There is hereby created in the state treasury the medicaid school program administrative fund.</u>   | 87232 |
|  | 87233 |
| <u>(B) Both of the following shall be deposited into the medicaid school program administrative fund:</u>  | 87234 |
|  | 87235 |
| <u>(1) The federal funds the department of education receives for the expenses the department incurs in administering the medicaid school component of the medicaid program created under section 5162.36 of the Revised Code;</u>   | 87236 |
|  | 87237 |
|  | 87238 |
|  | 87239 |
| <u>(2) The money the department collects from qualified medicaid school providers in the process established in rules <del>adopted under</del> authorized by section <del>5111.713</del> 5162.363 of the Revised Code.</u>   | 87240 |
|  | 87241 |
|  | 87242 |
| <u>(C) <del>No funds shall be deposited into the medicaid school program administrative fund in violation of federal statutes or regulations.</del></u>  | 87243 |
|  | 87244 |
|  | 87245 |



~~(D)~~ The department of education shall use money in the 87246  
medicaid school program administrative fund for both of the 87247  
following purposes: 87248

(1) Paying for the expenses the department incurs in 87249  
administering the medicaid school component of the medicaid 87250  
program; 87251

(2) Paying a qualified medicaid school provider a refund for 87252  
any overpayment the provider makes to the department under the 87253  
process established in rules ~~adopted under~~ authorized by section 87254  
~~5111.713~~ 5162.363 of the Revised Code if the process results in an 87255  
overpayment. 87256

**Sec. ~~5111.62~~ 5162.66.** The As used in this section, 87257  
"deficiency" has the same meaning as in section 5165.60 of the 87258  
Revised Code. 87259

The proceeds of all fines, including interest, collected 87260  
under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised 87261  
Code shall be deposited in the state treasury to the credit of the 87262  
residents protection fund, which is hereby created. The proceeds 87263  
of all fines, including interest, collected under section 173.42 87264  
of the Revised Code shall be deposited in the state treasury to 87265  
the credit of the residents protection fund. 87266

Money in the fund shall be used for the protection of the 87267  
health or property of residents of nursing facilities in which the 87268  
department of health finds deficiencies, including payment for the 87269  
costs of relocation of residents to other facilities, maintenance 87270  
of operation of a facility pending correction of deficiencies or 87271  
closure, and reimbursement of residents for the loss of money 87272  
managed by the facility under section 3721.15 of the Revised Code. 87273  
Money in the fund may also be used to make payments under section 87274  
~~5111.511~~ 5165.78 of the Revised Code. 87275

The fund shall be maintained and administered by the 87276  
department of ~~job and family services~~ medicaid under rules 87277  
developed in consultation with the departments of health and aging 87278  
and adopted ~~by the director of job and family services~~ under 87279  
~~Chapter 119.~~ section 5162.02 of the Revised Code. The rules shall 87280  
be adopted in accordance with Chapter 119. of the Revised Code. 87281

**Sec. 5163.01.** As used in this chapter: 87282

"Federal financial participation" has the same meaning as in 87283  
section 5160.01 of the Revised Code. 87284

"Healthy start component" has the same meaning as in section 87285  
5162.01 of the Revised Code. 87286

"Intermediate care facility for the mentally retarded" and 87287  
"ICF/MR" have the same meanings as in section 5124.01 of the 87288  
Revised Code. 87289

"Mandatory eligibility groups" means the groups of 87290  
individuals that must be covered by the medicaid state plan as a 87291  
condition of the state receiving federal financial participation 87292  
for the medicaid program. 87293

"Medicaid services" has the same meaning as in section 87294  
5164.01 of the Revised Code. 87295

"Nursing facility" and "nursing facility services" have the 87296  
same meanings as in section 5165.01 of the Revised Code. 87297

"Optional eligibility groups" means the groups of individuals 87298  
who may be covered by the medicaid state plan or a federal 87299  
medicaid waiver and for whom the medicaid program receives federal 87300  
financial participation. 87301

"Other medicaid-funded long-term care services" has the 87302  
meaning specified in rules adopted under section 5163.02 of the 87303  
Revised Code. 87304

"Supplemental security income program" means the program 87305  
established by Title XVI of the "Social Security Act," 42 U.S.C. 87306  
1381 et seq. 87307

~~Sec. 5111.011 5163.02. (A) The medicaid director of ~~job and~~ 87308  
~~family services~~ shall adopt rules establishing as necessary to 87309  
implement this chapter. The rules shall establish eligibility 87310  
requirements for the medicaid program. The rules may establish 87311  
requirements for applying for medicaid and determining and 87312  
verifying eligibility for medicaid. The rules shall be adopted 87313  
~~pursuant to~~ in accordance with section 111.15 of the Revised Code 87314  
and shall be consistent with federal and state law. The rules 87315  
shall include rules that do all of the following: 87316~~

~~(1) Establish standards consistent with federal law for~~ 87317  
~~allocating income and resources as income and resources of the~~ 87318  
~~spouse, children, parents, or stepparents of a recipient of or~~ 87319  
~~applicant for medicaid;~~ 87320

~~(2) Define the term "resources" as used in division (A)(1) of~~ 87321  
~~this section;~~ 87322

~~(3) Specify the number of months that is to be used for the~~ 87323  
~~purpose of the term "look back date" used in section 5111.0116 of~~ 87324  
~~the Revised Code;~~ 87325

~~(4) Establish processes to be used to determine both of the~~ 87326  
~~following:~~ 87327

~~(a) The date an institutionalized individual's ineligibility~~ 87328  
~~for services under section 5111.0116 of the Revised Code is to~~ 87329  
~~begin;~~ 87330

~~(b) The number of months an institutionalized individual's~~ 87331  
~~ineligibility for such services is to continue.~~ 87332

~~(5) For the purpose of division (C) of section 5111.0116 of~~ 87333  
~~the Revised Code, establish procedures for granting waivers of all~~ 87334

~~or a portion of the period of ineligibility that an  
institutionalized individual would otherwise be subject to under  
that section and additional reasons for which such waivers may be  
granted;~~ 87335  
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~~(6) Define the term "other medicaid funded long term care  
services" as used in sections 5111.0117 and 5111.0118 of the  
Revised Code;~~ 87339  
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~~(7) For the purpose of division (C)(2)(c) of section  
5111.0117 of the Revised Code, establish the process to determine  
whether the child of an aged, blind, or disabled individual is  
financially dependent on the individual for housing.~~ 87342  
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~~(B) Notwithstanding any provision of state law, including  
statutes, administrative rules, common law, and court rules,  
regarding real or personal property or domestic relations, the  
standards established under rules adopted under division (A)(1) of  
this section shall be used to determine eligibility for medicaid.~~ 87346  
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Sec. 5163.03. (A) Subject to sections 5163.04 and 5163.05 of  
the Revised Code, the medicaid program shall cover all mandatory  
eligibility groups. 87351  
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(B) The medicaid program shall cover all of the optional  
eligibility groups that state statutes require the medicaid  
program to cover. 87354  
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(C) The medicaid program may cover any of the optional  
eligibility groups to which either of the following applies: 87357  
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(1) State statutes expressly permit the medicaid program to  
cover the optional eligibility group. 87359  
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(2) State statutes do not address whether the medicaid  
program may cover the optional eligibility group. 87361  
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(D) The medicaid program shall not cover any eligibility  
group that state statutes prohibit the medicaid program from 87363  
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covering. 87365

Sec. 5163.04. The medicaid program shall not cover the group 87366  
described in the "Social Security Act," section 87367  
1902(a)(10)(A)(i)(VIII), 42 U.S.C. 1396a(a)(10)(A)(i)(VIII). 87368

Sec. 5163.05. The medicaid program's eligibility requirements 87369  
for aged, blind, and disabled individuals may be more restrictive 87370  
than the eligibility requirements for the supplemental security 87371  
income program. Any such more restrictive eligibility requirements 87372  
shall be consistent with the 209(b) option described in the 87373  
"Social Security Act," section 1902(f), 42 U.S.C. 1396a(f). 87374

Sec. 5163.06. Beginning January 1, 2014, the medicaid 87375  
director may alter the eligibility requirements for, and terminate 87376  
the medicaid program's coverage of, one or more optional 87377  
eligibility groups or subgroups, including the following: 87378

(A) Children placed with adoptive parents who may be covered 87379  
by medicaid pursuant to the "Social Security Act," section 87380  
1902(a)(10)(A)(ii)(VIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII); 87381

(B) Low income women and children who may be covered by 87382  
medicaid pursuant to the "Social Security Act," section 87383  
1902(a)(10)(A)(ii)(IX), 42 U.S.C. 1396a(a)(10)(A)(ii)(IX); 87384

(C) Employed individuals with disabilities who may be covered 87385  
by medicaid pursuant to the "Social Security Act," section 87386  
1902(a)(10)(A)(ii)(XV), 42 U.S.C. 1396a(a)(10)(A)(ii)(XV); 87387

(D) Employed individuals with medically improved disabilities 87388  
who may be covered by medicaid pursuant to the "Social Security 87389  
Act," section 1902(a)(10)(A)(ii)(XVI), 42 U.S.C. 87390  
1396a(a)(10)(A)(ii)(XVI); 87391

(E) Independent foster care adolescents who may be covered by 87392  
medicaid pursuant to the "Social Security Act," section 87393

1902(a)(10)(A)(ii)(XVII), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVII); 87394

(F) Pregnant women who may be determined presumptively 87395  
eligible for medicaid pursuant to the "Social Security Act," 87396  
section 1920, 42 U.S.C. 1396r-1; 87397

(G) Children who may be determined presumptively eligible for 87398  
medicaid pursuant to the "Social Security Act," section 1920A, 42 87399  
U.S.C. 1396r-1a. 87400

**Sec. 5163.061.** If the medicaid director alters the 87401  
eligibility requirements for, or terminates the medicaid program's 87402  
coverage of, an optional eligibility group or subgroup pursuant to 87403  
section 5163.06 of the Revised Code, all of the following apply: 87404

(A) In the case of an optional eligibility group or subgroup 87405  
for which the eligibility requirements are altered: 87406

(1) No individual enrolled, before the effective date of the 87407  
altered eligibility requirements, in medicaid as part of the group 87408  
or subgroup shall remain enrolled in medicaid on and after that 87409  
effective date unless the individual meets the altered eligibility 87410  
requirements for the group or subgroup or meets the eligibility 87411  
requirements for another eligibility group or subgroup. 87412

(2) Beginning on the effective date of the altered 87413  
eligibility requirements, no individual may enroll in medicaid as 87414  
part of the group or subgroup unless the individual meets the 87415  
altered eligibility requirements for the group or subgroup or 87416  
meets the eligibility requirements for another eligibility group 87417  
or subgroup. 87418

(B) In the case of an optional eligibility group or subgroup 87419  
whose medicaid coverage is terminated: 87420

(1) No individual enrolled, before the effective date of the 87421  
termination, in medicaid as part of the group or subgroup shall 87422  
remain enrolled in medicaid on and after that effective date 87423

unless the individual meets the eligibility requirements for 87424  
another eligibility group or subgroup. 87425

(2) Beginning on the effective date of the termination, no 87426  
individual may enroll in medicaid as part of the group or subgroup 87427  
but may enroll in medicaid as part of another group or subgroup 87428  
for which the individual meets the eligibility requirements. 87429

(C) The department of medicaid shall take actions as the 87430  
department determines necessary, including requiring actions from 87431  
county departments of job and family services, to do both of the 87432  
following: 87433

(1) Inform medicaid recipients about the altered eligibility 87434  
requirements or termination of the medicaid program's coverage of 87435  
the group or subgroup; 87436

(2) In the case of medicaid recipients who will cease to be 87437  
eligible for medicaid as part of the group or subgroup because of 87438  
the altered eligibility requirements or termination of the group's 87439  
or subgroup's coverage, offer to assist the recipients with the 87440  
following: 87441

(a) To continue to be enrolled in medicaid as part of another 87442  
eligibility group or subgroup for which they meet the eligibility 87443  
requirements; 87444

(b) Transition to other health coverage options available to 87445  
them. 87446

(D) Regarding appeals authorized by section 5160.31 of the 87447  
Revised Code: 87448

(1) No individual may appeal a denial of medicaid eligibility 87449  
as part of a group or subgroup whose medicaid coverage is 87450  
terminated if the denial is for medicaid eligibility that would 87451  
begin or continue on or after the effective date of the 87452  
termination. 87453

(2) An individual may initiate or continue, on or after the effective date of the termination, an appeal concerning the individual's eligibility for medicaid as part of the group or subgroup if the decision being appealed concerns the individual's eligibility for medicaid as part of the group or subgroup before the effective date of the termination. 87454  
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(3) An appeal initiated or continued pursuant to division (D)(2) of this section may not result in the appellant being enrolled, or continuing to be enrolled, in medicaid as part of the group or subgroup on or after the effective date of the termination. 87460  
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(E) The altered eligibility requirements or termination of the medicaid program's coverage of the group or subgroup has no effect on either of the following: 87465  
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(1) An automatic right of recovery given under section 5160.37 of the Revised Code; 87468  
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(2) An automatic assignment of rights under section 5160.38 of the Revised Code. 87470  
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(F) All rules, standards, guidelines, or orders regarding the group or subgroup issued by the medicaid director before the effective date of the altered eligibility requirements or termination of the medicaid program's coverage of the group or subgroup shall be used for the purpose of determining the state's legal obligations for claims related to the group or subgroup that arise from any of the following: 87472  
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(1) Eligibility determinations regarding enrollment in medicaid before that effective date; 87479  
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(2) Claims for payment for medicaid services provided before that effective date; 87481  
87482

(3) Recoveries of erroneous medicaid payments. 87483



Sec. 5163.07. (A) As used in this section, "actual income" 87484  
means the amount of an individual's income before any disregarded 87485  
amounts or other deductions are applied pursuant to an income 87486  
eligibility methodology. 87487

(B) In transitioning to the use of modified adjusted gross 87488  
income and household income methodologies to determine an 87489  
individual's income eligibility for the medicaid program pursuant 87490  
to the "Social Security Act," section 1902(e)(14), 42 U.S.C. 87491  
1396a(e)(14), and except as provided in division (C) of this 87492  
section, the medicaid director shall provide for both of the 87493  
following to qualify for the medicaid program: 87494

(1) All individuals who would qualify for medicaid pursuant 87495  
to former section 5111.0110 or 5111.0120 of the Revised Code using 87496  
the applicable income eligibility methodology in effect on the day 87497  
immediately preceding the effective date of this section; 87498

(2) All individuals who would qualify for medicaid pursuant 87499  
to the optional eligibility group specified in the "Social 87500  
Security Act," section 1902(a)(a)(10)(A)(ii)(XXI), 42 U.S.C. 87501  
1396a(a)(10)(A)(ii)(XXI), using the applicable income eligibility 87502  
methodology in effect on the day immediately preceding the 87503  
effective date of this section. 87504

(C) An individual whose actual income exceeds one hundred 87505  
thirty-eight per cent of the federal poverty line may not qualify 87506  
for medicaid pursuant to division (B) of this section. 87507

Sec. 5163.08. The medicaid director shall implement the 87508  
option authorized by the "Social Security Act," section 87509  
1925(a)(5), 42 U.S.C. 1396r-6(a)(5), regarding the single 87510  
twelve-month eligibility period for transitional medicaid. 87511

~~Sec. 5111.15~~ 5163.20. If a medicaid recipient of ~~medical~~ 87512

assistance is the beneficiary of a trust created pursuant to 87513  
section 5815.28 of the Revised Code, then, notwithstanding any 87514  
contrary provision of this chapter or of a rule adopted pursuant 87515  
~~to this chapter~~ under section 5163.02 of the Revised Code, 87516  
divisions (C) and (D) of that section shall apply in determining 87517  
the assets or resources of the recipient, the recipient's estate, 87518  
the settlor, or the settlor's estate and to claims arising under 87519  
this chapter against the recipient, the recipient's estate, the 87520  
settlor, or the settlor's estate. 87521

**Sec. ~~5111.151~~ 5163.21.** (A)(1) This section applies only to 87522  
either of the following: 87523

(a) Initial eligibility determinations for the medicaid 87524  
program ~~made by the department of job and family services pursuant~~ 87525  
~~to section 5101.47 of the Revised Code or by a county department~~ 87526  
~~of job and family services pursuant to section 5111.012 of the~~ 87527  
~~Revised Code;~~ 87528

(b) An appeal from ~~a~~ an initial eligibility determination 87529  
~~described in division (A)(1)(a) of this section~~ pursuant to 87530  
section ~~5101.35~~ 5160.31 of the Revised Code. 87531

(2)(a) Except as provided in division (A)(2)(b) of this 87532  
section, this section shall not be used by a court to determine 87533  
the effect of a trust on an individual's initial eligibility for 87534  
the medicaid program. 87535

(b) The prohibition in division (A)(2)(a) of this section 87536  
does not apply to an appeal described in division (A)(1)(b) of 87537  
this section. 87538

(B) As used in this section: 87539

(1) "Trust" means any arrangement in which a grantor 87540  
transfers real or personal property to a trust with the intention 87541  
that it be held, managed, or administered by at least one trustee 87542

for the benefit of the grantor or beneficiaries. "Trust" includes 87543  
any legal instrument or device similar to a trust. 87544

(2) "Legal instrument or device similar to a trust" includes, 87545  
but is not limited to, escrow accounts, investment accounts, 87546  
partnerships, contracts, and other similar arrangements that are 87547  
not called trusts under state law but are similar to a trust and 87548  
to which all of the following apply: 87549

(a) The property in the trust is held, managed, retained, or 87550  
administered by a trustee. 87551

(b) The trustee has an equitable, legal, or fiduciary duty to 87552  
hold, manage, retain, or administer the property for the benefit 87553  
of the beneficiary. 87554

(c) The trustee holds identifiable property for the 87555  
beneficiary. 87556

(3) "Grantor" is a person who creates a trust, including all 87557  
of the following: 87558

(a) An individual; 87559

(b) An individual's spouse; 87560

(c) A person, including a court or administrative body, with 87561  
legal authority to act in place of or on behalf of an individual 87562  
or an individual's spouse; 87563

(d) A person, including a court or administrative body, that 87564  
acts at the direction or on request of an individual or the 87565  
individual's spouse. 87566

(4) "Beneficiary" is a person or persons, including a 87567  
grantor, who benefits in some way from a trust. 87568

(5) "Trustee" is a person who manages a trust's principal and 87569  
income for the benefit of the beneficiaries. 87570

(6) "Person" has the same meaning as in section 1.59 of the 87571

Revised Code and includes an individual, corporation, business trust, estate, trust, partnership, and association. 87572  
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(7) "Applicant" is an individual who applies for medicaid or the individual's spouse. 87574  
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(8) "Recipient" is an individual who receives medicaid or the individual's spouse. 87576  
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(9) "Revocable trust" is a trust that can be revoked by the grantor or the beneficiary, including all of the following, even if the terms of the trust state that it is irrevocable: 87578  
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(a) A trust that provides that the trust can be terminated only by a court; 87581  
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(b) A trust that terminates on the happening of an event, but only if the event occurs at the direction or control of the grantor, beneficiary, or trustee. 87583  
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(10) "Irrevocable trust" is a trust that cannot be revoked by the grantor or terminated by a court and that terminates only on the occurrence of an event outside of the control or direction of the beneficiary or grantor. 87586  
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(11) "Payment" is any disbursement from the principal or income of the trust, including actual cash, noncash or property disbursements, or the right to use and occupy real property. 87590  
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(12) "Payments to or for the benefit of the applicant or recipient" is a payment to any person resulting in a direct or indirect benefit to the applicant or recipient. 87593  
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(13) "Testamentary trust" is a trust that is established by a will and does not take effect until after the death of the person who created the trust. 87596  
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(C)(1) If an applicant or recipient is a beneficiary of a trust, the applicant or recipient shall submit a complete copy of the trust instrument to the county department of job and family 87599  
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services and the department of medicaid. A copy shall be 87602  
considered complete if it contains all pages of the trust 87603  
instrument and all schedules, attachments, and accounting 87604  
statements referenced in or associated with the trust. The copy is 87605  
confidential and is not subject to disclosure under section 149.43 87606  
of the Revised Code. 87607

(2) On receipt of a copy of a trust instrument or otherwise 87608  
determining that an applicant or recipient is a beneficiary of a 87609  
trust, the county department of job and family services shall 87610  
determine what type of trust it is and shall treat the trust in 87611  
accordance with the appropriate provisions of this section and 87612  
rules adopted ~~by the department of job and family services under~~ 87613  
section 5163.02 of the Revised Code governing trusts. The county 87614  
department of job and family services may determine that any of 87615  
the following is the case regarding the trust or portion of the 87616  
trust: 87617

(a) ~~It is~~ It is a resource available to the applicant or 87618  
recipient; 87619

(b) ~~Contains~~ It contains income available to the applicant or 87620  
recipient; 87621

(c) ~~Constitutes both items described in divisions~~ Divisions 87622  
(C)~~(1)~~(2)(a) and (b) of this section are both applicable; 87623

(d) ~~Is neither an item described in~~ Neither division 87624  
(C)~~(1)~~(2)(a) nor ~~(C)~~(1)(b) of this section is applicable. 87625

~~(2)~~(3) Except as provided in division (F) of this section, a 87626  
trust or portion of a trust that is a resource available to the 87627  
applicant or recipient or contains income available to the 87628  
applicant or recipient shall be counted for purposes of 87629  
determining medicaid eligibility. 87630

(D)(1) A trust or legal instrument or device similar to a 87631  
trust shall be considered a medicaid qualifying trust if all of 87632

the following apply: 87633

(a) The trust was established on or prior to August 10, 1993. 87634

(b) The trust was not established by a will. 87635

(c) The trust was established by an applicant or recipient. 87636

(d) The applicant or recipient is or may become the 87637  
beneficiary of all or part of the trust. 87638

(e) Payment from the trust is determined by one or more 87639  
trustees who are permitted to exercise any discretion with respect 87640  
to the distribution to the applicant or recipient. 87641

(2) If a trust meets the requirement of division (D)(1) of 87642  
this section, the amount of the trust that is considered by the 87643  
county department of job and family services to be a resource 87644  
available to the applicant or recipient shall be the maximum 87645  
amount of payments permitted under the terms of the trust to be 87646  
distributed to the applicant or recipient, assuming the full 87647  
exercise of discretion by the trustee or trustees. The maximum 87648  
amount shall include only amounts that are permitted to be 87649  
distributed but are not distributed from either the income or 87650  
principal of the trust. 87651

(3) Amounts that are actually distributed from a medicaid 87652  
qualifying trust to a beneficiary for any purpose shall be treated 87653  
in accordance with rules adopted ~~by the department of job and~~ 87654  
~~family services~~ under section 5163.02 of the Revised Code 87655  
governing income. 87656

(4) Availability of a medicaid qualifying trust shall be 87657  
considered without regard to any of the following: 87658

(a) Whether or not the trust is irrevocable or was 87659  
established for purposes other than to enable a grantor to qualify 87660  
for medicaid, ~~medical assistance for covered families and~~ 87661  
~~children, or as a qualified medicare beneficiary, specified~~ 87662

~~low income medicare beneficiary, qualifying individual 1, or~~ 87663  
~~qualifying individual 2;~~ 87664

(b) Whether or not the trustee actually exercises discretion. 87665

(5) If any real or personal property is transferred to a 87666  
medicaid qualifying trust that is not distributable to the 87667  
applicant or recipient, the transfer shall be considered an 87668  
improper disposition of assets and shall be subject to section 87669  
~~5111.0116~~ 5163.30 of the Revised Code and rules to implement that 87670  
section adopted under section ~~5111.011~~ 5163.02 of the Revised 87671  
Code. 87672

(6) The baseline date for the look-back period for 87673  
disposition of assets involving a medicaid qualifying trust shall 87674  
be the date on which the applicant or recipient is both 87675  
institutionalized and first applies for medicaid. 87676

(E)(1) A trust or legal instrument or device similar to a 87677  
trust shall be considered a self-settled trust if all of the 87678  
following apply: 87679

(a) The trust was established on or after August 11, 1993. 87680

(b) The trust was not established by a will. 87681

(c) The trust was established by an applicant or recipient, 87682  
spouse of an applicant or recipient, or a person, including a 87683  
court or administrative body, with legal authority to act in place 87684  
of or on behalf of an applicant, recipient, or spouse, or acting 87685  
at the direction or on request of an applicant, recipient, or 87686  
spouse. 87687

(2) A trust that meets the requirements of division (E)(1) of 87688  
this section and is a revocable trust shall be treated by the 87689  
county department of job and family services as follows: 87690

(a) The corpus of the trust shall be considered a resource 87691  
available to the applicant or recipient. 87692

(b) Payments from the trust to or for the benefit of the applicant or recipient shall be considered unearned income of the applicant or recipient.

(c) Any other payments from the trust shall be considered an improper disposition of assets and shall be subject to section ~~5111.0116~~ 5163.30 of the Revised Code and rules to implement that section adopted under section ~~5111.011~~ 5163.02 of the Revised Code.

(3) A trust that meets the requirements of division (E)(1) of this section and is an irrevocable trust shall be treated by the county department of job and family services as follows:

(a) If there are any circumstances under which payment from the trust could be made to or for the benefit of the applicant or recipient, including a payment that can be made only in the future, the portion from which payments could be made shall be considered a resource available to the applicant or recipient. The county department of job and family services shall not take into account when payments can be made.

(b) Any payment that is actually made to or for the benefit of the applicant or recipient from either the corpus or income shall be considered unearned income.

(c) If a payment is made to someone other than to the applicant or recipient and the payment is not for the benefit of the applicant or recipient, the payment shall be considered an improper disposition of assets and shall be subject to section ~~5111.0116~~ 5163.30 of the Revised Code and rules to implement that section adopted under section ~~5111.011~~ 5163.02 of the Revised Code.

(d) The date of the disposition shall be the later of the date of establishment of the trust or the date of the occurrence of the event.



(e) When determining the value of the disposed asset under this provision, the value of the trust shall be its value on the date payment to the applicant or recipient was foreclosed.

(f) Any income earned or other resources added subsequent to the foreclosure date shall be added to the total value of the trust.

(g) Any payments to or for the benefit of the applicant or recipient after the foreclosure date but prior to the application date shall be subtracted from the total value. Any other payments shall not be subtracted from the value.

(h) Any addition of assets after the foreclosure date shall be considered a separate disposition.

(4) If a trust is funded with assets of another person or persons in addition to assets of the applicant or recipient, the applicable provisions of this section and rules adopted ~~by the department of job and family services~~ under section 5163.02 of the Revised Code governing trusts shall apply only to the portion of the trust attributable to the applicant or recipient.

(5) The availability of a self-settled trust shall be considered without regard to any of the following:

(a) The purpose for which the trust is established;

(b) Whether the trustees have exercised or may exercise discretion under the trust;

(c) Any restrictions on when or whether distributions may be made from the trust;

(d) Any restrictions on the use of distributions from the trust.

(6) The baseline date for the look-back period for dispositions of assets involving a self-settled trust shall be the date on which the applicant or recipient is both institutionalized

and first applies for medicaid. 87754

(F) The principal or income from any of the following shall 87755  
not be a resource available to the applicant or recipient: 87756

(1)(a) A special needs trust that meets all of the following 87757  
requirements: 87758

(i) The trust contains assets of an applicant or recipient 87759  
under sixty-five years of age and may contain the assets of other 87760  
individuals. 87761

(ii) The applicant or recipient is disabled as defined in 87762  
rules adopted ~~by the department of job and family services~~ under 87763  
section 5163.02 of the Revised Code. 87764

(iii) The trust is established for the benefit of the 87765  
applicant or recipient by a parent, grandparent, legal guardian, 87766  
or a court. 87767

(iv) The trust requires that on the death of the applicant or 87768  
recipient the state will receive all amounts remaining in the 87769  
trust up to an amount equal to the total amount of medicaid ~~paid~~ 87770  
payments made on behalf of the applicant or recipient. 87771

(b) If a special needs trust meets the requirements of 87772  
division (F)(1)(a) of this section and has been established for a 87773  
disabled applicant or recipient under sixty-five years of age, the 87774  
exemption for the trust granted pursuant to division (F) of this 87775  
section shall continue after the disabled applicant or recipient 87776  
becomes sixty-five years of age if the applicant or recipient 87777  
continues to be disabled as defined in rules adopted ~~by the~~ 87778  
~~department of job and family services~~ under section 5163.02 of the 87779  
Revised Code. Except for income earned by the trust, the grantor 87780  
shall not add to or otherwise augment the trust after the 87781  
applicant or recipient attains sixty-five years of age. An 87782  
addition or augmentation of the trust by the applicant or 87783  
recipient with the applicant's own assets after the applicant or 87784

recipient attains sixty-five years of age shall be treated as an 87785  
improper disposition of assets. 87786

(c) Cash distributions to the applicant or recipient shall be 87787  
counted as unearned income. All other distributions from the trust 87788  
shall be treated as provided in rules adopted ~~by the department of~~ 87789  
~~job and family services~~ under section 5163.02 of the Revised Code 87790  
governing in-kind income. 87791

(d) Transfers of assets to a special needs trust shall not be 87792  
treated as an improper transfer of resources. An asset held prior 87793  
to the transfer to the trust shall be considered as a resource 87794  
available to the applicant or recipient, income available to the 87795  
applicant or recipient, or both a resource and income available to 87796  
the individual. 87797

(2)(a) A qualifying income trust that meets all of the 87798  
following requirements: 87799

(i) The trust is composed only of pension, social security, 87800  
and other income to the applicant or recipient, including 87801  
accumulated interest in the trust. 87802

(ii) The income is received by the individual and the right 87803  
to receive the income is not assigned or transferred to the trust. 87804

(iii) The trust requires that on the death of the applicant 87805  
or recipient the state will receive all amounts remaining in the 87806  
trust up to an amount equal to the total amount of medicaid ~~paid~~ 87807  
payments made on behalf of the applicant or recipient. 87808

(b) No resources shall be used to establish or augment the 87809  
trust. 87810

(c) If an applicant or recipient has irrevocably transferred 87811  
or assigned the applicant's or recipient's right to receive income 87812  
to the trust, the trust shall not be considered a qualifying 87813  
income trust by the county department of job and family services. 87814

(d) Income placed in a qualifying income trust shall not be 87815  
counted in determining an applicant's or recipient's eligibility 87816  
for medicaid. The recipient of the funds may place any income 87817  
directly into a qualifying income trust without those funds 87818  
adversely affecting the applicant's or recipient's eligibility for 87819  
medicaid. Income generated by the trust that remains in the trust 87820  
shall not be considered as income to the applicant or recipient. 87821

(e) All income placed in a qualifying income trust shall be 87822  
combined with any income available to the individual that is not 87823  
placed in the trust to arrive at a base income figure to be used 87824  
for spend down calculations. 87825

(f) The base income figure shall be used for post-eligibility 87826  
deductions, including personal needs allowance, monthly income 87827  
allowance, family allowance, and medical expenses not subject to 87828  
third party payment. Any income remaining shall be used toward 87829  
payment of patient liability. Payments made from a qualifying 87830  
income trust shall not be combined with the base income figure for 87831  
post-eligibility calculations. 87832

(g) The base income figure shall be used when determining the 87833  
spend down budget for the applicant or recipient. Any income 87834  
remaining after allowable deductions are permitted as provided 87835  
under rules adopted ~~by the department of job and family services~~ 87836  
under section 5163.02 of the Revised Code shall be considered the 87837  
applicant's or recipient's spend down liability. 87838

(3)(a) A pooled trust that meets all of the following 87839  
requirements: 87840

(i) The trust contains the assets of the applicant or 87841  
recipient of any age who is disabled as defined in rules adopted 87842  
~~by the department of job and family services~~ under section 5163.02 87843  
of the Revised Code. 87844

(ii) The trust is established and managed by a nonprofit 87845

organization. 87846

(iii) A separate account is maintained for each beneficiary 87847  
of the trust but, for purposes of investment and management of 87848  
funds, the trust pools the funds in these accounts. 87849

(iv) Accounts in the trust are established by the applicant 87850  
or recipient, the applicant's or recipient's parent, grandparent, 87851  
or legal guardian, or a court solely for the benefit of 87852  
individuals who are disabled. 87853

(v) The trust requires that, to the extent that any amounts 87854  
remaining in the beneficiary's account on the death of the 87855  
beneficiary are not retained by the trust, the trust pay to the 87856  
state the amounts remaining in the trust up to an amount equal to 87857  
the total amount of medicaid ~~paid~~ payments made on behalf of the 87858  
beneficiary. 87859

(b) Cash distributions to the applicant or recipient shall be 87860  
counted as unearned income. All other distributions from the trust 87861  
shall be treated as provided in rules adopted ~~by the department of~~ 87862  
~~job and family services~~ under section 5163.02 of the Revised Code 87863  
governing in-kind income. 87864

(c) Transfers of assets to a pooled trust shall not be 87865  
treated as an improper disposition of assets. An asset held prior 87866  
to the transfer to the trust shall be considered as a resource 87867  
available to the applicant or recipient, income available to the 87868  
applicant or recipient, or both a resource and income available to 87869  
the applicant or recipient. 87870

(4) A supplemental services trust that meets the requirements 87871  
of section 5815.28 of the Revised Code and to which all of the 87872  
following apply: 87873

(a) A person may establish a supplemental services trust 87874  
pursuant to section 5815.28 of the Revised Code only for another 87875  
person who is eligible to receive services through one of the 87876

following agencies: 87877

(i) The department of developmental disabilities; 87878

(ii) A county board of developmental disabilities; 87879

(iii) The department of ~~mental health~~ mental health and  
addiction services; 87880  
87881

(iv) A board of alcohol, drug addiction, and mental health 87882  
services. 87883

(b) A county department of job and family services shall not 87884  
determine eligibility for another agency's program. An applicant 87885  
or recipient shall do one of the following: 87886

(i) Provide documentation from one of the agencies listed in 87887  
division (F)(4)(a) of this section that establishes that the 87888  
applicant or recipient was determined to be eligible for services 87889  
from the agency at the time of the creation of the trust; 87890

(ii) Provide an order from a court of competent jurisdiction 87891  
that states that the applicant or recipient was eligible for 87892  
services from one of the agencies listed in division (F)(4)(a) of 87893  
this section at the time of the creation of the trust. 87894

(c) At the time the trust is created, the trust principal 87895  
does not exceed the maximum amount permitted. The maximum amount 87896  
permitted in calendar year 2006 is two hundred twenty-two thousand 87897  
dollars. Each year thereafter, the maximum amount permitted is the 87898  
prior year's amount plus two thousand dollars. 87899

(d) A county department of job and family services shall 87900  
review the trust to determine whether it complies with the 87901  
provisions of section 5815.28 of the Revised Code. 87902

(e) Payments from supplemental services trusts shall be 87903  
exempt as long as the payments are for supplemental services as 87904  
defined in rules adopted ~~by the department of job and family~~ 87905  
services under section 5163.02 of the Revised Code. All 87906

supplemental services shall be purchased by the trustee and shall 87907  
not be purchased through direct cash payments to the beneficiary. 87908

(f) If a trust is represented as a supplemental services 87909  
trust and a county department of job and family services 87910  
determines that the trust does not meet the requirements provided 87911  
in division (F)(4) of this section and section 5815.28 of the 87912  
Revised Code, the county department of job and family services 87913  
shall not consider it an exempt trust. 87914

(G)(1) A trust or legal instrument or device similar to a 87915  
trust shall be considered a trust established by an individual for 87916  
the benefit of the applicant or recipient if all of the following 87917  
apply: 87918

(a) The trust is created by a person other than the applicant 87919  
or recipient. 87920

(b) The trust names the applicant or recipient as a 87921  
beneficiary. 87922

(c) The trust is funded with assets or property in which the 87923  
applicant or recipient has never held an ownership interest prior 87924  
to the establishment of the trust. 87925

(2) Any portion of a trust that meets the requirements of 87926  
division (G)(1) of this section shall be a resource available to 87927  
the applicant or recipient only if the trust permits the trustee 87928  
to expend principal, corpus, or assets of the trust for the 87929  
applicant's or recipient's medical care, care, comfort, 87930  
maintenance, health, welfare, general well being, or any 87931  
combination of these purposes. 87932

(3) A trust that meets the requirements of division (G)(1) of 87933  
this section shall be considered a resource available to the 87934  
applicant or recipient even if the trust contains any of the 87935  
following types of provisions: 87936

(a) A provision that prohibits the trustee from making 87937  
payments that would supplant or replace medicaid or other public 87938  
assistance; 87939

(b) A provision that prohibits the trustee from making 87940  
payments that would impact or have an effect on the applicant's or 87941  
recipient's right, ability, or opportunity to receive medicaid or 87942  
other public assistance; 87943

(c) A provision that attempts to prevent the trust or its 87944  
corpus or principal from being a resource available to the 87945  
applicant or recipient. 87946

(4) A trust that meets the requirements of division (G)(1) of 87947  
this section shall not be counted as a resource available to the 87948  
applicant or recipient if at least one of the following 87949  
circumstances applies: 87950

(a) If a trust contains a clear statement requiring the 87951  
trustee to preserve a portion of the trust for another beneficiary 87952  
or remainderman, that portion of the trust shall not be counted as 87953  
a resource available to the applicant or recipient. Terms of a 87954  
trust that grant discretion to preserve a portion of the trust 87955  
shall not qualify as a clear statement requiring the trustee to 87956  
preserve a portion of the trust. 87957

(b) If a trust contains a clear statement requiring the 87958  
trustee to use a portion of the trust for a purpose other than 87959  
medical care, care, comfort, maintenance, welfare, or general well 87960  
being of the applicant or recipient, that portion of the trust 87961  
shall not be counted as a resource available to the applicant or 87962  
recipient. Terms of a trust that grant discretion to limit the use 87963  
of a portion of the trust shall not qualify as a clear statement 87964  
requiring the trustee to use a portion of the trust for a 87965  
particular purpose. 87966

(c) If a trust contains a clear statement limiting the 87967



trustee to making fixed periodic payments, the trust shall not be 87968  
counted as a resource available to the applicant or recipient and 87969  
payments shall be treated in accordance with rules adopted ~~by the~~ 87970  
~~department of job and family services~~ under section 5163.02 of the 87971  
Revised Code governing income. Terms of a trust that grant 87972  
discretion to limit payments shall not qualify as a clear 87973  
statement requiring the trustee to make fixed periodic payments. 87974

(d) If a trust contains a clear statement that requires the 87975  
trustee to terminate the trust if it is counted as a resource 87976  
available to the applicant or recipient, the trust shall not be 87977  
counted as such. Terms of a trust that grant discretion to 87978  
terminate the trust do not qualify as a clear statement requiring 87979  
the trustee to terminate the trust. 87980

(e) If a person obtains a judgment from a court of competent 87981  
jurisdiction that expressly prevents the trustee from using part 87982  
or all of the trust for the medical care, care, comfort, 87983  
maintenance, welfare, or general well being of the applicant or 87984  
recipient, the trust or that portion of the trust subject to the 87985  
court order shall not be counted as a resource available to the 87986  
applicant or recipient. 87987

(f) If a trust is specifically exempt from being counted as a 87988  
resource available to the applicant or recipient by a provision of 87989  
the Revised Code, rules, or federal law, the trust shall not be 87990  
counted as such. 87991

(g) If an applicant or recipient presents a final judgment 87992  
from a court demonstrating that the applicant or recipient was 87993  
unsuccessful in a civil action against the trustee to compel 87994  
payments from the trust, the trust shall not be counted as a 87995  
resource available to the applicant or recipient. 87996

(h) If an applicant or recipient presents a final judgment 87997  
from a court demonstrating that in a civil action against the 87998

trustee the applicant or recipient was only able to compel limited 87999  
or periodic payments, the trust shall not be counted as a resource 88000  
available to the applicant or recipient and payments shall be 88001  
treated in accordance with rules adopted ~~by the department of job~~ 88002  
~~and family services~~ under section 5163.02 of the Revised Code 88003  
governing income. 88004

(i) If an applicant or recipient provides written 88005  
documentation showing that the cost of a civil action brought to 88006  
compel payments from the trust would be cost prohibitive, the 88007  
trust shall not be counted as a resource available to the 88008  
applicant or recipient. 88009

(5) Any actual payments to the applicant or recipient from a 88010  
trust that meet the requirements of division (G)(1) of this 88011  
section, including trusts that are not counted as a resource 88012  
available to the applicant or recipient, shall be treated as 88013  
provided in rules adopted ~~by the department of job and family~~ 88014  
~~services~~ under section 5163.02 of the Revised Code governing 88015  
income. Payments to any person other than the applicant or 88016  
recipient shall not be considered income to the applicant or 88017  
recipient. Payments from the trust to a person other than the 88018  
applicant or recipient shall not be considered an improper 88019  
disposition of assets. 88020

**Sec. ~~5111.181~~ 5163.22.** (A) The general assembly hereby finds 88021  
that the state has an insurable interest in ~~medical assistance~~ 88022  
medicaid recipients because of the state's statutory right to 88023  
recover from the estate of a recipient state funds used to provide 88024  
the recipient with ~~medical care and~~ medicaid services. 88025

(B) As used in this section: 88026

(1) "Beneficiary" means the person or entity designated in a 88027  
life insurance policy to receive the proceeds of the policy on the 88028  
death of the insured or maturity of the policy. 88029

(2) "Owner" means the person who has the right to designate the beneficiary of a life insurance policy and to change the designation. 88030  
88031  
88032

(C) ~~Notwithstanding section 5111.011 of the Revised Code, the~~ 88033  
The value of a life insurance policy that would otherwise be 88034  
considered a resource in determining eligibility for the ~~medical~~ 88035  
~~assistance~~ medicaid program shall be excluded from any 88036  
determination of a person's eligibility for the ~~medical assistance~~ 88037  
medicaid program if the owner designates the department of ~~job and~~ 88038  
~~family services~~ medicaid as beneficiary of the policy. The 88039  
department may pay premiums to keep the policy in force. Premiums 88040  
paid by the department are ~~medical assistance~~ medicaid payments 88041  
correctly paid on behalf of a ~~medical assistance~~ medicaid 88042  
recipient and subject to recovery under section ~~5111.11~~ 5162.21 of 88043  
the Revised Code. 88044

(D) The medicaid director ~~of job and family services~~ shall 88045  
deposit the proceeds of a life insurance policy that do not exceed 88046  
the amount the department may recover against the property and 88047  
estate of the owner under section ~~5111.11~~ 5162.21 of the Revised 88048  
Code into the general revenue fund. The director shall pay any 88049  
remaining proceeds to the person designated by the owner. If the 88050  
owner failed to designate a person, the director shall pay the 88051  
remaining proceeds to the surviving spouse, or, if there is no 88052  
surviving spouse, to the estate of the owner. 88053

(E) If the owner designates the department of ~~job and family~~ 88054  
~~services~~ medicaid as the policy's beneficiary, the department 88055  
shall notify the owner that the owner may designate a person to 88056  
receive proceeds of the policy that exceed the amount the 88057  
department may recover against the owner's property and estate 88058  
under section ~~5111.11~~ 5162.21 of the Revised Code. The designation 88059  
shall be made on a form provided by the department. 88060

~~(F) The department of job and family services shall not~~ 88061

~~implement this section if implementation would violate any federal 88062  
requirement unless the department receives a waiver of the 88063  
requirement from the United States department of health and human 88064  
services. 88065~~

**Sec. ~~5111.0116~~ 5163.30.** (A) As used in this section: 88066

(1) "Assets" include all of an individual's income and 88067  
resources and those of the individual's spouse, including any 88068  
income or resources the individual or spouse is entitled to but 88069  
does not receive because of action by any of the following: 88070

(a) The individual or spouse; 88071

(b) A person or government entity, including a court or 88072  
administrative agency, with legal authority to act in place of or 88073  
on behalf of the individual or spouse; 88074

(c) A person or government entity, including a court or 88075  
administrative agency, acting at the direction or on the request 88076  
of the individual or spouse. 88077

(2) "Home and community-based services" means home and 88078  
community-based services furnished under a medicaid waiver granted 88079  
by the United States secretary of health and human services under 88080  
the "Social Security Act," section 1915(c) or (d), 42 U.S.C. 88081  
1396n(c) or (d). 88082

(3) "Institutionalized individual" means a resident of a 88083  
nursing facility, an inpatient in a medical institution for whom a 88084  
payment is made based on a level of care provided in a nursing 88085  
facility, or an individual described in the "Social Security Act," 88086  
section 1902(a)(10)(A)(ii)(VI), 42 U.S.C. 1396a(a)(10)(A)(ii)(VI). 88087

(4) "Look-back date" means the date that is a number of 88088  
months specified in rules adopted under section ~~5111.011~~ 5163.02 88089  
of the Revised Code immediately before either of the following: 88090

(a) The date an individual becomes an institutionalized 88091

individual if the individual is eligible for medicaid on that 88092  
date; 88093

(b) The date an individual applies for medicaid while an 88094  
institutionalized individual. 88095

(5) ~~"Nursing facility" has the same meaning as in section~~ 88096  
~~5111.20 of the Revised Code.~~ 88097

~~(6)~~ "Nursing facility equivalent services" means services 88098  
that are covered by the medicaid program, equivalent to nursing 88099  
facility services, provided by an institution that provides the 88100  
same level of care as a nursing facility, and provided to an 88101  
inpatient of the institution who is a medicaid recipient eligible 88102  
for medicaid-covered nursing facility equivalent services. 88103

~~(7) "Nursing facility services" means nursing facility~~ 88104  
~~services covered by the medicaid program that a nursing facility~~ 88105  
~~provides to a resident of the nursing facility who is a medicaid~~ 88106  
~~recipient eligible for medicaid covered nursing facility services.~~ 88107

~~(8)~~(6) "Undue hardship" means being deprived of either of the 88108  
following: 88109

(a) Medical care such that an individual's health or life is 88110  
endangered; 88111

(b) Food, clothing, shelter, or other necessities of life. 88112

(B) Except as provided in division (C) of this section and 88113  
rules adopted under section ~~5111.011~~ 5163.02 of the Revised Code, 88114  
an institutionalized individual is ineligible for nursing facility 88115  
services, nursing facility equivalent services, and home and 88116  
community-based services if the individual or individual's spouse 88117  
disposes of assets for less than fair market value on or after the 88118  
look-back date. The institutionalized individual's ineligibility 88119  
shall begin on a date determined in accordance with rules adopted 88120  
under section ~~5111.011~~ 5163.02 of the Revised Code and shall 88121

continue for a number of months determined in accordance with such 88122  
rules. 88123

(C) An institutionalized individual may be granted a waiver 88124  
of all or a portion of the period of ineligibility to which the 88125  
individual would otherwise be subjected under division (B) of this 88126  
section if the ineligibility would cause an undue hardship for the 88127  
individual. An institutionalized individual shall be granted a 88128  
waiver of all or a portion of the period of ineligibility if the 88129  
administrator of the nursing facility in which the individual 88130  
resides has notified the individual of a proposed transfer or 88131  
discharge under section 3721.16 of the Revised Code due to failure 88132  
to pay for the care the nursing facility has provided to the 88133  
individual, the individual or the individual's sponsor requests a 88134  
hearing on the proposed transfer or discharge in accordance with 88135  
section 3721.161 of the Revised Code, and the transfer or 88136  
discharge is upheld by a final determination that is not subject 88137  
to further appeal. Waivers shall be granted in accordance with 88138  
rules adopted under section ~~5111.011~~ 5163.02 of the Revised Code. 88139

(D) To secure compliance with this section, the medicaid 88140  
~~director of job and family services~~ may require an individual, as 88141  
a condition of initial or continued eligibility for medicaid, to 88142  
provide documentation of the individual's assets up to five years 88143  
before the date the individual becomes an institutionalized 88144  
individual if the individual is eligible for medicaid on that date 88145  
or the date the individual applies for medicaid while an 88146  
institutionalized individual. Documentation may include tax 88147  
returns, records from financial institutions, and real property 88148  
records. 88149

**Sec. ~~5111.0117~~ 5163.31.** (A) ~~As used in this section and~~ 88150  
~~section 5111.0118 of the Revised Code:~~ 88151

~~(1) "ICF/MR services" means intermediate care facility for~~ 88152

~~the mentally retarded services covered by the medicaid program 88153  
that an intermediate care facility for the mentally retarded 88154  
provides to a resident of the facility who is a medicaid recipient 88155  
eligible for medicaid covered intermediate care facility for the 88156  
mentally retarded services. 88157~~

~~(2) "Intermediate care facility for the mentally retarded" 88158  
has the same meaning as in section 5111.20 of the Revised Code. 88159~~

~~(3) "Nursing facility" has the same meaning as in section 88160  
5111.20 of the Revised Code. 88161~~

~~(4) "Nursing facility services" means nursing facility 88162  
services covered by the medicaid program that a nursing facility 88163  
provides to a resident of the nursing facility who is a medicaid 88164  
recipient eligible for medicaid covered nursing facility services. 88165~~

~~(5) "Other medicaid funded long term care services" has the 88166  
meaning specified in rules adopted under section 5111.011 of the 88167  
Revised Code. 88168~~

~~(B) Except as provided by division (C)(A) of this section and 88169  
for the purpose of determining whether an aged, blind, or disabled 88170  
individual is eligible for nursing facility services, ICF/MR 88171  
services, or other medicaid-funded long-term care services, the 88172  
medicaid director ~~of job and family services~~ may consider an aged, 88173  
blind, or disabled individual's real property to not be the 88174  
individual's homestead or principal place of residence once the 88175  
individual has resided in a nursing facility, ~~intermediate care~~ 88176  
~~facility for the mentally retarded~~ ICF/MR, or other medical 88177  
institution for at least thirteen months. 88178~~

~~(C)(B) Division (B)(A) of this section does not apply to an 88179  
individual if any of the following reside in the individual's real 88180  
property that, because of this division, continues to be 88181  
considered the individual's homestead or principal place of 88182  
residence: 88183~~

|  |       |
|--|-------|
| (1) The individual's spouse;   | 88184 |
| (2) The individual's child if any of the following apply:                            | 88185 |
| (a) The child is under twenty-one years of age.                                      | 88186 |
| (b) The child is considered blind or disabled under <u>the</u>                       | 88187 |
| <u>"Social Security Act," section 1614,</u> 42 U.S.C. 1382c.                         | 88188 |
| (c) The child is financially dependent on the individual for                         | 88189 |
| housing as determined in accordance with rules adopted under                         | 88190 |
| section <del>5111.011</del> <u>5163.02</u> of the Revised Code.                      | 88191 |
| (3) The individual's sibling if the sibling has a verified                           | 88192 |
| equity interest in the real property and resided in the real                         | 88193 |
| property for at least one year immediately before the date the                       | 88194 |
| individual was admitted to the nursing facility, <del>intermediate care</del>        | 88195 |
| <del>facility for the mentally retarded</del> <u>ICF/MR</u> , or other medical       | 88196 |
| institution.   | 88197 |
| <br>   |       |
| <b>Sec. <del>5111.0118</del> <u>5163.32</u>.</b> (A) Except as otherwise provided by | 88198 |
| this section, no individual shall qualify for nursing facility                       | 88199 |
| services or other medicaid-funded long-term care services if the                     | 88200 |
| individual's equity interest in the individual's home exceeds five                   | 88201 |
| hundred thousand dollars. The <u>medicaid</u> director <del>of job and family</del>  | 88202 |
| <del>services</del> shall increase this amount effective January 1, 2011, and        | 88203 |
| the first day of each year thereafter, by the percentage increase                    | 88204 |
| in the consumer price index for all urban consumers (all items;                      | 88205 |
| United States city average), rounded to the nearest one thousand                     | 88206 |
| dollars.   | 88207 |
| (B) This section does not apply to an individual if either of                        | 88208 |
| the following applies:   | 88209 |
| (1) Either of the following lawfully reside in the                                   | 88210 |
| individual's home:   | 88211 |
| (a) The individual's spouse;   | 88212 |



(b) The individual's child if the child is under twenty-one 88213  
years of age or, under the "Social Security Act," section 1614, 42 88214  
U.S.C. 1382c, considered blind or disabled. 88215

(2) The individual qualifies, pursuant to the process 88216  
established under division (C) of this section, for a waiver of 88217  
this section due to a demonstrated hardship. 88218

(C) The director shall establish a process by which 88219  
individuals may obtain a waiver of this section due to a 88220  
demonstrated hardship. The process shall be consistent with the 88221  
process for such waivers established by the United States 88222  
secretary of health and human services under the "Social Security 88223  
Act," section 1917(f)(4), 42 U.S.C. 1396p(f)(4). 88224

(D) Nothing in this section shall be construed as preventing 88225  
an individual from using a reverse mortgage or home equity loan to 88226  
reduce the individual's total equity interest in the home. 88227

~~Sec. 5111.114 5163.33. As used in this section, "nursing 88228  
facility" and "intermediate care facility for the mentally 88229  
retarded" have the same meanings as in section 5111.20 of the 88230  
Revised Code. 88231~~

~~(A) In determining the amount of income that a medicaid 88232  
recipient ~~of medical assistance~~ must apply monthly toward payment 88233  
of the cost of care in a nursing facility or ~~intermediate care~~ 88234  
~~facility for the mentally retarded ICF/MR, the a~~ county department 88235  
of job and family services shall deduct from the recipient's 88236  
monthly income a monthly personal needs allowance in accordance 88237  
with ~~section 1902 of the "Social Security Act," 49 Stat. 620~~ 88238  
~~(1935) section 1902(q), 42 U.S.C.A. 1396a, as amended 1396a(q).~~ 88239~~

~~For (B) In the case of a resident of a nursing facility, the 88240  
monthly personal needs allowance shall be as follows: 88241~~

~~(1) Prior to January 1, 2014, not less than forty dollars for 88242~~

an individual resident and not less than eighty dollars for a 88243  
married couple if both spouses are residents of a nursing facility 88244  
and their incomes are considered available to each other in 88245  
determining eligibility; 88246

(2) For calendar year 2014, not less than forty-five dollars 88247  
for an individual resident and not less than ninety dollars for a 88248  
married couple if both spouses are residents of a nursing facility 88249  
and their incomes are considered available to each other in 88250  
determining eligibility; 88251

(3) For calendar year 2015 and each calendar year thereafter, 88252  
not less than fifty dollars for an individual resident and not 88253  
less than one hundred dollars for a married couple if both spouses 88254  
are residents of a nursing facility and their incomes are 88255  
considered available to each other in determining eligibility. 88256

~~For (C) In the case of a resident of an intermediate care~~ 88257  
~~facility for the mentally retarded ICF/MR, the monthly personal~~ 88258  
needs allowance shall be forty dollars unless the resident has 88259  
earned income, in which case the monthly personal needs allowance 88260  
shall be determined by the state department of job and family 88261  
~~services~~ medicaid, or the department's designee, but shall not 88262  
exceed one hundred five dollars. 88263

**Sec. ~~5111.013~~ 5163.40.** (A) ~~The provision of medical~~ 88264  
~~assistance to pregnant women and young children who are eligible~~ 88265  
~~for medical assistance under division (C)(3) of section 5111.01 of~~ 88266  
~~the Revised Code, but who are not otherwise eligible for medical~~ 88267  
~~assistance under that section, shall be known as the healthy start~~ 88268  
~~program.~~ 88269

~~(B)~~ The department of ~~job and family services~~ medicaid shall 88270  
do all of the following with regard to the application procedures 88271  
for the healthy start component of the medicaid program: 88272

(1) Establish a short application form for the ~~program~~ 88273  
component that requires the applicant to provide no more 88274  
information than is necessary for making determinations of 88275  
eligibility for the ~~healthy start program~~ component, except that 88276  
the form may require applicants to provide their social security 88277  
numbers. The form shall include a statement, which must be signed 88278  
by the applicant, indicating that she does not choose at the time 88279  
of making application for the ~~program~~ component to apply for 88280  
assistance provided under any other program administered by the 88281  
department or the department of job and family services and that 88282  
she understands that she is permitted at any other time to apply 88283  
at the county department of job and family services of the county 88284  
in which she resides for ~~any~~ other assistance administered by the 88285  
department or the department of job and family services. 88286

(2) ~~To the extent permitted by federal law, do~~ Do one or both 88287  
of the following: 88288

(a) Distribute the application form for the ~~program~~ component 88289  
to each public or private entity that serves as a women, infants, 88290  
and children clinic or as a child and family health clinic and to 88291  
each administrative body for such clinics and train employees of 88292  
each such ~~agency~~ clinic or ~~entity~~ administrative body to provide 88293  
applicants assistance in completing the form; 88294

(b) In cooperation with the department of health, develop 88295  
arrangements under which employees of county departments of job 88296  
and family services are stationed at public or private ~~agencies or~~ 88297  
entities selected by the department of ~~job and family services~~ 88298  
medicaid that serve as women, infants, and children clinics; child 88299  
and family health clinics; or administrative bodies for such 88300  
clinics for the purpose both of assisting applicants for the 88301  
~~program~~ component in completing the application form and of making 88302  
determinations at that location of eligibility for the ~~program~~ 88303  
component. 88304

(3) Establish performance standards by which a county 88305  
department of job and family services' level of enrollment of 88306  
persons potentially eligible for the ~~program~~ component can be 88307  
measured, and establish acceptable levels of enrollment for each 88308  
county department. 88309

(4) Direct any county department of job and family services 88310  
whose rate of enrollment of potentially eligible enrollees in the 88311  
~~program~~ component is below acceptable levels established under 88312  
division ~~(B)~~(A)(3) of this section to implement corrective action. 88313  
Corrective action may include but is not limited to any one or 88314  
more of the following ~~to the extent permitted by federal law:~~ 88315  
88316

(a) Establishing formal referral and outreach methods with 88317  
local health departments and local entities receiving funding 88318  
through the bureau of maternal and child health; 88319

(b) Designating a specialized intake unit within the county 88320  
department for healthy start applicants; 88321

(c) Establishing abbreviated timeliness requirements to 88322  
shorten the time between receipt of an application and the 88323  
scheduling of an initial application interview; 88324

(d) Establishing a system for telephone scheduling of intake 88325  
interviews for applicants; 88326

(e) Establishing procedures to minimize the time an applicant 88327  
must spend in completing the application and eligibility 88328  
determination process, including permitting applicants to complete 88329  
the process at times other than the regular business hours of the 88330  
county department and at locations other than the offices of the 88331  
county department. 88332

~~(C) To the extent permitted by federal law, local funds, 88333  
whether from public or private sources, expended by a county 88334  
department for administration of the healthy start program shall 88335~~

~~be considered to have been expended by the state for the purpose 88336  
of determining the extent to which the state has complied with any 88337  
federal requirement that the state provide funds to match federal 88338  
funds for medical assistance, except that this division shall not 88339  
affect the amount of funds the county is entitled to receive under 88340  
section 5101.16, 5101.161, or 5111.012 of the Revised Code. 88341~~

~~(D)~~(B) A county department of job and family services that 88342  
maintains offices at more than one location shall accept 88343  
applications for the healthy start ~~program~~ component at all of 88344  
those locations. 88345

~~(E) The director of job and family services shall adopt rules 88346  
in accordance with section 111.15 of the Revised Code as necessary 88347  
to implement this section. 88348~~

**Sec. ~~5111.0119~~ 5163.45.** (A)(1) As used in this section, 88349  
subject to division (A)(2) of this section, "state or local 88350  
correctional facility" means any of the following: 88351

(a) A "state correctional institution," as defined in section 88352  
2967.01 of the Revised Code; 88353

(b) A "local correctional facility," as defined in section 88354  
2903.13 of the Revised Code; 88355

(c) A correctional facility that is privately operated and 88356  
managed pursuant to section 9.06 of the Revised Code. 88357

(2) "State or local correctional facility" does not include 88358  
any facility operated directly by or at the direction of the 88359  
department of youth services. 88360

(B) If a person who is confined in a state or local 88361  
correctional facility was a medicaid recipient immediately prior 88362  
to being confined in the facility, all of the following apply: 88363

(1) The person's eligibility for medicaid while so confined 88364  
shall be suspended due to the confinement. 88365

(2) No medicaid payment shall be made for any care, services, 88366  
or supplies provided to the person during the suspension described 88367  
in division (B)(1) of this section. 88368

(3) The suspension described in division (B)(1) of this 88369  
section shall end upon the release of the person from the 88370  
confinement. 88371

(4) Except as provided in division (C) of this section, the 88372  
person shall not be required to reapply or undergo a 88373  
redetermination of eligibility for medicaid when the suspension 88374  
described in division (B)(1) of this section ends. 88375

(C) A person may be disenrolled from medicaid any time after 88376  
the suspension described in division (B)(1) of this section ends 88377  
if the person is no longer eligible for medicaid. A person may be 88378  
required to undergo a redetermination of eligibility for medicaid 88379  
any time after the suspension described in division (B)(1) of this 88380  
section ends if it is time or past time for the person's 88381  
eligibility redetermination or the person's circumstances have 88382  
changed in a manner warranting a redetermination. 88383

~~(D) The department of job and family services shall take the 88384  
steps necessary to begin implementation of this section not later 88385  
than September 1, 2009. 88386~~

**Sec. 5164.01. As used in this chapter:** 88387

(A) "Early and periodic screening, diagnostic, and treatment 88388  
services" has the same meaning as in the "Social Security Act," 88389  
section 1905(r), 42 U.S.C. 1396d(r). 88390

(B) "Federal financial participation" has the same meaning as 88391  
in section 5160.01 of the Revised Code. 88392

(C) "Healthcheck" means the component of the medicaid program 88393  
that provides early and periodic screening, diagnostic, and 88394  
treatment services. 88395

|  |       |
|--|-------|
| <u>(D) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.</u>   | 88396 |
|  | 88397 |
|  | 88398 |
| <u>(E) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.</u>  | 88399 |
|  | 88400 |
| <u>(F) "ICF/MR" has the same meaning as in section 5124.01 of the Revised Code.</u>  | 88401 |
|  | 88402 |
| <u>(G) "Mandatory services" means the medical services and items that must be covered by the medicaid state plan as a condition of the state receiving federal financial participation for the medicaid program.</u>   | 88403 |
|  | 88404 |
|  | 88405 |
|  | 88406 |
| <u>(H) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.</u>  | 88407 |
|  | 88408 |
| <u>(I) "Medicaid provider" means a person or government entity with a valid provider agreement to provide medicaid services to medicaid recipients. To the extent appropriate in the context, "medicaid provider" includes a person or government entity applying for a provider agreement, a former medicaid provider, or both.</u> | 88409 |
|  | 88410 |
|  | 88411 |
|  | 88412 |
|  | 88413 |
|  | 88414 |
| <u>(J) "Medicaid services" means either or both of the following:</u>  | 88415 |
|  | 88416 |
| <u>(1) Mandatory services;</u>   | 88417 |
| <u>(2) Optional services that the medicaid program covers.</u>   | 88418 |
| <u>(K) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.</u>  | 88419 |
|  | 88420 |
| <u>(L) "Optional services" means the medical services and items that may be covered by the medicaid state plan or a federal medicaid waiver and for which the medicaid program receives federal financial participation.</u>   | 88421 |
|  | 88422 |
|  | 88423 |
|  | 88424 |
| <u>(M) "Prescribed drug" has the same meaning as in 42 C.F.R.</u>  | 88425 |

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|--|-------|
| <u>440.120.</u>  | 88426 |
| <u>(N) "Provider agreement" means an agreement to which all of the following apply:</u>  | 88427 |
| <u>(1) It is between a medicaid provider and the department of medicaid;</u>   | 88428 |
| <u>(2) It provides for the medicaid provider to provide medicaid services to medicaid recipients;</u>  | 88429 |
| <u>(3) It complies with 42 C.F.R. 431.107(b).</u>  | 88430 |
| <u>(O) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.</u>   | 88431 |
| <u>Sec. <del>5111.02</del> 5164.02. (A) The director of job and family services shall adopt, and may amend or rescind, rules under medicaid director shall adopt rules as necessary to implement this chapter. The rules shall be adopted in accordance with Chapter 119. of the Revised Code establishing the amount, duration, and scope of medicaid services. The rules shall be consistent with federal and state law. The rules may be different for different medicaid services. The</u> | 88432 |
| <u>(B) The rules shall establish all of the following:</u>   | 88433 |
| <u>(A) The conditions under which the medicaid program shall cover and reimburse medicaid services;</u>  | 88434 |
| <u>(B) The method of reimbursement applicable to each medicaid service (1) The amount, duration, and scope of the medicaid services covered by the medicaid program;</u>   | 88435 |
| <u>(C)(2) The payment amount of reimbursement for each medicaid service or, in lieu of amounts the payment amount, methods the method by which amounts are the payment amount is to be determined for each medicaid service;</u>   | 88436 |
| <u>(D)(3) Procedures for enforcing the rules adopted under this</u>  | 88437 |



section that provide due process protections, including procedures 88455  
for corrective action plans for, and imposing financial and 88456  
administrative sanctions on, persons and government entities that 88457  
violate the rules. 88458

(C) The rules may be different for different medicaid 88459  
services. 88460

(D) The medicaid director is not required to adopt a rule 88461  
establishing the payment amount for a medicaid service if the 88462  
director adopts a rule establishing the method by which the 88463  
payment amount is to be determined for the medicaid service and 88464  
makes the payment amount available on the internet web site 88465  
maintained by the department of medicaid. 88466

**Sec. 5164.03.** (A) The medicaid program shall cover all 88467  
mandatory services. 88468

(B) The medicaid program shall cover all of the optional 88469  
services that state statutes require the medicaid program to 88470  
cover. 88471

(C) The medicaid program may cover any of the optional 88472  
services to which either of the following applies: 88473

(1) State statutes expressly permit the medicaid program to 88474  
cover the optional service; 88475

(2) State statutes do not address whether the medicaid 88476  
program may cover the optional service. 88477

(D) The medicaid program shall not cover any optional 88478  
services that state statutes prohibit the medicaid program from 88479  
covering. 88480

**Sec. 5111.04 5164.05.** (A) As used in this section: 88481

(1) "Outpatient health facility" means a facility that 88482  
provides comprehensive primary health services by or under the 88483

direction of a physician at least five days per week on a 88484  
forty-hour per week basis to outpatients, is operated by the board 88485  
of health of a city or general health district or another public 88486  
agency or by a nonprofit private agency or organization under the 88487  
direction and control of a governing board that has no 88488  
health-related responsibilities other than the direction and 88489  
control of one or more such outpatient health facilities, and 88490  
receives at least seventy-five per cent of its operating funds 88491  
from public sources, except that it does not include an outpatient 88492  
hospital facility or a federally qualified health center as 88493  
defined in ~~Sec. 1905(1) (2)(B) of the "Social Security Act," 103~~ 88494  
~~Stat. 2264 (1989)~~ section 1905(1)(2)(B), 42 U.S.C.A. 88495  
1396d(1)(2)(B). 88496

(2) "Comprehensive primary health services" means preventive, 88497  
diagnostic, therapeutic, rehabilitative, or palliative items or 88498  
services that include all of the following: 88499

(a) Services of physicians, physician assistants, and 88500  
certified nurse practitioners; 88501

(b) Diagnostic laboratory and radiological services; 88502

(c) Preventive health services, such as children's eye and 88503  
ear examinations, perinatal services, well child services, and 88504  
family planning services; 88505

(d) Arrangements for emergency medical services; 88506

(e) Transportation services. 88507

(3) "Certified nurse practitioner" has the same meaning as in 88508  
section 4723.01 of the Revised Code. 88509

(B) ~~Outpatient~~ Subject to division (C) of this section, the 88510  
medicaid program shall cover comprehensive primary health services 88511  
provided by outpatient health facilities ~~are a separate category~~ 88512  
~~of medical care provider under the rules governing the~~ 88513

~~administration of the medical assistance program established under~~ 88514  
~~section 5111.01 of the Revised Code with valid provider~~ 88515  
~~agreements. Rates of reimbursement for items and services provided~~ 88516  
~~by an outpatient health facility under this section shall be~~ 88517  
~~prospectively determined by the~~ The department of job and family 88518  
~~services~~ medicaid shall prospectively determine the medicaid 88519  
payment rates for such comprehensive primary health services not 88520  
less often than once each year~~7~~. The rates shall not be subject to 88521  
retroactive adjustment based on actual costs incurred~~7~~, and. The 88522  
rates shall not exceed the maximum fee schedule or rates of 88523  
payment, limitations based on reasonable costs or customary 88524  
charges, and limitations based on combined payments received for 88525  
furnishing comparable services, as are applicable to outpatient 88526  
hospital facilities under ~~Title XVIII of the "Social Security Act~~ 88527  
medicare program." In determining ~~rates of reimbursement an~~ 88528  
outpatient health facility's rate prospectively, the department 88529  
shall take into account the historic expenses of the facility, the 88530  
operating requirements and services offered by the facility, and 88531  
the geographical location of the facility, shall provide 88532  
incentives for the efficient and economical utilization of the 88533  
facility's resources, and shall ensure that the facility does not 88534  
discriminate between classes of persons for whom or by whom 88535  
payment for ~~items and~~ the services is made. 88536

(C) A An outpatient health facility does not qualify for 88537  
~~classification as an outpatient health facility~~ medicaid payments 88538  
under this section unless it: 88539

(1) Has health and medical care policies developed with the 88540  
advice of and subject to review by an advisory committee of 88541  
professional personnel, including one or more physicians, one or 88542  
more dentists if dental care is provided, and one or more 88543  
registered nurses; 88544

(2) Has a medical director, a dental director, if dental care 88545

is provided, and a nursing director responsible for the execution 88546  
of such policies, and has physicians, dentists, nursing, and 88547  
ancillary staff appropriate to the scope of services provided; 88548

(3) Requires that the care of every patient be under the 88549  
supervision of a physician, provides for medical care in case of 88550  
emergency, has in effect a written agreement with one or more 88551  
hospitals and one or more other outpatient facilities, and has an 88552  
established system for the referral of patients to other resources 88553  
and a utilization review plan and program; 88554

(4) Maintains clinical records on all patients; 88555

(5) Provides nursing services and other therapeutic services 88556  
in compliance with applicable laws and rules and under the 88557  
supervision of a registered nurse, and has a registered nurse on 88558  
duty at all times when the facility is in operation; 88559

(6) Follows approved methods and procedures for the 88560  
dispensing and administration of drugs and biologicals; 88561

(7) Maintains the accounting and record-keeping system 88562  
required under federal laws and regulations for the determination 88563  
of reasonable and allowable costs. 88564

**Sec. ~~5111.029~~ 5164.06.** The medicaid program shall cover 88565  
occupational therapy services provided by an occupational 88566  
therapist licensed under section 4755.08 of the Revised Code. 88567  
Coverage shall not be limited to services provided in a hospital 88568  
or nursing facility. Any licensed occupational therapist may enter 88569  
into a ~~medicaid~~ provider agreement with the department of ~~job and~~ 88570  
~~family services~~ medicaid to provide occupational therapy services 88571  
under the medicaid program. 88572

**Sec. ~~5111.018~~ 5164.07.** (A) The ~~provision of medical~~ 88573  
~~assistance under this chapter~~ medicaid program shall include 88574  
coverage of inpatient care and follow-up care for a mother and her 88575

newborn as follows: 88576

(1) The ~~medical assistance~~ medicaid program shall cover a 88577  
minimum of forty-eight hours of inpatient care following a normal 88578  
vaginal delivery and a minimum of ninety-six hours of inpatient 88579  
care following a cesarean delivery. Services covered as inpatient 88580  
care shall include medical, educational, and any other services 88581  
that are consistent with the inpatient care recommended in the 88582  
protocols and guidelines developed by national organizations that 88583  
represent pediatric, obstetric, and nursing professionals. 88584

(2) The ~~medical assistance~~ medicaid program shall cover a 88585  
physician-directed source of follow-up care. Services covered as 88586  
follow-up care shall include physical assessment of the mother and 88587  
newborn, parent education, assistance and training in breast or 88588  
bottle feeding, assessment of the home support system, performance 88589  
of any medically necessary and appropriate clinical tests, and any 88590  
other services that are consistent with the follow-up care 88591  
recommended in the protocols and guidelines developed by national 88592  
organizations that represent pediatric, obstetric, and nursing 88593  
professionals. The coverage shall apply to services provided in a 88594  
medical setting or through home health care visits. The coverage 88595  
shall apply to a home health care visit only if the health care 88596  
professional who conducts the visit is knowledgeable and 88597  
experienced in maternity and newborn care. 88598

When a decision is made in accordance with division (B) of 88599  
this section to discharge a mother or newborn prior to the 88600  
expiration of the applicable number of hours of inpatient care 88601  
required to be covered, the coverage of follow-up care shall apply 88602  
to all follow-up care that is provided within forty-eight hours 88603  
after discharge. When a mother or newborn receives at least the 88604  
number of hours of inpatient care required to be covered, the 88605  
coverage of follow-up care shall apply to follow-up care that is 88606  
determined to be medically necessary by the health care 88607

professionals responsible for discharging the mother or newborn. 88608

(B) Any decision to shorten the length of inpatient stay to 88609  
less than that specified under division (A)(1) of this section 88610  
shall be made by the physician attending the mother or newborn, 88611  
except that if a nurse-midwife is attending the mother in 88612  
collaboration with a physician, the decision may be made by the 88613  
nurse-midwife. Decisions regarding early discharge shall be made 88614  
only after conferring with the mother or a person responsible for 88615  
the mother or newborn. For purposes of this division, a person 88616  
responsible for the mother or newborn may include a parent, 88617  
guardian, or any other person with authority to make medical 88618  
decisions for the mother or newborn. 88619

(C) The department of ~~job and family services~~ medicaid, in 88620  
administering the ~~medical assistance~~ medicaid program, may not do 88621  
either of the following: 88622

(1) Terminate the ~~participation~~ provider agreement of a 88623  
health care professional or health care facility ~~as a provider~~ 88624  
~~under the program~~ solely for making recommendations for inpatient 88625  
or follow-up care for a particular mother or newborn that are 88626  
consistent with the care required to be covered by this section; 88627

(2) Establish or offer monetary or other financial incentives 88628  
for the purpose of encouraging a person to decline the inpatient 88629  
or follow-up care required to be covered by this section. 88630

(D) This section does not do any of the following: 88631

(1) Require the ~~medical assistance~~ medicaid program to cover 88632  
inpatient or follow-up care that is not received in accordance 88633  
with the program's terms pertaining to the health care 88634  
professionals and facilities from which ~~an individual~~ a medicaid 88635  
recipient is authorized to receive health care services. 88636

(2) Require a mother or newborn to stay in a hospital or 88637  
other inpatient setting for a fixed period of time following 88638

delivery; 88639

(3) Require a child to be delivered in a hospital or other 88640  
inpatient setting; 88641

(4) Authorize a nurse-midwife to practice beyond the 88642  
authority to practice nurse-midwifery in accordance with Chapter 88643  
4723. of the Revised Code; 88644

(5) Establish minimum standards of medical diagnosis, care, 88645  
or treatment for inpatient or follow-up care for a mother or 88646  
newborn. A deviation from the care required to be covered under 88647  
this section shall not, on the basis of this section, give rise to 88648  
a medical claim or derivative medical claim, as those terms are 88649  
defined in section 2305.113 of the Revised Code. 88650

**Sec. ~~5111.024~~ 5164.08.** (A) As used in this section, 88651  
"screening mammography" means a radiologic examination utilized to 88652  
detect unsuspected breast cancer at an early stage in asymptomatic 88653  
women and includes the x-ray examination of the breast using 88654  
equipment that is dedicated specifically for mammography, 88655  
including the x-ray tube, filter, compression device, screens, 88656  
film, and cassettes, and that has an average radiation exposure 88657  
delivery of less than one rad mid-breast. "Screening mammography" 88658  
includes two views for each breast. The term also includes the 88659  
professional interpretation of the film. 88660

"Screening mammography" does not include diagnostic 88661  
mammography. 88662

(B) ~~In addition to any other services required to be included~~ 88663  
~~in the program or for which federal approval is received, the~~ 88664  
~~medical assistance~~ The medicaid program shall include cover both 88665  
of the following ~~if approval for use of federal funds is granted~~ 88666  
~~to the department by the federal agency responsible for~~ 88667  
~~distributing funds under Title XIX of the "Social Security Act,"~~ 88668

~~49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended:~~ 88669

(1) ~~Effective July 1, 1993, screening~~ Screening mammography 88670  
to detect the presence of breast cancer in adult women; 88671

(2) ~~Effective January 1, 1993, cytologic~~ Cytologic screening 88672  
for the presence of cervical cancer. 88673

(C) ~~The service provided under~~ medicaid program's coverage of  
screening mammography pursuant to division (B)(1) of this section 88674  
shall be provided in accordance with all of the following: 88675  
88676

(1) If a woman is at least thirty-five years of age but under 88677  
forty years of age, one screening mammography; 88678

(2) If a woman is at least forty years of age but under fifty 88679  
years of age, either of the following: 88680

(a) One screening mammography every two years; 88681

(b) If a licensed physician has determined that the woman has 88682  
risk factors to breast cancer, one screening mammography every 88683  
year. 88684

(3) If a woman is at least fifty years of age but under 88685  
sixty-five years of age, one screening mammography every year. 88686

(D) ~~The service provided under~~ medicaid program's coverage of 88687  
screening mammographies pursuant to division (B)(1) of this 88688  
section shall be provided only for screening mammographies that 88689  
are performed in a facility or mobile mammography screening unit 88690  
that is accredited under the American college of radiology 88691  
mammography accreditation program or in a hospital as defined in 88692  
section 3727.01 of the Revised Code. 88693

(E) ~~The service provided under~~ medicaid program's coverage of 88694  
cytologic screenings pursuant to division (B)(2) of this section 88695  
shall be provided only for cytologic screenings that are processed 88696  
and interpreted in a laboratory certified by the college of 88697  
American pathologists or in a hospital as defined in section 88698



3727.01 of the Revised Code. 88699

**Sec. ~~5111.023~~ 5164.15.** (A) As used in this section: 88700

(1) "Community mental health ~~agency~~ services provider or 88701  
facility" means a community mental health ~~agency~~ services provider 88702  
or facility that has its community mental health services 88703  
certified by the department of ~~mental health~~ mental health and 88704  
addiction services under section ~~5119.611~~ 5119.36 of the Revised 88705  
Code or by the department of job and family services under section 88706  
5103.03 of the Revised Code. 88707

(2) "Mental health professional" means a person qualified to 88708  
work with mentally ill persons under the standards established by 88709  
the director of ~~mental health~~ mental health and addiction services 88710  
pursuant to section ~~5119.611~~ 5119.36 of the Revised Code. 88711

(B) The ~~state~~ medicaid plan program may ~~include provision of~~ 88712  
cover the following mental health services when provided by 88713  
community mental health ~~agencies~~ services providers or facilities: 88714

(1) Outpatient mental health services, including, but not 88715  
limited to, preventive, diagnostic, therapeutic, rehabilitative, 88716  
and palliative interventions rendered to individuals in an 88717  
individual or group setting by a mental health professional in 88718  
accordance with a plan of treatment appropriately established, 88719  
monitored, and reviewed; 88720

(2) Partial-hospitalization mental health services rendered 88721  
by persons directly supervised by a mental health professional; 88722

(3) Unscheduled, emergency mental health services of a kind 88723  
ordinarily provided to persons in crisis when rendered by persons 88724  
supervised by a mental health professional; 88725

(4) ~~Subject to receipt of federal approval, assertive~~ 88726  
Assertive community treatment and intensive home-based mental 88727  
health services. 88728

(C) The department of ~~job and family services~~ medicaid shall 88729  
enter into a separate contract with the department of ~~mental~~ 88730  
~~health~~ mental health and addiction services under section ~~5111.91~~ 88731  
5162.35 of the Revised Code with regard to the ~~component of~~ mental 88732  
health services the medicaid program ~~provided for by~~ covers 88733  
pursuant to this section. 88734

**Sec. ~~5111.027~~ 5164.20.** ~~If the medicaid program provides~~ 88735  
~~prescription drug services to medicaid recipients, the~~ The 88736  
medicaid program shall not ~~provide reimbursement for~~ cover 88737  
prescribed drugs for treatment of erectile dysfunction. 88738

**Sec. ~~5111.042~~ 5164.25.** The departments of developmental 88739  
disabilities and ~~job and family services~~ medicaid may approve, 88740  
reduce, deny, or terminate a medicaid service included in the 88741  
individualized service plan developed for a medicaid recipient 88742  
with mental retardation or other developmental disability who is 88743  
eligible for medicaid case management services. If either 88744  
department approves, reduces, denies, or terminates a service, 88745  
that department shall timely notify the medicaid recipient that 88746  
the recipient may ~~request a hearing under~~ appeal pursuant to 88747  
section ~~5101.35~~ 5160.31 of the Revised Code. 88748

**Sec. ~~5111.016~~ 5164.26.** ~~(A) As used in this section,~~ 88749  
~~"healthcheck" has the same meaning as in section 3313.714 of the~~ 88750  
~~Revised Code.~~ 88751

~~(B)~~ The department of ~~job and family services~~ medicaid shall 88752  
~~adopt rules in accordance with Chapter 119. of the Revised Code~~ 88753  
~~establishing~~ establish a combination of written and oral methods 88754  
designed to provide information about healthcheck to all persons 88755  
eligible for the program or their parents or guardians. The 88756  
department shall ensure that its methods of providing information 88757  
are effective. ~~The methods shall comply with federal law and~~ 88758

~~regulations.~~ 88759

Each ~~county department of job and family services or other~~ 88760  
entity that distributes or accepts applications for ~~medical~~ 88761  
~~assistance~~ medicaid shall prominently display a notice that 88762  
complies with the ~~rules adopted~~ methods of providing information 88763  
about healthcheck established under this ~~division~~ section. 88764

Sec. 5164.30. No person or government entity may participate 88765  
in the medicaid program as a medicaid provider without a valid 88766  
provider agreement with the department of medicaid. 88767

~~Sec. 5111.053~~ 5164.301. (A) As used in this section, "group 88768  
practice" has the same meaning as in section 4731.65 of the 88769  
Revised Code. 88770

(B) The department of ~~job and family services~~ medicaid shall 88771  
establish a process by which a physician assistant may enter into 88772  
a ~~medicaid~~ provider agreement. 88773

(C)(1) Subject to division (C)(2) of this section, a claim 88774  
for ~~reimbursement~~ medicaid payment for a medicaid service provided 88775  
by a physician assistant to a medicaid recipient may be submitted 88776  
by the physician assistant who provided the service or the 88777  
physician, group practice, clinic, or other health care facility 88778  
that employs the physician assistant. 88779

(2) A claim for ~~reimbursement~~ medicaid payment may be 88780  
submitted by the physician assistant who provided the service only 88781  
if the physician assistant has a valid provider agreement. When 88782  
submitting the claim, the physician assistant shall use only the 88783  
medicaid provider number the department has assigned to the 88784  
physician assistant. 88785

~~(D) The director of job and family services may adopt rules~~ 88786  
~~under section 5111.02 of the Revised Code to implement this~~ 88787  
~~section.~~ 88788

~~Sec. 5111.063~~ 5164.31. (A) For the purpose of raising funds 88789  
necessary to pay the expenses of implementing the provider 88790  
screening requirements of subpart E of 42 C.F.R. Part 455 and 88791  
except as provided in division (B) of this section, the department 88792  
of ~~job and family services~~ medicaid shall ~~charge~~ collect an 88793  
application fee ~~to~~ from a medicaid provider ~~seeking to enter into~~ 88794  
~~or renew a medicaid provider agreement, unless the provider is~~ 88795  
~~exempt from paying the application fee under 42 C.F.R. 455.460(a)~~ 88796  
before doing any of the following: 88797

(1) Entering into a provider agreement with a medicaid 88798  
provider that seeks initial enrollment as a provider; 88799

(2) Entering into a provider agreement with a former medicaid 88800  
provider that seeks re-enrollment as a provider; 88801

(3) Revalidating a medicaid provider's continued enrollment 88802  
as a provider. The 88803

(B) The department is not to collect an application fee from 88804  
a medicaid provider that is exempt from paying the fee under 42 88805  
C.F.R. 455.460(a). 88806

(C) The application fees shall be deposited into the health 88807  
care services administration fund created under section ~~5111.94~~ 88808  
5162.54 of the Revised Code. Application fees are nonrefundable 88809  
when collected in accordance with 42 C.F.R. 455.460(a). 88810

(D) The medicaid director of ~~job and family services~~ shall 88811  
adopt rules in accordance with ~~Chapter 119.~~ under section 5164.02 88812  
of the Revised Code as necessary to implement this section, 88813  
including a rule establishing the amount of the application fee 88814  
that is ~~charged~~ to be collected under this section. The amount of 88815  
the application fee shall not be set at an amount that is more 88816  
than necessary to pay for the expenses of implementing the 88817  
provider screening requirements. 88818

~~Sec. 5111.028 5164.32. (A) Pursuant to section 5111.02 of the Revised Code, the director of job and family services shall adopt rules establishing procedures for the use of time limited provider agreements under the medicaid program. Except as provided in division (E) of this section, all provider agreements shall be time limited in accordance with the procedures established in the rules.~~ 88819  
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~~The department of job and family services shall phase in the use of time limited provider agreements pursuant to this section during a period commencing not later than January 1, 2008, and ending January 1, 2015.~~ 88826  
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~~(B) In the use of time limited provider agreements pursuant to this section, all of the following apply:~~ 88830  
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~~(1) Each medicaid provider agreement shall expire not later than seven five years from the its effective date of the agreement.~~ 88832  
88833  
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~~(2) During the phase in period specified in division (A) of this section, the department may provide for the conversion of. If a provider agreement without a time limit entered into before the effective date of this amendment does not have a time limit, the department of medicaid shall convert the agreement to a provider agreement with a time limit. The department may take an action to convert the provider agreement by sending a notice by regular mail to the address of the provider on record with the department advising the provider of the conversion.~~ 88835  
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~~(3) The department may make the effective date of a provider agreement retroactive for a period not to exceed one year from the date of the provider's application for the agreement, as long as the provider met all medicaid program requirements during that period.~~ 88844  
88845  
88846  
88847  
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~~(C)~~(B) The medicaid director shall adopt rules under section 5164.02 of the Revised Code as necessary to implement this section. The rules ~~for use of time limited provider agreements pursuant to this section~~ shall be consistent with subpart E of 42 C.F.R. Part 455 and include a process for ~~re-enrollment of providers~~ revalidating medicaid providers' continued enrollments as providers. All of the following apply to the ~~re-enrollment revalidation~~ process:

(1) ~~The department of job and family services may terminate a time limited provider agreement or deny re-enrollment~~ shall refuse to revalidate a provider's provider agreement when a the provider fails to file an do either of the following:

(a) File a complete application for re-enrollment revalidation within the time and in the manner required under the ~~re-enrollment revalidation~~ process;

(b) Provide required supporting documentation not later than thirty days after the date the provider timely applies for revalidation.

(2) If a provider files an application for ~~re-enrollment revalidation~~ within the time and in the manner required under the ~~re-enrollment revalidation~~ process and timely provides required supporting documentation, but the provider agreement expires before the department acts on the application or before the effective date of the department's decision on the application, the provider, subject to division (B)(3) of this section, may continue operating under the terms of the expired provider agreement until the effective date of the department's decision.

(3) ~~A decision by the department to approve an application for re-enrollment becomes effective on the date of the department's decision. A decision by the department to deny re-enrollment shall take effect not sooner than thirty days after~~

~~the date the department mails written notice of the decision to~~ 88880  
~~the provider. The department shall specify in the notice the date~~ 88881  
~~on which the provider is required to cease operating under the~~ 88882  
~~provider agreement~~ If a provider continues operating under the 88883  
terms of an expired provider agreement pursuant to division (B)(2) 88884  
of this section and the department denies the provider's 88885  
application for revalidation, medicaid payments shall not be made 88886  
for services or items the provider provides during the period 88887  
beginning on the date the provider agreement expired and ending on 88888  
the effective date of a subsequent provider agreement, if any, the 88889  
department enters into with the provider. 88890

~~(D) Pursuant to section 5111.06 of the Revised Code, the~~ 88891  
~~department is not required to take the actions specified in~~ 88892  
~~division (C)(1) of this section by issuing an order pursuant to an~~ 88893  
~~adjudication conducted in accordance with Chapter 119. of the~~ 88894  
~~Revised Code.~~ 88895

~~(E) The use of time limited provider agreements pursuant to~~ 88896  
~~this section does not apply to provider agreements issued to the~~ 88897  
~~following, including any provider agreements issued to the~~ 88898  
~~following that are otherwise time limited under the medicaid~~ 88899  
~~program.~~ 88900

~~(1) A managed care organization under contract with the~~ 88901  
~~department pursuant to section 5111.17 of the Revised Code;~~ 88902

~~(2) A nursing facility, as defined in section 5111.20 of the~~ 88903  
~~Revised Code;~~ 88904

~~(3) An intermediate care facility for the mentally retarded,~~ 88905  
~~as defined in section 5111.20 of the Revised Code;~~ 88906

~~(4) A hospital.~~ 88907

Sec. 5164.33. (A) The medicaid director may do the following 88908  
for any reason permitted or required by federal law: 88909

|   |   |
|---|---|
| <u>(1) Deny or terminate a provider agreement;</u>  | 88910                                     |
| <u>(2) Exclude an individual, provider of services or goods, or other entity from participation in the medicaid program.</u>  | 88911<br>88912                            |
| <u>(B) No individual, provider, or entity excluded from participation in the medicaid program under this section shall do any of the following:</u>   | 88913<br>88914<br>88915                   |
| <u>(1) Own, or provide services to, any other medicaid provider or risk contractor;</u>   | 88916<br>88917                            |
| <u>(2) Arrange for, render, or order services for medicaid recipients during the period of exclusion;</u>   | 88918<br>88919                            |
| <u>(3) During the period of exclusion, receive direct payments under the medicaid program or indirect payments of medicaid funds in the form of salary, shared fees, contracts, kickbacks, or rebates from or through any other medicaid provider or risk contractor.</u>                             | 88920<br>88921<br>88922<br>88923<br>88924 |
| <u>(C) An individual, provider, or entity excluded from participation in the medicaid program under this section may request a reconsideration of the exclusion. The director shall adopt rules under section 5164.02 of the Revised Code governing the process for requesting a reconsideration.</u> | 88925<br>88926<br>88927<br>88928<br>88929 |
| <u>(D) Nothing in this section limits the applicability of section 5164.38 of the Revised Code to a medicaid provider.</u>  | 88930<br>88931                            |
| <b>Sec. <del>5111.032</del> 5164.34.</b> (A) As used in this section:   | 88932                                     |
| (1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.  | 88933<br>88934                            |
| (2) "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.   | 88935<br>88936<br>88937                   |
| (3) "Owner" means a person who has an ownership interest in a   | 88938                                     |



~~medicaid~~ provider ~~or applicant to be a provider~~ in an amount 88939  
designated in rules ~~adopted under~~ authorized by this section. 88940

(4) "Person subject to the criminal records check 88941  
requirement" means the following: 88942

(a) A medicaid provider ~~or applicant to be a provider~~ who is 88943  
notified under division (E)(1) of this section that the provider 88944  
~~or applicant~~ is subject to a criminal records check; 88945

(b) An owner or prospective owner, officer or prospective 88946  
officer, or board member or prospective board member of a medicaid 88947  
provider ~~or applicant to be a provider~~ if, pursuant to division 88948  
(E)(1)(a) of this section, the owner or prospective owner, officer 88949  
or prospective officer, or board member or prospective board 88950  
member is specified in information given to the provider ~~or~~ 88951  
~~applicant~~ under division (E)(1) of this section; 88952

(c) An employee or prospective employee of a medicaid 88953  
provider ~~or applicant to be a provider~~ if both of the following 88954  
apply: 88955

(i) The employee or prospective employee is specified, 88956  
pursuant to division (E)(1)(b) of this section, in information 88957  
given to the provider ~~or applicant~~ under division (E)(1) of this 88958  
section. 88959

(ii) The provider ~~or applicant~~ is not prohibited by division 88960  
(D)(3)(b) of this section from employing the employee or 88961  
prospective employee. 88962

(5) ~~"Provider" means a person, institution, or entity that~~ 88963  
~~has a medicaid provider agreement with the department of job and~~ 88964  
~~family services.~~ 88965

~~(6)~~ "Responsible entity" means the following: 88966

(a) With respect to a criminal records check required under 88967  
this section for a medicaid provider ~~or applicant to be a~~ 88968

~~provider~~, the department of ~~job and family services~~ medicaid or 88969  
the department's designee; 88970

(b) With respect to a criminal records check required under 88971  
this section for an owner or prospective owner, officer or 88972  
prospective officer, board member or prospective board member, or 88973  
employee or prospective employee of a medicaid provider ~~or~~ 88974  
~~applicant to be a provider~~, the provider ~~or applicant~~. 88975

(B) This section does not apply to any individual who is 88976  
subject to a criminal records check under section 3712.09, 88977  
3721.121, ~~5111.034~~, 5123.081, ~~or~~ 5123.169, or 5164.341 of the 88978  
Revised Code or any individual who is subject to a database review 88979  
or criminal records check under section ~~173.394~~ 173.38, 3701.881, 88980  
or ~~5111.033~~ 5164.342 of the Revised Code. 88981

(C) The department of ~~job and family services~~ medicaid may do 88982  
any of the following: 88983

(1) Require that any medicaid provider ~~or applicant to be a~~ 88984  
~~provider~~ submit to a criminal records check as a condition of 88985  
~~having~~ obtaining or maintaining a ~~medicaid~~ provider agreement; 88986

(2) Require that any medicaid provider ~~or applicant to be a~~ 88987  
~~provider~~ require an owner or prospective owner, officer or 88988  
prospective officer, or board member or prospective board member 88989  
of the provider ~~or applicant~~ submit to a criminal records check as 88990  
a condition of being an owner, officer, or board member of the 88991  
provider ~~or applicant~~; 88992

(3) Require that any medicaid provider ~~or applicant to be a~~ 88993  
~~provider~~ do the following: 88994

(a) If so required by rules ~~adopted under~~ authorized by this 88995  
section, determine pursuant to a database review conducted under 88996  
division (F)(1)(a) of this section whether any employee or 88997  
prospective employee of the provider ~~or applicant~~ is included in a 88998  
database; 88999

(b) Unless the provider ~~or applicant~~ is prohibited by 89000  
division (D)(3)(b) of this section from employing the employee or 89001  
prospective employee, require the employee or prospective employee 89002  
to submit to a criminal records check as a condition of being an 89003  
employee of the provider ~~or applicant~~. 89004

(D)(1) The department or the department's designee shall deny 89005  
or terminate a medicaid provider's ~~medicaid~~ provider agreement ~~or~~ 89006  
~~deny an applicant's application for a medicaid provider agreement~~ 89007  
if the provider ~~or applicant~~ is a person subject to the criminal 89008  
records check requirement and either of the following applies: 89009

(a) The provider ~~or applicant~~ fails to obtain the criminal 89010  
records check after being given the information specified in 89011  
division (G)(1) of this section. 89012

(b) Except as provided in rules ~~adopted under~~ authorized by 89013  
this section, the provider ~~or applicant~~ is found by the criminal 89014  
records check to have been convicted of, or have pleaded guilty 89015  
to, ~~or been found eligible for intervention in lieu of conviction~~ 89016  
~~for~~ a disqualifying offense, regardless of the date of the 89017  
conviction, or the date of entry of the guilty plea, ~~or the date~~ 89018  
~~the applicant or provider was found eligible for intervention in~~ 89019  
~~lieu of conviction~~. 89020

(2) No medicaid provider ~~or applicant~~ ~~to be a provider~~ shall 89021  
permit a person to be an owner, officer, or board member of the 89022  
provider ~~or applicant~~ if the person is a person subject to the 89023  
criminal records check requirement and either of the following 89024  
applies: 89025

(a) The person fails to obtain the criminal records check 89026  
after being given the information specified in division (G)(1) of 89027  
this section. 89028

(b) Except as provided in rules ~~adopted under~~ authorized by 89029  
this section, the person is found by the criminal records check to 89030

have been convicted of, or have pleaded guilty to, ~~or been found~~ 89031  
~~eligible for intervention in lieu of conviction for a~~ 89032  
disqualifying offense, regardless of the date of the conviction, 89033  
or the date of entry of the guilty plea, ~~or the date the person~~ 89034  
~~was found eligible for intervention in lieu of conviction.~~ 89035

(3) No medicaid provider ~~or applicant to be a provider~~ shall 89036  
employ a person if any of the following apply: 89037

(a) The person has been excluded from ~~providing services or~~ 89038  
~~items under the~~ being a medicaid ~~program provider,~~ the a medicare 89039  
~~program operated pursuant to Title XVIII of the "Social Security~~ 89040  
~~Act provider,"~~ or provider for any other federal health care 89041  
program. 89042

(b) If the person is subject to a database review conducted 89043  
under division (F)(1)(a) of this section, the person is found by 89044  
the database review to be included in a database and the rules 89045  
~~adopted under~~ authorized by this section regarding the database 89046  
review prohibit the provider ~~or applicant~~ from employing a person 89047  
included in the database. 89048

(c) If the person is a person subject to the criminal records 89049  
check requirement, either of the following applies: 89050

(i) The person fails to obtain the criminal records check 89051  
after being given the information specified in division (G)(1) of 89052  
this section. 89053

(ii) Except as provided in rules ~~adopted under~~ authorized by 89054  
this section, the person is found by the criminal records check to 89055  
have been convicted of, or have pleaded guilty to, ~~or been found~~ 89056  
~~eligible for intervention in lieu of conviction for a~~ 89057  
disqualifying offense, regardless of the date of the conviction, 89058  
or the date of entry of the guilty plea, ~~or the date the person~~ 89059  
~~was found eligible for intervention in lieu of conviction.~~ 89060

(E)(1) The department or the department's designee shall 89061

inform each medicaid provider ~~or applicant to be a provider~~ 89062  
whether the provider ~~or applicant~~ is subject to a criminal records 89063  
check. For providers with valid provider agreements, the 89064  
information shall be given at times designated in rules ~~adopted~~ 89065  
~~under~~ authorized by this section. For ~~applicants~~ providers 89066  
applying to be medicaid providers, the information shall be given 89067  
at the time of initial application. When the information is given, 89068  
the department or the department's designee shall specify the 89069  
following: 89070

(a) Which of the provider's ~~or applicant's~~ owners or 89071  
prospective owners, officers or prospective officers, or board 89072  
members or prospective board members are subject to a criminal 89073  
records check; 89074

(b) Which of the provider's ~~or applicant's~~ employees or 89075  
prospective employees are subject to division (C)(3) of this 89076  
section. 89077

(2) At times designated in rules ~~adopted under~~ authorized by 89078  
this section, a medicaid provider ~~or applicant to be a provider~~ 89079  
that is a person subject to the criminal records check requirement 89080  
shall do the following: 89081

(a) Inform each person specified under division (E)(1)(a) of 89082  
this section that the person is required to submit to a criminal 89083  
records check as a condition of being an owner, officer, or board 89084  
member of the provider ~~or applicant~~; 89085

(b) Inform each person specified under division (E)(1)(b) of 89086  
this section that the person is subject to division (C)(3) of this 89087  
section. 89088

(F)(1) If a medicaid provider ~~or applicant to be a provider~~ 89089  
is a person subject to the criminal records check requirement, the 89090  
department or the department's designee shall require the conduct 89091  
of a criminal records check by the superintendent of the bureau of 89092

criminal identification and investigation. A medicaid provider ~~or~~ 89093  
~~applicant to be a provider~~ shall require the conduct of a criminal 89094  
records check by the superintendent with respect to each of the 89095  
persons specified under division (E)(1)(a) of this section. With 89096  
respect to each employee and prospective employee specified under 89097  
division (E)(1)(b) of this section, a medicaid provider ~~or~~ 89098  
~~applicant to be a provider~~ shall do the following: 89099

(a) If rules ~~adopted under~~ authorized by this section require 89100  
the provider ~~or applicant~~ to conduct a database review to 89101  
determine whether the employee or prospective employee is included 89102  
in a database, conduct the database review in accordance with the 89103  
rules; 89104

(b) Unless the provider ~~or applicant~~ is prohibited by 89105  
division (D)(3)(b) of this section from employing the employee or 89106  
prospective employee, require the conduct of a criminal records 89107  
check of the employee or prospective employee by the 89108  
superintendent. 89109

(2) If a person subject to the criminal records check 89110  
requirement does not present proof of having been a resident of 89111  
this state for the five-year period immediately prior to the date 89112  
the criminal records check is requested or provide evidence that 89113  
within that five-year period the superintendent has requested 89114  
information about the person from the federal bureau of 89115  
investigation in a criminal records check, the responsible entity 89116  
shall require the person to request that the superintendent obtain 89117  
information from the federal bureau of investigation as part of 89118  
the criminal records check of the person. Even if the person 89119  
presents proof of having been a resident of this state for the 89120  
five-year period, the responsible entity may require that the 89121  
person request that the superintendent obtain information from the 89122  
federal bureau of investigation and include it in the criminal 89123  
records check of the person. 89124

(G) Criminal records checks required by this section shall be 89125  
obtained as follows: 89126

(1) The responsible entity shall provide each person subject 89127  
to the criminal records check requirement information about 89128  
accessing and completing the form prescribed pursuant to division 89129  
(C)(1) of section 109.572 of the Revised Code and the standard 89130  
impression sheet prescribed pursuant to division (C)(2) of that 89131  
section. 89132

(2) The person subject to the criminal records check 89133  
requirement shall submit the required form and one complete set of 89134  
the person's fingerprint impressions directly to the 89135  
superintendent for purposes of conducting the criminal records 89136  
check using the applicable methods prescribed by division (C) of 89137  
section 109.572 of the Revised Code. The person shall pay all fees 89138  
associated with obtaining the criminal records check. 89139

(3) The superintendent shall conduct the criminal records 89140  
check in accordance with section 109.572 of the Revised Code. The 89141  
person subject to the criminal records check requirement shall 89142  
instruct the superintendent to submit the report of the criminal 89143  
records check directly to the responsible entity. If the 89144  
department or the department's designee is not the responsible 89145  
entity, the department or designee may require the responsible 89146  
entity to submit the report to the department or designee. 89147

(H)(1) A medicaid provider ~~or applicant to be a provider~~ may 89148  
employ conditionally a person for whom a criminal records check is 89149  
required by this section prior to obtaining the results of the 89150  
criminal records check if both of the following apply: 89151

(a) The provider ~~or applicant~~ is not prohibited by division 89152  
(D)(3)(b) of this section from employing the person. 89153

(b) The person submits a request for the criminal records 89154  
check not later than five business days after the person begins 89155

conditional employment. 89156

(2) A medicaid provider ~~or applicant to be a provider~~ that 89157  
employs a person conditionally under division (H)(1) of this 89158  
section shall terminate the person's employment if the results of 89159  
the criminal records check request are not obtained within the 89160  
period ending sixty days after the date the request is made. 89161  
Regardless of when the results of the criminal records check are 89162  
obtained, if the results indicate that the person has been 89163  
convicted of, or has pleaded guilty to, ~~or has been found eligible~~ 89164  
~~for intervention in lieu of conviction for~~ a disqualifying 89165  
offense, the provider ~~or applicant~~ shall terminate the person's 89166  
employment unless circumstances specified in rules ~~adopted under~~ 89167  
authorized by this section exist that permit the provider ~~or~~ 89168  
~~applicant~~ to employ the person and the provider ~~or applicant~~ 89169  
chooses to employ the person. 89170

(I) The report of a criminal records check conducted pursuant 89171  
to this section is not a public record for the purposes of section 89172  
149.43 of the Revised Code and shall not be made available to any 89173  
person other than the following: 89174

(1) The person who is the subject of the criminal records 89175  
check or the person's representative; 89176

(2) The medicaid director ~~of job and family services~~ and the 89177  
staff of the department who are involved in the administration of 89178  
the medicaid program; 89179

(3) The department's designee; 89180

(4) The medicaid provider ~~or applicant to be a provider~~ who 89181  
required the person who is the subject of the criminal records 89182  
check to submit to the criminal records check; 89183

(5) An individual receiving or deciding whether to receive, 89184  
from the subject of the criminal records check, home and 89185  
community-based services available under the medicaid state plan; 89186



(6) A court, hearing officer, or other necessary individual 89187  
involved in a case dealing with any of the following: 89188

(a) The denial or termination of a ~~medicaid~~ provider 89189  
agreement; 89190

(b) A person's denial of employment, termination of 89191  
employment, or employment or unemployment benefits; 89192

(c) A civil or criminal action regarding the medicaid 89193  
program. 89194

(J) The medicaid director ~~of job and family services~~ may 89195  
adopt rules ~~in accordance with Chapter 119.~~ under section 5164.02 89196  
of the Revised Code to implement this section. If the director 89197  
adopts such rules, the rules shall designate the times at which a 89198  
criminal records check must be conducted under this section. The 89199  
rules may do any of the following: 89200

(1) Designate the categories of persons who are subject to a 89201  
criminal records check under this section; 89202

(2) Specify circumstances under which the department or the 89203  
department's designee may continue a ~~medicaid~~ provider agreement 89204  
or issue a ~~medicaid~~ provider agreement ~~to an applicant~~ when the 89205  
medicaid provider ~~or applicant~~ is found by a criminal records 89206  
check to have been convicted of, pleaded guilty to, or been found 89207  
eligible for intervention in lieu of conviction for a 89208  
disqualifying offense; 89209

(3) Specify circumstances under which a medicaid provider ~~or~~ 89210  
~~applicant to be a provider~~ may permit a person to be an employee, 89211  
owner, officer, or board member of the provider ~~or applicant~~, when 89212  
the person is found by a criminal records check conducted pursuant 89213  
to this section to have been convicted of, or have pleaded guilty 89214  
to, ~~or been found eligible for intervention in lieu of conviction~~ 89215  
~~for~~ a disqualifying offense; 89216

|  |   |
|--|---|
| (4) Specify all of the following:  | 89217                                     |
| (a) The circumstances under which a database review must be conducted under division (F)(1)(a) of this section to determine whether an employee or prospective employee of a <u>medicaid</u> provider <del>or applicant to be a provider</del> is included in a database;  | 89218<br>89219<br>89220<br>89221          |
| (b) The procedures for conducting the database review;   | 89222                                     |
| (c) The databases that are to be checked;  | 89223                                     |
| (d) The circumstances under which a <u>medicaid</u> provider <del>or applicant to be a provider</del> is prohibited from employing a person who is found by the database review to be included in a database.  | 89224<br>89225<br>89226                   |
| <b>Sec. <del>5111.034</del> <u>5164.341</u>.</b> (A) As used in this section:  | 89227                                     |
| "Anniversary date" means the later of the effective date of the provider agreement relating to the independent provider or sixty days after September 26, 2003.  | 89228<br>89229<br>89230                   |
| "Applicant" means a person who has applied for a <del>medicaid</del> provider agreement to provide home and community-based services as an independent provider under a home and community-based medicaid waiver component administered by the department of <del>job and family services</del> <u>medicaid</u> .      | 89231<br>89232<br>89233<br>89234<br>89235 |
| "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.   | 89236<br>89237                            |
| "Disqualifying offense" means any of the offenses listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code.  | 89238<br>89239<br>89240                   |
| "Independent provider" means a person who has a <del>medicaid</del> provider agreement to provide home and community-based services as an independent provider in a home and community-based services medicaid waiver component administered by the department of <del>job and family services</del> <u>medicaid</u> . | 89241<br>89242<br>89243<br>89244<br>89245 |

~~"Home and community based services medicaid waiver component"~~ 89246  
~~has the same meaning as in section 5111.85 of the Revised Code.~~ 89247

(B) The department of ~~job and family services~~ medicaid or the 89248  
department's designee shall deny an applicant's application for a 89249  
~~medicaid~~ provider agreement and shall terminate an independent 89250  
provider's ~~medicaid~~ provider agreement if either of the following 89251  
applies: 89252

(1) After the applicant or independent provider is given the 89253  
information and notification required by divisions (D)(2)(a) and 89254  
(b) of this section, the applicant or independent provider fails 89255  
to do either of the following: 89256

(a) Access, complete, or forward to the superintendent of the 89257  
bureau of criminal identification and investigation the form 89258  
prescribed pursuant to division (C)(1) of section 109.572 of the 89259  
Revised Code or the standard impression sheet prescribed pursuant 89260  
to division (C)(2) of that section; 89261

(b) Instruct the superintendent to submit the completed 89262  
report of the criminal records check required by this section 89263  
directly to the department or the department's designee. 89264

(2) Except as provided in rules ~~adopted under~~ authorized by 89265  
this section, the applicant or independent provider is found by a 89266  
criminal records check required by this section to have been 89267  
convicted of, or have pleaded guilty to, ~~or been found eligible~~ 89268  
~~for intervention in lieu of conviction for~~ a disqualifying 89269  
offense, regardless of the date of the conviction, or the date of 89270  
entry of the guilty plea, ~~or the date the applicant or independent~~ 89271  
~~provider was found eligible for intervention in lieu of~~ 89272  
~~conviction.~~ 89273

(C)(1) The department or the department's designee shall 89274  
inform each applicant, at the time of initial application for a 89275  
~~medicaid~~ provider agreement, that the applicant is required to 89276

provide a set of the applicant's fingerprint impressions and that 89277  
a criminal records check is required to be conducted as a 89278  
condition of the department's approving the application. 89279

(2) Beginning on September 26, 2003, the department or the 89280  
department's designee shall inform each independent provider on or 89281  
before the time of the anniversary date of the ~~medicaid~~ provider 89282  
agreement that the independent provider is required to provide a 89283  
set of the independent provider's fingerprint impressions and that 89284  
a criminal records check is required to be conducted. 89285

(D)(1) The department or the department's designee shall 89286  
require an applicant to complete a criminal records check prior to 89287  
entering into a ~~medicaid~~ provider agreement with the applicant. 89288  
The department or the department's designee shall require an 89289  
independent provider to complete a criminal records check at least 89290  
annually. If an applicant or independent provider for whom a 89291  
criminal records check is required by this section does not 89292  
present proof of having been a resident of this state for the 89293  
five-year period immediately prior to the date the criminal 89294  
records check is requested or provide evidence that within that 89295  
five-year period the superintendent of the bureau of criminal 89296  
identification and investigation has requested information about 89297  
the applicant or independent provider from the federal bureau of 89298  
investigation in a criminal records check, the department or the 89299  
department's designee shall request that the applicant or 89300  
independent provider obtain through the superintendent a criminal 89301  
records request from the federal bureau of investigation as part 89302  
of the criminal records check of the applicant or independent 89303  
provider. Even if an applicant or independent provider for whom a 89304  
criminal records check request is required by this section 89305  
presents proof of having been a resident of this state for the 89306  
five-year period, the department or the department's designee may 89307  
request that the applicant or independent provider obtain 89308

information through the superintendent from the federal bureau of 89309  
investigation in the criminal records check. 89310

(2) The department or the department's designee shall provide 89311  
the following to each applicant and independent provider for whom 89312  
a criminal records check is required by this section: 89313

(a) Information about accessing, completing, and forwarding 89314  
to the superintendent of the bureau of criminal identification and 89315  
investigation the form prescribed pursuant to division (C)(1) of 89316  
section 109.572 of the Revised Code and the standard impression 89317  
sheet prescribed pursuant to division (C)(2) of that section; 89318

(b) Written notification that the applicant or independent 89319  
provider is to instruct the superintendent to submit the completed 89320  
report of the criminal records check directly to the department or 89321  
the department's designee. 89322

(3) Each applicant and independent provider for whom a 89323  
criminal records check is required by this section shall pay to 89324  
the bureau of criminal identification and investigation the fee 89325  
prescribed pursuant to division (C)(3) of section 109.572 of the 89326  
Revised Code for the criminal records check conducted of the 89327  
applicant or independent provider. 89328

(E) The report of any criminal records check conducted by the 89329  
bureau of criminal identification and investigation in accordance 89330  
with section 109.572 of the Revised Code and pursuant to a request 89331  
made under this section is not a public record for the purposes of 89332  
section 149.43 of the Revised Code and shall not be made available 89333  
to any person other than the following: 89334

(1) The person who is the subject of the criminal records 89335  
check or the person's representative; 89336

(2) The medicaid director ~~of job and family services~~ and the 89337  
staff of the department who are involved in the administration of 89338  
the medicaid program; 89339

|   |   |
|---|---|
| (3) The department's designee;  | 89340   |
| (4) An individual <del>who receives</del> <u>receiving or deciding whether</u><br><u>to receive</u> home and community-based services from the person who<br>is the subject of the criminal records check;  | 89341<br>89342<br>89343   |
| (5) A court, hearing officer, or other necessary individual<br>involved in a case dealing with either of the following:   | 89344<br>89345  |
| (a) A denial or termination of a provider agreement related<br>to the criminal records check;   | 89346<br>89347  |
| (b) A civil or criminal action regarding the medicaid<br>program.   | 89348<br>89349  |
| (F) The <u>medicaid</u> director <del>of job and family services</del> shall<br>adopt rules <del>in accordance with Chapter 119.</del> <u>under section 5164.02</u><br>of the Revised Code to implement this section. The rules shall<br>specify circumstances under which the department or the<br>department's designee may either approve an applicant's<br>application or allow an independent provider to maintain an<br>existing <del>medicaid</del> provider agreement even though the applicant or<br>independent provider is found by a criminal records check required<br>by this section to have been convicted of, <u>or have</u> pleaded guilty<br>to, <del>or been found eligible for intervention in lieu of conviction</del><br><del>for</del> a disqualifying offense. | 89350<br>89351<br>89352<br>89353<br>89354<br>89355<br>89356<br>89357<br>89358<br>89359<br>89360 |
| <b>Sec. <del>5111.033</del> <u>5164.342</u>.</b> (A) As used in this section:   | 89361   |
| "Applicant" means a person who is under final consideration<br>for employment with a waiver agency in a full-time, part-time, or<br>temporary position that involves providing home and<br>community-based services.  | 89362<br>89363<br>89364<br>89365  |
| "Community-based long-term care <u>agency provider</u> " <del>has the same</del><br><del>meaning</del> <u>means a provider as defined</u> in section 173.39 of the<br>Revised Code.   | 89366<br>89367<br>89368   |
| <u>"Community-based long-term care subcontractor" means a</u>   | 89369   |

subcontractor as defined in section 173.38 of the Revised Code. 89370

"Criminal records check" has the same meaning as in section 89371  
109.572 of the Revised Code. 89372

"Disqualifying offense" means any of the offenses listed or 89373  
described in divisions (A)(3)(a) to (e) of section 109.572 of the 89374  
Revised Code. 89375

"Employee" means a person employed by a waiver agency in a 89376  
full-time, part-time, or temporary position that involves 89377  
providing home and community-based services. 89378

~~"Home and community based services medicaid waiver component"~~ 89379  
~~has the same meaning as in section 5111.85 of the Revised Code.~~ 89380

"Waiver agency" means a person or government entity that 89381  
provides home and community-based services under a home and 89382  
community-based services medicaid waiver component administered by 89383  
the department of ~~job and family services~~ medicaid, other than 89384  
such a person or government entity that is certified under the 89385  
medicare program. "Waiver agency" does not mean an independent 89386  
provider as defined in section ~~5111.034~~ 5164.341 of the Revised 89387  
Code. 89388

(B) This section does not apply to any individual who is 89389  
subject to a database review or criminal records check under 89390  
section 3701.881 of the Revised Code. If a waiver agency also is a 89391  
community-based long-term care ~~agency~~ provider or community-based 89392  
long-term care subcontractor, the waiver agency may provide for 89393  
applicants and employees to undergo database reviews and criminal 89394  
records checks in accordance with section ~~173.394~~ 173.38 of the 89395  
Revised Code rather than this section. 89396

(C) No waiver agency shall employ an applicant or continue to 89397  
employ an employee in a position that involves providing home and 89398  
community-based services if any of the following apply: 89399

(1) A review of the databases listed in division (E) of this section reveals any of the following:

(a) That the applicant or employee is included in one or more of the databases listed in divisions (E)(1) to (5) of this section;

(b) That there is in the state nurse aide registry established under section 3721.32 of the Revised Code a statement detailing findings by the director of health that the applicant or employee neglected or abused a long-term care facility or residential care facility resident or misappropriated property of such a resident;

(c) That the applicant or employee is included in one or more of the databases, if any, specified in rules ~~adopted under~~ authorized by this section and the rules prohibit the waiver agency from employing an applicant or continuing to employ an employee included in such a database in a position that involves providing home and community-based services.

(2) After the applicant or employee is given the information and notification required by divisions (F)(2)(a) and (b) of this section, the applicant or employee fails to do either of the following:

(a) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed to division (C)(1) of section 109.572 of the Revised Code or the standard impression sheet prescribed pursuant to division (C)(2) of that section;

(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section directly to the chief administrator of the waiver agency.

(3) Except as provided in rules ~~adopted under~~ authorized by this section, the applicant or employee is found by a criminal



records check required by this section to have been convicted of, 89431  
~~or have pleaded guilty to, or been found eligible for intervention~~ 89432  
~~in lieu of conviction for~~ a disqualifying offense, regardless of 89433  
the date of the conviction, or date of entry of the guilty plea, 89434  
~~or the date the applicant or employee was found eligible for~~ 89435  
~~intervention in lieu of conviction.~~ 89436

(D) At the time of each applicant's initial application for 89437  
employment in a position that involves providing home and 89438  
community-based services, the chief administrator of a waiver 89439  
agency shall inform the applicant of both of the following: 89440

(1) That a review of the databases listed in division (E) of 89441  
this section will be conducted to determine whether the waiver 89442  
agency is prohibited by division (C)(1) of this section from 89443  
employing the applicant in the position; 89444

(2) That, unless the database review reveals that the 89445  
applicant may not be employed in the position, a criminal records 89446  
check of the applicant will be conducted and the applicant is 89447  
required to provide a set of the applicant's fingerprint 89448  
impressions as part of the criminal records check. 89449

(E) As a condition of employing any applicant in a position 89450  
that involves providing home and community-based services, the 89451  
chief administrator of a waiver agency shall conduct a database 89452  
review of the applicant in accordance with rules ~~adopted under~~ 89453  
authorized by this section. If rules ~~adopted under~~ authorized by 89454  
this section so require, the chief administrator of a waiver 89455  
agency shall conduct a database review of an employee in 89456  
accordance with the rules as a condition of continuing to employ 89457  
the employee in a position that involves providing home and 89458  
community-based services. A database review shall determine 89459  
whether the applicant or employee is included in any of the 89460  
following: 89461

(1) The excluded parties list system that is maintained by 89462  
the United States general services administration pursuant to 89463  
subpart 9.4 of the federal acquisition regulation and available at 89464  
the federal web site known as the system for award management; 89465

(2) The list of excluded individuals and entities maintained 89466  
by the office of inspector general in the United States department 89467  
of health and human services pursuant to ~~section 1128~~ of the 89468  
"Social Security Act," ~~94 Stat. 2619 (1980)~~ sections 1128 and 89469  
1156, 42 U.S.C. 1320a-7, ~~as amended~~, and ~~section 1156~~ of the 89470  
~~"Social Security Act," 96 Stat. 388 (1982), 42 U.S.C. 1320c-5, as~~ 89471  
~~amended;~~ 89472

(3) The registry of MR/DD employees established under section 89473  
5123.52 of the Revised Code; 89474

(4) The internet-based sex offender and child-victim offender 89475  
database established under division (A)(11) of section 2950.13 of 89476  
the Revised Code; 89477

(5) The internet-based database of inmates established under 89478  
section 5120.66 of the Revised Code; 89479

(6) The state nurse aide registry established under section 89480  
3721.32 of the Revised Code; 89481

(7) Any other database, if any, specified in rules ~~adopted~~ 89482  
~~under~~ authorized by this section. 89483

(F)(1) As a condition of employing any applicant in a 89484  
position that involves providing home and community-based 89485  
services, the chief administrator of a waiver agency shall require 89486  
the applicant to request that the superintendent of the bureau of 89487  
criminal identification and investigation conduct a criminal 89488  
records check of the applicant. If rules ~~adopted under~~ authorized 89489  
by this section so require, the chief administrator of a waiver 89490  
agency shall require an employee to request that the 89491  
superintendent conduct a criminal records check of the employee at 89492

times specified in the rules as a condition of continuing to 89493  
employ the employee in a position that involves providing home and 89494  
community-based services. However, a criminal records check is not 89495  
required for an applicant or employee if the waiver agency is 89496  
prohibited by division (C)(1) of this section from employing the 89497  
applicant or continuing to employ the employee in a position that 89498  
involves providing home and community-based services. If an 89499  
applicant or employee for whom a criminal records check request is 89500  
required by this section does not present proof of having been a 89501  
resident of this state for the five-year period immediately prior 89502  
to the date the criminal records check is requested or provide 89503  
evidence that within that five-year period the superintendent has 89504  
requested information about the applicant or employee from the 89505  
federal bureau of investigation in a criminal records check, the 89506  
chief administrator shall require the applicant or employee to 89507  
request that the superintendent obtain information from the 89508  
federal bureau of investigation as part of the criminal records 89509  
check. Even if an applicant or employee for whom a criminal 89510  
records check request is required by this section presents proof 89511  
of having been a resident of this state for the five-year period, 89512  
the chief administrator may require the applicant or employee to 89513  
request that the superintendent include information from the 89514  
federal bureau of investigation in the criminal records check. 89515

(2) The chief administrator shall provide the following to 89516  
each applicant and employee for whom a criminal records check is 89517  
required by this section: 89518

(a) Information about accessing, completing, and forwarding 89519  
to the superintendent of the bureau of criminal identification and 89520  
investigation the form prescribed pursuant to division (C)(1) of 89521  
section 109.572 of the Revised Code and the standard impression 89522  
sheet prescribed pursuant to division (C)(2) of that section; 89523

(b) Written notification that the applicant or employee is to 89524

instruct the superintendent to submit the completed report of the 89525  
criminal records check directly to the chief administrator. 89526

(3) A waiver agency shall pay to the bureau of criminal 89527  
identification and investigation the fee prescribed pursuant to 89528  
division (C)(3) of section 109.572 of the Revised Code for any 89529  
criminal records check required by this section. However, a waiver 89530  
agency may require an applicant to pay to the bureau the fee for a 89531  
criminal records check of the applicant. If the waiver agency pays 89532  
the fee for an applicant, it may charge the applicant a fee not 89533  
exceeding the amount the waiver agency pays to the bureau under 89534  
this section if the waiver agency notifies the applicant at the 89535  
time of initial application for employment of the amount of the 89536  
fee and that, unless the fee is paid, the applicant will not be 89537  
considered for employment. 89538

(G)(1) A waiver agency may employ conditionally an applicant 89539  
for whom a criminal records check is required by this section 89540  
prior to obtaining the results of the criminal records check if 89541  
both of the following apply: 89542

(a) The waiver agency is not prohibited by division (C)(1) of 89543  
this section from employing the applicant in a position that 89544  
involves providing home and community-based services. 89545

(b) The chief administrator of the waiver agency requires the 89546  
applicant to request a criminal records check regarding the 89547  
applicant in accordance with division (F)(1) of this section not 89548  
later than five business days after the applicant begins 89549  
conditional employment. 89550

(2) A waiver agency that employs an applicant conditionally 89551  
under division (G)(1) of this section shall terminate the 89552  
applicant's employment if the results of the criminal records 89553  
check, other than the results of any request for information from 89554  
the federal bureau of investigation, are not obtained within the 89555

period ending sixty days after the date the request for the 89556  
criminal records check is made. Regardless of when the results of 89557  
the criminal records check are obtained, if the results indicate 89558  
that the applicant has been convicted of, or has pleaded guilty 89559  
to, ~~or has been found eligible for intervention in lieu of~~ 89560  
~~conviction for~~ a disqualifying offense, the waiver agency shall 89561  
terminate the applicant's employment unless circumstances 89562  
specified in rules ~~adopted under~~ authorized by this section exist 89563  
that permit the waiver agency to employ the applicant and the 89564  
waiver agency chooses to employ the applicant. 89565

(H) The report of any criminal records check conducted 89566  
pursuant to a request made under this section is not a public 89567  
record for the purposes of section 149.43 of the Revised Code and 89568  
shall not be made available to any person other than the 89569  
following: 89570

(1) The applicant or employee who is the subject of the 89571  
criminal records check or the representative of the applicant or 89572  
employee; 89573

(2) The chief administrator of the waiver agency that 89574  
requires the applicant or employee to request the criminal records 89575  
check or the administrator's representative; 89576

(3) The medicaid director ~~of job and family services~~ and the 89577  
staff of the department who are involved in the administration of 89578  
the medicaid program; 89579

(4) The director of aging or the director's designee if the 89580  
waiver agency also is a community-based long-term care ~~agency~~ 89581  
provider or community-based long-term care subcontractor; 89582

(5) An individual receiving or deciding whether to receive 89583  
home and community-based services from the subject of the criminal 89584  
records check; 89585

(6) A court, hearing officer, or other necessary individual 89586

|   |                                  |
|---|----------------------------------|
| involved in a case dealing with any of the following:   | 89587                            |
| (a) A denial of employment of the applicant or employee;  | 89588                            |
| (b) Employment or unemployment benefits of the applicant or<br>employee;  | 89589<br>89590                   |
| (c) A civil or criminal action regarding the medicaid<br>program.   | 89591<br>89592                   |
| (I) The <u>medicaid</u> director <del>of job and family services</del> shall<br>adopt rules <del>in accordance with Chapter 119.</del> <u>under section 5164.02</u><br>of the Revised Code to implement this section.   | 89593<br>89594<br>89595          |
| (1) The rules may do the following:   | 89596                            |
| (a) Require employees to undergo database reviews and<br>criminal records checks under this section;  | 89597<br>89598                   |
| (b) If the rules require employees to undergo database<br>reviews and criminal records checks under this section, exempt one<br>or more classes of employees from the requirements;   | 89599<br>89600<br>89601          |
| (c) For the purpose of division (E)(7) of this section,<br>specify other databases that are to be checked as part of a<br>database review conducted under this section.   | 89602<br>89603<br>89604          |
| (2) The rules shall specify all of the following:   | 89605                            |
| (a) The procedures for conducting a database review under<br>this section;  | 89606<br>89607                   |
| (b) If the rules require employees to undergo database<br>reviews and criminal records checks under this section, the times<br>at which the database reviews and criminal records checks are to<br>be conducted;  | 89608<br>89609<br>89610<br>89611 |
| (c) If the rules specify other databases to be checked as<br>part of a database review, the circumstances under which a waiver<br>agency is prohibited from employing an applicant or continuing to<br>employ an employee who is found by the database review to be | 89612<br>89613<br>89614<br>89615 |

included in one or more of those databases; 89616

(d) The circumstances under which a waiver agency may employ 89617  
an applicant or employee who is found by a criminal records check 89618  
required by this section to have been convicted of, or have 89619  
pleaded guilty to, ~~or been found eligible for intervention in lieu~~ 89620  
~~of conviction for~~ a disqualifying offense. 89621

(J) The amendments made by H.B. 487 of the 129th general 89622  
assembly to this section do not preclude the department of ~~job and~~ 89623  
~~family services~~ medicaid from taking action against a person for 89624  
failure to comply with former division (H) of this section as that 89625  
division existed on the day preceding ~~the effective date of this~~ 89626  
~~amendment~~ January 1, 2013. 89627

**Sec. ~~5111.03~~ 5164.35.** (A) As used in this section, "owner" 89628  
means any person having at least five per cent ownership in a 89629  
medicaid provider. 89630

~~(B)(1) No medicaid provider of services or goods contracting~~ 89631  
~~with the department of job and family services pursuant to the~~ 89632  
~~medicaid program shall, by do any of the following:~~ 89633

~~(a) By deception, obtain or attempt to obtain payments under~~ 89634  
~~this chapter the medicaid program to which the provider is not~~ 89635  
~~entitled pursuant to the provider's provider agreement, or the~~ 89636  
~~rules of the federal government or the ~~department of job and~~~~ 89637  
~~~~family services~~ medicaid director relating to the program. ~~No~~~~ 89638  
~~provider shall willfully;~~ 89639

~~(b) Willfully receive payments to which the provider is not~~ 89640  
~~entitled, or willfully;~~ 89641

~~(c) Willfully receive payments in a greater amount than that~~ 89642  
~~to which the provider is entitled; ~~nor shall any provider falsify~~~~ 89643

~~(d) Falsify any report or document required by state or~~ 89644  
~~federal law, rule, or provider agreement relating to medicaid~~ 89645

payments. ~~As used in this section, a~~ 89646

(2) A medicaid provider engages in "deception" for the 89647  
purpose of this section when the provider, acting with actual 89648  
knowledge of the representation or information involved, acting in 89649  
deliberate ignorance of the truth or falsity of the representation 89650  
or information involved, or acting in reckless disregard of the 89651  
truth or falsity of the representation or information involved, 89652  
deceives another or causes another to be deceived by any false or 89653  
misleading representation, by withholding information, by 89654  
preventing another from acquiring information, or by any other 89655  
conduct, act, or omission that creates, confirms, or perpetuates a 89656  
false impression in another, including a false impression as to 89657  
law, value, state of mind, or other objective or subjective fact. 89658  
No proof of specific intent to defraud is required to show, for 89659  
purposes of this section, that a medicaid provider has engaged in 89660  
deception. 89661

~~(B)~~(C) Any medicaid provider who violates division ~~(A)~~(B) of 89662  
this section shall be liable, in addition to any other penalties 89663  
provided by law, for all of the following civil penalties: 89664

(1) Payment of interest on the amount of the excess payments 89665  
at the maximum interest rate allowable for real estate mortgages 89666  
under section 1343.01 of the Revised Code on the date the payment 89667  
was made to the provider for the period from the date upon which 89668  
payment was made, to the date upon which repayment is made to the 89669  
state; 89670

(2) Payment of an amount equal to three times the amount of 89671  
any excess payments; 89672

(3) Payment of a sum of not less than five thousand dollars 89673  
and not more than ten thousand dollars for each deceptive claim or 89674  
falsification; 89675

(4) All reasonable expenses which the court determines have 89676



been necessarily incurred by the state in the enforcement of this 89677  
section. 89678

~~(C) As used in this division, "intermediate care facility for 89679  
the mentally retarded" and "nursing facility" have the same 89680  
meanings given in section 5111.20 of the Revised Code. 89681~~

(D) In addition to the civil penalties provided in division 89682  
~~(B)(C)~~ of this section, the medicaid director of ~~job and family 89683  
services,~~ upon the conviction of, or the entry of a judgment in 89684  
either a criminal or civil action against, a medicaid provider or 89685  
its owner, officer, authorized agent, associate, manager, or 89686  
employee in an action brought pursuant to section 109.85 of the 89687  
Revised Code, shall terminate the provider's provider agreement 89688  
~~between the department and the provider~~ and stop reimbursement 89689  
payment to the provider for medicaid services rendered from the 89690  
date of conviction or entry of judgment. ~~As used in this division,~~ 89691  
~~"owner" means any person having at least five per cent ownership 89692  
in the medicaid provider.~~ No such medicaid provider, owner, 89693  
officer, authorized agent, associate, manager, or employee shall 89694  
own or provide medicaid services to any other medicaid provider or 89695  
risk contractor or arrange for, render, or order medicaid services 89696  
for medicaid recipients, nor shall such provider, owner, officer, 89697  
authorized agent, associate, manager, or employee receive 89698  
~~reimbursement in the form of direct payments from the department 89699  
under the medicaid program~~ or indirect payments of medicaid funds 89700  
in the form of salary, shared fees, contracts, kickbacks, or 89701  
rebates from or through any ~~participating~~ other medicaid provider 89702  
or risk contractor. The provider agreement shall not be terminated 89703  
~~or reimbursement, and payment shall not be terminated,~~ if the 89704  
medicaid provider or owner can demonstrate that the provider or 89705  
owner did not directly or indirectly sanction the action of its 89706  
authorized agent, associate, manager, or employee that resulted in 89707  
the conviction or entry of a judgment in a criminal or civil 89708

action brought pursuant to section 109.85 of the Revised Code. 89709  
Nothing in this division prohibits any owner, officer, authorized 89710  
agent, associate, manager, or employee of a medicaid provider from 89711  
entering into a ~~medicaid~~ provider agreement if the person can 89712  
demonstrate that the person had no knowledge of an action of the 89713  
medicaid provider the person was formerly associated with that 89714  
resulted in the conviction or entry of a judgment in a criminal or 89715  
civil action brought pursuant to section 109.85 of the Revised 89716  
Code. 89717

Nursing facility ~~or intermediate care facility for the~~ 89718  
~~mentally retarded and ICF/MR~~ providers whose provider agreements 89719  
are terminated pursuant to this section may continue to receive 89720  
~~reimbursement~~ medicaid payments for up to thirty days after the 89721  
effective date of the termination if the provider makes reasonable 89722  
efforts to transfer medicaid recipients to another facility or to 89723  
alternate care and if federal ~~funds are~~ financial participation is 89724  
provided for ~~such reimbursement~~ the payments. 89725

~~(D) For any reason permitted or required by federal law, the~~ 89726  
~~director of job and family services may deny a provider agreement~~ 89727  
~~or terminate a provider agreement.~~ 89728

~~For any reason permitted or required by federal law, the~~ 89729  
~~director may exclude an individual, provider of services or goods,~~ 89730  
~~or other entity from participation in the medicaid program. No~~ 89731  
~~individual, provider, or entity excluded under this division shall~~ 89732  
~~own or provide services to any other medicaid provider or risk~~ 89733  
~~contractor or arrange for, render, or order services for medicaid~~ 89734  
~~recipients during the period of exclusion, nor, during the period~~ 89735  
~~of exclusion, shall such individual, provider, or entity receive~~ 89736  
~~reimbursement in the form of direct payments from the department~~ 89737  
~~or indirect payments of medicaid funds in the form of salary,~~ 89738  
~~shared fees, contracts, kickbacks, or rebates from or through any~~ 89739  
~~participating provider or risk contractor. An excluded individual,~~ 89740

~~provider, or entity may request a reconsideration of the 89741  
exclusion. The director shall adopt rules in accordance with 89742  
Chapter 119. of the Revised Code governing the process for 89743  
requesting a reconsideration. 89744~~

~~Nothing in this division limits the applicability of section 89745  
5111.06 of the Revised Code to a medicaid provider. 89746~~

~~(E) Any provider of services or goods contracting with the 89747  
department of job and family services pursuant to Title XIX of the 89748  
"Social Security Act," who, without intent, obtains payments under 89749  
this chapter in excess of the amount to which the provider is 89750  
entitled, thereby becomes liable for payment of interest on the 89751  
amount of the excess payments at the maximum real estate mortgage 89752  
rate on the date the payment was made to the provider for the 89753  
period from the date upon which payment was made to the date upon 89754  
which repayment is made to the state. 89755~~

~~(F)(E) The attorney general on behalf of the state may 89756  
commence proceedings to enforce this section in any court of 89757  
competent jurisdiction; and the attorney general may settle or 89758  
compromise any case brought under this section with the approval 89759  
of the department of job and family services medicaid. 89760  
Notwithstanding any other provision of law providing a shorter 89761  
period of limitations, the attorney general may commence a 89762  
proceeding to enforce this section at any time within six years 89763  
after the conduct in violation of this section terminates. 89764~~

~~(G) The authority, under state and federal law, of the 89765  
department of job and family services or a county department of 89766  
job and family services to recover excess payments made to a 89767  
provider is not limited by the availability of remedies under 89768  
sections 5111.11 and 5111.12 of the Revised Code for recovering 89769  
benefits paid on behalf of recipients of medical assistance. 89770~~

~~The penalties under this chapter apply to any overpayment, 89771~~

~~billing, or falsification occurring on and after April 24, 1978.~~ 89772

(F) All moneys collected by the state pursuant to this section 89773  
shall be deposited in the state treasury to the credit of the 89774  
general revenue fund. 89775

**Sec. ~~5111.035~~ 5164.36.** (A) As used in this section: 89776

(1) "~~Creditable~~ Credible allegation of fraud" has the same 89777  
meaning as in 42 C.F.R. 455.2, except that for purposes of this 89778  
section any reference in that regulation to the "state" or the 89779  
"state medicaid agency" means the department of ~~job and family~~ 89780  
~~services~~ medicaid. 89781

(2) "~~Provider~~" has the same meaning as in section ~~5111.032~~ of 89782  
~~the Revised Code.~~ 89783

~~(3)~~ "Owner" has the same meaning as in section ~~5111.031~~ 89784  
5164.37 of the Revised Code. 89785

(B)(1) Except as provided in division (C) of this section and 89786  
in rules ~~adopted~~ authorized by the ~~department of job and family~~ 89787  
~~services under division (J)~~ of this section, on determining there 89788  
is a ~~creditable~~ credible allegation of fraud for which an 89789  
investigation is pending under the medicaid program against a 89790  
medicaid provider, the department of medicaid shall suspend the 89791  
provider agreement held by the provider. Subject to division (C) 89792  
of this section, the department shall also terminate medicaid 89793  
~~reimbursement~~ payments to the provider for services rendered. 89794

(2)(a) The suspension shall continue in effect until either 89795  
of the following is the case: 89796

(i) The department or a prosecuting authority determines that 89797  
there is insufficient evidence of fraud by the medicaid provider; 89798

(ii) The proceedings in any related criminal case are 89799  
completed through dismissal of the indictment or through 89800  
conviction, entry of a guilty plea, or finding of not guilty. 89801

(b) If the department commences a process to terminate the 89802  
suspended provider agreement, the suspension shall also continue 89803  
in effect until the termination process is concluded. 89804

~~(3) Pursuant to section 5111.06 of the Revised Code, the 89805  
department is not required to take action under division (B)(1) of 89806  
this section by issuing an order pursuant to an adjudication in 89807  
accordance with Chapter 119. of the Revised Code. 89808~~

~~(4) When subject to a suspension under this section, a 89809  
medicaid provider, owner, officer, authorized agent, associate, 89810  
manager, or employee shall not own or provide services to any 89811  
other medicaid provider or risk contractor or arrange for, render, 89812  
or order services to any other medicaid provider or risk 89813  
contractor or arrange for, render, or order services for medicaid 89814  
recipients during the period of suspension. During the period of 89815  
suspension, the provider, owner, officer, authorized agent, 89816  
associate, manager, or employee shall not receive ~~reimbursement in~~ 89817  
~~the form of~~ direct payments ~~from the department~~ under the medicaid 89818  
program or indirect payments of medicaid funds in the form of 89819  
salary, shared fees, contracts, kickbacks, or rebates from or 89820  
through any ~~participating~~ other medicaid provider or risk 89821  
contractor. 89822~~

(C) The department shall not suspend a provider agreement or 89823  
terminate medicaid ~~reimbursement~~ payments under division (B) of 89824  
this section if the medicaid provider or owner can demonstrate 89825  
through the submission of written evidence that the provider or 89826  
owner did not directly or indirectly sanction the action of its 89827  
authorized agent, associate, manager, or employee that resulted in 89828  
the ~~creditable~~ credible allegation of fraud. 89829

(D) The termination of medicaid ~~reimbursement~~ payment under 89830  
division (B) of this section applies only to payments for medicaid 89831  
services rendered subsequent to the date on which the notice 89832  
required by division (E) of this section is sent. Claims for 89833

~~reimbursement~~ payment of medicaid services rendered by the 89834  
medicaid provider prior to the issuance of the notice may be 89835  
subject to prepayment review procedures whereby the department 89836  
reviews claims to determine whether they are supported by 89837  
sufficient documentation, are in compliance with state and federal 89838  
statutes and rules, and are otherwise complete. 89839

(E) After suspending a provider agreement under division (B) 89840  
of this section, the department shall, as specified in 42 C.F.R. 89841  
455.23(b), send notice of the suspension to the affected medicaid 89842  
provider or owner in accordance with the following timeframes: 89843

(1) Not later than five days after the suspension, unless a 89844  
law enforcement agency makes a written request to temporarily 89845  
delay the notice; 89846

(2) If a law enforcement agency makes a written request to 89847  
temporarily delay the notice, not later than thirty days after the 89848  
suspension occurs subject to the conditions specified in division 89849  
(F) of this section. 89850

(F) A written request for a temporary delay described in 89851  
division (E)(2) of this section may be renewed in writing by a law 89852  
enforcement agency not more than two times except that under no 89853  
circumstances shall the notice be issued more than ninety days 89854  
after the suspension occurs. 89855

(G) The notice required by division (E) of this section shall 89856  
do all of the following: 89857

(1) State that payments are being suspended in accordance 89858  
with this section and 42 C.F.R. 455.23; 89859

(2) Set forth the general allegations related to the nature 89860  
of the conduct leading to the suspension, except that it is not 89861  
necessary to disclose any specific information concerning an 89862  
ongoing investigation; 89863

(3) State that the suspension continues to be in effect until 89864  
either of the following is the case: 89865

(a) The department or a prosecuting authority determines that 89866  
there is insufficient evidence of fraud by the provider; 89867

(b) The proceedings in any related criminal case are 89868  
completed through dismissal of the indictment or through 89869  
conviction, entry of a guilty plea, or finding of not guilty and, 89870  
if the department commences a process to terminate the suspended 89871  
provider agreement, until the termination process is concluded. 89872

(4) Specify, if applicable, the type or types of medicaid 89873  
claims or business units of the medicaid provider that are 89874  
affected by the suspension; 89875

(5) Inform the medicaid provider or owner of the opportunity 89876  
to submit to the department, not later than thirty days after 89877  
receiving the notice, a request for reconsideration of the 89878  
suspension in accordance with division (H) of this section. 89879

(H)(1) Pursuant to the procedure specified in division (H)(2) 89880  
of this section, a medicaid provider or owner subject to a 89881  
suspension under this section may request a reconsideration of the 89882  
suspension. The request shall be made not later than thirty days 89883  
after receipt of a notice required by division (E) of this 89884  
section. The reconsideration is not subject to an adjudication 89885  
hearing pursuant to Chapter 119. of the Revised Code. 89886

(2) In requesting a reconsideration, the medicaid provider or 89887  
owner shall submit written information and documents to the 89888  
department. The information and documents may pertain to any of 89889  
the following issues: 89890

(a) Whether the determination to suspend the provider 89891  
agreement was based on a mistake of fact, other than the validity 89892  
of an indictment in a related criminal case. 89893

(b) If there has been an indictment in a related criminal case, whether any offense charged in the indictment resulted from an offense specified in division (E) of section ~~5111.031~~ 5164.37 of the Revised Code.

(c) Whether the provider or owner can demonstrate that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the suspension under this section or an indictment in a related criminal case.

(I) The department shall review the information and documents submitted in a request made under division (H) of this section for reconsideration of a suspension. After the review, the suspension may be affirmed, reversed, or modified, in whole or in part. The department shall notify the affected provider or owner of the results of the review. The review and notification of its results shall be completed not later than forty-five days after receiving the information and documents submitted in a request for reconsideration.

~~(J) The department may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules~~ Rules adopted under section 5164.02 of the Revised Code may specify circumstances under which the department would not suspend a provider agreement pursuant to this section.

**Sec. ~~5111.031~~ 5164.37.** (A) As used in this section:

(1) "Independent provider" has the same meaning as in section ~~5111.034~~ 5164.341 of the Revised Code.

~~(2) "Intermediate care facility for the mentally retarded" and "nursing facility" have the same meanings as in section 5111.20 of the Revised Code.~~

~~(3)~~ "Noninstitutional medicaid provider" means any person or



entity with a ~~medicaid~~ provider agreement other than a hospital, 89924  
nursing facility, or ~~intermediate care facility for the mentally~~ 89925  
~~retarded~~ ICF/MR. 89926

~~(4)~~(3) "Owner" means any person having at least five per cent 89927  
ownership in a noninstitutional medicaid provider. 89928

(B) Notwithstanding any provision of this chapter to the 89929  
contrary, the department of ~~job and family services~~ medicaid shall 89930  
take action under this section against a noninstitutional medicaid 89931  
provider or its owner, officer, authorized agent, associate, 89932  
manager, or employee. 89933

(C) Except as provided in division (D) of this section and in 89934  
rules ~~adopted~~ authorized by the ~~department under division (H) of~~ 89935  
this section, on receiving notice and a copy of an indictment that 89936  
is issued on or after September 29, 2007, and charges a 89937  
noninstitutional medicaid provider or its owner, officer, 89938  
authorized agent, associate, manager, or employee with committing 89939  
an offense specified in division (E) of this section, the 89940  
department shall suspend the provider agreement held by the 89941  
noninstitutional medicaid provider. Subject to division (D) of 89942  
this section, the department shall also terminate medicaid 89943  
~~reimbursement~~ payments to the provider for medicaid services 89944  
rendered. 89945

The suspension shall continue in effect until the proceedings 89946  
in the criminal case are completed through dismissal of the 89947  
indictment or through conviction, entry of a guilty plea, or 89948  
finding of not guilty. If the department commences a process to 89949  
terminate the suspended provider agreement, the suspension shall 89950  
also continue in effect until the termination process is 89951  
concluded. 89952

~~Pursuant to section 5111.06 of the Revised Code, the~~ 89953  
~~department is not required to take action under this division by~~ 89954

~~issuing an order pursuant to an adjudication conducted in 89955  
accordance with Chapter 119. of the Revised Code. 89956~~

When subject to a suspension under this division, a provider, 89957  
owner, officer, authorized agent, associate, manager, or employee 89958  
shall not own or provide medicaid services to any other medicaid 89959  
provider or risk contractor or arrange for, render, or order 89960  
medicaid services for medicaid recipients during the period of 89961  
suspension. During the period of suspension, the provider, owner, 89962  
officer, authorized agent, associate, manager, or employee shall 89963  
not receive ~~reimbursement in the form of~~ direct payments ~~from~~ 89964  
under the department medicaid program or indirect payments of 89965  
medicaid funds in the form of salary, shared fees, contracts, 89966  
kickbacks, or rebates from or through any ~~participating other~~ 89967  
medicaid provider or risk contractor. 89968

(D)(1) The department shall not suspend a provider agreement 89969  
or terminate medicaid ~~reimbursement~~ payments under division (C) of 89970  
this section if the provider or owner can demonstrate through the 89971  
submission of written evidence that the provider or owner did not 89972  
directly or indirectly sanction the action of its authorized 89973  
agent, associate, manager, or employee that resulted in the 89974  
indictment. 89975

(2) The termination of medicaid ~~reimbursement~~ payments 89976  
applies only to payments for medicaid services rendered subsequent 89977  
to the date on which the notice required under division (F) of 89978  
this section is sent. Claims for ~~reimbursement~~ payment for 89979  
medicaid services rendered by the provider prior to the issuance 89980  
of the notice may be subject to prepayment review procedures 89981  
whereby the department reviews claims to determine whether they 89982  
are supported by sufficient documentation, are in compliance with 89983  
state and federal statutes and rules, and are otherwise complete. 89984

(E)(1) In the case of a noninstitutional medicaid provider 89985  
that is not an independent provider, the suspension of a provider 89986

agreement under division (C) of this section applies when an 89987  
indictment charges a person with committing an act that would be a 89988  
felony or misdemeanor under the laws of this state and the act 89989  
relates to or results from either of the following: 89990

(a) Furnishing or billing for ~~medical care,~~ medicaid 89991  
services, ~~or supplies~~ under the medicaid program; 89992

(b) Participating in the performance of management or 89993  
administrative services relating to furnishing ~~medical care,~~ 89994  
medicaid services, ~~or supplies~~ under the medicaid program. 89995

(2) In the case of a noninstitutional medicaid provider that 89996  
is an independent provider, the suspension of a provider agreement 89997  
under division (C) of this section applies when an indictment 89998  
charges a person with committing an act that would constitute a 89999  
disqualifying offense as defined in section ~~5111.032~~ 5164.34 of 90000  
the Revised Code. 90001

(F) Not later than five days after suspending a provider 90002  
agreement under division (C) of this section, the department shall 90003  
send notice of the suspension to the affected provider or owner. 90004  
In providing the notice, the department shall do all of the 90005  
following: 90006

(1) Describe the indictment that was the cause of the 90007  
suspension, without necessarily disclosing specific information 90008  
concerning any ongoing civil or criminal investigation; 90009

(2) State that the suspension will continue in effect until 90010  
the proceedings in the criminal case are completed through 90011  
dismissal of the indictment or through conviction, entry of a 90012  
guilty plea, or finding of not guilty and, if the department 90013  
commences a process to terminate the suspended provider agreement, 90014  
until the termination process is concluded; 90015

(3) Inform the provider or owner of the opportunity to submit 90016  
to the department, not later than thirty days after receiving the 90017

notice, a request for a reconsideration pursuant to division (G) 90018  
of this section. 90019

(G)(1) Pursuant to the procedure specified in division (G)(2) 90020  
of this section, a noninstitutional medicaid provider or owner 90021  
subject to a suspension under this section may request a 90022  
reconsideration. The request shall be made not later than thirty 90023  
days after receipt of the notice provided under division (F) of 90024  
this section. The reconsideration is not subject to an 90025  
adjudication hearing pursuant to Chapter 119. of the Revised Code. 90026

(2) In requesting a reconsideration, the provider or owner 90027  
shall submit written information and documents to the department. 90028  
The information and documents may pertain to any of the following 90029  
issues: 90030

(a) Whether the determination to suspend the provider 90031  
agreement was based on a mistake of fact, other than the validity 90032  
of the indictment; 90033

(b) Whether any offense charged in the indictment resulted 90034  
from an offense specified in division (E) of this section; 90035

(c) Whether the provider or owner can demonstrate that the 90036  
provider or owner did not directly or indirectly sanction the 90037  
action of its authorized agent, associate, manager, or employee 90038  
that resulted in the indictment. 90039

(3) The department shall review the information and documents 90040  
submitted in a request for reconsideration. After the review, the 90041  
suspension may be affirmed, reversed, or modified, in whole or in 90042  
part. The department shall notify the affected provider or owner 90043  
of the results of the review. The review and notification of its 90044  
results shall be completed not later than forty-five days after 90045  
receiving the information and documents submitted in a request for 90046  
reconsideration. 90047

(H) ~~The department may adopt rules in accordance with Chapter~~ 90048

~~119. of the Revised Code to implement this section. The rules~~ 90049  
~~Rules adopted under section 5164.02 of the Revised Code may~~ 90050  
~~specify circumstances under which the department would not suspend~~ 90051  
~~a provider agreement pursuant to this section.~~ 90052

**Sec. ~~5111.06~~ 5164.38.** (A)~~(1)~~ As used in this section ~~and in~~ 90053  
~~sections 5111.061 and 5111.063 of the Revised Code:~~ 90054

~~(a) "Provider" means any person, institution, or entity that~~ 90055  
~~furnishes medicaid services under a provider agreement with the~~ 90056  
~~department of job and family services pursuant to Title XIX of the~~ 90057  
~~"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as~~ 90058  
~~amended.~~ 90059

~~(b) "Party" has the same meaning as in division (G) of~~ 90060  
~~section 119.01 of the Revised Code.~~ 90061

~~(c)(1)~~ "Adjudication" has the same meaning as in division (D) 90062  
of section 119.01 of the Revised Code. 90063

(2) "Party" has the same meaning as in division (G) of 90064  
section 119.01 of the Revised Code. 90065

(3) "Revalidate" means to approve a medicaid provider's 90066  
continued enrollment as a medicaid provider in accordance with the 90067  
revalidation process established in rules authorized by section 90068  
5164.32 of the Revised Code. 90069

(B) This section does not apply to either of the following: 90070

~~(a)(1)~~ Any action taken or decision made by the department of 90071  
~~job and family services~~ medicaid with respect to entering into or 90072  
refusing to enter into a contract with a managed care organization 90073  
pursuant to section ~~5111.17~~ 5167.10 of the Revised Code; 90074

~~(b)(2)~~ Any action taken by the department under sections 90075  
~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. 90076

~~(B)(C)~~ Except as provided in division ~~(D)~~ (E) of this section 90077

and section ~~5111.914~~ 5164.58 of the Revised Code, the department 90078  
shall do ~~either~~ any of the following by issuing an order pursuant 90079  
to an adjudication conducted in accordance with Chapter 119. of 90080  
the Revised Code: 90081

(1) Enter into or refuse to enter into a provider agreement 90082  
with a medicaid provider, ~~or suspend;~~ 90083

(2) Revalidate or refuse to revalidate a medicaid provider's 90084  
provider agreement; 90085

(3) Suspend or terminate, ~~renew, or refuse to renew an~~ 90086  
~~existing a medicaid provider's~~ provider agreement ~~with a provider;~~ 90087

~~(2)~~(4) Take any action based upon a final fiscal audit of a 90088  
medicaid provider. 90089

~~(C)~~(D) Any party who is adversely affected by the issuance of 90090  
an adjudication order under division ~~(B)~~(C) of this section may 90091  
appeal to the court of common pleas of Franklin county in 90092  
accordance with section 119.12 of the Revised Code. 90093

~~(D)~~(E) The department is not required to comply with division 90094  
~~(B)~~(C)(1), (2), or (3) of this section whenever any of the 90095  
following occur: 90096

(1) The terms of a provider agreement require the medicaid 90097  
provider to hold a license, permit, or certificate or maintain a 90098  
certification issued by an official, board, commission, 90099  
department, division, bureau, or other agency of state or federal 90100  
government other than the department of ~~job and family services~~ 90101  
medicaid, and the license, permit, certificate, or certification 90102  
has been denied, revoked, not renewed, suspended, or otherwise 90103  
limited. 90104

(2) The terms of a provider agreement require the medicaid 90105  
provider to hold a license, permit, or certificate or maintain 90106  
certification issued by an official, board, commission, 90107

department, division, bureau, or other agency of state or federal 90108  
government other than the department of ~~job and family services~~ 90109  
medicaid, and the provider has not obtained the license, permit, 90110  
certificate, or certification. 90111

(3) The medicaid provider's application for a provider 90112  
agreement is denied, or the provider's provider agreement is 90113  
terminated, or not ~~renewed due~~ revalidated, because of or pursuant 90114  
to ~~the~~ any of the following: 90115

(a) The termination, refusal to renew, or denial of a 90116  
license, permit, certificate, or certification by an official, 90117  
board, commission, department, division, bureau, or other agency 90118  
of this state other than the department of ~~job and family services~~ 90119  
medicaid, notwithstanding the fact that the provider may hold a 90120  
license, permit, certificate, or certification from an official, 90121  
board, commission, department, division, bureau, or other agency 90122  
of another state. 90123

~~(4) The provider agreement is denied, terminated, or not~~ 90124  
~~renewed pursuant to division (C);~~ 90125

(b) Division (D) or (F)(E) of section 5111.03 5164.35 of the 90126  
Revised Code. 90127

~~(5) The provider agreement is denied, terminated, or not~~ 90128  
~~renewed due to the;~~ 90129

(c) The provider's termination, suspension, or exclusion from 90130  
the medicare program established under Title XVIII of the "Social 90131  
Security Act" or from another state's medicaid program and, in 90132  
either case, the termination, suspension, or exclusion is binding 90133  
on the provider's participation in the medicaid program in this 90134  
state. 90135

~~(6) The provider agreement is denied, terminated, or not~~ 90136  
~~renewed due to the;~~ 90137

(d) The provider's pleading guilty to or being convicted of a 90138  
criminal activity materially related to either the medicare or 90139  
medicaid program;

(e) The provider or its owner, officer, authorized agent, 90141  
associate, manager, or employee having been convicted of one of 90142  
the offenses that caused the provider's provider agreement to be 90143  
suspended pursuant to section 5164.36 of the Revised Code; 90144

(f) The provider's failure to provide the department the 90145  
national provider identifier assigned the provider by the national 90146  
provider system pursuant to 45 C.F.R. 162.408. 90147

~~(7)(4)~~ The medicaid provider's application for a provider 90148  
agreement is denied, or the provider's provider agreement is 90149  
terminated, or suspended, as a result of action by the United 90150  
States department of health and human services and that action is 90151  
binding on the provider's medicaid participation in the medicaid 90152  
program. 90153

~~(8)(5)~~ Pursuant to either section ~~5111.031~~ 5164.36 or 90154  
~~5111.035~~ 5164.37 of the Revised Code, the medicaid provider's 90155  
provider agreement is suspended and payments to the provider are 90156  
suspended pending indictment of the provider. 90157

~~(9) The provider agreement is denied, terminated, or not~~ 90158  
~~renewed because the provider or its owner, officer, authorized~~ 90159  
~~agent, associate, manager, or employee has been convicted of one~~ 90160  
~~of the offenses that caused the provider agreement to be suspended~~ 90161  
~~pursuant to section 5111.031 of the Revised Code.~~ 90162

~~(10)(6)~~ The medicaid provider's application for a provider 90163  
agreement is denied because the provider's application was not 90164  
complete; 90165

(7) The medicaid provider's provider agreement is converted 90166  
under section ~~5111.028~~ 5164.32 of the Revised Code from a provider 90167  
agreement that is not time-limited to a provider agreement that is 90168



time-limited. 90169

~~(11) The provider agreement is terminated or an application~~ 90170  
~~for re-enrollment is denied because the provider has failed to~~ 90171  
~~apply for re-enrollment within the time or in the manner specified~~ 90172  
~~for re-enrollment (8) Unless the medicaid provider is a nursing~~ 90173  
~~facility or ICF/MR, the provider's provider agreement is not~~ 90174  
~~revalidated pursuant to division (B)(1) of section 5111.028~~ 90175  
~~5164.32 of the Revised Code.~~ 90176

~~(12)(9) The medicaid provider's provider agreement is~~ 90177  
~~suspended or, terminated, or an application for enrollment or~~ 90178  
~~re-enrollment is denied, for any not revalidated because of either~~ 90179  
~~of the following:~~ 90180

(a) Any reason authorized or required by one or more of the 90181  
following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 90182  
455.450- 90183

~~(13) The provider agreement is terminated or not renewed~~ 90184  
~~because the;~~ 90185

(b) The provider has not billed or otherwise submitted a 90186  
medicaid claim to the department for two years or longer. 90187

~~(14) The provider agreement is denied, terminated, or not~~ 90188  
~~renewed because the provider fails to provide to the department~~ 90189  
~~the national provider identifier assigned the provider by the~~ 90190  
~~national provider system pursuant to 45 C.F.R. 162.408.~~ 90191

(F) In the case of a medicaid provider described in division 90192  
~~(D)(13)(E)(3)(f), (6), (7), or (14)(9)(b)~~ of this section, the 90193  
department may take its proposed action against a provider 90194  
agreement by sending a notice explaining the proposed action to 90195  
the provider. The notice shall be sent to the medicaid provider's 90196  
address on record with the department. The notice may be sent by 90197  
regular mail. 90198

~~(E)(G)~~ The department may withhold payments for medicaid 90199  
services rendered by a medicaid provider ~~under the medicaid~~ 90200  
~~program~~ during the pendency of proceedings initiated under 90201  
division ~~(B)(C)(1), (2), or (3)~~ of this section. If the 90202  
proceedings are initiated under division ~~(B)(2)(C)(4)~~ of this 90203  
section, the department may withhold payments only to the extent 90204  
that they equal amounts determined in a final fiscal audit as 90205  
being due the state. This division does not apply if the 90206  
department fails to comply with section 119.07 of the Revised 90207  
Code, requests a continuance of the hearing, or does not issue a 90208  
decision within thirty days after the hearing is completed. This 90209  
division does not apply to nursing facilities and ~~intermediate~~ 90210  
~~care facilities for the mentally retarded as defined in section~~ 90211  
~~5111.20 of the Revised Code~~ ICFs/MR. 90212

**Sec. ~~5111.062~~ 5164.39.** In any action taken by the department 90213  
of ~~job and family services~~ medicaid under section ~~5111.06~~ 5164.38 90214  
or ~~5111.061~~ 5164.57 of the Revised Code or any other ~~provision of~~ 90215  
~~this chapter~~ state statute governing the medicaid program that 90216  
requires the department to give notice of an opportunity for a 90217  
hearing in accordance with Chapter 119. of the Revised Code, if 90218  
the department gives notice of the opportunity for a hearing but 90219  
the medicaid provider or other entity subject to the notice does 90220  
not request a hearing or timely request a hearing in accordance 90221  
with section 119.07 of the Revised Code, the department is not 90222  
required to hold a hearing. The medicaid director ~~of job and~~ 90223  
~~family service~~ may proceed by issuing a final adjudication order 90224  
in accordance with Chapter 119. of the Revised Code. 90225

**Sec. ~~5111.05~~ 5164.45.** (A) The department of ~~job and family~~ 90226  
~~services~~ medicaid may contract with any person or persons as a 90227  
fiscal agent for the examination, processing, and determination of 90228  
~~medical assistance~~ medicaid claims ~~under this chapter~~. The 90229

contracting party may provide any of the following services, as 90230  
required by the contract: 90231

(1) Design and operate medicaid management information 90232  
systems, including the provision of data processing services; 90233

(2) Determine the amounts of payments to be made upon claims 90234  
for ~~medical assistance~~ medicaid; 90235

(3) Prepare and furnish to the department lists and computer 90236  
tapes of such claims for payment; 90237

(4) In addition to audits which may be conducted by the 90238  
department and by the auditor of state, make audits of providers 90239  
and the claims of medicaid providers ~~of medical assistance~~ 90240  
according to the standards set forth in the contract; 90241

(5) Assist medicaid providers ~~of medical assistance~~ in the 90242  
development of procedures relating to utilization practices, make 90243  
studies of the effectiveness of such procedures and methods for 90244  
their improvement, implement and enforce standards of medical 90245  
policy, and assist in the application of safeguards against 90246  
unnecessary utilization; 90247

(6) Assist any institution, facility, or agency to qualify as 90248  
a medicaid provider ~~of medical assistance~~; 90249

(7) Establish and maintain fiscal records for the ~~medical~~ 90250  
~~assistance~~ medicaid program; 90251

(8) Perform statistical and research studies; 90252

(9) Develop and implement programs for ~~medical assistance~~ 90253  
medicaid cost containment; 90254

(10) Perform such other duties as are necessary to carry out 90255  
the ~~medical assistance~~ medicaid program. 90256

(B) The department ~~of job and family services~~ may contract 90257  
with any person or persons as an insuring agent for the 90258  
examination, processing, and determination of ~~medical assistance~~ 90259

medicaid claims, as provided in division (A) of this section, and 90260  
for the payment of ~~medical assistance~~ medicaid claims through an 90261  
underwritten program in which the state pays the insuring agent a 90262  
monthly premium and the insuring agent pays for ~~medical~~ medicaid 90263  
services ~~authorized under the state's medical assistance program.~~ 90264  
The person with whom the department contracts, with respect to the 90265  
awarding, provisions, and performance of such contract, shall not 90266  
be subject to the provisions of Title XXXIX of the Revised Code or 90267  
to regulation by the department of insurance, nor to taxation as 90268  
an insurance company pursuant to section 5725.18 or 5729.03 of the 90269  
Revised Code. A contract with an insuring agent shall specify the 90270  
qualifications, including capital and surplus requirements, and 90271  
other conditions with which the insuring agent must comply. 90272

(C) In entering into a contract under this section, the 90273  
department, in cooperation with the director of budget and 90274  
management, shall determine that the contracting party is 90275  
qualified to perform the required services and shall follow 90276  
applicable procedures required of the department of administrative 90277  
services in sections 125.07 to 125.11 of the Revised Code. A 90278  
contract shall be awarded to the bidder who, with due 90279  
consideration to the bidder's experience and financial capability, 90280  
offers the lowest and best bid to the state for control of the 90281  
costs of the ~~medical assistance~~ medicaid program consistent with 90282  
meeting the obligations under that program for fair and equitable 90283  
treatment of medicaid recipients and medicaid providers ~~of medical~~ 90284  
~~services~~. Any arrangement whereby funds are paid to an insuring or 90285  
fiscal agent for administrative functions under this section 90286  
shall, for the purposes of section 125.081 of the Revised Code, be 90287  
deemed to be a contract or purchase by the department of 90288  
administrative services; however, money to be used by an insuring 90289  
agent to pay for ~~medical~~ medicaid services ~~authorized under the~~ 90290  
~~state's medical assistance program~~ shall not be deemed a contract 90291  
or purchase within the meaning of such section. 90292

~~Sec. 5111.052~~ 5164.46. (A) As used in this section, 90293  
"electronic claims submission process" means any of the following: 90294

(1) Electronic interchange of data; 90295

(2) Direct entry of data through an internet-based mechanism 90296  
implemented by the department of ~~job and family services~~ medicaid; 90297

(3) Any other process for the electronic submission of claims 90298  
that is specified in rules adopted under ~~this~~ section 5162.02 of 90299  
the Revised Code. 90300

(B) Not later than January 1, 2013, and except as provided in 90301  
division (C) of this section, each medicaid provider ~~of services~~ 90302  
~~to medicaid recipients~~ shall do both of the following: 90303

(1) Use only an electronic claims submission process to 90304  
submit to the department of ~~job and family services~~ medicaid 90305  
claims for medicaid ~~reimbursement~~ payment for medicaid services 90306  
provided to medicaid recipients; 90307

(2) Arrange to receive medicaid ~~reimbursement~~ payment from 90308  
the department by means of electronic funds transfer. 90309

(C) Division (B) of this section does not apply to any of the 90310  
following: 90311

(1) A nursing facility, ~~as defined in section 5111.20 of the~~ 90312  
~~Revised Code~~; 90313

(2) An ~~intermediate care facility for the mentally retarded,~~ 90314  
~~as defined in section 5111.20 of the Revised Code~~ ICF/MR; 90315

(3) A medicaid managed care organization ~~under contract with~~ 90316  
~~the department pursuant to section 5111.17 of the Revised Code~~; 90317

(4) Any other medicaid provider or type of medicaid provider 90318  
designated in rules adopted under ~~this~~ section 5162.02 of the 90319  
Revised Code. 90320

(D) The department shall not process a medicaid claim 90321

submitted on or after January 1, 2013, unless the claim is 90322  
submitted through an electronic claims submission process in 90323  
accordance with this section. 90324

~~(E) The director of job and family services may adopt rules 90325  
in accordance with Chapter 119. of the Revised Code as the 90326  
director considers necessary to implement this section. 90327~~

**Sec. ~~5111.054~~ 5164.47.** (A) As used in this section: 90328

~~(1) "Federal financial participation" means the federal 90329  
government's share of expenditures made by an entity in 90330  
implementing the medicaid program. 90331~~

~~(2),~~ "OCHSPS" means the private, not-for-profit corporation 90332  
known as the Ohio children's hospital solutions for patient 90333  
safety, which was formed for the purpose of improving pediatric 90334  
patient care in this state, which performs functions that are 90335  
included within the functions of a peer review committee as 90336  
defined in section 2305.25 of the Revised Code, and which consists 90337  
of all of the following members: Akron children's hospital, 90338  
Cincinnati children's hospital medical center, Cleveland clinic 90339  
children's hospital, Dayton children's medical center, mercy 90340  
children's hospital, nationwide children's hospital, rainbow 90341  
babies & children's hospital, and Toledo children's hospital. 90342

(B) If, as authorized by section ~~5101.10~~ 5160.10 of the 90343  
Revised Code, the ~~department of job and family services~~ medicaid 90344  
director chooses to contract with a person to perform either or 90345  
both of the following services, ~~it~~ the director may contract with 90346  
any qualified person, including OCHSPS, to perform the service or 90347  
services on ~~the department's~~ behalf of the department of medicaid: 90348

(1) Review and analyze claims for ~~medical assistance made~~ 90349  
~~under this chapter~~ medicaid services provided to children in 90350  
accordance with all state and federal laws governing the 90351

confidentiality of patient-identifying information; 90352

(2) Perform quality assurance and quality review functions, 90353  
other than those described in division (B)(1) of this section, 90354  
related to ~~medical assistance made under this chapter~~ medicaid 90355  
services provided to children. 90356

The functions specified in division (B)(2) of this section 90357  
may include those recommended by the best evidence for advancing 90358  
child health in Ohio now (BEACON) council. 90359

(C) If the ~~department~~ director enters into a contract with 90360  
OCHSPS for OCHSPS to perform either or both of the services 90361  
described in division (B) of this section, OCHSPS shall, only for 90362  
purposes of section ~~5101.11~~ 5160.12 of the Revised Code, be 90363  
considered a public entity and the ~~department~~ director shall seek 90364  
federal financial participation for costs incurred by OCHSPS in 90365  
performing the service or services. 90366

**Sec. ~~5111.051~~ 5164.48.** The medicaid director ~~of job and~~ 90367  
~~family services~~ may ~~submit a medicaid state plan amendment or~~ 90368  
~~request for a federal waiver to the United States secretary of~~ 90369  
~~health and human services as necessary to implement, at the~~ 90370  
~~director's discretion,~~ a system under which medicaid payments for 90371  
~~medical assistance provided under the~~ medicaid program services 90372  
are made to an organization on behalf of ~~the~~ medicaid providers ~~of~~ 90373  
~~the medical assistance.~~ The system may not provide for an 90374  
organization to receive an amount that exceeds, in aggregate, the 90375  
amount the ~~department~~ medicaid program would have paid directly to 90376  
~~the~~ medicaid providers if not for this section. 90377

**Sec. 5164.55.** The department of medicaid may conduct final 90378  
fiscal audits of medicaid providers in accordance with the 90379  
applicable requirements set forth in federal laws and regulations 90380  
and determine any amounts the provider may owe the state. When 90381

conducting final fiscal audits, the department shall consider 90382  
generally accepted auditing standards, which include the use of 90383  
statistical sampling. 90384

**Sec. ~~5111.022~~ 5164.56.** Under the medicaid program, any amount 90385  
determined to be owed the state by a final fiscal audit conducted 90386  
pursuant to ~~division (D) of section 5111.021~~ 5164.55 of the 90387  
Revised Code, upon the issuance of an adjudication order pursuant 90388  
to Chapter 119. of the Revised Code that contains a finding that 90389  
there is a preponderance of the evidence that ~~the~~ a medicaid 90390  
provider will liquidate assets or file bankruptcy in order to 90391  
prevent payment of the amount determined to be owed the state, 90392  
becomes a lien upon the real and personal property of the 90393  
provider. Upon failure of the provider to pay the amount to the 90394  
state, the medicaid ~~director of job and family services~~ shall file 90395  
notice of the lien, for which there shall be no charge, in the 90396  
office of the county recorder of the county in which it is 90397  
ascertained that the provider owns real or personal property. The 90398  
director shall notify the provider by mail of the lien, but 90399  
absence of proof that the notice was sent does not affect the 90400  
validity of the lien. The lien is not valid as against the claim 90401  
of any mortgagee, pledgee, purchaser, judgment creditor, or other 90402  
lienholder of record at the time the notice is filed. 90403

If the provider acquires real or personal property after 90404  
notice of the lien is filed, the lien shall not be valid as 90405  
against the claim of any mortgagee, pledgee, subsequent bona fide 90406  
purchaser for value, judgment creditor, or other lienholder of 90407  
record to such after-acquired property unless the notice of lien 90408  
is refiled after the property is acquired by the provider and 90409  
before the competing lien attaches to the after-acquired property 90410  
or before the conveyance to the subsequent bona fide purchaser for 90411  
value. 90412



When the amount has been paid, the provider may record with 90413  
the recorder notice of the payment. For recording such notice of 90414  
payment, the recorder shall charge and receive from the provider a 90415  
base fee of one dollar for services and a housing trust fund fee 90416  
of one dollar pursuant to section 317.36 of the Revised Code. 90417

In the event of a distribution of a the provider's assets 90418  
pursuant to an order of any court under the law of this state 90419  
including any receivership, assignment for benefit of creditors, 90420  
adjudicated insolvency, or similar proceedings, amounts then or 90421  
thereafter due the state under ~~this chapter~~ the medicaid program 90422  
have the same priority as provided by law for the payment of taxes 90423  
due the state and shall be paid out of the receivership trust fund 90424  
or other such trust fund in the same manner as provided for claims 90425  
for unpaid taxes due the state. 90426

If the attorney general finds after investigation that any 90427  
amount due the state under ~~this chapter~~ the medicaid program is 90428  
uncollectable, in whole or in part, the attorney general shall 90429  
recommend to the director the cancellation of all or part of the 90430  
claim. The director may thereupon effect the cancellation. 90431

**Sec. ~~5111.061~~ 5164.57.** (A) As used in this section, 90432  
"adjudication" has the same meaning as in section 119.01 of the 90433  
Revised Code. 90434

(B)(1) Except as provided in division ~~(A)~~(B)(2) of this 90435  
section, the department of ~~job and family services~~ medicaid may 90436  
recover a medicaid payment or portion of a payment made to a 90437  
medicaid provider to which the provider is not entitled if the 90438  
department notifies the provider of the overpayment during the 90439  
five-year period immediately following the end of the state fiscal 90440  
year in which the overpayment was made. 90441

(2) In the case of a hospital medicaid provider, if the 90442  
department determines as a result of a medicare or medicaid cost 90443

report settlement that the provider received an amount under the 90444  
medicaid program to which the provider is not entitled, the 90445  
department may recover the overpayment if the department notifies 90446  
the provider of the overpayment during the later of the following: 90447

(a) The five-year period immediately following the end of the 90448  
state fiscal year in which the overpayment was made; 90449

(b) The one-year period immediately following the date the 90450  
department receives from the United States centers for medicare 90451  
and medicaid services a completed, audited, medicare cost report 90452  
for the provider that applies to the state fiscal year in which 90453  
the overpayment was made. 90454

~~(B)~~(C) Among the overpayments that may be recovered under 90455  
this section are the following: 90456

(1) Payment for a medicaid service, or a day of service, not 90457  
rendered; 90458

(2) Payment for a day of service at a full per diem rate that 90459  
should have been paid at a percentage of the full per diem rate; 90460

(3) Payment for a medicaid service, or day of service, that 90461  
was paid by, or partially paid by, a third party, as defined in 90462  
section ~~5101.571~~ 5160.35 of the Revised Code, and the third 90463  
party's payment or partial payment was not offset against the 90464  
amount paid by the medicaid program to reduce or eliminate the 90465  
amount that was paid by the medicaid program; 90466

(4) Payment when a medicaid recipient's responsibility for 90467  
payment was understated and resulted in an overpayment to the 90468  
provider. 90469

~~(C)~~(D) The department may recover an overpayment under this 90470  
section prior to or after any of the following: 90471

(1) Adjudication of a final fiscal audit that section ~~5111.06~~ 90472  
5164.38 of the Revised Code requires to be conducted in accordance 90473

with Chapter 119. of the Revised Code; 90474

(2) Adjudication of a finding under any other provision of 90475  
~~this chapter state statutes governing the medicaid program~~ or the 90476  
rules adopted under ~~it~~ those statutes; 90477

(3) Expiration of the time to issue a final fiscal audit that 90478  
section ~~5111.06~~ 5164.38 of the Revised Code requires to be 90479  
conducted in accordance with Chapter 119. of the Revised Code; 90480

(4) Expiration of the time to issue a finding under any other 90481  
provision of ~~this chapter state statutes governing the medicaid~~ 90482  
program or the rules adopted under ~~it~~ those statutes. 90483

~~(D)~~(E)(1) Subject to division ~~(D)~~(E)(2) of this section, the 90484  
recovery of an overpayment under this section does not preclude 90485  
the department from subsequently doing the following: 90486

(a) Issuing a final fiscal audit in accordance with Chapter 90487  
119. of the Revised Code, as required under section ~~5111.06~~ 90488  
5164.38 of the Revised Code; 90489

(b) Issuing a finding under any other provision of ~~this~~ 90490  
~~chapter state statutes governing the medicaid program~~ or the rules 90491  
adopted under ~~it~~ those statutes. 90492

(2) A final fiscal audit or finding issued subsequent to the 90493  
recovery of an overpayment under this section shall be reduced by 90494  
the amount of the prior recovery, as appropriate. 90495

~~(E)~~(F) Nothing in this section limits the department's 90496  
authority to recover overpayments pursuant to any other provision 90497  
of the Revised Code. 90498

**Sec. ~~5111.914~~ 5164.58.** (A) ~~As used in this section,~~ 90499  
~~"provider" has the same meaning as in section 5111.06 of the~~ 90500  
~~Revised Code.~~ 90501

~~(B)~~ If a state agency that enters into a contract with the 90502

department of ~~job and family services~~ medicaid under section 90503  
~~5111.91~~ 5162.35 of the Revised Code identifies that a medicaid 90504  
overpayment has been made to a medicaid provider, the state agency 90505  
may commence actions to recover the overpayment on behalf of the 90506  
department. 90507

~~(C)~~(B) In recovering an overpayment pursuant to this section, 90508  
a state agency shall comply with the following procedures: 90509

(1) The state agency shall attempt to recover the overpayment 90510  
by notifying the medicaid provider of the overpayment and 90511  
requesting voluntary repayment. Not later than five business days 90512  
after notifying the medicaid provider, the state agency shall 90513  
notify the department in writing of the overpayment. The state 90514  
agency may negotiate a settlement of the overpayment and notify 90515  
the department of the settlement. A settlement negotiated by the 90516  
state agency is not valid and shall not be implemented until the 90517  
department has given its written approval of the settlement. 90518

(2) If the state agency is unable to obtain voluntary 90519  
repayment of an overpayment, the agency shall give the medicaid 90520  
provider notice of an opportunity for a hearing in accordance with 90521  
Chapter 119. of the Revised Code. If the medicaid provider timely 90522  
requests a hearing in accordance with section 119.07 of the 90523  
Revised Code, the state agency shall conduct the hearing to 90524  
determine the legal and factual validity of the overpayment. On 90525  
completion of the hearing, the state agency shall submit its 90526  
hearing officer's report and recommendation and the complete 90527  
record of proceedings, including all transcripts, to the medicaid 90528  
director ~~of job and family services~~ for final adjudication. The 90529  
director may issue a final adjudication order in accordance with 90530  
Chapter 119. of the Revised Code. The state agency shall pay any 90531  
attorney's fees imposed under section 119.092 of the Revised Code. 90532  
The department of ~~job and family services~~ medicaid shall pay any 90533  
attorney's fees imposed under section 2335.39 of the Revised Code. 90534

~~(D)~~(C) In any action taken by a state agency under this 90535  
section that requires the agency to give notice of an opportunity 90536  
for a hearing in accordance with Chapter 119. of the Revised Code, 90537  
if the agency gives notice of the opportunity for a hearing but 90538  
the medicaid provider subject to the notice does not request a 90539  
hearing or timely request a hearing in accordance with section 90540  
119.07 of the Revised Code, the agency is not required to hold a 90541  
hearing. The agency may request that the medicaid director ~~of job~~ 90542  
~~and family services~~ issue a final adjudication order in accordance 90543  
with Chapter 119. of the Revised Code. 90544

~~(E)~~(D) This section does not preclude the department of ~~job~~ 90545  
~~and family services~~ medicaid from adjudicating a final fiscal 90546  
audit under section ~~5111.06~~ 5164.38 of the Revised Code, 90547  
recovering overpayments under section ~~5111.061~~ 5164.57 of the 90548  
Revised Code, or making findings or taking other actions 90549  
authorized by ~~this chapter~~ state statutes governing the medicaid 90550  
program. 90551

Sec. 5164.59. The department of medicaid may deduct from 90552  
medicaid payments for medicaid services rendered by a medicaid 90553  
provider any amounts the provider owes the state as the result of 90554  
incorrect medicaid payments the department has made to the 90555  
provider. 90556

Sec. 5164.60. Any medicaid provider who, without intent, 90557  
obtains payments under the medicaid program in excess of the 90558  
amount to which the provider is entitled is liable for payment of 90559  
interest on the amount of the excess payments at the maximum 90560  
interest rate allowable for real estate mortgages under section 90561  
1343.01 of the Revised Code on the date the payment was made to 90562  
the provider for the period from the date on which payment was 90563  
made to the date on which repayment is made to the state. 90564

Sec. 5164.61. The authority, under state and federal law, of the department of medicaid or a county department of job and family services to recover excess medicaid payments made to a medicaid provider is not limited by the availability of remedies under sections 5162.21 and 5162.23 of the Revised Code for recovering benefits paid on behalf of medicaid recipients.

~~Sec. 5111.021~~ 5164.70. Under the medicaid program:

~~(A)~~ Except as otherwise required by federal statute or regulation, the department of job and family services shall not reimburse a medical provider no medicaid payment for any medical assistance rendered under the program an amount that exceeds medicaid service shall exceed the following:

~~(1)~~(A) If the medicaid provider is a hospital, nursing facility, or ~~intermediate care facility for the mentally retarded~~ ICF/MR, the limits established under Subpart C of 42 C.F.R. Part 447;

~~(2)~~(B) If the medicaid provider is other than a provider described in division (A)~~(1)~~ of this section, the authorized reimbursement payment limits for the same service under the medicare program established under Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended.

~~(B)~~ Reimbursement for freestanding medical laboratory charges shall not exceed the customary and usual fee for laboratory profiles.

~~(C)~~ The department may deduct from payments for services rendered by a medicaid provider under the medicaid program any amounts the provider owes the state as the result of incorrect medicaid payments the department has made to the provider.

~~(D)~~ The department may conduct final fiscal audits in accordance with the applicable requirements set forth in federal

~~laws and regulations and determine any amounts the provider may owe the state. When conducting final fiscal audits, the department shall consider generally accepted auditing standards, which include the use of statistical sampling.~~

~~(E) The number of days of inpatient hospital care for which reimbursement is made on behalf of a medicaid recipient to a hospital that is not paid under a diagnostic-related group prospective payment system shall not exceed thirty days during a period beginning on the day of the recipient's admission to the hospital and ending sixty days after the termination of that hospital stay, except that the department may make exceptions to this limitation. The limitation does not apply to children participating in the program for medically handicapped children established under section 3701.023 of the Revised Code.~~

~~(F) The division of any reimbursement between a collaborating physician or podiatrist and a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner for services performed by the nurse shall be determined and agreed on by the nurse and collaborating physician or podiatrist. In no case shall reimbursement exceed the payment that the physician or podiatrist would have received had the physician or podiatrist provided the entire service.~~

Sec. 5164.71. Medicaid payments for freestanding medical laboratory charges shall not exceed the customary and usual fee for laboratory profiles.

Sec. 5164.72. The number of days of inpatient hospital care for which a medicaid payment is made on behalf of a medicaid recipient to a hospital that is not paid under a diagnostic-related-group prospective payment system shall not exceed thirty days during a period beginning on the day of the

recipient's admission to the hospital and ending sixty days after 90625  
the termination of that hospital stay, except that the department 90626  
of medicaid may make exceptions to this limitation. The limitation 90627  
does not apply to children participating in the program for 90628  
medically handicapped children established under section 3701.023 90629  
of the Revised Code. 90630

Sec. 5164.73. The division of any medicaid payment between a 90631  
collaborating physician or podiatrist and a clinical nurse 90632  
specialist, certified nurse-midwife, or certified nurse 90633  
practitioner for services performed by the nurse shall be 90634  
determined and agreed on by the nurse and collaborating physician 90635  
or podiatrist. In no case shall the medicaid payment exceed the 90636  
medicaid payment that the physician or podiatrist would have 90637  
received had the physician or podiatrist provided the entire 90638  
service. 90639

Sec. ~~5111.19~~ 5164.74. The medicaid director of job and family 90640  
services shall adopt rules under section 5164.02 of the Revised 90641  
Code governing the calculation and payment of, and the allocation 90642  
of payments for, graduate medical education costs associated with 90643  
medicaid services rendered to medicaid recipients after June 30, 90644  
1994. Subject to section ~~5111.191~~ 5164.741 of the Revised Code, 90645  
the rules shall provide for reimbursement payment of graduate 90646  
medical education costs associated with medicaid services rendered 90647  
to medicaid recipients, including recipients enrolled in a 90648  
medicaid managed care organization under contract with the 90649  
department office under section ~~5111.17~~ of the Revised Code, that 90650  
the department of medicaid determines are allowable and 90651  
reasonable. 90652

If the department requires a managed care organization to pay 90653  
a provider for graduate medical education costs associated with 90654



~~the delivery of services to medicaid recipients enrolled in the organization, the department shall include in its payment to the organization an amount sufficient for the organization to pay such costs. If the department does not include in its payments to the managed care organization amounts for graduate medical education costs of providers, all of the following apply:~~

~~(A) Except as provided in section 5111.191 of the Revised Code, the department shall pay the provider for graduate medical education costs associated with the delivery of services to medicaid recipients enrolled in the organization;~~

~~(B) No provider shall seek reimbursement from the organization for such costs;~~

~~(C) The organization is not required to pay providers for such costs.~~

**Sec. ~~5111.191~~ 5164.741.** (A) Except as provided in division (B) of this section, the department of job and family services medicaid may deny medicaid payment to a hospital for direct graduate medical education costs associated with the delivery of medicaid services to any medicaid recipient if the hospital refuses without good cause to contract with a medicaid managed care organization that ~~serves participants in the care management system established under section 5111.16 of the Revised Code who are required to be enrolled in a managed care organization and the managed care organization~~ serves the area in which the hospital is located.

(B) A hospital is not subject to division (A) of this section if all of the following are the case:

(1) The hospital is located in a county in which participants in the care management system are required before January 1, 2006, to be enrolled in a medicaid managed care organization that is a

health insuring corporation. 90685

(2) The hospital has entered into a contract before January 1, 2006, with at least one health insuring corporation serving the participants specified in division (B)(1) of this section. 90686  
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(3) The hospital remains under contract with at least one health insuring corporation serving participants in the care management system who are required to be enrolled in a health insuring corporation. 90689  
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(C) The medicaid director ~~of job and family services~~ shall specify in the rules adopted under section ~~5111.19~~ 5164.02 of the Revised Code what constitutes good cause for a hospital to refuse to contract with a medicaid managed care organization. 90693  
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**Sec. ~~5111.086~~ 5164.75.** As used in this section, "federal upper reimbursement limit" means the limit established pursuant to ~~section 1927(e) of the "Social Security Act," 104 Stat. 1388-151 (1990)~~ section 1927(e), 42 U.S.C. 1396r-8(e), as amended. 90697  
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The medicaid payment for a drug that is subject to a federal upper reimbursement limit shall not exceed, in the aggregate, the federal upper reimbursement limit for the drug. ~~The director of job and family services shall adopt rules under section 5111.02 of the Revised Code as necessary to implement this section.~~ 90701  
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**Sec. ~~5111.082~~ 5164.751.** (A) As used in this section: 90706

~~(1) "State, "state~~ maximum allowable cost means the per unit amount the ~~department of job and family services reimburses~~ medicaid program pays a terminal distributor of dangerous drugs for a ~~prescription~~ prescribed drug included in the state maximum allowable cost program established under division (B) of this section. "State maximum allowable cost" excludes dispensing fees and copayments, coinsurance, or other cost-sharing charges, if any. 90707  
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~~(2) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.~~ 90715  
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(B) The medicaid director ~~of job and family services~~ shall establish a state maximum allowable cost program for purposes of managing ~~reimbursement~~ medicaid payments to terminal distributors of dangerous drugs for ~~prescription~~ prescribed drugs identified by the director pursuant to this division. The director shall do all of the following with respect to the program: 90717  
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(1) Identify and create a list of ~~prescription~~ prescribed drugs to be included in the program. 90723  
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(2) Update the list of ~~prescription~~ prescribed drugs described in division (B)(1) of this section on a weekly basis. 90725  
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(3) Review the state maximum allowable cost for each prescribed drug included on the list described in division (B)(1) of this section on a weekly basis. 90727  
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~~(C) The director may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.~~ 90730  
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**Sec. ~~5111.07~~ 5164.752.** ~~Commencing in In July, 1986, and of every second July thereafter~~ even-numbered year, the department of ~~job and family services~~ medicaid shall initiate a ~~private confidential~~ survey of ~~retail pharmacy operations~~ the cost of dispensing drugs incurred by terminal distributors of dangerous drugs in ~~the~~ this state. The survey shall be used as the basis for establishing a ~~current maximum~~ the medicaid program's dispensing fee for ~~licensed pharmacists who are providers of drugs under this chapter.~~ The terminal distributors in accordance with section 5164.753 of the Revised Code. The survey shall be completed and its results published not later than the last day of October of the year in which it is conducted. 90732  
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Each terminal distributor that is a provider of drugs under 90744

the medicaid program shall participate in the survey. Except as necessary to publish the survey's results, a terminal distributor's responses to the survey are confidential and not a public record under section 149.43 of the Revised Code. 90745  
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The survey shall be conducted in conformance with the requirements set forth in 42 C.F.R. 447.331 through 447.333, as amended or superseded, and 447.500 to 447.518. The survey shall include operational data and direct prescription expenses, professional services and personnel costs, and usual and customary overhead expenses, and profit data of the retail pharmacies terminal distributors surveyed. The survey shall be completed and its results published no later than the last day of October of the year in which the survey is conducted, and the survey shall compute and report the cost of dispensing fees on a basis of the usual and customary charges by retail pharmacies terminal distributors to their customers for dispensing drugs. The director of job and family services shall take into account the results of the survey in establishing a dispensing fee. 90749  
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Sec. 5111.071 5164.753. Commencing in In December, 1986, and of every second December thereafter even-numbered year, the medicaid director of job and family services shall establish a dispensing fee, effective the following January July, for licensed pharmacists terminal distributors of dangerous drugs who are providers of drugs under this chapter the medicaid program. The In establishing the dispensing fee, the director shall take into consideration the results of the survey conducted under section 5111.07 5164.752 of the Revised Code and the extent to which each terminal distributor participates in the medicaid program as a provider of drugs. 90763  
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Sec. 5111.0114 5164.754. (A) As used in this section, "dangerous drug" and "manufacturer of dangerous drugs" have the 90774  
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same meaning as in section 4729.01 of the Revised Code. 90776

(B) The medicaid director ~~of job and family services~~ may 90777  
enter into or administer an agreement or cooperative arrangement 90778  
with other states to create or join a multiple-state prescription 90779  
drug purchasing program for the purpose of negotiating with 90780  
manufacturers of dangerous drugs to receive discounts or rebates 90781  
for dangerous drugs ~~dispensed under~~ covered by the medicaid 90782  
program. 90783

**Sec. ~~5111.081~~ 5164.755.** The medicaid director ~~of job and~~ 90784  
~~family services~~, in rules adopted under section ~~5111.02~~ 5164.02 of 90785  
the Revised Code, may establish and implement a supplemental drug 90786  
rebate program under which drug manufacturers may be required to 90787  
provide the department of ~~job and family services~~ medicaid a 90788  
supplemental rebate as a condition of having the drug 90789  
manufacturers' drug products covered by the medicaid program 90790  
without prior approval. The department may receive a supplemental 90791  
rebate negotiated under the program for a drug dispensed to a 90792  
medicaid recipient pursuant to a prescription or a drug purchased 90793  
by a medicaid provider for administration to a medicaid recipient 90794  
in the provider's primary place of business. ~~If necessary, the~~ 90795  
~~director may apply to the United States secretary of health and~~ 90796  
~~human services for a waiver of federal statutes and regulations to~~ 90797  
~~establish the supplemental drug rebate program.~~ 90798

If the director establishes a supplemental drug rebate 90799  
program, the director shall consult with drug manufacturers 90800  
regarding the establishment and implementation of the program. 90801

**Sec. ~~5101.31~~ 5164.756.** Any record, data, pricing information, 90802  
or other information regarding a drug rebate agreement or a 90803  
supplemental drug rebate agreement for the medicaid program 90804  
~~established under Chapter 5111. of the Revised Code that the~~ 90805

department of ~~job and family services~~ medicaid receives from a 90806  
pharmaceutical manufacturer or creates pursuant to negotiation of 90807  
the agreement is not a public record under section 149.43 of the 90808  
Revised Code and shall be treated by the department as 90809  
confidential information. 90810

**Sec. ~~5111.083~~ 5164.757.** (A) As used in this section, 90811  
"licensed health professional authorized to prescribe drugs" has 90812  
the same meaning as in section 4729.01 of the Revised Code. 90813

(B) The medicaid director ~~of job and family services~~ may 90814  
~~establish an~~ acquire or specify technologies to provide 90815  
information regarding medicaid recipient eligibility, claims 90816  
history, and drug coverage to medicaid providers through 90817  
electronic health record and e-prescribing system for the medicaid 90818  
~~program under which~~ applications. 90819

If such technologies are acquired or specified, the 90820  
e-prescribing applications shall enable a medicaid provider who is 90821  
a licensed health professional authorized to prescribe drugs ~~shall~~ 90822  
to use an electronic system to prescribe a drug for a medicaid 90823  
recipient ~~when required to do so by division (C) of this section.~~ 90824  
The ~~e-prescribing~~ purpose of the electronic system shall is to 90825  
eliminate the need for such medicaid providers to ~~make~~ issue 90826  
prescriptions for medicaid recipients by handwriting or telephone. 90827  
The ~~e-prescribing system~~ technologies acquired or specified by the 90828  
director also shall provide such medicaid providers with an 90829  
up-to-date, clinically relevant drug information database and a 90830  
system of electronically monitoring medicaid recipients' medical 90831  
history, drug regimen compliance, and fraud and abuse. 90832

~~(C) If the director establishes an e-prescribing system under~~ 90833  
~~division (B) of this section, the director shall do all of the~~ 90834  
~~following:~~ 90835

~~(1) Require that a medicaid provider who is a licensed health professional authorized to prescribe drugs use the e-prescribing system during a fiscal year if the medicaid provider was one of the ten medicaid providers who, during the calendar year that precedes that fiscal year, issued the most prescriptions for medicaid recipients receiving hospital services;~~

~~(2) Before the beginning of each fiscal year, determine the ten medicaid providers that issued the most prescriptions for medicaid recipients receiving hospital services during the calendar year that precedes the upcoming fiscal year and notify those medicaid providers that they must use the e-prescribing system for the upcoming fiscal year;~~

~~(3) Seek the most federal financial participation available for the development and implementation of the e-prescribing system.~~

**Sec. 5111.085 5164.758.** ~~Not later than July 1, 2012, the department of job and family services The medicaid director shall adopt rules in accordance with Chapter 119. under section 5164.02 of the Revised Code to implement a coordinated services program for medicaid recipients who are found to have obtained prescription prescribed drugs under the medicaid program at a frequency or in an amount that is not medically necessary. The program shall be implemented in a manner that is consistent with section 1915(a)(2) of the "Social Security Act," 95 Stat. 810 ~~(1981)~~ section 1915(a)(2), 42 U.S.C. 1396n(a)(2), ~~as amended,~~ and 42 C.F.R. 431.54(e).~~

**Sec. 5111.08 5164.759.** In accordance with ~~subsection (g) of section 1927 of the "Social Security Act," 49 Stat. 320 (1935)~~ section 1927(g), 42 U.S.C.A. 1396r-8(g), ~~as amended,~~ the department of job and family services medicaid shall establish an

outpatient drug use review program to assure that prescriptions 90866  
obtained by medicaid recipients ~~of medical assistance under this~~ 90867  
~~chapter~~ are appropriate, medically necessary, and unlikely to 90868  
cause adverse medical results. 90869

**Sec. ~~5111.084~~ 5164.7510.** (A) There is hereby established the 90870  
pharmacy and therapeutics committee of the department of ~~job and~~ 90871  
~~family services~~ medicaid. The committee shall assist the 90872  
department with developing and maintaining a preferred drug list 90873  
for the medicaid program. 90874

The committee shall review and recommend to the medicaid 90875  
director ~~of job and family services~~ the drugs that should be 90876  
included on the preferred drug list. The recommendations shall be 90877  
made based on the evaluation of competent evidence regarding the 90878  
relative safety, efficacy, and effectiveness of ~~prescription~~ 90879  
prescribed drugs within a class or classes of ~~prescription~~ 90880  
prescribed drugs. 90881

(B) The committee shall consist of ten members and shall be 90882  
appointed by the medicaid director ~~of job and family services~~. The 90883  
director shall seek recommendations for membership from relevant 90884  
professional organizations. A candidate for membership recommended 90885  
by a professional organization shall have professional experience 90886  
working with medicaid recipients. 90887

The membership of the committee shall include: 90888

(1) Three pharmacists licensed under Chapter 4729. of the 90889  
Revised Code; 90890

(2) Two doctors of medicine and two doctors of osteopathy who 90891  
hold certificates to practice issued under Chapter 4731. of the 90892  
Revised Code, one of whom is a family practice physician; 90893

(3) A registered nurse licensed under Chapter 4723. of the 90894  
Revised Code; 90895



(4) A pharmacologist who has a doctoral degree; 90896

(5) A psychiatrist who holds a certificate to practice issued 90897  
under Chapter 4731. of the Revised Code and specializes in 90898  
psychiatry. 90899

(C) The committee shall elect from among its members a 90900  
chairperson. Five committee members constitute a quorum. 90901

The committee shall establish guidelines necessary for the 90902  
committee's operation. 90903

The committee may establish one or more subcommittees to 90904  
investigate and analyze issues consistent with the duties of the 90905  
committee under this section. The subcommittees may submit 90906  
proposals regarding the issues to the committee and the committee 90907  
may adopt, reject, or modify the proposals. 90908

A vote by a majority of a quorum is necessary to make 90909  
recommendations to the director. In the case of a tie, the 90910  
chairperson shall decide the outcome. 90911

(D) The director shall act on the committee's recommendations 90912  
not later than thirty days after the recommendation is posted on 90913  
the department's web site under division (F) of this section. If 90914  
the director does not accept a recommendation of the committee, 90915  
the director shall present the basis for this determination not 90916  
later than fourteen days after making the determination or at the 90917  
next scheduled meeting of the committee, whichever is sooner. 90918

(E) An interested party may request, and shall be permitted, 90919  
to make a presentation or submit written materials to the 90920  
committee during a committee meeting. The presentation or other 90921  
materials shall be relevant to an issue under consideration by the 90922  
committee and any written material, including a transcript of 90923  
testimony to be given on the day of the meeting, may be submitted 90924  
to the committee in advance of the meeting. 90925

(F) The department shall post the following on the department's web site: 90926  
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(1) Guidelines established by the committee under division (C) of this section; 90928  
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(2) A detailed committee agenda not later than fourteen days prior to the date of a regularly scheduled meeting and not later than seventy-two hours prior to the date of a special meeting called by the committee; 90930  
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(3) Committee recommendations not later than seven days after the meeting at which the recommendation was approved; 90934  
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(4) The director's final determination as to the recommendations made by the committee under this section. 90936  
90937

**Sec. ~~5111.025~~ 5164.76.** (A) In rules adopted under section ~~5111.02~~ 5164.02 of the Revised Code, the medicaid director ~~of job and family services~~ shall modify the manner or establish a new manner in which the following are paid under medicaid: 90938  
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(1) Community mental health ~~agencies~~ service providers or facilities for providing community mental health services ~~included in covered by the state medicaid plan program~~ pursuant to section ~~5111.023~~ 5164.15 of the Revised Code; 90942  
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(2) Providers of alcohol and drug addiction services for providing alcohol and drug addiction services ~~included in covered by the medicaid program pursuant to rules adopted under section 5111.02 of the Revised Code.~~ 90946  
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(B) The director's authority to modify the manner, or to establish a new manner, for medicaid to pay for the services specified in division (A) of this section is not limited by any rules adopted under section ~~5111.02 or 5119.61~~ 5119.22 or 5164.02 of the Revised Code that are in effect on June 26, 2003, and govern the way medicaid pays for those services. This is the case 90950  
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regardless of what state agency adopted the rules. 90956

**Sec. ~~5111.0213~~ 5164.77.** (A) As used in this section: 90957

(1) "Aide services" means all of the following: 90958

(a) Home health aide services available under the home health 90959  
services benefit pursuant to 42 C.F.R. 440.70(b)(2); 90960

(b) Home care attendant services available under a home and 90961  
community-based services medicaid waiver component; 90962

(c) Personal care aide services available under a home and 90963  
community-based services medicaid waiver component. 90964

(2) ~~"Home and community based services medicaid waiver 90965  
component" has the same meaning as in section 5111.85 of the 90966  
Revised Code.~~ 90967

~~(3)~~ "Independent provider" means an individual who personally 90968  
provides aide services or nursing services and is not employed by, 90969  
under contract with, or affiliated with another entity that 90970  
provides those services. 90971

~~(4)~~(3) "Nursing services" means all of the following: 90972

(a) Nursing services available under the home health services 90973  
benefit pursuant to 42 C.F.R. 440.70(b)(1); 90974

(b) Private duty nursing services as defined in 42 C.F.R. 90975  
440.80; 90976

(c) Nursing services available under a home and 90977  
community-based services medicaid waiver component. 90978

(B) The department of ~~job and family services~~ medicaid shall 90979  
do ~~both~~ all of the following: 90980

(1) Effective October 1, 2011, reduce the medicaid program's 90981  
first-hour-unit price for aide services to ninety-seven per cent 90982  
of the price paid on June 30, 2011, and for nursing services to 90983

ninety-five per cent of the price paid on June 30, 2011; 90984

(2) Effective October 1, 2011, pay for a service that is an 90985  
aide service or a nursing service provided by an independent 90986  
provider eighty per cent of the price it pays for the same service 90987  
provided by a provider that is not an independent provider; 90988

(3) Not sooner than July 1, 2012, adjust the medicaid 90989  
~~reimbursement~~ payment rates for aide services and nursing services 90990  
in a manner that reflects, at a minimum, labor market data, 90991  
education and licensure status, home health agency and independent 90992  
provider status, and length of service visit. 90993

(C) The department shall strive to have the adjustment made 90994  
under division (B)(3) of this section go into effect on July 1, 90995  
2012. The reductions made under divisions (B)(1) and (2) of this 90996  
section shall remain in effect until the adjustment made under 90997  
division (B)(3) of this section goes into effect. 90998

~~(D) The director of job and family services shall adopt rules 90999  
under sections 5111.02 and 5111.85 of the Revised Code as 91000  
necessary to implement this section. 91001~~

**Sec. ~~5111.0212~~ 5164.80.** As necessary to comply with ~~section 91002  
1902(a)(13)(A) of the "Social Security Act," 111 Stat. 507 (1997)~~ 91003  
~~section 1902(a)(13)(A), 42 U.S.C. 1396a(a)(13)(A), as amended,~~ and 91004  
any other federal law that requires public notice of proposed 91005  
changes to ~~reimbursement~~ payment rates for ~~medical assistance~~ 91006  
~~provided under the medicaid program~~ services, the medicaid 91007  
~~director of job and family services~~ shall give public notice in 91008  
the register of Ohio of any change to a method or standard used to 91009  
determine the medicaid ~~reimbursement~~ payment rate for ~~medical~~ 91010  
~~assistance~~ a medicaid service. 91011

**Sec. ~~5111.0214~~ 5164.82.** The department of ~~job and family 91012  
services~~ medicaid shall not knowingly make a medicaid payment for 91013

a provider-preventable condition for which federal financial 91014  
participation is prohibited by regulations adopted under ~~section~~ 91015  
~~2702~~ of the "Patient Protection and Affordable Care Act," ~~124~~ 91016  
~~Stat. 318 (2010)~~ section 2702, 42 U.S.C. 1396b-1. ~~The director of~~ 91017  
~~job and family services shall adopt rules under section 5111.02 of~~ 91018  
~~the Revised Code as necessary to implement this section.~~ 91019

**Sec. 5164.83.** (A) As used in this section: 91020

(1) "Core competencies," "direct care services," and "direct 91021  
care worker" have the same meanings as in section 191.061 of the 91022  
Revised Code. 91023

(2) "Direct payment" means payment by the medicaid program 91024  
for direct care services provided by a direct care worker to a 91025  
medicaid recipient that is delivered directly to the worker. 91026

(3) "Indirect payment" means payment by the medicaid program 91027  
for direct care services provided by a direct care worker to a 91028  
medicaid recipient that is delivered to a third party but later 91029  
transferred to the worker. 91030

(B) The department of medicaid shall not do either of the 91031  
following unless a direct care worker demonstrates core 91032  
competencies in accordance with section 191.061 of the Revised 91033  
Code: 91034

(1) Permit a direct or indirect payment to be made to the 91035  
worker for a direct care service provided by the worker on or 91036  
after October 1, 2015; 91037

(2) Enter into a provider agreement with the direct care 91038  
worker on or after October 1, 2015. 91039

**Sec. ~~5111.13~~ 5164.85.** (A) As used in this section, 91040  
"cost-effective" and "group health plan" have the same meanings as 91041  
in ~~section 1906~~ of the "Social Security Act," ~~104 Stat. 1388-161~~ 91042

~~(1990) section 1906, 42 U.S.C. 1396e, as amended, and any~~ 91043  
~~regulations adopted under that section.~~ 91044

~~(B) The department of job and family services medicaid may~~ 91045  
~~submit a medicaid state plan amendment to the United States~~ 91046  
~~secretary of health and human services for the purpose of~~ 91047  
~~implementing implement a program pursuant to section 1906 of the~~ 91048  
~~"Social Security Act," 104 Stat. 1388-161 (1990) section 1906, 42~~ 91049  
~~U.S.C. 1396e, as amended, for the enrollment of medicaid-eligible~~ 91050  
~~individuals in group health plans when the department determines~~ 91051  
~~that enrollment is cost-effective.~~ 91052

~~(C) The director of job and family services may adopt rules~~ 91053  
~~in accordance with Chapter 119. of the Revised Code as necessary~~ 91054  
~~to implement this section.~~ 91055

**Sec. ~~5111.18~~ 5164.86.** ~~Not later than September 1, 2007, the~~ 91056  
~~The medicaid director of job and family services shall establish a~~ 91057  
~~qualified state long-term care insurance partnership program~~ 91058  
~~consistent with the definition of that term in the "Social~~ 91059  
~~Security Act," section 1917(b)(1)(C)(iii), 42 U.S.C.~~ 91060  
~~1396p(b)(1)(C)(iii). An individual participating in the program~~ 91061  
~~who is subject to the medicaid estate recovery program instituted~~ 91062  
~~under section ~~5111.11~~ 5162.21 of the Revised Code shall be~~ 91063  
~~eligible for the reduced adjustment or recovery under division (D)~~ 91064  
~~of that section.~~ 91065

~~The director of job and family services may adopt rules in~~ 91066  
~~accordance with Chapter 119. of the Revised Code as necessary to~~ 91067  
~~implement this section.~~ 91068

**Sec. ~~5111.14~~ 5164.88.** ~~The medicaid director of job and family~~ 91069  
~~services may submit to the United States secretary of health and~~ 91070  
~~human services an amendment to the medicaid state plan in order to~~ 91071  
~~implement within the medicaid program a system under which~~ 91072

medicaid recipients with chronic conditions are provided with 91073  
coordinated care through health homes, as authorized by ~~section~~ 91074  
~~1945~~ of the "Social Security Act," ~~124 Stat. 319 (2010)~~ section 91075  
1945, 42 U.S.C. 1396w-4. 91076

~~The director may adopt rules under section 5111.02 of the~~ 91077  
~~Revised Code to implement this section.~~ 91078

**Sec. ~~5111.141~~ 5164.89.** The department of ~~job and family~~ 91079  
~~services~~ medicaid may require county departments of job and family 91080  
services to provide case management of nonemergency transportation 91081  
services provided under the ~~medical assistance~~ medicaid program. 91082  
County departments shall provide the case management if required 91083  
by the department in accordance with rules adopted ~~by the director~~ 91084  
~~of job and family services~~ under section 5164.02 of the Revised 91085  
Code. 91086

The department shall determine, for the purposes of claiming 91087  
federal ~~reimbursement under the medical assistance program~~ 91088  
financial participation, whether it will claim expenditures for 91089  
nonemergency transportation services as administrative or program 91090  
expenditures. 91091

**Sec. ~~5111.96~~ 5164.90.** (A) As used in this section, "MFP 91092  
demonstration project" means a money follows the person 91093  
demonstration project that the United States secretary of health 91094  
and human services is authorized to award under section 6071 of 91095  
the "Deficit Reduction Act of 2005" (Pub. L. No. 109-171, as 91096  
amended). 91097

(B) To the extent funds are available under an MFP 91098  
demonstration project awarded to the department of ~~job and family~~ 91099  
~~services~~ medicaid, the director of ~~job and family services~~ 91100  
medicaid may operate the helping Ohioans move, expanding (HOME) 91101  
choice demonstration component of the medicaid program to 91102

transition medicaid recipients who qualify for the demonstration 91103  
component to community settings. ~~The director may adopt rules in~~ 91104  
~~accordance with Chapter 119. of the Revised Code for the~~ 91105  
~~administration and operation of the demonstration component.~~ 91106

**Sec. ~~5111.981~~ 5164.91.** ~~(A) As used in this section and~~ 91107  
~~section 5111.982 of the Revised Code:~~ 91108

~~"Dual eligible individual" has the same meaning as in the~~ 91109  
~~"Social Security Act," section 1915(h)(2)(B), 42 U.S.C.~~ 91110  
~~1396n(h)(2)(B).~~ 91111

~~"Medicare" means the program created in the "Social Security~~ 91112  
~~Act," Title XVIII, 42 U.S.C. 1395 et seq., as amended.~~ 91113

~~(B) Subject to division (C) of this section, the medical~~ 91114  
~~assistance The medicaid director may implement a demonstration~~ 91115  
~~project called the integrated care delivery system to test and~~ 91116  
~~evaluate the integration of the care that dual eligible~~ 91117  
~~individuals receive under medicare and medicaid. No provision of~~ 91118  
~~Title LI of the Revised Code applies to the integrated care~~ 91119  
~~delivery system if that provision implements or incorporates a~~ 91120  
~~provision of federal law governing medicaid and that provision of~~ 91121  
~~federal law does not apply to the system.~~ 91122

~~(C) Before implementing the integrated care delivery system~~ 91123  
~~under division (B) of this section, the director shall obtain the~~ 91124  
~~approval of the United States secretary of health and human~~ 91125  
~~services in the form of a federal medicaid waiver, medicaid state~~ 91126  
~~plan amendment, or demonstration grant. The director is required~~ 91127  
~~to seek the federal approval only if the director seeks to~~ 91128  
~~implement the integrated care delivery system. The director shall~~ 91129  
~~implement the integrated care delivery system in accordance with~~ 91130  
~~the terms of the federal approval, including the terms regarding~~ 91131  
~~the duration of the system.~~ 91132



**Sec. ~~5111.0210~~ 5164.92.** As used in this section, "advanced diagnostic imaging services" means magnetic resonance imaging services, computed tomography services, positron emission tomography services, cardiac nuclear medicine services, and similar imaging services.

~~Not later than January 1, 2010, the~~ The department of ~~job and family services~~ medicaid shall implement evidence-based, best practice guidelines or protocols and decision support tools for advanced diagnostic imaging services ~~available under~~ covered by the fee-for-service component of the medicaid program.

**Sec. ~~5111.0215~~ 5164.93.** (A) The department of ~~job and family services~~ medicaid may establish a program under which it provides incentive payments, as authorized by the "~~Health Information Technology for Economic and Clinical Health~~ Social Security Act," ~~123 Stat. 489 (2009)~~ section 1903(a)(3)(F) and (t), 42 U.S.C. 1396b(a)(3)(F) and ~~1396b(t)~~, ~~as amended~~, to encourage the adoption and use of electronic health record technology by medicaid providers who are identified under that federal law as eligible professionals.

(B) After the department has made a determination regarding the amount of a medicaid provider's electronic health record incentive payment or the denial of an incentive payment, the department shall notify the provider. The provider may request that the department reconsider its determination.

A request for reconsideration shall be submitted in writing to the department not later than fifteen days after the provider receives notification of the determination. The request shall be accompanied by written materials setting forth the basis for, and supporting, the reconsideration request.

On receipt of a timely request, the department shall

reconsider the determination. On the basis of the written materials accompanying the request, the department may uphold, reverse, or modify its original determination. The department shall mail to the provider by certified mail a written notice of the reconsideration decision.

In accordance with Chapter 2505. of the Revised Code, the medicaid provider may appeal the reconsideration decision by filing a notice of appeal with the court of common pleas of Franklin county. The notice shall identify the decision being appealed and the specific grounds for the appeal. The notice of appeal shall be filed not later than fifteen days after the department mails its notice of the reconsideration decision. A copy of the notice of appeal shall be filed with the department not later than three days after the notice is filed with the court.

(C) The medicaid director ~~of job and family services~~ may adopt rules ~~in accordance with Chapter 119.~~ under section 5162.02 of the Revised Code as necessary to implement this section. The rules, if any, shall be adopted in accordance with Chapter 119. of the Revised Code.

**Sec. ~~5111.20~~ 5165.01.** As used in ~~sections 5111.20 to 5111.331~~ of the Revised Code this chapter:

(A) "Affiliated operator" means an operator affiliated with either of the following:

(1) The exiting operator for whom the affiliated operator is to assume liability for the entire amount of the exiting operator's debt under the medicaid program or the portion of the debt that represents the franchise permit fee the exiting operator owes;

(2) The entering operator involved in the change of operator

with the exiting operator specified in division (A)(1) of this section. 91193  
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~~(B)~~ "Allowable costs" are those a nursing facility's costs determined by that the department of job and family services to be medicaid determines are reasonable and do not include fines. Fines paid under sections ~~5111.35~~ 5165.60 to ~~5111.61~~ 5165.89 and section ~~5111.99~~ 5165.99 of the Revised Code are not allowable costs. 91195  
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~~(B)~~(C) "Ancillary and support costs" means all reasonable costs incurred by a nursing facility other than direct care costs, tax costs, or capital costs. "Ancillary and support costs" includes, but is not limited to, costs of activities, social services, pharmacy consultants, habilitation supervisors, qualified mental retardation professionals, program directors, medical and habilitation records, program supplies, incontinence supplies, food, enterals, dietary supplies and personnel, laundry, housekeeping, security, administration, medical equipment, utilities, liability insurance, bookkeeping, purchasing department, human resources, communications, travel, dues, license fees, subscriptions, home office costs not otherwise allocated, legal services, accounting services, minor equipment, maintenance and repairs, help-wanted advertising, informational advertising, start-up costs, organizational expenses, other interest, property insurance, employee training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted ~~by the director of job and family services~~ under section ~~5111.02~~ 5165.02 of the Revised Code, for personnel listed in this division. "Ancillary and support costs" also means the cost of equipment, including vehicles, acquired by operating lease executed before December 1, 1992, if the costs are reported as administrative and general costs on the nursing facility's cost report for the cost reporting period ending December 31, 1992. 91200  
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|-----------------------------------------------------------------------------------|-------|
| <del>(C)(D)(1) "Capital costs" means costs of ownership and, in</del>             | 91225 |
| <del>the case of an intermediate care facility for the mentally</del>             | 91226 |
| <del>retarded, costs of nonextensive renovation <u>the actual expense</u></del>   | 91227 |
| <del>incurred by a nursing facility for all of the following:</del>               | 91228 |
| <del>(a) <u>Depreciation and interest on any capital assets that cost</u></del>   | 91229 |
| <del>five hundred dollars or more per item, including the following:</del>        | 91230 |
| <del>(i) <u>Buildings;</u></del>                                                  | 91231 |
| <del>(ii) <u>Building improvements;</u></del>                                     | 91232 |
| <del>(iii) <u>Except as provided in division (C) of this section,</u></del>       | 91233 |
| <del><u>equipment;</u></del>                                                      | 91234 |
| <del>(iv) <u>Transportation equipment.</u></del>                                  | 91235 |
| <del>(b) <u>Amortization and interest on land improvements and</u></del>          | 91236 |
| <del><u>leasehold improvements;</u></del>                                         | 91237 |
| <del>(c) <u>Amortization of financing costs;</u></del>                            | 91238 |
| <del>(d) <u>Lease and rent of land, buildings, and equipment.</u></del>           | 91239 |
| <del>(2) <u>The costs of capital assets of less than five hundred</u></del>       | 91240 |
| <del><u>dollars per item may be considered capital costs in accordance</u></del>  | 91241 |
| <del><u>with a provider's practice.</u></del>                                     | 91242 |
| <del>(1) "Cost of ownership" means the actual expense incurred for</del>          | 91243 |
| <del>all of the following:</del>                                                  | 91244 |
| <del>(a) <u>Depreciation and interest on any capital assets that cost</u></del>   | 91245 |
| <del><u>five hundred dollars or more per item, including the following:</u></del> | 91246 |
| <del>(i) <u>Buildings;</u></del>                                                  | 91247 |
| <del>(ii) <u>Building improvements that are not approved as</u></del>             | 91248 |
| <del><u>nonextensive renovations under section 5111.251 of the Revised</u></del>  | 91249 |
| <del><u>Code;</u></del>                                                           | 91250 |
| <del>(iii) <u>Except as provided in division (B) of this section,</u></del>       | 91251 |
| <del><u>equipment;</u></del>                                                      | 91252 |

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <del>(iv) In the case of an intermediate care facility for the mentally retarded, extensive renovations;</del>                                                                                                                                                                     | 91253 |
|                                                                                                                                                                                                                                                                                    | 91254 |
| <del>(v) Transportation equipment.</del>                                                                                                                                                                                                                                           | 91255 |
| <del>(b) Amortization and interest on land improvements and leasehold improvements;</del>                                                                                                                                                                                          | 91256 |
|                                                                                                                                                                                                                                                                                    | 91257 |
| <del>(c) Amortization of financing costs;</del>                                                                                                                                                                                                                                    | 91258 |
| <del>(d) Except as provided in division (K) of this section, lease and rent of land, building, and equipment.</del>                                                                                                                                                                | 91259 |
|                                                                                                                                                                                                                                                                                    | 91260 |
| <del>The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice.</del>                                                                                                                        | 91261 |
|                                                                                                                                                                                                                                                                                    | 91262 |
|                                                                                                                                                                                                                                                                                    | 91263 |
| <del>(2) "Costs of nonextensive renovation" means the actual expense incurred by an intermediate care facility for the mentally retarded for depreciation or amortization and interest on renovations that are not extensive renovations.</del>                                    | 91264 |
|                                                                                                                                                                                                                                                                                    | 91265 |
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| <del>(D)(E) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.</del>                                                                                                                                            | 91268 |
|                                                                                                                                                                                                                                                                                    | 91269 |
|                                                                                                                                                                                                                                                                                    | 91270 |
| <del>(E) "Case mix score" means the measure determined under section 5111.232 of the Revised Code of the relative direct care resources needed to provide care and habilitation to a resident of a nursing facility or intermediate care facility for the mentally retarded.</del> | 91271 |
|                                                                                                                                                                                                                                                                                    | 91272 |
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|                                                                                                                                                                                                                                                                                    | 91274 |
|                                                                                                                                                                                                                                                                                    | 91275 |
| <del>(F) "Case-mix score" means a measure determined under section 5165.192 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a nursing facility resident.</del>                                                                | 91276 |
|                                                                                                                                                                                                                                                                                    | 91277 |
|                                                                                                                                                                                                                                                                                    | 91278 |
|                                                                                                                                                                                                                                                                                    | 91279 |
| <del>(G) "Change of operator" means an entering operator becoming the operator of a nursing facility in the place of the exiting operator.</del>                                                                                                                                   | 91280 |
|                                                                                                                                                                                                                                                                                    | 91281 |
|                                                                                                                                                                                                                                                                                    | 91282 |

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|---------------------------------------------------------------------------|-------|
| <u>(1) Actions that constitute a change of operator include the</u>       | 91283 |
| <u>following:</u>                                                         | 91284 |
| <u>(a) A change in an exiting operator's form of legal</u>                | 91285 |
| <u>organization, including the formation of a partnership or</u>          | 91286 |
| <u>corporation from a sole proprietorship;</u>                            | 91287 |
| <u>(b) A transfer of all the exiting operator's ownership</u>             | 91288 |
| <u>interest in the operation of the nursing facility to the entering</u>  | 91289 |
| <u>operator, regardless of whether ownership of any or all of the</u>     | 91290 |
| <u>real property or personal property associated with the nursing</u>     | 91291 |
| <u>facility is also transferred;</u>                                      | 91292 |
| <u>(c) A lease of the nursing facility to the entering operator</u>       | 91293 |
| <u>or the exiting operator's termination of the exiting operator's</u>    | 91294 |
| <u>lease;</u>                                                             | 91295 |
| <u>(d) If the exiting operator is a partnership, dissolution of</u>       | 91296 |
| <u>the partnership;</u>                                                   | 91297 |
| <u>(e) If the exiting operator is a partnership, a change in</u>          | 91298 |
| <u>composition of the partnership unless both of the following apply:</u> | 91299 |
| <u>(i) The change in composition does not cause the</u>                   | 91300 |
| <u>partnership's dissolution under state law.</u>                         | 91301 |
| <u>(ii) The partners agree that the change in composition does</u>        | 91302 |
| <u>not constitute a change in operator.</u>                               | 91303 |
| <u>(f) If the operator is a corporation, dissolution of the</u>           | 91304 |
| <u>corporation, a merger of the corporation into another corporation</u>  | 91305 |
| <u>that is the survivor of the merger, or a consolidation of one or</u>   | 91306 |
| <u>more other corporations to form a new corporation.</u>                 | 91307 |
| <u>(2) The following, alone, do not constitute a change of</u>            | 91308 |
| <u>operator:</u>                                                          | 91309 |
| <u>(a) A contract for an entity to manage a nursing facility as</u>       | 91310 |
| <u>the operator's agent, subject to the operator's approval of daily</u>  | 91311 |
| <u>operating and management decisions;</u>                                | 91312 |

(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing facility if an entering operator does not become the operator in place of an exiting operator; 91313  
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(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator. 91317  
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(H) "Cost center" means the following: 91321

(1) Ancillary and support costs; 91322

(2) Capital costs; 91323

(3) Direct care costs; 91324

(4) Tax costs. 91325

(I) "Custom wheelchair" means a wheelchair to which both of the following apply: 91326  
91327

(1) It has been measured, fitted, or adapted in consideration of either of the following: 91328  
91329

(a) The body size or disability of the individual who is to use the wheelchair; 91330  
91331

(b) The individual's period of need for, or intended use of, the wheelchair. 91332  
91333

(2) It has customized features, modifications, or components, such as adaptive seating and positioning systems, that the supplier who assembled the wheelchair, or the manufacturer from which the wheelchair was ordered, added or made in accordance with the instructions of the physician of the individual who is to use the wheelchair. 91334  
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(J)(1) "Date of licensure~~7~~" for a means the following: 91340

(a) In the case of a nursing facility originally that was 91341

~~required by law to be licensed as a nursing home under Chapter 3721. of the Revised Code when it originally began to be operated as a nursing home, means the date specific beds were the nursing facility was originally so licensed as nursing home beds under that chapter, regardless of whether they were subsequently licensed as residential facility beds under section 5123.19 of the Revised Code. For a facility originally licensed as a residential facility under section 5123.19 of the Revised Code, "date of licensure" means the date specific beds were originally licensed as residential facility beds under that section.;~~ 91342  
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~~If (b) In the case of a nursing home beds licensed under Chapter 3721. of the Revised Code or residential facility beds licensed under section 5123.19 of the Revised Code were facility that was not required by law to be licensed as a nursing home when they were it originally used to provide began to be operated as a nursing home or residential facility services, "date of licensure" means the date the beds it first were used to provide began to be operated as a nursing home or residential facility services, regardless of the date the present provider obtained licensure nursing facility was first licensed as a nursing home.~~ 91352  
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~~(2) If a facility adds, after a nursing facility's original date of licensure, more nursing home beds or residential facility beds or extensively renovates all or part of the facility after its original date of licensure are added to the nursing facility, it will have the nursing facility has a different date of licensure for the additional beds or extensively renovated portion of the facility, unless the beds are added in a space. This does not apply, however, to additional beds when both of the following apply:~~ 91362  
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~~(a) The additional beds are located in a part of the nursing facility that was constructed at the same time as the previously licensed continuing beds but already located in that part of the~~ 91371  
91372  
91373



nursing facility; 91374

(b) The part of the nursing facility in which the additional beds are located was constructed as part of the nursing facility at a time when the nursing facility was not required by law to be licensed under Chapter 3721. or section 5123.19 of the Revised Code at that time as a nursing home. 91375  
91376  
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91378  
91379

~~(2)~~(3) The definition of "date of licensure" in this section applies in determinations of the nursing facilities' medicaid reimbursement rate for a nursing facility or intermediate care facility for the mentally retarded payment rates but does not apply in determinations of the nursing facilities' franchise permit fee for a nursing facility or intermediate care facility for the mentally retarded fees. 91380  
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~~(G)~~(K) "Desk-reviewed" means that a nursing facility's costs as reported on a cost report submitted under section ~~5111.26~~ 5165.10 of the Revised Code have been subjected to a desk review under ~~division (A) of section 5111.27~~ 5165.108 of the Revised Code and preliminarily determined to be allowable costs. 91387  
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91389  
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~~(H)~~(L) "Direct care costs" means all of the following costs incurred by a nursing facility: 91392  
91393

(1)~~(a)~~ Costs for registered nurses, licensed practical nurses, and nurse aides employed by the nursing facility; 91394  
91395

~~(b)~~(2) Costs for direct care staff, administrative nursing staff, medical directors, respiratory therapists, and except as provided in division ~~(H)~~(2)~~(L)~~(8) of this section, other persons holding degrees qualifying them to provide therapy; 91396  
91397  
91398  
91399

~~(c)~~(3) Costs of purchased nursing services; 91400

~~(d)~~(4) Costs of quality assurance; 91401

~~(e)~~(5) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or 91402  
91403

costs for self-insurance claims and related costs as specified in 91404  
rules adopted by the director of job and family services in 91405  
~~accordance with Chapter 119, under section 5165.02~~ of the Revised 91406  
Code, for personnel listed in divisions ~~(H)(L)(1)(a), (b)(2), and~~ 91407  
~~(d)(4), and (8)~~ of this section; 91408

~~(f)(6)~~ Costs of consulting and management fees related to 91409  
direct care; 91410

~~(g)(7)~~ Allocated direct care home office costs. 91411

~~(2)~~ In addition to the costs specified in division ~~(H)(1)~~ of 91412  
~~this section, for nursing facilities only, direct care costs~~ 91413  
~~include costs;~~ 91414

(8) Costs of habilitation staff (other than habilitation 91415  
supervisors), medical supplies, oxygen, over-the-counter pharmacy 91416  
products, behavioral and mental health services, physical 91417  
therapists, physical therapy assistants, occupational therapists, 91418  
occupational therapy assistants, speech therapists, audiologists, 91419  
habilitation supplies, ~~wheelchairs,~~ resident transportation, and 91420  
universal precautions supplies. i 91421

~~(3)~~ In addition to the costs specified in division ~~(H)(1)~~ of 91422  
~~this section, for intermediate care facilities for the mentally~~ 91423  
~~retarded only, direct care costs include both of the following:~~ 91424

~~(a)~~ Costs for physical therapists and physical therapy 91425  
assistants, occupational therapists and occupational therapy 91426  
assistants, speech therapists, audiologists, habilitation staff 91427  
~~(including habilitation supervisors), qualified mental retardation~~ 91428  
~~professionals, program directors, social services staff,~~ 91429  
~~activities staff, off-site day programming, psychologists and~~ 91430  
~~psychology assistants, and social workers and counselors;~~ 91431

~~(b)~~ Costs of training and staff development, employee 91432  
benefits, payroll taxes, and workers' compensation premiums or 91433  
costs for self-insurance claims and related costs as specified in 91434

~~rules adopted under section 5111.02 of the Revised Code, for~~ 91435  
~~personnel listed in division (H)(3)(a) of this section.~~ 91436

~~(4)(9) Costs of wheelchairs other than the following:~~ 91437

~~(a) Custom wheelchairs;~~ 91438

~~(b) Repairs to and replacements of custom wheelchairs and~~ 91439  
~~parts that are made in accordance with the instructions of the~~ 91440  
~~physician of the individual who uses the custom wheelchair.~~ 91441

~~(10) Costs of other direct-care resources that are specified~~ 91442  
~~as direct care costs in rules adopted under section 5111.02~~ 91443  
~~5165.02 of the Revised Code.~~ 91444

~~(I)(M) "Dual eligible individual" has the same meaning as in~~ 91445  
~~section 5160.01 of the Revised Code.~~ 91446

~~(N) "Effective date of a change of operator" means the day~~ 91447  
~~the entering operator becomes the operator of the nursing~~ 91448  
~~facility.~~ 91449

~~(O) "Effective date of a facility closure" means the last day~~ 91450  
~~that the last of the residents of the nursing facility resides in~~ 91451  
~~the nursing facility.~~ 91452

~~(P) "Effective date of an involuntary termination" means the~~ 91453  
~~date the department of medicaid terminates the operator's provider~~ 91454  
~~agreement for the nursing facility.~~ 91455

~~(Q) "Effective date of a voluntary withdrawal of~~ 91456  
~~participation" means the day the nursing facility ceases to accept~~ 91457  
~~new medicaid residents other than the individuals who reside in~~ 91458  
~~the nursing facility on the day before the effective date of the~~ 91459  
~~voluntary withdrawal of participation.~~ 91460

~~(R) "Entering operator" means the person or government entity~~ 91461  
~~that will become the operator of a nursing facility when a change~~ 91462  
~~of operator occurs or following an involuntary termination.~~ 91463

~~(S) "Exiting operator" means any of the following:~~ 91464

|                                                                                                                                                                                                                                                                                                                                                  |       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <u>(1) An operator that will cease to be the operator of a nursing facility on the effective date of a change of operator;</u>                                                                                                                                                                                                                   | 91465 |
|                                                                                                                                                                                                                                                                                                                                                  | 91466 |
| <u>(2) An operator that will cease to be the operator of a nursing facility on the effective date of a facility closure;</u>                                                                                                                                                                                                                     | 91467 |
|                                                                                                                                                                                                                                                                                                                                                  | 91468 |
| <u>(3) An operator of a nursing facility that is undergoing or has undergone a voluntary withdrawal of participation;</u>                                                                                                                                                                                                                        | 91469 |
|                                                                                                                                                                                                                                                                                                                                                  | 91470 |
| <u>(4) An operator of a nursing facility that is undergoing or has undergone an involuntary termination.</u>                                                                                                                                                                                                                                     | 91471 |
|                                                                                                                                                                                                                                                                                                                                                  | 91472 |
| <u>(T)(1) Subject to divisions (T)(2) and (3) of this section, "facility closure" means either of the following:</u>                                                                                                                                                                                                                             | 91473 |
|                                                                                                                                                                                                                                                                                                                                                  | 91474 |
| <u>(a) Discontinuance of the use of the building, or part of the building, that houses the facility as a nursing facility that results in the relocation of all of the nursing facility's residents;</u>                                                                                                                                         | 91475 |
|                                                                                                                                                                                                                                                                                                                                                  | 91476 |
|                                                                                                                                                                                                                                                                                                                                                  | 91477 |
|                                                                                                                                                                                                                                                                                                                                                  | 91478 |
| <u>(b) Conversion of the building, or part of the building, that houses a nursing facility to a different use with any necessary license or other approval needed for that use being obtained and one or more of the nursing facility's residents remaining in the building, or part of the building, to receive services under the new use.</u> | 91479 |
|                                                                                                                                                                                                                                                                                                                                                  | 91480 |
|                                                                                                                                                                                                                                                                                                                                                  | 91481 |
|                                                                                                                                                                                                                                                                                                                                                  | 91482 |
|                                                                                                                                                                                                                                                                                                                                                  | 91483 |
|                                                                                                                                                                                                                                                                                                                                                  | 91484 |
| <u>(2) A facility closure occurs regardless of any of the following:</u>                                                                                                                                                                                                                                                                         | 91485 |
|                                                                                                                                                                                                                                                                                                                                                  | 91486 |
| <u>(a) The operator completely or partially replacing the nursing facility by constructing a new nursing facility or transferring the nursing facility's license to another nursing facility;</u>                                                                                                                                                | 91487 |
|                                                                                                                                                                                                                                                                                                                                                  | 91488 |
|                                                                                                                                                                                                                                                                                                                                                  | 91489 |
|                                                                                                                                                                                                                                                                                                                                                  | 91490 |
| <u>(b) The nursing facility's residents relocating to another of the operator's nursing facilities;</u>                                                                                                                                                                                                                                          | 91491 |
|                                                                                                                                                                                                                                                                                                                                                  | 91492 |
| <u>(c) Any action the department of health takes regarding the nursing facility's medicaid certification that may result in the</u>                                                                                                                                                                                                              | 91493 |
|                                                                                                                                                                                                                                                                                                                                                  | 91494 |

transfer of part of the nursing facility's survey findings to 91495  
another of the operator's nursing facilities; 91496

(d) Any action the department of health takes regarding the 91497  
nursing facility's license under Chapter 3721. of the Revised 91498  
Code. 91499

(3) A facility closure does not occur if all of the nursing 91500  
facility's residents are relocated due to an emergency evacuation 91501  
and one or more of the residents return to a medicaid-certified 91502  
bed in the nursing facility not later than thirty days after the 91503  
evacuation occurs. 91504

(U) "Fiscal year" means the fiscal year of this state, as 91505  
specified in section 9.34 of the Revised Code. 91506

~~(J)(V) "Franchise permit fee" means the following:~~ 91507

~~(1) In the context of nursing facilities, the fee imposed by~~ 91508  
~~sections 3721.50 5168.40 to 3721.58 5168.56 of the Revised Code:~~ 91509

~~(2) In the context of intermediate care facilities for the~~ 91510  
~~mentally retarded, the fee imposed by sections 5112.30 to 5112.39~~ 91511  
~~of the Revised Code.~~ 91512

~~(K) "Indirect care costs" means all reasonable costs incurred~~ 91513  
~~by an intermediate care facility for the mentally retarded other~~ 91514  
~~than direct care costs, other protected costs, or capital costs.~~ 91515  
~~"Indirect care costs" includes but is not limited to costs of~~ 91516  
~~habilitation supplies, pharmacy consultants, medical and~~ 91517  
~~habilitation records, program supplies, incontinence supplies,~~ 91518  
~~food, enterals, dietary supplies and personnel, laundry,~~ 91519  
~~housekeeping, security, administration, liability insurance,~~ 91520  
~~bookkeeping, purchasing department, human resources,~~ 91521  
~~communications, travel, dues, license fees, subscriptions, home~~ 91522  
~~office costs not otherwise allocated, legal services, accounting~~ 91523  
~~services, minor equipment, maintenance and repairs, help wanted~~ 91524  
~~advertising, informational advertising, start-up costs,~~ 91525

~~organizational expenses, other interest, property insurance, 91526  
employee training and staff development, employee benefits, 91527  
payroll taxes, and workers' compensation premiums or costs for 91528  
self insurance claims and related costs as specified in rules 91529  
adopted under section 5111.02 of the Revised Code, for personnel 91530  
listed in this division. Notwithstanding division (C)(1) of this 91531  
section, "indirect care costs" also means the cost of equipment, 91532  
including vehicles, acquired by operating lease executed before 91533  
December 1, 1992, if the costs are reported as administrative and 91534  
general costs on the facility's cost report for the cost reporting 91535  
period ending December 31, 1992. 91536~~

~~(L)(W) "Inpatient days" means the following: 91537~~

~~(1) In the context of a nursing facility, both of the 91538  
following: 91539~~

~~(a)(1) All days during which a resident, regardless of 91540  
payment source, occupies a bed in a nursing facility that is 91541  
included in the nursing facility's certified medicaid-certified 91542  
capacity under Title XIX; 91543~~

~~(b)(2) Fifty per cent of the days for which payment is made 91544  
under section ~~5111.331~~ 5165.34 of the Revised Code. 91545~~

~~(2) In the context of an intermediate care facility for the 91546  
mentally retarded, both of the following: 91547~~

~~(a) All days during which a resident, regardless of payment 91548  
source, occupies a bed in an intermediate care facility for the 91549  
mentally retarded that is included in the facility's certified 91550  
capacity under Title XIX; 91551~~

~~(b) All days for which payment is made under section 5111.33 91552  
of the Revised Code. 91553~~

~~(M) "Intermediate care facility for the mentally retarded" 91554  
means an intermediate care facility for the mentally retarded 91555~~

~~certified as in compliance with applicable standards for the~~ 91556  
~~medicaid program by the director of health in accordance with~~ 91557  
~~Title XIX.~~ 91558

~~(N)(X) "Involuntary termination" means the department of~~ 91559  
~~medicaid's termination of the operator's provider agreement for~~ 91560  
~~the nursing facility when the termination is not taken at the~~ 91561  
~~operator's request.~~ 91562

~~(Y) "Low resource utilization resident" means a medicaid~~ 91563  
~~recipient residing in a nursing facility who, for purposes of~~ 91564  
~~calculating the nursing facility's medicaid payment rate for~~ 91565  
~~direct care costs, is placed in either of the two lowest resource~~ 91566  
~~utilization groups, excluding any resource utilization group that~~ 91567  
~~is a default group used for residents with incomplete assessment~~ 91568  
~~data.~~ 91569

~~(Z) "Maintenance and repair expenses" means, except as~~ 91570  
~~provided in division (BB)(2) of this section, a nursing facility's~~ 91571  
~~expenditures that are necessary and proper to maintain an asset in~~ 91572  
~~a normally efficient working condition and that do not extend the~~ 91573  
~~useful life of the asset two years or more. "Maintenance and~~ 91574  
~~repair expenses" includes but is not limited to the ~~cost~~ costs of~~ 91575  
~~ordinary repairs such as painting and wallpapering.~~ 91576

~~(O)(AA) "Medicaid-certified capacity" means the number of a~~ 91577  
~~nursing facility's beds that are certified for participation in~~ 91578  
~~medicaid as nursing facility beds.~~ 91579

~~(BB) "Medicaid days" means the following:~~ 91580

~~(1) In the context of a nursing facility, both of the~~ 91581  
~~following:~~ 91582

~~(a)(1) All days during which a resident who is a medicaid~~ 91583  
~~recipient eligible for nursing facility services occupies a bed in~~ 91584  
~~a nursing facility that is included in the nursing facility's~~ 91585  
~~certified medicaid-certified capacity under Title XIX;~~ 91586

~~(b)(2)~~ Fifty per cent of the days for which payment is made under section ~~5111.331~~ 5165.34 of the Revised Code. 91587  
91588

~~(2) In the context of an intermediate care facility for the mentally retarded, both of the following:~~ 91589  
91590

~~(a) All days during which a resident who is a medicaid recipient eligible for intermediate care facility for the mentally retarded services occupies a bed in an intermediate care facility for the mentally retarded that is included in the facility's certified capacity under Title XIX;~~ 91591  
91592  
91593  
91594  
91595

~~(b) All days for which payment is made under section 5111.33 of the Revised Code.~~ 91596  
91597

~~(P)(CC)(1) "New nursing facility" means a nursing facility for which the provider obtains an initial provider agreement following medicaid certification of the nursing facility by the director of health, including such a nursing facility that replaces one or more nursing facilities for which a provider previously held a provider agreement.~~ 91598  
91599  
91600  
91601  
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~~(2) "New nursing facility" does not mean a nursing facility for which the entering operator seeks a provider agreement pursuant to section 5165.511 or 5165.512 or (pursuant to section 5165.515) section 5165.07 of the Revised Code.~~ 91604  
91605  
91606  
91607

~~(DD) "Nursing facility" means a facility, or a distinct part of a facility, that is certified as a nursing facility by the director of health in accordance with Title XIX and is not an intermediate care facility for the mentally retarded. "Nursing facility" includes a facility, or a distinct part of a facility, that is certified as a nursing facility by the director of health in accordance with Title XIX and is certified as a skilled nursing facility by the director in accordance with Title XVIII has the same meaning as in the "Social Security Act," section 1919(a), 42 U.S.C. 1396r(a).~~ 91608  
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~~(Q)~~(EE) "Nursing facility services" has the same meaning as 91618  
in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f). 91619

(FF) "Nursing home" has the same meaning as in section 91620  
3721.01 of the Revised Code. 91621

(GG) "Operator" means the person or government entity 91622  
responsible for the daily operating and management decisions for a 91623  
nursing facility ~~or intermediate care facility for the mentally~~ 91624  
~~retarded~~. 91625

~~(R) "Other protected costs" means costs incurred by an 91626  
intermediate care facility for the mentally retarded for medical 91627  
supplies; real estate, franchise, and property taxes; natural gas, 91628  
fuel oil, water, electricity, sewage, and refuse and hazardous 91629  
medical waste collection; allocated other protected home office 91630  
costs; and any additional costs defined as other protected costs 91631  
in rules adopted under section 5111.02 of the Revised Code. 91632~~

~~(S)~~(HH)(1) "Owner" means any person or government entity that 91633  
has at least five per cent ownership or interest, either directly, 91634  
indirectly, or in any combination, in any of the following 91635  
regarding a nursing facility ~~or intermediate care facility for the~~ 91636  
~~mentally retarded~~: 91637

(a) The land on which the nursing facility is located; 91638

(b) The structure in which the nursing facility is located; 91639

(c) Any mortgage, contract for deed, or other obligation 91640  
secured in whole or in part by the land or structure on or in 91641  
which the nursing facility is located; 91642

(d) Any lease or sublease of the land or structure on or in 91643  
which the nursing facility is located. 91644

(2) "Owner" does not mean a holder of a debenture or bond 91645  
related to the nursing facility ~~or intermediate care facility for~~ 91646  
~~the mentally retarded~~ and purchased at public issue or a regulated 91647

lender that has made a loan related to the nursing facility unless 91648  
the holder or lender operates the nursing facility directly or 91649  
through a subsidiary. 91650

~~(T) "Patient" includes "resident."~~ 91651

~~(U) Except as provided in divisions (U)(1) and (2) of this 91652  
section, "per (II) "Per diem" means a nursing facility's ~~or~~ 91653  
~~intermediate care facility for the mentally retarded's~~ actual, 91654  
allowable costs in a given cost center in a cost reporting period, 91655  
divided by the nursing facility's inpatient days for that cost 91656  
reporting period. 91657~~

~~(1) When calculating indirect care costs for the purpose of 91658  
establishing rates under section 5111.241 of the Revised Code, 91659  
"per diem" means an intermediate care facility for the mentally 91660  
retarded's actual, allowable indirect care costs in a cost 91661  
reporting period divided by the greater of the facility's 91662  
inpatient days for that period or the number of inpatient days the 91663  
facility would have had during that period if its occupancy rate 91664  
had been eighty five per cent. 91665~~

~~(2) When calculating capital costs for the purpose of 91666  
establishing rates under section 5111.251 of the Revised Code, 91667  
"per diem" means a facility's actual, allowable capital costs in a 91668  
cost reporting period divided by the greater of the facility's 91669  
inpatient days for that period or the number of inpatient days the 91670  
facility would have had during that period if its occupancy rate 91671  
had been ninety five per cent. 91672~~

~~(V)(JJ) "Provider" means an operator with a provider 91673  
agreement. 91674~~

~~(W)(KK) "Provider agreement" means a ~~contract~~ provider 91675  
agreement, as defined in section 5164.01 of the Revised Code, that 91676  
is between the department of job and family services medicaid and 91677  
the operator of a nursing facility ~~or intermediate care facility~~ 91678~~

~~for the mentally retarded~~ for the provision of nursing facility 91679  
~~services or intermediate care facility services for the mentally~~ 91680  
~~retarded~~ under the medicaid program. 91681

~~(X)~~(LL) "Purchased nursing services" means services that are 91682  
provided in a nursing facility by registered nurses, licensed 91683  
practical nurses, or nurse aides who are not employees of the 91684  
nursing facility. 91685

~~(Y)~~(MM) "Reasonable" means that a cost is an actual cost that 91686  
is appropriate and helpful to develop and maintain the operation 91687  
of patient care facilities and activities, including normal 91688  
standby costs, and that does not exceed what a prudent buyer pays 91689  
for a given item or services. Reasonable costs may vary from 91690  
provider to provider and from time to time for the same provider. 91691

~~(Z)~~(NN) "Related party" means an individual or organization 91692  
that, to a significant extent, has common ownership with, is 91693  
associated or affiliated with, has control of, or is controlled 91694  
by, the provider. 91695

(1) An individual who is a relative of an owner is a related 91696  
party. 91697

(2) Common ownership exists when an individual or individuals 91698  
possess significant ownership or equity in both the provider and 91699  
the other organization. Significant ownership or equity exists 91700  
when an individual or individuals possess five per cent ownership 91701  
or equity in both the provider and a supplier. Significant 91702  
ownership or equity is presumed to exist when an individual or 91703  
individuals possess ten per cent ownership or equity in both the 91704  
provider and another organization from which the provider 91705  
purchases or leases real property. 91706

(3) Control exists when an individual or organization has the 91707  
power, directly or indirectly, to significantly influence or 91708  
direct the actions or policies of an organization. 91709

(4) An individual or organization that supplies goods or 91710  
services to a provider shall not be considered a related party if 91711  
all of the following conditions are met: 91712

(a) The supplier is a separate bona fide organization. 91713

(b) A substantial part of the supplier's business activity of 91714  
the type carried on with the provider is transacted with others 91715  
than the provider and there is an open, competitive market for the 91716  
types of goods or services the supplier furnishes. 91717

(c) The types of goods or services are commonly obtained by 91718  
other nursing facilities ~~or intermediate care facilities for the~~ 91719  
~~mentally retarded~~ from outside organizations and are not a basic 91720  
element of patient care ordinarily furnished directly to patients 91721  
by the nursing facilities. 91722

(d) The charge to the provider is in line with the charge for 91723  
the goods or services in the open market and no more than the 91724  
charge made under comparable circumstances to others by the 91725  
supplier. 91726

~~(AA)~~(OO) "Relative of owner" means an individual who is 91727  
related to an owner of a nursing facility ~~or intermediate care~~ 91728  
~~facility for the mentally retarded~~ by one of the following 91729  
relationships: 91730

(1) Spouse; 91731

(2) Natural parent, child, or sibling; 91732

(3) Adopted parent, child, or sibling; 91733

(4) Stepparent, stepchild, stepbrother, or stepsister; 91734

(5) Father-in-law, mother-in-law, son-in-law, 91735  
daughter-in-law, brother-in-law, or sister-in-law; 91736

(6) Grandparent or grandchild; 91737

(7) Foster caregiver, foster child, foster brother, or foster 91738

sister. 91739

~~(BB) "Renovation" and "extensive renovation" mean:~~ 91740

~~(1) Any betterment, improvement, or restoration of an intermediate care facility for the mentally retarded started before July 1, 1993, that meets the definition of a renovation or extensive renovation established in rules adopted by the director of job and family services in effect on December 22, 1992.~~ 91741  
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~~(2) In the case of betterments, improvements, and restorations of intermediate care facilities for the mentally retarded started on or after July 1, 1993:~~ 91746  
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~~(a) "Renovation" means the betterment, improvement, or restoration of an intermediate care facility for the mentally retarded beyond its current functional capacity through a structural change that costs at least five hundred dollars per bed. A renovation may include betterment, improvement, restoration, or replacement of assets that are affixed to the building and have a useful life of at least five years. A renovation may include costs that otherwise would be considered maintenance and repair expenses if they are an integral part of the structural change that makes up the renovation project. "Renovation" does not mean construction of additional space for beds that will be added to a facility's licensed or certified capacity.~~ 91749  
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~~(b) "Extensive renovation" means a renovation that costs more than sixty five per cent and no more than eighty five per cent of the cost of constructing a new bed and that extends the useful life of the assets for at least ten years.~~ 91762  
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~~For the purposes of division (BB)(2) of this section, the cost of constructing a new bed shall be considered to be forty thousand dollars, adjusted for the estimated rate of inflation from January 1, 1993, to the end of the calendar year during which~~ 91766  
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~~the renovation is completed, using the consumer price index for 91770  
shelter costs for all urban consumers for the north central 91771  
region, as published by the United States bureau of labor 91772  
statistics. 91773~~

~~The department of job and family services may treat a 91774  
renovation that costs more than eighty five per cent of the cost 91775  
of constructing new beds as an extensive renovation if the 91776  
department determines that the renovation is more prudent than 91777  
construction of new beds. 91778~~

~~(CC)(PP) "Residents' rights advocate" has the same meaning as 91779  
in section 3721.10 of the Revised Code. 91780~~

~~(OO) "Skilled nursing facility" has the same meaning as in 91781  
the "Social Security Act," section 1819(a), 42 U.S.C. 1395i-3(a). 91782~~

~~(RR) "Sponsor" has the same meaning as in section 3721.10 of 91783  
the Revised Code. 91784~~

~~(SS) "Tax costs" means the costs of taxes imposed under 91785  
Chapter 5751. of the Revised Code, real estate taxes, personal 91786  
property taxes, and corporate franchise taxes. 91787~~

~~(DD)(TT) "Title XIX" means Title XIX of the "Social Security 91788  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended et seq. 91789~~

~~(EE)(UU) "Title XVIII" means Title XVIII of the "Social 91790  
Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended et 91791  
seq. 91792~~

~~(VV) "Voluntary withdrawal of participation" means an 91793  
operator's voluntary election to terminate the participation of a 91794  
nursing facility in the medicaid program but to continue to 91795  
provide service of the type provided by a nursing facility. 91796~~

~~**Sec. 5111.201 5165.011.** Whenever (A) Except as provided in 91797  
division (B) of this section, whenever "skilled nursing facility," 91798  
"intermediate care facility," or "dual skilled nursing and 91799~~

intermediate care facility" is referred to or designated in any 91800  
statute, rule, contract, provider agreement, or other document 91801  
pertaining to the ~~medical assistance~~ medicaid program, the 91802  
reference or designation is deemed to refer to a nursing facility~~7~~ 91803  
~~except that a.~~ 91804

(B) A reference to or designation of an "intermediate care 91805  
facility for the mentally retarded" or "ICF/MR" is not deemed to 91806  
refer to a nursing facility. 91807

Sec. 5165.02. The medicaid director shall adopt rules as 91808  
necessary to implement this chapter. The rules shall be adopted in 91809  
accordance with Chapter 119. of the Revised Code. 91810

~~Sec. 5111.202~~ 5165.03. (A) As used in this section: 91811

(1) "Dementia" includes Alzheimer's disease or a related 91812  
disorder. 91813

(2) "Serious mental illness" means "serious mental illness," 91814  
as defined by the United States department of health and human 91815  
services in regulations adopted under ~~section 1919(e)(7)(G)(i) of~~ 91816  
the "Social Security Act," ~~49 Stat. 620 (1935)~~ section 91817  
1919(e)(7)(G)(i), 42 U.S.C.A. 301, as amended 1396r(e)(7)(G)(i). 91818

(3) "Mentally ill individual" means an individual who has a 91819  
serious mental illness other than either of the following: 91820

(a) A primary diagnosis of dementia; 91821

(b) A primary diagnosis that is not a primary diagnosis of 91822  
dementia and a primary diagnosis of something other than a serious 91823  
mental illness. 91824

(4) "Mentally retarded individual" means an individual who is 91825  
mentally retarded or has a related condition, as described in 91826  
~~section 1905(d) of the "Social Security Act-,"~~ section 1905(d), 42 91827  
U.S.C. 1396d(d). 91828

(5) "Specialized services" means the services specified by 91829  
the United States department of health and human services in 91830  
regulations adopted under ~~section 1919(e)(7)(G)(iii)~~ of the 91831  
"Social Security Act," section 1919(e)(7)(G)(iii), 42 U.S.C. 91832  
1396r(e)(7)(G)(iii). 91833

(B)(1) Except as provided in division (D) of this section, no 91834  
nursing facility shall admit as a resident any mentally ill 91835  
individual unless the facility has received evidence that the 91836  
department of ~~mental health~~ mental health and addiction services 91837  
has determined both of the following under section ~~5119.061~~ 91838  
5119.40 of the Revised Code: 91839

(a) That the individual requires the level of services 91840  
provided by a nursing facility because of the individual's 91841  
physical and mental condition; 91842

(b) Whether the individual requires specialized services for 91843  
mental illness. 91844

(2) Except as provided in division (D) of this section, no 91845  
nursing facility shall admit as a resident any mentally retarded 91846  
individual unless the facility has received evidence that the 91847  
department of developmental disabilities has determined both of 91848  
the following under section 5123.021 of the Revised Code: 91849

(a) That the individual requires the level of services 91850  
provided by a nursing facility because of the individual's 91851  
physical and mental condition; 91852

(b) Whether the individual requires specialized services for 91853  
mental retardation. 91854

(C) The department of ~~job and family services~~ medicaid shall 91855  
not make medicaid payments ~~under the medical assistance program~~ to 91856  
a nursing facility on behalf of any individual who is admitted to 91857  
the facility in violation of division (B) of this section for the 91858  
period beginning on the date of admission and ending on the date 91859



the requirements of division (B) of this section are met. 91860

(D) A determination under division (B) of this section is not 91861  
required for any individual who is exempted from the requirement 91862  
that a determination be made by division (B)(2) of section 91863  
~~5119.061~~ 5119.40 of the Revised Code or rules adopted by the 91864  
department of ~~mental health~~ mental health and addiction services 91865  
under division (E)(3) of that section, or by division (B)(2) of 91866  
section 5123.021 of the Revised Code or rules adopted by the 91867  
department of developmental disabilities under division (E)(3) of 91868  
that section. 91869

**Sec. ~~5111.203~~ 5165.031.** ~~Regardless of whether or not an~~ 91870  
~~applicant~~ An individual who applies for admission to a nursing 91871  
~~facility or resident of~~ resides in a nursing facility ~~is an~~ 91872  
~~applicant for or recipient of medical assistance, the department~~ 91873  
~~of job and family services shall provide notice and an opportunity~~ 91874  
~~for a hearing to any applicant for admission to a nursing facility~~ 91875  
~~or resident of a nursing facility who is~~ may appeal if adversely 91876  
affected by a determination made by the department of ~~mental~~ 91877  
~~health~~ mental health and addiction services under section ~~5119.061~~ 91878  
~~5119.40~~ of the Revised Code or by the department of developmental 91879  
disabilities under section 5123.021 of the Revised Code. ~~The~~ 91880  
~~hearing shall be conducted in the same manner as hearings~~ 91881  
~~conducted under~~ If the individual is an applicant for or recipient 91882  
of medicaid, the individual may appeal pursuant to section 5160.31 91883  
of the Revised Code. If the individual is not an applicant for or 91884  
recipient of medicaid, the individual may appeal pursuant to a 91885  
process the department of medicaid shall establish, which shall be 91886  
similar to the appeals process established by section 5101.35 of 91887  
the Revised Code. The department of medicaid shall provide notice 91888  
of the right to appeal to individuals adversely affected by 91889  
determinations made under sections 5119.40 and 5123.021 of the 91890  
Revised Code. Any decision made ~~by the department of job and~~ 91891

~~family services~~ on the basis of ~~the hearing~~ such an appeal is 91892  
binding on the department of ~~mental health~~ mental health and 91893  
addiction services and the department of developmental 91894  
disabilities. 91895

**Sec. ~~5111.204~~ 5165.04.** (A) As used in this section, 91896  
"representative" means a person acting on behalf of an applicant 91897  
for or recipient of medicaid. A representative may be a family 91898  
member, attorney, hospital social worker, or any other person 91899  
chosen to act on behalf of an applicant or recipient. 91900

(B) The department of ~~job and family services~~ medicaid may 91901  
require each applicant for or recipient of medicaid who applies or 91902  
intends to apply for admission to a nursing facility or resides in 91903  
a nursing facility to undergo an assessment to determine whether 91904  
the applicant or recipient needs the level of care provided by a 91905  
nursing facility. The assessment may be performed concurrently 91906  
with a long-term care consultation provided under section 173.42 91907  
of the Revised Code. 91908

To the maximum extent possible, the assessment shall be based 91909  
on information from the resident assessment instrument specified 91910  
in rules ~~adopted~~ authorized by ~~the director of job and family~~ 91911  
~~services under division (E)~~ of section ~~5111.232~~ 5165.191 of the 91912  
Revised Code. The assessment shall also be based on criteria and 91913  
procedures established in rules ~~adopted under~~ authorized by 91914  
division (F) of this section and information provided by the 91915  
person being assessed or the person's representative. 91916

The department of ~~job and family services~~ medicaid, or if the 91917  
assessment is performed by an agency under contract with the 91918  
department pursuant to division (G) of this section, the agency, 91919  
shall, not later than the time the level of care determination 91920  
based on the assessment is required to be provided under division 91921  
(C) of this section, give written notice of its conclusions and 91922

the basis for them to the person assessed and, if the department 91923  
~~of job and family services~~ or agency under contract with the 91924  
department has been informed that the person has a representative, 91925  
to the representative. 91926

(C) The department ~~of job and family services~~ or agency under 91927  
contract with the department, whichever performs the assessment, 91928  
shall provide a level of care determination based on the 91929  
assessment as follows: 91930

(1) In the case of a person applying or intending to apply 91931  
for admission to a nursing facility while hospitalized, not later 91932  
than one of the following: 91933

(a) One working day after the person or the person's 91934  
representative submits the application or notifies the department 91935  
of the person's intention to apply and submits all information 91936  
required for providing the level of care determination, as 91937  
specified in rules ~~adopted under~~ authorized by division (F)(2) of 91938  
this section; 91939

(b) A later date requested by the person or the person's 91940  
representative. 91941

(2) In the case of a person applying or intending to apply 91942  
for admission to a nursing facility who is not hospitalized, not 91943  
later than one of the following: 91944

(a) Five calendar days after the person or the person's 91945  
representative submits the application or notifies the department 91946  
of the person's intention to apply and submits all information 91947  
required for providing the level of care determination, as 91948  
specified in rules ~~adopted under~~ authorized by division (F)(2) of 91949  
this section; 91950

(b) A later date requested by the person or the person's 91951  
representative. 91952

(3) In the case of a person who resides in a nursing facility, not later than one of the following:

(a) Five calendar days after the person or the person's representative submits an application for ~~medical assistance~~ medicaid and submits all information required for providing the level of care determination, as specified in rules ~~adopted under~~ authorized by division (F)(2) of this section;

(b) A later date requested by the person or the person's representative.

(4) In the case of an emergency, as specified in rules ~~adopted under~~ authorized by division (F)(4) of this section, within the number of days specified in the rules.

(D) A person assessed under this section or the person's representative may ~~request a state hearing to dispute~~ appeal the conclusions reached by the department ~~of job and family services~~ or agency under contract with the department on the basis of the assessment. The ~~request for a state hearing~~ appeal shall be made ~~in accordance with~~ pursuant to section ~~5101.35~~ 5160.31 of the Revised Code. The department ~~of job and family services~~ or agency under contract with the department shall provide to the person or the person's representative and the nursing facility written notice of the person's right to request a state hearing. The notice shall include an explanation of the procedure for requesting a state hearing. If a state hearing is requested, the state shall be represented in the hearing by the department ~~of job and family services~~ or the agency under contract with the department, whichever performed the assessment.

(E) A nursing facility that admits or retains a person determined pursuant to an assessment required under this section not to need the level of care provided by the nursing facility shall not be ~~reimbursed~~ paid under the medicaid program for the

person's care. 91984

(F) The medicaid director ~~of job and family services~~ shall 91985  
adopt rules ~~in accordance with Chapter 119.~~ under section 5165.02 91986  
of the Revised Code to implement and administer this section. The 91987  
rules shall include all of the following: 91988

(1) Criteria and procedures to be used in determining whether 91989  
admission to a nursing facility or continued stay in a nursing 91990  
facility is appropriate for the person being assessed; 91991

(2) Information the person being assessed or the person's 91992  
representative must provide to the department or agency under 91993  
contract with the department for purposes of the assessment and 91994  
providing a level of care determination based on the assessment; 91995

(3) Circumstances under which a person is not required to be 91996  
assessed; 91997

(4) Circumstances that constitute an emergency for purposes 91998  
of division (C)(4) of this section and the number of days within 91999  
which a level of care determination must be provided in the case 92000  
of an emergency. 92001

(G) Pursuant to section ~~5111.91~~ 5162.35 of the Revised Code, 92002  
the department of ~~job and family services~~ medicaid may enter into 92003  
contracts in the form of interagency agreements with one or more 92004  
other state agencies to perform the assessments required under 92005  
this section. The interagency agreements shall specify the 92006  
responsibilities of each agency in the performance of the 92007  
assessments. 92008

**Sec. ~~5111.21~~ 5165.06.** ~~(A) In order to be~~ Subject to section 92009  
5165.072 of the Revised Code, an operator is eligible for medicaid 92010  
payments, the operator of to enter into a provider agreement for a 92011  
nursing facility or intermediate care facility for the mentally 92012  
retarded shall do if all of the following apply: 92013

~~(1) Enter into a provider agreement with the department as provided in section 5111.22, 5111.671, or 5111.672 of the Revised Code (A) The nursing facility is certified by the director of health for participation in medicaid;~~ 92014  
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~~(2) Apply for and maintain a valid license to operate (B) The nursing facility is licensed by the director of health as a nursing home if so required by law;~~ 92018  
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~~(3) Subject to division (B) of this section, (C) The operator and nursing facility comply with all applicable state and federal laws and rules.~~ 92021  
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~~(B) A state rule that requires the operator of an intermediate care facility for the mentally retarded to have received approval of a plan for the proposed facility pursuant to section 5123.042 of the Revised Code as a condition of the operator being eligible for medicaid payments for the facility does not apply if, under former section 5123.193 of the Revised Code as enacted by Am. Sub. H.B. 1 of the 128th general assembly or section 5123.197 of the Revised Code, a residential facility license was obtained or modified for the facility without obtaining approval of such a plan.~~ 92024  
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~~(C)(1) Except as provided in division (C)(2) of this section, the operator of a nursing facility that elects to obtain and maintain eligibility for payments under the medicaid program shall qualify all of the facility's medicaid certified beds in the medicare program established by Title XVIII. The director of job and family services may adopt rules under section 5111.02 of the Revised Code to establish the time frame in which a nursing facility must comply with this requirement.~~ 92034  
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~~(2) The department of veterans services is not required to qualify all of the medicaid certified beds in a nursing facility the agency maintains and operates under section 5907.01 of the~~ 92042  
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~~Revised Code in the medicare program.~~ 92045

Sec. 5111.22 5165.07. (A) Except as provided in section 5165.072 of the Revised Code, the department of medicaid shall enter into a provider agreement with a nursing facility operator who applies, and is eligible, for the provider agreement. 92046  
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~~(B) A provider agreement between the department of job and family services and the provider of a nursing facility or intermediate care facility for the mentally retarded shall contain~~ 92050  
~~require the following provisions:~~ 92051  
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~~(A) The department agrees to make medicaid payments to the provider, as provided in sections 5111.20 to 5111.331 of the Revised Code, in accordance with this chapter for medicaid covered nursing facility services the nursing facility provides to a resident of the its residents who are medicaid recipients eligible for nursing facility who is a medicaid recipient services. No payment shall be made for the day a medicaid recipient is discharged from the facility.~~ 92054  
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~~(B) The~~ (C) A provider agreement shall require the provider agrees to do all of the following: 92062  
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(1) Maintain eligibility for the provider agreement as provided in section ~~5111.24~~ 5165.06 of the Revised Code; 92064  
92065

(2) Keep records relating to a cost reporting period for the greater of seven years after the cost report is filed or, if the department issues an audit report in accordance with ~~division (B) of section 5111.27~~ 5165.109 of the Revised Code, six years after all appeal rights relating to the audit report are exhausted; 92066  
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(3) File reports as required by the department; 92071

(4) Open all records relating to the costs of ~~its~~ the nursing facility's services for inspection and audit by the department; 92072  
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(5) Open its premises for inspection by the department, the 92074

department of health, and any other state or local authority 92075  
having authority to inspect; 92076

(6) Supply to the department such information as it requires 92077  
concerning the nursing facility's services to residents who are, 92078  
or are eligible to be, medicaid recipients; 92079

(7) Comply with section ~~5111.31~~ 5165.08 of the Revised Code. 92080

~~The (D) A~~ provider agreement may contain other provisions 92081  
that are consistent with law and considered necessary by the 92082  
department. 92083

~~A provider agreement shall be effective for no longer than 92084  
twelve months, except that if federal statute or regulations 92085  
authorize a longer term, it may be effective for a longer term so 92086  
authorized. A provider agreement may be renewed only if the 92087  
facility is certified by the department of health for 92088  
participation in the medicaid program. 92089~~

~~The department of job and family services, in accordance with 92090  
rules adopted under section 5111.02 of the Revised Code, may elect 92091  
not to enter into, not to renew, or to terminate a provider 92092  
agreement when the department determines that such an agreement 92093  
would not be in the best interests of medicaid recipients or of 92094  
the state. 92095~~

**Sec. ~~5111.223~~ 5165.071.** ~~The A nursing facility operator of a 92096  
nursing facility or intermediate care facility for the mentally 92097  
retarded may enter into provider agreements for more than one 92098  
nursing facility or intermediate care facility for the mentally 92099  
retarded. 92100~~

**Sec. 5165.072.** The department of medicaid, in accordance with 92101  
rules adopted under section 5165.02 of the Revised Code, may elect 92102  
not to enter into, not to revalidate, or to terminate a nursing 92103  
facility provider agreement when the department determines that 92104



such an agreement would not be in the best interests of medicaid recipients or the state. The department shall not revalidate a nursing facility provider agreement if the provider fails to maintain eligibility for the provider agreement as provided in section 5165.06 of the Revised Code. 92105  
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**Sec. ~~5111.30~~ 5165.073.** The department of ~~job and family services~~ medicaid shall terminate the provider agreement with a nursing facility provider that does not comply with the requirements of section 3721.071 of the Revised Code for the installation of fire extinguishing and fire alarm systems. 92110  
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**Sec. ~~5111.31~~ 5165.08.** (A) Every provider agreement with ~~the a nursing facility provider of a nursing facility or intermediate care facility for the mentally retarded~~ shall do both of the following: 92115  
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92117  
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(1) Except as provided by division (B)(1) of this section, include any part of the nursing facility that meets federal and state standards for medicaid certification; 92119  
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(2) Prohibit the provider from doing either of the following: 92122

(a) Discriminating against a resident on the basis of race, color, sex, creed, or national origin; 92123  
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(b) Subject to division (D) of this section, failing or refusing to ~~retain~~ do either of the following: 92125  
92126

(i) Except as otherwise prohibited under section 5165.82 of the Revised Code, admit as a resident of the nursing facility an individual because the individual is, or may (as a resident of the nursing facility) become, a medicaid recipient if less than eighty per cent of the nursing facility's residents are medicaid recipients; 92127  
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(ii) Retain as a ~~patient any person~~ resident of the nursing 92133

~~facility an individual because the person individual is, becomes, 92134  
or may (as a resident of the nursing facility) become, as a 92135  
patient in the facility, become a medicaid recipient. For the 92136  
purposes of this division, a medicaid recipient who is a patient 92137  
in a facility shall be considered a patient in the facility during 92138  
any hospital stays totaling less than twenty five days during any 92139  
twelve month period. Recipients who have been identified by the 92140  
department of job and family services or its designee as requiring 92141  
the level of care of an intermediate care facility for the 92142  
mentally retarded shall not be subject to a maximum period of 92143  
absences during which they are considered patients if prior 92144  
authorization of the department for visits with relatives and 92145  
friends and participation in therapeutic programs is obtained 92146  
under rules adopted under section 5111.02 of the Revised Code. 92147~~

~~(2) Except as provided by division (B)(1) of this section, 92148  
include any part of the facility that meets standards for 92149  
certification of compliance with federal and state laws and rules 92150  
for participation in the medicaid program. 92151~~

~~(3) Prohibit the provider from discriminating against any 92152  
patient on the basis of race, color, sex, creed, or national 92153  
origin. 92154~~

~~(4) Except as otherwise prohibited under section 5111.55 of 92155  
the Revised Code, prohibit the provider from failing or refusing 92156  
to accept a patient because the patient is, becomes, or may, as a 92157  
patient in the facility, become a medicaid recipient if less than 92158  
eighty per cent of the patients in the facility are medicaid 92159  
recipients. 92160~~

~~(B)(1) Except as provided by division (B)(2) of this section, 92161  
the following beds added during the period beginning July 1, 1987, 92162  
and ending July 1, 1993, to a nursing home licensed under Chapter 92163  
3721. of the Revised Code are not required to be included in a 92164  
provider agreement unless otherwise required by federal law. 92165~~

~~(a) Beds added during the period beginning July 1, 1987, and ending July 1, 1993, to a nursing home licensed under Chapter 3721. of the Revised Code;~~ 92166  
92167  
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~~(b) Beds in an intermediate care facility for the mentally retarded that are designated for respite care under a medicaid waiver component operated pursuant to a waiver sought under section 5111.87 of the Revised Code.~~ 92169  
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(2) If a provider chooses to include a bed specified in division (B)(1)(a) of this section in a provider agreement, the bed may not be removed from the provider agreement unless the provider withdraws the nursing facility in which the bed is located from the medicaid program. 92173  
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(C) For the purpose of division (A)(2)(b)(ii) of this section, a medicaid recipient who is a patient in a nursing facility shall be considered a patient in the nursing facility during any hospital stays totaling less than twenty-five days during any twelve-month period. 92178  
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(D) Nothing in this section shall bar a provider ~~that~~ from doing any of the following: 92183  
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(1) If the provider is a religious organization operating a religious or denominational nursing facility ~~or intermediate care facility for the mentally retarded~~ from giving preference to persons of the same religion or denomination. Nothing in this section shall bar any provider from giving; 92185  
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92189

(2) Giving preference to persons with whom the provider has contracted to provide continuing care- 92190  
92191

~~(D) Nothing in this section shall bar the provider of;~~ 92192

(3) If the nursing facility is a county home organized under Chapter 5155. of the Revised Code ~~from,~~ admitting residents exclusively from the county in which the county home is located- 92193  
92194  
92195

~~(E) No provider of a nursing facility or intermediate care facility for the mentally retarded for which a provider agreement is in effect shall violate the provider contract obligations imposed under this section.~~ 92196  
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~~(F) Nothing in divisions (A) and (C) of this section shall bar a provider from retaining patients;~~ 92200  
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(4) Retaining residents who have resided in the provider's nursing facility for not less than one year as private pay patients and who subsequently become medicaid recipients, but refusing to accept as a patient resident any person who is, or may, ~~(as a patient in resident of the nursing facility)~~ become a medicaid recipient, if all of the following apply: 92202  
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~~(1)(a)~~ The provider does not refuse to retain any patient resident who has resided in the provider's nursing facility for not less than one year as a private pay patient resident because the patient resident becomes a medicaid recipient, except as necessary to comply with division ~~(F)(2)(D)(4)(b)~~ of this section; 92208  
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~~(2)(b)~~ The number of medicaid recipients retained under ~~this~~ division (D)(4) of this section does not at any time exceed ten per cent of all the ~~patients~~ residents in the nursing facility; 92213  
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~~(3)(c)~~ On July 1, 1980, all the ~~patients~~ residents in the nursing facility were private pay ~~patients~~ residents. 92216  
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(E) No provider shall violate the provider agreement obligations imposed by this section. 92218  
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**Sec. 5111.32 5165.081.** Any patient A nursing facility resident has a cause of action against ~~the~~ a nursing facility provider ~~of a nursing facility or intermediate care facility for the mentally retarded~~ for breach of the provider agreement obligations or other duties imposed by section ~~5111.31~~ 5165.08 of the Revised Code. The action may be commenced by the patient 92220  
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resident, or on the ~~patient's~~ resident's behalf by the ~~patient's~~ resident's sponsor or a residents' rights advocate, ~~as either is defined under section 3721.10 of the Revised Code,~~ by the filing of a civil action in the court of common pleas of the county in which the nursing facility is located, or in the court of common pleas of Franklin county.

If ~~the~~ a court of common pleas finds that a ~~breach of the provider has breached a~~ provider agreement ~~obligations~~ obligation or other duty imposed by section ~~5111.31~~ 5165.08 of the Revised Code ~~has occurred~~, the court may ~~enjoin~~ do one or more of the following:

(A) Enjoin the provider from engaging in the practice, ~~order;~~

(B) Order such affirmative relief as may be necessary, ~~and award;~~

(C) Award to ~~the patient~~ a resident and a ~~person~~ sponsor or ~~public agency~~ government entity that brings ~~an~~ the action on behalf of a ~~patient~~ resident actual damages, costs, and reasonable attorney's fees.

**Sec. 5165.082.** (A) Except as provided in division (B) of this section, the operator of a nursing facility that elects to have the nursing facility participate in the medicaid program shall qualify all of the nursing facility's medicaid-certified beds in the medicare program. The medicaid director may adopt rules under section 5165.02 of the Revised Code to establish the time frame in which a nursing facility must comply with this requirement.

(B) The department of veterans services is not required to qualify all of the medicaid-certified beds in a nursing facility the department maintains and operates under section 5907.01 of the Revised Code in the medicare program.

~~Sec. 5111.26 5165.10.~~ (A)~~(1)(a)~~ Except as provided in 92256  
division ~~(A)(1)(b)(D)~~ of this section, each nursing facility 92257  
provider shall file with the department of ~~job and family services~~ 92258  
medicaid an annual cost report for each of the provider's nursing 92259  
facilities ~~and intermediate care facilities for the mentally~~ 92260  
~~retarded~~ that participate in the medicaid program. ~~A provider~~ 92261  
~~shall prepare the reports in accordance with guidelines~~ 92262  
~~established by the department. A~~ The cost report for a year shall 92263  
cover a the calendar year or the portion of a the calendar year 92264  
during which the nursing facility participated in the medicaid 92265  
program. ~~A provider shall file the reports within~~ Except as 92266  
provided in division (E) of this section, the cost report is due 92267  
not later than ninety days after the end of the calendar year, or 92268  
portion of the calendar year, that the cost report covers. The 92269  
~~department, for good cause, may grant a fourteen day extension of~~ 92270  
~~the time for filing cost reports upon written request from a~~ 92271  
~~provider. The director of job and family services shall prescribe,~~ 92272  
~~in rules adopted under section 5111.02 of the Revised Code, the~~ 92273  
~~cost reporting form and a uniform chart of accounts for the~~ 92274  
~~purpose of cost reporting, and shall distribute cost reporting~~ 92275  
~~forms or computer software for electronic submission of the cost~~ 92276  
~~report to each provider at least sixty days before the reporting~~ 92277  
~~date.~~ 92278

~~(b) If rates for a provider's nursing facility or~~ 92279  
~~intermediate care facility for the mentally retarded were most~~ 92280  
~~recently established under section 5111.254 or 5111.255 of the~~ 92281  
~~Revised Code, the provider shall submit a cost report for that~~ 92282  
~~facility no later than ninety days after the end of the facility's~~ 92283  
~~first three full calendar months of operation. If a nursing~~ 92284  
~~facility or intermediate care facility for the mentally retarded~~ 92285  
~~undergoes a change of provider that the department determines, in~~ 92286  
~~accordance with rules adopted under section 5111.02 of the Revised~~ 92287

~~Code, is an arm's length transaction, the new provider shall 92288  
submit a cost report for that facility not later than ninety days 92289  
after the end of the facility's first three full calendar months 92290  
of operation under the new provider. The provider of a facility 92291  
that opens or undergoes a change of provider that is an arm's 92292  
length transaction after the first day of October in any calendar 92293  
year is not required to file a cost report for that calendar year. 92294~~

~~(e)(B) If a nursing facility undergoes a change of provider 92295  
that the department determines, in accordance with rules adopted 92296  
under section ~~5111.02~~ 5165.02 of the Revised Code, is not an ~~arms~~ 92297  
arm's length transaction, the new provider shall file a the 92298  
nursing facility's cost report under in accordance with division 92299  
(A)~~(1)(a)~~ of this section ~~for the facility. The~~ and the cost 92300  
report shall cover the portion of the calendar year during which 92301  
the new provider operated the nursing facility and the portion of 92302  
the calendar year during which the previous provider operated the 92303  
nursing facility. 92304~~

~~(2) If a provider required to submit a cost report for a 92305  
nursing facility or intermediate care facility for the mentally 92306  
retarded does not file the report within the required time period 92307  
or within fourteen days thereafter if an extension is granted 92308  
under division (A)(1)(a) of this section, or files an incomplete 92309  
or inadequate report for the facility, the department shall 92310  
provide immediate written notice to the provider that the provider 92311  
agreement for the facility will be terminated in thirty days 92312  
unless the provider submits a complete and adequate cost report 92313  
for the facility within thirty days. During the thirty day 92314  
termination period or any additional time allowed for an appeal of 92315  
the proposed termination of a provider agreement, the provider 92316  
shall be paid the facility's then current per resident per day 92317  
rate, minus two dollars. On July 1, 1994, the department shall 92318  
adjust the two dollar reduction to reflect the rate of inflation 92319~~

~~during the preceding twelve months, as shown in the consumer price index for all items for all urban consumers for the north central region, published by the United States bureau of labor statistics. On July 1, 1995, and the first day of July of each year thereafter, the department shall adjust the amount of the reduction in effect during the previous twelve months to reflect the rate of inflation during the preceding twelve months, as shown in the same index.~~

~~(B) No provider shall report fines paid under sections 5111.35 to 5111.62 or section 5111.99 of the Revised Code in any cost report filed under this section.~~

~~(C) The department shall develop an addendum to the cost report form that a provider may use to set forth costs that the provider believes may be disputed by the department. Any costs reported by the provider on the addendum may be considered by the department in setting the facility's rate. If the department does not consider the costs listed on the addendum in setting the facility's rate, the provider may seek reconsideration of that determination under section 5111.29 of the Revised Code. If the department subsequently includes the costs listed in the addendum in the facility's rate, the department shall pay the provider interest at a reasonable rate established in rules adopted under section 5111.02 of the Revised Code for the time that the rate paid excluded the costs. If the medicaid payment rate for a new nursing facility was most recently determined in accordance with section 5165.151 of the Revised Code, the provider shall file with the department a cost report for the new nursing facility not later than, except as provided in division (E) of this section, ninety days after the end of the new nursing facility's first three full calendar months of operation. The cost report shall cover the period that begins with the nursing facility's first day of operation and ends on the first day of the month immediately~~



following the first three full months of operation. 92352

(D) A nursing facility provider is not required to file a cost report for a nursing facility for a calendar year in accordance with division (A) of this section if the provider files a cost report for the nursing facility under division (C) of this section and that cost report covers a period that begins after the first day of October of that calendar year. The provider shall file a cost report for the nursing facility in accordance with division (A) of this section for the immediately following calendar year. 92353  
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(E) The department may grant to a provider a fourteen-day extension to file a cost report under this section if the provider provides the department a written request for the extension and the department determines that there is good cause for the extension. 92362  
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**Sec. ~~5111.266~~ 5165.101.** A nursing facility provider of a nursing facility filing the nursing facility's cost report with the department of job and family services ~~medicaid~~ under section ~~5111.26~~ 5165.10 or 5165.522 of the Revised Code shall report as a nonreimbursable expense the cost of the nursing facility's franchise permit fee. 92367  
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**Sec. 5165.102.** No nursing facility provider shall report fines paid under sections 5165.60 to 5165.89 or section 5165.99 of the Revised Code in a cost report filed under section 5165.10 or 5165.522 of the Revised Code. 92373  
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**Sec. 5165.103.** Cost reports shall be completed using the form prescribed under section 5165.104 of the Revised Code and in accordance with the guidelines established under that section. 92377  
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**Sec. 5165.104.** The department of medicaid shall do all of the 92380

following: 92381

(A) Prescribe the form to be used for completing a cost report and a uniform chart of accounts for the purpose of reporting costs on the form; 92382  
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(B) Distribute a paper copy of the form, or computer software for electronic submission of the form, to each provider at least sixty days before the date the cost report is due; 92385  
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(C) Establish guidelines for completing the form. 92388

**Sec. 5165.105.** The department of medicaid shall develop an addendum to the cost report form that a nursing facility provider may use to set forth costs that the provider believes the department may dispute. The department may consider such costs in determining a nursing facility's medicaid payment rate. If the department does not consider such costs in determining a nursing facility's medicaid payment rate, the provider may seek reconsideration of the determination in accordance with section 5165.38 of the Revised Code. If the department subsequently includes such costs in a nursing facility's medicaid payment rate, the department shall pay the provider interest at a reasonable rate established in rules adopted under section 5165.02 of the Revised Code for the period that the rate excluded the costs. 92389  
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**Sec. 5165.106.** If a nursing facility provider required by section 5165.10 of the Revised Code to file a cost report for the nursing facility fails to file the cost report by the date it is due or the date, if any, to which the due date is extended pursuant to division (E) of that section, or files an incomplete or inadequate report for the nursing facility under that section, the department of medicaid shall provide immediate written notice to the provider that the provider agreement for the nursing facility will be terminated in thirty days unless the provider 92402  
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submits a complete and adequate cost report for the nursing facility within thirty days. During the thirty-day termination period or any additional time allowed for an appeal of the proposed termination of a provider agreement, the provider shall be paid the nursing facility's then current per medicaid day payment rate, minus the dollar amount by which nursing facility's per medicaid day payment rates are reduced during fiscal year 2013 in accordance with division (A)(2) of section 5111.26 of the Revised Code (renumbered as section 5165.10 of the Revised Code by H.B. 59 of the 130th general assembly) as that section existed on the day immediately preceding the effective date of this section. On the first day of each July, the department shall adjust the amount of the reduction in effect during the previous twelve months to reflect the rate of inflation during the preceding twelve months, as shown in the consumer price index for all items for all urban consumers for the north central region, published by the United States bureau of labor statistics.

**Sec. ~~5111.261~~ 5165.107.** (A) Except as provided in division (B) of this section and not later than three years after a nursing facility provider files a cost report with the department of ~~job and family services~~ medicaid under section ~~5111.26~~ 5165.10 of the Revised Code, the provider may amend the cost report if the provider discovers a material error in the cost report or additional information to be included in the cost report. The department shall review the amended cost report for accuracy and notify the provider of its determination.

(B) A provider may not amend a cost report if the department has notified the provider that an audit of the cost report or a cost report of the provider for a subsequent cost reporting period is to be conducted under section ~~5111.27~~ 5165.109 of the Revised Code. The provider may, however, provide the department

information that affects the costs included in the cost report. 92442  
Such information may not be provided after the adjudication of the 92443  
final settlement of the cost report. 92444

**Sec. ~~5111.27~~ 5165.108.** (A) The department of ~~job and family~~ 92445  
~~services~~ medicaid shall conduct a desk review of each cost report 92446  
it receives under section ~~5111.26~~ 5165.10 or 5165.522 of the 92447  
Revised Code. Based on the desk review, the department shall make 92448  
a preliminary determination of whether the reported costs are 92449  
allowable costs. The department shall notify each nursing facility 92450  
provider of whether any of the reported costs are preliminarily 92451  
determined not to be allowable, the medicaid payment rate 92452  
calculation determined under ~~sections 5111.20 to 5111.331~~ of the 92453  
~~Revised Code~~ this chapter that results from that determination, 92454  
and the reasons for the determination and resulting rate. The 92455  
department shall allow the provider to verify the calculation and 92456  
submit additional information. 92457

~~(B) The department may conduct an audit, as defined by rule~~ 92458  
~~adopted under section 5111.02 of the Revised Code, of any cost~~ 92459  
~~report. The decision whether to conduct an audit and the scope of~~ 92460  
~~the audit, which may be a desk or field audit, may be determined~~ 92461  
~~based on prior performance of the provider, a risk analysis, or~~ 92462  
~~other evidence that gives the department reason to believe that~~ 92463  
~~the provider has reported costs improperly. A desk or field audit~~ 92464  
~~may be performed annually, but is required whenever a provider~~ 92465  
~~does not pass the risk analysis tolerance factors. An audit shall~~ 92466  
~~be conducted by auditors under contract with or employed by the~~ 92467  
~~department. The department shall notify a provider of the findings~~ 92468  
~~of an audit by issuing an audit report. An audit report regarding~~ 92469  
~~a nursing facility shall include notice of any fine imposed under~~ 92470  
~~section 5111.271 of the Revised Code. The department shall issue~~ 92471  
~~the audit report no later than three years after the cost report~~ 92472  
~~is filed, or upon the completion of a desk or field audit on the~~ 92473

~~report or a report for a subsequent cost reporting period, 92474  
whichever is earlier. 92475~~

~~The department may establish a contract for the auditing of 92476  
facilities by outside firms. Each contract entered into by bidding 92477  
shall be effective for one to two years. The department shall 92478  
establish an audit manual and program which shall require that all 92479  
field audits, conducted either pursuant to a contract or by 92480  
department employees; 92481~~

~~(1) Comply with the applicable rules prescribed pursuant to 92482  
Titles XVIII and XIX; 92483~~

~~(2) Consider generally accepted auditing standards prescribed 92484  
by the American institute of certified public accountants; 92485~~

~~(3) Include a written summary as to whether the costs 92486  
included in the report examined during the audit are allowable and 92487  
are presented in accordance with state and federal laws and 92488  
regulations, and whether, in all material respects, allowable 92489  
costs are documented, reasonable, and related to patient care; 92490~~

~~(4) Are conducted by accounting firms or auditors who, during 92491  
the period of the auditors' professional engagement or employment 92492  
and during the period covered by the cost reports, do not have nor 92493  
are committed to acquire any direct or indirect financial interest 92494  
in the ownership, financing, or operation of a nursing facility or 92495  
intermediate care facility for the mentally retarded in this 92496  
state; 92497~~

~~(5) Are conducted by accounting firms or auditors who, as a 92498  
condition of the contract or employment, shall not audit any 92499  
facility that has been a client of the firm or auditor; 92500~~

~~(6) Are conducted by auditors who are otherwise independent 92501  
as determined by the standards of independence included in the 92502  
government auditing standards produced by the United States 92503  
government accountability office; 92504~~

~~(7) Are completed within the time period specified by the department;~~ 92505  
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~~(8) Provide to the provider complete written interpretations that explain in detail the application of all relevant contract provisions, regulations, auditing standards, rate formulae, and departmental policies, with explanations and examples, that are sufficient to permit the provider to calculate with reasonable certainty those costs that are allowable and the rate to which the provider's facility is entitled.~~ 92507  
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~~For the purposes of division (B)(4) of this section, employment of a member of an auditor's family by a nursing facility or intermediate care facility for the mentally retarded that the auditor does not review does not constitute a direct or indirect financial interest in the ownership, financing, or operation of the facility.~~ 92514  
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~~(C) The department, pursuant to rules adopted under section 5111.02 of the Revised Code, may conduct an exception review of assessment data submitted under section 5111.232 of the Revised Code. The department may conduct an exception review based on the findings of a certification survey conducted by the department of health, a risk analysis, or prior performance of the provider.~~ 92520  
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~~Exception reviews shall be conducted at the facility by appropriate health professionals under contract with or employed by the department of job and family services. The professionals may review resident assessment forms and supporting documentation, conduct interviews, and observe residents to identify any patterns or trends of inaccurate assessments and resulting inaccurate case mix scores.~~ 92526  
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~~The rules shall establish an exception review program that requires that exception reviews do all of the following:~~ 92533  
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~~(1) Comply with Titles XVIII and XIX;~~ 92535

~~(2) Provide a written summary that states whether the resident assessment forms have been completed accurately;~~ 92536  
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~~(3) Are conducted by health professionals who, during the period of their professional engagement or employment with the department, neither have nor are committed to acquire any direct or indirect financial interest in the ownership, financing, or operation of a nursing facility or intermediate care facility for the mentally retarded in this state;~~ 92538  
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~~(4) Are conducted by health professionals who, as a condition of their engagement or employment with the department, shall not review any provider that has been a client of the professional.~~ 92544  
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~~For the purposes of division (C)(3) of this section, employment of a member of a health professional's family by a nursing facility or intermediate care facility for the mentally retarded that the professional does not review does not constitute a direct or indirect financial interest in the ownership, financing, or operation of the facility.~~ 92547  
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~~If an exception review is conducted before the effective date of the rate that is based on the case mix data subject to the review and the review results in findings that exceed tolerance levels specified in the rules adopted under this division, the department, in accordance with those rules, may use the findings to recalculate individual resident case mix scores, quarterly average facility case mix scores, and annual average facility case mix scores. The department may use the recalculated quarterly and annual facility average case mix scores to calculate the facility's rate for direct care costs for the appropriate calendar quarter or quarters.~~ 92553  
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~~(D) The department shall prepare a written summary of any audit disallowance or exception review finding that is made after the effective date of the rate that is based on the cost or~~ 92564  
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~~ease mix data. Where the provider is pursuing judicial or 92567  
administrative remedies in good faith regarding the disallowance 92568  
or finding, the department shall not withhold from the provider's 92569  
current payments any amounts the department claims to be due from 92570  
the provider pursuant to section 5111.28 of the Revised Code. 92571~~

~~(E) The department shall not reduce rates calculated under 92572  
sections 5111.20 to 5111.331 of the Revised Code on the basis that 92573  
the provider charges a lower rate to any resident who is not 92574  
eligible for the medicaid program. 92575~~

~~(F) The department shall adjust the rates calculated under 92576  
sections 5111.20 to 5111.331 of the Revised Code to account for 92577  
reasonable additional costs that must be incurred by intermediate 92578  
care facilities for the mentally retarded to comply with 92579  
requirements of federal or state statutes, rules, or policies 92580  
enacted or amended after January 1, 1992, or with orders issued by 92581  
state or local fire authorities. 92582~~

Sec. 5165.109. (A) The department of medicaid may conduct an 92583  
audit, as defined in rules adopted under section 5165.02 of the 92584  
Revised Code, of any cost report filed under section 5165.10 or 92585  
5165.522 of the Revised Code. The decision whether to conduct an 92586  
audit and the scope of the audit, which may be a desk or field 92587  
audit, may be determined based on prior performance of the 92588  
provider, a risk analysis, or other evidence that gives the 92589  
department reason to believe that the provider has reported costs 92590  
improperly. A desk or field audit may be performed annually, but 92591  
is required whenever a provider does not pass the risk analysis 92592  
tolerance factors. 92593

(B) Audits shall be conducted by auditors under contract with 92594  
the department, auditors working for firms under contract with the 92595  
department, or auditors employed by the department. 92596

The department may establish a contract for the auditing of 92597



nursing facilities by outside firms. Each contract entered into by 92598  
bidding shall be effective for one to two years. 92599

(C) The department shall notify a provider of the findings of 92600  
an audit of a cost report by issuing an audit report. The audit 92601  
report shall include notice of any fine imposed under section 92602  
5165.1010 of the Revised Code. The department shall issue the 92603  
audit report not later than three years after the earlier of the 92604  
following: 92605

(1) The date the cost report is filed; 92606

(2) The date a desk or field audit of the cost report or a 92607  
cost report for a subsequent cost reporting period is completed. 92608

(D) The department shall prepare a written summary of any 92609  
audit disallowance that is made after the effective date of the 92610  
rate that is based on the cost. Where the provider is pursuing 92611  
judicial or administrative remedies in good faith regarding the 92612  
disallowance, the department shall not withhold from the 92613  
provider's current payments any amounts the department claims to 92614  
be due from the provider pursuant to section 5165.41 of the 92615  
Revised Code. 92616

(E)(1) The department shall establish an audit manual and 92617  
program for field audits conducted under this section. Each 92618  
auditor conducting a field audit under this section shall follow 92619  
the audit manual and program, regardless of whether the auditor is 92620  
under contract with the department, works for a firm under 92621  
contract with the department, or is employed by the department. 92622  
The manual and program shall do both of the following: 92623

(a) Require each field audit to be conducted by an auditor to 92624  
whom all of the following apply: 92625

(i) During the period of the auditor's contract, firm's 92626  
contract, or auditor's employment with the department, the auditor 92627  
or firm does not have and is not committed to acquire any direct 92628

or indirect financial interest in the ownership, financing, or 92629  
operation of nursing facilities in this state. 92630

(ii) The auditor does not audit any provider that has been a 92631  
client of the auditor or the auditor's firm. 92632

(iii) The auditor is otherwise independent as determined by 92633  
the standards of independence included in the government auditing 92634  
standards produced by the United States government accountability 92635  
office. 92636

(b) Require each auditor conducting a field audit to do all 92637  
of the following: 92638

(i) Comply with applicable rules prescribed pursuant to Title 92639  
XVIII and Title XIX; 92640

(ii) Consider generally accepted auditing standards 92641  
prescribed by the American institute of certified public 92642  
accountants; 92643

(iii) Include a written summary as to whether the costs 92644  
included in the cost report examined during the audit are 92645  
allowable and are presented in accordance with state and federal 92646  
laws and regulations, and whether, in all material respects, 92647  
allowable costs are documented, reasonable, and related to patient 92648  
care; 92649

(iv) Complete the audit within the time period specified by 92650  
the department; 92651

(v) Provide to the provider complete written interpretations 92652  
that explain in detail the application of all relevant contract 92653  
provisions, regulations, auditing standards, rate formulae, and 92654  
departmental policies, with explanations and examples, that are 92655  
sufficient to permit the provider to calculate with reasonable 92656  
certainty those costs that are allowable and the rate to which the 92657  
provider's nursing facility is entitled. 92658

(2) For the purpose of division (E)(1)(a)(i) of this section, 92659  
employment of a member of an auditor's family by a nursing 92660  
facility that the auditor does not audit does not constitute a 92661  
direct or indirect financial interest in the ownership, financing, 92662  
or operation of the nursing facility. 92663

**Sec. ~~5111.271~~ 5165.1010.** (A) Subject to division (D) of this 92664  
section, the department of ~~job and family services~~ medicaid shall 92665  
fine the provider of a nursing facility if the report of an audit 92666  
conducted under ~~division (B) of section 5111.27~~ 5165.109 of the 92667  
Revised Code regarding a cost report for the nursing facility 92668  
includes either of the following: 92669

(1) Adverse findings that exceed three per cent of the total 92670  
amount of ~~medicaid-reimbursable~~ medicaid-allowable costs reported 92671  
in the cost report; 92672

(2) Adverse findings that exceed twenty per cent of 92673  
~~medicaid-reimbursable~~ medicaid-allowable costs for a particular 92674  
cost center reported in the cost report. 92675

(B) A fine issued under this section shall equal the greatest 92676  
of the following: 92677

(1) If the adverse findings exceed three per cent but do not 92678  
exceed ten per cent of the total amount of ~~medicaid-reimbursable~~ 92679  
medicaid-allowable costs reported in the cost report, the greater 92680  
of three per cent of those reported costs or ten thousand dollars; 92681

(2) If the adverse findings exceed ten per cent but do not 92682  
exceed twenty per cent of the total amount of 92683  
~~medicaid-reimbursable~~ medicaid-allowable costs reported in the 92684  
cost report, the greater of six per cent of those reported costs 92685  
or twenty-five thousand dollars; 92686

(3) If the adverse findings exceed twenty per cent of the 92687  
total amount of ~~medicaid-reimbursable~~ medicaid-allowable costs 92688

reported in the cost report, the greater of ten per cent of those 92689  
reported costs or fifty thousand dollars; 92690

(4) If the adverse findings exceed twenty per cent but do not 92691  
exceed twenty-five per cent of ~~medicaid-reimbursable~~ 92692  
medicaid-allowable costs for a particular cost center reported in 92693  
the cost report, the greater of three per cent of the total amount 92694  
of ~~medicaid-reimbursable~~ medicaid-allowable costs reported in the 92695  
cost report or ten thousand dollars; 92696

(5) If the adverse findings exceed twenty-five per cent but 92697  
do not exceed thirty per cent of ~~medicaid-reimbursable~~ 92698  
medicaid-allowable costs for a particular cost center reported in 92699  
the cost report, the greater of six per cent of the total amount 92700  
of ~~medicaid-reimbursable~~ medicaid-allowable costs reported in the 92701  
cost report or twenty-five thousand dollars; 92702

(6) If the adverse findings exceed thirty per cent of 92703  
~~medicaid-reimbursable~~ medicaid-allowable costs for a particular 92704  
cost center reported in the cost report, the greater of ten per 92705  
cent of the total amount of ~~medicaid-reimbursable~~ 92706  
medicaid-allowable costs reported in the cost report or fifty 92707  
thousand dollars. 92708

(C) Fines paid under this section shall be deposited into the 92709  
health care services administration fund created under section 92710  
~~5111.94~~ 5162.54 of the Revised Code. 92711

(D) The department may not collect a fine under this section 92712  
until all appeal rights relating to the audit report that is the 92713  
basis for the fine are exhausted. 92714

**Sec. ~~5111.222~~ 5165.15.** (A) ~~As used in this section, "low~~ 92715  
~~resource utilization resident" means a medicaid recipient residing~~ 92716  
~~in a nursing facility who, for purposes of calculating the nursing~~ 92717  
~~facility's medicaid reimbursement rate for direct care costs, is~~ 92718

~~placed in either of the two lowest resource utilization groups, 92719  
excluding any resource utilization group that is a default group 92720  
used for residents with incomplete assessment data. 92721~~

~~(B) Except as otherwise provided by sections ~~5111.20~~ 5165.151 92722  
to ~~5111.331~~ 5165.156 and 5165.34 of the Revised Code and by 92723  
division (C) of this section, the total per medicaid day payment 92724  
rate that the department of ~~job and family services~~ medicaid shall 92725  
agree to pay for a fiscal year to the provider of a nursing 92726  
facility pursuant to a provider agreement provider for nursing 92727  
facility services the provider's nursing facility provides during 92728  
a fiscal year shall equal the sum of all of the following: 92729~~

~~(1) The rate for direct care costs determined for the nursing 92730  
facility under section ~~5111.231~~ of the Revised Code; 92731~~

~~(2) The per medicaid day payment rate for ancillary and 92732  
support costs determined for the nursing ~~facility's ancillary and~~ 92733  
~~support cost peer group~~ facility under section ~~5111.24~~ 5165.16 of 92734  
the Revised Code; 92735~~

~~(3)(2) The per medicaid day payment rate for capital costs 92736  
determined for the nursing facility under section 5165.17 of the 92737  
Revised Code; 92738~~

~~(3) The per medicaid day payment rate for direct care costs 92739  
determined for the nursing facility under section 5165.19 of the 92740  
Revised Code; 92741~~

~~(4) The per medicaid day payment rate for tax costs 92742  
determined for the nursing facility under section ~~5111.242~~ 5165.21 92743  
of the Revised Code; 92744~~

~~(4) The quality incentive payment paid to the nursing 92745  
facility under section 5111.244 of the Revised Code; 92746~~

~~(5) If the nursing facility qualifies as a critical access 92747  
nursing facility, the nursing facility's critical access incentive 92748~~

payment paid to the nursing facility under section 5111.246 92749  
5165.23 of the Revised Code; 92750

(6) The ~~rate for capital costs determined for the nursing~~ 92751  
~~facility's capital costs peer group under section 5111.25~~ quality 92752  
incentive payment paid to the nursing facility under section 92753  
5165.25 of the Revised Code. 92754

~~(C) The total rate determined under division (B) of this~~ 92755  
~~section shall not be paid for nursing facility services provided~~ 92756  
~~to low resource utilization residents. Instead, the total rate for~~ 92757  
~~nursing facility services that a nursing facility provides to low~~ 92758  
~~resource utilization residents shall be one hundred thirty dollars~~ 92759  
~~per medicaid day.~~ 92760

~~(D)~~(B) In addition to paying a nursing facility provider the 92761  
nursing facility's total rate determined under division ~~(B)~~ ~~or~~ 92762  
~~(C)~~(A) of this section for a fiscal year, the department shall pay 92763  
the provider a quality bonus under section ~~5111.245~~ 5165.26 of the 92764  
Revised Code for that fiscal year if the provider's nursing 92765  
facility is a qualifying nursing facility, as defined in that 92766  
section, for that fiscal year. The quality bonus shall not be part 92767  
of the total rate. 92768

**Sec. ~~5111.254~~ 5165.151.** (A) The ~~department of job and family~~ 92769  
~~services shall establish initial rates for a nursing facility with~~ 92770  
~~a first date of licensure that is on or after July 1, 2006,~~ 92771  
~~including a facility that replaces one or more existing~~ 92772  
~~facilities, or for a nursing facility with a first date of~~ 92773  
~~licensure before that date that was initially certified for the~~ 92774  
~~medicaid program on or after that date, total per medicaid day~~ 92775  
payment rate determined under section 5165.15 of the Revised Code 92776  
shall not be the initial rate for nursing facility services 92777  
provided by a new nursing facility. Instead, the initial total per 92778  
medicaid day payment rate for nursing facility services provided 92779

by a new nursing facility shall be determined in the following 92780  
manner: 92781

(1) The initial rate for ancillary and support costs shall be 92782  
the rate for the new nursing facility's peer group determined 92783  
under division (D) of section 5165.16 of the Revised Code. 92784

(2) The initial rate for capital costs shall be the rate for 92785  
the new nursing facility's peer group determined under division 92786  
(D) of section 5165.17 of the Revised Code; 92787

(3) The initial rate for direct care costs shall be the 92788  
product of the cost per case-mix unit determined under division 92789  
(D) of section ~~5111.231~~ 5165.19 of the Revised Code for the new 92790  
nursing facility's peer group and the new nursing facility's 92791  
case-mix score determined under division (B) of this section. ~~For~~ 92792  
~~the purpose of division (A)(1) of this section, the nursing~~ 92793  
~~facility's case mix score shall be the following:~~ 92794

~~(a) Unless the nursing facility replaces an existing nursing~~ 92795  
~~facility that participated in the medicaid program immediately~~ 92796  
~~before the replacement nursing facility begins participating in~~ 92797  
~~the medicaid program, the median annual average case mix score for~~ 92798  
~~the nursing facility's peer group;~~ 92799

~~(b) If the nursing facility replaces an existing nursing~~ 92800  
~~facility that participated in the medicaid program immediately~~ 92801  
~~before the replacement nursing facility begins participating in~~ 92802  
~~the medicaid program, the semiannual case mix score most recently~~ 92803  
~~determined under section 5111.232 of the Revised Code for the~~ 92804  
~~replaced nursing facility as adjusted, if necessary, to reflect~~ 92805  
~~any difference in the number of beds in the replaced and~~ 92806  
~~replacement nursing facilities.~~ 92807

~~(2) The rate for ancillary and support costs shall be the~~ 92808  
~~rate for the facility's peer group determined under division (D)~~ 92809  
~~of section 5111.24 of the Revised Code.~~ 92810

~~(3) The rate for capital costs shall be the rate for the facility's peer group determined under division (D) of section 5111.25 of the Revised Code.~~ 92811  
92812  
92813

(4) The initial rate for tax costs shall be the median rate for tax costs for the new nursing facility's peer group in which the nursing facility is placed under division (C) of section ~~5111.24~~ 5165.16 of the Revised Code. 92814  
92815  
92816  
92817

(5) The quality incentive payment shall be the mean payment made to nursing facilities under section ~~5111.244~~ 5165.25 of the Revised Code. 92818  
92819  
92820

(B) For the purpose of division (A)(3) of this section, a new nursing facility's case-mix score shall be the following: 92821  
92822

(1) Unless the new nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the median annual average case-mix score for the new nursing facility's peer group; 92823  
92824  
92825  
92826  
92827

(2) If the nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the semiannual case-mix score most recently determined under section 5165.192 of the Revised Code for the replaced nursing facility as adjusted, if necessary, to reflect any difference in the number of beds in the replaced and new nursing facilities. 92828  
92829  
92830  
92831  
92832  
92833  
92834  
92835

(C) Subject to division ~~(C)~~(D) of this section, the department shall adjust the rates established under division (A) of this section effective the first day of July, to reflect new rate calculations for all nursing facilities under ~~sections 5111.20 to 5111.331~~ of the Revised Code this chapter. 92836  
92837  
92838  
92839  
92840

~~(C)~~(D) If a rate for direct care costs is determined under 92841



this section for a new nursing facility using the median annual 92842  
average case-mix score for the new nursing facility's peer group, 92843  
the rate shall be redetermined to reflect the ~~replacement~~ new 92844  
nursing facility's actual semiannual average case-mix score 92845  
determined under section ~~5111.232~~ 5165.192 of the Revised Code 92846  
after the new nursing facility submits its first two quarterly 92847  
assessment data that qualify for use in calculating a case-mix 92848  
score in accordance with rules authorized by ~~division (E) of~~ 92849  
section ~~5111.232~~ 5165.192 of the Revised Code. If the new nursing 92850  
facility's quarterly submissions do not qualify for use in 92851  
calculating a case-mix score, the department shall continue to use 92852  
the median annual average case-mix score for the new nursing 92853  
facility's peer group in lieu of the new nursing facility's 92854  
semiannual case-mix score until the new nursing facility submits 92855  
two consecutive quarterly assessment data that qualify for use in 92856  
calculating a case-mix score. 92857

Sec. 5165.152. The total per medicaid day payment rate 92858  
determined under section 5165.15 of the Revised Code shall not be 92859  
paid for nursing facility services provided to low resource 92860  
utilization residents. Instead, the total rate for such nursing 92861  
facility services shall be one hundred thirty dollars per medicaid 92862  
day. 92863

Sec. ~~5111.258~~ 5165.153. (A) ~~Notwithstanding sections 5111.20~~ 92864  
~~to 5111.331 of the Revised Code (except section 5111.259 of the~~ 92865  
~~Revised Code), the director of job and family services shall adopt~~ 92866  
~~rules under section 5111.02 of the Revised Code that establish a~~ 92867  
~~methodology for calculating the prospective rates that will be~~ 92868  
~~paid each fiscal year to a provider for each of the provider's~~ 92869  
~~eligible nursing facilities and intermediate care facilities for~~ 92870  
~~the mentally retarded, and discrete units of the provider's~~ 92871  
~~nursing facilities or intermediate care facilities for the~~ 92872

~~mentally retarded, that serve residents who have diagnoses~~ The 92873  
total per medicaid day payment rate determined under section 92874  
5165.15 of the Revised Code shall not be paid for nursing facility 92875  
services provided by a nursing facility, or discrete unit of a 92876  
nursing facility, designated by the department of medicaid as an 92877  
outlier nursing facility or unit. Instead, the provider of a 92878  
designated outlier nursing facility or unit shall be paid each 92879  
fiscal year a total per medicaid day payment rate that the 92880  
department shall prospectively determine in accordance with a 92881  
methodology established in rules authorized by this section. 92882

(B) The department may designate a nursing facility, or 92883  
discrete unit of a nursing facility, as an outlier nursing 92884  
facility or unit if the nursing facility or unit serves residents 92885  
who have either of the following: 92886

(1) Diagnoses or special care needs that require direct care 92887  
resources that are not measured adequately by the ~~applicable~~ 92888  
resident assessment instrument specified in rules authorized by 92889  
section ~~5111.232~~ 5165.191 of the Revised Code, ~~or who have~~ 92890  
diagnoses; 92891

(2) Diagnoses or special care needs specified in ~~the~~ rules 92892  
authorized by this section as otherwise qualifying for 92893  
consideration under this section. ~~The facilities and units of~~ 92894  
~~facilities whose rates are established under this division may~~ 92895  
~~include, but shall not be limited to, any of the following:~~ 92896

~~(1) In the case of nursing facilities, facilities and units~~ 92897  
~~of facilities that serve medically fragile pediatric residents,~~ 92898  
~~residents who are dependent on ventilators, or residents who have~~ 92899  
~~severe traumatic brain injury, end stage Alzheimer's disease, or~~ 92900  
~~end stage acquired immunodeficiency syndrome;~~ 92901

~~(2) In the case of intermediate care facilities for the~~ 92902  
~~mentally retarded, facilities and units of facilities that serve~~ 92903

~~residents who have complex medical conditions or severe behavioral problems.~~ 92904  
92905

~~The department shall use the methodology established under this division to pay for services rendered by such facilities and units after June 30, 1993.~~ 92906  
92907  
92908

(C) Notwithstanding any other provision of this chapter (except section 5165.156 of the Revised Code), the costs incurred by a designated outlier nursing facility or unit shall not be considered in establishing medicaid payment rates for other nursing facilities or units. 92909  
92910  
92911  
92912  
92913

(D) The medicaid director shall adopt rules under section 5165.02 of the Revised Code as necessary to implement this section. 92914  
92915  
92916

(1)(a) The rules authorized by this division shall specify do both of the following: 92917  
92918

(i) Specify the criteria and procedures the department will apply when designating facilities and units that qualify for calculation of rates under this division a nursing facility, or discrete unit of a nursing facility, as an outlier nursing facility or unit; 92919  
92920  
92921  
92922  
92923

(ii) Establish a methodology for prospectively determining the total per medicaid day payment rate that will be paid each fiscal year for nursing facility services provided by a designated outlier nursing facility or unit. The criteria shall include 92924  
92925  
92926  
92927

(b) The rules authorized by division (D)(1)(a)(i) of this section regarding the criteria for designating outlier nursing facilities and units shall do both of the following: 92928  
92929  
92930

(i) Provide for consideration of whether all of the allowable costs of the a nursing facility, or discrete unit of a nursing facility, would be paid by rates established a rate determined 92931  
92932  
92933

under ~~sections 5111.20 to 5111.331~~ section 5165.15 of the Revised Code, ~~and shall establish a;~~

(ii) Specify the minimum bed size for a number of nursing facility beds that a nursing facility, or discrete unit to qualify to of a nursing facility, must have its rates established under this division to be designated an outlier nursing facility or unit, which may vary based on the diagnoses or special care needs of the residents served by the nursing facility or unit. The eriteria shall not be designed to require that residents be served only in

(c) The rules authorized by division (D)(1)(a)(i) of this section regarding the criteria for designating outlier nursing facilities and units shall not limit the designation to nursing facilities, or discrete units of nursing facilities, located in large cities. The

(d) The rules authorized by division (D)(1)(a)(ii) of this section regarding the methodology for prospectively determining the rates of designated outlier nursing facilities and units shall provide for the methodology established by the rules shall to consider the historical costs of providing eare nursing facility services to the residents of the designated outlier nursing facilities ~~or~~ and units.

(2)(a) The rules may ~~require~~ do both of the following:

(i) Include for designation as an outlier nursing facility or unit, a nursing facility, or discrete unit of a nursing facility, that serves medically fragile pediatric residents; residents who are dependent on ventilators; residents who have severe traumatic brain injury, end-stage Alzheimer's disease, or end-stage acquired immunodeficiency syndrome; or residents with other diagnoses or special care needs specified in the rules;

(ii) Require that a designated outlier nursing facility

~~designated under this division or containing a unit designated 92965  
under this division receive authorization from the department to 92966  
admit before admitting or retain retaining a resident to the 92967  
facility or unit and. 92968~~

~~(b) If the director adopts rules authorized by division 92969  
(D)(2)(a)(ii) of this section regarding the authorization of a 92970  
designated outlier nursing facility or unit to admit or retain a 92971  
resident, the rules shall specify the criteria and procedures the 92972  
department will apply when granting that authorization. 92973~~

~~Notwithstanding any other provision of sections 5111.20 to 92974  
5111.331 of the Revised Code (except section 5111.259 of the 92975  
Revised Code), the costs incurred by facilities or units whose 92976  
rates are established under this division shall not be considered 92977  
in establishing payment rates for other facilities or units. 92978~~

~~(B) The director may adopt rules under section 5111.02 of the 92979  
Revised Code under which the department, notwithstanding any other 92980  
provision of sections 5111.20 to 5111.331 of the Revised Code 92981  
(except section 5111.259 of the Revised Code), may adjust the 92982  
rates determined under sections 5111.20 to 5111.331 of the Revised 92983  
Code for a facility that serves a resident who has a diagnosis or 92984  
special care need that, in the rules authorized by division (A) of 92985  
this section, would qualify a facility or unit of a facility to 92986  
have its rate determined under that division, but who is not in 92987  
such a unit. The rules may require that a facility that qualifies 92988  
for a rate adjustment under this division receive authorization 92989  
from the department to admit or retain a resident who qualifies 92990  
the facility for the rate adjustment and shall specify the 92991  
criteria and procedures the department will apply when granting 92992  
that authorization. 92993~~

~~Sec. 5165.154. (A) To the extent, if any, provided for in 92994  
rules authorized by this section, the total per medicaid day 92995~~

payment rate determined under section 5165.15 of the Revised Code 92996  
shall not be paid for nursing facility services that a nursing 92997  
facility not designated as an outlier nursing facility or unit 92998  
provides to a resident who meets the criteria for admission to a 92999  
designated outlier nursing facility or unit, as specified in rules 93000  
authorized by section 5165.153 of the Revised Code. Instead, the 93001  
provider of a nursing facility providing nursing facility services 93002  
to such a resident shall be paid each fiscal year a total per 93003  
medicaid day payment rate that the department of medicaid shall 93004  
prospectively determine in accordance with a methodology 93005  
established in rules authorized by this section. 93006

(B) The medicaid director may adopt rules under section 93007  
5165.02 of the Revised Code to implement this section. The rules 93008  
may require that a nursing facility receive authorization from the 93009  
department before admitting or retaining a resident who meets the 93010  
criteria for admission to a designated outlier nursing facility or 93011  
unit. If the director adopts such rules, the rules shall specify 93012  
the criteria and procedures the department will apply when 93013  
granting the authorization. 93014

**Sec. ~~5111.225~~ 5165.155.** (A) As used in this section+ 93015

~~"Dual eligible individual" has the same meaning as in section~~ 93016  
~~1915(h)(2)(B) of the "Social Security Act," 124 Stat. 315 (2010),~~ 93017  
~~42 U.S.C. 1396n(h)(2)(B).~~ 93018

~~"Medicaid, "medicaid maximum allowable amount" means one~~ 93019  
~~hundred per cent of a nursing facility's total per diem medicaid~~ 93020  
~~day payment rate for a medicaid day.~~ 93021

~~(B) The~~ Instead of paying the total per medicaid day payment 93022  
rate determined under section 5165.15 of the Revised Code, the 93023  
department of job and family services medicaid shall pay the 93024  
provider of a nursing facility the lesser of the following for 93025

nursing facility services the nursing facility provides on or 93026  
after January 1, 2012, to a dual eligible individual who is 93027  
eligible for nursing facility services under the medicaid program 93028  
and post-hospital extended care services under Part A of Title 93029  
XVIII: 93030

(1) The coinsurance amount for the services as provided under 93031  
Part A of Title XVIII; 93032

(2) The medicaid maximum allowable amount for the services, 93033  
less the amount paid under Part A of Title XVIII for the services. 93034

**Sec. ~~5111.259~~ 5165.156.** The medicaid director ~~of job and~~ 93035  
~~family services~~ may ~~submit a request to the United States~~ 93036  
~~secretary of health and human services for approval to~~ establish a 93037  
centers of excellence component of the medicaid program. The 93038  
purpose of the centers of excellence component is to increase the 93039  
efficiency and quality of nursing facility services provided to 93040  
medicaid recipients with complex nursing facility service needs. 93041  
~~If federal approval for the centers of excellence component is~~ 93042  
~~granted, the~~ The director may adopt rules under section ~~5111.02~~ 93043  
5165.02 of the Revised Code governing the component, including 93044  
rules that establish a method of determining the medicaid 93045  
~~reimbursement~~ payment rates for nursing facilities providing 93046  
nursing facility services to medicaid recipients participating in 93047  
the component. The rules may specify the extent to which, if any, 93048  
of the provisions of ~~section 5111.258~~ sections 5165.153 and 93049  
5165.154 of the Revised Code are to apply to the centers of 93050  
excellence component. If such rules are adopted, the nursing 93051  
facilities that provide nursing facility services to medicaid 93052  
recipients participating in the centers of excellence component 93053  
shall be paid for those services in accordance with the method 93054  
established in the rules ~~notwithstanding anything to the contrary~~ 93055  
~~in sections 5111.20 to 5111.331~~ instead of the total per medicaid 93056

day payment rate determined under section 5165.15 of the Revised 93057  
Code. 93058

**Sec. ~~5111.24~~ 5165.16.** (A) As used in this section: 93059

(1) "Applicable calendar year" means the following: 93060

(a) For the purpose of the department of ~~job and family~~ 93061  
~~services~~ medicaid's initial determination under division (D) of 93062  
this section of each peer group's rate for ancillary and support 93063  
costs, calendar year 2003; 93064

(b) For the purpose of the department's rebasings, the 93065  
calendar year the department selects. 93066

(2) "Rebasing" means a redetermination under division (D) of 93067  
this section of each peer ~~groups~~ group's rate for ancillary and 93068  
support costs using information from cost reports for an 93069  
applicable calendar year that is later than the applicable 93070  
calendar year used for the previous determination of such rates. 93071

(B) The department of ~~job and family services~~ medicaid shall 93072  
~~pay a provider for~~ determine each of the provider's eligible 93073  
~~nursing facilities~~ a facility's per ~~resident per~~ medicaid day 93074  
payment rate for ancillary and support costs ~~determined for the.~~ A 93075  
nursing facility's peer group rate shall be the rate determined 93076  
under division (D) of this section for the nursing facility's peer 93077  
group. However, for the period beginning October 1, 2013, and 93078  
ending on the first day of the first rebasing, the rate for a 93079  
nursing facility located in Mahoning or Stark county shall be the 93080  
rate determined for the following: 93081

(1) If the nursing facility has fewer than one hundred beds, 93082  
the nursing facilities in peer group three; 93083

(2) If the nursing facility has one hundred or more beds, the 93084  
nursing facilities in peer group four. 93085



(C) For the purpose of determining nursing facilities' ~~rate~~ 93086  
rates for ancillary and support costs, the department shall 93087  
establish six peer groups. 93088

~~Each~~ (1) Until the first rebasing occurs, the peer groups 93089  
shall be composed as follows: 93090

(a) Each nursing facility located in any of the following 93091  
counties shall be placed in peer group one or two: Brown, Butler, 93092  
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 93093  
located in any of those counties that has fewer than one hundred 93094  
beds shall be placed in peer group one. Each nursing facility 93095  
located in any of those counties that has one hundred or more beds 93096  
shall be placed in peer group two. 93097

(b) Each nursing facility located in any of the following 93098  
counties shall be placed in peer group three or four: Ashtabula, 93099  
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 93100  
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 93101  
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 93102  
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 93103  
Union, and Wood. Each nursing facility located in any of those 93104  
counties that has fewer than one hundred beds shall be placed in 93105  
peer group three. Each nursing facility located in any of those 93106  
counties that has one hundred or more beds shall be placed in peer 93107  
group four. 93108

(c) Each nursing facility located in any of the following 93109  
counties shall be placed in peer group five or six: Adams, Allen, 93110  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 93111  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 93112  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 93113  
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 93114  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 93115  
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 93116  
Washington, Wayne, Williams, and Wyandot. Each nursing facility 93117

located in any of those counties that has fewer than one hundred 93118  
beds shall be placed in peer group five. Each nursing facility 93119  
located in any of those counties that has one hundred or more beds 93120  
shall be placed in peer group six. 93121

(2) Beginning with the first rebasing, the peer groups shall 93122  
be composed as they are under division (C)(1) of this section 93123  
except as follows: 93124

(a) Each nursing facility that has fewer than one hundred 93125  
beds and is located in Mahoning or Stark county shall be placed in 93126  
peer group three rather than peer group five. 93127

(b) Each nursing facility that has one hundred or more beds 93128  
and is located in Mahoning or Stark county shall be placed in peer 93129  
group four rather than peer group six. 93130

(D)(1) The department shall determine the rate for ancillary 93131  
and support costs for each peer group established under division 93132  
(C) of this section. The department is not required to conduct a 93133  
rebasings more than once every ten years. Except as necessary to 93134  
implement the amendments made to this section by Am. Sub. H.B. 153 93135  
and Sub. H.B. 303, both of the 129th general assembly, the rate 93136  
for ancillary and support costs determined under this division for 93137  
a peer group shall be used for subsequent years until the 93138  
department conducts a rebasing. To determine a peer group's rate 93139  
for ancillary and support costs, the department shall do all of 93140  
the following: 93141

(a) Subject to division (D)(2) of this section, determine the 93142  
rate for ancillary and support costs for each nursing facility in 93143  
the peer group for the applicable calendar year by using the 93144  
greater of the nursing facility's actual inpatient days for the 93145  
applicable calendar year or the inpatient days the nursing 93146  
facility would have had for the applicable calendar year if its 93147  
occupancy rate had been ninety per cent; 93148

(b) Subject to division (D)(3) of this section, identify which nursing facility in the peer group is at the twenty-fifth percentile of the rate for ancillary and support costs for the applicable calendar year determined under division (D)(1)(a) of this section;

(c) Multiply the rate for ancillary and support costs determined under division (D)(1)(a) of this section for the nursing facility identified under division (D)(1)(b) of this section by the rate of inflation for the eighteen-month period beginning on the first day of July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year using the following:

(i) Until the first rebasing occurs, the consumer price index for all items for all urban consumers for the north central region, published by the United States bureau of labor statistics, as that index existed on July 1, 2005;

(ii) Effective with the first rebasing and except as provided in division (D)(1)(c)(iii) of this section, the consumer price index for all items for all urban consumers for the midwest region, published by the United States bureau of labor statistics;

(iii) If the United States bureau of labor statistics ceases to publish the index specified in division (D)(1)(c)(ii) of this section, the index the bureau subsequently publishes that covers urban consumers' prices for items for the region that includes this state.

(d) Until the first rebasing occurs, increase the amount calculated under division (D)(1)(c) of this section by five and eight hundredths per cent.

(2) For the purpose of determining a nursing facility's occupancy rate under division (D)(1)(a) of this section, the

department shall include any beds that the nursing facility 93180  
removes from its medicaid-certified capacity unless the nursing 93181  
facility also removes the beds from its licensed bed capacity. 93182

(3) In making the identification under division (D)(1)(b) of 93183  
this section, the department shall exclude both of the following: 93184

(a) Nursing facilities that participated in the medicaid 93185  
program under the same provider for less than twelve months in the 93186  
applicable calendar year; 93187

(b) Nursing facilities whose ancillary and support costs are 93188  
more than one standard deviation from the mean desk-reviewed, 93189  
actual, allowable, per diem ancillary and support cost for all 93190  
nursing facilities in the nursing facility's peer group for the 93191  
applicable calendar year. 93192

(4) The department shall not redetermine a peer group's rate 93193  
for ancillary and support costs under this division based on 93194  
additional information that it receives after the rate is 93195  
determined. The department shall redetermine a peer group's rate 93196  
for ancillary and support costs only if the department made an 93197  
error in determining the rate based on information available to 93198  
the department at the time of the original determination. 93199

**Sec. ~~5111.25~~ 5165.17.** (A) As used in this section: 93200

(1) "Applicable calendar year" means the following: 93201

(a) For the purpose of the department of ~~job and family~~ 93202  
~~services~~ medicaid's initial determination under division (D) of 93203  
this section of each peer group's rate for capital costs, calendar 93204  
year 2003; 93205

(b) For the purpose of the department's rebasings, the 93206  
calendar year the department selects. 93207

(2) "Rebasing" means a redetermination under division (D) of 93208  
this section of each peer ~~groups~~ group's rate for capital costs 93209

using information from cost reports for an applicable calendar 93210  
year that is later than the applicable calendar year used for the 93211  
previous determination of such rates. 93212

(B) The department of ~~job and family services~~ medicaid shall 93213  
~~pay a provider for~~ determine each of the provider's eligible 93214  
~~nursing facilities a~~ facility's per resident per medicaid day 93215  
payment rate for capital costs ~~determined for the~~. A nursing 93216  
facility's ~~peer group~~ rate shall be the rate determined under 93217  
division (D) of this section. However, for the period beginning 93218  
October 1, 2013, and ending on the first day of the first 93219  
rebasings, the rate for a nursing facility located in Mahoning or 93220  
Stark county shall be the rate determined for the following: 93221

(1) If the nursing facility has fewer than one hundred beds, 93222  
the nursing facilities in peer group three; 93223

(2) If the nursing facility has one hundred or more beds, the 93224  
nursing facilities in peer group four. 93225

(C) For the purpose of determining nursing facilities' ~~rate~~ 93226  
rates for capital costs, the department shall establish six peer 93227  
groups. 93228

~~Each~~ (1) Until the first rebasing occurs, the peer groups 93229  
shall be composed as follows: 93230

(a) Each nursing facility located in any of the following 93231  
counties shall be placed in peer group one or two: Brown, Butler, 93232  
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 93233  
located in any of those counties that has fewer than one hundred 93234  
beds shall be placed in peer group one. Each nursing facility 93235  
located in any of those counties that has one hundred or more beds 93236  
shall be placed in peer group two. 93237

(b) Each nursing facility located in any of the following 93238  
counties shall be placed in peer group three or four: Ashtabula, 93239  
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 93240

Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 93241  
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 93242  
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 93243  
Union, and Wood. Each nursing facility located in any of those 93244  
counties that has fewer than one hundred beds shall be placed in 93245  
peer group three. Each nursing facility located in any of those 93246  
counties that has one hundred or more beds shall be placed in peer 93247  
group four. 93248

(c) Each nursing facility located in any of the following 93249  
counties shall be placed in peer group five or six: Adams, Allen, 93250  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 93251  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 93252  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 93253  
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 93254  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 93255  
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 93256  
Washington, Wayne, Williams, and Wyandot. Each nursing facility 93257  
located in any of those counties that has fewer than one hundred 93258  
beds shall be placed in peer group five. Each nursing facility 93259  
located in any of those counties that has one hundred or more beds 93260  
shall be placed in peer group six. 93261

(2) Beginning with the first rebasing, the peer groups shall 93262  
be composed as they are under division (C)(1) of this section 93263  
except as follows: 93264

(a) Each nursing facility that has fewer than one hundred 93265  
beds and is located in Mahoning or Stark county shall be placed in 93266  
peer group three rather than peer group five. 93267

(b) Each nursing facility that has one hundred or more beds 93268  
and is located in Mahoning or Stark county shall be placed in peer 93269  
group four rather than peer group six. 93270

(D)(1) The department shall determine the rate for capital 93271

costs for each peer group established under division (C) of this section. The department is not required to conduct a rebasing more than once every ten years. Except as necessary to implement the amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 303, both of the 129th general assembly, the rate for capital costs determined under this division for a peer group shall be used for subsequent years until the department conducts a rebasing. To determine a peer group's rate for capital costs, the department shall do both of the following:

(a) Determine the rate for capital costs for the nursing facility in the peer group that is at the twenty-fifth percentile of the rate for capital costs for the applicable calendar year;

(b) Until the first rebasing occurs, increase the amount calculated under division (D)(1)(a) of this section by five and eight hundredths per cent.

(2) To identify the nursing facility in a peer group that is at the twenty-fifth percentile of the rate for capital costs for the applicable calendar year, the department shall do both of the following:

(a) Subject to division (D)(3) of this section, use the greater of each nursing facility's actual inpatient days for the applicable calendar year or the inpatient days the nursing facility would have had for the applicable calendar year if its occupancy rate had been one hundred per cent;

(b) Exclude both of the following:

(i) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year;

(ii) Nursing facilities whose capital costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem capital cost for all nursing facilities in the nursing

facility's peer group for the applicable calendar year. 93303

(3) For the purpose of determining a nursing facility's 93304  
occupancy rate under division (D)(2)(a) of this section, the 93305  
department shall include any beds that the nursing facility 93306  
removes from its medicaid-certified capacity after June 30, 2005, 93307  
unless the nursing facility also removes the beds from its 93308  
licensed bed capacity. 93309

(4) The department shall not redetermine a peer group's rate 93310  
for capital costs under this division based on additional 93311  
information that it receives after the rate is determined. The 93312  
department shall redetermine a peer group's rate for capital costs 93313  
only if the department made an error in determining the rate based 93314  
on information available to the department at the time of the 93315  
original determination. 93316

(E) Buildings shall be depreciated using the straight line 93317  
method over forty years or over a different period approved by the 93318  
department. Components and equipment shall be depreciated using 93319  
the straight-line method over a period designated in rules adopted 93320  
under section ~~5111.02~~ 5165.02 of the Revised Code, consistent with 93321  
the guidelines of the American hospital association, or over a 93322  
different period approved by the department. Any rules authorized 93323  
by this division that specify useful lives of buildings, 93324  
components, or equipment apply only to assets acquired on or after 93325  
July 1, 1993. Depreciation for costs paid or reimbursed by any 93326  
government agency shall not be included in capital costs unless 93327  
that part of the payment under ~~sections 5111.20 to 5111.331 of the~~ 93328  
~~Revised Code~~ this chapter is used to reimburse the government 93329  
agency. 93330

(F) The capital cost basis of nursing facility assets shall 93331  
be determined in the following manner: 93332

(1) Except as provided in division (F)(3) of this section, 93333



for purposes of calculating the rates to be paid for facilities 93334  
with dates of licensure on or before June 30, 1993, the capital 93335  
cost basis of each asset shall be equal to the desk-reviewed, 93336  
actual, allowable, capital cost basis that is listed on the 93337  
facility's cost report for the calendar year preceding the fiscal 93338  
year during which the rate will be paid. 93339

(2) For facilities with dates of licensure after June 30, 93340  
1993, the capital cost basis shall be determined in accordance 93341  
with the principles of the medicare program ~~established under~~ 93342  
~~Title XVIII~~, except as otherwise provided in ~~sections 5111.20 to~~ 93343  
~~5111.331 of the Revised Code~~ this chapter. 93344

(3) Except as provided in division (F)(4) of this section, if 93345  
a provider transfers an interest in a facility to another provider 93346  
after June 30, 1993, there shall be no increase in the capital 93347  
cost basis of the asset if the providers are related parties or 93348  
the provider to which the interest is transferred authorizes the 93349  
provider that transferred the interest to continue to operate the 93350  
facility under a lease, management agreement, or other 93351  
arrangement. If the previous sentence does not prohibit the 93352  
adjustment of the capital cost basis under this division, the 93353  
basis of the asset shall be adjusted by one-half of the change in 93354  
the consumer price index for all items for all urban consumers, as 93355  
published by the United States bureau of labor statistics, during 93356  
the time that the transferor held the asset. 93357

(4) If a provider transfers an interest in a facility to 93358  
another provider who is a related party, the capital cost basis of 93359  
the asset shall be adjusted as specified in division (F)(3) of 93360  
this section if all of the following conditions are met: 93361

(a) The related party is a relative of owner; 93362

(b) Except as provided in division (F)(4)(c)(ii) of this 93363  
section, the provider making the transfer retains no ownership 93364

interest in the facility; 93365

(c) The department ~~of job and family services~~ determines that 93366  
the transfer is an arm's length transaction pursuant to rules 93367  
adopted under section ~~5111.02~~ 5165.02 of the Revised Code. The 93368  
rules shall provide that a transfer is an arm's length transaction 93369  
if all of the following apply: 93370

(i) Once the transfer goes into effect, the provider that 93371  
made the transfer has no direct or indirect interest in the 93372  
provider that acquires the facility or the facility itself, 93373  
including interest as an owner, officer, director, employee, 93374  
independent contractor, or consultant, but excluding interest as a 93375  
creditor. 93376

(ii) The provider that made the transfer does not reacquire 93377  
an interest in the facility except through the exercise of a 93378  
creditor's rights in the event of a default. If the provider 93379  
reacquires an interest in the facility in this manner, the 93380  
department shall treat the facility as if the transfer never 93381  
occurred when the department calculates its reimbursement rates 93382  
for capital costs. 93383

(iii) The transfer satisfies any other criteria specified in 93384  
the rules. 93385

(d) Except in the case of hardship caused by a catastrophic 93386  
event, as determined by the department, or in the case of a 93387  
provider making the transfer who is at least sixty-five years of 93388  
age, not less than twenty years have elapsed since, for the same 93389  
facility, the capital cost basis was adjusted most recently under 93390  
division (F)(4) of this section or actual, allowable ~~cost of~~ 93391  
~~ownership~~ capital costs was determined most recently under 93392  
division (G)(9) of this section. 93393

(G) As used in this division: 93394

"Imputed interest" means the lesser of the prime rate plus 93395

two per cent or ten per cent. 93396

"Lease expense" means lease payments in the case of an 93397  
operating lease and depreciation expense and interest expense in 93398  
the case of a capital lease. 93399

"New lease" means a lease, to a different lessee, of a 93400  
nursing facility that previously was operated under a lease. 93401

(1) Subject to division (B) of this section, for a lease of a 93402  
facility that was effective on May 27, 1992, the entire lease 93403  
expense is an actual, allowable capital cost during the term of 93404  
the existing lease. The entire lease expense also is an actual, 93405  
allowable capital cost if a lease in existence on May 27, 1992, is 93406  
renewed under either of the following circumstances: 93407

(a) The renewal is pursuant to a renewal option that was in 93408  
existence on May 27, 1992; 93409

(b) The renewal is for the same lease payment amount and 93410  
between the same parties as the lease in existence on May 27, 93411  
1992. 93412

(2) Subject to division (B) of this section, for a lease of a 93413  
facility that was in existence but not operated under a lease on 93414  
May 27, 1992, actual, allowable capital costs shall include the 93415  
lesser of the annual lease expense or the annual depreciation 93416  
expense and imputed interest expense that would be calculated at 93417  
the inception of the lease using the lessor's entire historical 93418  
capital asset cost basis, adjusted by one-half of the change in 93419  
the consumer price index for all items for all urban consumers, as 93420  
published by the United States bureau of labor statistics, during 93421  
the time the lessor held each asset until the beginning of the 93422  
lease. 93423

(3) Subject to division (B) of this section, for a lease of a 93424  
facility with a date of licensure on or after May 27, 1992, that 93425  
is initially operated under a lease, actual, allowable capital 93426

costs shall include the annual lease expense if there was a 93427  
substantial commitment of money for construction of the facility 93428  
after December 22, 1992, and before July 1, 1993. If there was not 93429  
a substantial commitment of money after December 22, 1992, and 93430  
before July 1, 1993, actual, allowable capital costs shall include 93431  
the lesser of the annual lease expense or the sum of the 93432  
following: 93433

(a) The annual depreciation expense that would be calculated 93434  
at the inception of the lease using the lessor's entire historical 93435  
capital asset cost basis; 93436

(b) The greater of the lessor's actual annual amortization of 93437  
financing costs and interest expense at the inception of the lease 93438  
or the imputed interest expense calculated at the inception of the 93439  
lease using seventy per cent of the lessor's historical capital 93440  
asset cost basis. 93441

(4) Subject to division (B) of this section, for a lease of a 93442  
facility with a date of licensure on or after May 27, 1992, that 93443  
was not initially operated under a lease and has been in existence 93444  
for ten years, actual, allowable capital costs shall include the 93445  
lesser of the annual lease expense or the annual depreciation 93446  
expense and imputed interest expense that would be calculated at 93447  
the inception of the lease using the entire historical capital 93448  
asset cost basis of one-half of the change in the consumer price 93449  
index for all items for all urban consumers, as published by the 93450  
United States bureau of labor statistics, during the time the 93451  
lessor held each asset until the beginning of the lease. 93452

(5) Subject to division (B) of this section, for a new lease 93453  
of a facility that was operated under a lease on May 27, 1992, 93454  
actual, allowable capital costs shall include the lesser of the 93455  
annual new lease expense or the annual old lease payment. If the 93456  
old lease was in effect for ten years or longer, the old lease 93457  
payment from the beginning of the old lease shall be adjusted by 93458

one-half of the change in the consumer price index for all items 93459  
for all urban consumers, as published by the United States bureau 93460  
of labor statistics, from the beginning of the old lease to the 93461  
beginning of the new lease. 93462

(6) Subject to division (B) of this section, for a new lease 93463  
of a facility that was not in existence or that was in existence 93464  
but not operated under a lease on May 27, 1992, actual, allowable 93465  
capital costs shall include the lesser of annual new lease expense 93466  
or the annual amount calculated for the old lease under division 93467  
(G)(2), (3), (4), or (6) of this section, as applicable. If the 93468  
old lease was in effect for ten years or longer, the lessor's 93469  
historical capital asset cost basis shall be, for purposes of 93470  
calculating the annual amount under division (G)(2), (3), (4), or 93471  
(6) of this section, adjusted by one-half of the change in the 93472  
consumer price index for all items for all urban consumers, as 93473  
published by the United States bureau of labor statistics, from 93474  
the beginning of the old lease to the beginning of the new lease. 93475

In the case of a lease under division (G)(3) of this section 93476  
of a facility for which a substantial commitment of money was made 93477  
after December 22, 1992, and before July 1, 1993, the old lease 93478  
payment shall be adjusted for the purpose of determining the 93479  
annual amount. 93480

(7) For any revision of a lease described in division (G)(1), 93481  
(2), (3), (4), (5), or (6) of this section, or for any subsequent 93482  
lease of a facility operated under such a lease, other than 93483  
execution of a new lease, the portion of actual, allowable capital 93484  
costs attributable to the lease shall be the same as before the 93485  
revision or subsequent lease. 93486

(8) Except as provided in division (G)(9) of this section, if 93487  
a provider leases an interest in a facility to another provider 93488  
who is a related party or previously operated the facility, the 93489  
related party's or previous operator's actual, allowable capital 93490

costs shall include the lesser of the annual lease expense or the reasonable cost to the lessor.

(9) If a provider leases an interest in a facility to another provider who is a related party, regardless of the date of the lease, the related party's actual, allowable capital costs shall include the annual lease expense, subject to the limitations specified in divisions (G)(1) to (7) of this section, if all of the following conditions are met:

(a) The related party is a relative of owner;

(b) If the lessor retains an ownership interest, it is, except as provided in division (G)(9)(c)(ii) of this section, in only the real property and any improvements on the real property;

(c) The department ~~of job and family services~~ determines that the lease is an arm's length transaction pursuant to rules adopted under section ~~5111.02~~ 5165.02 of the Revised Code. The rules shall provide that a lease is an arm's length transaction if all of the following apply:

(i) Once the lease goes into effect, the lessor has no direct or indirect interest in the lessee or, except as provided in division (G)(9)(b) of this section, the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a lessor.

(ii) The lessor does not reacquire an interest in the facility except through the exercise of a lessor's rights in the event of a default. If the lessor reacquires an interest in the facility in this manner, the department shall treat the facility as if the lease never occurred when the department calculates its reimbursement rates for capital costs.

(iii) The lease satisfies any other criteria specified in the rules.

(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a lessor who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (F)(4) of this section or actual, allowable capital costs were determined most recently under division (G)(9) of this section.

(10) This division does not apply to leases of specific items of equipment.

**Sec. ~~5111.231~~ 5165.19.** (A) As used in this section:

(1) "Applicable calendar year" means the following:

(a) For the purpose of the department of ~~job and family services~~ medicaid's initial determination under division (D) of this section of each peer group's cost per case-mix unit, calendar year 2003;

(b) For the purpose of the department's rebasings, the calendar year the department selects.

(2) "Rebasing" means a redetermination under division (D) of this section of each peer ~~groups~~ group's cost per case-mix unit using information from cost reports for an applicable calendar year that is later than the applicable calendar year used for the previous determination of such costs.

(B) ~~The~~ Semiannually, the department of ~~job and family services~~ medicaid shall ~~pay a provider for~~ determine each of the ~~provider's eligible nursing facilities~~ a facility's per ~~resident~~ per medicaid day payment rate for direct care costs ~~determined~~ determined semiannually by multiplying ~~the cost per case-mix unit determined~~ the cost per case-mix unit determined under ~~division (D) of this section for the facility's peer group~~ by the facility's semiannual case-mix score determined under section ~~5111.232~~ 5165.192 of the Revised Code by the cost per

case-mix unit determined under division (D) of this section for 93551  
the facility's peer group. However, for the period beginning 93552  
October 1, 2013, and ending on the first day of the first 93553  
rebasings, the rate for a nursing facility located in Mahoning or 93554  
Stark county shall be determined semiannually by multiplying the 93555  
facility's semiannual case-mix score determined under section 93556  
5165.192 of the Revised Code by the cost per case-mix unit 93557  
determined under division (D) of this section for the nursing 93558  
facilities in peer group two. 93559

(C) For the purpose of determining nursing facilities' ~~rate~~ 93560  
rates for direct care costs, the department shall establish three 93561  
peer groups. 93562

Each (1) Until the first rebasing occurs, the peer groups 93563  
shall be composed as follows: 93564

(a) Each nursing facility located in any of the following 93565  
counties shall be placed in peer group one: Brown, Butler, 93566  
Clermont, Clinton, Hamilton, and Warren. 93567

(b) Each nursing facility located in any of the following 93568  
counties shall be placed in peer group two: Ashtabula, Champaign, 93569  
Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, 93570  
Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, 93571  
Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, 93572  
Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, 93573  
and Wood. 93574

(c) Each nursing facility located in any of the following 93575  
counties shall be placed in peer group three: Adams, Allen, 93576  
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 93577  
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 93578  
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 93579  
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 93580  
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 93581



Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 93582  
Washington, Wayne, Williams, and Wyandot. 93583

(2) Beginning with the first rebasing, the peer groups shall 93584  
be composed as they are under division (C)(1) of this section 93585  
except that each nursing facility located in Mahoning or Stark 93586  
county shall be placed in peer group two rather than peer group 93587  
three. 93588

(D)(1) The department shall determine a cost per case-mix 93589  
unit for each peer group established under division (C) of this 93590  
section. The department is not required to conduct a rebasing more 93591  
than once every ten years. Except as necessary to implement the 93592  
amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 93593  
303, both of the 129th general assembly, and H.B... of the 130th 93594  
general assembly, the cost per case-mix unit determined under this 93595  
division for a peer group shall be used for subsequent years until 93596  
the department conducts a rebasing. To determine a peer group's 93597  
cost per case-mix unit, the department shall do all of the 93598  
following: 93599

(a) Determine the cost per case-mix unit for each nursing 93600  
facility in the peer group for the applicable calendar year by 93601  
dividing each facility's desk-reviewed, actual, allowable, per 93602  
diem direct care costs for the applicable calendar year by the 93603  
facility's annual average case-mix score determined under section 93604  
~~5111.232~~ 5165.192 of the Revised Code for the applicable calendar 93605  
year; 93606

(b) Subject to division (D)(2) of this section, identify 93607  
which nursing facility in the peer group is at the twenty-fifth 93608  
percentile of the cost per case-mix units determined under 93609  
division (D)(1)(a) of this section; 93610

(c) Calculate the amount that is two per cent above the cost 93611  
per case-mix unit determined under division (D)(1)(a) of this 93612

section for the nursing facility identified under division 93613  
(D)(1)(b) of this section; 93614

(d) Using the index specified in division (D)(3) of this 93615  
section, multiply the rate of inflation for the eighteen-month 93616  
period beginning on the first day of July of the applicable 93617  
calendar year and ending the last day of December of the calendar 93618  
year immediately following the applicable calendar year by the 93619  
amount calculated under division (D)(1)(c) of this section; 93620

(e) Until the first rebasing occurs, add one dollar and 93621  
~~eighty-eight~~ fifty-six cents to the amount calculated under 93622  
division (D)(1)(d) of this section; 93623

(f) Until the first rebasing occurs, increase the amount 93624  
calculated under division (D)(1)(e) of this section by five and 93625  
eight hundredths per cent. 93626

(2) In making the identification under division (D)(1)(b) of 93627  
this section, the department shall exclude both of the following: 93628

(a) Nursing facilities that participated in the medicaid 93629  
program under the same provider for less than twelve months in the 93630  
applicable calendar year; 93631

(b) Nursing facilities whose cost per case-mix unit is more 93632  
than one standard deviation from the mean cost per case-mix unit 93633  
for all nursing facilities in the nursing facility's peer group 93634  
for the applicable calendar year. 93635

(3) The following index shall be used for the purpose of the 93636  
calculation made under division (D)(1)(d) of this section: 93637

(a) Until the first rebasing occurs, the employment cost 93638  
index for total compensation, health services component, published 93639  
by the United States bureau of labor statistics, as the index 93640  
existed on July 1, 2005; 93641

(b) Effective with the first rebasing and except as provided 93642

in division (D)(3)(c) of this section, the employment cost index 93643  
for total compensation, nursing and residential care facilities 93644  
occupational group, published by the United States bureau of labor 93645  
statistics; 93646

(c) If the United States bureau of labor statistics ceases to 93647  
publish the index specified in division (D)(3)(b) of this section, 93648  
the index the bureau subsequently publishes that covers nursing 93649  
facilities' staff costs. 93650

(4) The department shall not redetermine a peer group's cost 93651  
per case-mix unit under this division based on additional 93652  
information that it receives after the peer group's per case-mix 93653  
unit is determined. The department shall redetermine a peer 93654  
group's cost per case-mix unit only if it made an error in 93655  
determining the peer group's cost per case-mix unit based on 93656  
information available to the department at the time of the 93657  
original determination. 93658

Sec. 5165.191. Each calendar quarter, each nursing facility 93659  
provider shall compile complete assessment data for each resident 93660  
of each of the provider's nursing facilities, regardless of 93661  
payment source, who is in the nursing facility, or on hospital or 93662  
therapeutic leave from the nursing facility, on the last day of 93663  
the quarter. A resident assessment instrument specified in rules 93664  
authorized by this section shall be used to compile the resident 93665  
assessment data. Each provider shall submit the resident 93666  
assessment data to the department of health and, if required by 93667  
the rules, the department of medicaid. The resident assessment 93668  
data shall be submitted not later than fifteen days after the end 93669  
of the calendar quarter for which the data is compiled. If the 93670  
resident assessment data is to be submitted to the department of 93671  
medicaid, it shall be submitted to the department through the 93672  
medium or media specified in the rules. 93673

Rules adopted under section 5165.02 of the Revised Code shall 93674  
do all of the following: 93675

(A) In a manner consistent with the "Social Security Act," 93676  
section 1919(e)(5), 42 U.S.C. 1396r(e)(5), specify a resident 93677  
assessment instrument to be used by nursing facility providers 93678  
under this section; 93679

(B) Specify whether nursing facility providers must submit 93680  
the resident assessment data to the department of medicaid; 93681

(C) If the rules specify that nursing facility providers must 93682  
submit the resident assessment data to the department, specify the 93683  
medium or media through which the data is to be submitted. 93684

**Sec. ~~5111.232~~ 5165.192.** (A)(1) The Except as provided in 93685  
division (B) of this section and in accordance with the process 93686  
specified in rules authorized by this section, the department of 93687  
job and family services medicaid shall do all of the following: 93688

(a) Every quarter, determine the following two case-mix 93689  
scores for each nursing facility: 93690

(i) A quarterly case-mix score that includes each resident 93691  
who is a medicaid recipient and is not a low resource utilization 93692  
resident; 93693

(ii) A quarterly case-mix score that includes each resident 93694  
regardless of payment source. 93695

(b) Every six months, determine a semiannual and annual 93696  
average case-mix scores score for each nursing facilities facility 93697  
by using all of the following: quarterly case-mix scores 93698  
determined for the nursing facility pursuant to division 93699  
(A)(1)(a)(i) of this section; 93700

(c) After the end of each calendar year, determine an annual 93701  
average case-mix score for each nursing facility by using the 93702  
quarterly case-mix scores determined for the nursing facility 93703

pursuant to division (A)(1)(a)(ii) of this section. 93704

(2) When determining case-mix scores under division (A)(1) of this section, the department shall use all of the following: 93705  
93706

(a) Data from a resident assessment instrument specified in rules ~~adopted under~~ authorized by section ~~5111.02~~ 5165.191 of the Revised Code ~~pursuant to section 1919(e)(5) of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 1396r(e)(5), as amended, for the following residents:~~ 93707  
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~~(i) When determining semiannual case mix scores for fiscal year 2012, each resident who is a medicaid recipient;~~ 93712  
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~~(ii) When determining semiannual case mix scores for fiscal year 2013 and thereafter, each resident who is a medicaid recipient and not placed in either of the two lowest resource utilization groups, excluding any resource utilization group that is a default group used for residents with incomplete assessment data;~~ 93714  
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~~(iii) When determining annual average case mix scores, each resident regardless of payment source.~~ 93720  
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(b) Except as provided in rules authorized by ~~divisions (A)(2)(a) and (b) of~~ this section, the case-mix values established by the United States department of health and human services; 93722  
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(c) Except as modified in rules authorized by ~~division (A)(2)(e) of~~ this section, the grouper methodology used on June 30, 1999, by the United States department of health and human services for prospective payment of skilled nursing facilities under the medicare program ~~established by Title XVIII.~~ 93725  
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~~(2) The director of job and family services may adopt rules under section 5111.02 of the Revised Code that do any of the following:~~ 93730  
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~~(a) Adjust the case mix values specified in division~~ 93733

~~(A)(1)(b) of this section to reflect changes in relative wage differentials that are specific to this state;~~ 93734  
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~~(b) Express all of those case mix values in numeric terms that are different from the terms specified by the United States department of health and human services but that do not alter the relationship of the case mix values to one another;~~ 93736  
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~~(c) Modify the grouper methodology specified in division (A)(1)(c) of this section as follows:~~ 93740  
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~~(i) Establish a different hierarchy for assigning residents to case mix categories under the methodology;~~ 93742  
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~~(ii) Prohibit the use of the index maximizer element of the methodology;~~ 93744  
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~~(iii) Incorporate changes to the methodology the United States department of health and human services makes after June 30, 1999;~~ 93746  
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~~(iv) Make other changes the department determines are necessary.~~ 93749  
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~~(B) The department shall determine case mix scores for intermediate care facilities for the mentally retarded using data for each resident, regardless of payment source, from a resident assessment instrument and grouper methodology prescribed in rules adopted under section 5111.02 of the Revised Code and expressed in case mix values established by the department in those rules.~~ 93751  
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~~(C) Each calendar quarter, each provider shall compile complete assessment data, from the resident assessment instrument specified in rules authorized by division (A) or (B) of this section, for each resident of each of the provider's facilities, regardless of payment source, who was in the facility or on hospital or therapeutic leave from the facility on the last day of the quarter. Providers of a nursing facility shall submit the data~~ 93757  
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~~to the department of health and, if required by rules, the 93764  
department of job and family services. Providers of an 93765  
intermediate care facility for the mentally retarded shall submit 93766  
the data to the department of job and family services. The data 93767  
shall be submitted not later than fifteen days after the end of 93768  
the calendar quarter for which the data is compiled. 93769~~

~~Except as provided in division (D) of this section, the 93770  
department, every six months and after the end of each calendar 93771  
year, shall calculate a semiannual and annual average case mix 93772  
score for each nursing facility using the facility's quarterly 93773  
case mix scores for that six month period or calendar year. Also 93774  
except as provided in division (D) of this section, the 93775  
department, after the end of each calendar year, shall calculate 93776  
an annual average case mix score for each intermediate care 93777  
facility for the mentally retarded using the facility's quarterly 93778  
case mix scores for that calendar year. The department shall make 93779  
the calculations pursuant to procedures specified in rules adopted 93780  
under section 5111.02 of the Revised Code. 93781~~

~~(D)(1) If a Subject to division (B)(2) of this section, the 93782  
department, for one or more months of a calendar quarter, may 93783  
assign to a nursing facility a case-mix score that is five per 93784  
cent less than the nursing facility's case-mix score for the 93785  
immediately preceding calendar quarter if any of the following 93786  
apply: 93787~~

~~(a) The provider does not timely submit information complete 93788  
and accurate resident assessment data necessary to determine the 93789  
nursing facility's case-mix score for a the calendar quarter 93790  
necessary to calculate a facility's case mix score, or submits 93791  
incomplete or inaccurate information for a calendar quarter, the 93792  
department may assign the facility a quarterly average case mix 93793  
score that is five per cent less than the facility's quarterly 93794  
average case mix score for the preceding calendar quarter. If the; 93795~~

~~(b) The nursing facility was subject to an exception review under division (C) of section 5111.27 5165.193 of the Revised Code for the immediately preceding calendar quarter, the department may assign a quarterly average case mix score that is five per cent less than the score determined by the exception review. If the;~~ 93796  
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93800

~~(c) The nursing facility was assigned a quarterly average case-mix score for the immediately preceding calendar quarter, the department may assign a quarterly average case mix score that is five per cent less than that score assigned for the preceding quarter.~~ 93801  
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~~The department may use a quarterly average case mix score assigned under division (D)(1) of this section, instead of a quarterly average case mix score calculated based on the provider's submitted information, to calculate the facility's rate for direct care costs being established under section 5111.23 or 5111.231 of the Revised Code for one or more months, as specified in rules authorized by division (E) of this section, of the quarter for which the rate established under section 5111.23 or 5111.231 of the Revised Code will be paid.~~ 93806  
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~~(2) Before taking action under division (D)(1) of this section assigning a case-mix score to a nursing facility due to the submission of incorrect resident assessment data, the department shall permit the provider a reasonable period of time, specified in rules authorized by division (E) of this section, to correct the information data. In the case of an intermediate care facility for the mentally retarded, the department shall not assign a quarterly average case mix score due to late submission of corrections to assessment information unless the provider fails to submit corrected information prior to the eighty first day after the end of the calendar quarter to which the information pertains. In the case of a nursing facility, the The department shall not may assign a quarterly average the case-mix score due to~~ 93815  
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~~late submission of corrections to assessment information unless if~~ 93828  
the provider fails to submit the corrected information prior to 93829  
resident assessment data not later than the earlier of the 93830  
~~forty-sixth~~ forty-fifth day after the end of the calendar quarter 93831  
to which the ~~information~~ data pertains or the deadline for 93832  
submission of such corrections established by regulations adopted 93833  
by the United States department of health and human services under 93834  
~~Titles~~ Title XVIII and Title XIX. 93835

~~(2)~~(3) If, for more than six months in a calendar year, a 93836  
provider is paid a rate determined for a nursing facility 93837  
~~calculated~~ using a ~~quarterly average~~ case-mix score assigned to 93838  
the nursing facility under division ~~(D)~~(B)(1) of this section ~~for~~ 93839  
~~more than six months in a calendar year,~~ the department may assign 93840  
the nursing facility a cost per case-mix unit that is five per 93841  
cent less than the nursing facility's actual or assigned cost per 93842  
case-mix unit for the immediately preceding calendar year. The 93843  
department may use the assigned cost per case-mix unit, instead of 93844  
~~calculating~~ determining the nursing facility's actual cost per 93845  
case-mix unit in accordance with section ~~5111.23 or 5111.231~~ 93846  
5165.19 of the Revised Code, to establish the nursing facility's 93847  
rate for direct care costs for the ~~following~~ fiscal year 93848  
immediately following the calendar year for which the cost per 93849  
case-mix unit is assigned. 93850

~~(3)~~(4) The department shall take action under division 93851  
~~(D)~~(B)(1) ~~or,~~ (2), or (3) of this section only in accordance with 93852  
rules authorized by ~~division (E)~~ of this section. The department 93853  
shall not take an action that affects rates for prior payment 93854  
periods except in accordance with sections ~~5111.27~~ 5165.41 and 93855  
~~5111.28~~ 5165.42 of the Revised Code. 93856

~~(E)~~(C) The medicaid director shall adopt rules under section 93857  
~~5111.02~~ 5165.02 of the Revised Code ~~that~~ as necessary to implement 93858  
this section. 93859

- (1) The rules shall do all of the following: 93860
- ~~(1) Specify whether providers of a nursing facility must submit the assessment data to the department of job and family services;~~ 93861  
93862  
93863
- ~~(2) Specify the medium or media through which the completed assessment data shall be submitted;~~ 93864  
93865
- (3)(a) Specify the process for determining the semiannual and annual average case-mix scores for nursing facilities; 93866  
93867
- (b) Adjust the case-mix values specified in division (A)(2)(b) of this section to reflect changes in relative wage differentials that are specific to this state; 93868  
93869  
93870
- (c) Express all of those case-mix values in numeric terms that are different from the terms specified by the United States department of health and human services but that do not alter the relationship of the case-mix values to one another; 93871  
93872  
93873  
93874
- (d) Modify the grouper methodology specified in division (A)(2)(c) of this section as follows: 93875  
93876
- (i) Establish a different hierarchy for assigning residents to case-mix categories under the methodology; 93877  
93878
- (ii) Prohibit the use of the index maximizer element of the methodology; 93879  
93880
- (iii) Incorporate changes to the methodology the United States department of health and human services makes after June 30, 1999; 93881  
93882  
93883
- (iv) Make other changes the department determines are necessary. 93884  
93885
- (e) Establish procedures under which the resident assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction; 93886  
93887  
93888

~~(4)(f)~~ Establish procedures for providers to correct resident 93889  
assessment data and specify a reasonable period of time by which 93890  
providers shall submit the corrections. The procedures may limit 93891  
the content of corrections ~~by providers of nursing facilities~~ in 93892  
the manner required by regulations adopted by the United States 93893  
department of health and human services under ~~Titles~~ Title XVIII 93894  
and Title XIX. 93895

~~(5)(g)~~ Specify when and how the department will assign 93896  
case-mix scores or costs per case-mix unit to a nursing facility 93897  
under division ~~(D)~~ (B) of this section if information necessary to 93898  
calculate the nursing facility's case-mix score is not provided or 93899  
corrected in accordance with the procedures established by the 93900  
rules. ~~Notwithstanding~~ 93901

(2) Notwithstanding any other provision of ~~sections 5111.20~~ 93902  
~~to 5111.331 of the Revised Code~~ this chapter, the rules ~~also~~ may 93903  
provide for the ~~following~~: 93904

~~(a) Exclusion of case-mix scores assigned under division (D)~~ 93905  
~~of this section from calculation of an intermediate care facility~~ 93906  
~~for the mentally retarded's annual average case mix score and the~~ 93907  
~~maximum cost per case mix unit for the facility's peer group;~~ 93908

~~(b) Exclusion~~ exclusion of case-mix scores assigned to a 93909  
nursing facility under division ~~(D)~~ (B) of this section from 93910  
~~calculation~~ the determination of a the nursing facility's 93911  
semiannual or annual average case-mix score and the cost per 93912  
case-mix unit for the nursing facility's peer group. 93913

Sec. 5165.193. (A) The department of medicaid may, pursuant 93914  
to rules authorized by this section, conduct an exception review 93915  
of resident assessment data submitted by a nursing facility 93916  
provider under section 5165.191 of the Revised Code. The 93917  
department may conduct an exception review based on the findings 93918  
of a medicaid certification survey conducted by the department of 93919

health, a risk analysis, or prior performance of the provider. 93920

Exception reviews shall be conducted at the nursing facility 93921  
by appropriate health professionals under contract with or 93922  
employed by the department. The professionals may review resident 93923  
assessment forms and supporting documentation, conduct interviews, 93924  
and observe residents to identify any patterns or trends of 93925  
inaccurate resident assessments and resulting inaccurate case-mix 93926  
scores. 93927

(B) If an exception review is conducted before the effective 93928  
date of a nursing facility's rate for direct care costs that is 93929  
based on the resident assessment data being reviewed and the 93930  
review results in findings that exceed tolerance levels specified 93931  
in the rules authorized by this section, the department, in 93932  
accordance with those rules, may use the findings to redetermine 93933  
individual resident case-mix scores, the nursing facility's 93934  
case-mix score for the quarter, and the nursing facility's annual 93935  
average case-mix score. The department may use the nursing 93936  
facility's redetermined quarterly and annual average case-mix 93937  
scores to determine the nursing facility's rate for direct care 93938  
costs for the appropriate calendar quarter or quarters. 93939

(C) The department shall prepare a written summary of any 93940  
exception review finding that is made after the effective date of 93941  
a nursing facility's rate for direct care costs that is based on 93942  
the resident assessment data that was reviewed. Where the provider 93943  
is pursuing judicial or administrative remedies in good faith 93944  
regarding the finding, the department shall not withhold from the 93945  
provider's current payments any amounts the department claims to 93946  
be due from the provider pursuant to section 5165.41 of the 93947  
Revised Code. 93948

(D)(1) The medicaid director shall adopt rules under section 93949  
5165.02 of the Revised Code as necessary to implement this 93950

section. The rules shall establish an exception review program 93951  
that does all of the following: 93952

(a) Requires each exception review to comply with Title XVIII 93953  
and Title XIX; 93954

(b) Requires a written summary for each exception review that 93955  
states whether resident assessment forms have been completed 93956  
accurately; 93957

(c) Prohibits each health professional who conducts an 93958  
exception review from doing either of the following: 93959

(i) During the period of the professional's contract or 93960  
employment with the department, having or being committed to 93961  
acquire any direct or indirect financial interest in the 93962  
ownership, financing, or operation of nursing facilities in this 93963  
state; 93964

(ii) Reviewing any provider that has been a client of the 93965  
professional. 93966

(2) For the purposes of division (D)(1)(c)(i) of this 93967  
section, employment of a member of a health professional's family 93968  
by a nursing facility that the professional does not review does 93969  
not constitute a direct or indirect financial interest in the 93970  
ownership, financing, or operation of the nursing facility. 93971

**Sec. ~~5111.242~~ 5165.21.** (A) As used in this section: 93972

(1) "Applicable calendar year" means the following: 93973

(a) For the purpose of the department of ~~job and family~~ 93974  
~~services'~~ medicaid's initial determination under this section of 93975  
nursing facilities' rate for tax costs, calendar year 2003; 93976

(b) For the purpose of the department's rebasings, the 93977  
calendar year the department selects. 93978

(2) "Rebasing" means a redetermination under division ~~(C)~~(B) 93979

of this section of each nursing facility's rate for tax costs 93980  
using information from cost reports for an applicable calendar 93981  
year that is later than the applicable calendar year used for the 93982  
previous determination of such rates. 93983

~~(B) The department of job and family services shall pay a 93984  
provider for each of the provider's eligible nursing facilities a 93985  
per resident per day rate for tax costs determined under division 93986  
(C) of this section. 93987~~

~~(C)~~ The department of medicaid shall determine ~~the~~ each 93988  
nursing facility's per medicaid day payment rate for tax costs ~~for~~ 93989  
~~each nursing facility~~. The department is not required to conduct a 93990  
rebasings more than once every ten years. Except as necessary to 93991  
implement the amendments made to this section by Sub. H.B. 303 of 93992  
the 129th general assembly, the rate for tax costs determined 93993  
under this division for a nursing facility shall be used for 93994  
subsequent years until the department conducts a rebasing. To 93995  
determine a nursing facility's rate for tax costs and except as 93996  
provided in division ~~(D)~~(C) of this section, the department shall 93997  
do both of the following: 93998

(1) Divide the nursing facility's desk-reviewed, actual, 93999  
allowable tax costs paid for the applicable calendar year by the 94000  
number of inpatient days the nursing facility would have had if 94001  
its occupancy rate had been one hundred per cent during the 94002  
applicable calendar year; 94003

(2) Until the first rebasing occurs, increase the amount 94004  
calculated under division ~~(C)~~(B)(1) of this section by five and 94005  
eight hundredths per cent. 94006

~~(D)~~(C) If a nursing facility had a credit regarding its real 94007  
estate taxes reflected on its cost report for calendar year 2003, 94008  
the department shall determine, as follows, its rate for tax costs 94009  
for the period beginning on July 1, 2010, and ending on the first 94010

day of the fiscal year for which the department first conducts a 94011  
rebasings: 94012

(1) Divide the nursing facility's desk-reviewed, actual, 94013  
allowable tax costs paid for calendar year 2004 by the number of 94014  
inpatient days the nursing facility would have had if its 94015  
occupancy rate had been one hundred per cent during calendar year 94016  
2004; 94017

(2) Until the first rebasing occurs, increase the amount 94018  
calculated under division ~~(D)~~(C)(1) of this section by five and 94019  
eight hundredths per cent. 94020

**Sec. ~~5111.246~~ 5165.23.** (A) Each fiscal year, the department 94021  
of ~~job and family services~~ medicaid shall ~~pay a~~ determine the 94022  
critical access incentive payment ~~to the provider of~~ for each 94023  
nursing facility that qualifies as a critical access nursing 94024  
facility. To qualify as a critical access nursing facility for a 94025  
fiscal year, a nursing facility must meet all of the following 94026  
requirements: 94027

(1) The nursing facility must be located in an area that, on 94028  
December 31, 2011, was designated an empowerment zone under 94029  
~~section 1391~~ of the "Internal Revenue Code of 1986," ~~107 Stat. 543~~ 94030  
section 1391, 26 U.S.C. 1391, ~~as amended.~~ 94031

(2) The nursing facility must have an occupancy rate of at 94032  
least eighty-five per cent as of the last day of the calendar year 94033  
immediately preceding the fiscal year. 94034

(3) The nursing facility must have a medicaid utilization 94035  
rate of at least sixty-five per cent as of the last day of the 94036  
calendar year immediately preceding the fiscal year. 94037

(4) The nursing facility must have been awarded at least five 94038  
points for meeting accountability measures under section 5165.25 94039  
of the Revised Code for the fiscal year and at least one of the 94040

five points must have been awarded for meeting the following: 94041

(a) For fiscal year 2014, the accountability measures identified in divisions (C)(10), (11), (12), and (13) of section 5165.25 of the Revised Code; 94042  
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(b) For fiscal year 2015 and each fiscal year thereafter, the accountability measures identified in divisions (D)(9), (10), (11), (12), and (14) of section 5165.25 of the Revised Code. 94045  
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(B) A critical access nursing facility's critical access incentive payment for a fiscal year shall equal five per cent of the portion of the nursing facility's total rate for the fiscal year that is the sum of the rates and payment identified in divisions ~~(B)~~(A)(1) to (4) and (6) of section ~~5111.222~~ 5165.15 of the Revised Code. 94048  
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**Sec. ~~5111.244~~ 5165.25.** (A) As used in this section: 94054

~~(1) "Applicable percentage" means, for the accountability measures identified in divisions (C)(10) to (13) of this section, the following:~~ 94055  
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94057

~~(a) For fiscal year 2013, whichever of the following applies:~~ 94058

~~(i) The percentage that the department of job and family services specifies for an accountability measure pursuant to division (E)(1)(b) or (E)(2)(a)(ii) of this section;~~ 94059  
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~~(ii) The percentage specified for an accountability measure in division (E)(2)(b), (ii), (iii), (iv), or (v) of this section.~~ 94062  
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~~(b) For fiscal year 2014, whichever of the following applies:~~ 94064

~~(i) The percentage used pursuant to division (F)(2) of this section;~~ 94065  
94066

~~(ii) The percentage that the department specifies for an accountability measure pursuant to division (F)(3)(a) of this section.~~ 94067  
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94069



~~(c) For fiscal year 2015 and thereafter, whichever of the following applies:~~ 94070  
94071

~~(i) The percentage used pursuant to division (F)(2) of this section;~~ 94072  
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~~(ii) The percentage used pursuant to division (F)(3)(b) of this section.~~ 94074  
94075

~~(2) "Complaint surveys" has the same meaning as in 42 C.F.R. 488.30.~~ 94076  
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~~(3)(2) "Customer satisfaction survey" means the annual survey of long-term care facilities required by section 173.47 of the Revised Code.~~ 94078  
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~~(4)(3) "Deficiency" has the same meaning as in 42 C.F.R. 488.301.~~ 94081  
94082

~~(4) "Exempted hospital discharge" has the same meaning as in 42 C.F.R. 483.106(b)(2)(i).~~ 94083  
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(5) "Family satisfaction survey" means a customer satisfaction survey, or part of a customer satisfaction survey, that contains the results of information obtained from the families of a nursing facility's residents. 94085  
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(6) "Minimum data set" means the standardized, uniform comprehensive assessment of nursing facility residents that is used to identify potential problems, strengths, and preferences of residents and is part of the resident assessment instrument required by ~~section 1919(e)(5) of the "Social Security Act," 101 Stat. 1330-197 (1987)~~ section 1919(e)(5), 42 U.S.C. 1396r(e)(5), ~~as amended.~~ 94089  
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94095

~~(7) "National voluntary consensus standards for nursing homes" means measures used to determine the quality of care provided by nursing facilities as endorsed by the national quality forum.~~ 94096  
94097  
94098  
94099

~~(8)~~ "Nurse aide" has the same meaning as in section 3721.21 of the Revised Code. 94100  
94101

~~(9)~~(8) "Resident satisfaction survey" means a customer satisfaction survey, or part of a customer satisfaction survey, that contains the results of information obtained from a nursing facility's residents. 94102  
94103  
94104  
94105

~~(10)~~(9) "Room mirror" means a mirror that is located in either of the following rooms: 94106  
94107

(a) A resident bathroom if the sink used by a resident after the resident uses the resident bathroom is in the resident bathroom; 94108  
94109  
94110

(b) A resident's room if the sink used by a resident after the resident uses the resident bathroom is in the resident's room. 94111  
94112

~~(11)~~(10) "Room sink" means a sink that is located in either of the following rooms: 94113  
94114

(a) A resident bathroom if the sink used by a resident after the resident uses the resident bathroom is in the resident bathroom; 94115  
94116  
94117

(b) A resident's room if the sink used by a resident after the resident uses the resident bathroom is in the resident's room. 94118  
94119

~~(12)~~(11) "Standard survey" has the same meaning as in 42 C.F.R. 488.301. 94120  
94121

(12) "Special focus facility list" means the list of nursing facilities that the United States department of health and human services creates under the special focus facility program required by the "Social Security Act," section 1919(f)(10), 42 U.S.C. 1396r(f)(10). 94122  
94123  
94124  
94125  
94126

(13) "Substantial wall" means a permanent structure that reaches from floor to ceiling and divides a semiprivate room into two distinct living spaces, each with its own window. 94127  
94128  
94129

(14) "Table B of the special focus facility list" means the table included in the special focus facility list that identifies nursing facilities that have not improved. 94130  
94131  
94132

(B)(1) Each fiscal year, the department of ~~job and family services~~ medicaid shall ~~pay a~~ determine each nursing facility's quality incentive payment ~~to the provider of each nursing facility that is awarded one or more points for meeting accountability measures under division (C) of this section.~~ Subject to ~~division divisions~~ (B)(2) and (3) of this section, the per medicaid day amount of a quality incentive payment paid to a nursing facility provider shall be the product of the following: 94133  
94134  
94135  
94136  
94137  
94138  
94139  
94140

(a) The number of points the provider's nursing facility is awarded for meeting accountability measures under ~~division (C) of this section;~~ 94141  
94142  
94143

(b) Three dollars and twenty-nine cents. 94144

(2) The maximum quality incentive payment that may be paid to ~~the provider of a nursing facility~~ provider for a fiscal year 2014 shall be sixteen dollars and forty-four cents per medicaid day. 94145  
94146  
94147

(3) The maximum quality incentive payment that may be paid to a nursing facility provider for fiscal year 2015 and each fiscal year thereafter shall be the following: 94148  
94149  
94150

(a) Sixteen dollars and forty-four cents if at least one of the points awarded to the nursing facility for meeting accountability measures is for an accountability measure identified in division (D)(9), (10), (11), (12), or (14) of this section; 94151  
94152  
94153  
94154  
94155

(b) Thirteen dollars and sixteen cents if division (B)(3)(a) of this section does not apply. 94156  
94157

(C) Subject For fiscal year 2014 only and subject to 94158  
divisions (D), division (E), and (F) of this section, the 94159

department shall award each nursing facility participating in the 94160  
medicaid program one point for each of the following 94161  
accountability measures the facility meets: 94162

(1) The facility's overall score on its resident satisfaction 94163  
survey is at least eighty-six. 94164

(2) The facility's overall score on its family satisfaction 94165  
survey is at least eighty-eight. 94166

(3) The facility satisfies the requirements for participation 94167  
in the advancing excellence in America's nursing homes campaign. 94168

(4) The facility had neither of the following on the 94169  
facility's most recent standard survey conducted not later than 94170  
the last day of the calendar year immediately preceding the fiscal 94171  
year for which the point is to be awarded or any complaint surveys 94172  
conducted in the calendar year immediately preceding the fiscal 94173  
year for which the point is to be awarded: 94174

(a) A health deficiency with a scope and severity level 94175  
greater than F; 94176

(b) A deficiency that constitutes a substandard quality of 94177  
care. 94178

(5) The facility offers at least fifty per cent of its 94179  
residents at least one of the following dining choices for at 94180  
least one meal each day: 94181

(a) Restaurant-style dining in which food is brought from the 94182  
food preparation area to residents per the residents' orders; 94183

(b) Buffet-style dining in which residents obtain their own 94184  
food, or have the facility's staff bring food to them per the 94185  
residents' directions, from the buffet; 94186

(c) Family-style dining in which food is customarily served 94187  
on a serving dish and shared by residents; 94188

(d) Open dining in which residents have at least a two-hour 94189

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|
| period to choose when to have a meal;                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 94190                                                                |
| (e) Twenty-four-hour dining in which residents may order meals from the facility any time of the day.                                                                                                                                                                                                                                                                                                                                                                                           | 94191<br>94192                                                       |
| (6) At least fifty per cent of the facility's residents are able to take a bath or shower as often as they choose.                                                                                                                                                                                                                                                                                                                                                                              | 94193<br>94194                                                       |
| (7) The facility has at least both of the following scores on its resident satisfaction survey:                                                                                                                                                                                                                                                                                                                                                                                                 | 94195<br>94196                                                       |
| (a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty-nine;                                                                                                                                                                                                                                                                                                                                                    | 94197<br>94198<br>94199                                              |
| (b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the morning, at least seventy-six.                                                                                                                                                                                                                                                                                                                                               | 94200<br>94201<br>94202                                              |
| (8) The facility has at least both of the following scores on its family satisfaction survey:                                                                                                                                                                                                                                                                                                                                                                                                   | 94203<br>94204                                                       |
| (a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty-eight;                                                                                                                                                                                                                                                                                                                                                   | 94205<br>94206<br>94207                                              |
| (b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the morning, at least seventy-five.                                                                                                                                                                                                                                                                                                                                              | 94208<br>94209<br>94210                                              |
| (9) All of the following apply to the facility:                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 94211                                                                |
| (a) At least seventy-five per cent of the facility's residents have the opportunity, following admission to the facility and before completing or quarterly updating their individual plans of care, to discuss their goals for the care they are to receive at the facility, including their preferences for advance care planning, with a member of the residents' <del>healthcare</del> <u>health care</u> teams that the facility, residents, and residents' sponsors consider appropriate. | 94212<br>94213<br>94214<br>94215<br>94216<br>94217<br>94218<br>94219 |

(b) The facility records the residents' care goals, including 94220  
the residents' advance care planning preferences, in their medical 94221  
records. 94222

(c) The facility uses the residents' care goals, including 94223  
the residents' advance care planning preferences, in the 94224  
development of the residents' individual plans of care. 94225

(10) Not more than ~~the applicable percentage~~ thirteen and 94226  
thirty-five hundredths per cent of the facility's long-stay 94227  
residents report severe to moderate pain during the minimum data 94228  
set assessment process. 94229

(11) Not more than ~~the applicable percentage~~ five and 94230  
seventy-three hundredths per cent of the facility's long-stay, 94231  
high-risk residents have been assessed as having one or more stage 94232  
two, three, or four pressure ulcers during the minimum data set 94233  
assessment process. 94234

(12) Not more than ~~the applicable percentage~~ one and 94235  
fifty-two hundredths per cent of the facility's long-stay 94236  
residents were physically restrained as reported during the 94237  
minimum data set assessment process. 94238

(13) Less than ~~the applicable percentage~~ seven and 94239  
seventy-eight hundredths per cent of the facility's long-stay 94240  
residents had a urinary tract infection as reported during the 94241  
minimum data set assessment process. 94242

(14) The facility uses a tool for tracking residents' 94243  
admissions to hospitals. 94244

(15) An average of at least fifty per cent of the facility's 94245  
medicaid-certified beds are in private rooms. 94246

(16) The facility has accessible resident bathrooms, all of 94247  
which meet at least two of the following standards and at least 94248  
some of which meet all of the following standards: 94249

|                                                                                                                                                                                                                                  |                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| (a) There are room mirrors that are accessible to residents in wheelchairs, can be adjusted so as to be visible to residents who are seated or standing, or both.                                                                | 94250<br>94251<br>94252          |
| (b) There are room sinks that are accessible to residents in wheelchairs and have clearance for wheelchairs.                                                                                                                     | 94253<br>94254                   |
| (c) There are room sinks that have faucets with adaptive or easy-to-use lever or paddle handles.                                                                                                                                 | 94255<br>94256                   |
| (17) The facility does both of the following:                                                                                                                                                                                    | 94257                            |
| (a) Maintains a written policy that prohibits the use of overhead paging systems or limits the use of overhead paging systems to emergencies, as defined in the policy;                                                          | 94258<br>94259<br>94260          |
| (b) Communicates the policy to its staff, residents, and families of residents.                                                                                                                                                  | 94261<br>94262                   |
| (18) The facility has a score of at least ninety on its resident satisfaction survey with regard to the question in the survey regarding residents' ability to personalize their rooms with personal belongings.                 | 94263<br>94264<br>94265<br>94266 |
| (19) The facility has a score of at least ninety-five on its family satisfaction survey with regard to the question in the survey regarding residents' ability to personalize their rooms with personal belongings.              | 94267<br>94268<br>94269<br>94270 |
| (20) The facility does both of the following:                                                                                                                                                                                    | 94271                            |
| (a) Maintains a written policy that requires consistent assignment of nurse aides and specifies the goal of having a resident receive nurse aide care from not more than eight different nurse aides during a thirty-day period; | 94272<br>94273<br>94274<br>94275 |
| (b) Communicates the policy to its staff, residents, and families of residents.                                                                                                                                                  | 94276<br>94277                   |
| (21) The facility's staff retention rate is at least seventy-five per cent.                                                                                                                                                      | 94278<br>94279                   |

(22) The facility's turnover rate for nurse aides is not higher than sixty-five per cent. 94280  
94281

(23) For at least fifty per cent of the resident care conferences in the facility, a nurse aide who is a primary caregiver for the resident attends and participates in the conference. 94282  
94283  
94284  
94285

(D) For fiscal year 2015 and each fiscal year thereafter and subject to division (E) of this section, the department shall award each nursing facility participating in the medicaid program one point for each of the following accountability measures the facility meets: 94286  
94287  
94288  
94289  
94290

(1) The facility's overall score on its resident satisfaction survey is at least eighty-seven and five-tenths. 94291  
94292

(2) The facility's overall score on its family satisfaction survey is at least eighty-five and nine-tenths. 94293  
94294

(3) The facility satisfies the requirements for participation in the advancing excellence in America's nursing homes campaign. 94295  
94296

(4) Both of the following apply to the facility: 94297

(a) The facility had not been listed on table B of the special focus facility list for eighteen or more consecutive months during any time during the calendar year immediately preceding the fiscal year for which the point is to be awarded. 94298  
94299  
94300  
94301

(b) The facility had neither of the following on the facility's most recent standard survey conducted not later than the last day of the calendar year immediately preceding the fiscal year for which the point is to be awarded or any complaint surveys conducted in the calendar year immediately preceding the fiscal year for which the point is to be awarded: 94302  
94303  
94304  
94305  
94306  
94307

(i) A health deficiency with a scope and severity level greater than F; 94308  
94309



|                                                                                                                                                                           |       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|
| <u>(ii) A deficiency that constitutes a substandard quality of care.</u>                                                                                                  | 94310 |
|                                                                                                                                                                           | 94311 |
| <u>(5) The facility does all of the following:</u>                                                                                                                        | 94312 |
| <u>(a) Offers at least fifty per cent of its residents at least one of the following dining choices for at least two meals each day:</u>                                  | 94313 |
|                                                                                                                                                                           | 94314 |
|                                                                                                                                                                           | 94315 |
| <u>(i) Restaurant-style dining in which food is brought from the food preparation area to residents per the residents' orders;</u>                                        | 94316 |
|                                                                                                                                                                           | 94317 |
| <u>(ii) Buffet-style dining in which residents obtain their own food, or have the facility's staff bring food to them per the residents' directions, from the buffet;</u> | 94318 |
|                                                                                                                                                                           | 94319 |
|                                                                                                                                                                           | 94320 |
| <u>(iii) Family-style dining in which food is customarily served on a serving dish and shared by residents;</u>                                                           | 94321 |
|                                                                                                                                                                           | 94322 |
| <u>(iv) Open dining in which residents have at least a two-hour period to choose when to have a meal;</u>                                                                 | 94323 |
|                                                                                                                                                                           | 94324 |
| <u>(v) Twenty-four-hour dining in which residents may order meals from the facility any time of the day.</u>                                                              | 94325 |
|                                                                                                                                                                           | 94326 |
| <u>(b) Maintains a written policy specifying the manner or manners in which residents' dining choices for meals are offered;</u>                                          | 94327 |
|                                                                                                                                                                           | 94328 |
| <u>(c) Communicates the policy to its staff, residents, and families of residents.</u>                                                                                    | 94329 |
|                                                                                                                                                                           | 94330 |
| <u>(6) The facility does all of the following:</u>                                                                                                                        | 94331 |
| <u>(a) Enables at least fifty per cent of the facility's residents to take a bath or shower when they choose;</u>                                                         | 94332 |
|                                                                                                                                                                           | 94333 |
| <u>(b) Maintains a written policy regarding residents' choices in bathing;</u>                                                                                            | 94334 |
|                                                                                                                                                                           | 94335 |
| <u>(c) Communicates the policy to its staff, residents, and families of residents.</u>                                                                                    | 94336 |
|                                                                                                                                                                           | 94337 |
| <u>(7) The facility has at least both of the following scores on</u>                                                                                                      | 94338 |

|                                                                                                                                                                                                                                                    |                                  |
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| <u>its resident satisfaction survey:</u>                                                                                                                                                                                                           | 94339                            |
| <u>(a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty-nine;</u>                                                                                                | 94340<br>94341<br>94342          |
| <u>(b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the morning, at least seventy-six.</u>                                                                                           | 94343<br>94344<br>94345          |
| <u>(8) The facility has at least both of the following scores on its family satisfaction survey:</u>                                                                                                                                               | 94346<br>94347                   |
| <u>(a) With regard to the question in the survey regarding residents' ability to choose when to go to bed in the evening, at least eighty-eight;</u>                                                                                               | 94348<br>94349<br>94350          |
| <u>(b) With regard to the question in the survey regarding residents' ability to choose when to get out of bed in the morning, at least seventy-five.</u>                                                                                          | 94351<br>94352<br>94353          |
| <u>(9) Not more than thirteen and thirty-five hundredths per cent of the facility's long-stay residents report severe to moderate pain during the minimum data set assessment process.</u>                                                         | 94354<br>94355<br>94356          |
| <u>(10) Not more than five and sixteen hundredths per cent of the facility's long-stay, high-risk residents have been assessed as having one or more stage two, three, or four pressure ulcers during the minimum data set assessment process.</u> | 94357<br>94358<br>94359<br>94360 |
| <u>(11) Not more than one and fifty-two hundredths per cent of the facility's long-stay residents were physically restrained as reported during the minimum data set assessment process.</u>                                                       | 94361<br>94362<br>94363          |
| <u>(12) Less than seven per cent of the facility's long-stay residents had a urinary tract infection as reported during the minimum data set assessment process.</u>                                                                               | 94364<br>94365<br>94366          |
| <u>(13) The facility does all of the following:</u>                                                                                                                                                                                                | 94367                            |
| <u>(a) Uses a tool for tracking residents' admissions to</u>                                                                                                                                                                                       | 94368                            |

|                                                                                                                                                                                                                                |                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|
| <u>hospitals;</u>                                                                                                                                                                                                              | 94369                            |
| <u>(b) Informs the department of the tool the facility uses to track residents' hospital admissions;</u>                                                                                                                       | 94370<br>94371                   |
| <u>(c) Each month, reports to the department hospital admission data for all residents.</u>                                                                                                                                    | 94372<br>94373                   |
| <u>(14) Both of the following apply:</u>                                                                                                                                                                                       | 94374                            |
| <u>(a) At least ninety-five per cent of the facility's long-stay residents are assessed for risk of pneumococcal pneumonia and, if appropriate as determined by the assessment, vaccinated against pneumococcal pneumonia.</u> | 94375<br>94376<br>94377<br>94378 |
| <u>(b) At least ninety-three per cent of the facility's long-stay residents are assessed for risk of seasonal influenza and, if appropriate as determined by the assessment, vaccinated against seasonal influenza.</u>        | 94379<br>94380<br>94381<br>94382 |
| <u>(15) An average of at least fifty per cent of the facility's medicaid-certified beds are in either, or in a combination of both, of the following:</u>                                                                      | 94383<br>94384<br>94385          |
| <u>(a) Private rooms;</u>                                                                                                                                                                                                      | 94386                            |
| <u>(b) Semiprivate rooms to which all of the following apply:</u>                                                                                                                                                              | 94387                            |
| <u>(i) Each room provides a distinct territory for each resident occupying the room.</u>                                                                                                                                       | 94388<br>94389                   |
| <u>(ii) Each distinct territory has a window and is separated by a substantial wall from the other distinct territories in the room.</u>                                                                                       | 94390<br>94391<br>94392          |
| <u>(iii) Each resident is able to enter and exit the distinct territory of the resident's room without entering or exiting another resident's distinct territory.</u>                                                          | 94393<br>94394<br>94395          |
| <u>(iv) Complete visual privacy for each distinct territory may be obtained by drawing a curtain or other screen.</u>                                                                                                          | 94396<br>94397                   |

|                                                                           |       |
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| <u>(16) The facility does both of the following:</u>                      | 94398 |
| <u>(a) Obtains at least a ninety-five per cent compliance rate</u>        | 94399 |
| <u>with requesting resident reviews required by 42 C.F.R.</u>             | 94400 |
| <u>483.106(b)(2)(ii) for individuals who are exempted hospital</u>        | 94401 |
| <u>discharges;</u>                                                        | 94402 |
| <u>(b) Reports to the department data demonstrating the</u>               | 94403 |
| <u>facility's compliance with the resident review requirements.</u>       | 94404 |
| <u>(17) The facility does both of the following:</u>                      | 94405 |
| <u>(a) Maintains a written policy that requires consistent</u>            | 94406 |
| <u>assignment of nurse aides and specifies the goal of having a</u>       | 94407 |
| <u>resident receive nurse aide care from not more than twelve</u>         | 94408 |
| <u>different nurse aides during a thirty-day period;</u>                  | 94409 |
| <u>(b) Communicates the policy to its staff, residents, and</u>           | 94410 |
| <u>families of residents.</u>                                             | 94411 |
| <u>(18) The facility's staff retention rate is at least</u>               | 94412 |
| <u>seventy-five per cent.</u>                                             | 94413 |
| <u>(19) The facility's turnover rate for nurse aides is not</u>           | 94414 |
| <u>higher than sixty-five per cent.</u>                                   | 94415 |
| <u>(20) For at least fifty per cent of the resident care</u>              | 94416 |
| <u>conferences in the facility, a nurse aide who is a primary</u>         | 94417 |
| <u>caregiver for the resident attends and participates in the</u>         | 94418 |
| <u>conference.</u>                                                        | 94419 |
| <u>(21) All of the following apply to the facility:</u>                   | 94420 |
| <u>(a) At least seventy-five per cent of the facility's</u>               | 94421 |
| <u>residents have the opportunity, following admission to the</u>         | 94422 |
| <u>facility and before completing or quarterly updating their</u>         | 94423 |
| <u>individual plans of care, to discuss their goals for the care they</u> | 94424 |
| <u>are to receive at the facility, including their preferences for</u>    | 94425 |
| <u>advance care planning, with a member of the residents' health care</u> | 94426 |
| <u>teams that the facility, residents, and residents' sponsors</u>        | 94427 |

consider appropriate. 94428

(b) The facility records the residents' care goals, including the residents' advance care planning preferences, in their medical records. 94429  
94430  
94431

(c) The facility uses the residents' care goals, including the residents' advance care planning preferences, in the development of the residents' individual plans of care. 94432  
94433  
94434

(d) The facility maintains a written policy that encourages advance care planning. 94435  
94436

(e) The facility communicates the policy to its staff, residents, and families of residents. 94437  
94438

(22) The facility does both of the following: 94439

(a) Maintains a written policy that prohibits the use of overhead paging systems or limits the use of overhead paging systems to emergencies, as defined in the policy; 94440  
94441  
94442

(b) Communicates the policy to its staff, residents, and families of residents. 94443  
94444

(E)(1) To be awarded a point for meeting an accountability measure under division (C) or (D) of this section other than the accountability measure identified in ~~division~~ divisions (C)(4) and (D)(4)(b) of this section, a nursing facility must meet the accountability measure in the calendar year immediately preceding the fiscal year for which the point is to be awarded. ~~However, a nursing facility must meet the accountability measures specified in divisions (C)(3), (5), (6), (9), (14) to (17), (20), (22), and (23) of this section in the period beginning January 1, 2012, and ending March 31, 2012, to be awarded points for those accountability measures for fiscal year 2013.~~

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94455

(2) The department shall award points pursuant to ~~division~~ divisions (C)(1), (7), ~~or~~ and (18) and (D)(1) and (7) of this 94456  
94457

section to a nursing facility only if a resident satisfaction 94458  
survey was initiated under section 173.47 of the Revised Code for 94459  
the nursing facility in the calendar year immediately preceding 94460  
the fiscal year for which the points are to be awarded. 94461

(3) The department shall award points pursuant to ~~division~~ 94462  
divisions (C)(2), (8), ~~or~~ and (19) and (D)(2) and (8) of this 94463  
section to a nursing facility only if a family satisfaction survey 94464  
was initiated under section 173.47 of the Revised Code for the 94465  
nursing facility in the calendar year immediately preceding the 94466  
fiscal year for which the points are to be awarded. 94467

(4) The department shall award points pursuant to divisions 94468  
(D)(21) and (22) of this section only for fiscal year 2015. 94469

(5) Not later than July 1, 2013, the department shall adjust 94470  
the score used for the purpose of division (C)(8)(b) of this 94471  
section in a manner that causes at least fifty per cent of nursing 94472  
facilities to meet division (C)(8)(b) of this section. 94473

~~(E) For the purposes of awarding points under divisions~~ 94474  
~~(C)(10) to (13) of this section for fiscal year 2013, the~~ 94475  
~~following apply:~~ 94476

~~(1) If, by July 1, 2012, the United States centers for~~ 94477  
~~medicare and medicaid services makes calculations using the 3.0~~ 94478  
~~version of the minimum data set that indicate whether nursing~~ 94479  
~~facilities meet those accountability measures, the department~~ 94480  
~~shall do both of the following:~~ 94481

~~(a) Rely on those calculations;~~ 94482

~~(b) Specify the percentages to be used for the purposes of~~ 94483  
~~those accountability measures and, in specifying the percentages,~~ 94484  
~~provide for at least fifty per cent of nursing facilities to earn~~ 94485  
~~points for meeting those accountability measures.~~ 94486

~~(2) If, by July 1, 2012, the United States centers for~~ 94487

~~medicare and medicaid services does not make calculations using 94488~~  
~~the 3.0 version of the minimum data set that indicate whether 94489~~  
~~nursing facilities meet those accountability measures, the 94490~~  
~~department shall do either of the following: 94491~~

~~(a) Do both of the following: 94492~~

~~(i) Make the calculations using the 3.0 version of the 94493~~  
~~minimum data set in accordance with the national voluntary 94494~~  
~~consensus standards for nursing homes: 94495~~

~~(ii) Specify the percentages to be used for the purposes of 94496~~  
~~those accountability measures and, in specifying the percentages, 94497~~  
~~provide for at least fifty per cent of nursing facilities to earn 94498~~  
~~points for meeting those accountability measures. 94499~~

~~(b) Do all of the following: 94500~~

~~(i) Rely on the most recent calculations the United States 94501~~  
~~centers for medicare and medicaid services made using the 2.0 94502~~  
~~version of the minimum data set that indicate whether nursing 94503~~  
~~facilities meet those accountability measures: 94504~~

~~(ii) Use four per cent as the applicable percentage for the 94505~~  
~~accountability measure identified in division (C)(10) of this 94506~~  
~~section: 94507~~

~~(iii) Use nine per cent as the applicable percentage for the 94508~~  
~~accountability measure identified in division (C)(11) of this 94509~~  
~~section: 94510~~

~~(iv) Use two per cent as the applicable percentage for the 94511~~  
~~accountability measure identified in division (C)(12) of this 94512~~  
~~section: 94513~~

~~(v) Use ten per cent as the applicable percentage for the 94514~~  
~~accountability measure identified in division (C)(13) of this 94515~~  
~~section. 94516~~

~~(F) For the purposes of awarding points under divisions 94517~~

~~(C)(10) to (13) of this section for fiscal year 2014 and  
thereafter, the department shall do the following:~~ 94518  
94519

~~(1) Rely on calculations the United States centers for  
medicare and medicaid services makes using the 3.0 version of the  
minimum data set that indicate whether nursing facilities meet  
those accountability measures;~~ 94520  
94521  
94522  
94523

~~(2) If the department takes action pursuant to division  
(E)(1) of this section for fiscal year 2013, continue to use the  
percentages the department specifies pursuant to division  
(E)(1)(b) of this section for the purposes of those accountability  
measures;~~ 94524  
94525  
94526  
94527  
94528

~~(3) If the department takes action pursuant to division  
(E)(2) of this section for fiscal year 2013, do the following:~~ 94529  
94530

~~(a) For fiscal year 2014, specify the percentages to be used  
for the purposes of those accountability measures and, in  
specifying the percentages, provide for at least fifty per cent of  
nursing facilities to earn points for meeting those accountability  
measures;~~ 94531  
94532  
94533  
94534  
94535

~~(b) For fiscal year 2015 and thereafter, continue to use the  
percentages the department specifies pursuant to division  
(F)(3)(a) of this section for the purposes of those accountability  
measures.~~ 94536  
94537  
94538  
94539

~~(G) The director of job and family services shall adopt rules  
under section 5111.02 of the Revised Code as necessary to  
implement this section.~~ 94540  
94541  
94542

~~The rules~~ Rules adopted under section 5165.02 of the Revised  
Code may specify what is meant by "some" as that word is used in  
division (C)(16) of this section. 94543  
94544  
94545

**Sec. 5111.245 5165.26.** (A) As used in this section: 94546

(1) "Point days for a fiscal year" means the product of the 94547



|                                                                                                                                                                                                                                                                                                                               |                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|
| following:                                                                                                                                                                                                                                                                                                                    | 94548                                     |
| (a) A qualifying nursing facility's quality bonus points for the fiscal year;                                                                                                                                                                                                                                                 | 94549<br>94550                            |
| (b) The number of the qualifying nursing facility's medicaid days in the fiscal year.                                                                                                                                                                                                                                         | 94551<br>94552                            |
| (2) "Qualifying nursing facility" means a nursing facility that qualifies for a quality bonus for a fiscal year as determined under division (B) of this section.                                                                                                                                                             | 94553<br>94554<br>94555                   |
| (3) "Quality bonus points for a fiscal year" means the amount determined by subtracting five from the number of points awarded to a qualifying nursing facility <u>for meeting accountability measures</u> under <del>division (C) of</del> section <del>5111.244</del> <u>5165.25</u> of the Revised Code for a fiscal year. | 94556<br>94557<br>94558<br>94559<br>94560 |
| (4) "Residual budgeted amount for quality incentive payments for a fiscal year" means the amount determined for a fiscal year as follows:                                                                                                                                                                                     | 94561<br>94562<br>94563                   |
| (a) Multiply the total number of medicaid days in the fiscal year by sixteen dollars and forty-four cents;                                                                                                                                                                                                                    | 94564<br>94565                            |
| (b) Determine the total amount of quality incentive payments that was paid under section <del>5111.244</del> <u>5165.25</u> of the Revised Code to all nursing facility providers for the fiscal year;                                                                                                                        | 94566<br>94567<br>94568                   |
| (c) Subtract the amount determined under division (A)(4)(b) of this section from the product calculated under division (A)(4)(a) of this section.                                                                                                                                                                             | 94569<br>94570<br>94571                   |
| (B) The department of <del>job and family services</del> <u>medicaid</u> shall pay a nursing facility provider a quality bonus for a fiscal year if both of the following apply:                                                                                                                                              | 94572<br>94573<br>94574                   |
| (1) The provider's nursing facility is awarded more than five points <u>for meeting accountability measures</u> under <del>division (C) of</del> section <del>5111.244</del> <u>5165.25</u> of the Revised Code for the fiscal year.                                                                                          | 94575<br>94576<br>94577                   |

|                                                                                                                                                          |                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|
| (2) The residual budgeted amount for quality incentive payments for the fiscal year is greater than zero.                                                | 94578<br>94579          |
| (C) The total quality bonus to be paid to the provider of a qualifying nursing facility for a fiscal year shall equal the product of the following:      | 94580<br>94581<br>94582 |
| (1) The quality bonus per medicaid day for the fiscal year determined for the provider's qualifying nursing facility under division (D) of this section; | 94583<br>94584<br>94585 |
| (2) The number of the qualifying nursing facility's medicaid days in the fiscal year.                                                                    | 94586<br>94587          |
| (D) A qualifying nursing facility's quality bonus per medicaid day for a fiscal year shall be the product of the following:                              | 94588<br>94589<br>94590 |
| (1) The nursing facility's quality bonus points for the fiscal year;                                                                                     | 94591<br>94592          |
| (2) The quality bonus per point for the fiscal year determined under division (E) of this section.                                                       | 94593<br>94594          |
| (E) The quality bonus per point for a fiscal year shall be determined as follows:                                                                        | 94595<br>94596          |
| (1) Determine the number of each qualifying nursing facility's point days for the fiscal year;                                                           | 94597<br>94598          |
| (2) Determine the sum of all qualifying nursing facilities' point days for the fiscal year;                                                              | 94599<br>94600          |
| (3) Divide the residual budgeted amount for quality incentive payments for the fiscal year by the sum determined under division (E)(2) of this section.  | 94601<br>94602<br>94603 |
| (F) The calculation of a qualifying nursing facility's bonus payment is not subject to appeal under Chapter 119. of the Revised Code.                    | 94604<br>94605<br>94606 |

~~(G) The director of job and family services may adopt rules under section 5111.02 of the Revised Code as necessary to implement this section.~~

**Sec. ~~5111.257~~ 5165.28.** If a provider of a nursing facility adds or replaces one or more medicaid certified beds to or at the nursing facility, or renovates one or more of the nursing facility's beds, the medicaid payment rate for the added, replaced, or renovated beds shall be the same as the medicaid payment rate for the nursing facility's existing beds.

**Sec. ~~5111.265~~ 5165.29.** If one or more medicaid-certified beds are relocated from one nursing facility to another nursing facility owned by a different person or government entity and the application for the certificate of need authorizing the relocation is filed with the director of health on or after ~~the effective date of this section~~ July 1, 2005, amortization of the cost of acquiring operating rights for the relocated beds is not an allowable cost for the purpose of determining the nursing facility's medicaid ~~reimbursement~~ payment rate.

**Sec. ~~5111.264~~ 5165.30.** Except as provided in section ~~5111.25~~ ~~or 5111.251~~ 5165.17 of the Revised Code, the costs of goods, services, and facilities, furnished to a nursing facility provider by a related party are includable in the allowable costs of the provider at the reasonable cost to the related party.

**Sec. 5165.32.** The department of medicaid shall not reduce a nursing facility's medicaid payment rate determined under this chapter on the basis that the provider charges a lower rate to any resident who is not eligible for medicaid.

**Sec. 5165.33.** No medicaid payment shall be made to a nursing

facility provider for the day a medicaid recipient is discharged 94635  
from the nursing facility. 94636

**Sec. ~~5111.331~~ 5165.34.** (A) The department of ~~job and family~~ 94637  
~~services~~ medicaid may make medicaid payments to a nursing facility 94638  
~~provider of a nursing facility~~ under ~~sections 5111.20 to 5111.331~~ 94639  
~~of the Revised Code~~ this chapter to reserve a bed for a recipient 94640  
during a temporary absence under conditions prescribed by the 94641  
department, to include hospitalization for an acute condition, 94642  
visits with relatives and friends, and participation in 94643  
therapeutic programs outside the facility, when the resident's 94644  
plan of care provides for such absence and federal financial 94645  
participation ~~in~~ for the payments is available. 94646

(B) The maximum period for which payments may be made to 94647  
reserve a bed in a nursing facility shall not exceed thirty days 94648  
in a calendar year. 94649

(C) The department shall establish the per ~~diem~~ medicaid day 94650  
payment rates ~~to be paid to providers of nursing facilities~~ for 94651  
reserving beds under this section. In establishing the per ~~diem~~ 94652  
medicaid day payment rates, the department shall ~~do the following:~~ 94653

~~(1) In the case of a payment to reserve a bed for a day~~ 94654  
~~during calendar year 2011, set the per diem rate at an amount not~~ 94655  
~~exceeding fifty per cent of the per diem rate the provider would~~ 94656  
~~be paid if the recipient were not absent from the nursing facility~~ 94657  
~~that day;~~ 94658

~~(2) In the case of a payment to reserve a bed for a day~~ 94659  
~~during calendar year 2012 and each calendar year thereafter, set~~ 94660  
the per ~~diem~~ medicaid day payment rate at an amount equal to the 94661  
following: 94662

~~(a)(1)~~ (1) In the case of a nursing facility that had an 94663  
occupancy rate ~~in the preceding calendar year~~ exceeding 94664

ninety-five per cent, an amount not exceeding fifty per cent of 94665  
the per diem medicaid day payment rate the provider would be paid 94666  
if the recipient were not absent from the nursing facility that 94667  
day; 94668

~~(b)(2)~~ In the case of a nursing facility that had an 94669  
occupancy rate ~~in the preceding calendar year~~ not exceeding 94670  
ninety-five per cent, an amount not exceeding eighteen per cent of 94671  
the per diem medicaid day payment rate the provider would be paid 94672  
if the recipient were not absent from the nursing facility that 94673  
day. 94674

(D) For the purpose of setting a nursing facility's per 94675  
medicaid day payment rate to reserve a bed for a day during the 94676  
period beginning on the effective date of this amendment and 94677  
ending December 31, 2013, the department shall determine the 94678  
nursing facility's occupancy rate by using information reported on 94679  
the nursing facility's cost report for calendar year 2012. For the 94680  
purpose of setting a nursing facility's per medicaid day payment 94681  
rate to reserve a bed for January 1, 2014, or thereafter, the 94682  
department shall determine the nursing facility's occupancy rate 94683  
by using information reported on the nursing facility's cost 94684  
report for the calendar year preceding the fiscal year in which 94685  
the reservation falls. 94686

~~Sec. 5111.212 5165.35. As used in this section, "effective 94687  
date of an involuntary termination" and "involuntary termination" 94688  
have the same meanings as in section 5111.65 of the Revised Code. 94689~~

Medicaid payments may be made for nursing facility services 94690  
~~and intermediate care facility for the mentally retarded services 94691~~  
provided not later than thirty days after the effective date of an 94692  
involuntary termination of the nursing facility that provides the 94693  
services if the services are provided to a medicaid recipient who 94694  
is eligible for the services and resided in the nursing facility 94695

before the effective date of the involuntary termination. 94696

**Sec. ~~5111.221~~ 5165.37.** The department of ~~job and family~~ 94697  
~~services~~ medicaid shall make its best efforts each year to 94698  
calculate nursing facilities' medicaid payment rates under 94699  
~~sections 5111.20 to 5111.331 of the Revised Code~~ this chapter in 94700  
time to ~~use them to make~~ pay the ~~payments due to providers~~ rates 94701  
by the fifteenth day of August of each fiscal year. If the 94702  
department is unable to calculate the rates so that they can be 94703  
paid by that date, the department shall pay each provider the rate 94704  
calculated for the provider's nursing facilities ~~and intermediate~~ 94705  
~~care facilities for the mentally retarded~~ under those sections 94706  
this chapter at the end of the previous fiscal year. If the 94707  
department also is unable to calculate the rates to ~~make the~~ 94708  
~~payments due~~ pay the rates by the fifteenth day of September and 94709  
the fifteenth day of October, the department shall pay the 94710  
previous fiscal year's rate to make those payments. The department 94711  
may increase by five per cent the previous fiscal year's rate paid 94712  
for any nursing facility pursuant to this section at the request 94713  
of the provider. The department shall use rates calculated for the 94714  
current fiscal year to make the payments due by the fifteenth day 94715  
of November. 94716

If the rate paid to a provider for a nursing facility 94717  
pursuant to this section is lower than the rate calculated for the 94718  
nursing facility for the current fiscal year, the department shall 94719  
pay the provider the difference between the two rates for the 94720  
number of days for which the provider was paid for the nursing 94721  
facility pursuant to this section. If the rate paid for a nursing 94722  
facility pursuant to this section is higher than the rate 94723  
calculated for it for the current fiscal year, the provider shall 94724  
refund to the department the difference between the two rates for 94725  
the number of days for which the provider was paid for the nursing 94726  
facility pursuant to this section. 94727

~~Sec. 5111.29~~ 5165.38. (A) The medicaid director of ~~job and~~ 94728  
~~family services~~ shall adopt rules under section 5111.02 5165.02 of 94729  
the Revised Code that establish a process under which a nursing 94730  
facility provider, or a group or association of nursing facility 94731  
providers, may seek reconsideration of medicaid payment rates 94732  
established under ~~sections 5111.20 to 5111.331 of the Revised Code~~ 94733  
this chapter, including a rate for direct care costs recalculated 94734  
before the effective date of the rate as a result of an exception 94735  
review of resident assessment information data conducted under 94736  
section ~~5111.27~~ 5165.193 of the Revised Code. The 94737

~~(1) Except as provided in divisions (A)(2) to (4) of this~~ 94738  
~~section, the only issue that a provider, group, or association may~~ 94739  
raise in the rate reconsideration shall be whether the rate was 94740  
calculated in accordance with ~~sections 5111.20 to 5111.331 of the~~ 94741  
~~Revised Code~~ this chapter and the rules adopted under section 94742  
~~5111.02~~ 5165.02 of the Revised Code. The ~~rules shall permit a~~ 94743  
provider, group, or association ~~to~~ may submit written arguments or 94744  
other materials that support its position. The ~~rules shall specify~~ 94745  
provider, group, or association and department of medicaid shall 94746  
take actions regarding the rate reconsideration within time frames 94747  
~~within which the provider, group, or association and the~~ 94748  
~~department must act~~ specified in rules authorized by this section. 94749  
if 94750

If the department determines, as a result of the rate 94751  
reconsideration, that the rate ~~established~~ determined for one or 94752  
more nursing facilities ~~of a provider~~ is less than the rate to 94753  
which the nursing facility is entitled, the department shall 94754  
increase the rate. If the department has paid the incorrect rate 94755  
for a period of time, the department shall pay the provider the 94756  
difference between the amount the provider was paid for that 94757  
period for the nursing facility and the amount the provider should 94758  
have been paid for the nursing facility. 94759

~~(2) The rules shall provide that during a fiscal year, the department, by means of the rate reconsideration process, may increase the rate determined for an intermediate care facility for the mentally retarded as calculated under sections 5111.20 to 5111.331 of the Revised Code if the provider of the facility demonstrates that the facility's actual, allowable costs have increased because of extreme circumstances. A facility may qualify for a rate increase only if the facility's per diem, actual, allowable costs have increased to a level that exceeds its total rate. The rules shall specify the circumstances that would justify a rate increase under division (A)(2) of this section. The rules shall provide that the extreme circumstances include natural disasters, renovations approved under division (D) of section 5111.251 of the Revised Code, an increase in workers' compensation experience rating of greater than five per cent for a facility that has an appropriate claims management program, increased security costs for an inner city facility, and a change of ownership that results from bankruptcy, foreclosure, or findings of violations of certification requirements by the department of health. An increase under division (A)(2) of this section is subject to any rate limitations or maximum rates established by sections 5111.20 to 5111.331 of the Revised Code for specific cost centers. Any rate increase granted under division (A)(2) of this section shall take effect on the first day of the first month after the department receives the request.~~

~~(3) The rules shall provide that the department, through the rate reconsideration process, may increase an intermediate care facility for the mentally retarded's rate as calculated under sections 5111.20 to 5111.331 of the Revised Code if the department, in the department's sole discretion, determines that the rate as calculated under those sections works an extreme hardship on the facility.~~



~~(4) The rules shall provide that when beds certified for the  
medicaid program are added to an existing intermediate care  
facility for the mentally retarded or replaced at the same site,  
the department, through the rate reconsideration process, shall  
increase the intermediate care facility for the mentally  
retarded's rate for capital costs proportionately, as limited by  
any applicable limitation under section 5111.251 of the Revised  
Code, to account for the costs of the beds that are added or  
replaced. The department shall make this increase one month after  
the first day of the month after the department receives  
sufficient documentation of the costs. Any rate increase granted  
under division (A)(4) of this section after June 30, 1993, shall  
remain in effect until the effective date of a rate calculated  
under section 5111.251 of the Revised Code that includes costs  
incurred for a full calendar year for the bed addition or bed  
replacement. The facility shall report double accumulated  
depreciation in an amount equal to the depreciation included in  
the rate adjustment on its cost report for the first year of  
operation. During the term of any loan used to finance a project  
for which a rate adjustment is granted under division (A)(4) of  
this section, if the facility is operated by the same provider,  
the provider shall subtract from the interest costs it reports on  
its cost report an amount equal to the difference between the  
following:~~

~~(a) The actual, allowable interest costs for the loan during  
the calendar year for which the costs are being reported;~~

~~(b) The actual, allowable interest costs attributable to the  
loan that were used to calculate the rates paid to the provider  
for the facility during the same calendar year.~~

~~(5) The department's decision at the conclusion of the  
reconsideration process shall not be subject to any administrative  
proceedings under Chapter 119. or any other provision of the~~

~~Revised Code.~~ 94824

~~(B) All of the following are subject to an adjudication~~ 94825  
~~conducted in accordance with Chapter 119. of the Revised Code:~~ 94826

~~(1) Any audit disallowance that the department makes as the~~ 94827  
~~result of an audit under section 5111.27 of the Revised Code;~~ 94828

~~(2) Any adverse finding that results from an exception review~~ 94829  
~~of resident assessment information conducted under section 5111.27~~ 94830  
~~of the Revised Code after the effective date of the facility's~~ 94831  
~~rate that is based on the assessment information;~~ 94832

~~(3) Any medicaid payment deemed an overpayment under section~~ 94833  
~~5111.683 of the Revised Code;~~ 94834

~~(4) Any penalty the department imposes under division (C) of~~ 94835  
~~section 5111.28 of the Revised Code or section 5111.683 of the~~ 94836  
~~Revised Code.~~ 94837

**Sec. ~~5111.28~~ 5165.40.** (A) If a nursing facility provider 94838  
properly amends ~~its~~ a cost report for the nursing facility under 94839  
section ~~5111.261~~ 5165.107 of the Revised Code and the amended 94840  
report shows that the provider received a lower medicaid payment 94841  
rate under the original cost report than ~~it~~ the provider was 94842  
entitled to receive, the department of ~~job and family services~~ 94843  
medicaid shall adjust the provider's rate for the nursing facility 94844  
prospectively to reflect the corrected information. The department 94845  
shall pay the adjusted rate beginning two months after the first 94846  
day of the month after the provider files the amended cost report. 94847  
~~if~~ 94848

If the department finds, from an exception review of resident 94849  
assessment ~~information~~ data conducted pursuant to section 5165.193 94850  
of the Revised Code after the effective date of ~~the~~ a nursing 94851  
facility's rate for direct care costs that is based on the 94852  
resident assessment ~~information~~ data, that inaccurate resident 94853

assessment ~~information data~~ resulted in the provider receiving a 94854  
lower rate ~~for the nursing facility~~ than it was entitled to 94855  
receive, the department prospectively shall adjust the provider's 94856  
rate accordingly ~~and. The department~~ shall make payments to the 94857  
~~provider~~ using the adjusted rate for the remainder of the ~~calendar~~ 94858  
~~quarter six-month period~~ for which the ~~resident~~ assessment 94859  
~~information data~~ is used to determine the rate, beginning one 94860  
month after the first day of the month after the exception review 94861  
is completed. 94862

~~(B) If the provider properly amends its cost report under 94863  
section 5111.261 of the Revised Code, the department makes a 94864  
finding based on an audit under section 5111.27 of the Revised 94865  
Code, or the department makes a finding based on an exception 94866  
review of resident assessment information conducted under section 94867  
5111.27 of the Revised Code after the effective date of the rate 94868  
for direct care costs that is based on the assessment information, 94869  
any of which results in a determination that the provider has 94870  
received a higher rate than it was entitled to receive, the 94871  
department shall recalculate the provider's rate using the revised 94872  
information. The department shall apply the recalculated rate to 94873  
the periods when the provider received the incorrect rate to 94874  
determine the amount of the overpayment. The provider shall refund 94875  
the amount of the overpayment. 94876~~

~~In addition to requiring a refund under this division, the 94877  
department may charge the provider interest at the applicable rate 94878  
specified in this division from the time the overpayment was made. 94879~~

~~(1) If the overpayment resulted from costs reported for 94880  
calendar year 1993, the interest shall be no greater than one and 94881  
one half times the average bank prime rate. 94882~~

~~(2) If the overpayment resulted from costs reported for 94883  
subsequent calendar years: 94884~~

~~(a) The interest shall be no greater than two times the average bank prime rate if the overpayment was equal to or less than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to establish a rate.~~ 94885  
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94887  
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94889

~~(b) The interest shall be no greater than two and one half times the current average bank prime rate if the overpayment was greater than one per cent of the total medicaid payments to the provider for the fiscal year for which the incorrect information was used to establish a rate.~~ 94890  
94891  
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~~(C) The department also may impose the following penalties:~~ 94895

~~(1) If a provider does not furnish invoices or other documentation that the department requests during an audit within sixty days after the request, no more than the greater of one thousand dollars per audit or twenty five per cent of the cumulative amount by which the costs for which documentation was not furnished increased the total medicaid payments to the provider during the fiscal year for which the costs were used to establish a rate;~~ 94896  
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~~(2) If an exiting operator or owner fails to provide notice of a facility closure, voluntary termination, or voluntary withdrawal of participation in the medicaid program as required by section 5111.66 of the Revised Code, or an exiting operator or owner and entering operator fail to provide notice of a change of operator as required by section 5111.67 of the Revised Code, no more than the current average bank prime rate plus four per cent of the last two monthly payments.~~ 94904  
94905  
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~~(D) If the provider continues to participate in the medicaid program, the department shall deduct any amount that the provider is required to refund under this section, and the amount of any interest charged or penalty imposed under this section, from the~~ 94912  
94913  
94914  
94915

~~next available payment from the department to the provider. The 94916  
department and the provider may enter into an agreement under 94917  
which the amount, together with interest, is deducted in 94918  
installments from payments from the department to the provider. 94919~~

~~(E) The department shall transmit refunds and penalties to 94920  
the treasurer of state for deposit in the general revenue fund. 94921~~

~~(F) For the purpose of this section, the department shall 94922  
determine the average bank prime rate using statistical release 94923  
H.15, "selected interest rates," a weekly publication of the 94924  
federal reserve board, or any successor publication. If 94925  
statistical release H.15, or its successor, ceases to contain the 94926  
bank prime rate information or ceases to be published, the 94927  
department shall request a written statement of the average bank 94928  
prime rate from the federal reserve bank of Cleveland or the 94929  
federal reserve board. 94930~~

Sec. 5165.41. (A) The department of medicaid shall 94931  
redetermine a provider's medicaid payment rate for a nursing 94932  
facility using revised information if any of the following results 94933  
in a determination that the provider received a higher medicaid 94934  
payment rate for the nursing facility than the provider was 94935  
entitled to receive: 94936

(1) The provider properly amends a cost report for the 94937  
nursing facility under section 5165.107 of the Revised Code; 94938

(2) The department makes a finding based on an audit under 94939  
section 5165.109 of the Revised Code; 94940

(3) The department makes a finding based on an exception 94941  
review of resident assessment data conducted under section 94942  
5165.193 of the Revised Code after the effective date of the 94943  
nursing facility's rate for direct care costs that is based on the 94944  
resident assessment data; 94945

(4) The department makes a finding based on a post-payment review conducted under section 5165.49 of the Revised Code. 94946  
94947

(B) The department shall apply the redetermined rate to the periods when the provider received the incorrect rate to determine the amount of the overpayment. The provider shall refund the amount of the overpayment. The department may charge the provider the following amount of interest from the time the overpayment was made: 94948  
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94951  
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94953

(1) If the overpayment resulted from costs reported for calendar year 1993, the interest shall be no greater than one and one-half times the current average bank prime rate. 94954  
94955  
94956

(2) If the overpayment resulted from costs reported for a subsequent calendar year: 94957  
94958

(a) The interest shall be no greater than two times the current average bank prime rate if the overpayment was no more than one per cent of the total medicaid payments to the provider for the fiscal year for which the overpayment was made. 94959  
94960  
94961  
94962

(b) The interest shall be no greater than two and one-half times the current average bank prime rate if the overpayment was more than one per cent of the total medicaid payments to the provider for the fiscal year for which the overpayment was made. 94963  
94964  
94965  
94966

Sec. 5165.42. In addition to the other penalties authorized by this chapter, the department of medicaid may impose the following penalties on a nursing facility provider: 94967  
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(A) If the provider does not furnish invoices or other documentation that the department requests during an audit within sixty days after the request, a fine of no more than the greater of the following: 94970  
94971  
94972  
94973

(1) One thousand dollars per audit; 94974

(2) Twenty-five per cent of the cumulative amount by which 94975

the costs for which documentation was not furnished increased the 94976  
total medicaid payments to the provider during the fiscal year for 94977  
which the costs were used to determine a rate. 94978

(B) If an exiting operator or owner fails to provide notice 94979  
of a facility closure or voluntary withdrawal of participation in 94980  
the medicaid program as required by section 5165.50 of the Revised 94981  
Code, or an exiting operator or owner and entering operator fail 94982  
to provide notice of a change of operator as required by section 94983  
5165.51 of the Revised Code, a fine of not more than the current 94984  
average bank prime rate plus four per cent of the last two monthly 94985  
payments. 94986

Sec. 5165.43. For the purposes of sections 5165.41 and 94987  
5165.42 of the Revised Code, the department of medicaid shall 94988  
determine the current average bank prime rate using statistical 94989  
release H.15, "selected interest rates," a weekly publication of 94990  
the federal reserve board, or any successor publication. If 94991  
statistical release H.15, or its successor, ceases to contain the 94992  
bank prime rate information or ceases to be published, the 94993  
department shall request a written statement of the average bank 94994  
prime rate from the federal reserve bank of Cleveland or the 94995  
federal reserve board. 94996

Sec. 5165.44. (A) Except as provided in division (B) of this 94997  
section, the department of medicaid shall deduct the following 94998  
from the next available medicaid payment the department makes to a 94999  
nursing facility provider who continues to participate in 95000  
medicaid: 95001

(1) Any amount the provider is required to refund, and any 95002  
interest charged, under section 5165.41 of the Revised Code; 95003

(2) The amount of any penalty imposed on the provider under 95004  
section 5165.42 of the Revised Code. 95005

(B) The department and a nursing facility provider may enter into an agreement under which a deduction required by division (A) of this section is taken in installments from payments the department makes to the provider. 95006  
95007  
95008  
95009

**Sec. 5165.45.** The department of medicaid shall transmit to the treasurer of state for deposit in the general revenue fund amounts collected from the following: 95010  
95011  
95012

(A) Refunds required by, and interest charged under, section 5165.41 of the Revised Code; 95013  
95014

(B) Amounts collected from penalties imposed under section 5165.42 of the Revised Code. 95015  
95016

**Sec. 5165.46.** All of the following are subject to an adjudication conducted in accordance with Chapter 119. of the Revised Code: 95017  
95018  
95019

(A) Any audit disallowance that the department of medicaid makes as the result of an audit under section 5165.109 of the Revised Code; 95020  
95021  
95022

(B) Any adverse finding that results from an exception review of resident assessment data conducted for a nursing facility under section 5165.193 of the Revised Code after the effective date of the nursing facility's medicaid payment rate for direct care costs that is based on the resident assessment data; 95023  
95024  
95025  
95026  
95027

(C) Any medicaid payment deemed an overpayment under section 5165.523 of the Revised Code; 95028  
95029

(D) Any penalty the department imposes under section 5165.42 of the Revised Code or section 5165.523 of the Revised Code. 95030  
95031

**Sec. ~~5111.262~~ 5165.47.** No person, other than ~~the~~ a nursing facility provider of a nursing facility, shall submit a claim for 95032  
95033



medicaid ~~reimbursement~~ payment for a service provided to a nursing 95034  
facility resident if the service is included in a medicaid payment 95035  
made to the nursing facility provider ~~of a nursing facility~~ under 95036  
~~sections 5111.20 to 5111.33 of the Revised Code~~ this chapter or in 95037  
the ~~reimbursable~~ allowable expenses reported on a provider's cost 95038  
report for a nursing facility. No nursing facility provider ~~of a~~ 95039  
~~nursing facility~~ shall submit a separate claim for medicaid 95040  
~~reimbursement~~ payment for a service provided to a resident of the 95041  
nursing facility if the service is included in a medicaid payment 95042  
made to the provider under ~~sections 5111.20 to 5111.331 of the~~ 95043  
~~Revised Code~~ this chapter or in the ~~reimbursable~~ allowable 95044  
expenses on the provider's cost report for the nursing facility. 95045  
95046

**Sec. ~~5111.0211~~ 5165.48.** ~~As used in this section, "nursing~~ 95047  
~~facility" and "provider" have the same meanings as in section~~ 95048  
~~5111.20 of the Revised Code.~~ 95049

The provider of a nursing facility is not required to submit 95050  
a claim to the department of ~~job and family services~~ medicaid 95051  
regarding the medicare cost-sharing expenses of a resident of the 95052  
nursing facility who, under federal law, is eligible to have the 95053  
medicaid program pay for a part of the cost-sharing expenses if 95054  
the provider determines that, under rules adopted under section 95055  
~~5111.02~~ 5165.02 of the Revised Code, the nursing facility would 95056  
not receive a medicaid payment for any part of the medicare 95057  
cost-sharing expenses. In such a situation, a claim for the 95058  
medicare cost-sharing expenses shall be considered to have been 95059  
adjudicated at no payment. 95060

**Sec. 5165.49.** The department of medicaid may conduct a 95061  
post-payment review of a claim submitted by a nursing facility 95062  
provider and paid by the medicaid program to determine whether the 95063  
provider was overpaid. The department shall provide the provider a 95064

written summary of the review's results. The review's results are 95065  
not subject to an adjudication under Chapter 119. of the Revised 95066  
Code; however, the provider may request that the medicaid director 95067  
reconsider the review's results. The director shall reconsider the 95068  
review's results on receipt of a request made in good faith. The 95069  
department shall not deduct any amounts the department claims to 95070  
be due from the provider as a result of the review from the 95071  
provider's medicaid payments pursuant to section 5165.44 of the 95072  
Revised Code until the conclusion of the director's 95073  
reconsideration, if any, of the review. 95074

**Sec. ~~5111.66~~ 5165.50.** An exiting operator or owner of a 95075  
nursing facility ~~or intermediate care facility for the mentally~~ 95076  
~~retarded~~ participating in the medicaid program shall provide the 95077  
department of ~~job and family services~~ medicaid written notice of a 95078  
facility closure, ~~voluntary termination,~~ or voluntary withdrawal 95079  
of participation not less than ninety days before the effective 95080  
date of the facility closure, ~~voluntary termination,~~ or voluntary 95081  
withdrawal of participation. The written notice shall be provided 95082  
to the department in accordance with the method specified in rules 95083  
~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the 95084  
Revised Code. 95085

The written notice shall include all of the following: 95086

(A) The name of the exiting operator and, if any, the exiting 95087  
operator's authorized agent; 95088

(B) The name of the nursing facility ~~or intermediate care~~ 95089  
~~facility for the mentally retarded~~ that is the subject of the 95090  
written notice; 95091

(C) The exiting operator's medicaid provider agreement number 95092  
for the nursing facility that is the subject of the written 95093  
notice; 95094

(D) The effective date of the facility closure, ~~voluntary termination,~~ or voluntary withdrawal of participation; 95095  
95096

(E) The signature of the exiting operator's or owner's representative. 95097  
95098

**Sec. ~~5111.661~~ 5165.501.** An operator shall comply with ~~section 1919(c)(2)(F) of the "Social Security Act," 79 Stat. 286 (1965)~~ section 1919(c)(2)(F), 42 U.S.C. 1396r(c)(2)(F) if the operator's nursing facility undergoes a voluntary withdrawal of participation. 95099  
95100  
95101  
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95103

**Sec. ~~5111.67~~ 5165.51.** (A) An exiting operator or owner and entering operator shall provide the department of ~~job and family services~~ medicaid written notice of a change of operator if the nursing facility ~~or intermediate care facility for the mentally retarded~~ participates in the medicaid program and the entering operator seeks to continue the nursing facility's participation. 95104  
95105  
95106  
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The written notice shall be provided to the department in 95110  
accordance with the method specified in rules ~~adopted under~~ 95111  
authorized by section ~~5111.689~~ 5165.53 of the Revised Code. The 95112  
written notice shall be provided to the department not later than 95113  
forty-five days before the effective date of the change of 95114  
operator if the change of operator does not entail the relocation 95115  
of residents. The written notice shall be provided to the 95116  
department not later than ninety days before the effective date of 95117  
the change of operator if the change of operator entails the 95118  
relocation of residents. 95119

The written notice shall include all of the following: 95120

(1) The name of the exiting operator and, if any, the exiting operator's authorized agent; 95121  
95122

(2) The name of the nursing facility ~~or intermediate care facility for the mentally retarded~~ that is the subject of the 95123  
95124

|                                                                          |       |
|--------------------------------------------------------------------------|-------|
| change of operator;                                                      | 95125 |
| (3) The exiting operator's seven-digit medicaid legacy number            | 95126 |
| and ten-digit national provider identifier number for the <u>nursing</u> | 95127 |
| facility that is the subject of the change of operator;                  | 95128 |
| (4) The name of the entering operator;                                   | 95129 |
| (5) The effective date of the change of operator;                        | 95130 |
| (6) The manner in which the entering operator becomes the                | 95131 |
| <u>nursing</u> facility's operator, including through sale, lease,       | 95132 |
| merger, or other action;                                                 | 95133 |
| (7) If the manner in which the entering operator becomes the             | 95134 |
| <u>nursing</u> facility's operator involves more than one step, a        | 95135 |
| description of each step;                                                | 95136 |
| (8) Written authorization from the exiting operator or owner             | 95137 |
| and entering operator for the department to process a provider           | 95138 |
| agreement for the entering operator;                                     | 95139 |
| (9) The names and addresses of the persons to whom the                   | 95140 |
| department should send initial correspondence regarding the change       | 95141 |
| of operator;                                                             | 95142 |
| (10) If the nursing facility also participates in the                    | 95143 |
| medicare program, notification of whether the entering operator          | 95144 |
| intends to accept assignment of the exiting operator's medicare          | 95145 |
| provider agreement;                                                      | 95146 |
| (11) The signature of the exiting operator's or owner's                  | 95147 |
| representative.                                                          | 95148 |
| (B) An exiting operator or owner and entering operator                   | 95149 |
| immediately shall provide the department written notice of any           | 95150 |
| changes to information included in a written notice of a change of       | 95151 |
| operator that occur after that notice is provided to the                 | 95152 |
| department. The notice of the changes shall be provided to the           | 95153 |
| department in accordance with the method specified in rules              | 95154 |

~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the 95155  
Revised Code. 95156

**Sec. ~~5111.671~~ 5165.511.** The department of ~~job and family~~ 95157  
~~services~~ medicaid may enter into a provider agreement with an 95158  
entering operator that goes into effect at 12:01 a.m. on the 95159  
effective date of the change of operator if all of the following 95160  
requirements are met: 95161

(A) The department receives a properly completed written 95162  
notice required by section ~~5111.67~~ 5165.51 of the Revised Code on 95163  
or before the date required by that section. 95164

(B) The department receives both of the following in 95165  
accordance with the method specified in rules ~~adopted under~~ 95166  
authorized by section ~~5111.689~~ 5165.53 of the Revised Code and not 95167  
later than ten days after the effective date of the change of 95168  
operator: 95169

(1) From the entering operator, a completed application for a 95170  
provider agreement and all other forms and documents specified in 95171  
rules ~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the 95172  
Revised Code; 95173

(2) From the exiting operator or owner, all forms and 95174  
documents specified in rules ~~adopted under~~ authorized by section 95175  
~~5111.689~~ 5165.53 of the Revised Code. 95176

(C) The entering operator is eligible for medicaid payments 95177  
as provided in section ~~5111.21~~ 5165.06 of the Revised Code. 95178

**Sec. ~~5111.672~~ 5165.512.** (A) The department of ~~job and family~~ 95179  
~~services~~ medicaid may enter into a provider agreement with an 95180  
entering operator that goes into effect at 12:01 a.m. on the date 95181  
determined under division (B) of this section if all of the 95182  
following are the case: 95183

(1) The department receives a properly completed written notice required by section ~~5111.67~~ 5165.51 of the Revised Code. 95184  
95185

(2) The department receives, from the entering operator and in accordance with the method specified in rules ~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the Revised Code, a completed application for a provider agreement and all other forms and documents specified in rules adopted under that section. 95186  
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95190

(3) The department receives, from the exiting operator or owner and in accordance with the method specified in rules ~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the Revised Code, all forms and documents specified in rules adopted under that section. 95191  
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95193  
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95195

(4) One or more of the following apply: 95196

(a) The requirement of division (A)(1) of this section is met after the time required by section ~~5111.67~~ 5165.51 of the Revised Code; 95197  
95198  
95199

(b) The requirement of division (A)(2) of this section is met more than ten days after the effective date of the change of operator; 95200  
95201  
95202

(c) The requirement of division (A)(3) of this section is met more than ten days after the effective date of the change of operator. 95203  
95204  
95205

(5) The entering operator is eligible for medicaid payments as provided in section ~~5111.21~~ 5165.06 of the Revised Code. 95206  
95207

(B) The department shall determine the date a provider agreement entered into under this section is to go into effect as follows: 95208  
95209  
95210

(1) The effective date shall give the department sufficient time to process the change of operator, assure no duplicate payments are made, and make the withholding required by section 95211  
95212  
95213

~~5111.681~~ 5165.521 of the Revised Code. 95214

(2) The effective date shall be not earlier than the latest 95215  
of the following: 95216

(a) The effective date of the change of operator; 95217

(b) The date that the entering operator complies with section 95218  
~~5111.67~~ 5165.51 of the Revised Code and division (A)(2) of this 95219  
section; 95220

(c) The date that the exiting operator or owner complies with 95221  
section ~~5111.67~~ 5165.51 of the Revised Code and division (A)(3) of 95222  
this section. 95223

(3) The effective date shall be not later than the following 95224  
after the later of the dates specified in division (B)(2) of this 95225  
section: 95226

(a) Forty-five days if the change of operator does not entail 95227  
the relocation of residents; 95228

(b) Ninety days if the change of operator entails the 95229  
relocation of residents. 95230

**Sec. ~~5111.673~~ 5165.513.** A provider that enters into a 95231  
provider agreement with the department of ~~job and family services~~ 95232  
medicaid under section ~~5111.671~~ 5165.511 or ~~5111.672~~ 5165.512 of 95233  
the Revised Code shall do all of the following: 95234

(A) Comply with all applicable federal statutes and 95235  
regulations; 95236

(B) Comply with section ~~5111.22~~ 5165.07 of the Revised Code 95237  
and all other applicable state statutes and rules; 95238

(C) Comply with all the terms and conditions of the exiting 95239  
operator's provider agreement, including, but not limited to, all 95240  
of the following: 95241

(1) Any plan of correction; 95242

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| (2) Compliance with health and safety standards;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 95243                                                                                           |
| (3) Compliance with the ownership and financial interest disclosure requirements of 42 C.F.R. 455.104, 455.105, and 1002.3;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 95244<br>95245                                                                                  |
| (4) Compliance with the civil rights requirements of 45 C.F.R. parts 80, 84, and 90;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 95246<br>95247                                                                                  |
| (5) Compliance with additional requirements imposed by the department;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 95248<br>95249                                                                                  |
| (6) Any sanctions relating to remedies for violation of the provider agreement, including deficiencies, compliance periods, accountability periods, monetary penalties, notification for correction of contract violations, and history of deficiencies.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 95250<br>95251<br>95252<br>95253                                                                |
| <b>Sec. <del>5111.674</del> <u>5165.514</u>.</b> In the case of a change of operator, the exiting operator shall be considered to be the operator of the nursing facility <del>or intermediate care facility for the mentally retarded</del> for purposes of the medicaid program, including medicaid payments, until the effective date of the entering operator's provider agreement if the provider agreement is entered into under section <del>5111.671</del> <u>5165.511</u> or <del>5111.672</del> <u>5165.512</u> of the Revised Code.                                                                                                                                                                                                                                                                                                    | 95254<br>95255<br>95256<br>95257<br>95258<br>95259<br>95260<br>95261                            |
| <b>Sec. <del>5111.675</del> <u>5165.515</u>.</b> The department of <del>job and family services</del> <u>medicaid</u> may enter into a provider agreement as provided in section <del>5111.22</del> <u>5165.07</u> of the Revised Code, rather than section <del>5111.671</del> <u>5165.511</u> or <del>5111.672</del> <u>5165.512</u> of the Revised Code, with an entering operator if the entering operator does not agree to a provider agreement that satisfies the requirements of division (C) of section <del>5111.673</del> <u>5165.513</u> of the Revised Code. The department may not enter into the provider agreement unless the department of health certifies the nursing facility <del>or intermediate care facility for the mentally retarded under Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.</del> | 95262<br>95263<br>95264<br>95265<br>95266<br>95267<br>95268<br>95269<br>95270<br>95271<br>95272 |



~~1396, as amended for participation in medicaid.~~ The effective date 95273  
of the provider agreement shall not precede any of the following: 95274

(A) The date that the department of health certifies the 95275  
nursing facility; 95276

(B) The effective date of the change of operator; 95277

(C) The date the requirement of section ~~5111.67~~ 5165.51 of 95278  
the Revised Code is satisfied. 95279

**Sec. ~~5111.676~~ 5165.516.** The medicaid director ~~of job and~~ 95280  
~~family services~~ may adopt rules ~~in accordance with Chapter 119.~~ 95281  
under section 5165.02 of the Revised Code governing adjustments to 95282  
the medicaid ~~reimbursement~~ payment rate for a nursing facility ~~or~~ 95283  
~~intermediate care facility for the mentally retarded~~ that 95284  
undergoes a change of operator. No rate adjustment resulting from 95285  
a change of operator shall be effective before the effective date 95286  
of the entering operator's provider agreement. This is the case 95287  
regardless of whether the provider agreement is entered into under 95288  
section ~~5111.671~~ 5165.511, section ~~5111.672~~ 5165.512, or, pursuant 95289  
to section ~~5111.675~~ 5165.515, section ~~5111.22~~ 5165.07 of the 95290  
Revised Code. 95291

**Sec. ~~5111.677~~ 5165.517.** ~~Neither of the following~~ The 95292  
department of health's determination that a change of operator has 95293  
or has not occurred for purposes of licensure under Chapter 3721. 95294  
of the Revised Code shall not affect the department of ~~job and~~ 95295  
~~family services'~~ medicaid's determination of whether or when a 95296  
change of operator occurs or the effective date of an entering 95297  
operator's provider agreement under section ~~5111.671~~ 5165.511, 95298  
section ~~5111.672~~ 5165.512, or, pursuant to section ~~5111.675~~ 95299  
5165.515, section ~~5111.22~~ 5165.07 of the Revised Code+ 95300

~~(A) The department of health's determination that a change of~~ 95301

~~operator has or has not occurred for purposes of licensure under Chapter 3721. of the Revised Code;~~ 95302  
95303

~~(B) The department of developmental disabilities+ determination that a change of operator has or has not occurred for purposes of licensure under section 5123.19 of the Revised Code.~~ 95304  
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95307

**Sec. ~~5111.68~~ 5165.52.** (A) On receipt of a written notice under section ~~5111.66~~ 5165.50 of the Revised Code of a facility closure, ~~voluntary termination,~~ or voluntary withdrawal of participation, on receipt of a written notice under section ~~5111.67~~ 5165.51 of the Revised Code of a change of operator, or on the effective date of an involuntary termination, the department of ~~job and family services~~ medicaid shall estimate the amount of any overpayments made under the medicaid program to the exiting operator, including overpayments the exiting operator disputes, and other actual and potential debts the exiting operator owes or may owe to the department and United States centers for medicare and medicaid services under the medicaid program, including a franchise permit fee. 95308  
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(B) In estimating the exiting operator's other actual and potential debts to the department and the United States centers for medicare and medicaid services under the medicaid program, the department shall use a debt estimation methodology the medicaid director ~~of job and family services~~ shall establish in rules ~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the Revised Code. The methodology shall provide for estimating all of the following that the department determines are applicable: 95321  
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(1) Refunds due the department under section ~~5111.27~~ 5165.41 of the Revised Code; 95329  
95330

(2) Interest owed to the department and United States centers for medicare and medicaid services; 95331  
95332

(3) Final civil monetary and other penalties for which all 95333  
right of appeal has been exhausted; 95334

(4) Money owed the department and United States centers for 95335  
medicare and medicaid services from any outstanding final fiscal 95336  
audit, including a final fiscal audit for the last fiscal year or 95337  
portion thereof in which the exiting operator participated in the 95338  
medicaid program; 95339

(5) Other amounts the department determines are applicable. 95340

(C) The department shall provide the exiting operator written 95341  
notice of the department's estimate under division (A) of this 95342  
section not later than thirty days after the department receives 95343  
the notice under section ~~5111.66~~ 5165.50 of the Revised Code of 95344  
the facility closure, ~~voluntary termination~~, or voluntary 95345  
withdrawal of participation; the department receives the notice 95346  
under section ~~5111.67~~ 5165.51 of the Revised Code of the change of 95347  
operator; or the effective date of the involuntary termination. 95348  
The department's written notice shall include the basis for the 95349  
estimate. 95350

**Sec. ~~5111.681~~ 5165.521.** (A) Except as provided in divisions 95351  
(B), (C), and (D) of this section, the department of ~~job and~~ 95352  
~~family services~~ medicaid may withhold from payment due an exiting 95353  
operator under the medicaid program the total amount specified in 95354  
the notice provided under division (C) of section ~~5111.68~~ 5165.52 95355  
of the Revised Code that the exiting operator owes or may owe to 95356  
the department and United States centers for medicare and medicaid 95357  
services under the medicaid program. 95358

(B) In the case of a change of operator and subject to 95359  
division (E) of this section, the following shall apply regarding 95360  
a withholding under division (A) of this section if the exiting 95361  
operator or entering operator or an affiliated operator executes a 95362  
successor liability agreement meeting the requirements of division 95363

(F) of this section: 95364

(1) If the exiting operator, entering operator, or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section ~~5111.685~~ 5165.525 of the Revised Code, the department shall not make the withholding. 95365  
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(2) If the exiting operator, entering operator, or affiliated operator assumes liability for only the portion of the amount specified in division (B)(1) of this section that represents the franchise permit fee the exiting operator owes, the department shall withhold not more than the difference between the total amount specified in the notice provided under division (C) of section ~~5111.68~~ 5165.52 of the Revised Code and the amount for which the exiting operator, entering operator, or affiliated operator assumes liability. 95371  
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(C) In the case of a ~~voluntary termination~~, voluntary withdrawal of participation, or facility closure and subject to division (E) of this section, the following shall apply regarding a withholding under division (A) of this section if the exiting operator or an affiliated operator executes a successor liability agreement meeting the requirements of division (F) of this section: 95380  
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95386

(1) If the exiting operator or affiliated operator assumes liability for the total, actual amount of debt the exiting operator owes the department and the United States centers for medicare and medicaid services under the medicaid program as determined under section ~~5111.685~~ 5165.525 of the Revised Code, the department shall not make the withholding. 95387  
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95391  
95392

(2) If the exiting operator or affiliated operator assumes liability for only the portion of the amount specified in division 95393  
95394

(C)(1) of this section that represents the franchise permit fee 95395  
the exiting operator owes, the department shall withhold not more 95396  
than the difference between the total amount specified in the 95397  
notice provided under division (C) of section ~~5111.68~~ 5165.52 of 95398  
the Revised Code and the amount for which the exiting operator or 95399  
affiliated operator assumes liability. 95400

(D) In the case of an involuntary termination and subject to 95401  
division (E) of this section, the following shall apply regarding 95402  
a withholding under division (A) of this section if the exiting 95403  
operator, the entering operator, or an affiliated operator 95404  
executes a successor liability agreement meeting the requirements 95405  
of division (F) of this section and the department approves the 95406  
successor liability agreement: 95407

(1) If the exiting operator, entering operator, or affiliated 95408  
operator assumes liability for the total, actual amount of debt 95409  
the exiting operator owes the department and the United States 95410  
centers for medicare and medicaid services under the medicaid 95411  
program as determined under section ~~5111.685~~ 5165.525 of the 95412  
Revised Code, the department shall not make the withholding. 95413

(2) If the exiting operator, entering operator, or affiliated 95414  
operator assumes liability for only the portion of the amount 95415  
specified in division (D)(1) of this section that represents the 95416  
franchise permit fee the exiting operator owes, the department 95417  
shall withhold not more than the difference between the total 95418  
amount specified in the notice provided under division (C) of 95419  
section ~~5111.68~~ 5165.52 of the Revised Code and the amount for 95420  
which the exiting operator, entering operator, or affiliated 95421  
operator assumes liability. 95422

(E) For an exiting operator or affiliated operator to be 95423  
eligible to enter into a successor liability agreement under 95424  
division (B), (C), or (D) of this section, both of the following 95425  
must apply: 95426

(1) The exiting operator or affiliated operator must have one 95427  
or more valid provider agreements, other than the provider 95428  
agreement for the nursing facility ~~or intermediate care facility~~ 95429  
~~for the mentally retarded~~ that is the subject of the involuntary 95430  
termination, ~~voluntary termination~~, voluntary withdrawal of 95431  
participation, facility closure, or change of operator; 95432

(2) During the twelve-month period preceding either the 95433  
effective date of the involuntary termination or the month in 95434  
which the department receives the notice of the ~~voluntary~~ 95435  
~~termination~~, voluntary withdrawal of participation, or facility 95436  
closure under section ~~5111.66~~ 5165.50 of the Revised Code or the 95437  
notice of the change of operator under section ~~5111.67~~ 5165.51 of 95438  
the Revised Code, the average monthly medicaid payment made to the 95439  
exiting operator or affiliated operator pursuant to the exiting 95440  
operator's or affiliated operator's one or more provider 95441  
agreements, other than the provider agreement for the nursing 95442  
facility ~~or intermediate care facility for the mentally retarded~~ 95443  
that is the subject of the involuntary termination, ~~voluntary~~ 95444  
~~termination~~, voluntary withdrawal of participation, facility 95445  
closure, or change of operator, must equal at least ninety per 95446  
cent of the sum of the following: 95447

(a) The average monthly medicaid payment made to the exiting 95448  
operator pursuant to the exiting operator's provider agreement for 95449  
the nursing facility ~~or intermediate care facility for the~~ 95450  
~~mentally retarded~~ that is the subject of the involuntary 95451  
termination, ~~voluntary termination~~, voluntary withdrawal of 95452  
participation, facility closure, or change of operator; 95453

(b) Whichever of the following apply: 95454

(i) If the exiting operator or affiliated operator has 95455  
assumed liability under one or more other successor liability 95456  
agreements, the total amount for which the exiting operator or 95457  
affiliated operator has assumed liability under the other 95458

successor liability agreements; 95459

(ii) If the exiting operator or affiliated operator has not 95460  
assumed liability under any other successor liability agreements, 95461  
zero. 95462

(F) A successor liability agreement executed under this 95463  
section must comply with all of the following: 95464

(1) It must provide for the operator who executes the 95465  
successor liability agreement to assume liability for either of 95466  
the following as specified in the agreement: 95467

(a) The total, actual amount of debt the exiting operator 95468  
owes the department and the United States centers for medicare and 95469  
medicaid services under the medicaid program as determined under 95470  
section ~~5111.685~~ 5165.525 of the Revised Code; 95471

(b) The portion of the amount specified in division (F)(1)(a) 95472  
of this section that represents the franchise permit fee the 95473  
exiting operator owes. 95474

(2) It may not require the operator who executes the 95475  
successor liability agreement to furnish a surety bond. 95476

(3) It must provide that the department, after determining 95477  
under section ~~5111.685~~ 5165.525 of the Revised Code the actual 95478  
amount of debt the exiting operator owes the department and United 95479  
States centers for medicare and medicaid services under the 95480  
medicaid program, may deduct the lesser of the following from 95481  
medicaid payments made to the operator who executes the successor 95482  
liability agreement: 95483

(a) The total, actual amount of debt the exiting operator 95484  
owes the department and the United States centers for medicare and 95485  
medicaid services under the medicaid program as determined under 95486  
section ~~5111.685~~ 5165.525 of the Revised Code; 95487

(b) The amount for which the operator who executes the 95488

successor liability agreement assumes liability under the 95489  
agreement. 95490

(4) It must provide that the deductions authorized by 95491  
division (F)(3) of this section are to be made for a number of 95492  
months, not to exceed six, agreed to by the operator who executes 95493  
the successor liability agreement and the department or, if the 95494  
operator who executes the successor liability agreement and 95495  
department cannot agree on a number of months that is less than 95496  
six, a greater number of months determined by the attorney general 95497  
pursuant to a claims collection process authorized by statute of 95498  
this state. 95499

(5) It must provide that, if the attorney general determines 95500  
the number of months for which the deductions authorized by 95501  
division (F)(3) of this section are to be made, the operator who 95502  
executes the successor liability agreement shall pay, in addition 95503  
to the amount collected pursuant to the attorney general's claims 95504  
collection process, the part of the amount so collected that, if 95505  
not for division (H) of this section, would be required by section 95506  
109.081 of the Revised Code to be paid into the attorney general 95507  
claims fund. 95508

(G) Execution of a successor liability agreement does not 95509  
waive an exiting operator's right to contest the amount specified 95510  
in the notice the department provides the exiting operator under 95511  
division (C) of section ~~5111.68~~ 5165.52 of the Revised Code. 95512

(H) Notwithstanding section 109.081 of the Revised Code, the 95513  
entire amount that the attorney general, whether by employees or 95514  
agents of the attorney general or by special counsel appointed 95515  
pursuant to section 109.08 of the Revised Code, collects under a 95516  
successor liability agreement, other than the additional amount 95517  
the operator who executes the agreement is required by division 95518  
(F)(5) of this section to pay, shall be paid to the department of 95519  
~~job and family services~~ medicaid for deposit into the appropriate 95520



fund. The additional amount that the operator is required to pay 95521  
shall be paid into the state treasury to the credit of the 95522  
attorney general claims fund created under section 109.081 of the 95523  
Revised Code. 95524

**Sec. ~~5111.682~~ 5165.522.** (A) Except as provided in division 95525  
(B) of this section, an exiting operator shall file with the 95526  
department of ~~job and family services~~ medicaid a cost report not 95527  
later than ninety days after the last day the exiting operator's 95528  
provider agreement is in effect or, in the case of a voluntary 95529  
withdrawal of participation, the effective date of the voluntary 95530  
withdrawal of participation. The cost report shall cover the 95531  
period that begins with the day after the last day covered by the 95532  
operator's most recent previous cost report required by section 95533  
~~5111.26~~ 5165.10 of the Revised Code and ends on the last day the 95534  
exiting operator's provider agreement is in effect or, in the case 95535  
of a voluntary withdrawal of participation, the effective date of 95536  
the voluntary withdrawal of participation. The cost report shall 95537  
include, as applicable, all of the following: 95538

(1) The sale price of the nursing facility ~~or intermediate~~ 95539  
~~care facility for the mentally retarded~~; 95540

(2) A final depreciation schedule that shows which assets are 95541  
transferred to the buyer and which assets are not transferred to 95542  
the buyer; 95543

(3) Any other information the department requires. 95544

(B) The department, at its sole discretion, may waive the 95545  
requirement that an exiting operator file a cost report in 95546  
accordance with division (A) of this section. 95547

**Sec. ~~5111.683~~ 5165.523.** If an exiting operator required by 95548  
section ~~5111.682~~ 5165.522 of the Revised Code to file a cost 95549  
report with the department of ~~job and family services~~ medicaid 95550

fails to file the cost report in accordance with that section, all 95551  
payments under the medicaid program for the period the cost report 95552  
is required to cover are deemed overpayments until the date the 95553  
department receives the properly completed cost report. The 95554  
department may impose on the exiting operator a penalty of one 95555  
hundred dollars for each calendar day the properly completed cost 95556  
report is late. 95557

**Sec. ~~5111.684~~ 5165.524.** The department of ~~job and family~~ 95558  
~~services~~ medicaid may not provide an exiting operator final 95559  
payment under the medicaid program until the department receives 95560  
all properly completed cost reports the exiting operator is 95561  
required to file under sections ~~5111.26~~ 5165.10 and ~~5111.682~~ 95562  
5165.522 of the Revised Code. 95563

**Sec. ~~5111.685~~ 5165.525.** The department of ~~job and family~~ 95564  
~~services~~ medicaid shall determine the actual amount of debt an 95565  
exiting operator owes the department and the United States centers 95566  
for medicare and medicaid services under the medicaid program by 95567  
completing all final fiscal audits not already completed and 95568  
performing all other appropriate actions the department determines 95569  
to be necessary. The department shall issue an initial debt 95570  
summary report on this matter not later than sixty days after the 95571  
date the exiting operator files the properly completed cost report 95572  
required by section ~~5111.682~~ 5165.522 of the Revised Code with the 95573  
department or, if the department waives the cost report 95574  
requirement for the exiting operator, sixty days after the date 95575  
the department waives the cost report requirement. The initial 95576  
debt summary report becomes the final debt summary report 95577  
thirty-one days after the department issues the initial debt 95578  
summary report unless the exiting operator, or an affiliated 95579  
operator who executes a successor liability agreement under 95580

section ~~5111.681~~ 5165.521 of the Revised Code, requests a review 95581  
before that date. 95582

The exiting operator, and an affiliated operator who executes 95583  
a successor liability agreement under section ~~5111.681~~ 5165.521 of 95584  
the Revised Code, may request a review to contest any of the 95585  
department's findings included in the initial debt summary report. 95586  
The request for the review must be submitted to the department not 95587  
later than thirty days after the date the department issues the 95588  
initial debt summary report. The department shall conduct the 95589  
review on receipt of a timely request and issue a revised debt 95590  
summary report. If the department has withheld money from payment 95591  
due the exiting operator under division (A) of section ~~5111.681~~ 95592  
5165.521 of the Revised Code, the department shall issue the 95593  
revised debt summary report not later than ninety days after the 95594  
date the department receives the timely request for the review 95595  
unless the department and exiting operator or affiliated operator 95596  
agree to a later date. The exiting operator or affiliated operator 95597  
may submit information to the department explaining what the 95598  
operator contests before and during the review, including 95599  
documentation of the amount of any debt the department owes the 95600  
operator. The exiting operator or affiliated operator may submit 95601  
additional information to the department not later than thirty 95602  
days after the department issues the revised debt summary report. 95603  
The revised debt summary report becomes the final debt summary 95604  
report thirty-one days after the department issues the revised 95605  
debt summary report unless the exiting operator or affiliated 95606  
operator timely submits additional information to the department. 95607  
If the exiting operator or affiliated operator timely submits 95608  
additional information to the department, the department shall 95609  
consider the additional information and issue a final debt summary 95610  
report not later than sixty days after the department issues the 95611  
revised debt summary report unless the department and exiting 95612  
operator or affiliated operator agree to a later date. 95613

Each debt summary report the department issues under this 95614  
section shall include the department's findings and the amount of 95615  
debt the department determines the exiting operator owes the 95616  
department and United States centers for medicare and medicaid 95617  
services under the medicaid program. The department shall explain 95618  
its findings and determination in each debt summary report. 95619

The exiting operator, and an affiliated operator who executes 95620  
a successor liability agreement under section ~~5111.681~~ 5165.521 of 95621  
the Revised Code, may request, in accordance with Chapter 119. of 95622  
the Revised Code, an adjudication regarding a finding in a final 95623  
debt summary report that pertains to an audit or alleged 95624  
overpayment made under the medicaid program to the exiting 95625  
operator. The adjudication shall be consolidated with any other 95626  
uncompleted adjudication that concerns a matter addressed in the 95627  
final debt summary report. 95628

**Sec. ~~5111.686~~ 5165.526.** The department of ~~job and family~~ 95629  
~~services~~ medicaid shall release the actual amount withheld under 95630  
division (A) of section ~~5111.681~~ 5165.521 of the Revised Code, 95631  
less any amount the exiting operator owes the department and 95632  
United States centers for medicare and medicaid services under the 95633  
medicaid program, as follows: 95634

(A) Unless the department issues the initial debt summary 95635  
report required by section ~~5111.685~~ 5165.525 of the Revised Code 95636  
not later than sixty days after the date the exiting operator 95637  
files the properly completed cost report required by section 95638  
~~5111.682~~ 5165.522 of the Revised Code, sixty-one days after the 95639  
date the exiting operator files the properly completed cost 95640  
report; 95641

(B) If the department issues the initial debt summary report 95642  
required by section ~~5111.685~~ 5165.525 of the Revised Code not 95643  
later than sixty days after the date the exiting operator files a 95644

properly completed cost report required by section ~~5111.682~~ 95645  
5165.522 of the Revised Code, not later than the following: 95646

(1) Thirty days after the deadline for requesting an 95647  
adjudication under section ~~5111.685~~ 5165.525 of the Revised Code 95648  
regarding the final debt summary report if the exiting operator, 95649  
and an affiliated operator who executes a successor liability 95650  
agreement under section ~~5111.681~~ 5165.521 of the Revised Code, 95651  
fail to request the adjudication on or before the deadline; 95652

(2) Thirty days after the completion of an adjudication of 95653  
the final debt summary report if the exiting operator, or an 95654  
affiliated operator who executes a successor liability agreement 95655  
under section ~~5111.681~~ 5165.521 of the Revised Code, requests the 95656  
adjudication on or before the deadline for requesting the 95657  
adjudication. 95658

(C) Unless the department issues the initial debt summary 95659  
report required by section ~~5111.685~~ 5165.525 of the Revised Code 95660  
not later than sixty days after the date the department waives the 95661  
cost report requirement of section ~~5111.682~~ 5165.522 of the 95662  
Revised Code, sixty-one days after the date the department waives 95663  
the cost report requirement; 95664

(D) If the department issues the initial debt summary report 95665  
required by section ~~5111.685~~ 5165.525 of the Revised Code not 95666  
later than sixty days after the date the department waives the 95667  
cost report requirement of section ~~5111.682~~ 5165.522 of the 95668  
Revised Code, not later than the following: 95669

(1) Thirty days after the deadline for requesting an 95670  
adjudication under section ~~5111.685~~ 5165.525 of the Revised Code 95671  
regarding the final debt summary report if the exiting operator, 95672  
and an affiliated operator who executes a successor liability 95673  
agreement under section ~~5111.681~~ 5165.521 of the Revised Code, 95674  
fail to request the adjudication on or before the deadline; 95675

(2) Thirty days after the completion of an adjudication of 95676  
the final debt summary report if the exiting operator, or an 95677  
affiliated operator who executes a successor liability agreement 95678  
under section ~~5111.681~~ 5165.521 of the Revised Code, requests the 95679  
adjudication on or before the deadline for requesting the 95680  
adjudication. 95681

**Sec. ~~5111.687~~ 5165.527.** The department of ~~job and family~~ 95682  
~~services~~ medicaid, at its sole discretion, may release the amount 95683  
withheld under division (A) of section ~~5111.681~~ 5165.521 of the 95684  
Revised Code if the exiting operator submits to the department 95685  
written notice of a postponement of a change of operator, facility 95686  
closure, ~~voluntary termination~~, or voluntary withdrawal of 95687  
participation and the transactions leading to the change of 95688  
operator, facility closure, ~~voluntary termination~~, or voluntary 95689  
withdrawal of participation are postponed for at least thirty days 95690  
but less than ninety days after the date originally proposed for 95691  
the change of operator, facility closure, ~~voluntary termination~~, 95692  
or voluntary withdrawal of participation as reported in the 95693  
written notice required by section ~~5111.66~~ 5165.50 or ~~5111.67~~ 95694  
5165.51 of the Revised Code. The department shall release the 95695  
amount withheld if the exiting operator submits to the department 95696  
written notice of a cancellation or postponement of a change of 95697  
operator, facility closure, ~~voluntary termination~~, or voluntary 95698  
withdrawal of participation and the transactions leading to the 95699  
change of operator, facility closure, ~~voluntary termination~~, or 95700  
voluntary withdrawal of participation are canceled or postponed 95701  
for more than ninety days after the date originally proposed for 95702  
the change of operator, facility closure, ~~voluntary termination~~, 95703  
or voluntary withdrawal of participation as reported in the 95704  
written notice required by section ~~5111.66~~ 5165.50 or ~~5111.67~~ 95705  
5165.51 of the Revised Code. A written notice shall be provided to 95706  
the department in accordance with the method specified in rules 95707

~~adopted under~~ authorized by section ~~5111.689~~ 5165.53 of the 95708  
Revised Code. 95709

After the department receives a written notice regarding a 95710  
cancellation or postponement of a facility closure, ~~voluntary~~ 95711  
~~termination~~, or voluntary withdrawal of participation, the exiting 95712  
operator or owner shall provide new written notice to the 95713  
department under section ~~5111.66~~ 5165.50 of the Revised Code 95714  
regarding any transactions leading to a facility closure, 95715  
~~voluntary termination~~, or voluntary withdrawal of participation at 95716  
a future time. After the department receives a written notice 95717  
regarding a cancellation or postponement of a change of operator, 95718  
the exiting operator or owner and entering operator shall provide 95719  
new written notice to the department under section ~~5111.67~~ 5165.51 95720  
of the Revised Code regarding any transactions leading to a change 95721  
of operator at a future time. 95722

**Sec. ~~5111.688~~ 5165.528.** (A) All amounts withheld under 95723  
section ~~5111.681~~ 5165.521 of the Revised Code from payment due an 95724  
exiting operator under the medicaid program shall be deposited 95725  
into the medicaid payment withholding fund created by the 95726  
controlling board pursuant to section 131.35 of the Revised Code. 95727  
Money in the fund shall be used as follows: 95728

(1) To pay an exiting operator when a withholding is released 95729  
to the exiting operator under section ~~5111.686~~ 5165.526 or 95730  
~~5111.687~~ 5165.527 of the Revised Code; 95731

(2) To pay the department of ~~job and family services~~ medicaid 95732  
and United States centers for medicare and medicaid services the 95733  
amount an exiting operator owes the department and United States 95734  
centers under the medicaid program. 95735

(B) Amounts paid from the medicaid payment withholding fund 95736  
pursuant to division (A)(2) of this section shall be deposited 95737

into the appropriate department fund. 95738

**Sec. ~~5111.689~~ 5165.53.** The medicaid director ~~of job and~~ 95739  
~~family services~~ shall adopt rules under section ~~5111.02~~ 5165.02 of 95740  
the Revised Code to implement sections ~~5111.65~~ 5165.50 to ~~5111.689~~  
5165.53 of the Revised Code, including rules applicable to an 95742  
existing operator that provides written notification under section 95743  
~~5111.66~~ 5165.50 of the Revised Code of a voluntary withdrawal of 95744  
participation. Rules adopted under this section shall comply with 95745  
~~section 1919(c)(2)(F) of the "Social Security Act," 79 Stat. 286~~ 95746  
~~(1965)~~ section 1919(c)(2)(F), 42 U.S.C. 1396r(c)(2)(F), regarding 95747  
restrictions on transfers or discharges of nursing facility 95748  
residents in the case of a voluntary withdrawal of participation. 95749  
The rules may prescribe a medicaid ~~reimbursement~~ payment 95750  
methodology and other procedures that are applicable after the 95751  
effective date of a voluntary withdrawal of participation that 95752  
differ from the ~~reimbursement~~ payment methodology and other 95753  
procedures that would otherwise apply. The rules shall specify all 95754  
of the following: 95755

(A) The method by which written notices to the department 95756  
required by sections ~~5111.65~~ 5165.50 to ~~5111.689~~ 5165.53 of the 95757  
Revised Code are to be provided; 95758

(B) The forms and documents that are to be provided to the 95759  
department of medicaid under sections ~~5111.671~~ 5165.511 and 95760  
~~5111.672~~ 5165.512 of the Revised Code, which shall include, in the 95761  
case of such forms and documents provided by entering operators, 95762  
all the fully executed leases, management agreements, merger 95763  
agreements and supporting documents, and fully executed sales 95764  
contracts and any other supporting documents culminating in the 95765  
change of operator; 95766

(C) The method by which the forms and documents identified in 95767  
division (B) of this section are to be provided to the department. 95768



**Sec. ~~5111.35~~ 5165.60.** As used in this section, "a resident's rights" means the rights of a nursing facility resident under sections 3721.10 to 3721.17 of the Revised Code ~~and subsection (e) of section 1819 or 1919 of,~~ the "Social Security Act," ~~49 Stat. 620 (1935)~~ sections 1819(c) and 1919(c), 42 U.S.C.A. 301, as amended 1395i-3(c) and 1396r(c), and federal regulations issued under those ~~subsections~~ sections of the "Social Security Act."

As used in sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code:

(A) "Certification requirements" means the requirements for nursing facilities established under ~~sections 1819 and 1919 of the "Social Security Act,"~~ sections 1819 and 1919, 42 U.S.C. 1395i-3 and 1396r.

(B) "Compliance" means substantially meeting all applicable certification requirements.

(C) "Contracting agency" means a state agency that has entered into a contract with the department of ~~job and family services~~ medicaid under section ~~5111.38~~ 5165.63 of the Revised Code.

(D)(1) "Deficiency" means a finding cited by the department of health during a survey, on the basis of one or more actions, practices, situations, or incidents occurring at a nursing facility, that constitutes a severity level three finding, severity level four finding, scope level three finding, or scope level four finding. Whenever the finding is a repeat finding, "deficiency" also includes any finding that is a severity level two and scope level one finding, a severity level two and scope level two finding, or a severity level one and scope level two finding.

(2) "Cluster of deficiencies" means deficiencies that result

from noncompliance with two or more certification requirements and 95799  
are causing or resulting from the same action, practice, 95800  
situation, or incident. 95801

(E) "Emergency" means either of the following: 95802

(1) A deficiency or cluster of deficiencies that creates a 95803  
condition of immediate jeopardy; 95804

(2) An unexpected situation or sudden occurrence of a serious 95805  
or urgent nature that creates a substantial likelihood that one or 95806  
more residents of a nursing facility may be seriously harmed if 95807  
allowed to remain in the facility, including the following: 95808

(a) A flood or other natural disaster, civil disaster, or 95809  
similar event; 95810

(b) A labor strike that suddenly causes the number of staff 95811  
members in a nursing facility to be below that necessary for 95812  
resident care. 95813

(F) "Finding" means a finding of noncompliance with 95814  
certification requirements determined by the department of health 95815  
under section ~~5111.41~~ 5165.66 of the Revised Code. 95816

(G) "Immediate jeopardy" means that one or more residents of 95817  
a nursing facility are in imminent danger of serious physical or 95818  
life-threatening harm. 95819

(H) "Medicaid eligible resident" means a person who is a 95820  
resident of a nursing facility, or is applying for admission to a 95821  
nursing facility, and is eligible ~~to receive financial assistance~~ 95822  
for nursing facility services under the ~~medical assistance~~ 95823  
medicaid program ~~for the care the person receives in such a~~ 95824  
facility. 95825

(I) "Noncompliance" means failure to substantially meet all 95826  
applicable certification requirements. 95827

(J) "Nursing facility" ~~has the same meaning as in section~~ 95828

~~5111.20 of the Revised Code includes a skilled nursing facility to~~ 95829  
~~the extent the context requires.~~ 95830

~~(K) "Provider" means a person, institution, or entity that~~ 95831  
~~furnishes nursing facility services under a medical assistance~~ 95832  
~~program provider agreement.~~ 95833

~~(L) "Provider agreement" means a contract between the~~ 95834  
~~department of job and family services and a provider for the~~ 95835  
~~provision of nursing facility services under the medicaid program.~~ 95836

~~(M) "Repeat finding" or "repeat deficiency" means a finding~~ 95837  
~~or deficiency cited pursuant to a survey, to which both of the~~ 95838  
~~following apply:~~ 95839

(1) The finding or deficiency involves noncompliance with the 95840  
same certification requirement, and the same kind of actions, 95841  
practices, situations, or incidents caused by or resulting from 95842  
the noncompliance, as were cited in the immediately preceding 95843  
standard survey or another survey conducted subsequent to the 95844  
immediately preceding standard survey of the facility. For 95845  
purposes of this division, actions, practices, situations, or 95846  
incidents may be of the same kind even though they involve 95847  
different residents, staff, or parts of the facility. 95848

(2) The finding or deficiency is cited subsequent to a 95849  
determination by the department of health that the finding or 95850  
deficiency cited on the immediately preceding standard survey, or 95851  
another survey conducted subsequent to the immediately preceding 95852  
standard survey, had been corrected. 95853

~~(N)~~(L)(1) "Scope level one finding" means a finding of 95854  
noncompliance by a nursing facility in which the actions, 95855  
situations, practices, or incidents causing or resulting from the 95856  
noncompliance affect one or a very limited number of facility 95857  
residents and involve one or a very limited number of facility 95858  
staff members. 95859

(2) "Scope level two finding" means a finding of 95860  
noncompliance by a nursing facility in which the actions, 95861  
situations, practices, or incidents causing or resulting from the 95862  
noncompliance affect more than a limited number of facility 95863  
residents or involve more than a limited number of facility staff 95864  
members, but the number or percentage of facility residents 95865  
affected or staff members involved and the number or frequency of 95866  
the actions, situations, practices, or incidents in short 95867  
succession does not establish any reasonable degree of 95868  
predictability of similar actions, situations, practices, or 95869  
incidents occurring in the future. 95870

(3) "Scope level three finding" means a finding of 95871  
noncompliance by a nursing facility in which the actions, 95872  
situations, practices, or incidents causing or resulting from the 95873  
noncompliance affect more than a limited number of facility 95874  
residents or involve more than a limited number of facility staff 95875  
members, and the number or percentage of facility residents 95876  
affected or staff members involved or the number or frequency of 95877  
the actions, situations, practices, or incidents in short 95878  
succession establishes a reasonable degree of predictability of 95879  
similar actions, situations, practices, or incidents occurring in 95880  
the future. 95881

(4) "Scope level four finding" means a finding of 95882  
noncompliance by a nursing facility causing or resulting from 95883  
actions, situations, practices, or incidents that involve a 95884  
sufficient number or percentage of facility residents or staff 95885  
members or occur with sufficient regularity over time that the 95886  
noncompliance can be considered systemic or pervasive in the 95887  
facility. 95888

~~(O)~~(M)(1) "Severity level one finding" means a finding of 95889  
noncompliance by a nursing facility that has not caused and, if 95890  
continued, is unlikely to cause physical harm to a facility 95891

resident, mental or emotional harm to a resident, or a violation 95892  
of a resident's rights that results in physical, mental, or 95893  
emotional harm to the resident. 95894

(2) "Severity level two finding" means a finding of 95895  
noncompliance by a nursing facility that, if continued over time, 95896  
will cause, or is likely to cause, physical harm to a facility 95897  
resident, mental or emotional harm to a resident, or a violation 95898  
of a resident's rights that results in physical, mental, or 95899  
emotional harm to the resident. 95900

(3) "Severity level three finding" means a finding of 95901  
noncompliance by a nursing facility that has caused physical harm 95902  
to a facility resident, mental or emotional harm to a resident, or 95903  
a violation of a resident's rights that results in physical, 95904  
mental, or emotional harm to the resident. 95905

(4) "Severity level four finding" means a finding of 95906  
noncompliance by a nursing facility that has caused 95907  
life-threatening harm to a facility resident or caused a 95908  
resident's death. 95909

~~(P)~~(N) "State agency" has the same meaning as in section 1.60 95910  
of the Revised Code. 95911

~~(Q)~~(O) "Substandard care" means care furnished in a facility 95912  
in which the department of health has cited a deficiency or 95913  
deficiencies that constitute one of the following: 95914

(1) A severity level four finding, regardless of scope; 95915

(2) A severity level three and scope level four finding, in 95916  
the quality of care provided to residents; 95917

(3) A severity level three and scope level three finding, in 95918  
the quality of care provided to residents. 95919

~~(R)~~(P)(1) "Survey" means a survey of a nursing facility 95920  
conducted under section ~~5111.39~~ 5165.64 of the Revised Code. 95921

(2) "Standard survey" means a survey conducted by the 95922  
department of health under division (A) of section ~~5111.39~~ 5165.64 95923  
of the Revised Code and includes an extended survey. 95924

(3) "Follow-up survey" means a survey conducted by the 95925  
department of health to determine whether a nursing facility has 95926  
substantially corrected deficiencies cited in a previous survey. 95927

**Sec. ~~5111.36~~ 5165.61.** The medicaid director of ~~job and family~~ 95928  
~~services~~ may adopt rules under ~~Chapter 119.~~ section 5165.02 of the 95929  
Revised Code that are consistent with regulations, guidelines, and 95930  
procedures issued by the United States secretary of health and 95931  
human services under ~~sections 1819 and 1919~~ of the "Social 95932  
Security Act," ~~49 Stat. 620 (1935)~~ sections 1819 and 1919, 42 95933  
U.S.C.A. ~~301, as amended 1395i-3 and 1396r~~, and necessary for 95934  
administration and enforcement of sections ~~5111.35~~ 5165.60 to 95935  
~~5111.62~~ 5165.89 of the Revised Code. If the secretary does not 95936  
issue appropriate regulations for enforcement of those sections 95937  
~~1819 and 1919~~ of the "Social Security Act" on or before December 95938  
13, 1990, the medicaid director of ~~job and family services~~ may 95939  
adopt, under ~~Chapter 119.~~ section 5165.02 of the Revised Code, 95940  
rules that are consistent with those sections and with sections 95941  
~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. 95942

**Sec. ~~5111.37~~ 5165.62.** The department of ~~job and family~~ 95943  
~~services~~ medicaid is hereby authorized to enforce sections ~~5111.35~~ 95944  
5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. The department may 95945  
enforce the sections directly or through contracting agencies. The 95946  
department and agencies shall enforce the sections in accordance 95947  
with the requirements of ~~sections 1819 and 1919~~ of the "Social 95948  
Security Act," ~~49 Stat. 620 (1935)~~ sections 1819 and 1919, 42 95949  
U.S.C.A. ~~301, as amended 1395i-3 and 1396r~~, that apply to nursing 95950  
facilities; with regulations, guidelines, and procedures adopted 95951  
by the United States secretary of health and human services for 95952

the enforcement of those sections ~~1819 and 1919~~ of the "Social Security Act"; and with the rules ~~adopted under~~ authorized by section ~~5111.36~~ 5165.61 of the Revised Code. The department and agencies shall enforce sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code for purposes of the medicare program, ~~Title XVIII of the "Social Security Act,"~~ only to the extent prescribed by the regulations, guidelines, and procedures issued by the secretary under ~~section 1819 of that act~~ the "Social Security Act," section 1819, 42 U.S.C. 1395i-3.

**Sec. ~~5111.38~~ 5165.63.** The department of ~~job and family services~~ medicaid may enter into contracts with other state agencies pursuant to section 5162.35 of the Revised Code that authorize the agencies to perform all or part of the duties assigned to the department of ~~job and family services~~ medicaid under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code. Each contract shall specify the duties the agency is authorized to perform and the sections of the Revised Code under which the agency is authorized to perform those duties.

**Sec. ~~5111.39~~ 5165.64.** (A) The department of health shall conduct a survey, titled a standard survey, of every nursing facility in this state on a statewide average of not more than once every twelve months. Each nursing facility shall undergo a standard survey at least once every fifteen months as a condition of meeting certification requirements. The department may extend a standard survey; such a survey is titled an extended survey.

(B) The department may conduct surveys in addition to standard surveys when it considers them necessary.

(C) The department shall conduct surveys in accordance with the regulations, guidelines, and procedures issued by the United States secretary of health and human services under ~~Titles~~ Title

XVIII and Title XIX of the "~~Social Security Act,~~" 49 Stat. 620 95983  
(1935), 42 U.S.C.A. 301, as amended, sections 5111.40 5165.65 to 95984  
~~5111.42~~ 5165.68 of the Revised Code, and rules adopted under 95985  
section 3721.022 of the Revised Code. 95986

**Sec. ~~5111.40~~ 5165.65.** (A) At the conclusion of each survey, 95987  
the department of health survey team shall conduct an exit 95988  
interview with the administrator or other person in charge of the 95989  
nursing facility and any other facility staff members designated 95990  
by the administrator or person in charge of the facility. During 95991  
the exit interview, at the request of the administrator or other 95992  
person in charge of the facility, the survey team shall provide 95993  
one of the following, as selected by the survey team: 95994

(1) Copies of all survey notes and any other written 95995  
materials created during the survey; 95996

(2) A written summary of the survey team's recommendations 95997  
regarding findings of noncompliance with certification 95998  
requirements; 95999

(3) An audio or audiovisual recording of the interview. If 96000  
the survey team selects this option, at least two copies of the 96001  
recording shall be made and the survey team shall select one copy 96002  
to be kept by the survey team for use by the department of health. 96003

(B) All expenses of copying under division (A)(1) of this 96004  
section or recording under division (A)(3) of this section, 96005  
including the cost of the copy of the recording kept by the survey 96006  
team, shall be paid by the facility. 96007

**Sec. ~~5111.41~~ 5165.66.** (A) Except as provided in section 96008  
3721.17 of the Revised Code, a finding shall be cited only on the 96009  
basis of a survey and a determination that one or more actions, 96010  
practices, situations, or incidents at a nursing facility caused 96011  
or resulted from the facility's failure to comply with one or more 96012



certification requirements. The department of health shall 96013  
determine whether the actions, practices, situations, or incidents 96014  
can be justified by either of the following: 96015

(1) The actions, practices, situations, or incidents resulted 96016  
from a resident exercising the resident's rights guaranteed under 96017  
the laws of the United States or of this state; 96018

(2) The actions, practices, situations, or incidents resulted 96019  
from a facility following the orders of a person licensed under 96020  
Chapter 4731. of the Revised Code to practice medicine or surgery 96021  
or osteopathic medicine and surgery. 96022

(B) If the department of health determines both that the 96023  
actions, practices, situations, or incidents cannot be justified 96024  
by the factors identified in division (A) of this section and that 96025  
one or more of the following are applicable, the department shall 96026  
declare that the actions, practices, situations, or incidents 96027  
constitute a finding: 96028

(1) The actions, practices, situations, or incidents could 96029  
have been prevented by one or more persons involved in the 96030  
facility's operation; 96031

(2) No person involved in the facility's operation identified 96032  
the actions, practices, situations, or incidents prior to the 96033  
survey; 96034

(3) Prior to the survey, no person involved in the facility's 96035  
operation initiated action to correct the noncompliance caused by 96036  
or resulting in the actions, practices, situations, or incidents; 96037

(4) The facility does not have in effect, if needed, a 96038  
contingency plan that is reasonably calculated to prevent 96039  
physical, mental, or emotional harm to residents while permanent 96040  
corrective action is being taken. 96041

(C) The department of health shall determine the severity 96042

level and scope level of each finding. 96043

(D) A deficiency that is substantially corrected within the 96044  
time limits specified in sections ~~5111.52~~ 5165.79 to 96045  
~~5111.56~~5165.83 of the Revised Code and for which no remedy is 96046  
imposed, shall be counted as a deficiency for the purpose of 96047  
determining whether a deficiency is a repeat deficiency. 96048

(E) Whenever the department of health determines that during 96049  
the period between two surveys a finding existed at the facility, 96050  
but the facility substantially corrected it prior to the second 96051  
survey, the department shall cite it. However, the department of 96052  
~~job and family services~~ medicaid or a contracting agency shall 96053  
impose a remedy only as provided in division (C) of section 96054  
~~5111.46~~ 5165.72 of the Revised Code. 96055

(F) Immediately upon determining the severity and scope of a 96056  
finding at a nursing facility, the department of health shall 96057  
notify the department of ~~job and family services~~ medicaid and any 96058  
contracting agency of the finding, the severity and scope of the 96059  
finding, and whether the finding creates immediate jeopardy. 96060  
Immediately upon determining that an emergency exists at a 96061  
facility that does not result from a deficiency that creates 96062  
immediate jeopardy, the department of health shall notify the 96063  
department of ~~job and family services~~ medicaid and any contracting 96064  
agency. 96065

**Sec. ~~5111.411~~ 5165.67.** The results of a survey of a nursing 96066  
facility that is conducted under section ~~5111.39~~ 5165.64 of the 96067  
Revised Code, including any statement of deficiencies and all 96068  
findings and deficiencies cited in the statement on the basis of 96069  
the survey, shall be used solely to determine the nursing 96070  
facility's compliance with certification requirements or with this 96071  
chapter or another chapter of the Revised Code. Those results of a 96072  
survey, that statement of deficiencies, and the findings and 96073

deficiencies cited in that statement shall not be used in any 96074  
court or in any action or proceeding that is pending in any court 96075  
and are not admissible in evidence in any action or proceeding 96076  
unless that action or proceeding is an appeal of an administrative 96077  
action by the department of ~~job and family services~~ medicaid or 96078  
contracting agency under this chapter or is an action by any 96079  
department or agency of the state to enforce this chapter or 96080  
another chapter of the Revised Code. 96081

Nothing in this section prohibits the results of a survey, a 96082  
statement of deficiencies, or the findings and deficiencies cited 96083  
in that statement on the basis of the survey under this section 96084  
from being used in a criminal investigation or prosecution. 96085

**Sec. ~~5111.42~~ 5165.68.** (A) Not later than ten days after an 96086  
exit interview, the department of health shall deliver to the 96087  
nursing facility a detailed statement, titled a statement of 96088  
deficiencies, setting forth all findings and deficiencies cited on 96089  
the basis of the survey, including any finding cited pursuant to 96090  
division (E) of section ~~5111.41~~ 5165.66 of the Revised Code. The 96091  
statement shall indicate the severity and scope level of each 96092  
finding and fully describe the incidents or other facts that form 96093  
the basis of the department's determination of the existence of 96094  
each finding and deficiency. A failure by the survey team to 96095  
completely disclose in the exit interview every finding that may 96096  
result from the survey does not affect the validity of any finding 96097  
or deficiency cited in the statement of deficiencies. On request 96098  
of the facility, the department shall provide a copy of any 96099  
written worksheet or other document produced by the survey team in 96100  
making recommendations regarding scope and severity levels of 96101  
findings and deficiencies. 96102

(B) At the same time the department of health delivers a 96103  
statement of deficiencies, it also shall deliver to the facility a 96104

separate written notice that states all of the following: 96105

(1) That the department of ~~job and family services~~ medicaid 96106  
or a contracting agency will issue an order under section ~~5111.57~~ 96107  
5165.84 of the Revised Code denying payment for any medicaid 96108  
eligible residents admitted on and after the effective date of the 96109  
order if the facility does not substantially correct, within 96110  
ninety days after the exit interview, the deficiency or 96111  
deficiencies cited in the statement of deficiencies in accordance 96112  
with the plan of correction it submitted under section ~~5111.43~~ 96113  
5165.69 of the Revised Code; 96114

(2) If a condition of substandard care has been cited on the 96115  
basis of a standard survey and a condition of substandard care was 96116  
also cited on the immediately preceding standard survey, that the 96117  
department of ~~job and family services~~ medicaid or a contracting 96118  
agency will issue an order under section ~~5111.57~~ 5165.84 of the 96119  
Revised Code denying payment for any medicaid eligible residents 96120  
admitted on and after the effective date of the order if a 96121  
condition of substandard care is cited on the basis of the next 96122  
standard survey; 96123

(3) That the department of ~~job and family services~~ medicaid 96124  
or a contracting agency will issue an order under section ~~5111.58~~ 96125  
5165.88 of the Revised Code terminating the facility's 96126  
participation in the ~~medical assistance~~ medicaid program if either 96127  
of the following applies: 96128

(a) The facility does not substantially correct the 96129  
deficiency or deficiencies in accordance with the plan of 96130  
correction it submitted under section ~~5111.43~~ 5165.69 of the 96131  
Revised Code within six months after the exit interview. 96132

(b) The facility substantially corrects the deficiency or 96133  
deficiencies within the six-month period, but after correcting it, 96134  
the department of health, based on a follow-up survey conducted 96135

during the remainder of the six-month period, determines that the 96136  
facility has failed to maintain compliance with certification 96137  
requirements. 96138

**Sec. ~~5111.43~~ 5165.69.** (A) Whenever a nursing facility 96139  
receives a statement of deficiencies under section ~~5111.42~~ 5165.68 96140  
of the Revised Code, the facility shall submit to the department 96141  
of health for its approval a plan of correction for each finding 96142  
cited in the statement. The plan shall ~~describe~~ include all of the 96143  
following: 96144

(1) Detailed descriptions of the actions the facility will 96145  
take to correct each finding and specify the, including actions 96146  
the facility will take to protect residents situated similarly to 96147  
the residents affected by the causes of the findings; 96148

(2) The date by which each finding will be corrected. ~~In the~~ 96149  
~~ease of;~~ 96150

(3) A detailed description of an ongoing monitoring and 96151  
improvement process to be used at the facility that is focused on 96152  
preventing any recurrence of the causes of the findings; 96153

(4) If the plan concerns a finding assigned a severity level 96154  
indicating that a resident was harmed or immediate jeopardy 96155  
exists, all of the following: 96156

(a) Detailed analyses of the facts and circumstances of the 96157  
finding, including identification of its root cause; 96158

(b) A detailed explanation of how the corrective actions 96159  
described pursuant to division (A)(1) of this section relate to 96160  
the root cause of the finding identified pursuant to division 96161  
(A)(4)(a) of this section; 96162

(c) A detailed explanation of the relationship between the 96163  
ongoing monitoring and improvement process described pursuant to 96164  
division (A)(3) of this section and the root cause of the finding 96165

identified pursuant to division (A)(4)(a) of this section. 96166

(5) If the plan concerns a finding cited pursuant to division (E) of section ~~5111.41~~ 5165.66 of the Revised Code, the plan shall describe a description of the actions the facility took to correct the finding and the date on which it was corrected. 96167  
96168  
96169  
96170

(B)(1) The department shall approve any plan, and any modification of an existing plan a nursing facility submits to the department, that conforms does both of the following: 96171  
96172  
96173

(a) Conforms to the requirements for approval of plans of corrections, and modifications, established in the regulations, guidelines, and procedures issued by the United States secretary of health and human services under ~~Titles~~ Title XVIII and Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended; 96174  
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(b) Includes all the information required by division (A) of this section. The department also shall approve any modification of an existing plan submitted by a facility, if the plan as modified conforms to those regulations, guidelines, and procedures. The 96180  
96181  
96182  
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(2) The department shall consult with the department of medicaid, department of aging, and office of the state long-term care ombudsman program when determining whether a plan, or modification of an existing plan, to which division (A)(4) of this section applies conforms to the requirements for approval. The department shall not reject a facility's plan of correction or modification on the ground that the facility disputes the finding, if the plan or modification is reasonably calculated to correct the finding. 96185  
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(C) A facility that complies with this section shall not be considered to have admitted the existence of a finding cited by the department. 96194  
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96196

**Sec. ~~5111.44~~ 5165.70.** The department of health may appoint 96197  
employees of the department to conduct on-site monitoring of a 96198  
nursing facility whenever a finding is cited, including any 96199  
finding cited pursuant to division (E) of section ~~5111.41~~ 5165.66 96200  
of the Revised Code, or an emergency is found to exist. 96201  
Appointment of monitors under this section is not subject to 96202  
appeal under section ~~5111.60~~ 5165.87 or any other section of the 96203  
Revised Code. No employee of a facility for which monitors are 96204  
appointed, no person employed by the facility within the previous 96205  
two years, and no person who currently has a consulting or other 96206  
contract with the department or the facility, shall be appointed 96207  
as a monitor under this section. Every monitor appointed under 96208  
this section shall have the professional qualifications necessary 96209  
to monitor correction of the finding or elimination of the 96210  
emergency. 96211

**Sec. ~~5111.45~~ 5165.71.** (A) If the department of health cites a 96212  
deficiency or deficiencies that was not substantially corrected 96213  
before a survey and that does not constitute a severity level four 96214  
finding or create immediate jeopardy, the department of ~~job and~~ 96215  
~~family services~~ medicaid or a contracting agency shall permit the 96216  
nursing facility to continue participating in the ~~medical~~ 96217  
~~assistance~~ medicaid program for up to six months after the exit 96218  
interview, if all of the following apply: 96219

(1) The facility meets the requirements, established in 96220  
regulations issued by the United States secretary of health and 96221  
human services under Title XIX ~~of the "Social Security Act,"~~ 49 96222  
~~Stat. 620 (1935),~~ 42 U.S.C.A. 301, as amended, for certification 96223  
of nursing facilities that have a deficiency. 96224

(2) The department of health has approved a plan of 96225  
correction submitted by the facility under section ~~5111.43~~ 5165.69 96226  
of the Revised Code for each deficiency. 96227

(3) The provider agrees to repay the department of ~~job and family services~~ medicaid, in accordance with section ~~5111.58~~ 5165.85 of the Revised Code, the federal share of all payments made by the department to the facility during the six-month period following the exit interview if the facility does not within the six-month period substantially correct the deficiency or deficiencies in accordance with the plan of correction submitted under section ~~5111.43~~ 5165.69 of the Revised Code.

(B) If any of the conditions in divisions (A)(1) to (3) of this section do not apply, the department of ~~job and family services~~ medicaid or contracting agency shall issue an order terminating the facility's participation in the ~~medical assistance~~ medicaid program. An order issued under this division is subject to appeal under Chapter 119. of the Revised Code. The order shall not take effect prior to the later of the thirtieth day after it is delivered to the facility or, if the order is appealed, the date on which a final adjudication order upholding the termination becomes effective pursuant to Chapter 119. of the Revised Code.

(C) At the time the department of ~~job and family services~~ medicaid or contracting agency issues an order under division (B) of this section terminating a nursing facility's participation in the ~~medical assistance~~ medicaid program, it may also impose, subject to section ~~5111.50~~ 5165.76 of the Revised Code, other remedies under sections ~~5111.46~~ 5165.72 to ~~5111.48~~ 5165.74 of the Revised Code.

**Sec. ~~5111.46~~ 5165.72.** (A) If the department of health cites a deficiency, or cluster of deficiencies, that was not substantially corrected before a survey and constitutes a severity level four finding, the department of ~~job and family services~~ medicaid or contracting agency shall, subject to sections ~~5111.52~~ 5165.79 to ~~5111.56~~ 5165.83 of the Revised Code, impose a remedy for the



deficiency or cluster of deficiencies. The department or agency may act under either division (A)(1) or (2) of this section: 96259  
96260  
96261

(1) The department or agency may impose one or more of the following remedies: 96262  
96263

(a) Issue an order terminating the nursing facility's participation in the ~~medical assistance~~ medicaid program. 96264  
96265

(b) Do either of the following: 96266

(i) Regardless of whether the provider consents, appoint a temporary manager of the facility. 96267  
96268

(ii) Apply to the common pleas court of the county in which the facility is located for such injunctive or other equitable relief as is necessary for the appointment of a special master with such powers and authority over the facility and length of appointment as the court considers necessary. 96269  
96270  
96271  
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(c) Do either of the following: 96274

(i) Issue an order denying ~~payment~~ medicaid payments to the facility ~~under the medical assistance program~~ for all medicaid eligible residents admitted after the effective date of the order; 96275  
96276  
96277

(ii) Impose a fine. 96278

(d) Issue an order denying ~~payment~~ medicaid payments to the facility ~~under the medical assistance program~~ for medicaid eligible residents admitted after the effective date of the order who have certain diagnoses or special care needs specified by the department or agency. 96279  
96280  
96281  
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96283

(2) The department or agency may impose one or more of the following remedies: 96284  
96285

(a) Appoint, subject to the continuing consent of the provider, a temporary manager of the facility; 96286  
96287

(b) Do either of the following: 96288

(i) Regardless of whether the provider consents, appoint a 96289  
temporary manager of the facility; 96290

(ii) Apply to the common pleas court of the county in which 96291  
the facility is located for such injunctive or other equitable 96292  
relief as is necessary for the appointment of a special master 96293  
with such powers and authority over the facility and length of 96294  
appointment as the court considers necessary. 96295

(c) Do either of the following: 96296

(i) Issue an order denying ~~payment~~ medicaid payments to the 96297  
facility ~~under the medical assistance program~~ for all medicaid 96298  
eligible residents admitted after the effective date of the order; 96299

(ii) Impose a fine. 96300

(d) Issue an order denying ~~payment~~ medicaid payments to the 96301  
facility ~~under the medical assistance program~~ for medicaid 96302  
eligible residents admitted after the effective date of the order 96303  
who have certain diagnoses or special care needs specified by the 96304  
department or agency; 96305

(e) Issue an order requiring the facility to correct the 96306  
deficiency or cluster of deficiencies under the plan of correction 96307  
submitted by the facility and approved by the department of health 96308  
under section ~~5111.43~~ 5165.69 of the Revised Code. 96309

(B) The department of ~~job and family services~~ medicaid or 96310  
contracting agency shall deliver a written order issued under 96311  
division (A)(1) of this section terminating a nursing facility's 96312  
participation in the ~~medical assistance~~ medicaid program to the 96313  
facility within five days after the exit interview. If the 96314  
facility alleges, at any time prior to the later of the twentieth 96315  
day after the exit interview or the fifteenth day after it 96316  
receives the order, that the deficiency or cluster of deficiencies 96317

for which the order was issued has been substantially corrected, 96318  
the department of health shall conduct a follow-up survey to 96319  
determine whether the deficiency or cluster of deficiencies has 96320  
been substantially corrected. The order shall take effect and the 96321  
facility's participation shall terminate on the twentieth day 96322  
after the exit interview, unless the facility has substantially 96323  
corrected the deficiency or cluster of deficiencies that 96324  
constituted a severity level four finding or did not receive 96325  
notice from the department of ~~job and family services~~ medicaid or 96326  
contracting agency within five days after the exit interview. In 96327  
the latter case, the order shall take effect and the facility's 96328  
participation shall terminate on the fifteenth day after the 96329  
facility received the order. 96330

(C) If the department of health cites a deficiency or cluster 96331  
of deficiencies pursuant to division (E) of section ~~5111.41~~ 96332  
5165.66 of the Revised Code that constituted a severity level four 96333  
finding, the department of ~~job and family services~~ medicaid or a 96334  
contracting agency shall, subject to section ~~5111.56~~ 5165.83 of 96335  
the Revised Code, impose a fine. The fine shall be in effect for a 96336  
period equal to the number of days the deficiency or cluster of 96337  
deficiencies existed at the facility. 96338

**Sec. ~~5111.47~~ 5165.73.** If the department of health cites a 96339  
deficiency, or cluster of deficiencies, that was not substantially 96340  
corrected before a survey and constitutes a severity level three 96341  
and scope level three or four finding, the department of ~~job and~~ 96342  
~~family services~~ medicaid or a contracting agency may, subject to 96343  
sections ~~5111.55~~ 5165.82 and ~~5111.56~~ 5165.83 of the Revised Code, 96344  
impose one or more of the following remedies: 96345

(A) Do either of the following: 96346

(1) Issue an order denying ~~payment~~ medicaid payments to the 96347  
facility ~~under the medical assistance program~~ for all medicaid 96348

eligible residents admitted after the effective date of the order; 96349

(2) Impose a fine. 96350

(B) Issue an order denying ~~payment~~ medicaid payments to the 96351  
facility ~~under the medical assistance program~~ for medicaid 96352  
eligible residents admitted after the effective date of the order 96353  
who have certain diagnoses or special care needs specified by the 96354  
department or agency; 96355

(C) Issue an order requiring the facility to correct the 96356  
deficiency or cluster of deficiencies under the plan of correction 96357  
submitted by the facility and approved by the department of health 96358  
under section ~~5111.43~~ 5165.69 of the Revised Code. 96359

**Sec. ~~5111.48~~ 5165.74.** (A) If the department of health cites a 96360  
deficiency, or cluster of deficiencies, that was not substantially 96361  
corrected before a survey and constitutes a severity level three 96362  
and scope level two finding, the department of ~~job and family~~ 96363  
~~services~~ medicaid or a contracting agency may, subject to sections 96364  
~~5111.55~~ 5165.82 and ~~5111.56~~ 5165.83 of the Revised Code, impose 96365  
one or more of the following remedies: 96366

(1) Do either of the following: 96367

(a) Issue an order denying ~~payment~~ medicaid payments to the 96368  
facility ~~under the medical assistance program~~ for all medicaid 96369  
eligible residents admitted after the effective date of the order; 96370

(b) Impose a fine. 96371

(2) Issue an order denying ~~payment~~ medicaid payments to the 96372  
facility ~~under the medical assistance program~~ for medicaid 96373  
eligible residents admitted after the effective date of the order 96374  
who have certain diagnoses or special care needs specified by the 96375  
department or agency; 96376

(3) Issue an order requiring the facility to correct the 96377  
deficiency or cluster of deficiencies under the plan of correction 96378

proposed by the facility and approved by the department of health 96379  
under section ~~5111.43~~ 5165.69 of the Revised Code. 96380

(B) If the department of health cites a deficiency, or 96381  
cluster of deficiencies, that was not substantially corrected 96382  
before a survey and constitutes a severity level three and scope 96383  
level one finding, the department of ~~job and family services~~ 96384  
medicaid or a contracting agency may, subject to sections ~~5111.55~~ 96385  
5165.82 and ~~5111.56~~ 5165.83 of the Revised Code, impose one or 96386  
more of the following remedies: 96387

(1) Impose a fine; 96388

(2) Issue an order denying ~~payment~~ medicaid payments to the 96389  
facility ~~under the medical assistance program~~ for medicaid 96390  
eligible residents admitted after the effective date of the order 96391  
who have certain diagnoses or special care needs specified by the 96392  
department or agency; 96393

(3) Issue an order requiring the facility to correct the 96394  
deficiency or cluster of deficiencies under the plan of correction 96395  
proposed by the facility and approved by the department of health 96396  
under section ~~5111.43~~ 5165.69 of the Revised Code. 96397

(C) If the department of health cites a deficiency, or 96398  
cluster of deficiencies, that was not substantially corrected 96399  
before a survey and constitutes a severity level two and a scope 96400  
level three or four finding, the department of ~~job and family~~ 96401  
~~services~~ medicaid or a contracting agency may, subject to sections 96402  
~~5111.55~~ 5165.82 and ~~5111.56~~ 5165.83 of the Revised Code, impose 96403  
one or more of the following remedies: 96404

(1) Impose a fine; 96405

(2) Issue an order denying ~~payment~~ medicaid payments to the 96406  
facility ~~under the medical assistance program~~ for medicaid 96407  
eligible residents admitted after the effective date of the order 96408  
who have certain diagnoses or special care needs specified by the 96409

department or agency; 96410

(3) Issue an order requiring the facility to correct the 96411  
deficiency or cluster of deficiencies under the plan of correction 96412  
submitted by the facility and approved by the department of health 96413  
under section ~~5111.43~~ 5165.69 of the Revised Code. 96414

(D) If the department of health cites a deficiency, or 96415  
cluster of deficiencies, that was not substantially corrected 96416  
before a survey, constitutes a severity level two and scope level 96417  
one or two finding, and is a repeat finding, the department of ~~job~~ 96418  
~~and family services~~ medicaid or a contracting agency may issue an 96419  
order requiring the facility to correct the deficiency or cluster 96420  
of deficiencies under the plan of correction submitted by the 96421  
facility and approved by the department of health under section 96422  
~~5111.43~~ 5165.69 of the Revised Code. 96423

(E) If the department of health cites a deficiency, or 96424  
cluster of deficiencies, that was not substantially corrected 96425  
before a survey and constitutes a severity level one and scope 96426  
level three or four finding, the department of ~~job and family~~ 96427  
~~services~~ medicaid or a contracting agency may issue an order 96428  
requiring the facility to correct the deficiency or cluster of 96429  
deficiencies under the plan of correction submitted by the 96430  
facility and approved by the department of health under section 96431  
~~5111.43~~ 5165.69 of the Revised Code. 96432

(F) If the department of health cites a deficiency, or 96433  
cluster of deficiencies, that was not substantially corrected 96434  
before a survey, constitutes a severity level one and scope level 96435  
two finding, and is a repeat finding, the department of ~~job and~~ 96436  
~~family services~~ medicaid or a contracting agency may issue an 96437  
order requiring the facility to correct the deficiency or cluster 96438  
of deficiencies under the plan of correction submitted by the 96439  
facility and approved by the department of health under section 96440  
~~5111.43~~ 5165.69 of the Revised Code. 96441

**Sec. ~~5111.49~~ 5165.75.** (A) In determining which remedies to 96442  
impose under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 96443  
5165.74 of the Revised Code, including whether a fine should be 96444  
imposed, the department of ~~job and family services~~ medicaid or a 96445  
contracting agency shall do both of the following: 96446

(1) Impose the remedies that are most likely to achieve 96447  
correction of deficiencies, encourage sustained compliance with 96448  
certification requirements, and protect the health, safety, and 96449  
rights of facility residents, but that are not directed at 96450  
punishment of the facility; 96451

(2) Consider all of the following: 96452

(a) The presence or absence of immediate jeopardy; 96453

(b) The relationships of groups of deficiencies to each 96454  
other; 96455

(c) The facility's history of compliance with certification 96456  
requirements generally and in the specific area of the deficiency 96457  
or deficiencies; 96458

(d) Whether the deficiency or deficiencies are directly 96459  
related to resident care; 96460

(e) The corrective, long-term compliance, resident 96461  
protective, and nonpunitive outcomes sought by the department or 96462  
agency; 96463

(f) The nature, scope, and duration of the noncompliance with 96464  
certification requirements; 96465

(g) The existence of repeat deficiencies; 96466

(h) The category of certification requirements with which the 96467  
facility is out of compliance; 96468

(i) Any period of noncompliance with certification 96469  
requirements that occurred between two certifications by the 96470

department of health that the facility was in compliance with certification requirements; 96471  
96472

(j) The facility's degree of culpability; 96473

(k) The accuracy, extent, and availability of facility records; 96474  
96475

(l) The facility's financial condition, exclusive of any moneys donated to a facility that is an organization described in subsection 501(c)(3) and is tax exempt under subsection 501(a) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1; 96476  
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(m) Any adverse effect that the action or fine would have on the health and safety of facility residents; 96481  
96482

(n) If the noncompliance that resulted in the citation of a deficiency or cluster of deficiencies existed before a change in ownership of the facility, whether the new owner or owners have had sufficient time to correct the noncompliance. 96483  
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(B) Whenever the department or agency imposes remedies under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of the Revised Code, it shall provide a written statement to the nursing facility that specifies all of the following: 96487  
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(1) The effective date of each remedy; 96491

(2) The deficiency or cluster of deficiencies for which each remedy is imposed; 96492  
96493

(3) The severity and scope of the deficiency or cluster of deficiencies; 96494  
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(4) The rationale, including all applicable factors specified in division (A) of this section, for imposing the remedies. 96496  
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**Sec. ~~5111.50~~ 5165.76.** At the time the department of ~~job and family services~~ medicaid or a contracting agency, under section 96498  
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~~5111.45~~ 5165.71, ~~5111.46~~ 5165.72, or ~~5111.51~~ 5165.77 of the 96500  
Revised Code, issues an order terminating a nursing facility's 96501  
participation in the ~~medical assistance~~ medicaid program, the 96502  
department or agency may also impose a fine, in accordance with 96503  
sections ~~5111.46~~ 5165.72 to ~~5111.48~~ 5165.74 and ~~5111.56~~ 5165.83 of 96504  
the Revised Code, to be collected in the event the termination 96505  
order does not take effect. The department or agency shall not 96506  
collect this fine if the termination order takes effect. 96507

**Sec. ~~5111.51~~ 5165.77.** (A) If the department of health finds 96508  
during a survey that an emergency exists at a nursing facility, as 96509  
the result of a deficiency or cluster of deficiencies that creates 96510  
immediate jeopardy, the department of ~~job and family services~~ 96511  
medicaid or a contracting agency shall impose one or more of the 96512  
remedies described in division (A)(1) of this section and, in 96513  
addition, may take one or both of the actions described in 96514  
division (A)(2) of this section. 96515

(1) The department or agency shall impose one or more of the 96516  
following remedies: 96517

(a) Appoint, subject to the continuing consent of the 96518  
provider, a temporary manager of the facility; 96519

(b) Apply to the common pleas court of the county in which 96520  
the facility is located for a temporary restraining order, 96521  
preliminary injunction, or such other injunctive or equitable 96522  
relief as is necessary to close the facility, transfer one or more 96523  
residents to other nursing facilities or other appropriate care 96524  
settings, or otherwise eliminate the condition of immediate 96525  
jeopardy. If the court grants such an order, injunction, or 96526  
relief, it may appoint a special master empowered to implement the 96527  
court's judgment under the court's direct supervision. 96528

(c) Issue an order terminating the facility's participation 96529  
in the ~~medical assistance~~ medicaid program; 96530

(d) Regardless of whether the provider consents, appoint a temporary manager of the facility.

(2) The department or agency may do one or both of the following:

(a) Issue an order denying ~~payment~~ medicaid payments to the facility for all medicaid eligible residents admitted after the effective date of the order;

(b) Impose remedies under sections ~~5111.46~~ 5165.72 to ~~5111.48~~ 5165.74 of the Revised Code appropriate to the severity and scope of the deficiency or cluster of deficiencies, except that the department or agency shall not impose a fine for the same deficiency for which the department or agency has issued an order under division (A)(2)(a) of this section.

(B) If the department of health, department of ~~job and family services~~ medicaid, or a contracting agency finds on the basis of a survey or other visit to the facility by representatives of that department or agency that an emergency exists at a facility that is not the result of a deficiency or cluster of deficiencies that constitutes immediate jeopardy, the department of ~~job and family services~~ medicaid or contracting agency may do either of the following:

(1) Appoint, subject to the continuing consent of the provider, a temporary manager of the facility;

(2) Apply to the common pleas court of the county in which the facility is located for a temporary restraining order, preliminary injunction, or such other injunctive or equitable relief as is necessary to close the facility, transfer one or more residents to other nursing facilities or other appropriate care settings, or otherwise eliminate the emergency. If the court grants such an order, injunction, or relief, it may appoint a special master empowered to implement the court's judgment under

the court's direct supervision. 96562

(C)(1) Prior to acting under division (A)(1)(b), (c), (d), or 96563  
(2), or (B)(2) of this section, the department of ~~job and family~~ 96564  
~~services~~ medicaid or contracting agency shall give written notice 96565  
to the facility specifying all of the following: 96566

(a) The nature of the emergency, including the nature of any 96567  
deficiency or deficiencies that caused the emergency; 96568

(b) The nature of the action the department or agency intends 96569  
to take unless the department of health determines that the 96570  
facility, in the absence of state intervention, possesses the 96571  
capacity to eliminate the emergency; 96572

(c) The rationale for taking the action. 96573

(2) If the department of health determines that the facility 96574  
does not possess the capacity to eliminate the emergency in the 96575  
absence of state intervention, the department of ~~job and family~~ 96576  
~~services~~ medicaid or contracting agency may immediately take 96577  
action under division (A) or (B) of this section. If the 96578  
department of health determines that the facility possesses the 96579  
capacity to eliminate the emergency, the department of ~~job and~~ 96580  
~~family services~~ medicaid or contracting agency shall direct the 96581  
facility to eliminate the emergency within five days after the 96582  
facility's receipt of the notice. At the end of the five-day 96583  
period, the department of health shall conduct a follow-up survey 96584  
that focuses on the emergency. If the department of health 96585  
determines that the facility has eliminated the emergency within 96586  
the time period, the department of ~~job and family services~~ 96587  
medicaid or contracting agency shall not act under division 96588  
(A)(1)(b), (c), (d), or (2)(a), or (B)(2) of this section. If the 96589  
department of health determines that the facility has failed to 96590  
eliminate the emergency within the five-day period, the department 96591  
of ~~job and family services~~ medicaid or contracting agency shall 96592

take appropriate action under division (A)(1)(b), (c), (d), or (2), or (B)(2) of this section. 96593  
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(3) Until the written notice required by division (C)(1) of this section is actually delivered, no action taken by the department of ~~job and family services~~ medicaid or contracting agency under division (A)(1)(b), (c), (d), or (2), or (B)(2) of this section shall have any legal effect. In addition to the written notice, the department of health survey team shall give oral notice to the facility, at the time of the survey, concerning any recommendations the survey team intends to make that could form the basis of a determination that an emergency exists. 96595  
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(D) The department of ~~job and family services~~ medicaid or contracting agency shall deliver a written order issued under division (A)(1) of this section terminating a nursing facility's participation in the ~~medical assistance~~ medicaid program to the facility within five days after the exit interview. If the facility alleges, at any time prior to the later of the twentieth day after the exit interview or the fifteenth day after it receives the order, that the condition of immediate jeopardy for which the order was issued has been eliminated, the department of health shall conduct a follow-up survey to determine whether the immediate jeopardy has been eliminated. The order shall take effect and the facility's participation shall terminate on the twentieth day after the exit interview, unless the facility has eliminated the immediate jeopardy or did not receive notice from the department of ~~job and family services~~ medicaid or contracting agency within five days after the exit interview. In the latter case, the order shall take effect and the facility's participation shall terminate on the fifteenth day after the facility received the order. 96604  
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(E) Any action taken by the department of ~~job and family services~~ medicaid or a contracting agency under division 96623  
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(A)(1)(c), (d), or (2)(a) of this section is subject to appeal 96625  
under Chapter 119. of the Revised Code, except that the department 96626  
or agency may take such action prior to and during the pendency of 96627  
any proceeding under that chapter. No action taken by a facility 96628  
under division (C) of this section to eliminate an emergency cited 96629  
by the department of health shall be considered an admission by 96630  
the facility of the existence of an emergency. 96631

Sec. 5165.771. (A) As used in this section: 96632

"SFF list" means the list of nursing facilities that the 96633  
United States department of health and human services creates 96634  
under the special focus facility program. 96635

"Special focus facility program" means the program conducted 96636  
by the United States secretary of health and human services 96637  
pursuant to the "Social Security Act," section 1919(f)(10), 42 96638  
U.S.C. 1396r(f)(10). 96639

"Table A" means the table included in the SFF list that 96640  
identifies nursing facilities that are newly added to the SFF 96641  
list. 96642

"Table B" means the table included in the SFF list that 96643  
identifies nursing facilities that have not improved. 96644

"Table C" means the table included in the SFF list that 96645  
identifies nursing facilities that have shown improvement. 96646

"Table D" means the table included in the SFF list that 96647  
identifies nursing facilities that have recently graduated from 96648  
the special focus facility program. 96649

(B) The department of medicaid shall issue an order 96650  
terminating a nursing facility's participation in the medicaid 96651  
program if any of the following apply: 96652

(1) The nursing facility is listed in table A or table B on 96653  
the effective date of this section and fails to be placed in table 96654

C not later than twelve months after the effective date of this section; 96655  
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(2) The nursing facility is listed in table A, table B, or table C on the effective date of this section and fails to be placed in table D not later than twenty-four months after the effective date of this section; 96657  
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96659  
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(3) The nursing facility is placed in table A after the effective date of this section and fails to be placed in table C not later than twelve months after the nursing facility is placed in table A; 96661  
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96663  
96664

(4) The nursing facility is placed in table A after the effective date of this section and fails to be placed in table D not later than twenty-four months after the nursing facility is placed in table A. 96665  
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(C) An order issued under this section is not subject to appeal under Chapter 119. of the Revised Code. 96669  
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(D) To help a nursing facility avoid having its participation in the medicaid program terminated pursuant to division (B) of this section, the department of aging shall provide the nursing facility technical assistance through the nursing home quality initiative established under section 173.60 of the Revised Code at least four months before the department of medicaid would be required to terminate the nursing facility's participation. 96671  
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**Sec. ~~5111.511~~ 5165.78.** (A) If the department of ~~job and family services~~ medicaid determines that a nursing facility is experiencing or is likely to experience a serious financial loss or failure that jeopardizes or is likely to jeopardize the health, safety, and welfare of its residents, the department, subject to the provider's consent, may appoint a temporary resident safety assurance manager in the nursing facility to take actions the 96678  
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department determines are appropriate to ensure the health, 96685  
safety, and welfare of the residents. 96686

(B) A temporary resident safety assurance manager appointed 96687  
under this section is vested with the authority necessary to take 96688  
actions the department of ~~job and family services~~ medicaid 96689  
determines are appropriate to ensure the health, safety, and 96690  
welfare of the residents. 96691

(C) A temporary resident safety assurance manager appointed 96692  
under this section may use any of the following funds to pay for 96693  
costs the manager incurs on behalf of the nursing facility: 96694

(1) Medicaid payments made in accordance with the provider 96695  
agreement for the nursing facility; 96696

(2) Funds from the residents protection fund that the 96697  
department provides the manager under section ~~5111.62~~ 5162.66 of 96698  
the Revised Code; 96699

(3) Other funds the department determines are appropriate if 96700  
such use of the funds is consistent with the appropriations that 96701  
authorize the use of the funds and all other state and federal 96702  
laws governing the use of the funds. 96703

(D) The provider is liable to the department for the amount 96704  
of any payments the department makes to the temporary resident 96705  
safety assurance manager, other than payments specified in 96706  
division (C)(1) of this section. The department may recover the 96707  
amount the provider owes the department by doing any of the 96708  
following: 96709

(1) Offsetting medicaid payments made to the provider in 96710  
accordance with the provider agreement; 96711

(2) Placing a lien on any of the provider's real and personal 96712  
property; 96713

(3) Initiating other collection actions. 96714

(E) No action the department takes under this section is 96715  
subject to appeal under Chapter 119. of the Revised Code. 96716

(F) In rules ~~adopted under~~ authorized by section ~~5111.36~~ 96717  
5165.61 of the Revised Code, the medicaid director ~~of job and~~ 96718  
~~family services~~ may establish all of the following: 96719

(1) Qualifications persons must meet to be appointed 96720  
temporary resident safety assurance managers under this section; 96721

(2) Procedures for maintaining a list of qualified temporary 96722  
resident safety assurance managers; 96723

(3) Procedures consistent with federal law for paying for the 96724  
services of temporary resident safety assurance managers; 96725

(4) Accounting and reporting requirements for temporary 96726  
resident safety assurance managers; 96727

(5) Other procedures and requirements the director determines 96728  
are necessary to implement this section. 96729

**Sec. ~~5111.52~~ 5165.79.** (A) As used in this section, 96730  
"terminating" includes not renewing. 96731

(B) A nursing facility's participation in the ~~medical~~ 96732  
~~assistance~~ medicaid program shall be terminated under sections 96733  
~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code as follows: 96734

(1) If the department of ~~job and family services~~ medicaid is 96736  
terminating the facility's participation, it shall issue an order 96737  
terminating the facility's provider agreement. 96738

(2) If the department of health, acting as a contracting 96739  
agency, is terminating the facility's participation, it shall 96740  
issue an order terminating certification of the facility's 96741  
compliance with certification requirements. When the department of 96742  
health terminates certification, the department of ~~job and family~~ 96743



~~services~~ medicaid shall terminate the facility's provider 96744  
agreement. The department of ~~job and family services~~ medicaid is 96745  
not required to provide an adjudication hearing when it terminates 96746  
a provider agreement following termination of certification by the 96747  
department of health. 96748

(3) If a state agency other than the department of health, 96749  
acting as a contracting agency, is terminating the facility's 96750  
participation, it shall notify the department of ~~job and family~~ 96751  
~~services~~ medicaid, and the department of ~~job and family services~~ 96752  
medicaid shall issue an order terminating the facility's provider 96753  
agreement. The contracting agency shall conduct any administrative 96754  
proceedings concerning the order. 96755

(C) If the following conditions are met, the department of 96756  
~~job and family services~~ medicaid may make ~~medical assistance~~ 96757  
medicaid payments to a nursing facility for a period not exceeding 96758  
thirty days after the effective date of termination under sections 96759  
~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code of the 96760  
facility's participation in the ~~medical assistance~~ medicaid 96761  
program: 96762

(1) The payments are for medicaid eligible residents admitted 96763  
to the facility prior to the effective date of the termination; 96764

(2) The provider is making reasonable efforts to transfer 96765  
medicaid eligible residents to other care settings. 96766

The period during which payments may be made under this 96767  
division begins on the later of the effective date of the 96768  
termination or, if the facility has appealed a termination order, 96769  
the date of issuance of the adjudication order upholding 96770  
termination. 96771

**Sec. ~~5111.53~~ 5165.80.** (A) Whenever a nursing facility is 96772  
closed under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the 96773

Revised Code, the department of ~~job and family services~~ medicaid 96774  
or contracting agency shall arrange for the safe and orderly 96775  
transfer of all residents, including residents who are not 96776  
medicaid eligible residents, to other appropriate care settings. 96777  
Whenever a nursing facility's participation in the ~~medical~~ 96778  
~~assistance~~ medicaid program is terminated under sections ~~5111.35~~ 96779  
5165.60 to ~~5111.62~~ 5165.89 of the Revised Code, the department or 96780  
agency shall arrange for the safe and orderly transfer of all 96781  
medicaid eligible residents or, if the termination results in the 96782  
closure of the facility, of all residents. The provider and all 96783  
persons involved in the facility's operation shall cooperate with 96784  
and assist in the transfer of residents. 96785

(B) After a nursing facility's participation in the ~~medical~~ 96786  
~~assistance~~ medicaid program is terminated under section ~~5111.45~~ 96787  
5165.71, ~~5111.46~~ 5165.72, ~~5111.51~~ 5165.77, 5165.771, or ~~5111.58~~ 96788  
5165.85 of the Revised Code, the department of ~~job and family~~ 96789  
~~services~~ medicaid or contracting agency may appoint a temporary 96790  
manager subject to the continuing consent of the provider, or may 96791  
apply to the common pleas court of the county in which the 96792  
facility is located for such injunctive relief as is necessary for 96793  
the appointment of a special master, to ensure the transfer of 96794  
medicaid eligible residents to other appropriate care settings 96795  
and, if applicable, the orderly closure of the facility. 96796

**Sec. ~~5111.54~~ 5165.81.** (A) A temporary manager of a nursing 96797  
facility appointed by the department of ~~job and family services~~ 96798  
medicaid or a contracting agency under sections ~~5111.35~~ 5165.60 to 96799  
~~5111.62~~ 5165.89 of the Revised Code shall meet all of the 96800  
following qualifications: 96801

(1) Be licensed as a nursing home administrator under Chapter 96802  
4751. of the Revised Code; 96803

(2) Have demonstrated competence as a nursing home 96804

administrator; 96805

(3) Have had no disciplinary action taken against the 96806  
temporary manager by any licensing board or professional society 96807  
in this state. 96808

(B) The salary of a temporary manager or special master 96809  
appointed under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the 96810  
Revised Code shall be paid by the facility and set by the 96811  
department of ~~job and family services~~ medicaid or contracting 96812  
agency, in the case of a temporary manager, or by the court, in 96813  
the case of a special master, at a rate not to exceed the maximum 96814  
allowable compensation for an administrator under the ~~medical~~ 96815  
~~assistance~~ medicaid program. The extent to which this compensation 96816  
is allowable under the ~~medical-assistance~~ medicaid program is 96817  
subject to and limited by this chapter and rules ~~of the department~~ 96818  
adopted under section 5165.02 of the Revised Code. 96819

Subject to division (C) of this section, any costs incurred 96820  
on behalf of a nursing facility by a temporary manager or special 96821  
master appointed under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 96822  
of the Revised Code shall be paid by the facility. The 96823  
allowability of these costs under the ~~medical-assistance~~ medicaid 96824  
program shall be subject to and governed by this chapter and ~~the~~ 96825  
~~rules of the department~~ adopted under section 5165.02 of the 96826  
Revised Code. This division does not prohibit a facility from 96827  
applying for or receiving any waiver of cost ceilings available 96828  
under the ~~rules of the department.~~ 96829

(C) No temporary manager or special master appointed under 96830  
sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the Revised Code 96831  
shall enter into any employment contract on behalf of a facility, 96832  
or purchase any capital goods using facility funds totaling more 96833  
than ten thousand dollars, unless the temporary manager or special 96834  
master has obtained prior approval for the contract or purchase 96835  
from either the provider or the court. 96836

(D)(1) A temporary manager appointed for a nursing facility 96837  
under section ~~5111.46~~ 5165.72 of the Revised Code is hereby 96838  
vested, subject to division (C) of this section, with the legal 96839  
authority necessary to correct any deficiency or cluster of 96840  
deficiencies at a facility, bring the facility into compliance 96841  
with certification requirements, and otherwise ensure the health 96842  
and safety of the residents. 96843

(2) A temporary manager appointed under section ~~5111.51~~ 96844  
5165.77 of the Revised Code is hereby vested, subject to division 96845  
(C) of this section, with the authority necessary to eliminate the 96846  
emergency, bring the facility into compliance with certification 96847  
requirements, and otherwise ensure the health and safety of the 96848  
residents. 96849

(3) A temporary manager appointed under section ~~5111.53~~ 96850  
5165.80 of the Revised Code is hereby vested, subject to division 96851  
(C) of this section, with the authority necessary to ensure the 96852  
transfer of medicaid eligible residents to other appropriate care 96853  
settings and, if applicable, the orderly closure of the facility, 96854  
and to otherwise ensure the health and safety of the residents. 96855

(E) Prior to acting under division (A)(1)(b) or (2)(b) of 96856  
section ~~5111.46~~ 5165.72 of the Revised Code to appoint a temporary 96857  
manager or apply for a special master, the department of ~~job and~~ 96858  
~~family services~~ medicaid or contracting agency shall order the 96859  
facility to substantially correct the deficiency or deficiencies 96860  
within five days after receiving the statement and inform the 96861  
facility, in the statement it provides pursuant to division (B) of 96862  
section ~~5111.49~~ 5165.75 of the Revised Code, of the order and that 96863  
it will not take that action unless the facility fails to 96864  
substantially correct the deficiency or deficiencies within that 96865  
five-day period. At the end of the five-day period, the department 96866  
of health shall conduct a follow-up survey that focuses on the 96867  
deficiency or deficiencies. If the department of health determines 96868

that the facility has substantially corrected the deficiency or 96869  
deficiencies within that time, the department of ~~job and family~~ 96870  
~~services~~ medicaid or contracting agency shall not appoint a 96871  
temporary manager or apply for a special master. If the department 96872  
of health determines that the facility has failed to substantially 96873  
correct the deficiency or deficiencies within that time, the 96874  
department of ~~job and family services~~ medicaid or contracting 96875  
agency may proceed with appointment of the temporary manager or 96876  
application for a special master. Until the statement required 96877  
under division (B) of section ~~5111.49~~ 5165.75 of the Revised Code 96878  
is actually delivered, no action taken by the department or agency 96879  
to appoint a temporary manager or apply for a temporary manager 96880  
under division (A)(1)(b) or (2)(b) of section ~~5111.46~~ 5165.72 of 96881  
the Revised Code shall have any legal effect. No action taken by a 96882  
facility under this division to substantially correct a deficiency 96883  
or deficiencies shall be considered an admission by the facility 96884  
of the existence of a deficiency or deficiencies. 96885

(F) Appointment of a temporary manager under division 96886  
(A)(1)(b) or (2)(b) of section ~~5111.46~~ 5165.72 or division 96887  
(A)(1)(d) of section ~~5111.51~~ 5165.77 of the Revised Code shall 96888  
expire at the end of the seventh day following the appointment. If 96889  
the department of ~~job and family services~~ medicaid or contracting 96890  
agency finds that the deficiency or deficiencies that prompted the 96891  
appointment under division (A)(1)(b) or (2)(b) of section ~~5111.46~~ 96892  
5165.72 of the Revised Code cannot be substantially corrected, or 96893  
the condition of immediate jeopardy that prompted the appointment 96894  
under division (A)(1)(d) of section ~~5111.51~~ 5165.77 of the Revised 96895  
Code cannot be eliminated, prior to the expiration of the 96896  
appointment, it may take one of the following actions: 96897

(1) Appoint, subject to the continuing consent of the 96898  
provider, a temporary manager for the facility; 96899

(2) Apply to the common pleas court of the county in which 96900

the facility is located for an order appointing a special master 96901  
who, under the authority and direct supervision of the court and 96902  
subject to divisions (B) and (C) of this section, may take such 96903  
additional actions as are necessary to correct the deficiency or 96904  
deficiencies or eliminate the condition of immediate jeopardy and 96905  
bring the facility into compliance with certification 96906  
requirements. 96907

(G) The court, on finding that the deficiency or deficiencies 96908  
for which a special master was appointed under division (F)(2) of 96909  
this section or division (A)(1)(b) or (2)(b) of section ~~5111.46~~ 96910  
5165.72 of the Revised Code has been substantially corrected, or 96911  
the emergency for which a special master was appointed under 96912  
division (F)(2) of this section or division (A)(1)(b) or (B)(2) of 96913  
section ~~5111.51~~ 5165.77 of the Revised Code has been eliminated, 96914  
that the facility has been brought into compliance with 96915  
certification requirements, and that the provider has established 96916  
the management capability to ensure continued compliance with the 96917  
certification requirements, shall immediately terminate its 96918  
jurisdiction over the facility and return control and management 96919  
of the facility to the provider. If the deficiency or deficiencies 96920  
cannot be substantially corrected, or the emergency cannot be 96921  
eliminated practicably within a reasonable time following 96922  
appointment of the special master, the court may order the special 96923  
master to close the facility and transfer all residents to other 96924  
nursing facilities or other appropriate care settings. 96925

(H) This section does not apply to temporary resident safety 96926  
assurance managers appointed under section ~~5111.511~~ 5165.78 of the 96927  
Revised Code. 96928

**Sec. ~~5111.55~~ 5165.82.** (A) An order issued under section 96929  
~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, ~~5111.48~~ 5165.74, ~~5111.51~~ 96930  
5165.77, or ~~5111.57~~ 5165.84 of the Revised Code denying ~~payment~~ 96931

medicaid payments to a nursing facility for all medicaid eligible residents admitted after its effective date, or an order issued under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of the Revised Code denying ~~payment~~ medicaid payments to a nursing facility for medicaid eligible residents admitted after the effective date of the order who have specified diagnoses or special care needs, shall also apply to individuals admitted to the facility on and after the effective date of the order who are not medicaid eligible residents but become medicaid eligible residents after admission. Such an order shall not apply to any of the following:

(1) An individual who was a medicaid eligible resident of the facility on the day immediately preceding the effective date of the order and continues to be a medicaid eligible resident on and after that date;

(2) An individual who was a resident of the facility on the day immediately preceding the effective date of the order, continues to be a resident on and after that date, and becomes medicaid eligible on or after that date;

(3) An individual who was a medicaid eligible resident of the facility prior to the effective date of the order, is temporarily absent from the facility on that or a subsequent date due to hospitalization or participation in therapeutic programs outside the facility, and chooses to return to the facility;

(4) An individual who was a resident of the facility prior to the effective date of the order, is temporarily absent from the facility on that or a subsequent date due to hospitalization or participation in therapeutic programs outside the facility, becomes medicaid eligible on or after that date, and chooses to return to the facility.

(B) An order issued under section ~~5111.46~~ 5165.72 of the

Revised Code denying ~~payment~~ medicaid payments to a nursing 96963  
facility for all medicaid eligible residents admitted after its 96964  
effective date, or denying ~~payment~~ medicaid payments to a facility 96965  
for medicaid eligible residents admitted after the effective date 96966  
of the order who have specified diagnoses or special care needs 96967  
shall not take effect prior to the fifth day after the order is 96968  
delivered to the facility. Such an order issued under section 96969  
~~5111.47~~ 5165.73 or ~~5111.48~~ 5165.74 of the Revised Code shall not 96970  
take effect prior to the twentieth day after it is delivered to 96971  
the facility. 96972

(C) No nursing facility that has received an order under 96973  
section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, ~~5111.48~~ 5165.74, ~~5111.51~~ 96974  
5165.77, or ~~5111.57~~ 5165.84 of the Revised Code denying ~~payment~~ 96975  
medicaid payments for all new admissions of medicaid eligible 96976  
residents shall admit a medicaid eligible resident on or after the 96977  
effective date of the order, unless the resident is described in 96978  
division (A)(3) or (4) of this section, until the order is 96979  
terminated pursuant to this section. No nursing facility that has 96980  
received an order under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, 96981  
or ~~5111.48~~ 5165.74 of the Revised Code denying ~~payment~~ medicaid 96982  
payments to a nursing facility for new admissions of medicaid 96983  
eligible residents with specified diagnoses or special care needs 96984  
shall admit such a resident on or after the effective date of the 96985  
order, unless the resident is described in division (A)(3) or (4) 96986  
of this section, until the order is terminated pursuant to this 96987  
section. 96988

(D) In the case of an order imposed under division (B) of 96989  
section ~~5111.57~~ 5165.84 of the Revised Code, the department or 96990  
agency shall appoint monitors in accordance with section ~~5111.44~~ 96991  
5165.70 of the Revised Code to conduct on-site monitoring. 96992

(E)(1) A facility may give written notice to the department 96993  
of health whenever any of the following apply: 96994



(a) With respect to an order denying payment issued under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of the Revised Code, either of the following is the case:

(i) The facility has completed implementation of the plan of correction it submitted under section ~~5111.43~~ 5165.69 of the Revised Code and substantially corrected all deficiencies for which the order was issued.

(ii) The facility has reduced the severity or scope of all of the deficiencies to a level at which sections ~~5111.46~~ 5165.72 to ~~5111.48~~ 5165.74 of the Revised Code do not authorize the order.

(b) With respect to an order denying payment issued under section ~~5111.51~~ 5165.77 of the Revised Code, the facility has eliminated the immediate jeopardy.

(c) With respect to an order denying ~~payment~~ medicaid payments issued under division (A) of section ~~5111.57~~ 5165.84 of the Revised Code, the facility has completed implementation of the plan of correction it submitted under section ~~5111.43~~ 5165.69 of the Revised Code and substantially corrected all deficiencies for which the order was issued.

(d) With respect to an order denying ~~payment~~ medicaid payments issued under division (B) of section ~~5111.57~~ 5165.84 of the Revised Code, both of the following are the case:

(i) The facility has completed implementation of the plan of correction it submitted under section ~~5111.43~~ 5165.69 of the Revised Code and substantially corrected all deficiencies for which the order was issued.

(ii) The facility is in compliance with certification requirements and has provided adequate assurance that it will remain in compliance with them.

(2) Within ten working days after it receives the notice

under division (E)(1) of this section, the department of health 97025  
shall conduct a follow-up survey that focuses on the cited 97026  
deficiency or deficiencies, unless the department is able to 97027  
determine, on the basis of documentation provided by the facility, 97028  
that the facility has completed the applicable action described in 97029  
divisions (E)(1)(a) to (d) of this section. If the department of 97030  
health makes that determination on the basis of the documentation, 97031  
the department of ~~job and family services~~ medicaid or contracting 97032  
agency shall terminate the order denying ~~payment~~ medicaid payments 97033  
as of the date the facility completed the applicable action, as 97034  
subsequently verified by the department of health. If the 97035  
department of health conducts a follow-up survey, the department 97036  
of ~~job and family services~~ medicaid or contracting agency shall 97037  
terminate the order denying ~~payment~~ medicaid payments as of the 97038  
date the department of health makes the determination that the 97039  
facility completed the applicable action. 97040

(F) The department of ~~job and family services~~ medicaid or 97041  
contracting agency shall provide public notice implementing an 97042  
order under section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, ~~5111.48~~ 97043  
5165.74, ~~5111.51~~ 5165.77, or ~~5111.57~~ 5165.84 of the Revised Code 97044  
denying ~~payment~~ medicaid payments to a nursing facility ~~under the~~ 97045  
~~medical assistance program~~ for all medicaid eligible residents by 97046  
publishing in a newspaper of general circulation in the county in 97047  
which the facility is located an announcement stating: "By order 97048  
of the (Ohio Department of ~~Job and Family Services~~ Medicaid or 97049  
name of contracting agency), effective on and after (effective 97050  
date of order), (name of facility) is no longer authorized to 97051  
admit Medicaid eligible residents." Immediately following 97052  
termination of any such order, the department or agency shall 97053  
publish in a newspaper of general circulation in the county in 97054  
which the facility is located an announcement stating: "By order 97055  
of the (Ohio Department of ~~Job and Family Services~~ Medicaid or 97056  
name of contracting agency), effective on and after (effective 97057

date of termination), (name of facility) is hereby authorized to 97058  
admit Medicaid eligible residents." Neither the department nor the 97059  
contracting agency shall issue public notice of an order under 97060  
section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of 97061  
the Revised Code denying payment to a nursing facility for 97062  
Medicaid eligible residents with specified diagnoses or special 97063  
care needs; public notice is not required for such an order to 97064  
take effect. 97065

(G) A facility that complies with division (E) of this 97066  
section shall not be considered to have admitted to the existence 97067  
of the deficiency that constitutes the basis of the department's 97068  
or agency's order. 97069

**Sec. ~~5111.56~~ 5165.83.** (A) As used in this section, "certified 97070  
beds" means beds certified under Title XVIII or Title XIX ~~of the~~ 97071  
~~"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as~~ 97072  
~~amended.~~ 97073

(B) If the department of ~~job and family services~~ Medicaid or 97074  
a contracting agency imposes a fine on a nursing facility under 97075  
section ~~5111.46~~ 5165.72, ~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of 97076  
the Revised Code, it may impose one or more of the following: 97077

(1) One hundred sixty per cent of the amount calculated under 97078  
division (C) of this section for any deficiency or cluster of 97079  
deficiencies that constitutes a severity level four and scope 97080  
level four finding; 97081

(2) One hundred forty per cent of the amount calculated under 97082  
division (C) of this section for any deficiency or cluster of 97083  
deficiencies that constitutes a severity level four and scope 97084  
level three finding; 97085

(3) One hundred twenty per cent of the amount calculated 97086  
under division (C) of this section for any deficiency or cluster 97087

of deficiencies that constitutes a severity level four and scope level two finding; 97088  
97089

(4) The amount calculated under division (C) of this section for any deficiency or cluster of deficiencies that constitutes a severity level four and scope level one finding or any deficiency or cluster of deficiencies that constitutes a severity level three and scope level four finding; 97090  
97091  
97092  
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97094

(5) Ninety per cent of the amount calculated under division (C) of this section for any deficiency or cluster of deficiencies that constitutes a severity level three and scope level three finding; 97095  
97096  
97097  
97098

(6) Eighty per cent of the amount calculated under division (C) of this section for any deficiency or cluster of deficiencies that constitutes a severity level three and scope level two finding; 97099  
97100  
97101  
97102

(7) Seventy per cent of the amount calculated under division (C) of this section for any deficiency or cluster of deficiencies that constitutes a severity level three and scope level one finding; 97103  
97104  
97105  
97106

(8) Fifty per cent of the amount calculated under division (C) of this section for any deficiency or cluster of deficiencies that constitutes a severity level two and scope level four finding; 97107  
97108  
97109  
97110

(9) Forty per cent of the amount calculated under division (C) of this section for any deficiency or cluster of deficiencies that constitutes a severity level two and scope level three finding. 97111  
97112  
97113  
97114

(C) The amount subject to division (B) of this section shall be the product of multiplying two dollars and fifty cents for each day the fine is in effect by the total number of licensed nursing home beds or certified beds, whichever is greater, in the facility 97115  
97116  
97117  
97118

as of the date the deficiency or cluster of deficiencies that is 97119  
the reason for the fine was cited. 97120

(D)(1) The department of ~~job and family services~~ medicaid or 97121  
contracting agency shall not impose on a facility, at any one 97122  
time, more than four fines as a result of any one survey. 97123

(2) The department of ~~job and family services~~ medicaid or 97124  
contracting agency shall not impose more than one fine based on a 97125  
deficiency or cluster of deficiencies. However, if the department 97126  
of health, in a follow-up or other subsequent survey, finds a 97127  
change in the scope or severity of the deficiency or cluster of 97128  
deficiencies, the department of ~~job and family services~~ medicaid 97129  
or contracting agency may increase or decrease the fine in 97130  
accordance with division (B) of this section to reflect the change 97131  
in scope or severity. The department or agency shall give the 97132  
facility written notice of the change in the amount of the fine. 97133  
The change shall take effect on the date the follow-up or other 97134  
subsequent survey is completed. 97135

If the department of health finds that a deficiency is a 97136  
repeat deficiency, the department of ~~job and family services~~ 97137  
medicaid or contracting agency may impose a fine that is one 97138  
hundred per cent greater than the fine specified in division (B) 97139  
of this section for the deficiency. 97140

(E) The total amount of fines the department of ~~job and~~ 97141  
~~family services~~ medicaid or contracting agency may impose on a 97142  
facility in a single calendar year shall not exceed five hundred 97143  
dollars for each licensed nursing home bed or certified bed, 97144  
whichever is greater in number, in the facility. 97145

(F)(1) Except as provided in division (F)(2) of this section, 97146  
the department of ~~job and family services~~ medicaid or contracting 97147  
agency shall not impose a fine under section ~~5111.46~~ 5165.72, 97148  
~~5111.47~~ 5165.73, or ~~5111.48~~ 5165.74 of the Revised Code if the 97149

deficiency or cluster of deficiencies is substantially corrected 97150  
within twenty days after the nursing facility receives the 97151  
statement provided under division (B) of section ~~5111.49~~ 5165.75 97152  
of the Revised Code. The department or agency shall inform the 97153  
nursing facility in that statement that the fine will not be 97154  
imposed if the deficiency or cluster of deficiencies is 97155  
substantially corrected within the twenty-day period. 97156

(2) If a nursing facility has substantially corrected a 97157  
deficiency or cluster of deficiencies within six months after the 97158  
exit interview of a survey that was the basis for citing a 97159  
deficiency or cluster of deficiencies, but after correcting it has 97160  
been cited for the same deficiency or cluster of deficiencies by 97161  
the department of health on the basis of a subsequent survey 97162  
conducted during the remainder of the six-month period, the 97163  
department of ~~job and family services~~ medicaid or contracting 97164  
agency may impose a fine beginning on the date of the exit 97165  
interview of the subsequent survey. 97166

(G) Whenever a facility believes that it has completed 97167  
implementation of the plan of correction it submitted under 97168  
section ~~5111.43~~ 5165.69 of the Revised Code and substantially 97169  
corrected the cited deficiency or cluster of deficiencies that is 97170  
the basis for a fine, it may give written notice to that effect to 97171  
the department of health. After receiving the notice, the 97172  
department shall conduct a follow-up survey of the facility that 97173  
focuses on the deficiency or cluster, unless the department is 97174  
able to determine, on the basis of documentation provided by the 97175  
facility, that the facility has substantially corrected the 97176  
deficiency or cluster. If, based on the follow-up survey, the 97177  
department establishes that the facility had not completed 97178  
implementation of the plan of correction at the time the 97179  
department received the notice, any fine based on the deficiency 97180  
or cluster shall be doubled effective from the date the department 97181

received the notice. A facility that complies with this division 97182  
shall not be considered to have admitted the existence of the 97183  
deficiency or cluster that is the basis for the fine. 97184

(H) Except for a fine imposed under division (C) of section 97185  
~~5111.46~~ 5165.72 of the Revised Code and as provided in division 97186  
(F)(2) of this section, the department of ~~job and family services~~ 97187  
medicaid or contracting agency shall impose a fine only if the 97188  
facility fails to give notice under division (G) of this section 97189  
within twenty days after it receives the statement required by 97190  
division (B) of section ~~5111.49~~ 5165.75 of the Revised Code or if 97191  
the department of health determines, based on a follow-up survey, 97192  
that the deficiency or cluster of deficiencies for which the fine 97193  
is proposed has not been substantially corrected within the 97194  
twenty-day period. The fine shall be imposed effective on the 97195  
twenty-first day after the facility receives the statement under 97196  
division (B) of section ~~5111.49~~ 5165.75 of the Revised Code. The 97197  
fine shall remain in effect until the earliest of the following: 97198

(1) The date the department of health receives notice under 97199  
division (G) of this section, unless the department determines, on 97200  
the basis of a follow-up survey, that the deficiency or cluster of 97201  
deficiencies that is the basis for the fine has not been 97202  
substantially corrected as of that date; 97203

(2) The date on which the department of health makes a 97204  
determination, on the basis of a follow-up survey, that the 97205  
deficiency or cluster of deficiencies has been substantially 97206  
corrected; 97207

(3) The date the facility substantially corrected the 97208  
deficiency or cluster, as subsequently determined by the 97209  
department of health on the basis of documentation provided by the 97210  
facility. 97211

(I) Any fine imposed by the department of ~~job and family~~ 97212

~~services~~ medicaid or contracting agency under this section is 97213  
subject to appeal under Chapter 119. of the Revised Code. If the 97214  
facility does not request a hearing under Chapter 119. of the 97215  
Revised Code and either pays or agrees in writing to pay the fine 97216  
when payment becomes due under division (J) of this section, the 97217  
department or agency shall reduce the fine by fifty per cent. The 97218  
department or agency may compromise any claim for payment of a 97219  
fine under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 5165.89 of the 97220  
Revised Code. 97221

(J) The department of ~~job and family services~~ medicaid or 97222  
contracting agency shall collect interest on fines, at the rate 97223  
per calendar month that equals one-twelfth of the rate per year 97224  
prescribed by section 5703.47 of the Revised Code for the calendar 97225  
year that includes the month for which the interest charge 97226  
accrues. Payment of a fine is due, and interest begins to accrue 97227  
on the unpaid fine or balance, on the thirty-first day after the 97228  
department or agency issues a final adjudication order imposing 97229  
the fine. If the deficiency or deficiencies on which the fine is 97230  
based have not been corrected when the final adjudication order is 97231  
issued, the payment is due, and interest begins to accrue on the 97232  
unpaid fine or balance, on the thirty-first day after the 97233  
deficiency or deficiencies are corrected and the department or 97234  
agency mails a notice specifying the amount of the fine to the 97235  
facility. 97236

(K) The department of ~~job and family services~~ medicaid or 97237  
contracting agency shall collect fines and interest imposed under 97238  
this section through one of the following means: 97239

(1) A lump sum payment from the provider; 97240

(2) Periodic payments for a period not to exceed twelve 97241  
months, in accordance with a schedule approved by the department 97242  
or agency; 97243



(3) Appropriately reducing the amounts of medicaid payments 97244  
made to the facility for ~~care~~ nursing facility services provided 97245  
to medicaid eligible residents for a period not to exceed twelve 97246  
months following the date on which payment of the fine becomes due 97247  
under division (J) of this section. An amount equal to the amount 97248  
by which each payment is reduced shall be deposited to the credit 97249  
of the residents protection fund in accordance with section 97250  
~~5111.62~~ 5162.66 of the Revised Code. 97251

**Sec. ~~5111.57~~ 5165.84.** (A) The department of ~~job and family~~ 97252  
~~services~~ medicaid or a contracting agency shall issue an order 97253  
denying ~~payment~~ medicaid payments to a nursing facility for all 97254  
medicaid eligible residents admitted to the facility on or after 97255  
the effective date of the order, if the facility has failed to 97256  
substantially correct within ninety days after the exit interview 97257  
a deficiency or cluster of deficiencies in accordance with the 97258  
plan of correction it submitted under section ~~5111.43~~ 5165.69 of 97259  
the Revised Code, as determined by the department of health on the 97260  
basis of a follow-up survey. 97261

(B) The department of ~~job and family services~~ medicaid or 97262  
contracting agency shall issue an order denying ~~payment~~ medicaid 97263  
payments to a nursing facility for all medicaid eligible residents 97264  
admitted to the facility on or after the effective date of the 97265  
order, if during three consecutive standard surveys conducted 97266  
after December 13, 1990, the department of health has found a 97267  
condition of substandard care in a facility. 97268

(C) An order issued under division (A) or (B) of this section 97269  
shall take effect on the later of the date the facility receives 97270  
the order or the date the public notice required under division 97271  
(F) of section ~~5111.55~~ 5165.82 of the Revised Code is published. 97272  
The order is subject to appeal under Chapter 119. of the Revised 97273  
Code; however the order may take effect prior to or during the 97274

pendency of any hearing under that chapter. In that case, the 97275  
department or agency shall provide the facility an opportunity for 97276  
a hearing in accordance with section ~~5111.60~~ 5165.87 of the 97277  
Revised Code. 97278

**Sec. ~~5111.58~~ 5165.85.** (A) If a nursing facility notifies the 97279  
department of ~~job and family services~~ medicaid or a contracting 97280  
agency, at any time during the six-month period following the exit 97281  
interview of a survey that was the basis for citing a deficiency 97282  
or deficiencies, that the deficiency or deficiencies have been 97283  
substantially corrected in accordance with the plan of correction 97284  
submitted and approved under section ~~5111.43~~ 5165.69 of the 97285  
Revised Code, the department of health shall conduct a follow-up 97286  
survey to determine whether the deficiency or deficiencies have 97287  
been substantially corrected in accordance with the plan. 97288

(B) The department of ~~job and family services~~ medicaid or a 97289  
contracting agency shall terminate a nursing facility's 97290  
participation in the ~~medical assistance~~ medicaid program whenever 97291  
the facility has not substantially corrected, within six months 97292  
after the exit interview of the survey on the basis of which it 97293  
was cited, a deficiency or deficiencies in accordance with the 97294  
plan of correction submitted under section ~~5111.43~~ 5165.69 of the 97295  
Revised Code, as determined by the department of health on the 97296  
basis of a follow-up survey. 97297

(C) Unless the facility has substantially corrected the 97298  
deficiency or deficiencies in accordance with the plan of 97299  
correction, as determined by the department of health on the basis 97300  
of a follow-up survey, the department of ~~job and family services~~ 97301  
medicaid or contracting agency shall deliver to the facility, at 97302  
least thirty days prior to the day that is six months after the 97303  
exit interview, a written order terminating the facility's 97304  
participation in the ~~medical assistance~~ medicaid program. The 97305

order shall take effect and the facility's participation shall 97306  
terminate on the day that is six months after the exit interview. 97307  
The order shall not take effect if, after it is delivered to the 97308  
facility and prior to the effective date of the order, the 97309  
department of health determines on the basis of a follow-up survey 97310  
that the facility has corrected the deficiency or deficiencies. 97311

An order issued under this section is subject to appeal under 97312  
Chapter 119. of the Revised Code; however, the order may take 97313  
effect prior to or during the pendency of any hearing under that 97314  
chapter. In that case, the department of ~~job and family services~~ 97315  
medicaid or contracting agency shall provide the facility an 97316  
opportunity for a hearing in accordance with section ~~5111.60~~ 97317  
5165.87 of the Revised Code. 97318

(D) Except as provided in division (E) of this section, 97319  
whenever the department of ~~job and family services~~ medicaid or a 97320  
contracting agency terminates a facility's participation in the 97321  
~~medical assistance~~ medicaid program pursuant to this section, the 97322  
provider shall repay the department the federal share of all 97323  
medicaid payments made by the department to the facility ~~under the~~ 97324  
~~medical assistance program~~ during the six-month period following 97325  
the exit interview of the survey that was the basis for citing the 97326  
deficiency or cluster of deficiencies. The provider shall repay 97327  
the department within thirty days after the department repays to 97328  
the federal government the federal share of medicaid payments made 97329  
to the facility during that six-month period. 97330

(E) A provider is not required to repay the department of ~~job~~ 97331  
~~and family services~~ medicaid if either of the following is the 97332  
case: 97333

(1) The facility has brought an appeal under Chapter 119. of 97334  
the Revised Code of termination of its participation in the 97335  
~~medical assistance~~ medicaid program, except that the provider 97336  
shall repay the department of ~~job and family services~~ medicaid 97337

within thirty days after the facility exhausts its right to appeal 97338  
under that chapter. 97339

(2) The facility complied with the plan of correction 97340  
approved by the department of health and the obligation to repay 97341  
resulted from the department's failure to provide timely 97342  
verification to the United States department of health and human 97343  
services of the facility's compliance with the plan of correction. 97344

(F) If a provider's obligation to repay the department of ~~job~~ 97345  
~~and family services~~ medicaid under division (D) of this section 97346  
results from disallowance of federal financial participation by 97347  
the United States department of health and human services, the 97348  
provider shall not be required to repay the department of ~~job and~~ 97349  
~~family services~~ medicaid until the federal disallowance becomes 97350  
final. 97351

(G) Any fines paid under sections ~~5111.35~~ 5165.60 to ~~5111.62~~ 97352  
5165.89 of the Revised Code during any period for which the 97353  
facility is required to repay the department of ~~job and family~~ 97354  
~~services~~ medicaid under division (D) of this section shall be 97355  
offset against the amount the provider is required to repay the 97356  
department for that period. 97357

(H) Prior to a change of ownership of a facility for which a 97358  
provider has an obligation to repay the department of ~~job and~~ 97359  
~~family services~~ medicaid under division (D) of this section that 97360  
has not become final, or has become final but not been paid, the 97361  
department may do one or more of the following: 97362

(1) Require the provider to place money in escrow, or obtain 97363  
a bond, in sufficient amount to indemnify the state against the 97364  
provider's failure to repay the department after the change of 97365  
ownership occurs; 97366

(2) Place a lien on the facility's real property; 97367

(3) Use any method to recover the medicaid payments that is 97368

available to the attorney general to recover payments on behalf of 97369  
the department of ~~job and family services~~ medicaid. 97370

**Sec. ~~5111.59~~ 5165.86.** The department of ~~job and family~~ 97371  
~~services~~ medicaid, the department of health, and any contracting 97372  
agency shall deliver a written notice, statement, or order to a 97373  
nursing facility under sections ~~5111.35~~ 5165.60 to ~~5111.41~~ 5165.66 97374  
and ~~5111.43~~ 5165.69 to ~~5111.62~~ 5165.89 of the Revised Code by 97375  
certified mail or hand delivery. If the notice, statement, or 97376  
order is mailed, it shall be addressed to the administrator of the 97377  
facility as indicated in the department's or agency's records. If 97378  
it is hand delivered, it shall be delivered to a person at the 97379  
facility who would appear to the average prudent person to have 97380  
authority to accept it. 97381

Delivery of written notice by a nursing facility to the 97382  
department of health, the department of ~~job and family services~~ 97383  
medicaid, or a contracting agency under sections ~~5111.35~~ 5165.60 97384  
to ~~5111.62~~ 5165.89 of the Revised Code shall be by certified mail 97385  
or hand delivery to the appropriate department or the agency. 97386

**Sec. ~~5111.60~~ 5165.87.** (A) Except as provided in division (B) 97387  
of this section, the following remedies are subject to appeal 97388  
under Chapter 119. of the Revised Code: 97389

(1) An order issued under section ~~5111.45~~ 5165.71, ~~5111.46~~ 97390  
5165.72, ~~5111.51~~ 5165.77, or ~~5111.58~~ 5165.85 of the Revised Code 97391  
terminating a nursing facility's participation in the ~~medical~~ 97392  
~~assistance~~ medicaid program; 97393

(2) Appointment of a temporary manager of a facility under 97394  
division (A)(1)(b) or (2)(b) of section ~~5111.46~~ 5165.72, or 97395  
division (A)(1)(d) of section ~~5111.51~~ 5165.77 of the Revised Code; 97396

(3) An order issued under section ~~5111.46~~ 5165.72, ~~5111.47~~ 97397  
5165.73, ~~5111.48~~ 5165.74, ~~5111.51~~ 5165.77, or ~~5111.57~~ 5165.84 of 97398

the Revised Code denying ~~payment~~ medicaid payments to a facility 97399  
~~under the medical assistance program~~ for all medicaid eligible 97400  
residents admitted after the effective date of the order; 97401

(4) An order issued under section ~~5111.46~~ 5165.72, ~~5111.47~~ 97402  
5165.73, or ~~5111.48~~ 5165.74 of the Revised Code denying ~~payment~~ 97403  
medicaid payments to a facility ~~under the medical assistance~~ 97404  
~~program~~ for medicaid eligible residents admitted after the 97405  
effective date of the order who have certain diagnoses or special 97406  
care needs specified by the department or agency; 97407

(5) A fine imposed under section ~~5111.46~~ 5165.72, ~~5111.47~~ 97408  
5165.73, or ~~5111.48~~ 5165.74 of the Revised Code. 97409

(B) The department of ~~job and family services~~ medicaid or 97410  
contracting agency may do any of the following prior to or during 97411  
the pendency of any proceeding under Chapter 119. of the Revised 97412  
Code: 97413

(1) Issue and execute an order under section ~~5111.46~~ 5165.72, 97414  
~~5111.51~~ 5165.77, or ~~5111.58~~ 5165.85 of the Revised Code 97415  
terminating a nursing facility's participation in the ~~medical~~ 97416  
~~assistance~~ medicaid program; 97417

(2) Appoint a temporary manager under division (A)(1)(b) or 97418  
(2)(b) of section ~~5111.46~~ 5165.72 or division (A)(1)(d) of section 97419  
~~5111.51~~ 5165.77 of the Revised Code; 97420

(3) Issue and execute an order under section ~~5111.46~~ 5165.72, 97421  
~~5111.47~~ 5165.73, ~~5111.51~~ 5165.77, or ~~5111.57~~ 5165.84 of the 97422  
Revised Code denying ~~payment~~ medicaid payments to a facility for 97423  
all medicaid eligible residents admitted after the effective date 97424  
of the order; 97425

(4) Issue and execute an order under section ~~5111.46~~ 5165.72 97426  
or ~~5111.47~~ 5165.73 or division (A), (B), or (C) of section ~~5111.48~~ 97427  
5165.74 of the Revised Code denying ~~payment~~ medicaid payments to a 97428  
facility for medicaid eligible residents admitted after the 97429

effective date of the order who have specified diagnoses or 97430  
special care needs. 97431

(C) Whenever the department or agency imposes a remedy listed 97432  
in division (B) of this section prior to or during the pendency of 97433  
a proceeding, all of the following apply: 97434

(1) The provider against whom the action is taken shall have 97435  
ten days after the date the facility actually receives the notice 97436  
specified in section 119.07 of the Revised Code to request a 97437  
hearing. 97438

(2) The hearing shall commence within thirty days after the 97439  
date the department or agency receives the provider's request for 97440  
a hearing. 97441

(3) The hearing shall continue uninterrupted from day to day, 97442  
except for Saturdays, Sundays, and legal holidays, unless other 97443  
interruptions are agreed to by the provider and the department or 97444  
agency. 97445

(4) If the hearing is conducted by a hearing examiner, the 97446  
hearing examiner shall file a report and recommendations within 97447  
ten days after the close of the hearing. 97448

(5) The provider shall have five days after the date the 97449  
hearing officer files the report and recommendations within which 97450  
to file objections to the report and recommendations. 97451

(6) Not later than fifteen days after the date the hearing 97452  
officer files the report and recommendations, the medicaid 97453  
director ~~of job and family services~~ or the director of the 97454  
contracting agency shall issue an order approving, modifying, or 97455  
disapproving the report and recommendations of the hearing 97456  
examiner. 97457

(D) If the department or agency imposes more than one remedy 97458  
as the result of deficiencies cited in a single survey, the 97459

proceedings for all of the remedies shall be consolidated. If any 97460  
of the remedies are imposed during the pendency of a hearing, as 97461  
permitted by division (B) of this section, the consolidated 97462  
hearing shall be conducted in accordance with division (C) of this 97463  
section. The consolidation of the remedies for purposes of a 97464  
hearing does not affect the effective dates prescribed in sections 97465  
~~5111.35~~ 5165.60 to ~~5111.58~~ 5168.85 of the Revised Code. 97466

(E) If a contracting agency conducts administrative 97467  
proceedings pertaining to remedies imposed under sections ~~5111.35~~ 97468  
5165.60 to ~~5111.62~~ 5165.89 of the Revised Code, the department of 97469  
~~job and family services~~ medicaid shall not be considered a party 97470  
to the proceedings. 97471

**Sec. ~~5111.61~~ 5165.88.** (A)(1) Except as required by court 97472  
order, as necessary for the administration or enforcement of any 97473  
statute relating to nursing facilities, or as provided in division 97474  
(C) of this section, the department of ~~job and family services~~ 97475  
medicaid and any contracting agency shall not release any of the 97476  
following information without the permission of the individual or 97477  
the individual's legal representative: 97478

(a) The identity of any resident of a nursing facility; 97479

(b) The identity of any individual who submits a complaint 97480  
about a nursing facility; 97481

(c) The identity of any individual who provides the 97482  
department or agency with information about a nursing facility and 97483  
has requested confidentiality; 97484

(d) Any information that reasonably would tend to disclose 97485  
the identity of any individual described in division (A)(1)(a) to 97486  
(c) of this section. 97487

(2) An agency or individual to whom the department or 97488  
contracting agency is required, by court order or for the 97489



administration or enforcement of a statute relating to nursing 97490  
facilities, to release information described in division (A)(1) of 97491  
this section shall not release the information without the 97492  
permission of the individual who would be or would reasonably tend 97493  
to be identified, or of the individual's legal representative, 97494  
unless the agency or individual is required to release it by 97495  
division (C) of this section, by court order, or for the 97496  
administration or enforcement of a statute relating to nursing 97497  
facilities. 97498

(B) Except as provided in division (C) of this section, any 97499  
record that identifies an individual described in division (A)(1) 97500  
of this section or that reasonably would tend to identify such an 97501  
individual is not a public record for the purposes of section 97502  
149.43 of the Revised Code, and is not subject to inspection and 97503  
copying under section 1347.08 of the Revised Code. 97504

(C) If the department or a contracting agency, or an agency 97505  
or individual to whom the department or contracting agency was 97506  
required by court order or for administration or enforcement of a 97507  
statute relating to nursing facilities to release information 97508  
described in division (A)(1) of this section, uses information in 97509  
any administrative or judicial proceeding against a facility that 97510  
reasonably would tend to identify an individual described in 97511  
division (A)(1) of this section, the department, agency, or 97512  
individual shall disclose that information to the facility. 97513  
However, the department, agency, or individual shall not disclose 97514  
information that directly identifies an individual described in 97515  
divisions (A)(1)(a) to (c) of this section, unless the individual 97516  
is to testify in the proceedings. 97517

(D) No person shall knowingly register a false complaint 97518  
about a nursing facility with the department or a contracting 97519  
agency, or knowingly swear or affirm the truth of a false 97520  
complaint, when the allegation is made for the purpose of 97521

incriminating another. 97522

~~Sec. 5111.63 5165.89. For the purposes of this section, "facility," "medicare," and "medicaid" have the same meanings as in section 3721.10 of the Revised Code.~~ 97523  
97524  
97525

The department of health shall be the designee of the 97526  
department of ~~job and family services~~ medicaid for the purpose of 97527  
conducting a hearing pursuant to section 3721.162 of the Revised 97528  
Code concerning a nursing facility's decision to transfer or 97529  
discharge a resident if the resident is a medicaid recipient or 97530  
medicare beneficiary. 97531

~~Sec. 5111.99 5165.99.~~ (A) Whoever violates ~~division (B) of~~ 97532  
section ~~5111.26~~ 5165.102 or division (E) of section ~~5111.31~~ 97533  
5165.08 of the Revised Code shall be fined not less than five 97534  
hundred dollars nor more than one thousand dollars for the first 97535  
offense and not less than one thousand dollars nor more than five 97536  
thousand dollars for each subsequent offense. Fines paid under 97537  
this section shall be deposited in the state treasury to the 97538  
credit of the general revenue fund. 97539

(B) Whoever violates division (D) of section ~~5111.61~~ 5165.88 97540  
of the Revised Code is guilty of registering a false complaint, a 97541  
misdemeanor of the first degree. 97542

Sec. 5166.01. As used in this chapter: 97543

"Administrative agency" means, with respect to a home and 97544  
community-based services medicaid waiver component, the department 97545  
of medicaid or, if a state agency or political subdivision 97546  
contracts with the department under section 5162.35 of the Revised 97547  
Code to administer the component, that state agency or political 97548  
subdivision. 97549

"Dual eligible individual" has the same meaning as in section 97550

5160.01 of the Revised Code. 97551

"Home and community-based services medicaid waiver component" 97552  
means a medicaid waiver component under which home and 97553  
community-based services are provided as an alternative to 97554  
hospital services, nursing facility services, or ICF/MR services. 97555

"Hospital" has the same meaning as in section 3727.01 of the 97556  
Revised Code. 97557

"Hospital long-term care unit" has the same meaning as in 97558  
section 5168.40 of the Revised Code. 97559

"ICDS participant" means a dual eligible individual who 97560  
participates in the integrated care delivery system. 97561

"ICF/MR" and "ICF/MR services" have the same meanings as in 97562  
section 5124.01 of the Revised Code. 97563

"Integrated care delivery system" and "ICDS" mean the 97564  
demonstration project authorized by section 5164.91 of the Revised 97565  
Code. 97566

"Level of care determination" means a determination of 97567  
whether an individual needs the level of care provided by a 97568  
hospital, nursing facility, or ICF/MR and whether the individual, 97569  
if determined to need that level of care, would receive hospital 97570  
services, nursing facility services, or ICF/MR services if not for 97571  
a home and community-based services medicaid waiver component. 97572

"Medicaid services" has the same meaning as in section 97573  
5164.01 of the Revised Code. 97574

"Medicaid waiver component" means a component of the medicaid 97575  
program authorized by a waiver granted by the United States 97576  
department of health and human services under the "Social Security 97577  
Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid 97578  
waiver component" does not include a care management system 97579  
established under section 5167.03 of the Revised Code. 97580

"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code. 97581  
97582

"Ohio home care waiver program" means the home and community-based services medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of the Revised Code. 97583  
97584  
97585  
97586

"Ohio transitions II aging carve-out program" means the home and community-based services medicaid waiver component that is known as Ohio transitions II aging carve-out and was created pursuant to section 5166.11 of the Revised Code. 97587  
97588  
97589  
97590

"Provider agreement" has the same meaning as in section 5164.01 of the Revised Code. 97591  
97592

"Residential treatment facility" means a residential facility licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds. 97593  
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97600

"Skilled nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 97601  
97602

"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5166.14 of the Revised Code. 97603  
97604  
97605

**Sec. ~~5111.85~~ 5166.02.** (A) ~~As used in this section and sections 5111.851 to 5111.856 of the Revised Code:~~ 97606  
97607

~~"Home and community based services medicaid waiver component" means a medicaid waiver component under which home and community based services are provided as an alternative to~~ 97608  
97609  
97610

~~hospital, nursing facility, or intermediate care facility for the~~ 97611  
~~mentally retarded services.~~ 97612

~~"Hospital" has the same meaning as in section 3727.01 of the~~ 97613  
~~Revised Code.~~ 97614

~~"Intermediate care facility for the mentally retarded" has~~ 97615  
~~the same meaning as in section 5111.20 of the Revised Code.~~ 97616

~~"Medicaid waiver component" means a component of the medicaid~~ 97617  
~~program authorized by a waiver granted by the United States~~ 97618  
~~department of health and human services under section 1115 or 1915~~ 97619  
~~of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A.~~ 97620  
~~1315 or 1396n. "Medicaid waiver component" does not include a care~~ 97621  
~~management system established under section 5111.16 of the Revised~~ 97622  
~~Code.~~ 97623

~~"Nursing facility" has the same meaning as in section 5111.20~~ 97624  
~~of the Revised Code.~~ 97625

~~(B) The medicaid director of job and family services may~~ 97626  
~~shall adopt rules ~~under~~ in accordance with Chapter 119. of the~~ 97627  
~~Revised Code governing medicaid waiver components ~~that~~. The rules~~ 97628  
~~may establish all of the following:~~ 97629

(1) Eligibility requirements for the medicaid waiver 97630  
components; 97631

(2) The type, amount, duration, and scope of medicaid 97632  
services the medicaid waiver components provide cover; 97633

(3) The conditions under which the medicaid waiver components 97634  
cover medicaid services; 97635

(4) The ~~amount~~ amounts the medicaid waiver components pay for 97636  
medicaid services or the ~~method~~ methods by which the ~~amount is~~ 97637  
amounts are determined; 97638

(5) The ~~manner~~ manners in which the medicaid waiver 97639  
components pay for medicaid services; 97640

(6) Safeguards for the health and welfare of medicaid recipients receiving medicaid services under a medicaid waiver component; 97641  
97642  
97643

(7) Procedures for prioritizing and approving for enrollment individuals who are eligible for a home and community-based services medicaid waiver component and choose to be enrolled in the component; 97644  
97645  
97646  
97647

(8) Procedures for enforcing the rules, including establishing corrective action plans for, and imposing financial and administrative sanctions on, persons and government entities that violate the rules. Sanctions shall include terminating ~~medicaid~~ provider agreements. The procedures shall include due process protections. 97648  
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97650  
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(9) Other policies necessary for the efficient administration of the medicaid waiver components. 97654  
97655

~~(C)~~(B) The director of ~~job and family services~~ may adopt different rules for the different medicaid waiver components. The rules shall be consistent with the terms of the waiver authorizing the medicaid waiver component. 97656  
97657  
97658  
97659

~~(D)~~(C) The following apply to procedures established under division ~~(B)~~(A)(7) of this section: 97660  
97661

(1) Any such procedures established for the medicaid-funded component of the PASSPORT program shall be consistent with section ~~173.401~~ 173.521 of the Revised Code. 97662  
97663  
97664

(2) Any such procedures established for the medicaid-funded component of the assisted living program shall be consistent with section 173.542 of the Revised Code. 97665  
97666  
97667

(3) Any such procedures established for the Ohio home care wavier program shall be consistent with section ~~5111.862~~ 5166.121 of the Revised Code. 97668  
97669  
97670

~~(3)(4)~~ Any such procedures established for the unified 97671  
long-term services and support medicaid waiver program shall be 97672  
consistent with section ~~5111.865~~ 5166.141 of the Revised Code. 97673

~~(4) Any such procedures established for the medicaid funded 97674  
component of the assisted living program shall be consistent with 97675  
section 5111.894 of the Revised Code. 97676~~

**Sec. ~~5111.84~~ 5166.03.** The medicaid director of ~~job and family 97677  
services~~ may not submit a request to the United States secretary 97678  
of health and human services for a medicaid waiver under ~~section 97679  
1115~~ of the "Social Security Act of ~~1935~~," section 1115, 42 U.S.C. 97680  
1315, unless the director provides the speaker of the house of 97681  
representatives and president of the senate written notice of the 97682  
director's intent to submit the request at least ten days before 97683  
the date the director submits the request to the United States 97684  
secretary. The notice shall include a detailed explanation of the 97685  
medicaid waiver the director proposes to seek. 97686

**Sec. ~~5111.851~~ 5166.04.** ~~(A) As used in sections 5111.851 to 97687  
5111.855 of the Revised Code:~~ 97688

~~"Administrative agency" means, with respect to a home and 97689  
community based services medicaid waiver component, the department 97690  
of job and family services or, if a state agency or political 97691  
subdivision contracts with the department under section 5111.91 of 97692  
the Revised Code to administer the component, that state agency or 97693  
political subdivision. 97694~~

~~"Level of care determination" means a determination of 97695  
whether an individual needs the level of care provided by a 97696  
hospital, nursing facility, or intermediate care facility for the 97697  
mentally retarded and whether the individual, if determined to 97698  
need that level of care, would receive hospital, nursing facility, 97699  
or intermediate care facility for the mentally retarded services 97700~~

~~if not for a home and community based services medicaid waiver component.~~ 97701  
97702

~~"Medicaid buy in for workers with disabilities program" means the component of the medicaid program established under sections 5111.70 to 5111.7011 of the Revised Code.~~ 97703  
97704  
97705

~~"Skilled nursing facility" means a facility certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended.~~ 97706  
97707  
97708

~~(B)~~ The following requirements apply to each home and community-based services medicaid waiver component: 97709  
97710

~~(1)(A)~~ Only an individual who qualifies for a component shall receive that component's medicaid services. 97711  
97712

~~(2)(B)~~ A level of care determination shall be made as part of the process of determining whether an individual qualifies for a component and shall be made each year after the initial determination if, during such a subsequent year, the administrative agency determines there is a reasonable indication that the individual's needs have changed. 97713  
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~~(3)(C)~~ A written plan of care or individual service plan based on an individual assessment of the medicaid services that an individual needs to avoid needing admission to a hospital, nursing facility, or ~~intermediate care facility for the mentally retarded~~ ICF/MR shall be created for each individual determined eligible for a component. 97719  
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~~(4)(D)~~ Each individual determined eligible for a component shall receive that component's medicaid services in accordance with the individual's level of care determination and written plan of care or individual service plan. 97725  
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~~(5)(E)~~ No individual may receive medicaid services under a component while the individual is a hospital inpatient or resident 97729  
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of a skilled nursing facility, nursing facility, or ~~intermediate~~ 97731  
~~care facility for the mentally retarded~~ ICF/MR. 97732

~~(6)~~(F) No individual may receive prevocational, educational, 97733  
or supported employment services under a component if the 97734  
individual is eligible for such services that are funded with 97735  
federal funds provided under 29 U.S.C. 730 or the "Individuals 97736  
with Disabilities Education Act," 111 Stat. 37 (1997), 20 U.S.C. 97737  
1400, as amended. 97738

~~(7)~~(G) Safeguards shall be taken to protect the health and 97739  
welfare of individuals receiving medicaid services under a 97740  
component, including safeguards established in rules adopted under 97741  
section ~~5111.85~~ 5166.02 of the Revised Code and safeguards 97742  
established by licensing and certification requirements that are 97743  
applicable to the providers of that component's medicaid services. 97744

~~(8)~~(H) No medicaid services may be provided under a component 97745  
by a provider that is subject to standards that the "Social 97746  
Security Act," section 1616(e)(1), 42 U.S.C. 1382e(e)(1), requires 97747  
be established if the provider fails to comply with the standards 97748  
applicable to the provider. 97749

~~(9)~~(I) Individuals determined to be eligible for a component, 97750  
or such individuals' representatives, shall be informed of that 97751  
component's medicaid services, including any choices that the 97752  
individual or representative may make regarding the component's 97753  
medicaid services, and given the choice of either receiving 97754  
medicaid services under that component or, as appropriate, 97755  
hospital services, nursing facility services, or ~~intermediate care~~ 97756  
~~facility for the mentally retarded~~ ICF/MR services. 97757

~~(10)~~ No individual shall lose eligibility for services under 97758  
a component, or have the services reduced or otherwise disrupted, 97759  
on the basis that the individual also receives services under the 97760  
medicaid buy in for workers with disabilities program. 97761

~~(11) No individual shall lose eligibility for services under a component, or have the services reduced or otherwise disrupted, on the basis that the individual's income or resources increase to an amount above the eligibility limit for the component if the individual is participating in the medicaid buy in for workers with disabilities program and the amount of the individual's income or resources does not exceed the eligibility limit for the medicaid buy in for workers with disabilities program.~~

~~(12) No individual receiving services under a component shall be required to pay any cost sharing expenses for the services for any period during which the individual also participates in the medicaid buy in for workers with disabilities program.~~

**Sec. ~~5111.852~~ 5166.05.** The department of ~~job and family services~~ medicaid may review and approve, modify, or deny written plans of care and individual service plans that section ~~5111.851~~ 5166.04 of the Revised Code requires be created for individuals determined eligible for a home and community-based services medicaid waiver component. If a state agency or political subdivision contracts with the department under section ~~5111.91~~ 5162.35 of the Revised Code to administer a home and community-based services medicaid waiver component and approves, modifies, or denies a written plan of care or individual service plan pursuant to the agency's or subdivision's administration of the component, the department may review the agency's or subdivision's approval, modification, or denial and order the agency or subdivision to reverse or modify the approval, modification, or denial. The state agency or political subdivision shall comply with the department's order.

The department of ~~job and family services~~ medicaid shall be granted full and immediate access to any records the department needs to implement its duties under this section.

**Sec. ~~5111.853~~ 5166.06.** Each administrative agency shall 97793  
maintain, for a period of time the department of ~~job and family~~ 97794  
~~services~~ medicaid shall specify, financial records documenting the 97795  
costs of medicaid services provided under the home and 97796  
community-based services medicaid waiver components that the 97797  
agency administers, including records of independent audits. The 97798  
administrative agency shall make the financial records available 97799  
on request to the United States secretary of health and human 97800  
services, United States comptroller general, and their designees. 97801

**Sec. ~~5111.854~~ 5166.07.** Each administrative agency is 97802  
financially accountable for funds expended for medicaid services 97803  
~~provided under~~ covered by the home and community-based services 97804  
medicaid waiver components that the agency administers. 97805

**Sec. ~~5111.855~~ 5166.08.** Each state agency and political 97806  
subdivision that enters into a contract with the department of ~~job~~ 97807  
~~and family services~~ medicaid under section ~~5111.91~~ 5162.35 of the 97808  
Revised Code to administer a home and community-based services 97809  
medicaid waiver component, or one or more aspects of such a 97810  
component, shall provide the department a written assurance that 97811  
the agency or subdivision will not violate any of the requirements 97812  
of sections ~~5111.85~~ 5166.01 to ~~5111.854~~ 5166.07 of the Revised 97813  
Code. 97814

**Sec. ~~5111.856~~ 5166.10.** To the extent necessary for the 97815  
efficient and economical administration of medicaid waiver 97816  
components, the department of ~~job and family services~~ medicaid may 97817  
transfer an individual enrolled in a medicaid waiver component 97818  
administered by the department to another medicaid waiver 97819  
component the department administers if the individual is eligible 97820  
for the medicaid waiver component and the transfer does not 97821  
jeopardize the individual's health or safety. 97822

~~Sec. 5111.86~~ 5166.11. (A) As used in this section+ 97823

~~(1) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.~~ 97824  
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~~(2) "Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~ 97826  
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~~(3) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.~~ 97828  
97829

~~(4)~~ "Ohio home care program" means the program the 97830  
department of ~~job and family services~~ medicaid administers that 97831  
provides state plan services and medicaid waiver component 97832  
services pursuant to rules adopted ~~under sections 5111.01 and~~ 97833  
~~5111.02 of the Revised Code~~ for the medicaid program and a 97834  
medicaid waiver that went into effect July 1, 1998. 97835

(B) The ~~director~~ department of ~~job and family services~~ 97836  
medicaid may ~~submit requests to the United States secretary of~~ 97837  
~~health and human services pursuant to section 1915 of the "Social~~ 97838  
~~Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396n, as amended,~~ 97839  
~~to obtain waivers of federal medicaid requirements that would~~ 97840  
~~otherwise be violated in the creation and implementation of~~ create 97841  
and administer two or more medicaid waiver components under which 97842  
home and community-based services are provided to eligible 97843  
individuals who need the level of care provided by a nursing 97844  
facility or hospital. In administering the ~~requests~~ medicaid 97845  
waiver components, the ~~director~~ department may specify the 97846  
following: 97847

(1) The maximum number of individuals who may be enrolled in 97848  
each of the medicaid waiver components ~~included in the requests;~~ 97849

(2) The maximum amount the medicaid program may expend each 97850  
year for each individual enrolled in the medicaid waiver 97851  
components; 97852

(3) The maximum amount the medicaid program may expend each year for all individuals enrolled in the medicaid waiver components; 97853  
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(4) Any other requirements the ~~director~~ department selects for the medicaid waiver components. 97856  
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~~(C) If the secretary approves the medicaid waivers requested under this section, the director may create and implement the medicaid waiver components in accordance with the provisions of the approved waivers. The department of job and family services shall administer the medicaid waiver components.~~ 97858  
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~~(D) After the first of any of the medicaid waiver components created that the department administers under this section begins to enroll eligible individuals, the ~~director~~ department may ~~submit to the United States secretary of health and human services an amendment to a medicaid waiver component of the Ohio home care program authorizing the department to cease enrolling~~ to enroll additional individuals in ~~that a~~ a medicaid waiver component of the Ohio home care program. ~~If the secretary approves the amendment, the director may cease to enroll additional individuals in that medicaid waiver component of the Ohio home care program.~~ 97863  
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**Sec. ~~5111.861~~ 5166.12.** ~~(A) As used in this section:~~ 97873

~~"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~ 97874  
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~~"Unified long term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5111.864 of the Revised Code.~~ 97876  
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~~(B) Subject to division (C) of this section, there is hereby created the Ohio home care program. The program shall provide home and community based services. The department of job and family services medicaid shall administer the program.~~ 97879  
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~~(C)~~ If the unified long-term services and support medicaid waiver component is created, the departments of aging and ~~job and family services~~ medicaid shall ~~work together~~ collaborate to determine whether the Ohio home care waiver program should continue to operate as a separate medicaid waiver component or be terminated. If the departments determine that the Ohio home care waiver program should be terminated, the program shall cease to exist on a date the departments shall specify.

**Sec. ~~5111.862~~ 5166.121.** (A) ~~As used in this section:~~

~~"Hospital long term care unit" has the same meaning as in section 3721.50 of the Revised Code.~~

~~"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.~~

~~"Ohio home care program" means the medicaid waiver component created under section 5111.861 of the Revised Code.~~

~~"Residential treatment facility" means a residential facility licensed by the department of mental health under section 5119.22 of the Revised Code, or an institution certified by the department of job and family services under section 5103.03 of the Revised Code, that serves children and either has more than sixteen beds or is part of a campus of multiple facilities or institutions that, combined, have a total of more than sixteen beds.~~

~~(B)~~ Subject to division ~~(C)~~ of Unless the Ohio home care waiver program is terminated pursuant to section 5111.861 5165.12 of the Revised Code, the department of ~~job and family services~~ medicaid shall establish a home first component for the Ohio home care waiver program. An individual is eligible for the Ohio home care waiver program's home first component if the individual has been determined to be eligible for the Ohio home care waiver program and at least one of the following applies:

(1) If the individual is under twenty-one years of age, the individual received inpatient hospital services for at least fourteen consecutive days, or had at least three inpatient hospital stays during the twelve months, immediately preceding the date the individual applies for the Ohio home care waiver program.

(2) If the individual is at least twenty-one but less than sixty years of age, the individual received inpatient hospital services for at least fourteen consecutive days immediately preceding the date the individual applies for the Ohio home care waiver program.

(3) The individual received private duty nursing services under the medicaid program for at least twelve consecutive months immediately preceding the date the individual applies for the Ohio home care waiver program.

(4) The individual does not reside in a nursing facility or hospital long-term care unit at the time the individual applies for the Ohio home care waiver program but is at risk of imminent admission to a nursing facility or hospital long-term care unit due to a documented loss of a primary caregiver.

(5) The individual resides in a nursing facility at the time the individual applies for the Ohio home care waiver program.

(6) At the time the individual applies for the Ohio home care waiver program, the individual participates in the money follows the person demonstration project authorized by section 6071 of the "Deficit Reduction Act of 2005," Pub. L. No. 109-171, as amended, and either resides in a residential treatment facility or inpatient hospital setting.

~~(C)~~(B) An individual determined to be eligible for the home first component of the Ohio home care waiver program shall be enrolled in the ~~Ohio home care~~ program in accordance with rules adopted under section ~~5111.85~~ 5166.02 of the Revised Code.

~~Sec. 5111.863 5166.13. (A) As used in this section:~~ 97944

~~"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~ 97945  
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~~"Unified long term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5111.864 of the Revised Code.~~ 97947  
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~~(B) Subject to division (C) of this section, there is hereby created the Ohio transitions II aging carve out program. The program shall provide home and community based services. The department of job and family services shall administer the program.~~ 97950  
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~~(C) If the unified long-term services and support medicaid waiver component is created, the departments of aging and job and family services medicaid shall ~~work together~~ collaborate to determine whether the Ohio transitions II aging carve-out program should continue to operate as a separate medicaid waiver component or be terminated. If the departments determine that the Ohio transitions II aging carve-out program should be terminated, the program shall cease to exist on a date the departments shall specify.~~ 97955  
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~~Sec. 5111.864 5166.14. (A) As used in this section:~~ 97964

~~"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~ 97965  
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~~"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.~~ 97967  
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~~(B) The director department of job and family services medicaid shall submit a request to the United States secretary of health and human services pursuant to section 1915n of the "Social Security Act," 95 Stat. 809 (1981), 42 U.S.C. 1396n, as amended,~~ 97969  
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~~to obtain approval to create a unified long-term services and support medicaid waiver component to provide home and community-based services to eligible individuals of any age who require the level of care provided by nursing facilities. The director department of job and family services medicaid shall work collaborate with the director department of aging in seeking approval of the unified long term services and support medicaid waiver component and, if the approval is obtained, in creating and implementing the component.~~ 97973  
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~~If the request to create the unified long term services and support medicaid waiver component is approved, the The medicaid director of job and family services, working shall collaborate with the director of aging, shall adopt when adopting rules under section 5111.85 5166.02 of the Revised Code to implement the component. The rules may authorize the director of aging to adopt rules in accordance with Chapter 119. of the Revised Code governing aspects of the unified long term services and support medicaid waiver component.~~ 97982  
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**Sec. ~~5111.865~~ 5166.141.** (A) ~~As used in this section, "unified long term services and support medicaid waiver program" or "program" means the medicaid waiver component authorized by section 5111.864 of the Revised Code.~~ 97991  
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(B) ~~If the United States secretary of health and human services approves the request submitted under section 5111.864 of the Revised Code to create the unified long term services and support medicaid waiver program, the The department of job and family services medicaid shall establish a home first component for the unified long-term services and support medicaid waiver program. The home first component shall be similar to the home first component of the medicaid-funded component of the PASSPORT program established under section ~~173.401~~ 173.521 of the Revised~~ 97995  
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~~Code, the home first component of the Ohio home care program~~ 98004  
~~established under section 5111.862 of the Revised Code, and the~~ 98005  
home first component of the medicaid-funded component of the 98006  
assisted living program established under section ~~5111.894~~ 173.542 98007  
of the Revised Code, and the home first component of the Ohio home 98008  
care waiver program established under section 5166.121 of the 98009  
Revised Code. 98010

Sec. 5166.16. (A) As used in this section, "ODA or MCD 98011  
medicaid waiver component" means all of the following: 98012

(1) The medicaid-funded component of the PASSPORT program, 98013  
unless it is terminated pursuant to division (C) of section 173.52 98014  
of the Revised Code; 98015

(2) The choices program, unless it is terminated pursuant to 98016  
division (B) of section 173.53 of the Revised Code; 98017

(3) The medicaid-funded component of the assisted living 98018  
program, unless it is terminated pursuant to division (C) of 98019  
section 173.54 of the Revised Code; 98020

(4) The Ohio home care waiver program, unless it is 98021  
terminated pursuant to section 5166.12 of the Revised Code; 98022

(5) The Ohio transitions II aging carve-out program, unless 98023  
it is terminated pursuant to section 5166.13 of the Revised Code. 98024

(B) The medicaid director may create a home and 98025  
community-based services medicaid waiver component as part of the 98026  
integrated care delivery system. If the ICDS medicaid waiver 98027  
component is created, both of the following apply: 98028

(1) The department of medicaid shall administer it; 98029

(2) When it begins to accept enrollments, no ICDS participant 98030  
who is eligible for the ICDS medicaid waiver component shall be 98031  
enrolled in an ODA or MCD medicaid waiver component regardless of 98032  
whether the participant prefers to remain or be enrolled in an ODA 98033

or MCD medicaid waiver component. 98034

(C) A dual eligible individual who is eligible for an ODA or MCD medicaid waiver component may enroll in the component before the individual becomes an ICDS participant. The dual eligible individual shall disenroll from the ODA or MCD medicaid waiver component and enroll in the ICDS medicaid waiver component once the individual becomes an ICDS participant and it is possible to enroll the individual in the ICDS medicaid waiver component. The disenrollment from the ODA or MCD medicaid waiver component and enrollment into the ICDS medicaid waiver component shall occur regardless of whether the individual prefers to remain enrolled in the ODA or MCD medicaid waiver component. 98035  
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(D) An ICDS participant's disenrollment from an ODA or MCD medicaid waiver component and enrollment in the ICDS medicaid waiver component resulting from division (B)(2) or (C) of this section shall be accomplished without a disruption in the participant's services under the components. 98046  
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~~Sec. 5111.87 5166.20.~~ (A) ~~As used in this section and section 5111.871 of the Revised Code:~~ 98051  
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~~(1) "Intermediate care facility for the mentally retarded" has the same meaning as in section 5111.20 of the Revised Code.~~ 98053  
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~~(2) "Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.~~ 98055  
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~~(B) The director department of job and family services medicaid may apply to the United States secretary of health and human services for both of create the following:~~ 98057  
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(1) One or more medicaid waiver components under which home and community-based services are provided to individuals with mental retardation or other developmental disability as an alternative to placement in an intermediate care facility for the 98060  
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mentally retarded ICFs/MR; 98064

(2) One or more medicaid waiver components under which home 98065  
and community-based services are provided in the form of any of 98066  
the following: 98067

(a) Early intervention and supportive services for children 98068  
under three years of age who have developmental delays or 98069  
disabilities the ~~director~~ department determines are significant; 98070

(b) Therapeutic services for children who have autism; 98071

(c) Specialized habilitative services for individuals who are 98072  
eighteen years of age or older and have autism. 98073

~~(C)~~(B) No medicaid waiver component ~~authorized by~~ created 98074  
pursuant to division ~~(B)~~(A)(2)(b) or (c) of this section shall 98075  
provide services that are available under another medicaid waiver 98076  
component. No medicaid waiver component ~~authorized by~~ created 98077  
pursuant to division ~~(B)~~(A)(2)(b) of this section shall provide 98078  
services to an individual that the individual is eligible to 98079  
receive through an individualized education program as defined in 98080  
section 3323.01 of the Revised Code. 98081

~~(D)~~(C) The director of developmental disabilities ~~or~~ and 98082  
director of health may request that the ~~director~~ department of ~~job~~ 98083  
~~and family services~~ apply for medicaid create one or more medicaid 98084  
~~waivers~~ waiver components under this section. 98085

~~(E)~~(D) Before ~~applying for~~ creating a medicaid waiver 98086  
component under this section, the ~~director~~ department of ~~job and~~ 98087  
~~family services~~ medicaid shall seek, accept, and consider public 98088  
comments. 98089

**Sec. ~~5111.871~~ 5166.21.** The department of ~~job and family~~ 98090  
~~services~~ medicaid shall enter into a contract with the department 98091  
of developmental disabilities under section ~~5111.91~~ 5162.35 of the 98092  
Revised Code with regard to one or more of the medicaid waiver 98093

components ~~established~~ created by the department of ~~job and family~~ 98094  
~~services~~ medicaid under section ~~5111.87~~ 5166.20 of the Revised 98095  
Code. ~~Subject, if needed, to the approval of the United States~~ 98096  
~~secretary of health and human services, the~~ The contract shall 98097  
include the medicaid waiver component known as the transitions 98098  
developmental disabilities waiver. The contract shall provide for 98099  
the department of developmental disabilities to administer the 98100  
components in accordance with the terms of the federal medicaid 98101  
waivers authorizing the components. The contract shall include a 98102  
schedule for the department of developmental disabilities to begin 98103  
administering the transitions developmental disabilities waiver. 98104  
~~The directors of job and family services and developmental~~ 98105  
~~disabilities shall adopt rules in accordance with Chapter 119. of~~ 98106  
~~the Revised Code governing the components.~~ 98107

If the department of developmental disabilities or the 98108  
department of ~~job and family services~~ medicaid denies an 98109  
individual's application for home and community-based services 98110  
provided under any of these medicaid components, the department 98111  
that denied the services shall give timely notice to the 98112  
individual that the individual may ~~request a hearing under~~ appeal 98113  
pursuant to section ~~5101.35~~ 5160.31 of the Revised Code. 98114

The departments of developmental disabilities and ~~job and~~ 98115  
~~family services~~ medicaid may approve, reduce, deny, or terminate a 98116  
medicaid service included in the individualized service plan 98117  
developed for a medicaid recipient eligible for home and 98118  
community-based services provided under any of these medicaid 98119  
components. The departments shall consider the recommendations a 98120  
county board of developmental disabilities makes under division 98121  
(A)(1)(c) of section 5126.055 of the Revised Code. If either 98122  
department approves, reduces, denies, or terminates a medicaid 98123  
service, that department shall give timely notice to the medicaid 98124  
recipient that the recipient may ~~request a hearing under~~ appeal 98125

pursuant to section ~~5101.35~~ 5160.31 of the Revised Code. 98126

If supported living, as defined in section 5126.01 of the 98127  
Revised Code, is to be provided as a medicaid service under any of 98128  
these components, any person or government entity with a current, 98129  
valid ~~medicaid~~ provider agreement and a current, valid certificate 98130  
under section 5123.161 of the Revised Code may provide the 98131  
medicaid service. 98132

If a medicaid service is to be provided under any of these 98133  
components by a residential facility, as defined in section 98134  
5123.19 of the Revised Code, any person or government entity with 98135  
a current, valid ~~medicaid~~ provider agreement and a current, valid 98136  
license under section 5123.19 of the Revised Code may provide the 98137  
medicaid service. 98138

**Sec. ~~5111.872~~ 5166.22.** (A) Subject to division (B) of this 98139  
section, when the department of developmental disabilities 98140  
allocates enrollment numbers to a county board of developmental 98141  
disabilities for home and community-based services specified in 98142  
division ~~(B)~~(A)(1) of section ~~5111.87~~ 5166.20 of the Revised Code 98143  
and provided under any of the medicaid waiver components that the 98144  
department administers under section ~~5111.871~~ 5166.21 of the 98145  
Revised Code, the department shall consider all of the following: 98146

(1) The number of individuals with mental retardation or 98147  
other developmental disability who are on a waiting list the 98148  
county board establishes under section 5126.042 of the Revised 98149  
Code for those services and are given priority on the waiting 98150  
list; 98151

(2) The implementation component required by division (A)(3) 98152  
of section 5126.054 of the Revised Code of the county board's plan 98153  
approved under section 5123.046 of the Revised Code; 98154

(3) Anything else the department considers necessary to 98155

enable county boards to provide those services to individuals in 98156  
accordance with the priority requirements for waiting lists 98157  
established under section 5126.042 of the Revised Code for those 98158  
services. 98159

(B) Division (A) of this section applies to home and 98160  
community-based services provided under the medicaid waiver 98161  
component known as the transitions developmental disabilities 98162  
waiver only to the extent, if any, provided by the contract 98163  
required by section ~~5111.871~~ 5166.21 of the Revised Code regarding 98164  
the ~~waiver~~ component. 98165

**Sec. ~~5111.873~~ 5166.23.** (A) Subject to division (D) of this 98166  
section, the medicaid director ~~of job and family services~~ shall 98167  
adopt rules ~~in accordance with Chapter 119.~~ under section 5166.02 98168  
of the Revised Code establishing the ~~amount of reimbursement~~ 98169  
payment amounts or the methods by which the payment amounts ~~of~~ 98170  
~~reimbursement~~ are to be determined for home and community-based 98171  
services specified in division ~~(B)~~(A)(1) of section ~~5111.87~~ 98172  
5166.20 of the Revised Code and provided under the components of 98173  
the medicaid program that the department of developmental 98174  
disabilities administers under section ~~5111.871~~ 5166.21 of the 98175  
Revised Code. With respect to these rules, all of the following 98176  
apply: 98177

(1) The rules shall establish procedures for the department 98178  
of developmental disabilities to follow in arranging for the 98179  
initial and ongoing collection of cost information from a 98180  
comprehensive, statistically valid sample of persons and 98181  
government entities providing the services at the time the 98182  
information is obtained. 98183

(2) The rules shall establish procedures for the collection 98184  
of consumer-specific information through an assessment instrument 98185  
the department of developmental disabilities shall provide to the 98186

department of ~~job and family services~~ medicaid. 98187

(3) With the information collected pursuant to divisions 98188  
(A)(1) and (2) of this section, an analysis of that information, 98189  
and other information the director determines relevant, the rules 98190  
shall establish ~~reimbursement~~ payment standards that do all of the 98191  
following: 98192

(a) Assure that ~~reimbursement is~~ payment amounts are 98193  
consistent with efficiency, economy, and quality of care; 98194

(b) Consider the intensity of consumer resource need; 98195

(c) Recognize variations in different geographic areas 98196  
regarding the resources necessary to assure the health and welfare 98197  
of consumers; 98198

(d) Recognize variations in environmental supports available 98199  
to consumers. 98200

(B) As part of the process of adopting rules ~~under~~ authorized 98201  
by this section, the director shall consult with the director of 98202  
developmental disabilities, representatives of county boards of 98203  
developmental disabilities, persons who provide the home and 98204  
community-based services, and other persons and government 98205  
entities the director identifies. 98206

(C) The ~~directors of job and family services~~ medicaid 98207  
director and director of developmental disabilities shall review 98208  
the rules ~~adopted under~~ authorized by this section at times they 98209  
determine are necessary to ensure that the ~~amount of reimbursement~~ 98210  
payment amounts or the methods by which the payment amounts ~~of~~ 98211  
~~reimbursement~~ are to be determined continue to meet the 98212  
~~reimbursement~~ payment standards established under division (A)(3) 98213  
of this section. 98214

(D) This section applies to home and community-based services 98215  
provided under the medicaid waiver component known as the 98216



transitions developmental disabilities waiver only to the extent, 98217  
if any, provided by the contract required by section ~~5111.871~~ 98218  
5166.21 of the Revised Code regarding the ~~waiver~~ component. 98219

**Sec. ~~5111.88~~ 5166.30.** (A) As used in sections ~~5111.88~~ 5166.30 98220  
to ~~5111.8811~~ 5166.3010 of the Revised Code: 98221

(1) "Adult" means an individual at least eighteen years of 98222  
age. 98223

(2) "Appropriate director" means the following: 98224

(a) The medicaid director in the context of all of the 98225  
following: 98226

(i) The Ohio home care waiver program, unless it is 98227  
terminated pursuant to section 5166.12 of the Revised Code; 98228

(ii) The Ohio transitions II aging carve-out program, unless 98229  
it is terminated pursuant to section 5166.13 of the Revised Code; 98230

(iii) The integrated care delivery system medicaid waiver 98231  
component authorized by section 5166.16 of the Revised Code. 98232

(b) The director of aging in the context of the 98233  
medicaid-funded component of the PASSPORT program, unless it is 98234  
terminated pursuant to division (C) of section 173.52 of the 98235  
Revised Code. 98236

(3) "Authorized representative" means the following: 98237

(a) In the case of a consumer who is a minor, the consumer's 98238  
parent, custodian, or guardian; 98239

(b) In the case of a consumer who is an adult, an individual 98240  
selected by the consumer pursuant to section ~~5111.8810~~ 5166.3010 98241  
of the Revised Code to act on the consumer's behalf for purposes 98242  
regarding home care attendant services. 98243

~~(3)~~(4) "Authorizing health care professional" means a health 98244  
care professional who, pursuant to section ~~5111.887~~ 5166.307 of 98245

the Revised Code, authorizes a home care attendant to assist a 98246  
consumer with self-administration of medication, nursing tasks, or 98247  
both. 98248

~~(4)~~(5) "Consumer" means an individual to whom all of the 98249  
following apply: 98250

(a) The individual is enrolled in a participating medicaid 98251  
waiver component. 98252

(b) The individual has a medically determinable physical 98253  
impairment to which both of the following apply: 98254

(i) It is expected to last for a continuous period of not 98255  
less than twelve months. 98256

(ii) It causes the individual to require assistance with 98257  
activities of daily living, self-care, and mobility, including 98258  
either assistance with self-administration of medication or the 98259  
performance of nursing tasks, or both. 98260

(c) In the case of an individual who is an adult, the 98261  
individual is mentally alert and is, or has an authorized 98262  
representative who is, capable of selecting, directing the actions 98263  
of, and dismissing a home care attendant. 98264

(d) In the case of an individual who is a minor, the 98265  
individual has an authorized representative who is capable of 98266  
selecting, directing the actions of, and dismissing a home care 98267  
attendant. 98268

~~(5)~~(6) "Controlled substance" has the same meaning as in 98269  
section 3719.01 of the Revised Code. 98270

~~(6)~~(7) "Custodian" has the same meaning as in section 98271  
2151.011 of the Revised Code. 98272

~~(7)~~(8) "Gastrostomy tube" means a percutaneously inserted 98273  
catheter that terminates in the stomach. 98274

~~(8)~~(9) "Guardian" has the same meaning as in section 2111.01 98275

of the Revised Code. 98276

~~(9)~~(10) "Health care professional" means a physician or 98277  
registered nurse. 98278

~~(10)~~(11) "Home care attendant" means an individual holding a 98279  
valid ~~medicaid~~ provider agreement in accordance with section 98280  
~~5111.881~~ 5166.301 of the Revised Code that authorizes the 98281  
individual to provide home care attendant services to consumers. 98282

~~(11)~~(12) "Home care attendant services" means all of the 98283  
following as provided by a home care attendant: 98284

(a) Personal care aide services; 98285

(b) Assistance with the self-administration of medication; 98286

(c) Assistance with nursing tasks. 98287

~~(12)~~(13) "Jejunostomy tube" means a percutaneously inserted 98288  
catheter that terminates in the jejunum. 98289

~~(13) "Medicaid waiver component" has the same meaning as in~~ 98290  
~~section 5111.85 of the Revised Code.~~ 98291

(14) "Medication" means a drug as defined in section 4729.01 98292  
of the Revised Code. 98293

(15) "Minor" means an individual under eighteen years of age. 98294

(16) "Participating medicaid waiver component" means ~~both~~ all 98295  
of the following: 98296

(a) The medicaid-funded component of the PASSPORT program, 98297  
unless it is terminated pursuant to division (C) of section 173.52 98298  
of the Revised Code; 98299

(b) The Ohio home care waiver program created under, unless 98300  
it is terminated pursuant to section ~~5111.861~~ 5166.12 of the 98301  
Revised Code; 98302

~~(b)~~(c) The Ohio transitions II aging carve-out program 98303  
created under, unless it is terminated pursuant to section 98304

~~5111.863~~ 5166.13 of the Revised Code; 98305

(d) The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code. 98306  
98307

(17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 98308  
98309  
98310

(18) "Practice of nursing as a registered nurse," "practice of nursing as a licensed practical nurse," and "registered nurse" have the same meanings as in section 4723.01 of the Revised Code. 98311  
98312  
98313  
"Registered nurse" includes an advanced practice registered nurse, 98314  
as defined in section 4723.01 of the Revised Code. 98315

(19) "Schedule II," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code. 98316  
98317  
98318

~~(B) The director of job and family services may submit requests to the United States secretary of health and human services to amend the federal medicaid waivers authorizing the participating Participating medicaid waiver components to have those components may cover home care attendant services in accordance with sections ~~5111.88~~ 5166.30 to ~~5111.8810~~ 5166.3010 of the Revised Code and rules adopted under section ~~5111.8811~~ 5166.02 of the Revised Code. Notwithstanding sections ~~5111.881~~ to ~~5111.8811~~ of the Revised Code, those sections shall be implemented regarding a participating medicaid waiver component only if the secretary approves a waiver amendment for the component.~~ 98319  
98320  
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**Sec. ~~5111.881~~ 5166.301.** The medicaid director ~~of job and family services~~ shall enter into a medicaid provider agreement with an individual to authorize the individual to provide home care attendant services to consumers if the individual does both of the following: 98330  
98331  
98332  
98333  
98334

(A) Agrees to comply with the requirements of sections 98335  
~~5111.88~~ 5166.30 to ~~5111.8810~~ 5166.3010 and rules adopted under 98336  
section ~~5111.8811~~ 5166.02 of the Revised Code; 98337

(B) Provides the director evidence satisfactory to the 98338  
director of all of the following: 98339

(1) That the individual either meets the personnel 98340  
qualifications specified in 42 C.F.R. 484.4 for home health aides 98341  
or has successfully completed at least one of the following: 98342

(a) A competency evaluation program or training and 98343  
competency evaluation program approved or conducted by the 98344  
director of health under section 3721.31 of the Revised Code; 98345

(b) A training program approved by the ~~department of job and~~ 98346  
~~family services~~ appropriate director that includes training in at 98347  
least all of the following and provides training equivalent to a 98348  
training and competency evaluation program specified in division 98349  
(B)(1)(a) of this section or meets the requirements of 42 C.F.R. 98350  
484.36(a): 98351

(i) Basic home safety; 98352

(ii) Universal precautions for the prevention of disease 98353  
transmission, including hand-washing and proper disposal of bodily 98354  
waste and medical instruments that are sharp or may produce sharp 98355  
pieces if broken; 98356

(iii) Personal care aide services; 98357

(iv) The labeling, counting, and storage requirements for 98358  
schedule II, III, IV, and V medications. 98359

(2) That the individual has obtained a certificate of 98360  
completion of a course in first aid from a first aid course to 98361  
which all of the following apply: 98362

(a) It is not provided solely through the internet. 98363

(b) It includes hands-on training provided by a first aid 98364

instructor who is qualified to provide such training according to 98365  
standards set in rules adopted under section ~~5111.8811~~ 5166.02 of 98366  
the Revised Code. 98367

(c) It requires the individual to demonstrate successfully 98368  
that the individual has learned the first aid taught in the 98369  
course. 98370

(3) That the individual meets any other requirements for the 98371  
medicaid provider agreement specified in rules adopted under 98372  
section ~~5111.8811~~ 5166.02 of the Revised Code. 98373

**Sec. ~~5111.882~~ 5166.302.** A home care attendant shall complete 98374  
not less than twelve hours of in-service continuing education 98375  
regarding home care attendant services each year and provide the 98376  
appropriate director ~~of job and family services~~ evidence 98377  
satisfactory to the appropriate director that the attendant 98378  
satisfied this requirement. The evidence shall be submitted to the 98379  
appropriate director not later than the annual anniversary of the 98380  
issuance of the home care attendant's initial ~~medicaid~~ provider 98381  
agreement. 98382

**Sec. ~~5111.883~~ 5166.303.** A home care attendant shall do all of 98383  
the following: 98384

(A) Maintain a clinical record for each consumer to whom the 98385  
attendant provides home care attendant services in a manner that 98386  
protects the consumer's privacy; 98387

(B) Participate in a face-to-face visit every ninety days 98388  
with all of the following to monitor the health and welfare of 98389  
each of the consumers to whom the attendant provides home care 98390  
attendant services: 98391

(1) The consumer; 98392

(2) The consumer's authorized representative, if any; 98393

(3) A registered nurse who agrees to answer any questions that the attendant, consumer, or authorized representative has about consumer care needs, medications, and other issues. 98394  
98395  
98396

(C) Document the activities of each visit required by division (B) of this section in the consumer's clinical record with the assistance of the registered nurse. 98397  
98398  
98399

**Sec. ~~5111.884~~ 5166.304.** (A) A home care attendant may assist a consumer with nursing tasks or self-administration of medication only after the attendant does both of the following: 98400  
98401  
98402

(1) Subject to division (B) of this section, completes consumer-specific training in how to provide the assistance that the authorizing health care professional authorizes the attendant to provide to the consumer; 98403  
98404  
98405  
98406

(2) At the request of the consumer, consumer's authorized representative, or authorizing health care professional, successfully demonstrates that the attendant has learned how to provide the authorized assistance to the consumer. 98407  
98408  
98409  
98410

(B) The training required by division (A)(1) of this section shall be provided by either of the following: 98411  
98412

(1) The authorizing health care professional; 98413

(2) The consumer or consumer's authorized representative in cooperation with the authorizing health care professional. 98414  
98415

**Sec. ~~5111.885~~ 5166.305.** A home care attendant shall comply with both of the following when assisting a consumer with nursing tasks or self-administration of medication: 98416  
98417  
98418

(A) The written consent of the consumer or consumer's authorized representative provided to the appropriate director ~~of job and family services~~ under section ~~5111.886~~ 5166.306 of the Revised Code; 98419  
98420  
98421  
98422

(B) The authorizing health care professional's written 98423  
authorization provided to the appropriate director under section 98424  
~~5111.887~~ 5166.307 of the Revised Code. 98425

**Sec. ~~5111.886~~ 5166.306.** To consent to a home care attendant 98426  
assisting a consumer with nursing tasks or self-administration of 98427  
medication, the consumer or consumer's authorized representative 98428  
shall provide the appropriate director ~~of job and family services~~ 98429  
a written statement signed by the consumer or authorized 98430  
representative under which the consumer or authorized 98431  
representative consents to both of the following: 98432

(A) Having the attendant assist the consumer with nursing 98433  
tasks or self-administration of medication; 98434

(B) Assuming responsibility for directing the attendant when 98435  
the attendant assists the consumer with nursing tasks or 98436  
self-administration of medication. 98437

**Sec. ~~5111.887~~ 5166.307.** To authorize a home care attendant to 98438  
assist a consumer with nursing tasks or self-administration of 98439  
medication, a health care professional shall provide the 98440  
appropriate director ~~of job and family services~~ a written 98441  
statement signed by the health care professional that includes all 98442  
of the following: 98443

(A) The consumer's name and address; 98444

(B) A description of the nursing tasks or self-administration 98445  
of medication with which the attendant is to assist the consumer, 98446  
including, in the case of assistance with self-administration of 98447  
medication, the name and dosage of the medication; 98448

(C) The times or intervals when the attendant is to assist 98449  
the consumer with the self-administration of each dosage of the 98450  
medication or nursing tasks; 98451



(D) The dates the attendant is to begin and cease providing the assistance; 98452  
98453

(E) A list of severe adverse reactions the attendant must report to the health care professional should the consumer experience one or more of the reactions; 98454  
98455  
98456

(F) At least one telephone number at which the attendant can reach the health care professional in an emergency; 98457  
98458

(G) Instructions the attendant is to follow when assisting the consumer with nursing tasks or self-administration of medication, including instructions for maintaining sterile conditions and for storage of task-related equipment and supplies; 98459  
98460  
98461  
98462

(H) The health care professional's attestation of both of the following: 98463  
98464

(1) That the consumer or consumer's authorized representative has demonstrated to the health care professional the ability to direct the attendant; 98465  
98466  
98467

(2) That the attendant has demonstrated to the health care professional the ability to provide the consumer assistance with nursing tasks or self-administration of medication that the health care professional has specifically authorized the attendant to provide and that the consumer or consumer's authorized representative has indicated to the health care professional that the consumer or authorized representative is satisfied with the attendant's demonstration. 98468  
98469  
98470  
98471  
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98473  
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98475

**Sec. ~~5111.888~~ 5166.308.** When authorizing a home care attendant to assist a consumer with nursing tasks or self-administration of medication, a health care professional may not authorize a home care attendant to do any of the following: 98476  
98477  
98478  
98479

(A) Perform a task that is outside of the health care professional's scope of practice; 98480  
98481

(B) Assist the consumer with the self-administration of a medication, including a schedule II, schedule III, schedule IV, or schedule V drug unless both of the following apply:

(1) The medication is administered orally, topically, or via a gastrostomy tube or jejunostomy tube, including through any of the following:

(a) In the case of an oral medication, a metered dose inhaler;

(b) In the case of a topical medication, including a transdermal medication, either of the following:

(i) An eye, ear, or nose drop or spray;

(ii) A vaginal or rectal suppository.

(c) In the case of a gastrostomy tube or jejunostomy tube, only through a pre-programmed pump.

(2) The medication is in its original container and the label attached to the container displays all of the following:

(a) The consumer's full name in print;

(b) The medication's dispensing date, which must not be more than twelve months before the date the attendant assists the consumer with self-administration of the medication;

(c) The exact dosage and means of administration that match the health care professional's authorization to the attendant.

(C) Assist the consumer with the self-administration of a schedule II, schedule III, schedule IV, or schedule V medication unless, in addition to meeting the requirements of division (B) of this section, all of the following apply:

(1) The medication has a warning label on its container.

(2) The attendant counts the medication in the consumer's or authorized representative's presence when the medication is

administered to the consumer and records the count on a form used 98511  
for the count as specified in rules adopted under section 98512  
~~5111.8811~~ 5166.02 of the Revised Code. 98513

(3) The attendant recounts the medication in the consumer's 98514  
or authorized representative's presence at least monthly and 98515  
reconciles the recount on a log located in the consumer's clinical 98516  
record. 98517

(4) The medication is stored separately from all other 98518  
medications and is secured and locked at all times when not being 98519  
administered to the consumer to prevent unauthorized access. 98520

(D) Perform an intramuscular injection; 98521

(E) Perform a subcutaneous injection unless it is for a 98522  
routine dose of insulin; 98523

(F) Program a pump used to deliver a medication unless the 98524  
pump is used to deliver a routine dose of insulin; 98525

(G) Insert, remove, or discontinue an intravenous access 98526  
device; 98527

(H) Engage in intravenous medication administration; 98528

(I) Insert or initiate an infusion therapy; 98529

(J) Perform a central line dressing change. 98530

**Sec. ~~5111.889~~ 5166.309.** A home care attendant who provides 98531  
home care attendant services to a consumer in accordance with the 98532  
authorizing health care professional's authorization does not 98533  
engage in the practice of nursing as a registered nurse or in the 98534  
practice of nursing as a licensed practical nurse in violation of 98535  
section 4723.03 of the Revised Code. 98536

A consumer or the consumer's authorized representative shall 98537  
report to the appropriate director ~~of job and family services~~ if a 98538  
home care attendant engages in the practice of nursing as a 98539

registered nurse or the practice of nursing as a licensed 98540  
practical nurse beyond the authorizing health care professional's 98541  
authorization. The appropriate director shall forward a copy of 98542  
each report to the board of nursing. 98543

**Sec. ~~5111.8810~~ 5166.3010.** A consumer who is an adult may 98544  
select an individual to act on the consumer's behalf for purposes 98545  
regarding home care attendant services by submitting a written 98546  
notice of the consumer's selection of an authorized representative 98547  
to the appropriate director ~~of job and family services~~. The notice 98548  
shall specifically identify the individual the consumer selects as 98549  
authorized representative and may limit what the authorized 98550  
representative may do on the consumer's behalf regarding home care 98551  
attendant services. A consumer may not select the consumer's home 98552  
care attendant to be the consumer's authorized representative. 98553  
98554

**Sec. ~~5111.97~~ 5166.35.** (A) ~~As used in this section:~~ 98555  
~~(1) "Home and community based services medicaid waiver~~ 98556  
~~component" has the same meaning as in section 5111.85 of the~~ 98557  
~~Revised Code.~~ 98558

~~(2) "Nursing facility" has the same meaning as in section~~ 98559  
~~5111.20 of the Revised Code.~~ 98560

~~(B) To the extent funds are available, the The medicaid~~ 98561  
~~director of job and family services may establish the Ohio access~~ 98562  
~~success project to help medicaid recipients make the transition~~ 98563  
~~from residing in a nursing facility facilities to residing in a~~ 98564  
~~community ~~setting~~ settings. The project may be established as a~~ 98565  
~~separate nonmedicaid program or integrated into a new or existing~~ 98566  
~~home and community-based services medicaid waiver component. The~~ 98567  
~~director shall permit any medicaid recipient ~~of medicaid funded~~~~ 98568  
~~receiving nursing facility services to apply for participation in~~ 98569

the project, but may limit the number of project participants. 98570

The director shall ensure that an assessment of an applicant 98571  
is conducted as soon as practicable to determine whether the 98572  
applicant is eligible for participation in the project. To the 98573  
maximum extent possible, the assessment and eligibility 98574  
determination shall be completed not later than the date that 98575  
occurs six months after the applicant ~~became a recipient of~~ 98576  
~~medicaid-funded~~ begins to receive nursing facility services. 98577

~~(C)~~(B) To be eligible for benefits under the project, a 98578  
medicaid recipient must satisfy all of the following requirements: 98579

(1) The medicaid recipient must be ~~a recipient of~~ 98580  
~~medicaid-funded~~ receiving nursing facility services, at the time 98581  
of applying for the project benefits. 98582

(2) If the project is established as a nonmedicaid program, 98583  
the medicaid recipient must be able to remain in the community as 98584  
a result of receiving project benefits and the projected cost of 98585  
the benefits to the project does not exceed eighty per cent of the 98586  
average monthly medicaid cost of a medicaid recipient in a nursing 98587  
facility. 98588

(3) If the project is integrated into a home and 98589  
community-based services medicaid waiver component, the medicaid 98590  
recipient must meet the waiver component's enrollment criteria. 98591

~~(D)~~(C) If the director establishes the Ohio access success 98592  
project, the benefits provided under the project may include 98593  
payment of all of the following: 98594

(1) The first month's rent in a community setting; 98595

(2) Rental deposits; 98596

(3) Utility deposits; 98597

(4) Moving expenses; 98598

(5) Other expenses not covered by the medicaid program that 98599

facilitate a medicaid recipient's move from a nursing facility to 98600  
a community setting. 98601

~~(E)~~(D) If the project is established as a nonmedicaid 98602  
program, no participant may receive more than two thousand 98603  
dollars' worth of benefits under the project. 98604

~~(F)~~(E) If the department of ~~job and family services~~ medicaid 98605  
enters into a contract with an entity to provide fiscal management 98606  
services regarding the project, the contract may provide for a 98607  
portion of a participant's benefits under the project to be paid 98608  
to the contracting entity. The contract shall specify the portion 98609  
to be paid to the contracting entity. 98610

~~(G) The director may submit a request to the United States 98611  
secretary of health and human services pursuant to section 1915 of 98612  
the "Social Security Act," 95 Stat. 809 (1981), 42 U.S.C. 1396n, 98613  
as amended, to create a home and community based services medicaid 98614  
waiver component to serve individuals who meet the criteria for 98615  
participation in the Ohio access success project. 98616~~

~~(H)~~(F) The director may adopt rules in accordance with 98617  
Chapter 119. of the Revised Code for the administration and 98618  
operation of the project. If the project is integrated into a home 98619  
and community-based services medicaid waiver component, the rules 98620  
shall be adopted under section ~~5111.85~~ 5166.02 of the Revised 98621  
Code. 98622

**Sec. 5167.01.** As used in this chapter: 98623

(A) "Controlled substance" has the same meaning as in section 98624  
3719.01 of the Revised Code. 98625

(B) "Dual eligible individual" has the same meaning as in 98626  
section 5160.01 of the Revised Code. 98627

(C) "Emergency services" has the same meaning as in the 98628  
"Social Security Act," section 1932(b)(2), 42 U.S.C. 98629

|                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| <u>1396u-2(b)(2).</u>                                                                                                                                                                                                                                                                                                                                                                                                                                 | 98630                                                       |
| <u>(D) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                              | 98631<br>98632<br>98633                                     |
| <u>(E) "Medicaid managed care organization" means a managed care organization under contract with the department of medicaid pursuant to section 5167.10 of the Revised Code.</u>                                                                                                                                                                                                                                                                     | 98634<br>98635<br>98636                                     |
| <u>(F) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                | 98637<br>98638                                              |
| <u>(G) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                         | 98639<br>98640                                              |
| <u>(H) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                          | 98641<br>98642                                              |
| <u>(I) "Provider" means any person or government entity that furnishes services to a medicaid recipient enrolled in a medicaid managed care organization, regardless of whether the person or entity has a provider agreement.</u>                                                                                                                                                                                                                    | 98643<br>98644<br>98645<br>98646                            |
| <u>(J) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                       | 98647<br>98648                                              |
| <b><u>Sec. 5167.02.</u></b> <u>The medicaid director shall adopt rules as necessary to implement this chapter. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.</u>                                                                                                                                                                                                                                                    | 98649<br>98650<br>98651                                     |
| <b><u>Sec. <del>5111.16</del> 5167.03.</u></b> (A) As part of the medicaid program, the department of <del>job and family services</del> <u>medicaid</u> shall establish a care management system. <del>The department shall submit, if necessary, applications to the United States department of health and human services for waivers of federal medicaid requirements that would otherwise be violated in the implementation of the system.</del> | 98652<br>98653<br>98654<br>98655<br>98656<br>98657<br>98658 |

(B) The department shall implement the care management system 98659  
in some or all counties and shall designate the medicaid 98660  
recipients who are required or permitted to participate in the 98661  
system. In the department's implementation of the system and 98662  
designation of participants, all of the following apply: 98663

(1) In the case of individuals who receive medicaid on the 98664  
basis of being included in the category identified by the 98665  
department as covered families and children, the department shall 98666  
implement the care management system in all counties. All 98667  
individuals included in the category shall be designated for 98668  
participation, except for individuals included in one or more of 98669  
the medicaid recipient groups specified in 42 C.F.R. 438.50(d). 98670  
The department shall ensure that all participants are enrolled in 98671  
medicaid managed care organizations that are health insuring 98672  
~~corporations under contract with the department pursuant to~~ 98673  
~~section 5111.17 of the Revised Code.~~ 98674

(2) In the case of individuals who receive medicaid on the 98675  
basis of being aged, blind, or disabled, ~~as specified in division~~ 98676  
~~(C)(2) of section 5111.01 of the Revised Code,~~ the department 98677  
shall implement the care management system in all counties. Except 98678  
as provided in division (C) of this section, all individuals 98679  
included in the category shall be designated for participation. 98680  
The department shall ensure that all participants are enrolled in 98681  
medicaid managed care organizations that are health insuring 98682  
~~corporations under contract with the department pursuant to~~ 98683  
~~section 5111.17 of the Revised Code.~~ 98684

(3) Alcohol, drug addiction, and mental health services 98685  
covered by medicaid shall not be included in any component of the 98686  
care management system when the nonfederal share of the cost of 98687  
those services is provided by a board of alcohol, drug addiction, 98688  
and mental health services or a state agency other than the 98689  
department of ~~job and family services~~ medicaid, but the recipients 98690



of those services may otherwise be designated for participation in 98691  
the system. 98692

(C)(1) In designating participants who receive medicaid on 98693  
the basis of being aged, blind, or disabled, the department shall 98694  
not include any of the following, except as provided under 98695  
division (C)(2) of this section: 98696

(a) Individuals who are under twenty-one years of age; 98697

(b) Individuals who are institutionalized; 98698

(c) Individuals who become eligible for medicaid by spending 98699  
down their income or resources to a level that meets the medicaid 98700  
program's financial eligibility requirements; 98701

(d) ~~Individuals who are dually Dual eligible under the~~ 98702  
~~medicaid program and the medicare program established under Title~~ 98703  
~~XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.~~ 98704  
~~1395, as amended individuals;~~ 98705

(e) Individuals to the extent that they are receiving 98706  
medicaid services through a medicaid waiver component, ~~as defined~~ 98707  
~~in section 5111.85 of the Revised Code.~~ 98708

(2) ~~If any necessary waiver of federal medicaid requirements~~ 98709  
~~is granted, the The department may designate any of the following~~ 98710  
individuals who receive medicaid on the basis of being aged, 98711  
blind, or disabled as individuals who are permitted or required to 98712  
participate in the care management system: 98713

(a) Individuals who are under twenty-one years of age; 98714

(b) Individuals who reside in a nursing facility, ~~as defined~~ 98715  
~~in section 5111.20 of the Revised Code;~~ 98716

(c) Individuals who, as an alternative to receiving nursing 98717  
facility services, are participating in a home and community-based 98718  
services medicaid waiver component, ~~as defined in section 5111.85~~ 98719  
~~of the Revised Code;~~ 98720

(d) ~~Individuals who are dually Dual eligible under the~~ 98721  
~~medicaid program and the medicare program individuals.~~ 98722

(D) Subject to division (B) of this section, the department 98723  
may do both of the following under the care management system: 98724

(1) Require or permit participants in the system to obtain 98725  
health care services from providers designated by the department; 98726

(2) Require or permit participants in the system to obtain 98727  
health care services through medicaid managed care organizations 98728  
~~under contract with the department pursuant to section 5111.17 of~~ 98729  
~~the Revised Code.~~ 98730

~~(E)(1) The department shall prepare an annual report on the~~ 98731  
~~care management system. The report shall address the department's~~ 98732  
~~ability to implement the system, including all of the following~~ 98733  
~~components:~~ 98734

~~(a) The required designation of participants included in the~~ 98735  
~~category identified by the department as covered families and~~ 98736  
~~children;~~ 98737

~~(b) The required designation of participants included in the~~ 98738  
~~aged, blind, or disabled category of medicaid recipients;~~ 98739

~~(c) The use of any programs for enhanced care management.~~ 98740

~~(2) The department shall submit each annual report to the~~ 98741  
~~general assembly. The first report shall be submitted not later~~ 98742  
~~than October 1, 2007.~~ 98743

~~(F) The director of job and family services may adopt rules~~ 98744  
~~in accordance with Chapter 119. of the Revised Code to implement~~ 98745  
~~this section.~~ 98746

**Sec. ~~5111.161~~ 5167.031.** (A) As used in this section: 98747

(1) "Children's care network" means any of the following: 98748

(a) A children's hospital; 98749

(b) A group of children's hospitals; 98750

(c) A group of pediatric physicians. 98751

(2) "Children's hospital" has the same meaning as in section 2151.86 of the Revised Code. 98752  
98753

(B) If the department of ~~job and family services~~ medicaid 98754  
includes in the care management system, pursuant to section 98755  
~~5111.16~~ 5167.03 of the Revised Code, individuals under twenty-one 98756  
years of age who are included in the category of individuals who 98757  
receive medicaid on the basis of being aged, blind, or disabled, 98758  
~~as specified in division (C)(2) of section 5111.01 of the Revised~~ 98759  
~~Code,~~ the department ~~shall develop a system to~~ may recognize 98760  
entities as pediatric accountable care organizations. ~~The purpose~~ 98761  
~~of the recognition system shall be to meet the complex medical and~~ 98762  
~~behavioral needs of disabled children through new approaches to~~ 98763  
~~care coordination. The department shall implement the recognition~~ 98764  
~~system not later than July 1, 2012.~~ 98765

An entity recognized by the department as a pediatric 98766  
accountable care organization may develop innovative partnerships 98767  
between relevant groups and may contract directly or subcontract 98768  
with the state to provide care coordination and other services to 98769  
the medicaid recipients under twenty-one years of age described in 98770  
this division who are permitted or required to participate in the 98771  
care management system. 98772

(C)(1) To be recognized by the department as a pediatric 98773  
accountable care organization, an entity shall meet the standards 98774  
established ~~in rules adopted under this section by the department.~~ 98775  
Unless required by ~~sections~~ section 2706 ~~and 3022~~ of the "Patient 98776  
Protection and Affordable Care Act," 124 Stat. 325 (2010) and 98777  
~~Title XVIII of the "Social Security Act," 124 Stat. 395 (2010)~~ 98778  
section 1895, 42 U.S.C. 1395jjj, the regulations adopted pursuant 98779  
to those sections, and the laws of this state, the department 98780

shall not require that an entity be a health insuring corporation 98781  
as a condition of receiving the department's recognition. 98782

(2) Any of the following entities may receive the 98783  
department's recognition, if the standards for recognition have 98784  
been met: 98785

(a) A children's care network; 98786

(b) A children's care network that may include one or more 98787  
other entities, including, but not limited to, health insuring 98788  
corporations or other managed care organizations; 98789

(c) Any other entity the department determines is qualified. 98790

(D) The ~~department~~ medicaid director shall consult with all 98791  
of the following in adopting rules ~~under~~ authorized by division 98792  
(E) of this section necessary for an entity to be recognized by 98793  
the department as a pediatric accountable care organization: 98794

(1) The superintendent of insurance; 98795

(2) Children's hospitals; 98796

(3) ~~Managed Medicaid managed~~ care organizations ~~under~~ 98797  
~~contract pursuant to section 5111.17 of the Revised Code;~~ 98798

(4) Any other relevant entities, as determined necessary by 98799  
the department, with interests in pediatric accountable care 98800  
organizations. 98801

(E) ~~The department shall adopt rules in accordance with~~ 98802  
~~Chapter 119. of the Revised Code as necessary to implement this~~ 98803  
~~section.~~ In adopting the rules under section 5167.02 of the 98804  
Revised Code, the ~~department~~ medicaid director shall do all of the 98805  
following: 98806

(1) Establish application procedures to be followed by an 98807  
entity seeking recognition as a pediatric accountable care 98808  
organization; 98809

(2) Ensure that the standards for recognition as a pediatric 98810  
accountable care organization are the same as and do not conflict 98811  
with those specified in ~~sections~~ section 2706 ~~and 3022~~ of the 98812  
"Patient Protection and Affordable Care Act," 124 Stat. 325 (2010) 98813  
and ~~Title XVIII~~ of the "Social Security Act," ~~124 Stat. 395 (2010)~~ 98814  
section 1895, 42 U.S.C. 1395jjj or the regulations adopted 98815  
pursuant to those sections; 98816

(3) Establish requirements regarding the access to pediatric 98817  
specialty care provided through or by a pediatric accountable care 98818  
organization; 98819

(4) Establish accountability and financial requirements for 98820  
an entity recognized as a pediatric accountable care organization; 98821

(5) Establish quality improvement initiatives consistent with 98822  
any state medicaid quality plan established by the department; 98823

(6) Establish transparency and consumer protection 98824  
requirements for an entity recognized as a pediatric accountable 98825  
care organization; 98826

(7) Establish a process for sharing data. 98827

(F) This section does not limit the authority of the 98828  
department of insurance to regulate the business of insurance in 98829  
this state. 98830

Sec. 5167.032. (A) The department of medicaid shall prepare 98831  
an annual report on the care management system established under 98832  
this chapter. The report shall address the department's ability to 98833  
implement the system, including all of the following components: 98834

(1) The required designation of participants included in the 98835  
category identified by the department as covered families and 98836  
children; 98837

(2) The required designation of participants included in the 98838  
aged, blind, or disabled category of medicaid recipients; 98839

(3) The use of any programs for enhanced care management. 98840

(B) The department shall submit each annual report to the 98841  
general assembly in accordance with section 101.68 of the Revised 98842  
Code. 98843

**Sec. ~~5111.17~~ 5167.10.** (A) The department of ~~job and family~~ 98844  
~~services~~ medicaid may enter into contracts with managed care 98845  
organizations, including health insuring corporations, under which 98846  
the organizations are authorized to provide, or arrange for the 98847  
provision of, health care services to ~~medical assistance~~ medicaid 98848  
recipients who are required or permitted to obtain health care 98849  
services through managed care organizations as part of the care 98850  
management system established under section ~~5111.16~~ 5167.03 of the 98851  
Revised Code. 98852

(B) The (1) Subject to division (B)(2)(a) of this section, 98853  
the department or its actuary shall base the hospital inpatient 98854  
capital payment portion of the payment made to managed care 98855  
organizations on data for services provided to all recipients 98856  
enrolled in managed care organizations with which the department 98857  
contracts, as reported by hospitals on relevant cost reports 98858  
submitted pursuant to rules adopted under ~~this~~ section 5167.02 of 98859  
the Revised Code. 98860

(2)(a) The hospital inpatient capital payment portion of the 98861  
payment made to medicaid managed care organizations shall not 98862  
exceed any maximum rate established by the department pursuant to 98863  
rules adopted under this section. 98864

(b) If a maximum rate is established, a medicaid managed care 98865  
organization shall not compensate hospitals for inpatient capital 98866  
costs in an amount that exceeds that rate. 98867

(C) ~~The director of job and family services may adopt rules~~ 98868  
~~in accordance with Chapter 119. of the Revised Code to implement~~ 98869

~~this section.~~ 98870

(D) The department of ~~job and family services~~ medicaid shall 98871  
allow a medicaid managed care organization to use providers to 98872  
render care upon completion of the medicaid managed care 98873  
organization's credentialing process. 98874

**Sec. ~~5111.177~~ 5167.11.** When contracting under section ~~5111.17~~ 98875  
5167.10 of the Revised Code with a health insuring corporation 98876  
that holds a certificate of authority under Chapter 1751. of the 98877  
Revised Code, the department of ~~job and family services~~ medicaid 98878  
shall require the health insuring corporation to provide a 98879  
grievance process for medicaid recipients in accordance with 42 98880  
C.F.R. 438, subpart F. 98881

**Sec. ~~5111.172~~ 5167.12.** (A) When contracting under section 98882  
~~5111.17~~ 5167.10 of the Revised Code with a managed care 98883  
organization that is a health insuring corporation, the department 98884  
of ~~job and family services~~ medicaid shall require the health 98885  
insuring corporation to provide coverage of ~~prescription~~ 98886  
prescribed drugs for medicaid recipients enrolled in the health 98887  
insuring corporation. In providing the required coverage, the 98888  
health insuring corporation may, subject to the department's 98889  
approval and the limitations specified in division (B) of this 98890  
section, use strategies for the management of drug utilization. 98891

(B) The department shall not permit a health insuring 98892  
corporation to impose a prior authorization requirement in the 98893  
case of a drug to which all of the following apply: 98894

(1) The drug is an antidepressant or antipsychotic. 98895

(2) The drug is administered or dispensed in a standard 98896  
tablet or capsule form, except that in the case of an 98897  
antipsychotic, the drug also may be administered or dispensed in a 98898  
long-acting injectable form. 98899

(3) The drug is prescribed by either of the following: 98900

(a) A physician whom the health insuring corporation, 98901  
pursuant to division (C) of section ~~5111.17~~ 5167.10 of the Revised 98902  
Code, has credentialed to provide care as a psychiatrist; 98903

(b) A psychiatrist practicing at a community mental health 98904  
~~agency services provider~~ certified by the department of ~~mental~~ 98905  
~~health~~ mental health and addiction services under section ~~5119.611~~ 98906  
5119.36 of the Revised Code. 98907

(4) The drug is prescribed for a use that is indicated on the 98908  
drug's labeling, as approved by the federal food and drug 98909  
administration. 98910

(C) ~~As used in this division, "controlled substance" has the~~ 98911  
~~same meaning as in section 3719.01 of the Revised Code.~~ 98912

The department shall permit a health insuring corporation to 98913  
develop and implement a pharmacy utilization management program 98914  
under which prior authorization through the program is established 98915  
as a condition of obtaining a controlled substance pursuant to a 98916  
prescription. 98917

**Sec. 5167.121.** If a medicaid managed care organization 98918  
intends to terminate a pharmacy's status as a provider of pharmacy 98919  
services for the organization, it shall notify the pharmacy not 98920  
less than ninety days before the termination takes effect. The 98921  
notice shall be sent by regular mail to the pharmacy's address on 98922  
record with the organization. 98923

**Sec. ~~5111.179~~ 5167.13.** Each contract the department of ~~job~~ 98924  
~~and family services~~ medicaid enters into with a managed care 98925  
organization under section ~~5111.17~~ 5167.10 of the Revised Code 98926  
shall require the managed care organization to implement a 98927  
coordinated services program for medicaid recipients enrolled in 98928  
the organization who are found to have obtained ~~prescription~~ 98929



prescribed drugs under the medicaid program at a frequency or in 98930  
an amount that is not medically necessary. The program shall be 98931  
implemented in a manner that is consistent with ~~section 1915(a)(2)~~ 98932  
~~of the "Social Security Act," 95 Stat. 810 (1981)~~ section 98933  
1915(a)(2), 42 U.S.C. 1396n(a)(2), ~~as amended~~, and 42 C.F.R. 98934  
431.54(e). 98935

**Sec. ~~5111.1710~~ 5167.14.** Each contract the department of ~~job~~ 98936  
~~and family services~~ medicaid enters into with a managed care 98937  
organization under section ~~5111.17~~ 5167.10 of the Revised Code 98938  
shall require the managed care organization to enter into a data 98939  
security agreement with the state board of pharmacy governing the 98940  
managed care organization's use of the board's drug database 98941  
established and maintained under section 4729.75 of the Revised 98942  
Code. 98943

This section does not apply if the board no longer maintains 98944  
the drug database. 98945

**Sec. ~~5111.162~~ 5167.20.** (A) ~~As used in this section:~~ 98946  
~~(1) "Emergency services" has the same meaning as in section~~ 98947  
~~1932(b)(2) of the "Social Security Act," 79 Stat. 286 (1965), 42~~ 98948  
~~U.S.C. 1396u-2(b)(2), as amended.~~ 98949

~~(2) "Medicaid managed care organization" means a managed care~~ 98950  
~~organization that has entered into a contract with the department~~ 98951  
~~of job and family services pursuant to section 5111.17 of the~~ 98952  
~~Revised Code.~~ 98953

~~(B)~~ Except as provided in division ~~(C)~~ (B) of this section, 98954  
when a participant in the care management system established under 98955  
~~section 5111.16 of the Revised Code~~ this chapter is enrolled in a 98956  
medicaid managed care organization and the organization refers the 98957  
participant to receive services, other than emergency services 98958  
provided on or after January 1, 2007, at a hospital that 98959

participates in the medicaid program but is not under contract 98960  
with the organization, the hospital shall provide the service for 98961  
which the referral was made and shall accept from the 98962  
organization, as payment in full, the amount derived from the 98963  
~~reimbursement~~ payment rate used by the department to ~~reimburse~~ pay 98964  
other hospitals of the same type for providing the same service to 98965  
a medicaid recipient who is not enrolled in a medicaid managed 98966  
care organization. 98967

~~(C)~~(B) A hospital is not subject to division ~~(B)~~(A) of this 98968  
section if all of the following are the case: 98969

(1) The hospital is located in a county in which participants 98970  
in the care management system are required before January 1, 2006, 98971  
to be enrolled in a medicaid managed care organization that is a 98972  
health insuring corporation; 98973

(2) The hospital has entered into a contract before January 98974  
1, 2006, with at least one health insuring corporation serving the 98975  
participants specified in division ~~(C)~~(B)(1) of this section; 98976

(3) The hospital remains under contract with at least one 98977  
health insuring corporation serving participants in the care 98978  
management system who are required to be enrolled in a health 98979  
insuring corporation. 98980

~~(D)~~(C) The medicaid director ~~of job and family services~~ shall 98981  
adopt rules under section 5167.02 of the Revised Code specifying 98982  
the circumstances under which a medicaid managed care organization 98983  
is permitted to refer a participant in the care management system 98984  
to a hospital that is not under contract with the organization. 98985  
~~The director may adopt any other rules necessary to implement this~~ 98986  
~~section. All rules adopted under this section shall be adopted in~~ 98987  
~~accordance with Chapter 119. of the Revised Code.~~ 98988

**Sec. ~~5111.163~~ 5167.201.** ~~(A) As used in this section:~~ 98989

~~(1) "Emergency services" has the same meaning as in section 1932(b)(2) of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1396u-2(b)(2), as amended.~~ 98990  
98991  
98992

~~(2) "Medicaid managed care organization" has the same meaning as in section 5111.162 of the Revised Code.~~ 98993  
98994

~~(3) "Provider" means any person, institution, or entity that furnishes emergency services to a medicaid recipient enrolled in a medicaid managed care organization, regardless of whether the person, institution, or entity has a provider agreement with the department of job and family services pursuant to Title XIX of the "Social Security Act."~~ 98995  
98996  
98997  
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99000

~~(B) When a participant in the care management system established under section 5111.16 of the Revised Code this chapter is enrolled in a medicaid managed care organization and receives emergency services on or after January 1, 2007, from a provider that is not under contract with the organization, the provider shall accept from the organization, as payment in full, not more than the amounts (less any payments for indirect costs of medical education and direct costs of graduate medical education) that the provider could collect if the participant received medicaid other than through enrollment in a managed care organization.~~ 99001  
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~~An agreement entered into by a participant, a participant's parent, or a participant's legal guardian that requires payment for emergency services in violation of this section is void and unenforceable.~~ 99011  
99012  
99013  
99014

**Sec. ~~5111.982~~ 5167.21.** (A) As used in this section: 99015

(1) "Covered skilled nursing facility services" has the same meaning as in the "Social Security Act," section 1888(e)(2)(A), 42 U.S.C. 1395yy(e)(2)(A). 99016  
99017  
99018

(2) "Current medicare fee-for-service rate" means the 99019

fee-for-service rate in effect for a covered skilled nursing 99020  
facility service under medicare at the time the service is 99021  
provided. 99022

(3) "Skilled nursing facility" has the same meaning as in the 99023  
"Social Security Act," section 1819(a), 42 U.S.C. 1395i-3(a). 99024

(B) Except as provided in division (C) of this section, a 99025  
medicaid managed care organization shall pay a skilled nursing 99026  
facility at least the current medicare fee-for-service rate, 99027  
without deduction for any coinsurance, for covered skilled nursing 99028  
facility services that the skilled nursing facility provides to a 99029  
dual eligible individual if the medicaid managed care organization 99030  
is responsible for the payment under the terms of a contract that 99031  
the medicaid managed care organization, ~~medical assistance~~ 99032  
medicaid director, and United States secretary of health and human 99033  
services jointly enter into under the integrated care delivery 99034  
system authorized by section ~~5111.981~~ 5164.91 of the Revised Code. 99035

(C) A medicaid managed care organization is required to pay 99036  
the rate specified in division (B) of this section for covered 99037  
skilled nursing facility services only if all of the following 99038  
apply: 99039

(1) The United States secretary agrees to the payment rate as 99040  
part of the contract that the medicaid managed care organization, 99041  
~~medical assistance~~ medicaid director, and United States secretary 99042  
jointly enter into under the integrated care delivery system; 99043

(2) The medicaid managed care organization receives a federal 99044  
capitation payment that is an actuarially sufficient amount for 99045  
the costs that the medicaid managed care organization incurs in 99046  
paying the rate; 99047

(3) No state funds are used for any part of the costs that 99048  
the medicaid managed care organization incurs in paying the rate; 99049

(4) The integrated care delivery system provides for dual 99050

eligible individuals to receive the covered skilled nursing 99051  
facility services as part of the system. 99052

**Sec. ~~5111.178~~ 5167.25.** (A) The medicaid director ~~of job and~~ 99053  
~~family services~~ shall determine whether a waiver of federal 99054  
medicaid requirements is necessary to fulfill the requirements of 99055  
section 3901.3814 of the Revised Code. If the director determines 99056  
a waiver is necessary, the department of ~~job and family services~~ 99057  
medicaid shall apply to the United States secretary of health and 99058  
human services for the waiver. 99059

(B)(1) If the director determines that section 3901.3814 of 99060  
the Revised Code can be implemented without a waiver or a waiver 99061  
is granted, the department shall notify the department of 99062  
insurance that the section can be implemented. Implementation of 99063  
the section shall be effective eighteen months after the notice is 99064  
sent. 99065

(2) At the time the notice is given under division (B)(1) of 99066  
this section, the department shall also give notice to each health 99067  
insuring corporation that provides coverage to medicaid 99068  
recipients. The notice shall inform the corporation that sections 99069  
3901.38 and 3901.381 to 3901.3814 of the Revised Code apply to 99070  
claims for services rendered to recipients on the date determined 99071  
under division (B)(1) of this section, instead of the prompt 99072  
payment requirements of 42 C.F.R. 447.46. That date shall be 99073  
specified in the notice. 99074

**Sec. ~~5111.175~~ 5167.26.** For the purpose of determining the 99075  
amount the department of ~~job and family services~~ medicaid pays 99076  
hospitals under section ~~5112.08~~ 5168.09 of the Revised Code and 99077  
the amount of disproportionate share hospital payments paid by the 99078  
medicare program ~~established under Title XVIII of~~ pursuant to the 99079  
"Social Security Act," ~~79 Stat. 286 (1965)~~ section 1915, 42 U.S.C. 99080

1396n, ~~as amended,~~ a medicaid managed care organization ~~under~~ 99081  
~~contract with the department pursuant to section 5111.17 of the~~ 99082  
~~Revised Code authorizing the organization to provide, or arrange~~ 99083  
~~for the provision of, hospital services to medicaid recipients~~ 99084  
shall keep detailed records for each hospital with which it 99085  
contracts ~~about,~~ including records regarding the cost to the 99086  
hospital of providing ~~the~~ hospital services for the organization, 99087  
payments made by the organization to the hospital for the 99088  
services, utilization of hospital services by medicaid recipients 99089  
enrolled in the organization, and other utilization data required 99090  
by the department. 99091

**Sec. ~~5111.1711~~ 5167.30.** (A)(1) The department of ~~job and~~ 99092  
~~family services~~ medicaid shall establish a managed care 99093  
performance payment program. Under the program, the department may 99094  
provide payments to medicaid managed care organizations ~~under~~ 99095  
~~contract with the department pursuant to section 5111.17 of the~~ 99096  
~~Revised Code~~ that meet performance standards established by the 99097  
department. 99098

(2) In establishing performance standards, the department may 99099  
consult any of the following: 99100

(a) Any quality measurements developed under the pediatric 99101  
quality measures program established pursuant to the "Social 99102  
Security Act," section 1139A, 42 U.S.C. 1320b-9a; 99103

(b) Any core set of adult health quality measures for 99104  
medicaid eligible adults used for purposes of the "Social Security 99105  
Act," section 1139A, 42 U.S.C. 1320b-9b, and any adult health 99106  
quality used for purposes of the medicaid quality measurement 99107  
program when the program is established under ~~42 U.S.C. 1320b-9b~~ 99108  
that section of the "Social Security Act"; 99109

(c) The most recent healthcare effectiveness data and 99110  
information set and quality measurement tool established by the 99111

national committee for quality assurance. 99112

(3) The standards that must be met to receive the payments 99113  
may be specified in the contract the department enters into with a 99114  
medicaid managed care organization. 99115

(4) If a medicaid managed care organization meets the 99116  
performance standards established by the department, the 99117  
department shall make one or more performance payments to the 99118  
organization. The amount of each performance payment, the number 99119  
of payments, and the schedule for making the payments shall be 99120  
established by the department. The payments shall be discontinued 99121  
if the department determines that the organization no longer meets 99122  
the performance standards. The department shall not make or 99123  
discontinue payments based on any performance standard that has 99124  
been in effect as part of the organization's contract for less 99125  
than six months. 99126

(B) For purposes of the program, the department shall 99127  
establish an amount that is to be withheld each time a premium 99128  
payment is made to a medicaid managed care organization. The 99129  
amount shall be established as a percentage of each premium 99130  
payment. The percentage shall be the same for all medicaid managed 99131  
care organizations ~~under contract with the department~~. The sum of 99132  
all withholdings under this division shall not exceed ~~one~~ two per 99133  
cent of the total of all premium payments made to all medicaid 99134  
managed care organizations ~~under contract with the department~~. 99135

Each medicaid managed care organization shall agree to the 99136  
withholding as a condition of receiving or maintaining its 99137  
~~medicaid~~ provider agreement with the department. 99138

When the amount is established and each time the amount is 99139  
modified thereafter, the department shall certify the amount to 99140  
the director of budget and management and begin withholding the 99141  
amount from each premium the department pays to a medicaid managed 99142

care organization. 99143

~~(C) There is hereby created in the state treasury the managed 99144  
care performance payment fund. The fund shall consist of amounts 99145  
transferred to it by the director of budget and management for the 99146  
purpose of the program. All investment earnings of the fund shall 99147  
be credited to the fund. Amounts in the fund shall be used solely 99148  
to make performance payments to managed care organizations in 99149  
accordance with this section. 99150~~

~~(D) The department may adopt rules as necessary to implement 99151  
this section. The rules shall be adopted in accordance with 99152  
Chapter 119. of the Revised Code. 99153~~

**Sec. ~~5111.171~~ 5167.31.** The department of ~~job and family 99154  
services~~ medicaid may provide financial incentive awards to 99155  
medicaid managed care organizations ~~under contract with the 99156  
department pursuant to section 5111.17 of the Revised Code that 99157  
meet or exceed performance standards specified in provider 99158  
agreements or rules adopted by the ~~department~~ medicaid director 99159  
under section 5167.02 of the Revised Code. The department may 99160  
specify in a contract with a medicaid managed care organization 99161  
the amounts of financial incentive awards, methodology for 99162  
distributing awards, types of awards, and standards for 99163  
administration by the department. 99164~~

**Sec. ~~5111.173~~ 5167.40.** The department of ~~job and family 99165  
services~~ medicaid shall appoint a temporary manager for a medicaid 99166  
managed care organization under contract with the department 99167  
pursuant to section 5111.17 of the Revised Code if the department 99168  
determines that the medicaid managed care organization has 99169  
repeatedly failed to meet substantive requirements specified in 99170  
~~section 1903(m) of the "Social Security Act," 79 Stat. 286 (1965)~~ 99171  
sections 1903(m) and 1932, 42 U.S.C. 1396b(m), as amended; section 99172



~~1932 of the Social Security Act, 42 U.S.C. and 1396u-2, as~~ 99173  
~~amended; or 42 C.F.R. 438 Part I. The appointment of a temporary~~ 99174  
~~manager does not preclude the department from imposing other~~ 99175  
~~sanctions available to the department against the medicaid managed~~ 99176  
~~care organization.~~ 99177

The medicaid managed care organization shall pay all costs of 99178  
having the temporary manager perform the temporary manager's 99179  
duties, including all costs the temporary manager incurs in 99180  
performing those duties. If the temporary manager incurs costs or 99181  
liabilities on behalf of the medicaid managed care organization, 99182  
the medicaid managed care organization shall pay those costs and 99183  
be responsible for those liabilities. 99184

The appointment of a temporary manager is not subject to 99185  
Chapter 119. of the Revised Code, but the managed care 99186  
organization may request a reconsideration of the appointment. 99187  
Reconsiderations shall be requested and conducted in accordance 99188  
with rules the ~~director of job and family services~~ medicaid 99189  
director shall adopt ~~in accordance with Chapter 119. of~~ under 99190  
section 5167.02 of the Revised Code. 99191

The appointment of a temporary manager does not cause the 99192  
medicaid managed care organization to lose the right to appeal, in 99193  
accordance with Chapter 119. of the Revised Code, any proposed 99194  
termination or any decision not to ~~renew~~ revalidate the medicaid 99195  
managed care organization's ~~medicaid~~ provider agreement or the 99196  
right to initiate the sale of the medicaid managed care 99197  
organization or its assets. 99198

~~In addition to the rules required to be adopted under this~~ 99199  
~~section, the director may adopt any other rules necessary to~~ 99200  
~~implement this section. The rules shall be adopted in accordance~~ 99201  
~~with Chapter 119. of the Revised Code.~~ 99202

~~Sec. 5111.174~~ 5167.41. The department of ~~job and family~~ 99203  
~~services~~ medicaid may disenroll some or all medicaid recipients 99204  
enrolled in a medicaid managed care organization ~~under contract~~ 99205  
~~with the department pursuant to section 5111.17 of the Revised~~ 99206  
~~Code~~ if the department proposes to terminate or not to ~~renew~~ 99207  
revalidate the contract and determines that the recipients' access 99208  
to medically necessary services is jeopardized by the proposal to 99209  
terminate or not to ~~renew~~ revalidate the contract. The 99210  
disenrollment is not subject to Chapter 119. of the Revised Code, 99211  
but the medicaid managed care organization may request a 99212  
reconsideration of the disenrollment. Reconsiderations shall be 99213  
requested and conducted in accordance with rules the medicaid 99214  
~~director of job and family services~~ shall adopt ~~in accordance with~~ 99215  
~~Chapter 119.~~ under section 5167.02 of the Revised Code. The 99216  
request for, or conduct of, a reconsideration regarding a proposed 99217  
disenrollment shall not delay the disenrollment. 99218

~~In addition to the rules required to be adopted under this~~ 99219  
~~section, the director may adopt any other rules necessary to~~ 99220  
~~implement this section. The rules shall be adopted in accordance~~ 99221  
~~with Chapter 119. of the Revised Code.~~ 99222

~~Sec. 5112.01~~ 5168.01. As used in sections ~~5112.03~~ 5168.01 to 99223  
~~5112.21~~ 5168.14 of the Revised Code: 99224

(A) "Bad debt," "charity care," "courtesy care," and 99225  
"contractual allowances" have the same meanings given these terms 99226  
in regulations adopted under Title XVIII of the "Social Security 99227  
Act," 42 U.S.C. 1395 et seq. 99228

(B) "Cost reporting period" means the twelve-month period 99229  
used by a hospital in reporting costs for purposes of Title XVIII 99230  
of the "Social Security Act," 42 U.S.C. 1395 et seq. 99231

(C) "Disproportionate share hospital" means a hospital that 99232

meets the definition of a disproportionate share hospital in rules 99233  
adopted under section 5168.02 of the Revised Code. 99234

(D) "Federal poverty line" means the official poverty line 99235  
defined by the United States office of management and budget based 99236  
on the most recent data available from the United States bureau of 99237  
the census and revised by the United States secretary of health 99238  
and human services pursuant to the "Omnibus Budget Reconciliation 99239  
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 99240

(E) "Governmental hospital" means a county hospital with more 99241  
than five hundred registered beds or a state-owned and -operated 99242  
hospital with more than five hundred registered beds. 99243

(F)(1) "Hospital" means a nonfederal hospital to which either 99244  
of the following applies: 99245

(a) The hospital is registered under section 3701.07 of the 99246  
Revised Code as a general medical and surgical hospital or a 99247  
pediatric general hospital, and provides inpatient hospital 99248  
services, as defined in 42 C.F.R. 440.10; 99249

(b) The hospital is recognized under the medicare program 99250  
established by Title XVIII of the "Social Security Act," 49 Stat. 99251  
620 (1935), 42 U.S.C.A. 301, as amended, as a cancer hospital and 99252  
is exempt from the medicare prospective payment system. 99253

(2) "Hospital" does not include a hospital operated by a 99254  
health insuring corporation that has been issued a certificate of 99255  
authority under section 1751.05 of the Revised Code or a hospital 99256  
that does not charge patients for services. 99257

~~(2) "Disproportionate share hospital" means a hospital that~~ 99258  
~~meets the definition of a disproportionate share hospital in rules~~ 99259  
~~adopted under section 5112.03 of the Revised Code.~~ 99260

~~(B) "Bad debt," "charity care," "courtesy care," and~~ 99261  
~~"contractual allowances" have the same meanings given these terms~~ 99262

~~in regulations adopted under Title XVIII of the "Social Security Act."~~ 99263  
99264

~~(C) "Cost reporting period" means the twelve month period used by a hospital in reporting costs for purposes of Title XVIII of the "Social Security Act."~~ 99265  
99266  
99267

~~(D) "Governmental hospital" means a county hospital with more than five hundred registered beds or a state owned and operated hospital with more than five hundred registered beds.~~ 99268  
99269  
99270

~~(E)~~(G) "Indigent care pool" means the sum of the following: 99271

(1) The total of assessments to be paid in a program year by all hospitals under section ~~5112.06~~ 5168.06 of the Revised Code, less the assessments deposited into the legislative budget services fund under section ~~5112.19~~ 5168.12 of the Revised Code and into the health care services administration fund created under section ~~5111.94~~ 5162.54 of the Revised Code; 99272  
99273  
99274  
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99276  
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(2) The total amount of intergovernmental transfers required to be made in the same program year by governmental hospitals under section ~~5112.07~~ 5168.07 of the Revised Code, less the amount of transfers deposited into the legislative budget services fund under section ~~5112.19~~ 5168.12 of the Revised Code and into the health care services administration fund created under section ~~5111.94~~ 5162.54 of the Revised Code; 99278  
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(3) The total amount of federal matching funds that will be made available in the same program year as a result of funds distributed by the department of ~~job and family services~~ medicaid to hospitals under section ~~5112.08~~ 5168.09 of the Revised Code. 99285  
99286  
99287  
99288

~~(F)~~(H) "Intergovernmental transfer" means any transfer of money by a governmental hospital under section ~~5112.07~~ 5168.07 of the Revised Code. 99289  
99290  
99291

~~(G) "Medical assistance program" means the program of medical~~ 99292

~~assistance established under section 5111.01 of the Revised Code~~ 99293  
~~and Title XIX of the "Social Security Act."~~ 99294

~~(H)~~(I) "Medicaid services" has the same meaning as in section 99295  
5164.01 of the Revised Code. 99296

(J) "Program year" means a period beginning the first day of 99297  
October, or a later date designated in rules adopted under section 99298  
~~5112.03~~ 5168.02 of the Revised Code, and ending the thirtieth day 99299  
of September, or an earlier date designated in rules adopted under 99300  
that section. 99301

~~(I)~~(K) "Registered beds" means the total number of hospital 99302  
beds registered with the department of health, as reported in the 99303  
most recent "directory of registered hospitals" published by the 99304  
department of health. 99305

~~(J)~~(L) "Third-party payer" means any person or government 99306  
entity that may be liable by law or contract to make payment to or 99307  
on behalf of an individual for health care services. "Third-party 99308  
payer" does not include a hospital. 99309

(M) "Total facility costs" means the total costs for all 99310  
services rendered to all patients, including the direct, indirect, 99311  
and overhead cost to the hospital of all services, supplies, 99312  
equipment, and capital related to the care of patients, regardless 99313  
of whether patients are enrolled in a health insuring corporation, 99314  
excluding costs associated with providing skilled nursing services 99315  
in distinct-part nursing facility units, as shown on the 99316  
hospital's cost report filed under section ~~5112.04~~ 5168.05 of the 99317  
Revised Code. Effective October 1, 1993, if rules adopted under 99318  
section ~~5112.03~~ 5168.02 of the Revised Code so provide, "total 99319  
facility costs" may exclude costs associated with providing care 99320  
to recipients of any of the governmental programs listed in 99321  
division (B) of that section. 99322

~~(K)~~(N) "Uncompensated care" means bad debt and charity care. 99323

~~Sec. 5112.03~~ 5168.02. (A) The ~~director of job and family~~ 99324  
~~services shall adopt, and may amend and rescind, medicaid director~~ 99325  
shall adopt rules in accordance with Chapter 119. of the Revised 99326  
Code for the purpose of administering sections ~~5112.01~~ 5168.01 to 99327  
~~5112.21~~ 5168.14 of the Revised Code, including rules that do all 99328  
of the following: 99329

(1) Define as a "disproportionate share hospital" any 99330  
hospital included under ~~subsection (b) of section 1923 of the~~ 99331  
"Social Security Act," ~~49 Stat. 620 (1935)~~ section 1923(b), 42 99332  
U.S.C.A. 1396r-4(b), ~~as amended~~, and any other hospital the 99333  
director determines appropriate; 99334

(2) Prescribe the form for submission of cost reports under 99335  
section ~~5112.04~~ 5168.05 of the Revised Code; 99336

(3) Establish, in accordance with division (A) of section 99337  
~~5112.06~~ 5168.06 of the Revised Code, the assessment rate or rates 99338  
to be applied to hospitals under that section; 99339

(4) Establish schedules for hospitals to pay installments on 99340  
their assessments under section ~~5112.06~~ 5168.06 of the Revised 99341  
Code and for governmental hospitals to pay installments on their 99342  
intergovernmental transfers under section ~~5112.07~~ 5168.07 of the 99343  
Revised Code; 99344

(5) Establish procedures to notify hospitals of adjustments 99345  
made under division (B)(2)(b) of section ~~5112.06~~ 5168.06 of the 99346  
Revised Code in the amount of installments on their assessment; 99347

(6) Establish procedures to notify hospitals of adjustments 99348  
made under division (D) of section ~~5112.09~~ 5168.08 of the Revised 99349  
Code in the total amount of their assessment and to adjust for the 99350  
remainder of the program year the amount of the installments on 99351  
the assessments; 99352

(7) Establish, in accordance with section ~~5112.08~~ 5168.09 of 99353

the Revised Code, the methodology for paying hospitals under that section. 99354  
99355

The director shall consult with hospitals when adopting the rules required by divisions (A)(4) and (5) of this section in order to minimize hospitals' cash flow difficulties. 99356  
99357  
99358

(B) Rules adopted under this section may provide that "total facility costs" excludes costs associated with any of the following: 99359  
99360  
99361

(1) ~~Recipients of the medical assistance program~~ Medicaid recipients; 99362  
99363

(2) Recipients of disability financial assistance provided under Chapter 5115. of the Revised Code; 99364  
99365

(3) Recipients of the program for medically handicapped children established under section 3701.023 of the Revised Code; 99366  
99367

(4) ~~Recipients of the medicare program established under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;~~ Medicare beneficiaries; 99368  
99369  
99370

(5) Recipients of Title V of the "Social Security Act," 42 U.S.C. 701 et seq.,; 99371  
99372

(6) Any other category of costs deemed appropriate by the director in accordance with Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., and the rules adopted under that title. 99373  
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**Sec. ~~5112.05~~ 5168.03.** The requirements of sections ~~5112.06~~ 5168.06 to ~~5112.09~~ 5168.09 of the Revised Code apply only as long as the United States health care financing administration determines that the assessment imposed under section ~~5112.06~~ 5168.06 of the Revised Code is a permissible health care-related tax pursuant to ~~section 1903(w) of the "Social Security Act," 49 Stat. 620 (1935)~~ section 1903(w), 42 U.S.C.A. 1396b(w), as 99377  
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~~amended.~~ Whenever the department of ~~job and family services~~ medicaid is informed that the assessment is an impermissible health care-related tax, the department shall promptly refund to each hospital the amount of money currently in the hospital care assurance program fund created by section ~~5112.18~~ 5168.11 of the Revised Code that has been paid by the hospital under section ~~5112.06~~ 5168.06 or ~~5112.07~~ 5168.07 of the Revised Code, plus any investment earnings on that amount.

**Sec. ~~5112.10~~ 5168.04.** The department of ~~job and family services~~ medicaid shall operate the hospital care assurance program established by sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 of the Revised Code on a program year basis. The department shall complete all program requirements on or before the thirtieth day of September each year.

**Sec. ~~5112.04~~ 5168.05.** (A) Except as provided in division (C) of this section, each hospital, on or before the first day of July of each year or at a later date approved by the medicaid director ~~of job and family services~~, shall submit to the department of ~~job and family services~~ medicaid a financial statement for the preceding calendar year that accurately reflects the income, expenses, assets, liabilities, and net worth of the hospital, and accompanying notes. A hospital that has a fiscal year different from the calendar year shall file its financial statement within one hundred eighty days of the end of its fiscal year or at a later date approved by the director ~~of job and family services~~. The financial statement shall be prepared by an independent certified public accountant and reflect an official audit report prepared in a manner consistent with generally accepted accounting principles. The financial statement shall, to the extent that the hospital has sufficient financial records, show bad debt and charity care separately from courtesy care and contractual



allowances. 99415

(B) Except as provided in division (C) of this section, each 99416  
hospital, within one hundred eighty days after the end of the 99417  
hospital's cost reporting period, shall submit to the department a 99418  
cost report in a format prescribed in rules adopted ~~by the~~ 99419  
~~director of job and family services~~ under section ~~5112.03~~ 5168.02 99420  
of the Revised Code. The department shall grant a hospital an 99421  
extension of the one hundred eighty day period if the health care 99422  
financing administration of the United States department of health 99423  
and human services extends the date by which the hospital must 99424  
submit its cost report for the hospital's cost reporting period. 99425

(C) The director ~~of job and family services~~ may adopt rules 99426  
under section ~~5112.03~~ 5168.02 of the Revised Code specifying 99427  
financial information that must be submitted by hospitals for 99428  
which no financial statement or cost report is available. The 99429  
rules shall specify deadlines for submitting the information. Each 99430  
such hospital shall submit the information specified in the rules 99431  
not later than the deadline specified in the rules. 99432

**Sec. ~~5112.06~~ 5168.06.** (A) For the purpose of distributing 99433  
funds to hospitals under the ~~medical assistance~~ medicaid program 99434  
pursuant to sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 of the 99435  
Revised Code and depositing funds into the legislative budget 99436  
services fund under section ~~5112.19~~ 5168.12 of the Revised Code 99437  
and into the health care services administration fund created 99438  
under section ~~5111.94~~ 5162.54 of the Revised Code, there is hereby 99439  
imposed an assessment on all hospitals. Each hospital's assessment 99440  
shall be based on total facility costs. All hospitals shall be 99441  
assessed according to the rate or rates established each program 99442  
year ~~by the department of job and family services~~ in rules adopted 99443  
under section ~~5112.03~~ 5168.02 of the Revised Code. The department 99444  
shall assess all hospitals uniformly and in a manner consistent 99445

with federal statutes and regulations. During any program year, 99446  
the department shall not assess any hospital more than two per 99447  
cent of the hospital's total facility costs. 99448

The department shall establish an assessment rate or rates 99449  
each program year that will do both of the following: 99450

(1) Yield funds that, when combined with intergovernmental 99451  
transfers and federal matching funds, will produce a program of 99452  
sufficient size to pay a substantial portion of the indigent care 99453  
provided by hospitals; 99454

(2) Yield funds that, when combined with intergovernmental 99455  
transfers and federal matching funds, will produce amounts for 99456  
distribution to disproportionate share hospitals that do not 99457  
exceed, in the aggregate, the limits prescribed by the United 99458  
States health care financing administration under ~~subsection (f)~~ 99459  
~~of section 1923 of the "Social Security Act," 49 Stat. 620 (1935)~~ 99460  
section 1923(f), 42 U.S.C.A. 1396r-4(f), as amended. 99461

(B)(1) Except as provided in division (B)(3) of this section, 99462  
each hospital shall pay its assessment in periodic installments in 99463  
accordance with a schedule established ~~by the director of job and~~ 99464  
~~family services~~ in rules adopted under section ~~5112.03~~ 5168.02 of 99465  
the Revised Code. 99466

(2) The installments shall be equal in amount, unless either 99467  
of the following applies: 99468

(a) The department makes adjustments during a program year 99469  
under division (D) of section ~~5112.09~~ 5168.08 of the Revised Code 99470  
in the total amount of hospitals' assessments; 99471

(b) The medicaid director ~~of job and family services~~ 99472  
determines that adjustments in the amounts of installments are 99473  
necessary for the administration of sections ~~5112.01~~ 5168.01 to 99474  
~~5112.21~~ 5168.14 of the Revised Code and that unequal installments 99475  
will not create cash flow difficulties for hospitals. 99476

(3) The director may adopt rules under section ~~5112.03~~ 99477  
5168.02 of the Revised Code establishing alternate schedules for 99478  
hospitals to pay assessments under this section in order to reduce 99479  
hospitals' cash flow difficulties. 99480

**Sec. ~~5112.07~~ 5168.07.** (A) The department of ~~job and family~~ 99481  
~~services~~ medicaid may require governmental hospitals to make 99482  
intergovernmental transfers each program year for the purpose of 99483  
distributing funds to hospitals under the ~~medical assistance~~ 99484  
medicaid program pursuant to sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 99485  
5168.14 of the Revised Code and depositing funds into the 99486  
legislative budget services fund under section ~~5112.19~~ 5168.12 of 99487  
the Revised Code and into the health care services administration 99488  
fund created under section ~~5111.94~~ 5162.54 of the Revised Code. 99489  
The department shall not require transfers in an amount that, when 99490  
combined with hospital assessments paid under section ~~5112.06~~ 99491  
5168.06 of the Revised Code and federal matching funds, produce 99492  
amounts for distribution to disproportionate share hospitals that, 99493  
in the aggregate, exceed limits prescribed by the United States 99494  
health care financing administration under ~~subsection (f) of~~ 99495  
~~section 1923 of the "Social Security Act," 49 Stat. 620 (1935)~~ 99496  
section 1923(f), 42 U.S.C.A. 1396r-4(f), ~~as amended.~~ 99497

(B) Before or during each program year, the department shall 99498  
notify each governmental hospital of the amount of the 99499  
intergovernmental transfer it is required to make during the 99500  
program year. Each governmental hospital shall make 99501  
intergovernmental transfers as required by the department under 99502  
this section in periodic installments, executed by electronic fund 99503  
transfer, in accordance with a schedule established in rules 99504  
adopted under section ~~5112.03~~ 5168.02 of the Revised Code. 99505

**Sec. ~~5112.09~~ 5168.08.** (A) Before or during each program year, 99506  
the department of ~~job and family services~~ medicaid shall mail to 99507

each hospital by certified mail, return receipt requested, the 99508  
preliminary determination of the amount that the hospital is 99509  
assessed under section ~~5112.06~~ 5168.06 of the Revised Code during 99510  
the program year. The preliminary determination of a hospital's 99511  
assessment shall be calculated for a cost-reporting period that is 99512  
specified in rules adopted under section ~~5112.03~~ 5168.02 of the 99513  
Revised Code. 99514

The department shall consult with hospitals each year when 99515  
determining the date on which it will mail the preliminary 99516  
determinations in order to minimize hospitals' cash flow 99517  
difficulties. 99518

If no hospital submits a request for reconsideration under 99519  
division (B) of this section, the preliminary determination 99520  
constitutes the final reconciliation of each hospital's assessment 99521  
under section ~~5112.06~~ 5168.06 of the Revised Code. The final 99522  
reconciliation is subject to adjustments under division (D) of 99523  
this section. 99524

(B) Not later than fourteen days after the preliminary 99525  
determinations are mailed, any hospital may submit to the 99526  
department a written request to reconsider the preliminary 99527  
determinations. The request shall be accompanied by written 99528  
materials setting forth the basis for the reconsideration. If one 99529  
or more hospitals submit a request, the department shall hold a 99530  
public hearing not later than thirty days after the preliminary 99531  
determinations are mailed to reconsider the preliminary 99532  
determinations. The department shall mail to each hospital a 99533  
written notice of the date, time, and place of the hearing at 99534  
least ten days prior to the hearing. On the basis of the evidence 99535  
submitted to the department or presented at the public hearing, 99536  
the department shall reconsider and may adjust the preliminary 99537  
determinations. The result of the reconsideration is the final 99538  
reconciliation of the hospital's assessment under section ~~5112.06~~ 99539

5168.06 of the Revised Code. The final reconciliation is subject 99540  
to adjustments under division (D) of this section. 99541

(C) The department shall mail to each hospital a written 99542  
notice of its assessment for the program year under the final 99543  
reconciliation. A hospital may appeal the final reconciliation of 99544  
its assessment to the court of common pleas of Franklin county. 99545  
While a judicial appeal is pending, the hospital shall pay, in 99546  
accordance with the schedules required by division (B) of section 99547  
~~5112.06~~ 5168.06 of the Revised Code, any amount of its assessment 99548  
that is not in dispute into the hospital care assurance program 99549  
fund created in section ~~5112.18~~ 5168.11 of the Revised Code. 99550

(D) In the course of any program year, the department may 99551  
adjust the assessment rate or rates established in rules pursuant 99552  
to section ~~5112.06~~ 5168.06 of the Revised Code or adjust the 99553  
amounts of intergovernmental transfers required under section 99554  
~~5112.07~~ 5168.07 of the Revised Code and, as a result of the 99555  
adjustment, adjust each hospital's assessment and 99556  
intergovernmental transfer, to reflect refinements made by the 99557  
United States health care financing administration during that 99558  
program year to the limits it prescribed under ~~subsection (f) of~~ 99559  
~~section 1923 of the "Social Security Act," 49 Stat. 620 (1935)~~ 99560  
section 1923(f), 42 U.S.C.A. 1396r-4(f), ~~as amended~~. When 99561  
adjusted, the assessment rate or rates must comply with division 99562  
(A) of section ~~5112.06~~ 5168.06 of the Revised Code. An adjusted 99563  
intergovernmental transfer must comply with division (A) of 99564  
section ~~5112.07~~ 5168.07 of the Revised Code. The department shall 99565  
notify hospitals of adjustments made under this division and 99566  
adjust for the remainder of the program year the installments paid 99567  
by hospitals under sections ~~5112.06~~ 5168.06 and ~~5112.07~~ 5168.07 of 99568  
the Revised Code in accordance with rules adopted under section 99569  
~~5112.03~~ 5168.02 of the Revised Code. 99570

~~Sec. 5112.08~~ 5168.09. The medicaid director ~~of job and family~~ 99571  
~~services~~ shall adopt rules under section ~~5112.03~~ 5168.02 of the 99572  
Revised Code establishing a methodology to pay hospitals that is 99573  
sufficient to expend all money in the indigent care pool. Under 99574  
the rules: 99575

(A) The department of ~~job and family services~~ medicaid may 99576  
classify similar hospitals into groups and allocate funds for 99577  
distribution within each group. 99578

(B) The department shall establish a method of allocating 99579  
funds to hospitals, taking into consideration the relative amount 99580  
of indigent care provided by each hospital or group of hospitals. 99581  
The amount to be allocated shall be based on any combination of 99582  
the following indicators of indigent care that the director 99583  
considers appropriate: 99584

(1) Total costs, volume, or proportion of services to 99585  
recipients of the medical assistance program, including recipients 99586  
enrolled in health insuring corporations; 99587

(2) Total costs, volume, or proportion of services to 99588  
low-income patients in addition to medicaid recipients ~~of the~~ 99589  
~~medical assistance program~~, which may include recipients of Title 99590  
V of the "Social Security Act," ~~49 Stat. 620 (1935)~~, 42 U.S.C.A. 99591  
~~301 701 et seq., as amended~~, and recipients of disability 99592  
financial assistance provided under Chapter 5115. of the Revised 99593  
Code; 99594

(3) The amount of uncompensated care provided by the hospital 99595  
or group of hospitals; 99596

(4) Other factors that the director considers to be 99597  
appropriate indicators of indigent care. 99598

(C) The department shall distribute funds to each hospital or 99599  
group of hospitals in a manner that first may provide for an 99600

additional distribution to individual hospitals that provide a 99601  
high proportion of indigent care in relation to the total care 99602  
provided by the hospital or in relation to other hospitals. The 99603  
department shall establish a formula to distribute the remainder 99604  
of the funds. The formula shall be consistent with ~~section 1923~~ of 99605  
the "Social Security Act," section 1923, 42 U.S.C.A. 1396r-4, ~~as~~ 99606  
~~amended~~, and shall be based on any combination of the indicators 99607  
of indigent care listed in division (B) of this section that the 99608  
director considers appropriate. 99609

(D) The department shall distribute funds to each hospital in 99610  
installments not later than ten working days after the deadline 99611  
established in rules for each hospital to pay an installment on 99612  
its assessment under section ~~5112.06~~ 5168.06 of the Revised Code. 99613  
In the case of a governmental hospital that makes 99614  
intergovernmental transfers, the department shall pay an 99615  
installment under this section not later than ten working days 99616  
after the earlier of that deadline or the deadline established in 99617  
rules for the governmental hospital to pay an installment on its 99618  
intergovernmental transfer. If the amount in the hospital care 99619  
assurance program fund created under section ~~5112.18~~ 5168.11 of 99620  
the Revised Code and the portion of the health care - federal fund 99621  
created under section ~~5111.943~~ 5162.50 of the Revised Code that is 99622  
credited to that fund pursuant to division (B) of section ~~5112.18~~ 99623  
5168.11 of the Revised Code are insufficient to make the total 99624  
distributions for which hospitals are eligible to receive in any 99625  
period, the department shall reduce the amount of each 99626  
distribution by the percentage by which the amount and portion are 99627  
insufficient. The department shall distribute to hospitals any 99628  
amounts not distributed in the period in which they are due as 99629  
soon as moneys are available in the funds. 99630

**Sec. ~~5112.11~~ 5168.10.** Except for moneys deposited into the 99631  
legislative budget services fund under section ~~5112.19~~ 5168.12 of 99632

the Revised Code and the health care services administration fund 99633  
created under section ~~5111.94~~ 5162.54 of the Revised Code, the 99634  
department of ~~job and family services~~ medicaid shall not use money 99635  
paid to the department under sections ~~5112.06~~ 5168.06 and ~~5112.07~~ 99636  
5168.07 of the Revised Code or money that the department pays to 99637  
hospitals under section ~~5112.08~~ 5168.09 of the Revised Code to 99638  
replace any funds appropriated by the general assembly for the 99639  
~~medical assistance~~ medicaid program. 99640

**Sec. ~~5112.18~~ 5168.11.** (A) Except as provided in section 99641  
~~5112.19~~ 5168.12 of the Revised Code, all payments of assessments 99642  
by hospitals under section ~~5112.06~~ 5168.06 of the Revised Code and 99643  
all intergovernmental transfers under section ~~5112.07~~ 5168.07 of 99644  
the Revised Code shall be deposited in the state treasury to the 99645  
credit of the hospital care assurance program fund, hereby 99646  
created. All investment earnings of the hospital care assurance 99647  
program fund shall be credited to the fund. The department of ~~job~~ 99648  
~~and family services~~ medicaid shall maintain records that show the 99649  
amount of money in the hospital care assurance program fund at any 99650  
time that has been paid by each hospital and the amount of any 99651  
investment earnings on that amount. All moneys credited to the 99652  
hospital care assurance program fund shall be used solely to make 99653  
payments to hospitals under division (D) of this section and 99654  
section ~~5112.08~~ 5168.09 of the Revised Code. 99655

(B) All federal matching funds received as a result of the 99656  
department distributing funds from the hospital care assurance 99657  
program fund to hospitals under section ~~5112.08~~ 5168.09 of the 99658  
Revised Code shall be credited to the health care - federal fund 99659  
created under section ~~5111.943~~ 5162.50 of the Revised Code. 99660

(C) All distributions of funds to hospitals under section 99661  
~~5112.08~~ 5168.09 of the Revised Code are conditional on: 99662

(1) Expiration of the time for appeals under section ~~5112.09~~ 99663



5168.08 of the Revised Code without the filing of an appeal, or on court determinations, in the event of appeals, that the hospital is entitled to the funds;

(2) The sum of the following being sufficient to distribute the funds after the final determination of any appeals:

(a) The available money in the hospital care assurance program fund;

(b) The available portion of the money in the health care - federal fund that is credited to that fund pursuant to division (B) of this section.

(3) The hospital's compliance with section ~~5112.17~~ 5168.14 of the Revised Code.

(D) If an audit conducted by the department of the amounts of payments made and funds received by hospitals under sections ~~5112.06~~ 5168.06, ~~5112.07~~ 5168.07, and ~~5112.08~~ 5168.09 of the Revised Code identifies amounts that, due to errors by the department, a hospital should not have been required to pay but did pay, should have been required to pay but did not pay, should not have received but did receive, or should have received but did not receive, the department shall:

(1) Make payments to any hospital that the audit reveals paid amounts it should not have been required to pay or did not receive amounts it should have received;

(2) Take action to recover from a hospital any amounts that the audit reveals it should have been required to pay but did not pay or that it should not have received but did receive.

Payments made under division (D)(1) of this section shall be made from the hospital care assurance program fund. Amounts recovered under division (D)(2) of this section shall be deposited to the credit of that fund. Any hospital may appeal the amount the

hospital is to be paid under division (D)(1) or the amount that is 99694  
to be recovered from the hospital under division (D)(2) of this 99695  
section to the court of common pleas of Franklin county. 99696

**Sec. ~~5112.19~~ 5168.12.** From the first installment of 99697  
assessments paid under section ~~5112.06~~ 5168.06 of the Revised Code 99698  
and intergovernmental transfers made under section ~~5112.07~~ 5168.07 99699  
of the Revised Code during each program year beginning in an 99700  
odd-numbered calendar year, the department of ~~job and family~~ 99701  
~~services~~ medicaid shall deposit into the state treasury to the 99702  
credit of the legislative budget services fund, which is hereby 99703  
created, a total amount equal to the amount by which the biennial 99704  
appropriation from that fund exceeds the amount of unexpended, 99705  
unencumbered moneys in that fund. All investment earnings of the 99706  
legislative budget services fund shall be credited to that fund. 99707  
Money in the legislative budget services fund shall be used solely 99708  
to pay the expenses of the legislative budget office of the 99709  
legislative service commission. 99710

**Sec. ~~5112.21~~ 5168.13.** Except as specifically required by 99711  
sections ~~5112.01~~ 5168.01 to ~~5112.19~~ 5168.14 of the Revised Code, 99712  
information filed under those sections shall not include any 99713  
patient-identifying material. Information that includes 99714  
patient-identifying material is not a public record under section 99715  
149.43 of the Revised Code, and no patient-identifying material 99716  
shall be released publicly by the department of ~~job and family~~ 99717  
~~services~~ medicaid or by any person under contract with the 99718  
department who has access to such information. 99719

**Sec. ~~5112.17~~ 5168.14.** (A) ~~As used in this section:~~ 99720

~~(1) "Federal poverty guideline" means the official poverty~~ 99721  
~~guideline as revised annually by the United States secretary of~~ 99722  
~~health and human services in accordance with section 673 of the~~ 99723

~~"Community Service Block Grant Act," 95 Stat. 511 (1981), 42 U.S.C.A. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.~~

~~(2) "Third party payer" means any private or public entity or program that may be liable by law or contract to make payment to or on behalf of an individual for health care services. "Third party payer" does not include a hospital.~~

~~(B) Each hospital that receives funds distributed under sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 of the Revised Code shall provide, without charge to the individual, basic, medically necessary hospital-level services to individuals who are residents of this state, are not medicaid recipients ~~of the medical assistance program~~, and whose income is at or below the federal poverty ~~guideline~~ line. Recipients of disability financial assistance provided under Chapter 5115. of the Revised Code qualify for services under this section. The medicaid director ~~of job and family services~~ shall adopt rules under section ~~5112.03~~ 5168.02 of the Revised Code specifying the hospital services to be provided under this section.~~

~~(C)~~(B) Nothing in this section shall be construed to prevent a hospital from requiring an individual to apply for ~~eligibility under the medical assistance~~ medicaid program before the hospital processes an application under this section. Hospitals may bill any third-party payer for services rendered under this section. Hospitals may bill the ~~medical assistance~~ medicaid program, in accordance with ~~Chapter 5111. of the Revised Code~~ state statutes governing the medicaid program and ~~the rules adopted under that chapter~~ those statutes, for medicaid services rendered under this section if the individual becomes a medicaid recipient ~~of the program~~. Hospitals may bill individuals for services under this section if all of the following apply:

(1) The hospital has an established post-billing procedure

for determining the individual's income and canceling the charges 99756  
if the individual is found to qualify for services under this 99757  
section. 99758

(2) The initial bill, and at least the first follow-up bill, 99759  
is accompanied by a written statement that does all of the 99760  
following: 99761

(a) Explains that individuals with income at or below the 99762  
federal poverty ~~guideline~~ line are eligible for services without 99763  
charge; 99764

(b) Specifies the federal poverty ~~guideline~~ line for 99765  
individuals and families of various sizes at the time the bill is 99766  
sent; 99767

(c) Describes the procedure required by division (C)(1) of 99768  
this section. 99769

(3) The hospital complies with any additional rules ~~the~~ 99770  
~~department adopts~~ adopted under section ~~5112.03~~ 5168.02 of the 99771  
Revised Code. 99772

Notwithstanding division (B) of this section, a hospital 99773  
providing care to an individual under this section is subrogated 99774  
to the rights of any individual to receive compensation or 99775  
benefits from any person or governmental entity for the hospital 99776  
goods and services rendered. 99777

~~(D)~~(C) Each hospital shall collect and report to the 99778  
department of medicaid, in the form and manner prescribed by the 99779  
department, information on the number and identity of patients 99780  
served pursuant to this section. 99781

~~(E)~~(D) This section applies beginning May 22, 1992, 99782  
regardless of whether ~~the department has adopted~~ rules specifying 99783  
the services to be provided have been adopted. Nothing in this 99784  
section alters the scope or limits the obligation of any 99785

governmental entity or program, including the program awarding 99786  
reparations to victims of crime under sections 2743.51 to 2743.72 99787  
of the Revised Code and the program for medically handicapped 99788  
children established under section 3701.023 of the Revised Code, 99789  
to pay for hospital services in accordance with state or local 99790  
law. 99791

**Sec. ~~5112.40~~ 5168.20.** As used in sections ~~5112.40~~ 5168.20 to 99792  
~~5112.48~~ 5168.28 of the Revised Code: 99793

(A) "Applicable assessment percentage" means the percentage 99794  
specified in rules adopted under section ~~5112.46~~ 5168.26 of the 99795  
Revised Code that is used in calculating a hospital's assessment 99796  
under section ~~5112.41~~ 5168.21 of the Revised Code. 99797

(B) "Assessment program year" means the twelve-month period 99798  
beginning the first day of October of a calendar year and ending 99799  
the last day of September of the following calendar year. 99800

(C) "Cost reporting period" means the period of time used by 99801  
a hospital in reporting costs for purposes of the medicare 99802  
program. 99803

(D) "Federal fiscal year" means the twelve-month period 99804  
beginning the first day of October of a calendar year and ending 99805  
the last day of September of the following calendar year. 99806

(E)(1) Except as provided in division (E)(2) of this section, 99807  
"hospital" means a hospital to which any of the following applies: 99808

(a) The hospital is registered under section 3701.07 of the 99809  
Revised Code as a general medical and surgical hospital or a 99810  
pediatric general hospital and provides inpatient hospital 99811  
services, as defined in 42 C.F.R. 440.10. 99812

(b) The hospital is recognized under the medicare program as 99813  
a cancer hospital and is exempt from the medicare prospective 99814  
payment system. 99815

(c) The hospital is a psychiatric hospital licensed under section ~~5119.20~~ 5119.33 of the Revised Code. 99816  
99817

(2) "Hospital" does not include either of the following: 99818

(a) A federal hospital; 99819

(b) A hospital that does not charge any of its patients for its services. 99820  
99821

(F) "Hospital care assurance program" means the program established under sections ~~5112.01~~ 5168.01 to ~~5112.21~~ 5168.14 of the Revised Code. 99822  
99823  
99824

~~(G) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.~~ 99825  
99826

~~(H) "Medicare" means the program established under Title XVIII of the Social Security Act.~~ 99827  
99828

~~(I)~~ "State fiscal year" means the twelve-month period beginning the first day of July of a calendar year and ending the last day of June of the following calendar year. 99829  
99830  
99831

~~(J)~~(H)(1) Except as provided in divisions ~~(J)~~(H)(2) and (3) of this section, "total facility costs" means the total costs to a hospital for all care provided to all patients, including the direct, indirect, and overhead costs to the hospital of all services, supplies, equipment, and capital related to the care of patients, regardless of whether patients are enrolled in a health insuring corporation. 99832  
99833  
99834  
99835  
99836  
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99838

(2) "Total facility costs" excludes all of the following of a hospital's costs as shown on the cost-reporting data used for purposes of determining the hospital's assessment under section ~~5112.41~~ 5168.21 of the Revised Code: 99839  
99840  
99841  
99842

(a) Skilled nursing services provided in distinct-part nursing facility units; 99843  
99844

(b) Home health services; 99845

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (c) Hospice services;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 99846                                                                                                                                                                   |
| (d) Ambulance services;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 99847                                                                                                                                                                   |
| (e) Renting durable medical equipment;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 99848                                                                                                                                                                   |
| (f) Selling durable medical equipment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 99849                                                                                                                                                                   |
| (3) "Total facility costs" excludes any costs excluded from a hospital's total facility costs pursuant to rules, if any, adopted under division (B)(1) of section <del>5112.46</del> <u>5168.26</u> of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 99850<br>99851<br>99852<br>99853                                                                                                                                        |
| <b>Sec. <del>5112.41</del> <u>5168.21</u>.</b> (A) For the purposes specified in section <del>5112.45</del> <u>5168.25</u> of the Revised Code and subject to section <del>5112.48</del> <u>5168.28</u> of the Revised Code, there is hereby imposed an assessment on all hospitals each assessment program year. The amount of a hospital's assessment for an assessment program year shall equal the applicable assessment percentage of the hospital's total facility costs for the period of time specified in division (B) of this section. The amount of a hospital's total facility costs shall be derived from cost-reporting data for the hospital submitted to the department of <del>job and family services</del> <u>medicaid</u> for purposes of the hospital care assurance program. If a hospital has not submitted that cost-reporting data to the department, the amount of a hospital's total facility costs shall be derived from other financial statements that the hospital shall provide to the department as directed by the department. The cost-reporting data or financial statements used to determine a hospital's assessment is subject to the same type of adjustments made to the cost-reporting data under the hospital care assurance program. | 99854<br>99855<br>99856<br>99857<br>99858<br>99859<br>99860<br>99861<br>99862<br>99863<br>99864<br>99865<br>99866<br>99867<br>99868<br>99869<br>99870<br>99871<br>99872 |
| (B) The period of time specified in this division is the hospital's cost reporting period that ends in the state fiscal year that ends in the federal fiscal year that precedes the                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 99873<br>99874<br>99875                                                                                                                                                 |

federal fiscal year that precedes the assessment program year for 99876  
which the assessment is imposed. 99877

(C) The assessment imposed by this section on a hospital is 99878  
in addition to the assessment imposed by section ~~5112.06~~ 5168.06 99879  
of the Revised Code. 99880

**Sec. ~~5112.42~~ 5168.22.** (A) Before or during each assessment 99881  
program year, the department of ~~job and family services~~ medicaid 99882  
shall mail to each hospital by certified mail, return receipt 99883  
requested, the preliminary determination of the amount that the 99884  
hospital is assessed under section ~~5112.41~~ 5168.21 of the Revised 99885  
Code for the assessment program year. Except as provided in 99886  
division (B) of this section, the preliminary determination 99887  
becomes the final determination for the assessment program year 99888  
fifteen days after the preliminary determination is mailed to the 99889  
hospital. 99890

(B) A hospital may request that the department reconsider the 99891  
preliminary determination mailed to the hospital under division 99892  
(A) of this section by submitting to the department a written 99893  
request for a reconsideration not later than fourteen days after 99894  
the hospital's preliminary determination is mailed to the 99895  
hospital. The request must be accompanied by written materials 99896  
setting forth the basis for the reconsideration. On receipt of the 99897  
timely request, the department shall reconsider the preliminary 99898  
determination and may adjust the preliminary determination on the 99899  
basis of the written materials accompanying the request. The 99900  
result of the reconsideration is the final determination of the 99901  
hospital's assessment under section ~~5112.41~~ 5168.21 of the Revised 99902  
Code for the assessment program year. 99903

(C) The department shall mail to each hospital a written 99904  
notice of the final determination of its assessment for the 99905  
assessment program year. A hospital may appeal the final 99906



determination to the court of common pleas of Franklin county. 99907  
While a judicial appeal is pending, the hospital shall pay, in 99908  
accordance with section ~~5112.43~~ 5168.23 of the Revised Code, any 99909  
amount of its assessment that is not in dispute. 99910

**Sec. ~~5112.43~~ 5168.23.** Unless rules adopted under section 99911  
~~5112.46~~ 5168.26 of the Revised Code establish a different payment 99912  
schedule, each hospital shall pay the amount it is assessed under 99913  
section ~~5112.41~~ 5168.21 of the Revised Code in accordance with the 99914  
following payment schedule: 99915

(A) Twenty-eight per cent of a hospital's assessment is due 99916  
on the last business day of October of each assessment program 99917  
year. 99918

(B) Thirty-one per cent of a hospital's assessment is due on 99919  
the last business day of February of each assessment program year. 99920

(C) Forty-one per cent of a hospital's assessment is due on 99921  
the last business day of May of each assessment program year. 99922

**Sec. ~~5112.44~~ 5168.24.** The department of ~~job and family~~ 99923  
~~services~~ medicaid may audit a hospital to ensure that the hospital 99924  
properly pays the amount it is assessed under section ~~5112.41~~ 99925  
5168.21 of the Revised Code. The department shall take action to 99926  
recover from a hospital any amount the audit reveals that the 99927  
hospital should have paid but did not pay. 99928

**Sec. ~~5112.45~~ 5168.25.** There is hereby created in the state 99929  
treasury the hospital assessment fund. All installment payments 99930  
made by hospitals under section ~~5112.43~~ 5168.23 of the Revised 99931  
Code and all recoveries the department of ~~job and family services~~ 99932  
medicaid makes under section ~~5112.44~~ 5168.24 of the Revised Code 99933  
shall be deposited into the fund. All investment earnings of the 99934  
fund shall be credited to the fund. The department shall use money 99935

in the fund to pay for the costs of the medicaid program, 99936  
including the program's administrative costs. 99937

**Sec. ~~5112.46~~ 5168.26.** (A) ~~The director of job and family~~ 99938  
~~services shall adopt, amend, and rescind~~ medicaid director shall 99939  
adopt rules in accordance with Chapter 119. of the Revised Code as 99940  
necessary to implement sections ~~5112.40~~ 5168.20 to ~~5112.48~~ 5168.28 99941  
of the Revised Code, including rules that specify the percentage 99942  
of hospitals' total facility costs to be used in calculating 99943  
hospitals' assessments under section ~~5112.41~~ 5168.21 of the 99944  
Revised Code. 99945

(B) The rules adopted under this section may do the 99946  
following: 99947

(1) Provide that a hospital's total facility costs for the 99948  
purpose of the assessment under section ~~5112.41~~ 5168.21 of the 99949  
Revised Code exclude any of the following: 99950

(a) A hospital's costs associated with providing care to 99951  
recipients of any of the following: 99952

(i) The medicaid program; 99953

(ii) The medicare program; 99954

(iii) The disability financial assistance program established 99955  
under Chapter 5115. of the Revised Code; 99956

(iv) The program for medically handicapped children 99957  
established under section 3701.023 of the Revised Code; 99958

(v) Services provided under the maternal and child health 99959  
services block grant established under Title V of the "Social 99960  
Security Act," 42 U.S.C. 701 et seq. 99961

(b) Any other category of hospital costs the director deems 99962  
appropriate under federal law and regulations governing the 99963  
medicaid program. 99964

(2) Subject to division (C) of this section, provide for the percentage of hospitals' total facility costs used in calculating hospitals' assessments to vary for different hospitals;

(3) To reduce hospitals' cash flow difficulties, establish a schedule for hospitals to pay their assessments that is different from the schedule established under section ~~5112.43~~ 5168.23 of the Revised Code.

(C) Before adopting rules authorized by division (B)(2) of this section that establish varied percentages to be used in calculating hospitals' assessments, the director shall obtain a waiver from the United States secretary of health and human services under ~~section 1903(w)(3)(E) of the "Social Security Act," 105 Stat. 1796 (1991)~~ section 1903(w)(3)(E), 42 U.S.C. 1396b(w)(3)(E), as amended, if the varied percentages would cause the assessments to not be imposed uniformly.

**Sec. ~~5112.47~~ 5168.27.** The medicaid director ~~of job and family services~~ shall implement the assessment imposed by section ~~5112.41~~ 5168.21 of the Revised Code in a manner that does not cause a reduction in federal financial participation for the medicaid program under the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w).

**Sec. ~~5112.48~~ 5168.28.** If the United States secretary of health and human services determines that the assessment imposed by section ~~5112.41~~ 5168.21 of the Revised Code is an impermissible health care-related tax under the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w), the medicaid director ~~of job and family services~~ shall take all necessary actions to cease implementation of sections ~~5112.40~~ 5168.20 to ~~5112.47~~ 5168.27 of the Revised Code and shall promptly refund to each hospital the amount of money in the hospital assessment fund at the time the

refund is to be made that the hospital paid under section ~~5112.43~~ 99995  
5168.23 of the Revised Code, plus any corresponding investment 99996  
earnings on that amount. 99997

**Sec. ~~3721.50~~ 5168.40.** As used in sections ~~3721.50~~ 5168.40 to 99998  
~~3721.58~~ 5168.56 of the Revised Code: 99999

(A) "Bed surrender" means the following: 100000

(1) In the case of a nursing home, the removal of a bed from 100001  
a nursing home's licensed capacity in a manner that reduces the 100002  
total licensed capacity of all nursing homes; 100003

(2) In the case of a hospital, the removal of a hospital bed 100004  
from registration under section 3701.07 of the Revised Code as a 100005  
skilled nursing facility bed or long-term care bed in a manner 100006  
that reduces the total number of hospital beds registered under 100007  
that section as skilled nursing facility beds or long-term care 100008  
beds. 100009

(B) "Change of operator" means an entering operator becoming 100010  
the operator of a nursing home or hospital in the place of the 100011  
exiting operator. 100012

(1) Actions that constitute a change of operator include the 100013  
following: 100014

(a) A change in an exiting operator's form of legal 100015  
organization, including the formation of a partnership or 100016  
corporation from a sole proprietorship; 100017

(b) A transfer of all the exiting operator's ownership 100018  
interest in the operation of the nursing home or hospital to the 100019  
entering operator, regardless of whether ownership of any or all 100020  
of the real property or personal property associated with the 100021  
nursing home or hospital is also transferred; 100022

(c) A lease of the nursing home or hospital to the entering 100023

|                                                                                                                                                                                                                                                |        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| operator or the exiting operator's termination of the exiting operator's lease;                                                                                                                                                                | 100024 |
|                                                                                                                                                                                                                                                | 100025 |
| (d) If the exiting operator is a partnership, dissolution of the partnership;                                                                                                                                                                  | 100026 |
|                                                                                                                                                                                                                                                | 100027 |
| (e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:                                                                                                                   | 100028 |
|                                                                                                                                                                                                                                                | 100029 |
| (i) The change in composition does not cause the partnership's dissolution under state law.                                                                                                                                                    | 100030 |
|                                                                                                                                                                                                                                                | 100031 |
| (ii) The partners agree that the change in composition does not constitute a change in operator.                                                                                                                                               | 100032 |
|                                                                                                                                                                                                                                                | 100033 |
| (f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation. | 100034 |
|                                                                                                                                                                                                                                                | 100035 |
|                                                                                                                                                                                                                                                | 100036 |
|                                                                                                                                                                                                                                                | 100037 |
| (2) The following, alone, do not constitute a change of operator:                                                                                                                                                                              | 100038 |
|                                                                                                                                                                                                                                                | 100039 |
| (a) A contract for an entity to manage a nursing home or hospital as the operator's agent, subject to the operator's approval of daily operating and management decisions;                                                                     | 100040 |
|                                                                                                                                                                                                                                                | 100041 |
|                                                                                                                                                                                                                                                | 100042 |
| (b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing home or hospital if an entering operator does not become the operator in place of an exiting operator;             | 100043 |
|                                                                                                                                                                                                                                                | 100044 |
|                                                                                                                                                                                                                                                | 100045 |
|                                                                                                                                                                                                                                                | 100046 |
| (c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.     | 100047 |
|                                                                                                                                                                                                                                                | 100048 |
|                                                                                                                                                                                                                                                | 100049 |
|                                                                                                                                                                                                                                                | 100050 |
| (C) "Effective date of a change of operator" means the day an entering operator becomes the operator of a nursing home or hospital.                                                                                                            | 100051 |
|                                                                                                                                                                                                                                                | 100052 |
|                                                                                                                                                                                                                                                | 100053 |

(D) "Entering operator" means the person or government entity that will become the operator of a nursing home or hospital on the effective date of a change of operator.

(E) "Exiting operator" means an operator that will cease to be the operator of a nursing home or hospital on the effective date of a change of operator.

(F) "Franchise permit fee rate" means the ~~following~~:

~~(1) For fiscal year 2012, eleven dollars and forty seven cents;~~

~~(2) For fiscal year 2013 and each fiscal year thereafter, eleven dollars and sixty seven cents rate determined in accordance with section 5168.41 of the Revised Code.~~

(G) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(H) "Hospital long-term care unit" means any distinct part of a hospital in which any of the following beds are located:

(1) Beds registered pursuant to section 3701.07 of the Revised Code as skilled nursing facility beds or long-term care beds;

(2) Beds licensed as nursing home beds under section 3721.02 or 3721.09 of the Revised Code.

(I) "Indirect guarantee percentage" means the percentage specified in ~~section 1903(w)(4)(C)(ii) of the "Social Security Act," 120 Stat. 2994 (2006)~~ section 1903(w)(4)(C)(ii), 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a class of providers is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following:

(1) For the part of the fiscal year before the change takes

effect, the percentage in effect before the change; 100084

(2) For the part of the fiscal year beginning with the date 100085  
the indirect guarantee percentage changes, the new percentage. 100086

(J) "Medicaid days" ~~has the same meaning as in section~~ 100087  
~~5111.01 of the Revised Code.~~ 100088

~~(K) "Medicare" means the program established by Title XVIII.~~ 100089

~~(L) and "Nursing nursing facility" has have the same meaning~~ 100090  
~~meanings~~ as in section ~~5111.20~~ 5165.01 of the Revised Code. 100091

~~(M)~~(K)(1) "Nursing home" means all of the following: 100092

(a) A nursing home licensed under section 3721.02 or 3721.09 100093  
of the Revised Code, including any part of a home for the aging 100094  
licensed as a nursing home; 100095

(b) A facility or part of a facility, other than a hospital, 100096  
that is certified as a skilled nursing facility under Title XVIII; 100097

(c) A nursing facility, other than a portion of a hospital 100098  
certified as a nursing facility. 100099

(2) "Nursing home" does not include either of the following: 100100

(a) A county home, county nursing home, or district home 100101  
operated pursuant to Chapter 5155. of the Revised Code; 100102

(b) A nursing home maintained and operated by the department 100103  
of veterans services under section 5907.01 of the Revised Code. 100104

~~(N)~~(L) "Operator" means the person or government entity 100105  
responsible for the daily operating and management decisions for a 100106  
nursing home or hospital. 100107

~~(O)~~(M) "Title XIX" means Title XIX of the "Social Security 100108  
Act," ~~79 Stat. 286 (1965),~~ 42 U.S.C. 1396, ~~as amended~~ et seq. 100109

~~(P)~~(N) "Title XVIII" means Title XVIII of the "Social 100110  
Security Act," ~~79 Stat. 286 (1965),~~ 42 U.S.C. 1395, ~~as amended~~ et  
seq. 100111  
100112

|                                                                           |        |
|---------------------------------------------------------------------------|--------|
| <u>Sec. 5168.41. (A) The franchise permit fee rate shall be</u>           | 100113 |
| <u>determined for each fiscal year as follows:</u>                        | 100114 |
| <u>(1) Determine the estimated total net patient revenues for</u>         | 100115 |
| <u>all nursing homes and hospital long-term care units for the fiscal</u> | 100116 |
| <u>year;</u>                                                              | 100117 |
| <u>(2) Multiply the estimated total net patient revenues</u>              | 100118 |
| <u>determined under division (A)(1) of this section by the lesser of</u>  | 100119 |
| <u>the following:</u>                                                     | 100120 |
| <u>(a) The indirect guarantee percentage;</u>                             | 100121 |
| <u>(b) Six per cent.</u>                                                  | 100122 |
| <u>(3) Divide the product determined under division (A)(2) of</u>         | 100123 |
| <u>this section by the number of days in the fiscal year;</u>             | 100124 |
| <u>(4) Determine the sum of the following:</u>                            | 100125 |
| <u>(a) The total number of beds in all nursing homes and</u>              | 100126 |
| <u>hospital long-term care units that are subject to the franchise</u>    | 100127 |
| <u>permit fee for the fiscal year;</u>                                    | 100128 |
| <u>(b) The total number of nursing home beds that are exempt</u>          | 100129 |
| <u>from the franchise permit fee for the fiscal year because of the</u>   | 100130 |
| <u>waiver obtained pursuant to section 5168.43 of the Revised Code.</u>   | 100131 |
| <u>(5) Divide the quotient determined under division (A)(3) of</u>        | 100132 |
| <u>this section by the sum determined under division (A)(4) of this</u>   | 100133 |
| <u>section.</u>                                                           | 100134 |
| <u>(B) In determining the estimated total net patient revenues</u>        | 100135 |
| <u>for all nursing homes and hospital long-term care units for a</u>      | 100136 |
| <u>fiscal year, the department of medicaid shall use at least all of</u>  | 100137 |
| <u>the following:</u>                                                     | 100138 |
| <u>(1) Information from medicaid cost reports filed under</u>             | 100139 |
| <u>section 5165.10 of the Revised Code that are the most recent at</u>    | 100140 |
| <u>the time the determination is made;</u>                                | 100141 |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| <u>(2) The projected total medicaid payment rates for nursing facility services for the fiscal year;</u>                                                                                                                                                                                                                                                                                                                                                              | 100142 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 100143 |
| <u>(3) The projected total number of medicaid days for the fiscal year.</u>                                                                                                                                                                                                                                                                                                                                                                                           | 100144 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 100145 |
| <b>Sec. <del>3721.51</del> <u>5168.42</u>.</b> The department of <del>job and family services</del> <u>medicaid</u> shall do all of the following:                                                                                                                                                                                                                                                                                                                    | 100146 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 100147 |
| (A) Subject to sections <del>3721.512</del> <u>5168.44</u> , <del>3721.513</del> <u>5168.45</u> , and <del>3721.531</del> <u>5168.48</u> of the Revised Code and divisions (C) and (D) of this section and for the purposes specified in section <del>3721.56</del> <u>5168.54</u> of the Revised Code, determine an annual franchise permit fee on each nursing home in an amount equal to the franchise permit fee rate multiplied by the product of the following: | 100148 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 100149 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 100150 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 100151 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 100152 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 100153 |
| (1) The number of beds licensed as nursing home beds, plus any other beds certified as skilled nursing facility beds under Title XVIII or nursing facility beds under Title XIX on the first day of May of the calendar year in which the fee is determined pursuant to division (A) of section <del>3721.53</del> <u>5168.47</u> of the Revised Code;                                                                                                                | 100154 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 100155 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 100156 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 100157 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 100158 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 100159 |
| (2) The number of days in the fiscal year beginning on the first day of July of the calendar year in which the fee is determined pursuant to division (A) of section <del>3721.53</del> <u>5168.47</u> of the Revised Code.                                                                                                                                                                                                                                           | 100160 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 100161 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 100162 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 100163 |
| (B) Subject to sections <del>3721.512</del> <u>5168.44</u> , <del>3721.513</del> <u>5168.45</u> , and <del>3721.531</del> <u>5168.48</u> of the Revised Code and divisions (C) and (D) of this section and for the purposes specified in section <del>3721.56</del> <u>5168.54</u> of the Revised Code, determine an annual franchise permit fee on each hospital in an amount equal to the franchise permit fee rate multiplied by the product of the following:     | 100164 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 100165 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 100166 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 100167 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 100168 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 100169 |
| (1) The number of beds registered pursuant to section 3701.07 of the Revised Code as skilled nursing facility beds or long-term                                                                                                                                                                                                                                                                                                                                       | 100170 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 100171 |

care beds, plus any other beds licensed as nursing home beds under 100172  
section 3721.02 or 3721.09 of the Revised Code, on the first day 100173  
of May of the calendar year in which the fee is determined 100174  
pursuant to division (A) of section ~~3721.53~~ 5168.47 of the Revised 100175  
Code; 100176

(2) The number of days in the fiscal year beginning on the 100177  
first day of July of the calendar year in which the fee is 100178  
determined pursuant to division (A) of section ~~3721.53~~ 5168.47 of 100179  
the Revised Code. 100180

(C) If the total amount of the franchise permit fee assessed 100181  
under divisions (A) and (B) of this section for a fiscal year 100182  
exceeds the indirect guarantee percentage of the actual net 100183  
patient revenue for all nursing homes and hospital long-term care 100184  
units for that fiscal year and seventy-five per cent or more of 100185  
the combined total number of nursing homes and hospital long-term 100186  
care units receive enhanced medicaid payments or other state 100187  
payments equal to seventy-five per cent or more of their total 100188  
franchise permit fee assessments, do both of the following: 100189

(1) Recalculate the assessments under divisions (A) and (B) 100190  
of this section using a per bed per day rate equal to the indirect 100191  
guarantee percentage of actual net patient revenue for all nursing 100192  
homes and hospital long-term care units for that fiscal year; 100193

(2) Refund the difference between the amount of the franchise 100194  
permit fee assessed for that fiscal year under divisions (A) and 100195  
(B) of this section and the amount recalculated under division 100196  
(C)(1) of this section as a credit against the assessments imposed 100197  
under divisions (A) and (B) of this section for the subsequent 100198  
fiscal year. 100199

(D) If the United States centers for medicare and medicaid 100200  
services determines that the franchise permit fee established by 100201  
sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of the Revised Code is 100202

an impermissible health care-related tax under ~~section 1903(w)~~ of 100203  
the "Social Security Act," ~~49 Stat. 620 (1935)~~ section 1903(w), 42 100204  
U.S.C. 1396b(w), ~~as amended~~, take all necessary actions to cease 100205  
implementation of sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of 100206  
the Revised Code in accordance with rules adopted under section 100207  
~~3721.58~~ 5168.56 of the Revised Code. 100208

**Sec. ~~3721.511~~ 5168.43.** (A) Not later than four months after 100209  
July 17, 2009, the department of ~~job and family services~~ medicaid 100210  
shall apply to the United States secretary of health and human 100211  
services for a waiver under the "Social Security Act," section 100212  
1903(w)(3)(E), 42 U.S.C. 1396b(w)(3)(E), as necessary to do both 100213  
of the following regarding the franchise permit fee assessed under 100214  
section ~~3721.51~~ 5168.42 of the Revised Code: 100215

(1) Reduce the franchise permit fee rate to zero dollars for 100216  
each nursing home licensed under section 3721.02 or 3721.09 of the 100217  
Revised Code to which either of the following applies: 100218

(a) The nursing home: 100219

(i) Is exempt from state taxation under section 140.08 of the 100220  
Revised Code or is exempt from state taxation as a home for the 100221  
aged as defined in section 5701.13 of the Revised Code; 100222

(ii) Is exempt from federal income taxation under section 501 100223  
of the Internal Revenue Code of 1986; 100224

(iii) Does not participate in medicaid or medicare; and 100225

(iv) Provides services for the life of each resident without 100226  
regard to the resident's ability to secure payment for the 100227  
services. 100228

(b) The nursing home: 100229

(i) Has had a written affiliation agreement with a university 100230  
in this state for education and research related to Alzheimer's 100231  
disease for each of the twenty years preceding July 17, 2009, and 100232

has such an agreement on July 17, 2009; 100233

(ii) Was constructed pursuant to a certificate of need 100234  
granted under Section 3 of Am. Sub. S.B. 256 of the 116th general 100235  
assembly; and 100236

(iii) Does not participate in medicaid or medicare. 100237

(2) For each nursing facility with more than two hundred beds 100238  
certified as nursing facility beds under Title XIX, reduce the 100239  
franchise permit fee rate for a number of the nursing facility's 100240  
beds specified by the department to the amount necessary to obtain 100241  
approval of the waiver sought under this section. 100242

(B) The effective date of the waiver sought under this 100243  
section shall be the first day of the quarter beginning after the 100244  
United States secretary approves the waiver. 100245

**Sec. ~~3721.512~~ 5168.44.** If the United States secretary of 100246  
health and human services approves the waiver sought under section 100247  
~~3721.511~~ 5168.43 of the Revised Code, the department of ~~job and~~ 100248  
~~family services~~ medicaid shall, for each nursing home and hospital 100249  
that qualifies for a reduction of its franchise permit fee rate 100250  
under the waiver, reduce the franchise permit fee rate in 100251  
accordance with the terms of the waiver. For purposes of the first 100252  
fiscal year during which the waiver takes effect, the department 100253  
shall determine the amount of the reduction not later than the 100254  
effective date of the waiver and shall mail to each nursing home 100255  
and hospital qualifying for the reduction notice of the reduction 100256  
not later than the last day of the first month of the quarter that 100257  
begins after the United States secretary approves the waiver. For 100258  
purposes of subsequent fiscal years, the department shall make 100259  
such determinations and mail such notices in accordance with 100260  
section ~~3721.53~~ 5168.47 of the Revised Code. 100261

**Sec. ~~3721.513~~ 5168.45.** (A) If the United States secretary of 100262

health and human services approves the waiver sought under section 100263  
~~3721.511~~ 5168.43 of the Revised Code, the department of ~~job and~~ 100264  
~~family services~~ medicaid may do both of the following regarding 100265  
the franchise permit fee assessed under section ~~3721.51~~ 5168.42 of 100266  
the Revised Code: 100267

(1) Determine how much money the franchise permit fee would 100268  
have raised in a fiscal year if not for the waiver; 100269

(2) For each nursing home and hospital subject to the 100270  
franchise permit fee, other than a nursing home or hospital that 100271  
has its franchise permit fee rate reduced under section ~~3721.512~~ 100272  
5168.44 of the Revised Code, uniformly increase the amount of the 100273  
franchise permit fee rate for a fiscal year to an amount that will 100274  
have the franchise permit fee raise an amount of money that does 100275  
not exceed the amount determined under division (A)(1) of this 100276  
section for that fiscal year. 100277

(B) If the department increases the franchise permit fee rate 100278  
in accordance with division (A) of this section for the first 100279  
fiscal year during which the waiver takes effect, the department 100280  
shall determine the amount of the increase not later than the 100281  
effective date of the waiver and shall mail to each nursing home 100282  
and hospital subject to the increase notice of the increase not 100283  
later than the last day of the first month of the quarter that 100284  
begins after the United States secretary approves the waiver. If 100285  
the department increases the franchise permit fee rate in 100286  
accordance with division (A) of this section for a subsequent 100287  
fiscal year, the department shall make such determinations and 100288  
mail such notices in accordance with section ~~3721.53~~ 5168.47 of 100289  
the Revised Code. 100290

**Sec. ~~3721.52~~ 5168.46.** The department of health shall do all 100291  
of the following: 100292

(A) For the purpose of the determinations made under 100293  
divisions (A) and (B) of section ~~3721.51~~ 5168.42 of the Revised 100294  
Code and not later than the first day of each June, report to the 100295  
department of ~~job and family services~~ medicaid the following: 100296

(1) For each nursing home, the number of beds in the nursing 100297  
home licensed on the preceding first day of May under section 100298  
3721.02 or 3721.09 of the Revised Code or certified on that date 100299  
under Title XVIII or Title XIX; 100300

(2) For each hospital, the number of beds in the hospital 100301  
registered on the preceding first day of May pursuant to section 100302  
3701.07 of the Revised Code as skilled nursing facility or 100303  
long-term care beds or licensed on that date under section 3721.02 100304  
or 3721.09 of the Revised Code as nursing home beds. 100305

(B) For the purpose of the redetermination under section 100306  
~~3721.531~~ 5168.48 of the Revised Code and not later than the 100307  
fifteenth day of each January, report to the department of ~~job and~~ 100308  
~~family services~~ medicaid, for each nursing home and hospital, the 100309  
number of beds for which a bed surrender occurred during the 100310  
period beginning on the first day of May of the preceding calendar 100311  
year and ending on the first day of January of the calendar year 100312  
in which the redetermination is made. 100313

**Sec. ~~3721.53~~ 5168.47.** (A) Not later than the fifteenth day of 100314  
September of each year, the department of ~~job and family services~~ 100315  
medicaid shall determine the annual franchise permit fee for each 100316  
nursing home and hospital in accordance with section ~~3721.51~~ 100317  
5168.42 of the Revised Code and any adjustments made in accordance 100318  
with sections ~~3721.512~~ 5168.44 and ~~3721.513~~ 5168.45 of the Revised 100319  
Code. 100320

(B) Not later than the first day of October of each year, the 100321  
department shall mail to each nursing home and hospital notice of 100322  
the amount of the franchise permit fee that has been determined 100323

for the nursing home or hospital. 100324

(C) Subject to section ~~3721.531~~ 5168.48 of the Revised Code, 100325  
each nursing home and hospital shall pay its fee under section 100326  
~~3721.51~~ 5168.42 of the Revised Code, as adjusted in accordance 100327  
with sections ~~3721.512~~ 5168.44 and ~~3721.513~~ 5168.45 of the Revised 100328  
Code, to the department in four installment payments not later 100329  
than forty-five days after the last day of each October, December, 100330  
March, and June. 100331

**Sec. ~~3721.531~~ 5168.48.** (A) Not later than the last day of 100332  
February of each year, the department of ~~job and family services~~ 100333  
medicaid shall redetermine each nursing home's and hospital's 100334  
franchise permit fee if one or more bed surrenders occur during 100335  
the period beginning on the first day of May of the preceding 100336  
calendar year and ending on the first day of January of the 100337  
calendar year in which the redetermination is made. 100338

(B) In redetermining nursing homes' and hospitals' franchise 100339  
permit fees under this section, the department shall do both of 100340  
the following: 100341

(1) Provide for the redetermination to be conducted in a 100342  
manner consistent with the terms of the waiver sought under 100343  
section ~~3721.511~~ 5168.43 of the Revised Code; 100344

(2) Recalculate each nursing home's and hospital's franchise 100345  
permit fee in accordance with division (A) or (B) of section 100346  
~~3721.51~~ 5168.42 of the Revised Code with the following changes: 100347

(a) In the case of a nursing home or hospital for which one 100348  
or more bed surrenders occurred during the period beginning on the 100349  
first day of May of the preceding calendar year and ending on the 100350  
first day of January of the calendar year in which the 100351  
redetermination is made, the number of beds included in the 100352  
calculation for the purpose of division (A)(1) or (B)(1) of 100353

section ~~3721.51~~ 5168.42 of the Revised Code shall exclude the beds 100354  
for which bed surrenders occurred during that period. 100355

(b) The number of days used in the calculation under division 100356  
(A)(2) or (B)(2) of section ~~3721.51~~ 5168.42 of the Revised Code 100357  
shall be the number of days in the first half of the calendar year 100358  
in which the redetermination is made. 100359

(c) The franchise permit fee rate shall reflect adjustments 100360  
made under sections ~~3721.512~~ 5168.44 and ~~3721.513~~ 5168.45 of the 100361  
Revised Code. 100362

(C) Not later than the first day of March of each year, the 100363  
department shall mail to each nursing home and hospital notice of 100364  
the amount of its redetermined franchise permit fee. 100365

(D) Each nursing home and hospital shall pay its redetermined 100366  
fee to the department in two installment payments not later than 100367  
forty-five days after the last day of March and June of the 100368  
calendar year in which the redetermination is made. 100369

**Sec. ~~3721.532~~ 5168.49.** If a nursing home or hospital 100370  
undergoes a change of operator during a fiscal year, the 100371  
responsibility for paying the franchise permit fee that was 100372  
determined for the nursing home or hospital under section ~~3721.53~~ 100373  
5168.47 of the Revised Code, or redetermined for the nursing home 100374  
or hospital under section ~~3721.531~~ 5168.48 of the Revised Code, 100375  
for that fiscal year shall be divided proportionally. The exiting 100376  
operator shall be responsible for paying the amount of the fee 100377  
that is for the part of the fiscal year that ends on the day 100378  
before the effective date of the change of operator. The entering 100379  
operator shall be responsible for paying the amount of the fee 100380  
that is for the part of the fiscal year that begins on the 100381  
effective date of the change of operator. The department of ~~job~~ 100382  
~~and family services~~ medicaid is not required to mail a notice to 100383  
the entering operator regarding the amount of that fiscal year's 100384



fee for which the entering operator is responsible. 100385

**Sec. ~~3721.533~~ 5168.50.** No nursing home or hospital shall 100386  
directly bill its residents for the franchise permit fee paid 100387  
under section ~~3721.53~~ 5168.47 or ~~3721.531~~ 5168.48 of the Revised 100388  
Code or otherwise directly pass the fee through to its residents. 100389

**Sec. ~~3721.54~~ 5168.51.** If a nursing home or hospital fails to 100390  
pay the full amount of a franchise permit fee installment when 100391  
due, the department of ~~job and family services~~ medicaid may assess 100392  
a five per cent penalty on the amount due for each month or 100393  
fraction thereof the installment is overdue. 100394

**Sec. ~~3721.541~~ 5168.52.** (A) In addition to assessing a penalty 100395  
pursuant to section ~~3721.54~~ 5168.51 of the Revised Code, the 100396  
department of ~~job and family services~~ medicaid may do any of the 100397  
following if a nursing facility or hospital fails to pay the full 100398  
amount of a franchise permit fee installment when due: 100399

(1) Withhold an amount less than or equal to the installment 100400  
and penalty assessed under section ~~3721.54~~ 5168.51 of the Revised 100401  
Code from a ~~medicaid~~ medicaid payment due the nursing facility or hospital 100402  
until the nursing facility or hospital pays the installment and 100403  
penalty; 100404

(2) Offset an amount less than or equal to the installment 100405  
and penalty assessed under section ~~3721.54~~ 5168.51 of the Revised 100406  
Code from a ~~Medicaid~~ medicaid payment due the nursing facility or 100407  
hospital; 100408

(3) Terminate the nursing facility or hospital's ~~medicaid~~ 100409  
provider agreement. 100410

(B) The department may offset a ~~medicaid~~ medicaid payment under 100411  
division (A) of this section without providing notice to the 100412

nursing facility or hospital and without conducting an 100413  
adjudication under Chapter 119. of the Revised Code. 100414

**Sec. ~~3721.55~~ 5168.53.** (A) A nursing home or hospital may 100415  
appeal the fee assessed under section ~~3721.51~~ 5168.42 of the 100416  
Revised Code, as adjusted under section ~~3721.512~~ 5168.44 or 100417  
~~3721.513~~ 5168.45 of the Revised Code, and redetermined under 100418  
section ~~3721.531~~ 5168.48 of the Revised Code solely on the grounds 100419  
that the department of ~~job and family services~~ medicaid committed 100420  
a material error in determining or redetermining the amount of the 100421  
fee. A request for an appeal must be received by the department 100422  
not later than fifteen days after the date the department mails 100423  
the notice of the fee and must include written materials setting 100424  
forth the basis for the appeal. 100425

(B) If a nursing home or hospital submits a request for an 100426  
appeal within the time required under division (A) of this 100427  
section, the department of ~~job and family services~~ shall hold a 100428  
public hearing in Columbus not later than thirty days after the 100429  
date the department receives the request for an appeal. The 100430  
department shall, not later than ten days before the date of the 100431  
hearing, mail a notice of the date, time, and place of the hearing 100432  
to the nursing home or hospital. The department may hear all the 100433  
requested appeals in one public hearing. 100434

(C) On the basis of the evidence presented at the hearing or 100435  
any other evidence submitted by the nursing home or hospital, the 100436  
department may adjust a fee. The department's decision is final. 100437

**Sec. ~~3721.56~~ 5168.54.** (A) There is hereby created in the 100438  
state treasury the nursing home franchise permit fee fund. All 100439  
payments and penalties paid by nursing homes and hospitals under 100440  
sections ~~3721.53~~ 5168.47, ~~3721.531~~ 5168.48, and ~~3721.54~~ 5168.51 of 100441  
the Revised Code shall be deposited into the fund. The fund shall 100442

also consist of money deposited into it pursuant to sections 100443  
3769.08 and 3769.26 of the Revised Code. Subject to division (B) 100444  
of section 3769.08 of the Revised Code, the department of ~~job and~~ 100445  
~~family services~~ medicaid shall use the money in the fund to make 100446  
medicaid payments to providers of nursing facility services and 100447  
providers of home and community-based services. Money in the fund 100448  
may also be used for the residential state supplement program 100449  
established under section ~~5119.69~~ 5119.41 of the Revised Code. 100450

(B) Any money remaining in the nursing home franchise permit 100451  
fee fund after payments specified in division (A) of this section 100452  
are made shall be retained in the fund. Any interest or other 100453  
investment proceeds earned on money in the fund shall be credited 100454  
to the fund and used to make medicaid payments in accordance with 100455  
division (A) of this section. 100456

**Sec. ~~3721.57~~ 5168.55.** The department of ~~job and family~~ 100457  
~~services~~ medicaid may make any investigation it considers 100458  
appropriate to obtain information necessary to fulfill its duties 100459  
under sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of the Revised 100460  
Code. At the request of the department, the attorney general shall 100461  
aid in any such investigations. The attorney general shall 100462  
institute and prosecute all necessary actions for the enforcement 100463  
of sections ~~3721.50~~ 5168.40 to ~~3721.58~~ 5168.56 of the Revised 100464  
Code, except that at the request of the attorney general, the 100465  
county prosecutor of the county in which a nursing home or 100466  
hospital that has failed to comply with sections ~~3721.50~~ 5168.40 100467  
to ~~3721.58~~ 5168.56 of the Revised Code is located shall institute 100468  
and prosecute any necessary action against the nursing home or 100469  
hospital. 100470

**Sec. ~~3721.58~~ 5168.56.** The medicaid director of ~~job and family~~ 100471  
~~services~~ shall adopt rules in accordance with Chapter 119. of the 100472

Revised Code to do both of the following: 100473

(A) Prescribe the actions the department of ~~job and family~~ 100474  
~~services~~ medicaid will take to cease implementation of sections 100475  
~~3721.50 through 3721.57~~ 5168.40 to 5168.56 of the Revised Code if 100476  
the United States centers for medicare and medicaid services 100477  
determines that the franchise permit fee established by those 100478  
sections is an impermissible health-care related tax under ~~section~~ 100479  
~~1903(w) of the "Social Security Act," 105 Stat. 1793 (1991)~~ 100480  
section 1903(w), 42 U.S.C. 1396b(w), ~~as amended;~~ 100481

(B) Establish any requirements or procedures the director 100482  
considers necessary to implement sections ~~3721.50~~ 5168.40 to 100483  
~~3721.58~~ 5168.56 of the Revised Code. 100484

**Sec. ~~5112.30~~ 5168.60.** As used in sections ~~5112.30~~ 5168.60 to 100485  
~~5112.39~~ 5168.71 of the Revised Code: 100486

(A) "Franchise permit fee rate" means the following: 100487

(1) For fiscal year ~~2012~~ 2014, ~~seventeen~~ eighteen dollars and 100488  
~~ninety-nine~~ twenty-four cents; 100489

(2) For fiscal year ~~2013~~ 2015 and each fiscal year 100490  
thereafter, eighteen dollars and ~~thirty-two~~ seventeen cents. 100491

(B) "Indirect guarantee percentage" means the percentage 100492  
specified in ~~section 1903(w)(4)(C)(ii) of the "Social Security~~ 100493  
~~Act," 120 Stat. 2994 (2006)~~ section 1903(w)(4)(C)(ii), 42 U.S.C. 100494  
1396b(w)(4)(C)(ii), ~~as amended~~, that is to be used in determining 100495  
whether a class of providers is indirectly held harmless for any 100496  
portion of the costs of a broad-based health-care-related tax. If 100497  
the indirect guarantee percentage changes during a fiscal year, 100498  
the indirect guarantee percentage is the following: 100499

(1) For the part of the fiscal year before the change takes 100500  
effect, the percentage in effect before the change; 100501

(2) For the part of the fiscal year beginning with the date 100502

the indirect guarantee percentage changes, the new percentage. 100503

(C) "~~Intermediate care facility for the mentally retarded~~ 100504  
ICF/MR" has the same meaning as in section ~~5111.20~~ 5124.01 of the 100505  
Revised Code, ~~except that, until August 1, 2009, it does not~~ 100506  
~~include any such facility operated by the department of~~ 100507  
~~developmental disabilities.~~ 100508

(D) "~~Medicaid~~ Medicaid-certified capacity" has the same 100509  
meaning as in section ~~5111.01~~ 5124.01 of the Revised Code. 100510

(E) "Provider agreement" has the same meaning as in section 100511  
5124.01 of the Revised Code. 100512

**Sec. ~~5112.31~~ 5168.61.** The department of ~~job and family~~ 100513  
~~services~~ developmental disabilities shall do all of the following: 100514  
100515

(A) Subject to section ~~5112.331~~ 5168.64 of the Revised Code 100516  
and divisions (B) and (C) of this section and for the purposes 100517  
specified in section ~~5112.371~~ 5168.69 of the Revised Code, assess 100518  
for each fiscal year each ~~intermediate care facility for the~~ 100519  
~~mentally retarded~~ ICF/MR a franchise permit fee equal to the 100520  
franchise permit fee rate multiplied by the product of the 100521  
following: 100522

(1) The ~~number of beds certified under Title XIX of the~~ 100523  
~~"Social Security Act"~~ ICF/MR's medicaid-certified capacity on the 100524  
first day of May of the calendar year in which the assessment is 100525  
determined pursuant to division (A) of section ~~5112.33~~ 5168.63 of 100526  
the Revised Code; 100527

(2) The number of days in the fiscal year. 100528

(B) If the total amount of the franchise permit fee assessed 100529  
under division (A) of this section for a fiscal year exceeds the 100530  
indirect guarantee percentage of the actual net patient revenue 100531  
for all ~~intermediate care facilities for the mentally retarded~~ 100532

ICFs/MR for that fiscal year and seventy-five per cent or more of 100533  
the total number of ~~intermediate care facilities for the mentally~~ 100534  
~~retarded~~ ICFs/MR receive enhanced medicaid payments or other state 100535  
payments equal to seventy-five per cent or more of their total 100536  
franchise permit fee assessments, do both of the following: 100537

(1) Recalculate the assessments under division (A) of this 100538  
section using a per bed per day rate equal to the indirect 100539  
guarantee percentage of actual net patient revenue for all 100540  
~~intermediate care facilities for the mentally retarded~~ ICFs/MR for 100541  
that fiscal year; 100542

(2) Refund the difference between the amount of the franchise 100543  
permit fee assessed for that fiscal year under division (A) of 100544  
this section and the amount recalculated under division (B)(1) of 100545  
this section as a credit against the assessments imposed under 100546  
division (A) of this section for the subsequent fiscal year. 100547

(C) If the United States secretary of health and human 100548  
services determines that the franchise permit fee established by 100549  
sections ~~5112.30~~ 5168.60 to ~~5112.39~~ 5168.71 of the Revised Code 100550  
would be an impermissible health care-related tax under ~~section~~ 100551  
~~1903(w)~~ of the "Social Security Act," ~~105 Stat. 1793 (1991)~~ 100552  
section 1903(w), 42 U.S.C. 1396b(w), ~~as amended~~, take all 100553  
necessary actions to cease implementation of those sections in 100554  
accordance with rules adopted under section ~~5112.39~~ 5168.71 of the 100555  
Revised Code. 100556

**Sec. ~~5112.32~~ 5168.62.** For the purpose of the franchise permit 100557  
fee imposed under section ~~5112.31~~ 5168.61 of the Revised Code and 100558  
not later than the first day of each June, the department of 100559  
developmental disabilities shall: 100560

~~(A) Not later than August 1, 1993, report to the department~~ 100561  
~~of job and family services the number of beds in each intermediate~~ 100562  
~~care facility for the mentally retarded certified on July 1, 1993,~~ 100563

~~under Title XIX of the "Social Security Act," 49 Stat. 620 (1935),~~ 100564  
~~42 U.S.C.A. 301, as amended;~~ 100565

~~(B) Not later than June 1, 1994, and the first day of each~~ 100566  
~~June thereafter,~~ report to the department of ~~job and family~~ 100567  
~~services~~ medicaid the number of beds in each ~~such facility~~ 100568  
~~certified ICF/MR~~ on the preceding first day of May ~~under that~~ 100569  
~~title.~~ 100570

**Sec. ~~5112.33~~ 5168.63.** (A) Not later than the fifteenth day of 100571  
August of each year, the department of ~~job and family services~~ 100572  
developmental disabilities shall determine the annual franchise 100573  
permit fee for each ~~intermediate care facility for the mentally~~ 100574  
~~retarded ICF/MR~~ in accordance with section ~~5112.31~~ 5168.61 of the 100575  
Revised Code. 100576

(B) Not later than the first day of September of each year, 100577  
the department shall mail to each ~~intermediate care facility for~~ 100578  
~~the mentally retarded ICF/MR~~ notice of the amount of the franchise 100579  
permit fee the ~~facility~~ ICF/MR has been assessed under section 100580  
~~5112.31~~ 5168.61 of the Revised Code. 100581

(C) Subject to section ~~5112.331~~ 5168.64 of the Revised Code, 100582  
each ~~intermediate care facility for the mentally retarded ICF/MR~~ 100583  
shall pay its fee under section ~~5112.31~~ 5168.61 of the Revised 100584  
Code to the department in quarterly installment payments not later 100585  
than forty-five days after the last day of each September, 100586  
December, March, and June. 100587

**Sec. ~~5112.331~~ 5168.64.** (A) If, during the period beginning on 100588  
the first day of May of a calendar year and ending on the first 100589  
day of January of the immediately following calendar year, the 100590  
operator of an ~~intermediate care facility for the mentally~~ 100591  
~~retarded ICF/MR~~ converts, pursuant to section ~~5111.874~~ 5124.60 of 100592  
the Revised Code, one or more of the ~~facility's~~ ICF/MR's beds to 100593

providing home and community-based services, the department of ~~job~~ 100594  
~~and family services~~ developmental disabilities shall do the 100595  
following: 100596

(1) If the ~~facility's~~ ICF/MR's medicaid certification is 100597  
terminated because of the conversion, terminate the ~~facility's~~ 100598  
ICF/MR's franchise permit fee effective on the first day of the 100599  
quarter immediately following the quarter in which the department 100600  
receives the notice of the conversion from the director of health; 100601

(2) If the ~~facility's certified~~ ICF/MR's medicaid-certified 100602  
capacity ~~under medicaid~~ is reduced because of the conversion, 100603  
redetermine the ~~facility's~~ ICF/MR's franchise permit fee in 100604  
accordance with division (B) of this section for the second half 100605  
of the fiscal year for which the fee is assessed. 100606

(B)(1) To redetermine an ~~intermediate care facility for the~~ 100607  
~~mentally retarded's~~ ICF/MR's franchise permit fee, the department 100608  
shall multiply the franchise permit fee rate by the product of the 100609  
following: 100610

(a) The ~~number of the facility's beds that remain certified~~ 100611  
~~under Title XIX of the "Social Security Act"~~ ICF/MR's 100612  
medicaid-certified capacity as of the date the conversion takes 100613  
effect; 100614

(b) The number of days in the second half of the fiscal year 100615  
for which the redetermination is made. 100616

(2) The ~~intermediate care facility for the mentally retarded~~ 100617  
ICF/MR shall pay its franchise permit fee as redetermined under 100618  
division (B)(1) of this section in installment payments not later 100619  
than forty-five days after the last day of March and June of the 100620  
fiscal year for which the redetermination is made. 100621

**Sec. 5112.34 5168.65.** If an ~~intermediate care facility for~~ 100622  
~~the mentally retarded~~ ICF/MR fails to pay the full amount of an 100623



installment when due, the department of ~~job and family services~~ 100624  
developmental disabilities may assess a five per cent penalty on 100625  
the amount due for each month or fraction thereof the installment 100626  
is overdue. 100627

**Sec. ~~5112.341~~ 5168.66.** (A) In addition to assessing a penalty 100628  
pursuant to section ~~5112.34~~ 5168.65 of the Revised Code, the 100629  
department of ~~job and family services~~ developmental disabilities 100630  
may do any of the following if an ~~intermediate care facility for~~ 100631  
~~the mentally retarded~~ ICF/MR fails to pay the full amount of a 100632  
franchise permit fee installment when due: 100633

(1) Withhold an amount less than or equal to the installment 100634  
and penalty assessed under section ~~5112.34~~ 5168.65 of the Revised 100635  
Code from a medicaid payment due the ~~facility~~ ICF/MR until the 100636  
~~facility~~ ICF/MR pays the installment and penalty; 100637

(2) Offset an amount less than or equal to the installment 100638  
and penalty assessed under section ~~5112.34~~ 5168.65 of the Revised 100639  
Code from a medicaid payment due the ~~facility~~ ICF/MR; 100640

(3) ~~Terminate~~ Provide for the department of medicaid to 100641  
terminate the ~~facility's medicaid~~ ICF/MR's provider agreement. 100642

(B) The department may offset a medicaid payment under 100643  
division (A) of this section without providing notice to the 100644  
~~intermediate care facility for the mentally retarded~~ ICF/MR and 100645  
without conducting an adjudication under Chapter 119. of the 100646  
Revised Code. 100647

**Sec. ~~5112.35~~ 5168.67.** (A) An ~~intermediate care facility for~~ 100648  
~~the mentally retarded~~ ICF/MR may appeal the franchise permit fee 100649  
imposed under section ~~5112.31~~ 5168.61 of the Revised Code solely 100650  
on the grounds that the department of ~~job and family services~~ 100651  
developmental disabilities committed a material error in 100652  
determining the amount of the fee. A request for an appeal must be 100653

received by the department not later than fifteen days after the 100654  
date the department mails the notice of the fee and must include 100655  
written materials setting forth the basis for the appeal. 100656

(B) If an ~~intermediate care facility for the mentally~~ 100657  
~~retarded~~ ICF/MR submits a request for an appeal within the time 100658  
required under division (A) of this section, the department shall 100659  
hold a public hearing in Columbus not later than thirty days after 100660  
the date the department receives the request for an appeal. The 100661  
department shall, not later than ten days before the date of the 100662  
hearing, mail a notice of the date, time, and place of the hearing 100663  
to the ~~facility~~ ICF/MR. The department may hear all requested 100664  
appeals in one public hearing. 100665

(C) On the basis of the evidence presented at the hearing or 100666  
any other evidence submitted by the ~~intermediate care facility for~~ 100667  
~~the mentally retarded~~ ICF/MR, the department may adjust a fee. The 100668  
department's decision is final. 100669

**Sec. ~~5112.37~~ 5168.68.** There is hereby created in the state 100670  
treasury the home and community-based services for the mentally 100671  
retarded and developmentally disabled fund. All installment 100672  
payments and penalties paid by an ~~intermediate care facility for~~ 100673  
~~the mentally retarded~~ ICF/MR under sections ~~5112.33~~ 5168.63 and 100674  
~~5112.34~~ 5168.65 of the Revised Code shall be deposited into the 100675  
fund. As soon as possible after the end of each quarter, the 100676  
medicaid director ~~of job and family services~~ shall certify to the 100677  
director of budget and management the amount of money that is in 100678  
the fund as of the last day of that quarter. On receipt of a 100679  
certification, the director of budget and management shall 100680  
transfer the amount so certified from the home and community-based 100681  
services for the mentally retarded and developmentally disabled 100682  
fund to the department of developmental disabilities operating and 100683  
services fund created under section ~~5112.371~~ 5168.69 of the 100684

Revised Code. 100685

**Sec. ~~5112.371~~ 5168.69.** There is hereby created in the state 100686  
treasury the department of developmental disabilities operating 100687  
and services fund. The fund shall consist of the money transferred 100688  
to it under section ~~5112.37~~ 5168.68 of the Revised Code. The money 100689  
in the fund shall be used for the expenses of the programs that 100690  
the department of developmental disabilities administers and the 100691  
department's administrative expenses. 100692

**Sec. ~~5112.38~~ 5168.70.** The department of ~~job and family~~ 100693  
~~services~~ developmental disabilities may make any investigation it 100694  
considers appropriate to obtain information necessary to fulfill 100695  
its duties under sections ~~5112.30~~ 5168.60 to ~~5112.39~~ 5168.71 of 100696  
the Revised Code. At the request of the department, the attorney 100697  
general shall aid in any such investigations. The attorney general 100698  
shall institute and prosecute all necessary actions for the 100699  
enforcement of sections ~~5112.30~~ 5168.60 to ~~5112.39~~ 5168.71 of the 100700  
Revised Code, except that at the request of the attorney general, 100701  
the county prosecutor of the county in which an ~~intermediate care~~ 100702  
~~facility for the mentally retarded~~ ICF/MR that has failed to 100703  
comply with those sections is located shall institute and 100704  
prosecute any necessary action against the ~~facility~~ ICF/MR. 100705

**Sec. ~~5112.39~~ 5168.71.** ~~The~~ To the extent authorized by rules 100706  
authorized by section 5162.021 of the Revised Code, the director 100707  
of ~~job and family services~~ developmental disabilities shall adopt 100708  
rules in accordance with Chapter 119. of the Revised Code to do 100709  
both of the following: 100710

(A) Prescribe the actions the department of developmental 100711  
disabilities will take to cease implementation of sections ~~5112.30~~ 100712  
5168.60 to ~~5112.39~~ 5168.71 of the Revised Code if the United 100713  
States secretary of health and human services determines that the 100714

franchise permit fee imposed under section ~~5112.31~~ 5168.61 of the 100715  
Revised Code is an impermissible health care-related tax under 100716  
~~section 1903(w) of the "Social Security Act," 105 Stat. 1793~~ 100717  
(~~1991~~) section 1903(w), 42 U.S.C. 1396b(w), ~~as amended~~; 100718

(B) Establish any other requirements or procedures the 100719  
director considers necessary to implement sections ~~5112.30~~ 5168.60 100720  
to ~~5112.39~~ 5168.71 of the Revised Code. 100721

**Sec. ~~5112.99~~ 5168.99.** (A) The medicaid director ~~of job and~~ 100722  
~~family services~~ shall impose a penalty for each day that a 100723  
hospital fails to report the information required under section 100724  
~~5112.04~~ 5168.05 of the Revised Code on or before the dates 100725  
specified in that section. The amount of the penalty shall be 100726  
established by the director in rules adopted under section ~~5112.03~~ 100727  
5168.02 of the Revised Code. 100728

(B) In addition to any other remedy available to the 100729  
department of ~~job and family services~~ medicaid under law to 100730  
collect unpaid assessments and transfers under sections ~~5112.01~~ 100731  
5168.01 to ~~5112.21~~ 5168.14 of the Revised Code, the director shall 100732  
impose a penalty of ten per cent of the amount due on any hospital 100733  
that fails to pay assessments or make intergovernmental transfers 100734  
by the dates required by rules adopted under section ~~5112.03~~ 100735  
5168.02 of the Revised Code. 100736

(C) In addition to any other remedy available to the 100737  
department of ~~job and family services~~ medicaid under law to 100738  
collect unpaid assessments imposed under section ~~5112.41~~ 5168.21 100739  
of the Revised Code, the director shall impose a penalty of ten 100740  
per cent of the amount due on any hospital that fails to pay the 100741  
assessment by the date it is due. 100742

(D) The director shall waive the penalties provided for in 100743  
this section for good cause shown by the hospital. 100744

(E) All penalties imposed under this section shall be 100745  
deposited into the health care administration fund created by 100746  
section ~~5111.94~~ 5162.54 of the Revised Code. 100747

**Sec. ~~5112.991~~ 5168.991.** The department of ~~job and family~~ 100748  
~~services~~ medicaid may offset the amount of a hospital's unpaid 100749  
penalty imposed under section ~~5112.99~~ 5168.99 of the Revised Code 100750  
from one or more payments due the hospital under the medicaid 100751  
program. The total amount that may be offset from one or more 100752  
payments shall not exceed the amount of the unpaid penalty. 100753

**Sec. 5302.221.** (A) As used in this section: 100754

"Estate" has the same meaning as in section ~~5111.11~~ 5162.21 100755  
of the Revised Code. 100756

"Medicaid estate recovery program" means the program 100757  
instituted under section ~~5111.11~~ 5162.21 of the Revised Code. 100758

(B) The administrator of the medicaid estate recovery program 100759  
shall prescribe a form on which a beneficiary of a transfer on 100760  
death designation affidavit as provided in section 5302.22 of the 100761  
Revised Code, who survives the deceased owner of the real property 100762  
or an interest in the real property or that is in existence on the 100763  
date of death of the deceased owner, or that beneficiary's 100764  
representative is to indicate both of the following: 100765

(1) Whether the deceased owner was either of the following: 100766

(a) A decedent subject to the medicaid estate recovery 100767  
program; 100768

(b) The spouse of a decedent subject to the medicaid estate 100769  
recovery program. 100770

(2) Whether the real property or interest in the real 100771  
property was part of the estate of a decedent subject to the 100772  
medicaid estate recovery program. 100773

(C) A county recorder shall obtain a properly completed form 100774  
prescribed under division (B) of this section from the beneficiary 100775  
of a transfer on death designation affidavit or the beneficiary's 100776  
representative and send a copy of the form to the administrator of 100777  
the medicaid estate recovery program before recording the transfer 100778  
of the real property or interest in the real property under 100779  
section 5302.222 of the Revised Code. 100780

**Sec. 5309.082.** (A) As used in this section: 100781

"Estate" has the same meaning as in section ~~5111.11~~ 5162.21 100782  
of the Revised Code. 100783

"Medicaid estate recovery program" means the program 100784  
instituted under section ~~5111.11~~ 5162.21 of the Revised Code. 100785

(B) The administrator of the medicaid estate recovery program 100786  
shall prescribe a form on which a surviving tenant under a 100787  
survivorship tenancy or such a surviving tenant's representative 100788  
is to indicate both of the following: 100789

(1) Whether the deceased survivorship tenant was either of 100790  
the following: 100791

(a) A decedent subject to the medicaid estate recovery 100792  
program; 100793

(b) The spouse of a decedent subject to the medicaid estate 100794  
recovery program. 100795

(2) Whether the registered land under a survivorship tenancy 100796  
was part of the estate of a decedent subject to the medicaid 100797  
estate recovery program. 100798

(C) A county recorder shall obtain a properly completed form 100799  
prescribed under division (B) of this section from the surviving 100800  
tenant under a survivorship tenancy or the surviving tenant's 100801  
representative and send a copy of the form to the administrator of 100802  
the medicaid estate recovery program before registering the title 100803

in the surviving tenants under section 5309.081 of the Revised Code. 100804  
100805

**Sec. 5505.12.** (A) The state highway patrol retirement board shall have prepared annually by or under the supervision of an actuary an actuarial valuation of the pension assets, liabilities, and funding requirements of the state highway patrol retirement system as established pursuant to this chapter. The actuary shall complete the valuation in accordance with actuarial standards of practice promulgated by the actuarial standards board of the American academy of actuaries and prepare a report of the valuation. The report shall include all of the following: 100806  
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(1) A summary of the benefit provisions evaluated; 100815

(2) A summary of the census data and financial information used in the valuation; 100816  
100817

(3) A description of the actuarial assumptions, actuarial cost method, and asset valuation method used in the valuation, including a statement of the assumed rate of payroll growth and assumed rate of growth or decline in the number of members contributing to the retirement system; 100818  
100819  
100820  
100821  
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(4) A summary of findings that includes a statement of the actuarial accrued pension liabilities and unfunded actuarial accrued pension liabilities; 100823  
100824  
100825

(5) A schedule showing the effect of any changes in the benefit provisions, actuarial assumptions, or cost methods since the last annual actuarial valuation; 100826  
100827  
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(6) A statement of whether contributions to the retirement system are expected to be sufficient to satisfy the funding objectives established by the board. 100829  
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The board shall submit the report to the Ohio retirement study council, the director of budget and management, and the 100832  
100833

standing committees of the house of representatives and the senate 100834  
with primary responsibility for retirement legislation immediately 100835  
upon its availability and not later than the first day of July 100836  
following the year for which the valuation was made. 100837

(B) At such times as the state highway patrol retirement 100838  
board determines, and at least once in each five-year period after 100839  
January 1, 1966, the board shall have prepared by or under the 100840  
supervision of an actuary an actuarial investigation of the 100841  
mortality, service, and other experience of the members, 100842  
retirants, and beneficiaries to update the actuarial assumptions 100843  
used in the actuarial valuation required by division (A) of this 100844  
section. The actuary shall prepare a report of the actuarial 100845  
investigation. The report shall be prepared and any recommended 100846  
changes in actuarial assumptions shall be made in accordance with 100847  
the actuarial standards of practice promulgated by the actuarial 100848  
standards board of the American academy of actuaries. The report 100849  
shall include all of the following: 100850

(1) A summary of relevant decrement and economic assumption 100851  
experience observed over the period of the investigation; 100852

(2) Recommended changes in actuarial assumptions to be used 100853  
in subsequent actuarial valuations required by division (A) of 100854  
this section; 100855

(3) A measurement of the financial effect of the recommended 100856  
changes in actuarial assumptions; 100857

(4) If the investigation required by this division includes 100858  
the investigation required by division (F) of this section, a 100859  
report of the result of that investigation. 100860

The board shall submit the report to the Ohio retirement 100861  
study council and the standing committees of the house of 100862  
representatives and the senate with primary responsibility for 100863  
retirement legislation not later than the first day of November 100864



following the last fiscal year of the period the report covers. 100865

(C) The board may at any time request the actuary to make any 100866  
studies or actuarial valuations to determine the adequacy of the 100867  
rates of contributions provided by section 5505.15 of the Revised 100868  
Code. 100869

(D) The board shall have prepared by or under the supervision 100870  
of an actuary an actuarial analysis of any introduced legislation 100871  
expected to have a measurable financial impact on the retirement 100872  
system. The actuarial analysis shall be completed in accordance 100873  
with the actuarial standards of practice promulgated by the 100874  
actuarial standards board of the American academy of actuaries. 100875  
The actuary shall prepare a report of the actuarial analysis, 100876  
which shall include all of the following: 100877

(1) A summary of the statutory changes that are being 100878  
evaluated; 100879

(2) A description of or reference to the actuarial 100880  
assumptions and actuarial cost method used in the report; 100881

(3) A description of the participant group or groups included 100882  
in the report; 100883

(4) A statement of the financial impact of the legislation, 100884  
including the resulting increase, if any, in the employer normal 100885  
cost percentage; the increase, if any, in actuarial accrued 100886  
liabilities; and the per cent of payroll that would be required to 100887  
amortize the increase in actuarial accrued liabilities as a level 100888  
per cent of covered payroll for all active members over a period 100889  
not to exceed thirty years; 100890

(5) A statement of whether the scheduled contributions to the 100891  
system after the proposed change is enacted are expected to be 100892  
sufficient to satisfy the funding objectives established by the 100893  
board. 100894

Not later than sixty days from the date of introduction of the legislation, the board shall submit a copy of the actuarial analysis to the legislative service commission, the standing committees of the house of representatives and the senate with primary responsibility for retirement legislation, and the Ohio retirement study council.

(E) The board shall have prepared annually a report giving a full accounting of the revenues and costs relating to the provision of benefits under section 5505.28 of the Revised Code. The report shall be made as of December 31, 1997, and the thirty-first day of December of each year thereafter. The report shall include the following:

(1) A description of the statutory authority for the benefits provided;

(2) A summary of the benefits;

(3) A summary of the eligibility requirements for the benefits;

(4) A statement of the number of participants eligible for the benefits;

(5) A description of the accounting, asset valuation, and funding method used to provide the benefits;

(6) A statement of the net assets available for the provision of the benefits as of the last day of the fiscal year;

(7) A statement of any changes in the net assets available for the provision of benefits, including participant and employer contributions, net investment income, administrative expenses, and benefits provided to participants, as of the last day of the fiscal year;

(8) For the last six consecutive fiscal years, a schedule of the net assets available for the benefits, the annual cost of

benefits, administrative expenses incurred, and annual employer 100925  
contributions allocated for the provision of benefits; 100926

(9) A description of any significant changes that affect the 100927  
comparability of the report required under this division; 100928

(10) A statement of the amount paid under division (B) of 100929  
section 5505.28 of the Revised Code. 100930

The board shall submit the report to the Ohio retirement 100931  
study council, the director of budget and management, and the 100932  
standing committees of the house of representatives and the senate 100933  
with primary responsibility for retirement legislation immediately 100934  
upon its availability and not later than the thirtieth day of June 100935  
following the year for which the report was made. 100936

(F) At least once in each five-year period, the board shall 100937  
have prepared by or under the supervision of an actuary an 100938  
actuarial investigation of the deferred retirement option plan 100939  
established under section 5505.50 of the Revised Code. The 100940  
investigation shall include an examination of the financial 100941  
impact, if any, on the retirement system of offering the plan to 100942  
members. 100943

The actuary shall prepare a report of the actuarial 100944  
investigation. The report shall include a determination of whether 100945  
the plan, as established or modified, has a negative financial 100946  
impact on the retirement system and, if so, recommendations on how 100947  
to modify the plan to eliminate the negative financial impact. If 100948  
the actuarial report indicates that the plan has a negative 100949  
financial impact on the retirement system, the board shall modify 100950  
the plan. If the board modifies the plan, the rights and 100951  
obligations of members who have already elected to participate 100952  
shall not be altered. 100953

The state's contributions to the employer accumulation fund 100954  
shall not be increased to offset any negative financial impact of 100955

the deferred retirement option plan. 100956

The board may include the actuarial investigation required 100957  
under this division as part of the actuarial investigation 100958  
required under division (B) of this section. If the report of the 100959  
actuarial investigation required by this division is not included 100960  
in the report required by division (B) of this section, the board 100961  
shall submit the report required by this division to the Ohio 100962  
retirement study council and the standing committees of the house 100963  
of representatives and the senate with primary responsibility for 100964  
retirement legislation not later than the first day of November 100965  
following the last fiscal year of the period the report covers. 100966

**Sec. 5507.46.** (A) Prior to January 1, 2014: 100967

(1) A wireless service provider or reseller, not later than 100968  
the last day of each month, shall remit the full amount of all 100969  
wireless 9-1-1 charges it collected under division (A) of section 100970  
5507.42 of the Revised Code for the second preceding calendar 100971  
month to the Ohio 9-1-1 coordinator, with the exception of charges 100972  
equivalent to the amount authorized as a billing and collection 100973  
fee under division (A)(2) of this section. In doing so, the 100974  
provider or reseller may remit the requisite amount in any 100975  
reasonable manner consistent with its existing operating or 100976  
technological capabilities, such as by customer address, location 100977  
associated with the wireless telephone number, or another 100978  
allocation method based on comparable, relevant data. If the 100979  
wireless service provider or reseller receives a partial payment 100980  
for a bill from a wireless service subscriber, the wireless 100981  
service provider or reseller shall apply the payment first against 100982  
the amount the subscriber owes the wireless service provider or 100983  
reseller and shall remit to the coordinator such lesser amount, if 100984  
any, as results from that invoice. 100985

(2) A wireless service provider or reseller may retain as a 100986

billing and collection fee two per cent of the total wireless 100987  
9-1-1 charges it collects in a month and shall account to the 100988  
coordinator for the amount retained. 100989

(3) The coordinator shall return to, or credit against the 100990  
next month's remittance of, a wireless service provider or 100991  
reseller the amount of any remittances the coordinator determines 100992  
were erroneously submitted by the provider or reseller. 100993

(B) Beginning January 1, 2014: 100994

(1) Each seller of a prepaid wireless calling service, 100995  
wireless service provider, and reseller shall, on or before the 100996  
twenty-third day of each month, except as provided in divisions 100997  
(B)(2) and (3) of this section, do both of the following: 100998

(a) Make and file a return for the preceding month, in the 100999  
form prescribed by the tax commissioner, showing the amount of the 101000  
wireless 9-1-1 charges due under section 5507.42 of the Revised 101001  
Code for that month; 101002

(b) Remit the full amount due, as shown on the return, with 101003  
the exception of charges equivalent to the amount authorized as a 101004  
collection fee under division (B)(4) of this section. 101005

(2) The commissioner may grant one or more thirty-day 101006  
extensions for making and filing returns and remitting amounts 101007  
due. 101008

(3) If a seller is required to collect prepaid wireless 9-1-1 101009  
charges in amounts that do not merit monthly returns, the 101010  
commissioner may authorize the seller to make and file returns 101011  
less frequently. The commissioner shall ascertain whether this 101012  
authorization is warranted upon the basis of administrative costs 101013  
to the state. 101014

(4) A wireless service provider, reseller, and seller may 101015  
each retain as a collection fee three per cent of the total 101016

wireless 9-1-1 charges required to be collected under section 101017  
5507.42 of the Revised Code, and shall account to the tax 101018  
commissioner for the amount retained. 101019

(5) The return required under division (B)(1)(a) of this 101020  
section shall be filed electronically using the Ohio business 101021  
gateway, as defined in section 718.051 of the Revised Code, the 101022  
Ohio telefile system, or any other electronic means prescribed by 101023  
the tax commissioner. Remittance of the amount due shall be made 101024  
electronically in a manner approved by the commissioner. A 101025  
wireless service provider, reseller, or seller may apply to the 101026  
commissioner on a form prescribed by the commissioner to be 101027  
excused from either electronic requirement of this division. For 101028  
good cause shown, the commissioner may excuse the provider, 101029  
reseller, or seller from either or both of the requirements and 101030  
may permit the provider, reseller, or seller to file returns or 101031  
make remittances by nonelectronic means. 101032

(C)(1) Prior to January 1, 2014, each subscriber on which a 101033  
wireless 9-1-1 charge is imposed under division (A) of section 101034  
5507.42 of the Revised Code is liable to the state for the amount 101035  
of the charge. If a wireless service provider or reseller fails to 101036  
collect the charge under that division from a subscriber of 101037  
prepaid wireless service, or fails to bill any other subscriber 101038  
for the charge, the wireless service provider or reseller is 101039  
liable to the state for the amount not collected or billed. If a 101040  
wireless service provider or reseller collects charges under that 101041  
division and fails to remit the money to the coordinator, the 101042  
wireless service provider or reseller is liable to the state for 101043  
any amount collected and not remitted. 101044

(2) Beginning January 1, 2014: 101045

(a) Each subscriber or consumer on which a wireless 9-1-1 101046  
charge is imposed under section 5507.42 of the Revised Code is 101047  
liable to the state for the amount of the charge. If a wireless 101048

service provider or reseller fails to bill or collect the charge, 101049  
or if a seller fails to collect the charge, the provider, 101050  
reseller, or seller is liable to the state for the amount not 101051  
billed or collected. If a provider, reseller, or seller fails to 101052  
remit money to the tax commissioner as required under this 101053  
section, the provider, reseller, or seller is liable to the state 101054  
for the amount not remitted, regardless of whether the amount was 101055  
collected. 101056

(b) No provider of a prepaid wireless calling service shall 101057  
be liable to the state for any wireless 9-1-1 charge imposed under 101058  
division (B)(1) of section 5507.42 of the Revised Code that was 101059  
not collected or remitted. 101060

(D) Prior to January 1, 2014: 101061

(1) If the public utilities commission has reason to believe 101062  
that a wireless service provider or reseller has failed to bill, 101063  
collect, or remit the wireless 9-1-1 charge as required by 101064  
divisions (A)(1) and (C)(1) of this section or has retained more 101065  
than the amount authorized under division (A)(2) of this section, 101066  
and after written notice to the provider or reseller, the 101067  
commission may audit the provider or reseller for the sole purpose 101068  
of making such a determination. The audit may include, but is not 101069  
limited to, a sample of the provider's or reseller's billings, 101070  
collections, remittances, or retentions for a representative 101071  
period, and the commission shall make a good faith effort to reach 101072  
agreement with the provider or reseller in selecting that sample. 101073

(2) Upon written notice to the wireless service provider or 101074  
reseller, the commission, by order after completion of the audit, 101075  
may make an assessment against the provider or reseller if, 101076  
pursuant to the audit, the commission determines that the provider 101077  
or reseller has failed to bill, collect, or remit the wireless 101078  
9-1-1 charge as required by divisions (A)(1) and (C)(1) of this 101079  
section or has retained more than the amount authorized under 101080

division (A)(2) of this section. The assessment shall be in the amount of any remittance that was due and unpaid on the date notice of the audit was sent by the commission to the provider or reseller or, as applicable, in the amount of the excess amount under division (A)(2) of this section retained by the provider or reseller as of that date.

(3) The portion of any assessment not paid within sixty days after the date of service by the commission of the assessment notice under division (D)(2) of this section shall bear interest from that date until paid at the rate per annum prescribed by section 5703.47 of the Revised Code. That interest may be collected by making an assessment under division (D)(2) of this section. An assessment under this division and any interest due shall be remitted in the same manner as the wireless 9-1-1 charge imposed under division (A) of section 5507.42 of the Revised Code.

(4) An assessment is final and due and payable and shall be remitted to the commission unless the assessed party petitions for rehearing under section 4903.10 of the Revised Code. The proceedings of the commission specified in division (D)(4) of this section are subject to and governed by Chapter 4903. of the Revised Code, except that the court of appeals of Franklin county has exclusive, original jurisdiction to review, modify, or vacate an order of the commission under division (D)(2) of this section. The court shall hear and determine such appeal in the same manner and under the same standards as the Ohio supreme court hears and determines appeals under Chapter 4903. of the Revised Code.

The judgment of the court of appeals is final and conclusive unless reversed, vacated, or modified on appeal. Such an appeal may be made by the commission or the person to whom the order under division (D)(2) of this section was issued and shall proceed as in the case of appeals in civil actions as provided in Chapter 2505. of the Revised Code.



(5) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the commission's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the place of business of the assessed party is located. If the party maintains no place of business in this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county. Immediately upon the filing, the clerk shall enter a judgment for the state against the assessed party in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for wireless 9-1-1 charges" and shall have the same effect as other judgments. The judgment shall be executed upon the request of the commission.

(6) An assessment under this division does not discharge a subscriber's liability to reimburse the provider or reseller for the wireless 9-1-1 charge imposed under division (A) of section 5507.42 of the Revised Code. If, after the date of service of the audit notice under division (D)(1) of this section, a subscriber pays a wireless 9-1-1 charge for the period covered by the assessment, the payment shall be credited against the assessment.

(7) All money collected by the commission under division (D) of this section shall be paid to the treasurer of state, for deposit to the credit of the wireless 9-1-1 government assistance fund.

(E) Beginning January 1, 2014:

(1) If the tax commissioner has reason to believe that a wireless service provider, reseller, or seller has failed to bill, collect, or remit the wireless 9-1-1 charge as required by this section and section 5507.42 of the Revised Code or has retained more than the amount authorized under division (B)(4) of this section, and after written notice to the provider, reseller, or

seller, the tax commissioner may audit the provider, reseller, or 101145  
seller for the sole purpose of making such a determination. The 101146  
audit may include, but is not limited to, a sample of the 101147  
provider's, reseller's, or seller's billings, collections, 101148  
remittances, or retentions for a representative period, and the 101149  
tax commissioner shall make a good faith effort to reach agreement 101150  
with the provider, reseller, or seller in selecting that sample. 101151

(2) Upon written notice to the wireless service provider, 101152  
reseller, or seller, the tax commissioner, after completion of the 101153  
audit, may make an assessment against the provider, reseller, or 101154  
seller if, pursuant to the audit, the tax commissioner determines 101155  
that the provider, reseller, or seller has failed to bill, 101156  
collect, or remit the wireless 9-1-1 charge as required by this 101157  
section and section 5507.42 of the Revised Code or has retained 101158  
more than the amount authorized under division (B)(4) of this 101159  
section. The assessment shall be in the amount of any remittance 101160  
that was due and unpaid on the date notice of the audit was sent 101161  
by the tax commissioner to the provider, reseller, or seller or, 101162  
as applicable, in the amount of the excess amount under division 101163  
(B)(4) of this section retained by the provider, reseller, or 101164  
seller as of that date. 101165

(3) The portion of any assessment consisting of wireless 101166  
9-1-1 charges due and not paid within sixty days after the date ~~of~~ 101167  
~~service by the tax commissioner of that~~ the assessment notice was 101168  
made under division (E)(2) of this section shall bear interest 101169  
from that date until paid at the rate per annum prescribed by 101170  
section 5703.47 of the Revised Code. That interest may be 101171  
collected by making an assessment under division (E)(2) of this 101172  
section. ~~An assessment under this division and any interest due~~ 101173  
~~shall be remitted in the same manner as the wireless 9-1-1 charges~~ 101174  
~~imposed under section 5507.42 of the Revised Code.~~ 101175

(4) ~~The portion of the assessment not paid within sixty days~~ 101176

~~after the day the assessment was issued shall bear interest at the 101177  
rate per annum prescribed by section 5703.47 of the Revised Code 101178  
from the day the commissioner issues the assessment until it is 101179  
paid. Interest shall be remitted in the same manner as the 9-1-1 101180  
charges and may be collected by the issuance of an assessment 101181  
under division (E) of this section. 101182~~

~~(5)~~ Unless the provider, reseller, or seller assessed files 101183  
with the tax commissioner within sixty days after service of the 101184  
notice of assessment, either personally or by certified mail, a 101185  
written petition for reassessment, signed by the party assessed or 101186  
that party's authorized agent having knowledge of the facts, the 101187  
assessment shall become final and the amount of the assessment 101188  
shall be due and payable from the party assessed to the treasurer 101189  
of state, for deposit to the next generation 9-1-1 fund, which is 101190  
created under section 5507.54 of the Revised Code. The petition 101191  
shall indicate the objections of the party assessed, but 101192  
additional objections may be raised in writing if received by the 101193  
commissioner prior to the date shown on the final determination. 101194  
If the petition has been properly filed, the commissioner shall 101195  
proceed under section 5703.60 of the Revised Code. 101196

~~(6)~~(5) After an assessment becomes final, if any portion of 101197  
the assessment remains unpaid, including accrued interest, a 101198  
certified copy of the final assessment may be filed in the office 101199  
of the clerk of the court of common pleas in the county in which 101200  
the business of the assessed party is conducted. If the party 101201  
assessed maintains no place of business in this state, the 101202  
certified copy of the final assessment may be filed in the office 101203  
of the clerk of the court of common pleas of Franklin county. 101204  
Immediately upon the filing, the clerk shall enter a judgment for 101205  
the state against the assessed party in the amount shown on the 101206  
final assessment. The judgment may be filed by the clerk in a 101207  
loose-leaf book entitled "special judgments for wireless 9-1-1 101208

charges" and shall have the same effect as other judgments. The 101209  
judgment shall be executed upon the request of the tax 101210  
commissioner. 101211

~~(7)~~(6) If the commissioner determines that the commissioner 101212  
erroneously has refunded a wireless 9-1-1 charge to any person, 101213  
the commissioner may make an assessment against that person for 101214  
recovery of the erroneously refunded charge. 101215

~~(8)~~(7) An assessment under division (E) of this section does 101216  
not discharge a subscriber's or consumer's liability to reimburse 101217  
the provider, reseller, or seller for a wireless 9-1-1 charge. If, 101218  
after the date of service of the audit notice under division 101219  
(E)(1) of this section, a subscriber or consumer pays a wireless 101220  
9-1-1 charge for the period covered by the assessment, the payment 101221  
shall be credited against the assessment. 101222

**Sec. 5511.03.** The director of transportation shall examine 101223  
the existing highway facilities serving the several hospitals, 101224  
educational institutions, and correctional and other similar 101225  
institutions belonging to the state, and located outside municipal 101226  
corporations. Where the director finds that any such state 101227  
institution is not located on a state highway or connected with a 101228  
highway by a suitable road, affording in its present condition 101229  
adequate transportation facilities to those having occasion to 101230  
visit such institution, the director may establish a state highway 101231  
leading to such institution from a convenient point on an existing 101232  
highway. Where the director finds that any such institution is not 101233  
served by adequate highway facilities connecting it with the 101234  
railroad delivery point from which it principally obtains fuel, 101235  
provisions, and supplies, the director may establish a highway 101236  
connecting such institution and railroad delivery point. 101237  
Limitations imposed on the mileage of state highways shall not 101238  
apply to highways established under this section. 101239

The director may construct at state expense all highways established under authority of this section and pay the entire cost thereof from the state highway operating fund. Such highways shall be maintained by the department of transportation and the cost shall be paid from the highway operating fund of the department.

The directors of transportation, ~~mental health~~ mental health and addiction services, developmental disabilities, and rehabilitation and correction may cooperate in the establishment, construction, reconstruction, maintenance, and repair of roads within the limits of state institutions. The cost shall be paid from funds appropriated for highway purposes and from the funds appropriated to the department of ~~mental health~~ mental health and addiction services, department of developmental disabilities, or the department of rehabilitation and correction for capital improvements or maintenance in such proportion as may be agreed upon by the directors of transportation, ~~mental health~~ mental health and addiction services, developmental disabilities, and rehabilitation and correction.

**Sec. 5701.13.** (A) As used in this section:

(1) "Nursing home" means a nursing home or a home for the aging, as those terms are defined in section 3721.01 of the Revised Code, that is issued a license pursuant to section 3721.02 of the Revised Code.

(2) "Residential care facility" means a residential care facility, as defined in section 3721.01 of the Revised Code, that is issued a license pursuant to section 3721.02 of the Revised Code.

(3) "Residential facility" means a residential facility licensed under section ~~5119.22~~ 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services

for three to sixteen unrelated adults. 101271

(B) As used in Title LVII of the Revised Code, and for the 101272  
purpose of other sections of the Revised Code that refer 101273  
specifically to Chapter 5701. or section 5701.13 of the Revised 101274  
Code, a "home for the aged" means either of the following: 101275

(1) A place of residence for aged and infirm persons that 101276  
satisfies divisions (B)(1)(a) to (e) of this section: 101277

(a) It is a nursing home, residential care facility, or 101278  
residential facility. 101279

(b) It is owned by a corporation, unincorporated nonprofit 101280  
association, or trust of a charitable, religious, or fraternal 101281  
nature, that is organized and operated not for profit, is not 101282  
formed for the pecuniary gain or profit of, and whose net earnings 101283  
or any part of whose net earnings is not distributable to, its 101284  
members, trustees, officers, or other private persons, and is 101285  
exempt from federal income taxation under section 501 of the 101286  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1. 101287

(c) It is open to the public without regard to race, color, 101288  
or national origin. 101289

(d) It does not pay, directly or indirectly, compensation for 101290  
services rendered, interest on debts incurred, or purchase price 101291  
for land, building, equipment, supplies, or other goods or 101292  
chattels, which compensation, interest, or purchase price is 101293  
unreasonably high. 101294

(e) It provides services for the life of each resident 101295  
without regard to the resident's ability to continue payment for 101296  
the full cost of the services. 101297

(2) A place of residence that satisfies divisions (B)(1)(b), 101298  
(d), and (e) of this section; that satisfies the definition of 101299  
"nursing home" or "residential care facility" under section 101300

3721.01 of the Revised Code or the definition of "residential facility" under division (A)(3) of this section regardless of whether it is licensed as such a home or facility; and that is provided at no charge to individuals on account of their service without compensation to a charitable, religious, fraternal, or educational institution, which individuals are aged or infirm and are members of the corporation, association, or trust that owns the place of residence. For the purposes of division (B)(2) of this section, "compensation" does not include furnishing room and board, clothing, health care, or other necessities, or stipends or other de minimis payments to defray the cost thereof.

Exemption from taxation shall be accorded, on proper application, only to those homes or parts of homes that meet the standards and provide the services specified in this section.

Nothing in this section shall be construed as preventing a home from requiring a resident with financial need to apply for any applicable financial assistance or requiring a home to retain a resident who willfully refuses to pay for services for which the resident has contracted even though the resident has sufficient resources to do so.

(C)(1) If a corporation, unincorporated nonprofit association, or trust described in division (B)(1)(b) of this section is granted a certificate of need pursuant to section 3702.52 of the Revised Code to construct, add to, or otherwise modify a nursing home, or is given approval pursuant to section 3791.04 of the Revised Code to construct, add to, or otherwise modify a residential care facility or residential facility and if the corporation, association, or trust submits an affidavit to the tax commissioner stating that, commencing on the date of licensure and continuing thereafter, the home or facility will be operated in accordance with the requirements of divisions (B)(1)(a) to (e) of this section, the corporation, association, or trust shall be

considered to be operating a "home for the aged" within the 101333  
meaning of division (B)(1) of this section, beginning on the first 101334  
day of January of the year in which such certificate is granted or 101335  
approval is given. 101336

(2) If a corporation, association, or trust is considered to 101337  
be operating a "home for the aged" pursuant to division (C)(1) of 101338  
this section, the corporation, association, or trust shall notify 101339  
the tax commissioner in writing upon the occurrence of any of the 101340  
following events: 101341

(a) The corporation, association, or trust no longer intends 101342  
to complete the construction of, addition to, or modification of 101343  
the home or facility, to obtain the appropriate license for the 101344  
home or facility, or to commence operation of the home or facility 101345  
in accordance with the requirements of divisions (B)(1)(a) to (e) 101346  
of this section; 101347

(b) The certificate of approval referred to in division 101348  
(C)(1) of this section expires, is revoked, or is otherwise 101349  
terminated prior to the completion of the construction of, 101350  
addition to, or modification of the home or facility; 101351

(c) The license to operate the home or facility is not 101352  
granted by the director of health within one year following 101353  
completion of the construction of, addition to, or modification of 101354  
the home or facility; 101355

(d) The license to operate the home or facility is not 101356  
granted by the director of health within four years following the 101357  
date upon which the certificate or approval referred to in 101358  
division (C)(1) of this section was granted or given; 101359

(e) The home or facility is granted a license to operate as a 101360  
nursing home, residential care facility, or residential facility. 101361

(3) Upon the occurrence of any of the events referred to in 101362  
divisions (C)(2)(a), (b), (c), (d), and (e) of this section, the 101363



corporation, association, or trust shall no longer be considered 101364  
to be operating a "home for the aged" pursuant to division (C)(1) 101365  
of this section, except that the tax commissioner, for good cause 101366  
shown and to the extent the commissioner considers appropriate, 101367  
may extend the time period specified in division (C)(2)(c) or (d) 101368  
of this section, or both. Nothing in division (C)(3) of this 101369  
section shall be construed to prevent a nursing home, residential 101370  
care facility, or residential facility from qualifying as a "home 101371  
for the aged" if, upon proper application made pursuant to 101372  
division (B) of this section, it is found to meet the requirements 101373  
of divisions (A) and (B) of this section. 101374

**Sec. 5703.052.** (A) There is hereby created in the state 101375  
treasury the tax refund fund, from which refunds shall be paid for 101376  
taxes illegally or erroneously assessed or collected, or for any 101377  
other reason overpaid, that are levied by Chapter 4301., 4305., 101378  
5726., 5728., 5729., 5731., 5733., 5735., 5739., 5741., 5743., 101379  
5747., 5748., 5749., 5751., or 5753. and sections 3737.71, 101380  
3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 101381  
5727.81, and 5727.811 of the Revised Code. Refunds for fees 101382  
illegally or erroneously assessed or collected, or for any other 101383  
reason overpaid, that are levied by sections 3734.90 to 3734.9014 101384  
of the Revised Code also shall be paid from the fund. Refunds for 101385  
amounts illegally or erroneously assessed or collected by the tax 101386  
commissioner, or for any other reason overpaid, that are due under 101387  
section 1509.50 of the Revised Code shall be paid from the fund. 101388  
However, refunds for taxes levied under section 5739.101 of the 101389  
Revised Code shall not be paid from the tax refund fund, but shall 101390  
be paid as provided in section 5739.104 of the Revised Code. 101391

(B)(1) Upon certification by the tax commissioner to the 101392  
treasurer of state of a tax refund, ~~a fee refund, or an other~~ 101393  
another amount refunded, or by the superintendent of insurance of 101394  
a domestic or foreign insurance tax refund, the treasurer of state 101395

shall place the amount certified to the credit of the fund. The 101396  
certified amount transferred shall be derived from ~~current the~~ 101397  
receipts of the same tax, fee, or other amount from which the 101398  
refund arose. ~~If current receipts from the tax, fee, or other~~ 101399  
~~amount from which the refund arose are inadequate to make the~~ 101400  
~~transfer of the amount so certified, the treasurer of state shall~~ 101401  
~~transfer such certified amount from current receipts of the sales~~ 101402  
~~tax levied by section 5739.02 of the Revised Code.~~ 101403

(2) ~~When the treasurer of state provides for the payment of a~~ 101404  
~~refund of a tax, fee, or other amount from the current receipts of~~ 101405  
~~the sales tax, and the a~~ refund is for a tax, fee, or other amount 101406  
that is not levied by the state, the tax commissioner shall 101407  
recover the amount of that refund from the next distribution of 101408  
that tax, fee, or other amount that otherwise would be made to the 101409  
taxing jurisdiction. If the amount to be recovered would exceed 101410  
twenty-five per cent of the next distribution of that tax, fee, or 101411  
other amount, the commissioner may spread the recovery over more 101412  
than one future distribution, taking into account the amount to be 101413  
recovered and the amount of the anticipated future distributions. 101414  
In no event may the commissioner spread the recovery over a period 101415  
to exceed twenty-four months. 101416

**Sec. 5703.059.** (A) The tax commissioner may adopt rules 101417  
requiring returns, including any accompanying schedule or 101418  
statement, for any of the following taxes to be filed 101419  
electronically using the Ohio business gateway as defined in 101420  
section 718.051 of the Revised Code, filed telephonically using 101421  
the system known as the Ohio telefile system, or filed by any 101422  
other electronic means prescribed by the commissioner: 101423

(1) Employer income tax withholding under Chapter 5747. of 101424  
the Revised Code; 101425

(2) Motor fuel tax under Chapter 5735. of the Revised Code; 101426

(3) Cigarette and tobacco product tax under Chapter 5743. of the Revised Code; 101427  
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(4) Severance tax under Chapter 5749. of the Revised Code; 101429

(5) Use tax under Chapter 5741. of the Revised Code; 101430

(6) Commercial activity tax under Chapter 5751. of the Revised Code; 101431  
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(7) Financial institutions tax under Chapter 5726. of the Revised Code. 101433  
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(B) The tax commissioner may adopt rules requiring any payment of tax shown on such a return to be due to be made electronically in a manner approved by the commissioner. 101435  
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(C) A rule adopted under this section does not apply to returns or reports filed or payments made before six months after the effective date of the rule. The commissioner shall publicize any new electronic filing requirement on the department's web site. The commissioner shall educate the public of the requirement through seminars, workshops, conferences, or other outreach activities. 101438  
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(D) Any person required to file returns and make payments electronically under rules adopted under this section may apply to the commissioner, on a form prescribed by the commissioner, to be excused from that requirement. For good cause shown, the commissioner may excuse the applicant from the requirement and permit the applicant to file the returns or reports or make the payments required under this section by nonelectronic means. 101445  
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(E) Beginning July 1, 2014, and thereafter for each year that the department of taxation has published at least one method acceptable to the tax commissioner for filing returns required under section 5747.08 of the Revised Code electronically, the department shall publish on the department's official web site a 101452  
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method for any individual, trust, or pass-through entity, 101457  
including individuals, trusts, and pass-through entities filing an 101458  
income tax return in this state for the first time, to register 101459  
electronically for that method of filing. 101460

**Sec. 5703.21.** (A) Except as provided in divisions (B) and (C) 101461  
of this section, no agent of the department of taxation, except in 101462  
the agent's report to the department or when called on to testify 101463  
in any court or proceeding, shall divulge any information acquired 101464  
by the agent as to the transactions, property, or business of any 101465  
person while acting or claiming to act under orders of the 101466  
department. Whoever violates this provision shall thereafter be 101467  
disqualified from acting as an officer or employee or in any other 101468  
capacity under appointment or employment of the department. 101469  
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(B)(1) For purposes of an audit pursuant to section 117.15 of 101471  
the Revised Code, or an audit of the department pursuant to 101472  
Chapter 117. of the Revised Code, or an audit, pursuant to that 101473  
chapter, the objective of which is to express an opinion on a 101474  
financial report or statement prepared or issued pursuant to 101475  
division (A)(7) or (9) of section 126.21 of the Revised Code, the 101476  
officers and employees of the auditor of state charged with 101477  
conducting the audit shall have access to and the right to examine 101478  
any state tax returns and state tax return information in the 101479  
possession of the department to the extent that the access and 101480  
examination are necessary for purposes of the audit. Any 101481  
information acquired as the result of that access and examination 101482  
shall not be divulged for any purpose other than as required for 101483  
the audit or unless the officers and employees are required to 101484  
testify in a court or proceeding under compulsion of legal 101485  
process. Whoever violates this provision shall thereafter be 101486  
disqualified from acting as an officer or employee or in any other 101487  
capacity under appointment or employment of the auditor of state. 101488

(2) For purposes of an internal audit pursuant to section 101489  
126.45 of the Revised Code, the officers and employees of the 101490  
office of internal ~~auditing~~ audit in the office of budget and 101491  
management charged with ~~conducting~~ directing the internal audit 101492  
shall have access to and the right to examine any state tax 101493  
returns and state tax return information in the possession of the 101494  
department to the extent that the access and examination are 101495  
necessary for purposes of the internal audit. Any information 101496  
acquired as the result of that access and examination shall not be 101497  
divulged for any purpose other than as required for the internal 101498  
audit or unless the officers and employees are required to testify 101499  
in a court or proceeding under compulsion of legal process. 101500  
Whoever violates this provision shall thereafter be disqualified 101501  
from acting as an officer or employee or in any other capacity 101502  
under appointment or employment of the office of internal ~~auditing~~ 101503  
audit. 101504

(3) As provided by section 6103(d)(2) of the Internal Revenue 101505  
Code, any federal tax returns or federal tax information that the 101506  
department has acquired from the internal revenue service, through 101507  
federal and state statutory authority, may be disclosed to the 101508  
auditor of state or the office of internal ~~auditing~~ audit solely 101509  
for purposes of an audit of the department. 101510

(4) For purposes of Chapter 3739. of the Revised Code, an 101511  
agent of the department of taxation may share information with the 101512  
division of state fire marshal that the agent finds during the 101513  
course of an investigation. 101514

(C) Division (A) of this section does not prohibit any of the 101515  
following: 101516

(1) Divulging information contained in applications, 101517  
complaints, and related documents filed with the department under 101518  
section 5715.27 of the Revised Code or in applications filed with 101519  
the department under section 5715.39 of the Revised Code; 101520

(2) Providing information to the office of child support 101521  
within the department of job and family services pursuant to 101522  
section 3125.43 of the Revised Code; 101523

(3) Disclosing to the motor vehicle repair board any 101524  
information in the possession of the department that is necessary 101525  
for the board to verify the existence of an applicant's valid 101526  
vendor's license and current state tax identification number under 101527  
section 4775.07 of the Revised Code; 101528

(4) Providing information to the administrator of workers' 101529  
compensation pursuant to sections 4123.271 and 4123.591 of the 101530  
Revised Code; 101531

(5) Providing to the attorney general information the 101532  
department obtains under division (J) of section 1346.01 of the 101533  
Revised Code; 101534

(6) Permitting properly authorized officers, employees, or 101535  
agents of a municipal corporation from inspecting reports or 101536  
information pursuant to rules adopted under section 5745.16 of the 101537  
Revised Code; 101538

(7) Providing information regarding the name, account number, 101539  
or business address of a holder of a vendor's license issued 101540  
pursuant to section 5739.17 of the Revised Code, a holder of a 101541  
direct payment permit issued pursuant to section 5739.031 of the 101542  
Revised Code, or a seller having a use tax account maintained 101543  
pursuant to section 5741.17 of the Revised Code, or information 101544  
regarding the active or inactive status of a vendor's license, 101545  
direct payment permit, or seller's use tax account; 101546

(8) Releasing invoices or invoice information furnished under 101547  
section 4301.433 of the Revised Code pursuant to that section; 101548

(9) Providing to a county auditor notices or documents 101549  
concerning or affecting the taxable value of property in the 101550  
county auditor's county. Unless authorized by law to disclose 101551

documents so provided, the county auditor shall not disclose such documents;  
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(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code;  
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(11) Subject to section 4301.441 of the Revised Code, disclosing to the appropriate state agency information in the possession of the department of taxation that is necessary to verify a permit holder's gallonage or noncompliance with taxes levied under Chapter 4301. or 4305. of the Revised Code;  
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(12) Disclosing to the department of natural resources information in the possession of the department of taxation that is necessary for the department of taxation to verify the taxpayer's compliance with ~~division (A)(1), (5), (6), (8), or (9)~~ of section 5749.02 of the Revised Code ~~and information received pursuant to section 1509.50 of the Revised Code concerning the amount due under that section~~ or to allow the department of natural resources to enforce Chapter 1509. of the Revised Code;  
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(13) Disclosing to the department of job and family services, industrial commission, and bureau of workers' compensation information in the possession of the department of taxation solely for the purpose of identifying employers that misclassify employees as independent contractors or that fail to properly report and pay employer tax liabilities. The department of taxation shall disclose only such information that is necessary to verify employer compliance with law administered by those agencies.  
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(14) Disclosing to the Ohio casino control commission information in the possession of the department of taxation that is necessary to verify a casino operator's compliance with section 5747.063 or 5753.02 of the Revised Code and sections related thereto;  
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(15) Disclosing to the state lottery commission information 101583  
in the possession of the department of taxation that is necessary 101584  
to verify a lottery sales agent's compliance with section 5747.064 101585  
of the Revised Code. 101586

**Sec. 5703.37.** (A)(1) Except as provided in division (B) of 101587  
this section, whenever service of a notice or order is required in 101588  
the manner provided in this section, a copy of the notice or order 101589  
shall be served upon the person affected thereby either by 101590  
personal service, by certified mail, or by a delivery service 101591  
authorized under section 5703.056 of the Revised Code that 101592  
notifies the tax commissioner of the date of delivery. 101593

(2) In lieu of serving a copy of a notice or order through 101594  
one of the means provided in division (A)(1) of this section, the 101595  
commissioner may serve a notice or order upon the person affected 101596  
thereby through alternative means as provided in this section, 101597  
including, but not limited to, delivery by secure electronic mail 101598  
as provided in division (F) of this section. Delivery by such 101599  
means satisfies the requirements for delivery under this section. 101600

(B)(1)(a) If certified mail is returned because of an 101601  
undeliverable address, the commissioner shall first utilize 101602  
reasonable means to ascertain a new last known address, including 101603  
the use of a change of address service offered by the United 101604  
States postal service or an authorized delivery service under 101605  
section 5703.056 of the Revised Code. If, after using reasonable 101606  
means, the commissioner is unable to ascertain a new last known 101607  
address, the assessment is final for purposes of section 131.02 of 101608  
the Revised Code sixty days after the notice or order sent by 101609  
certified mail is first returned to the commissioner, and the 101610  
commissioner shall certify the notice or order, if applicable, to 101611  
the attorney general for collection under section 131.02 of the 101612  
Revised Code. 101613



(b) Notwithstanding certification to the attorney general 101614  
under division (B)(1)(a) of this section, once the commissioner or 101615  
attorney general, or the designee of either, makes an initial 101616  
contact with the person to whom the notice or order is directed, 101617  
the person may protest an assessment by filing a petition for 101618  
reassessment within sixty days after the initial contact. The 101619  
certification of an assessment under division (B)(1)(a) of this 101620  
section is prima-facie evidence that delivery is complete and that 101621  
the notice or order is served. 101622

(2) If mailing of a notice or order by certified mail is 101623  
returned for some cause other than an undeliverable address or if 101624  
a person does not access an electronic notice or order within the 101625  
time provided in division (F) of this section, the commissioner 101626  
shall resend the notice or order by ordinary mail. The notice or 101627  
order shall show the date the commissioner sends the notice or 101628  
order and include the following statement: 101629

"This notice or order is deemed to be served on the addressee 101630  
under applicable law ten days from the date this notice or order 101631  
was mailed by the commissioner as shown on the notice or order, 101632  
and all periods within which an appeal may be filed apply from and 101633  
after that date." 101634

Unless the mailing is returned because of an undeliverable 101635  
address, the mailing of that information is prima-facie evidence 101636  
that delivery of the notice or order was completed ten days after 101637  
the commissioner sent the notice or order by ordinary mail and 101638  
that the notice or order was served. 101639

If the ordinary mail is subsequently returned because of an 101640  
undeliverable address, the commissioner shall proceed under 101641  
division (B)(1)(a) of this section. A person may challenge the 101642  
presumption of delivery and service under this division in 101643  
accordance with division (C) of this section. 101644

(C)(1) A person disputing the presumption of delivery and service under division (B) of this section bears the burden of proving by a preponderance of the evidence that the address to which the notice or order was sent was not an address with which the person was associated at the time the commissioner originally mailed the notice or order by certified mail. For the purposes of this section, a person is associated with an address at the time the commissioner originally mailed the notice or order if, at that time, the person was residing, receiving legal documents, or conducting business at the address; or if, before that time, the person had conducted business at the address and, when the notice or order was mailed, the person's agent or the person's affiliate was conducting business at the address. For the purposes of this section, a person's affiliate is any other person that, at the time the notice or order was mailed, owned or controlled at least twenty per cent, as determined by voting rights, of the addressee's business.

(2) If the person elects to protest an assessment certified to the attorney general for collection, the person must do so within sixty days after the attorney general's initial contact with the person. The attorney general may enter into a compromise with the person under sections 131.02 and 5703.06 of the Revised Code if the person does not file a petition for reassessment with the commissioner.

(D) Nothing in this section prohibits the commissioner or the commissioner's designee from delivering a notice or order by personal service.

(E) Collection actions taken pursuant to section 131.02 of the Revised Code upon any assessment being challenged under division (B)(1)(b) of this section shall be stayed upon the pendency of an appeal under this section. If a petition for reassessment is filed pursuant to this section on a claim that has

been certified to the attorney general for collection, the claim shall be uncertified.

(F) The commissioner may serve a notice or order upon the person affected by the notice or order through secure electronic means only with the person's consent. The commissioner must inform the recipient, electronically or by mail, that a notice or order is available for electronic review and provide instructions to access and print the notice or order. The recipient's electronic access of the notice or order satisfies the requirements for delivery under this section. If the recipient fails to access the notice or order electronically within ten business days, then the commissioner shall inform the recipient a second time, electronically or by mail, that a notice or order is available for electronic review and provide instructions to access and print the notice or order. If the recipient fails to access the notice or order electronically within ten business days of the second notification, the notice or order shall be served upon the person through ~~one of~~ the means provided in division ~~(A)(1)~~(B)(2) of this section.

(G) As used in this section:

(1) "Last known address" means the address the department has at the time the document is originally sent by certified mail, or any address the department can ascertain using reasonable means such as the use of a change of address service offered by the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code.

(2) "Undeliverable address" means an address to which the United States postal service or an authorized delivery service under section 5703.056 of the Revised Code is not able to deliver a notice or order, except when the reason for nondelivery is because the addressee fails to acknowledge or accept the notice or order.

Sec. 5703.75. This section applies to any tax payable to the state and administered by the tax commissioner. If the total amount of any such tax shown to be due on a return, amended return, or notice does not exceed one dollar, the taxpayer shall not be required to remit the amount due. If the total amount of a taxpayer's overpayment of any such tax does not exceed one dollar, the tax commissioner shall not be required to refund the overpayment.

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Sec. 5703.76. Any payment or distribution of money that the tax commissioner is required by law to make to a political subdivision of this state, an officer thereof, or a political party shall be made by electronic funds transfer. The commissioner shall promulgate any rules necessary to administer this section.

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Sec. 5703.82. (A) Not later than April 1, 2009, the department of taxation shall acquire the necessary hardware, software, and services to establish and implement a tax discovery data system to increase the efficiency of tax collections in the state. The system must be fully integrated and pre-staged for the purposes of assisting in revenue analysis, discovering noncompliant taxpayers, and collecting taxes from those taxpayers. The system shall consolidate tax data from various mainframe systems and operate as a single tax discovery data system. The department shall contract, pursuant to a competitive bidding process, for the necessary hardware, software, and services to implement the tax discovery data system.

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~~(B) There is hereby created in the state treasury the discovery project fund. All money to the credit of the fund shall be used to pay the costs of implementing and operating the tax discovery data system and to defray the costs incurred by the department of taxation in administering the system.~~

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~~(C) Beginning July 1, 2009, on or before the first day of January, April, July, and October of each calendar year, the tax commissioner shall determine and certify to the director of budget and management the amount needed to pay the costs of operating the tax discovery data system in the previous calendar quarter and the costs incurred in the previous calendar quarter by the department of taxation in administering the system. The director shall provide for payment from the general revenue fund to the discovery project fund of the amount so certified.~~

Sec. 5703.90. If any tax administered by the tax commissioner remains unpaid after the date the tax is due, the commissioner may issue an assessment for the unpaid tax, and for any related penalties and interest, against any person liable for the amount due, including, but not limited to, a person that is jointly and severally liable for the amount under Chapter 5726., 5748., 5749., or 5751. of the Revised Code, a partner liable for the tax liability of a partnership, a director, shareholder, or officer of a corporation that has dissolved or had its articles of incorporation canceled by the secretary of state, or any other person liable for the tax liability of another person under the Revised Code. The commissioner shall issue the assessment in accordance with any other provision of the Revised Code applicable to assessments for the tax for which the person to be assessed is liable.

**Sec. 5705.19.** This section does not apply to school districts or county school financing districts.

The taxing authority of any subdivision at any time and in any year, by vote of two-thirds of all the members of the taxing authority, may declare by resolution and certify the resolution to the board of elections not less than ninety days before the election upon which it will be voted that the amount of taxes that

may be raised within the ten-mill limitation will be insufficient 101770  
to provide for the necessary requirements of the subdivision and 101771  
that it is necessary to levy a tax in excess of that limitation 101772  
for any of the following purposes: 101773

(A) For current expenses of the subdivision, except that the 101774  
total levy for current expenses of a detention facility district 101775  
or district organized under section 2151.65 of the Revised Code 101776  
shall not exceed two mills and that the total levy for current 101777  
expenses of a combined district organized under sections 2151.65 101778  
and 2152.41 of the Revised Code shall not exceed four mills; 101779

(B) For the payment of debt charges on certain described 101780  
bonds, notes, or certificates of indebtedness of the subdivision 101781  
issued subsequent to January 1, 1925; 101782

(C) For the debt charges on all bonds, notes, and 101783  
certificates of indebtedness issued and authorized to be issued 101784  
prior to January 1, 1925; 101785

(D) For a public library of, or supported by, the subdivision 101786  
under whatever law organized or authorized to be supported; 101787

(E) For a municipal university, not to exceed two mills over 101788  
the limitation of one mill prescribed in section 3349.13 of the 101789  
Revised Code; 101790

(F) For the construction or acquisition of any specific 101791  
permanent improvement or class of improvements that the taxing 101792  
authority of the subdivision may include in a single bond issue; 101793

(G) For the general construction, reconstruction, 101794  
resurfacing, and repair of streets, roads, and bridges in 101795  
municipal corporations, counties, or townships; 101796

(H) For parks and recreational purposes; 101797

(I) For the purpose of providing and maintaining fire 101798  
apparatus, appliances, buildings, or sites therefor, or sources of 101799

water supply and materials therefor, or the establishment and 101800  
maintenance of lines of fire alarm telegraph, or the payment of 101801  
firefighting companies or permanent, part-time, or volunteer 101802  
firefighting, emergency medical service, administrative, or 101803  
communications personnel to operate the same, including the 101804  
payment of any employer contributions required for such personnel 101805  
under section 145.48 or 742.34 of the Revised Code, or the 101806  
purchase of ambulance equipment, or the provision of ambulance, 101807  
paramedic, or other emergency medical services operated by a fire 101808  
department or firefighting company; 101809

(J) For the purpose of providing and maintaining motor 101810  
vehicles, communications, other equipment, buildings, and sites 101811  
for such buildings used directly in the operation of a police 101812  
department, or the payment of salaries of permanent or part-time 101813  
police, communications, or administrative personnel to operate the 101814  
same, including the payment of any employer contributions required 101815  
for such personnel under section 145.48 or 742.33 of the Revised 101816  
Code, or the payment of the costs incurred by townships as a 101817  
result of contracts made with other political subdivisions in 101818  
order to obtain police protection, or the provision of ambulance 101819  
or emergency medical services operated by a police department; 101820

(K) For the maintenance and operation of a county home or 101821  
detention facility; 101822

(L) For community mental retardation and developmental 101823  
disabilities programs and services pursuant to Chapter 5126. of 101824  
the Revised Code, except that the procedure for such levies shall 101825  
be as provided in section 5705.222 of the Revised Code; 101826

(M) For regional planning; 101827

(N) For a county's share of the cost of maintaining and 101828  
operating schools, district detention facilities, forestry camps, 101829  
or other facilities, or any combination thereof, established under 101830

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| section 2151.65 or 2152.41 of the Revised Code or both of those sections;                                                                                                                                                                                                                                                                                                                                                   | 101831<br>101832                                                   |
| (O) For providing for flood defense, providing and maintaining a flood wall or pumps, and other purposes to prevent floods;                                                                                                                                                                                                                                                                                                 | 101833<br>101834<br>101835                                         |
| (P) For maintaining and operating sewage disposal plants and facilities;                                                                                                                                                                                                                                                                                                                                                    | 101836<br>101837                                                   |
| (Q) For the purpose of purchasing, acquiring, constructing, enlarging, improving, equipping, repairing, maintaining, or operating, or any combination of the foregoing, a county transit system pursuant to sections 306.01 to 306.13 of the Revised Code, or of making any payment to a board of county commissioners operating a transit system or a county transit board pursuant to section 306.06 of the Revised Code; | 101838<br>101839<br>101840<br>101841<br>101842<br>101843<br>101844 |
| (R) For the subdivision's share of the cost of acquiring or constructing any schools, forestry camps, detention facilities, or other facilities, or any combination thereof, under section 2151.65 or 2152.41 of the Revised Code or both of those sections;                                                                                                                                                                | 101845<br>101846<br>101847<br>101848                               |
| (S) For the prevention, control, and abatement of air pollution;                                                                                                                                                                                                                                                                                                                                                            | 101849<br>101850                                                   |
| (T) For maintaining and operating cemeteries;                                                                                                                                                                                                                                                                                                                                                                               | 101851                                                             |
| (U) For providing ambulance service, emergency medical service, or both;                                                                                                                                                                                                                                                                                                                                                    | 101852<br>101853                                                   |
| (V) For providing for the collection and disposal of garbage or refuse, including yard waste;                                                                                                                                                                                                                                                                                                                               | 101854<br>101855                                                   |
| (W) For the payment of the police officer employers' contribution or the firefighter employers' contribution required under sections 742.33 and 742.34 of the Revised Code;                                                                                                                                                                                                                                                 | 101856<br>101857<br>101858                                         |
| (X) For the construction and maintenance of a drainage improvement pursuant to section 6131.52 of the Revised Code;                                                                                                                                                                                                                                                                                                         | 101859<br>101860                                                   |



(Y) For providing or maintaining senior citizens services or facilities as authorized by section 307.694, 307.85, 505.70, or 505.706 or division (EE) of section 717.01 of the Revised Code; 101861  
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101863

(Z) For the provision and maintenance of zoological park services and facilities as authorized under section 307.76 of the Revised Code; 101864  
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(AA) For the maintenance and operation of a free public museum of art, science, or history; 101867  
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(BB) For the establishment and operation of a 9-1-1 system, as defined in section 5507.01 of the Revised Code; 101869  
101870

(CC) For the purpose of acquiring, rehabilitating, or developing rail property or rail service. As used in this division, "rail property" and "rail service" have the same meanings as in section 4981.01 of the Revised Code. This division applies only to a county, township, or municipal corporation. 101871  
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(DD) For the purpose of acquiring property for, constructing, operating, and maintaining community centers as provided for in section 755.16 of the Revised Code; 101876  
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(EE) For the creation and operation of an office or joint office of economic development, for any economic development purpose of the office, and to otherwise provide for the establishment and operation of a program of economic development pursuant to sections 307.07 and 307.64 of the Revised Code, or to the extent that the expenses of a county land reutilization corporation organized under Chapter 1724. of the Revised Code are found by the board of county commissioners to constitute the promotion of economic development, for the payment of such operations and expenses; 101879  
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(FF) For the purpose of acquiring, establishing, constructing, improving, equipping, maintaining, or operating, or any combination of the foregoing, a township airport, landing 101889  
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101891

field, or other air navigation facility pursuant to section 505.15 101892  
of the Revised Code; 101893

(GG) For the payment of costs incurred by a township as a 101894  
result of a contract made with a county pursuant to section 101895  
505.263 of the Revised Code in order to pay all or any part of the 101896  
cost of constructing, maintaining, repairing, or operating a water 101897  
supply improvement; 101898

(HH) For a board of township trustees to acquire, other than 101899  
by appropriation, an ownership interest in land, water, or 101900  
wetlands, or to restore or maintain land, water, or wetlands in 101901  
which the board has an ownership interest, not for purposes of 101902  
recreation, but for the purposes of protecting and preserving the 101903  
natural, scenic, open, or wooded condition of the land, water, or 101904  
wetlands against modification or encroachment resulting from 101905  
occupation, development, or other use, which may be styled as 101906  
protecting or preserving "greenspace" in the resolution, notice of 101907  
election, or ballot form. Except as otherwise provided in this 101908  
division, land is not acquired for purposes of recreation, even if 101909  
the land is used for recreational purposes, so long as no 101910  
building, structure, or fixture used for recreational purposes is 101911  
permanently attached or affixed to the land. Except as otherwise 101912  
provided in this division, land that previously has been acquired 101913  
in a township for these greenspace purposes may subsequently be 101914  
used for recreational purposes if the board of township trustees 101915  
adopts a resolution approving that use and no building, structure, 101916  
or fixture used for recreational purposes is permanently attached 101917  
or affixed to the land. The authorization to use greenspace land 101918  
for recreational use does not apply to land located in a township 101919  
that had a population, at the time it passed its first greenspace 101920  
levy, of more than thirty-eight thousand within a county that had 101921  
a population, at that time, of at least eight hundred sixty 101922  
thousand. 101923

(II) For the support by a county of a crime victim assistance program that is provided and maintained by a county agency or a private, nonprofit corporation or association under section 307.62 of the Revised Code;

(JJ) For any or all of the purposes set forth in divisions (I) and (J) of this section. This division applies only to a township.

(KK) For a countywide public safety communications system under section 307.63 of the Revised Code. This division applies only to counties.

(LL) For the support by a county of criminal justice services under section 307.45 of the Revised Code;

(MM) For the purpose of maintaining and operating a jail or other detention facility as defined in section 2921.01 of the Revised Code;

(NN) For purchasing, maintaining, or improving, or any combination of the foregoing, real estate on which to hold, and the operating expenses of, agricultural fairs operated by a county agricultural society or independent agricultural society under Chapter 1711. of the Revised Code. This division applies only to a county.

(OO) For constructing, rehabilitating, repairing, or maintaining sidewalks, walkways, trails, bicycle pathways, or similar improvements, or acquiring ownership interests in land necessary for the foregoing improvements;

(PP) For both of the purposes set forth in divisions (G) and (OO) of this section.

(QQ) For both of the purposes set forth in divisions (H) and (HH) of this section. This division applies only to a township.

(RR) For the legislative authority of a municipal

corporation, board of county commissioners of a county, or board 101954  
of township trustees of a township to acquire agricultural 101955  
easements, as defined in section 5301.67 of the Revised Code, and 101956  
to supervise and enforce the easements. 101957

(SS) For both of the purposes set forth in divisions (BB) and 101958  
(KK) of this section. This division applies only to a county. 101959

(TT) For the maintenance and operation of a facility that is 101960  
organized in whole or in part to promote the sciences and natural 101961  
history under section 307.761 of the Revised Code. 101962

(UU) For the creation and operation of a county land 101963  
reutilization corporation and for any programs or activities of 101964  
the corporation found by the board of directors of the corporation 101965  
to be consistent with the purposes for which the corporation is 101966  
organized; 101967

(VV) For construction and maintenance of improvements and 101968  
expenses of soil and water conservation district programs under 101969  
Chapter 1515. of the Revised Code; 101970

(WW) For the ~~Ohio cooperative~~ OSU extension ~~service~~ fund 101971  
created under section 3335.35 of the Revised Code for the purposes 101972  
prescribed under section 3335.36 of the Revised Code for the 101973  
benefit of the citizens of a county. This division applies only to 101974  
a county. 101975

(XX) For a municipal corporation that withdraws or proposes 101976  
by resolution to withdraw from a regional transit authority under 101977  
section 306.55 of the Revised Code to provide transportation 101978  
services for the movement of persons within, from, or to the 101979  
municipal corporation; 101980

(YY) For any combination of the purposes specified in 101981  
divisions (NN), (VV), and (WW) of this section. This division 101982  
applies only to a county. 101983

The resolution shall be confined to the purpose or purposes described in one division of this section, to which the revenue derived therefrom shall be applied. The existence in any other division of this section of authority to levy a tax for any part or all of the same purpose or purposes does not preclude the use of such revenues for any part of the purpose or purposes of the division under which the resolution is adopted.

The resolution shall specify the amount of the increase in rate that it is necessary to levy, the purpose of that increase in rate, and the number of years during which the increase in rate shall be in effect, which may or may not include a levy upon the duplicate of the current year. The number of years may be any number not exceeding five, except as follows:

(1) When the additional rate is for the payment of debt charges, the increased rate shall be for the life of the indebtedness.

(2) When the additional rate is for any of the following, the increased rate shall be for a continuing period of time:

(a) For the current expenses for a detention facility district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under sections 2151.65 and 2152.41 of the Revised Code;

(b) For providing a county's share of the cost of maintaining and operating schools, district detention facilities, forestry camps, or other facilities, or any combination thereof, established under section 2151.65 or 2152.41 of the Revised Code or under both of those sections.

(3) When the additional rate is for either of the following, the increased rate may be for a continuing period of time:

(a) For the purposes set forth in division (I), (J), (U), or (KK) of this section;

(b) For the maintenance and operation of a joint recreation district. 102015  
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(4) When the increase is for the purpose or purposes set forth in division (D), (G), (H), (CC), or (PP) of this section, the tax levy may be for any specified number of years or for a continuing period of time, as set forth in the resolution. 102017  
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(5) When the additional rate is for the purpose described in division (Z) of this section, the increased rate shall be for any number of years not exceeding ten. 102021  
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A levy for one of the purposes set forth in division (G), (I), (J), or (U) of this section may be reduced pursuant to section 5705.261 or 5705.31 of the Revised Code. A levy for one of the purposes set forth in division (G), (I), (J), or (U) of this section may also be terminated or permanently reduced by the taxing authority if it adopts a resolution stating that the continuance of the levy is unnecessary and the levy shall be terminated or that the millage is excessive and the levy shall be decreased by a designated amount. 102024  
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A resolution of a detention facility district, a district organized under section 2151.65 of the Revised Code, or a combined district organized under both sections 2151.65 and 2152.41 of the Revised Code may include both current expenses and other purposes, provided that the resolution shall apportion the annual rate of levy between the current expenses and the other purpose or purposes. The apportionment need not be the same for each year of the levy, but the respective portions of the rate actually levied each year for the current expenses and the other purpose or purposes shall be limited by the apportionment. 102033  
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Whenever a board of county commissioners, acting either as the taxing authority of its county or as the taxing authority of a sewer district or subdistrict created under Chapter 6117. of the 102043  
102044  
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Revised Code, by resolution declares it necessary to levy a tax in excess of the ten-mill limitation for the purpose of constructing, improving, or extending sewage disposal plants or sewage systems, the tax may be in effect for any number of years not exceeding twenty, and the proceeds of the tax, notwithstanding the general provisions of this section, may be used to pay debt charges on any obligations issued and outstanding on behalf of the subdivision for the purposes enumerated in this paragraph, provided that any such obligations have been specifically described in the resolution.

A resolution adopted by the legislative authority of a municipal corporation that is for the purpose in division (XX) of this section may be combined with the purpose provided in section 306.55 of the Revised Code, by vote of two-thirds of all members of the legislative authority. The legislative authority may certify the resolution to the board of elections as a combined question. The question appearing on the ballot shall be as provided in section 5705.252 of the Revised Code.

The resolution shall go into immediate effect upon its passage, and no publication of the resolution is necessary other than that provided for in the notice of election.

When the electors of a subdivision or, in the case of a qualifying library levy for the support of a library association or private corporation, the electors of the association library district, have approved a tax levy under this section, the taxing authority of the subdivision may anticipate a fraction of the proceeds of the levy and issue anticipation notes in accordance with section 5705.191 or 5705.193 of the Revised Code.

**Sec. 5705.221.** (A) At any time, the board of county commissioners of any county by a majority vote of the full membership may declare by resolution and certify to the board of

elections of the county that the amount of taxes which may be 102077  
raised within the ten-mill limitation by levies on the current tax 102078  
duplicate will be insufficient to provide the necessary 102079  
requirements of the county's alcohol, drug addiction, and mental 102080  
health service district established pursuant to Chapter 340. of 102081  
the Revised Code, or the county's contribution to a joint-county 102082  
district of which the county is a part, and that it is necessary 102083  
to levy a tax in excess of such limitation for the operation of 102084  
~~alcohol and drug~~ community addiction ~~programs~~ services providers 102085  
and community mental health ~~programs~~ services providers and the 102086  
acquisition, construction, renovation, financing, maintenance, and 102087  
operation of alcohol and drug addiction facilities and mental 102088  
health facilities. 102089

Such resolution shall conform to section 5705.19 of the 102090  
Revised Code, except that the increased rate may be in effect for 102091  
any number of years not exceeding ten. 102092

The resolution shall be certified and submitted in the manner 102093  
provided in section 5705.25 of the Revised Code, except that it 102094  
may be placed on the ballot in any election, and shall be 102095  
certified to the board of elections not less than ninety days 102096  
before the election at which it will be voted upon. 102097

If the majority of the electors voting on a levy to 102098  
supplement general fund appropriations for the support of the 102099  
comprehensive ~~alcohol and drug~~ community addiction and mental 102100  
health ~~program~~ services providers vote in favor of the levy, the 102101  
board may levy a tax within the county at the additional rate 102102  
outside the ten-mill limitation during the specified or continuing 102103  
period, for the purpose stated in the resolution. 102104

(B) When electors have approved a tax levy under this 102105  
section, the board of county commissioners may anticipate a 102106  
fraction of the proceeds of the levy and, from time to time, issue 102107  
anticipation notes in accordance with section 5705.191 or 5705.193 102108



of the Revised Code. 102109

(C) The county auditor who is the fiscal officer of the 102110  
alcohol, drug addiction, and mental health service district, upon 102111  
receipt of a resolution from the board of alcohol, drug addiction, 102112  
and mental health services, shall establish for the district a 102113  
capital improvements account or a reserve balance account, or 102114  
both, as specified in the resolution. The capital improvements 102115  
account shall be a contingency fund for the necessary acquisition, 102116  
replacement, renovation, or construction of facilities and movable 102117  
and fixed equipment. Upon the request of the board, funds not 102118  
needed to pay for current expenses may be appropriated to the 102119  
capital improvements account, in amounts such that the account 102120  
does not exceed twenty-five per cent of the replacement value of 102121  
all capital facilities and equipment currently used by the board 102122  
for programs and services. Other funds which are available for 102123  
current capital expenses from federal, state, or local sources may 102124  
also be appropriated to this account. 102125

The reserve balance account shall contain those funds that 102126  
are not needed to pay for current operating expenses and not 102127  
deposited in the capital improvements account but that will be 102128  
needed to pay for operating expenses in the future. Upon the 102129  
request of a board, such funds shall be appropriated to the 102130  
reserve balance account. Payments from the capital improvements 102131  
account and the reserve balance account shall be made by the 102132  
county treasurer who is the custodian of funds for the district 102133  
upon warrants issued by the county auditor who is the fiscal 102134  
officer of the district pursuant to orders of the board. 102135

**Sec. 5705.412.** (A) As used in this section, "qualifying 102136  
contract" means any agreement for the expenditure of money under 102137  
which aggregate payments from the funds included in the school 102138  
district's five-year forecast under section 5705.391 of the 102139

Revised Code will exceed the lesser of the following amounts: 102140

(1) Five hundred thousand dollars; 102141

(2) One per cent of the total revenue to be credited in the 102142  
current fiscal year to the district's general fund, as specified 102143  
in the district's most recent certificate of estimated resources 102144  
certified under section 5705.36 of the Revised Code. 102145

(B)(1) Notwithstanding section 5705.41 of the Revised Code, 102146  
no school district shall adopt any appropriation measure, make any 102147  
qualifying contract, or increase during any school year any wage 102148  
or salary schedule unless there is attached thereto a certificate, 102149  
signed as required by this section, that the school district has 102150  
in effect the authorization to levy taxes including the renewal or 102151  
replacement of existing levies which, when combined with the 102152  
estimated revenue from all other sources available to the district 102153  
at the time of certification, are sufficient to provide the 102154  
operating revenues necessary to enable the district to maintain 102155  
all personnel and programs for all the days set forth in its 102156  
adopted school calendars for the current fiscal year and for a 102157  
number of days in succeeding fiscal years equal to the number of 102158  
days instruction was held or is scheduled for the current fiscal 102159  
year, as follows: 102160

(a) A certificate attached to an appropriation measure under 102161  
this section shall cover only the fiscal year in which the 102162  
appropriation measure is effective and shall not consider the 102163  
renewal or replacement of an existing levy as the authority to 102164  
levy taxes that are subject to appropriation in the current fiscal 102165  
year unless the renewal or replacement levy has been approved by 102166  
the electors and is subject to appropriation in the current fiscal 102167  
year. 102168

(b) A certificate attached, in accordance with this section, 102169  
to any qualifying contract shall cover the term of the contract. 102170

(c) A certificate attached under this section to a wage or salary schedule shall cover the term of the schedule.

If the board of education has not adopted a school calendar for the school year beginning on the first day of the fiscal year in which a certificate is required, the certificate attached to an appropriation measure shall include the number of days on which instruction was held in the preceding fiscal year and other certificates required under this section shall include that number of days for the fiscal year in which the certificate is required and any succeeding fiscal years that the certificate must cover.

The certificate shall be signed by the treasurer and president of the board of education and the superintendent of the school district, unless the district is in a state of fiscal emergency declared under Chapter 3316. of the Revised Code. In that case, the certificate shall be signed by a member of the district's financial planning and supervision commission who is designated by the commission for this purpose.

(2) In lieu of the certificate required under division (B) of this section, an alternative certificate stating the following may be attached:

(a) The contract is a multi-year contract for materials, equipment, or nonpayroll services essential to the education program of the district;

(b) The multi-year contract demonstrates savings over the duration of the contract as compared to costs that otherwise would have been demonstrated in a single year contract, and the terms will allow the district to reduce the deficit it is currently facing in future years as demonstrated in its five-year forecast adopted in accordance with section 5705.391 of the Revised Code.

The certificate shall be signed by the treasurer and president of the board of education and the superintendent of the

school district, unless the district is in a state of fiscal 102202  
emergency declared under Chapter 3316. of the Revised Code. In 102203  
that case, the certificate shall be signed by a member of the 102204  
district's financial planning and supervision commission who is 102205  
designated by the commission for this purpose. 102206

(C) Every qualifying contract made or wage or salary schedule 102207  
adopted or put into effect without such a certificate shall be 102208  
void, and no payment of any amount due thereon shall be made. 102209

(D) The department of education and the auditor of state 102210  
jointly shall adopt rules governing the methods by which 102211  
treasurers, presidents of boards of education, superintendents, 102212  
and members of financial planning and supervision commissions 102213  
shall estimate revenue and determine whether such revenue is 102214  
sufficient to provide necessary operating revenue for the purpose 102215  
of making certifications required by this section. 102216

(E) The auditor of state shall be responsible for determining 102217  
whether school districts are in compliance with this section. At 102218  
the time a school district is audited pursuant to section 117.11 102219  
of the Revised Code, the auditor of state shall review each 102220  
certificate issued under this section since the district's last 102221  
audit, and the appropriation measure, contract, or wage and salary 102222  
schedule to which such certificate was attached. If the auditor of 102223  
state determines that a school district has not complied with this 102224  
section with respect to any qualifying contract or wage or salary 102225  
schedule, the auditor of state shall notify the prosecuting 102226  
attorney for the county, the city director of law, or other chief 102227  
law officer of the school district. That officer may file a civil 102228  
action in any court of appropriate jurisdiction to seek a 102229  
declaration that the contract or wage or salary schedule is void, 102230  
to recover for the school district from the payee the amount of 102231  
payments already made under it, or both, except that the officer 102232  
shall not seek to recover payments made under any collective 102233

bargaining agreement entered into under Chapter 4117. of the 102234  
Revised Code. If the officer does not file such an action within 102235  
one hundred twenty days after receiving notice of noncompliance 102236  
from the auditor of state, any taxpayer may institute the action 102237  
in the taxpayer's own name on behalf of the school district. 102238

~~(F) This section does not apply to any contract or increase 102239  
in any wage or salary schedule that is necessary in order to 102240  
enable a board of education to comply with division (B) of section 102241  
3317.13 of the Revised Code, provided the contract or increase 102242  
does not exceed the amount required to be paid to be in compliance 102243  
with such division. 102244~~

~~(G) Any officer, employee, or other person who expends or 102245  
authorizes the expenditure of any public funds or authorizes or 102246  
executes any contract or schedule contrary to this section, 102247  
expends or authorizes the expenditure of any public funds on the 102248  
void contract or schedule, or issues a certificate under this 102249  
section which contains any false statements is liable to the 102250  
school district for the full amount paid from the district's funds 102251  
on the contract or schedule. The officer, employee, or other 102252  
person is jointly and severally liable in person and upon any 102253  
official bond that the officer, employee, or other person has 102254  
given to the school district to the extent of any payments on the 102255  
void claim, not to exceed ten thousand dollars. However, no 102256  
officer, employee, or other person shall be liable for a mistaken 102257  
estimate of available resources made in good faith and based upon 102258  
reasonable grounds. If an officer, employee, or other person is 102259  
found to have complied with rules jointly adopted by the 102260  
department of education and the auditor of state under this 102261  
section governing methods by which revenue shall be estimated and 102262  
determined sufficient to provide necessary operating revenue for 102263  
the purpose of making certifications required by this section, the 102264  
officer, employee, or other person shall not be liable under this 102265~~

section if the estimates and determinations made according to 102266  
those rules do not, in fact, conform with actual revenue. The 102267  
prosecuting attorney of the county, the city director of law, or 102268  
other chief law officer of the district shall enforce this 102269  
liability by civil action brought in any court of appropriate 102270  
jurisdiction in the name of and on behalf of the school district. 102271  
If the prosecuting attorney, city director of law, or other chief 102272  
law officer of the district fails, upon the written request of any 102273  
taxpayer, to institute action for the enforcement of the 102274  
liability, the attorney general, or the taxpayer in the taxpayer's 102275  
own name, may institute the action on behalf of the subdivision. 102276

~~(H)~~(G) This section does not require the attachment of an 102277  
additional certificate beyond that required by section 5705.41 of 102278  
the Revised Code for current payrolls of, or contracts of 102279  
employment with, any employees or officers of the school district. 102280

This section does not require the attachment of a certificate 102281  
to a temporary appropriation measure if all of the following 102282  
apply: 102283

(1) The amount appropriated does not exceed twenty-five per 102284  
cent of the total amount from all sources available for 102285  
expenditure from any fund during the preceding fiscal year; 102286

(2) The measure will not be in effect on or after the 102287  
thirtieth day following the earliest date on which the district 102288  
may pass an annual appropriation measure; 102289

(3) An amended official certificate of estimated resources 102290  
for the current year, if required, has not been certified to the 102291  
board of education under division (B) of section 5705.36 of the 102292  
Revised Code. 102293

**Sec. 5709.17.** The following property shall be exempted from 102294  
taxation: 102295

(A) Real estate held or occupied by an association or corporation, organized or incorporated under the laws of this state relative to soldiers' memorial associations, monumental building associations, or cemetery associations or corporations, which in the opinion of the trustees, directors, or managers thereof is necessary and proper to carry out the object intended for such association or corporation;

(B) Real estate and tangible personal property held or occupied by a veterans' organization that qualifies for exemption from taxation under section 501(c)(19) or 501(c)(23) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, and is incorporated under the laws of this state or the United States, except real estate held by such organization for the production of rental or other income in excess of the designated amount, before accounting for any cost or expense incurred in the production of such income. For the purposes of this division, the designated amount equals seven thousand five hundred dollars in tax year 2002, and shall be increased by two hundred fifty dollars each year thereafter until tax year 2012, when it shall equal ten thousand dollars. For tax years 2013 and thereafter, the designated amount shall equal ten thousand dollars.

(C) Tangible personal property held by a corporation chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in section 501(c)(3) of the Internal Revenue Code, and exempt from taxation under section 501(a) of the Internal Revenue Code shall be exempt from taxation if it is property obtained as described in 112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407.

(D) Real estate held or occupied by a fraternal organization and used primarily for meetings of and the administration of the fraternal organization. As used in this division, "fraternal organization" means a domestic fraternal society, order, or

association operating under the lodge, council, or grange system 102328  
that qualifies for exemption from taxation under section 102329  
501(c)(5), 501(c)(8), or 501(c)(10) of the "Internal Revenue Code 102330  
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended; that provides 102331  
financial support for charitable purposes, as defined in division 102332  
(B)(12) of section 5739.02 of the Revised Code; and that has been 102333  
operating in this state with a state governing body for at least 102334  
one hundred years. 102335

**Sec. 5709.212.** (A) With every application for an exempt 102336  
facility certificate filed pursuant to section 5709.21 of the 102337  
Revised Code, the applicant shall pay a fee equal to one-half of 102338  
one per cent of the total exempt facility project cost, not to 102339  
exceed two thousand dollars. One-half of the fee received with 102340  
applications for exempt facility certificates shall be credited to 102341  
the exempt facility administrative fund, which is hereby created 102342  
in the state treasury, for appropriation to the department of 102343  
taxation for use in administering sections 5709.20 to 5709.27 of 102344  
the Revised Code. If the director of environmental protection is 102345  
required to provide the opinion for an application, one-half of 102346  
the fee shall be credited to the non-Title V clean air fund 102347  
created in section 3704.035 of the Revised Code for use in 102348  
administering section 5709.211 of the Revised Code, unless the 102349  
application is for an industrial water pollution control facility. 102350  
If the application is for an industrial water pollution control 102351  
facility, one-half of the fee shall be credited to the surface 102352  
water protection fund created in section 6111.038 of the Revised 102353  
Code for use in administering section 5709.211 of the Revised 102354  
Code. ~~If the director of development is required to provide the~~ 102355  
~~opinion for an application, one half of the fee for each exempt~~ 102356  
~~facility application shall be credited to the exempt facility~~ 102357  
~~inspection fund, which is hereby created in the state treasury,~~ 102358  
~~for appropriation to the department of development for use in~~ 102359



~~administering section 5709.211 of the Revised Code.~~ 102360

An applicant is not entitled to any tax exemption under 102361  
section 5709.25 of the Revised Code until the fee required by this 102362  
section is paid. The fee required by this section is not 102363  
refundable, and is due with the application for an exempt facility 102364  
certificate even if an exempt facility certificate ultimately is 102365  
not issued or is withdrawn. Any application submitted without 102366  
payment of the fee shall be deemed incomplete until the fee is 102367  
paid. 102368

(B) The application fee imposed under division (A) of this 102369  
section for a jointly owned facility shall be equal to one-half of 102370  
one per cent of the total exempt facility project cost, not to 102371  
exceed two thousand dollars for each facility that is the subject 102372  
of the application. 102373

**Sec. 5709.75.** (A) Any township that receives service payments 102374  
in lieu of taxes under section 5709.74 of the Revised Code shall 102375  
establish a township public improvement tax increment equivalent 102376  
fund into which those payments shall be deposited. If the board of 102377  
township trustees has adopted a resolution under division (C) of 102378  
section 5709.73 of the Revised Code, the township shall establish 102379  
at least one account in that fund with respect to resolutions 102380  
adopted under division (B) of that section, and one account with 102381  
respect to each incentive district created by a resolution adopted 102382  
under division (C) of that section. If a resolution adopted under 102383  
division (C) of section 5709.73 of the Revised Code also 102384  
authorizes the use of service payments for housing renovations 102385  
within the incentive district, the township shall establish 102386  
separate accounts for the service payments designated for public 102387  
infrastructure improvements and for the service payments 102388  
authorized for the purpose of housing renovations. 102389

(B) Except as otherwise provided in division (C) or (D) of this section, money deposited in an account of the township public improvement tax increment equivalent fund shall be used by the township to pay the costs of public infrastructure improvements designated in or the housing renovations authorized by the resolution with respect to which the account is established, including any interest on and principal of the notes; in the case of an account established with respect to a resolution adopted under division (C) of that section, money in the account shall be used to finance the public infrastructure improvements designated, or the housing renovations authorized, for each incentive district created in the resolution. Money in an account shall not be used to finance or support housing renovations that take place after the incentive district has expired.

(C)(1)(a) A township may distribute money in such an account to any school district in which the exempt property is located in an amount not to exceed the amount of real property taxes that such school district would have received from the improvement if it were not exempt from taxation. The resolution establishing the fund shall set forth the percentage of such maximum amount that will be distributed to any affected school district.

(b) A township also may distribute money in such an account as follows:

(i) To a board of county commissioners, in the amount that is owed to the board pursuant to division (E) of section 5709.73 of the Revised Code;

(ii) To a county in accordance with section 5709.913 of the Revised Code.

(2) Money from an account in a township public improvement tax increment equivalent fund may be distributed under division (C)(1)(b) of this section, regardless of the date a resolution was

adopted under section 5709.73 of the Revised Code that prompted 102421  
the establishment of the account, even if the resolution was 102422  
adopted prior to March 30, 2006. 102423

(D) A board of township trustees that adopted a resolution 102424  
under ~~division (B)~~ of section 5709.73 of the Revised Code ~~before~~ 102425  
~~January 1, 1995,~~ and that, with respect to property exempted under 102426  
such a resolution, is party to a hold-harmless or service 102427  
agreement, may appropriate and expend unencumbered money in the 102428  
fund to pay current public safety expenses of the township. A 102429  
township appropriating and expending money under this division 102430  
shall reimburse the fund for the sum so appropriated and expended 102431  
not later than the day the exemption granted under the resolution 102432  
expires. For the purposes of this division, a "hold-harmless 102433  
agreement" is an agreement with the board of education of a city, 102434  
local, or exempted village school district under which the board 102435  
of township trustees agrees to compensate the school district for 102436  
one hundred per cent of the tax revenue the school district would 102437  
have received from improvements to parcels designated in the 102438  
resolution were it not for the exemption granted by the 102439  
resolution. 102440

(E) Any ~~incidental surplus~~ unencumbered money remaining in 102441  
the township public improvement tax increment equivalent fund or 102442  
an account of that fund upon dissolution of the account or fund 102443  
shall be transferred to the general fund of the township. 102444

**Sec. 5725.18.** (A) An annual franchise tax on the privilege of 102445  
being an insurance company is hereby levied on each domestic 102446  
insurance company. In the month of May, annually, the treasurer of 102447  
state shall charge for collection from each domestic insurance 102448  
company a franchise tax in the amount computed in accordance with 102449  
the following, as applicable: 102450

(1) With respect to a domestic insurance company that is a 102451

health insuring corporation, one per cent of all premium rate 102452  
payments received, exclusive of payments received under the 102453  
medicare program ~~established under Title XVIII of the "Social~~ 102454  
~~Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ 102455  
and exclusive of payments received pursuant to the ~~medical~~ 102456  
~~assistance medicaid program established under Chapter 5111. of the~~ 102457  
~~Revised Code~~ for the period ending September 30, 2009, as 102458  
reflected in its annual report for the preceding calendar year; 102459

(2) With respect to a domestic insurance company that is not 102460  
a health insuring corporation, one and four-tenths per cent of the 102461  
gross amount of premiums received from policies covering risks 102462  
within this state, exclusive of premiums received under the 102463  
medicare program ~~established under Title XVIII of the "Social~~ 102464  
~~Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ 102465  
and exclusive of payments received pursuant to the ~~medical~~ 102466  
~~assistance medicaid program established under Chapter 5111. of the~~ 102467  
~~Revised Code~~ for the period ending September 30, 2009, as 102468  
reflected in its annual statement for the preceding calendar year, 102469  
and, if the company operates a health insuring corporation as a 102470  
line of business, one per cent of all premium rate payments 102471  
received from that line of business, exclusive of payments 102472  
received under the medicare program ~~established under Title XVIII~~ 102473  
~~of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A.~~ 102474  
~~301, as amended,~~ and exclusive of payments received pursuant to 102475  
the ~~medical assistance medicaid program established under Chapter~~ 102476  
~~5111. of the Revised Code~~ for the period ending September 30, 102477  
2009, as reflected in its annual statement for the preceding 102478  
calendar year. 102479

Domestic insurance companies, including health insuring 102480  
corporations, receiving payments pursuant to the ~~medical~~ 102481  
~~assistance medicaid program established under Chapter 5111. of the~~ 102482  
~~Revised Code~~ during the period beginning October 1, 2009, and 102483

ending December 31, 2009, shall file with the 2009 annual 102484  
statement to the superintendent a schedule that reflects those 102485  
payments received pursuant to the ~~medical assistance~~ medicaid 102486  
program for that period. The payments reflected in the schedule, 102487  
plus all other taxable premiums, are subject to the annual 102488  
franchise tax due to be paid in 2010. 102489

(B) The gross amount of premium rate payments or premiums 102490  
used to compute the applicable tax in accordance with division (A) 102491  
of this section is subject to the deductions prescribed by section 102492  
5729.03 of the Revised Code for foreign insurance companies. The 102493  
objects of such tax are those declared in section 5725.24 of the 102494  
Revised Code, to which only such tax shall be applied. 102495

(C) In no case shall such tax be less than two hundred fifty 102496  
dollars. 102497

**Sec. 5726.20.** (A) The tax commissioner may make an 102498  
assessment, based on any information in the commissioner's 102499  
possession, against any person that fails to file a return or 102500  
report or pay any tax as required by this chapter. The reporting 102501  
person for a taxpayer shall file the annual report required under 102502  
section 5726.02 of the Revised Code and remit the tax imposed by 102503  
this chapter. Each person included in the annual report of the 102504  
taxpayer is jointly and severally liable for the tax imposed by 102505  
this chapter and any penalties and interest thereon. If the 102506  
reporting person fails, for any reason, to file and remit any tax, 102507  
the amount due may be collected by assessment against the 102508  
reporting person and against any or all other persons required to 102509  
be included in the annual report of the taxpayer ~~in the manner~~ 102510  
~~provided by this section~~ as provided in section 5703.90 of the 102511  
Revised Code. The commissioner shall make the assessment in the 102512  
manner provided in this section. The commissioner shall give the 102513  
person assessed written notice of the assessment as provided in 102514

section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on the manner in which to petition for reassessment and request a hearing with respect to the petition.

(B) No assessment shall be made or issued against a person under this section more than four years after the later of the final date the report subject to assessment was required to be filed or the date such report was filed. Such time limit may be extended if both the person and the commissioner consent in writing to the extension or if an agreement waiving or extending the time limit has been entered into pursuant to section 122.171 of the Revised Code. Any such extension shall extend the four-year time limit prescribed in division (A) of section 5726.30 of the Revised Code for the same period of time. There shall be no bar or limit to an assessment against a person that fails to file a report subject to assessment as required by this chapter, or that files a fraudulent report.

(C) Unless the person assessed, within sixty days after service of the notice of assessment, files with the tax commissioner, either in person or by certified mail, a written petition for reassessment signed by the person or the person's authorized agent having knowledge of the facts, the assessment shall become final, and the amount of the assessment is due and payable from the person assessed to the treasurer of state. A petition shall indicate the objections of the person assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If a petition for reassessment has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(D)(1) After an assessment becomes final, if any portion of

the assessment, including any accrued interest, remains unpaid, a 102546  
certified copy of the tax commissioner's entry making the 102547  
assessment final may be filed in the office of the clerk of the 102548  
court of common pleas in the county in which the person resides or 102549  
has its principal place of business in this state, or in the 102550  
office of the clerk of court of common pleas of Franklin county. 102551

(2) Immediately upon the filing of the entry, the clerk shall 102552  
enter judgment for the state against the person assessed in the 102553  
amount shown on the entry. The judgment may be filed by the clerk 102554  
in a loose-leaf book entitled, "special judgments for the 102555  
financial institution tax" and shall have the same effect as other 102556  
judgments. Execution shall issue upon the judgment at the request 102557  
of the tax commissioner, and all laws applicable to sales on 102558  
execution shall apply to sales made under the judgment. 102559

(3) ~~The portion of~~ If the assessment is not paid in its 102560  
entirety within sixty days after the day the assessment was 102561  
issued, the portion of the assessment consisting of tax due shall 102562  
bear interest at the rate per annum prescribed by section 5703.47 102563  
of the Revised Code from the date the tax commissioner issues the 102564  
assessment until the date the assessment is paid or until it is 102565  
certified to the attorney general for collection under section 102566  
131.02 of the Revised Code, whichever comes first. If the unpaid 102567  
portion of the assessment is certified to the attorney general for 102568  
collection, the entire unpaid portion of the assessment shall bear 102569  
interest at the rate per annum prescribed by section 5703.47 of 102570  
the Revised Code from the date of certification until the date it 102571  
is paid in its entirety. Interest shall be paid in the same manner 102572  
as the tax and may be collected by the issuance of an assessment 102573  
under this section. 102574

(E) If the tax commissioner believes that collection of the 102575  
tax imposed by this chapter will be jeopardized unless proceedings 102576  
to collect or secure collection of the tax are instituted without 102577

delay, the commissioner may issue a jeopardy assessment against 102578  
the person liable for the tax. Immediately upon the issuance of 102579  
the jeopardy assessment, the commissioner shall file an entry with 102580  
the clerk of the court of common pleas in the manner prescribed by 102581  
division (D) of this section. Notice of the jeopardy assessment 102582  
shall be served on the person assessed or the person's authorized 102583  
agent in the manner provided in section 5703.37 of the Revised 102584  
Code within five days of the filing of the entry with the clerk. 102585  
The total amount assessed shall be immediately due and payable, 102586  
unless the person assessed files a petition for reassessment in 102587  
accordance with division (C) of this section and provides security 102588  
in a form satisfactory to the commissioner and in an amount 102589  
sufficient to satisfy the unpaid balance of the assessment. Full 102590  
or partial payment of the assessment shall not prejudice the 102591  
commissioner's consideration of the petition for reassessment. 102592

(F) The tax commissioner shall immediately forward to the 102593  
treasurer of state all amounts the commissioner receives under 102594  
this section. Such amounts shall be considered as revenue arising 102595  
from the tax imposed by this chapter. 102596

(G) If the tax commissioner possesses information indicating 102597  
that the amount of tax a taxpayer is required to pay under this 102598  
chapter exceeds the amount the reporting person for the taxpayer 102599  
paid, the tax commissioner may audit a sample of the taxpayer's 102600  
gross receipts over a representative period of time to ascertain 102601  
the amount of tax due, and may issue an assessment based on the 102602  
audit. The tax commissioner shall make a good faith effort to 102603  
reach agreement with the taxpayer in selecting a representative 102604  
sample. The tax commissioner may apply a sampling method only if 102605  
the commissioner has prescribed the method by rule. 102606

(H) If the whereabouts of a person subject to this chapter is 102607  
not known to the tax commissioner, the secretary of state is 102608  
hereby deemed to be that person's agent for purposes of service of 102609



process or notice of any assessment, action, or proceedings 102610  
instituted in this state against the person under this chapter. 102611  
Such process or notice shall be served on such person by the 102612  
commissioner or by an agent of the commissioner by leaving a true 102613  
and attested copy of the process or notice at the office of the 102614  
secretary of state at least fifteen days before the return day of 102615  
such process or notice, and by sending a copy of the process or 102616  
notice to such person by ordinary mail, with an endorsement 102617  
thereon of the service upon the secretary of state, addressed to 102618  
such person at the person's last known address. 102619

**Sec. 5727.26.** (A) The tax commissioner may make an 102620  
assessment, based on any information in the commissioner's 102621  
possession, against any natural gas company or combined company 102622  
that fails to file a return or pay any tax, interest, or 102623  
additional charge as required by sections 5727.24 to 5727.29 of 102624  
the Revised Code. The commissioner shall give the company assessed 102625  
written notice of the assessment as provided in section 5703.37 of 102626  
the Revised Code. With the notice, the commissioner shall provide 102627  
instructions on how to petition for reassessment and request a 102628  
hearing on the petition. A penalty of up to fifteen per cent may 102629  
be added to all amounts assessed under this section. The tax 102630  
commissioner may adopt rules providing for the imposition and 102631  
remission of the penalty. 102632

(B) Unless the company assessed, within sixty days after 102633  
service of the notice of assessment, files with the tax 102634  
commissioner, either personally or by certified mail, a written 102635  
petition signed by the company's authorized agent having knowledge 102636  
of the facts, the assessment becomes final, and the amount of the 102637  
assessment is due and payable from the company assessed to the 102638  
treasurer of state. The petition shall indicate the objections of 102639  
the company assessed, but additional objections may be raised in 102640  
writing if received by the commissioner prior to the date shown on 102641

the final determination. 102642

If a petition for reassessment has been properly filed, the 102643  
commissioner shall proceed under section 5703.60 of the Revised 102644  
Code. 102645

(C) After an assessment becomes final, if any portion of the 102646  
assessment, including accrued interest, remains unpaid, a 102647  
certified copy of the tax commissioner's entry making the 102648  
assessment final may be filed in the office of the clerk of the 102649  
court of common pleas in the county in which the natural gas 102650  
company's or combined company's principal place of business is 102651  
located, or in the office of the clerk of court of common pleas of 102652  
Franklin county. 102653

Immediately on the filing of the entry, the clerk shall enter 102654  
judgment for the state against the company assessed in the amount 102655  
shown on the entry. The judgment may be filed by the clerk in a 102656  
loose-leaf book entitled, "special judgments for the public 102657  
utility excise tax on natural gas and combined companies," and 102658  
shall have the same effect as other judgments. Execution shall 102659  
issue upon the judgment at the request of the tax commissioner, 102660  
and all laws applicable to sales on execution shall apply to sales 102661  
made under the judgment. 102662

~~The portion of~~ If the assessment is not paid in its entirety 102663  
within sixty days after the day the assessment was issued, the 102664  
portion of the assessment consisting of tax due shall bear 102665  
interest at the rate per annum prescribed by section 5703.47 of 102666  
the Revised Code from the day the tax commissioner issues the 102667  
assessment until it is paid or until it is certified to the 102668  
attorney general for collection under section 131.02 of the 102669  
Revised Code, whichever comes first. If the unpaid portion of the 102670  
assessment is certified to the attorney general for collection, 102671  
the entire unpaid portion of the assessment shall bear interest at 102672  
the rate per annum prescribed by section 5703.47 of the Revised 102673

Code from the date of certification until the date it is paid in 102674  
its entirety. Interest shall be paid in the same manner as the tax 102675  
and may be collected by the issuance of an assessment under this 102676  
section. 102677

(D) If the tax commissioner believes that collection of the 102678  
tax will be jeopardized unless proceedings to collect or secure 102679  
collection of the tax are instituted without delay, the 102680  
commissioner may issue a jeopardy assessment against the company 102681  
liable for the tax. Immediately upon the issuance of the jeopardy 102682  
assessment, the commissioner shall file an entry with the clerk of 102683  
the court of common pleas in the manner prescribed by division (C) 102684  
of this section. Notice of the jeopardy assessment shall be served 102685  
on the company assessed or the company's authorized agent in the 102686  
manner provided in section 5703.37 of the Revised Code within five 102687  
days of the filing of the entry with the clerk. The total amount 102688  
assessed is immediately due and payable, unless the company 102689  
assessed files a petition for reassessment in accordance with 102690  
division (B) of this section and provides security in a form 102691  
satisfactory to the commissioner and in an amount sufficient to 102692  
satisfy the unpaid balance of the assessment. Full or partial 102693  
payment of the assessment does not prejudice the commissioner's 102694  
consideration of the petition for reassessment. 102695

(E) The tax commissioner shall immediately forward to the 102696  
treasurer of state all amounts that the tax commissioner receives 102697  
under this section, and such amounts shall be considered revenue 102698  
arising from the tax imposed by section 5727.24 of the Revised 102699  
Code. 102700

(F) No assessment shall be made or issued against a natural 102701  
gas company or combined company for the tax imposed by section 102702  
5727.24 of the Revised Code more than four years after the return 102703  
date for the period in which the tax was reported, or more than 102704  
four years after the return for the period was filed, whichever is 102705

later. 102706

**Sec. 5727.75.** (A) For purposes of this section: 102707

(1) "Qualified energy project" means an energy project 102708  
certified by the director of development pursuant to this section. 102709

(2) "Energy project" means a project to provide electric 102710  
power through the construction, installation, and use of an energy 102711  
facility. 102712

(3) "Alternative energy zone" means a county declared as such 102713  
by the board of county commissioners under division (E)(1)(b) or 102714  
(c) of this section. 102715

(4) "Full-time equivalent employee" means the total number of 102716  
employee-hours for which compensation was paid to individuals 102717  
employed at a qualified energy project for services performed at 102718  
the project during the calendar year divided by two thousand 102719  
eighty hours. 102720

(5) "Solar energy project" means an energy project composed 102721  
of an energy facility using solar panels to generate electricity. 102722

(B)(1) Tangible personal property of a qualified energy 102723  
project using renewable energy resources is exempt from taxation 102724  
for tax years 2011, ~~2012, 2013, and 2014~~ through 2019 if all of 102725  
the following conditions are satisfied: 102726

(a) On or before December 31, ~~2013~~ 2018, the owner or a 102727  
lessee pursuant to a sale and leaseback transaction of the project 102728  
submits an application to the power siting board for a certificate 102729  
under section 4906.20 of the Revised Code, or if that section does 102730  
not apply, submits an application for any approval, consent, 102731  
permit, or certificate or satisfies any condition required by a 102732  
public agency or political subdivision of this state for the 102733  
construction or initial operation of an energy project. 102734

(b) Construction or installation of the energy facility 102735

begins on or after January 1, 2009, and before January 1, ~~2014~~ 102736  
2019. For the purposes of this division, construction begins on 102737  
the earlier of the date of application for a certificate or other 102738  
approval or permit described in division (B)(1)(a) of this 102739  
section, or the date the contract for the construction or 102740  
installation of the energy facility is entered into. 102741

(c) For a qualified energy project with a nameplate capacity 102742  
of five megawatts or greater, a board of county commissioners of a 102743  
county in which property of the project is located has adopted a 102744  
resolution under division (E)(1)(b) or (c) of this section to 102745  
approve the application submitted under division (E) of this 102746  
section to exempt the property located in that county from 102747  
taxation. A board's adoption of a resolution rejecting an 102748  
application or its failure to adopt a resolution approving the 102749  
application does not affect the tax-exempt status of the qualified 102750  
energy project's property that is located in another county. 102751

(2) If tangible personal property of a qualified energy 102752  
project using renewable energy resources was exempt from taxation 102753  
under this section beginning in any of tax years 2011, 2012, 2013, 102754  
~~or~~ 2014, 2015, 2016, 2017, 2018, or 2019, and the certification 102755  
under division (E)(2) of this section has not been revoked, the 102756  
tangible personal property of the qualified energy project is 102757  
exempt from taxation for tax year ~~2015~~ 2020 and all ensuing tax 102758  
years if the property was placed into service before January 1, 102759  
~~2015~~ 2020, as certified in the construction progress report 102760  
required under division (F)(2) of this section. Tangible personal 102761  
property that has not been placed into service before that date is 102762  
taxable property subject to taxation. An energy project for which 102763  
certification has been revoked is ineligible for further exemption 102764  
under this section. Revocation does not affect the tax-exempt 102765  
status of the project's tangible personal property for the tax 102766  
year in which revocation occurs or any prior tax year. 102767

(C) Tangible personal property of a qualified energy project using clean coal technology, advanced nuclear technology, or cogeneration technology is exempt from taxation for the first tax year that the property would be listed for taxation and all subsequent years if all of the following circumstances are met:

(1) The property was placed into service before January 1, ~~2019~~ 2024. Tangible personal property that has not been placed into service before that date is taxable property subject to taxation.

(2) For such a qualified energy project with a nameplate capacity of five megawatts or greater, a board of county commissioners of a county in which property of the qualified energy project is located has adopted a resolution under division (E)(1)(b) or (c) of this section to approve the application submitted under division (E) of this section to exempt the property located in that county from taxation. A board's adoption of a resolution rejecting the application or its failure to adopt a resolution approving the application does not affect the tax-exempt status of the qualified energy project's property that is located in another county.

(3) The certification for the qualified energy project issued under division (E)(2) of this section has not been revoked. An energy project for which certification has been revoked is ineligible for exemption under this section. Revocation does not affect the tax-exempt status of the project's tangible personal property for the tax year in which revocation occurs or any prior tax year.

(D) Except as otherwise provided in this section, real property of a qualified energy project is exempt from taxation for any tax year for which the tangible personal property of the qualified energy project is exempted under this section.

(E)(1)(a) A person may apply to the director of development 102799  
for certification of an energy project as a qualified energy 102800  
project on or before the following dates: 102801

(i) December 31, ~~2013~~ 2018, for an energy project using 102802  
renewable energy resources; 102803

(ii) December 31, ~~2015~~ 2020, for an energy project using 102804  
clean coal technology, advanced nuclear technology, or 102805  
cogeneration technology. 102806

(b) The director shall forward a copy of each application for 102807  
certification of an energy project with a nameplate capacity of 102808  
five megawatts or greater to the board of county commissioners of 102809  
each county in which the project is located and to each taxing 102810  
unit with territory located in each of the affected counties. Any 102811  
board that receives from the director a copy of an application 102812  
submitted under this division shall adopt a resolution approving 102813  
or rejecting the application unless it has adopted a resolution 102814  
under division (E)(1)(c) of this section. A resolution adopted 102815  
under division (E)(1)(b) or (c) of this section may require an 102816  
annual service payment to be made in addition to the service 102817  
payment required under division (G) of this section. The sum of 102818  
the service payment required in the resolution and the service 102819  
payment required under division (G) of this section shall not 102820  
exceed nine thousand dollars per megawatt of nameplate capacity 102821  
located in the county. The resolution shall specify the time and 102822  
manner in which the payments required by the resolution shall be 102823  
paid to the county treasurer. The county treasurer shall deposit 102824  
the payment to the credit of the county's general fund to be used 102825  
for any purpose for which money credited to that fund may be used. 102826

The board shall send copies of the resolution by certified 102827  
mail to the owner of the facility and the director within thirty 102828  
days after receipt of the application, or a longer period of time 102829  
if authorized by the director. 102830

(c) A board of county commissioners may adopt a resolution 102831  
declaring the county to be an alternative energy zone and 102832  
declaring all applications submitted to the director of 102833  
development under this division after the adoption of the 102834  
resolution, and prior to its repeal, to be approved by the board. 102835

All tangible personal property and real property of an energy 102836  
project with a nameplate capacity of five megawatts or greater is 102837  
taxable if it is located in a county in which the board of county 102838  
commissioners adopted a resolution rejecting the application 102839  
submitted under this division or failed to adopt a resolution 102840  
approving the application under division (E)(1)(b) or (c) of this 102841  
section. 102842

(2) The director shall certify an energy project if all of 102843  
the following circumstances exist: 102844

(a) The application was timely submitted. 102845

(b) For an energy project with a nameplate capacity of five 102846  
megawatts or greater, a board of county commissioners of at least 102847  
one county in which the project is located has adopted a 102848  
resolution approving the application under division (E)(1)(b) or 102849  
(c) of this section. 102850

(c) No portion of the project's facility was used to supply 102851  
electricity before December 31, 2009. 102852

(3) The director shall deny a certification application if 102853  
the director determines the person has failed to comply with any 102854  
requirement under this section. The director may revoke a 102855  
certification if the director determines the person, or subsequent 102856  
owner or lessee pursuant to a sale and leaseback transaction of 102857  
the qualified energy project, has failed to comply with any 102858  
requirement under this section. Upon certification or revocation, 102859  
the director shall notify the person, owner, or lessee, the tax 102860  
commissioner, and the county auditor of a county in which the 102861



project is located of the certification or revocation. Notice 102862  
shall be provided in a manner convenient to the director. 102863

(F) The owner or a lessee pursuant to a sale and leaseback 102864  
transaction of a qualified energy project shall do each of the 102865  
following: 102866

(1) Comply with all applicable regulations; 102867

(2) File with the director of development a certified 102868  
construction progress report before the first day of March of each 102869  
year during the energy facility's construction or installation 102870  
indicating the percentage of the project completed, and the 102871  
project's nameplate capacity, as of the preceding thirty-first day 102872  
of December. Unless otherwise instructed by the director of 102873  
development, the owner or lessee of an energy project shall file a 102874  
report with the director on or before the first day of March each 102875  
year after completion of the energy facility's construction or 102876  
installation indicating the project's nameplate capacity as of the 102877  
preceding thirty-first day of December. Not later than sixty days 102878  
after June 17, 2010, the owner or lessee of an energy project, the 102879  
construction of which was completed before June 17, 2010, shall 102880  
file a certificate indicating the project's nameplate capacity. 102881

(3) File with the director of development, in a manner 102882  
prescribed by the director, a report of the total number of 102883  
full-time equivalent employees, and the total number of full-time 102884  
equivalent employees domiciled in Ohio, who are employed in the 102885  
construction or installation of the energy facility; 102886

(4) For energy projects with a nameplate capacity of five 102887  
megawatts or greater, repair all roads, bridges, and culverts 102888  
affected by construction as reasonably required to restore them to 102889  
their preconstruction condition, as determined by the county 102890  
engineer in consultation with the local jurisdiction responsible 102891  
for the roads, bridges, and culverts. In the event that the county 102892

engineer deems any road, bridge, or culvert to be inadequate to support the construction or decommissioning of the energy facility, the road, bridge, or culvert shall be rebuilt or reinforced to the specifications established by the county engineer prior to the construction or decommissioning of the facility. The owner or lessee of the facility shall post a bond in an amount established by the county engineer and to be held by the board of county commissioners to ensure funding for repairs of roads, bridges, and culverts affected during the construction. The bond shall be released by the board not later than one year after the date the repairs are completed. The energy facility owner or lessee pursuant to a sale and leaseback transaction shall post a bond, as may be required by the Ohio power siting board in the certificate authorizing commencement of construction issued pursuant to section 4906.10 of the Revised Code, to ensure funding for repairs to roads, bridges, and culverts resulting from decommissioning of the facility. The energy facility owner or lessee and the county engineer may enter into an agreement regarding specific transportation plans, reinforcements, modifications, use and repair of roads, financial security to be provided, and any other relevant issue.

(5) Provide or facilitate training for fire and emergency responders for response to emergency situations related to the energy project and, for energy projects with a nameplate capacity of five megawatts or greater, at the person's expense, equip the fire and emergency responders with proper equipment as reasonably required to enable them to respond to such emergency situations;

(6) Maintain a ratio of Ohio-domiciled full-time equivalent employees employed in the construction or installation of the energy project to total full-time equivalent employees employed in the construction or installation of the energy project of not less than eighty per cent in the case of a solar energy project, and

not less than fifty per cent in the case of any other energy 102925  
project. In the case of an energy project for which certification 102926  
from the power siting board is required under section 4906.20 of 102927  
the Revised Code, the number of full-time equivalent employees 102928  
employed in the construction or installation of the energy project 102929  
equals the number actually employed or the number projected to be 102930  
employed in the certificate application, if such projection is 102931  
required under regulations adopted pursuant to section 4906.03 of 102932  
the Revised Code, whichever is greater. For all other energy 102933  
projects, the number of full-time equivalent employees employed in 102934  
the construction or installation of the energy project equals the 102935  
number actually employed or the number projected to be employed by 102936  
the director of development, whichever is greater. To estimate the 102937  
number of employees to be employed in the construction or 102938  
installation of an energy project, the director shall use a 102939  
generally accepted job-estimating model in use for renewable 102940  
energy projects, including but not limited to the job and economic 102941  
development impact model. The director may adjust an estimate 102942  
produced by a model to account for variables not accounted for by 102943  
the model. 102944

(7) For energy projects with a nameplate capacity in excess 102945  
of two megawatts, establish a relationship with a member of the 102946  
university system of Ohio as defined in section 3345.011 of the 102947  
Revised Code or with a person offering an apprenticeship program 102948  
registered with the employment and training administration within 102949  
the United States department of labor or with the apprenticeship 102950  
council created by section 4139.02 of the Revised Code, to educate 102951  
and train individuals for careers in the wind or solar energy 102952  
industry. The relationship may include endowments, cooperative 102953  
programs, internships, apprenticeships, research and development 102954  
projects, and curriculum development. 102955

(8) Offer to sell power or renewable energy credits from the 102956

energy project to electric distribution utilities or electric service companies subject to renewable energy resource requirements under section 4928.64 of the Revised Code that have issued requests for proposal for such power or renewable energy credits. If no electric distribution utility or electric service company issues a request for proposal on or before December 31, 2010, or accepts an offer for power or renewable energy credits within forty-five days after the offer is submitted, power or renewable energy credits from the energy project may be sold to other persons. Division (F)(8) of this section does not apply if:

(a) The owner or lessee is a rural electric company or a municipal power agency as defined in section 3734.058 of the Revised Code.

(b) The owner or lessee is a person that, before completion of the energy project, contracted for the sale of power or renewable energy credits with a rural electric company or a municipal power agency.

(c) The owner or lessee contracts for the sale of power or renewable energy credits from the energy project before June 17, 2010.

(9) Make annual service payments as required by division (G) of this section and as may be required in a resolution adopted by a board of county commissioners under division (E) of this section.

(G) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall make annual service payments in lieu of taxes to the county treasurer on or before the final dates for payments of taxes on public utility personal property on the real and public utility personal property tax list for each tax year for which property of the energy project is exempt from taxation under this section. The county

treasurer shall allocate the payment on the basis of the project's physical location. Upon receipt of a payment, or if timely payment has not been received, the county treasurer shall certify such receipt or non-receipt to the director of development and tax commissioner in a form determined by the director and commissioner, respectively. Each payment shall be in the following amount:

(1) In the case of a solar energy project, seven thousand dollars per megawatt of nameplate capacity located in the county as of December 31, 2010, for tax year 2011, as of December 31, 2011, for tax year 2012, as of December 31, 2012, for tax year 2013, as of December 31, 2013, for tax year 2014, ~~and~~ as of December 31, 2014, for tax year 2015, as of December 31, 2015, for tax year 2016, as of December 31, 2016, for tax year 2017, as of December 31, 2017, for tax year 2018, as of December 31, 2018, for tax year 2019, and as of December 31, 2019, for tax year 2020 and each tax year thereafter;

(2) In the case of any other energy project using renewable energy resources, the following:

(a) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of not less than seventy-five per cent, six thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(b) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than seventy-five per cent but not less than sixty per cent, seven thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

(c) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than sixty per cent but not less than fifty per cent, eight thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year.

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(3) In the case of an energy project using clean coal technology, advanced nuclear technology, or cogeneration technology, the following:

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(a) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of not less than seventy-five per cent, six thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

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(b) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than seventy-five per cent but not less than sixty per cent, seven thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year;

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(c) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than sixty per cent but not less than fifty per cent, eight thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year.

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(H) The director of development in consultation with the tax

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commissioner shall adopt rules pursuant to Chapter 119. of the 103051  
Revised Code to implement and enforce this section. 103052

**Sec. 5727.84.** (A) As used in this section and sections 103053  
5727.85, 5727.86, and 5727.87 of the Revised Code: 103054

(1) "School district" means a city, local, or exempted 103055  
village school district. 103056

(2) "Joint vocational school district" means a joint 103057  
vocational school district created under section 3311.16 of the 103058  
Revised Code, and includes a cooperative education school district 103059  
created under section 3311.52 or 3311.521 of the Revised Code and 103060  
a county school financing district created under section 3311.50 103061  
of the Revised Code. 103062

(3) "Local taxing unit" means a subdivision or taxing unit, 103063  
as defined in section 5705.01 of the Revised Code, a park district 103064  
created under Chapter 1545. of the Revised Code, or a township 103065  
park district established under section 511.23 of the Revised 103066  
Code, but excludes school districts and joint vocational school 103067  
districts. 103068

(4) "State education aid," for a school district, means the 103069  
following: 103070

(a) For fiscal years prior to fiscal year 2010, the sum of 103071  
state aid amounts computed for the district under former sections 103072  
3317.029, 3317.052, and 3317.053 of the Revised Code and the 103073  
following provisions, as they existed for the applicable fiscal 103074  
year: divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 103075  
3317.022; divisions (B), (C), and (D) of section 3317.023; 103076  
divisions (G), (L), and (N) of section 3317.024; and sections 103077  
~~3317.029~~, 3317.0216, 3317.0217, 3317.04, and 3317.05, ~~3317.052,~~ 103078  
~~and 3317.053~~ of the Revised Code; and the adjustments required by: 103079  
division (C) of section 3310.08; division (C)(2) of section 103080

3310.41; division (C) of section 3314.08; division (D)(2) of 103081  
section 3314.091; division (D) of former section 3314.13; 103082  
divisions (E), (K), (L), (M), and (N) of section 3317.023; 103083  
division (C) of section 3317.20; and sections 3313.979 and 103084  
3313.981 of the Revised Code. However, when calculating state 103085  
education aid for a school district for fiscal years 2008 and 103086  
2009, include the amount computed for the district under Section 103087  
269.20.80 of H.B. 119 of the 127th general assembly, as 103088  
subsequently amended, instead of division (D) of section 3317.022 103089  
of the Revised Code; and include amounts calculated under Section 103090  
269.30.80 of H.B. 119 of the 127th general assembly, as 103091  
subsequently amended. 103092

(b) For fiscal years 2010 and 2011, the sum of the amounts 103093  
computed for the district under former sections 3306.052, 3306.12, 103094  
3306.13, 3306.19, 3306.191, ~~and 3306.192, 3317.052, and 3317.053~~ 103095  
of the Revised Code and the following provisions, as they existed 103096  
for the applicable fiscal year: division (G) of section 3317.024; 103097  
~~sections section 3317.05, 3317.052, and 3317.053~~ of the Revised 103098  
Code; and the adjustments required by division (C) of section 103099  
3310.08; division (C)(2) of section 3310.41; division (C) of 103100  
section 3314.08; division (D)(2) of section 3314.091; division (D) 103101  
of former section 3314.13; divisions (E), (K), (L), (M), and (N) 103102  
of section 3317.023; division (C) of section 3317.20; and sections 103103  
3313.979, 3313.981, and 3326.33 of the Revised Code. 103104

(c) For fiscal years 2012 and 2013, the amount paid in 103105  
accordance with the section of H.B. 153 of the 129th general 103106  
assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL 103107  
SCHOOL DISTRICTS" and the adjustments required by division (C) of 103108  
section 3310.08; division (C)(2) of section 3310.41; section 103109  
3310.55; division (C) of section 3314.08; division (D)(2) of 103110  
section 3314.091; division (D) of former section 3314.13; 103111  
divisions (B), (H), (I), (J), and (K) of section 3317.023; 103112



division (C) of section 3317.20; and sections 3313.979 and 103113  
3313.981 of the Revised Code; 103114

(d) For fiscal year 2014 and each fiscal year thereafter, the 103115  
sum of amounts computed for and paid to the district under section 103116  
3317.022 of the Revised Code; and the adjustments required by 103117  
division (C) of section 3310.08, division (C)(2) of section 103118  
3310.41, section 3310.55, division (C) of section 3314.08, 103119  
division (D)(2) of section 3314.091, divisions (B), (H), (J), and 103120  
(K) of section 3317.023, and sections 3313.978, 3313.981, 103121  
3317.0212, 3317.0213, 3317.0214, and 3326.33 of the Revised Code. 103122  
However, for fiscal years 2014 and 2015, the amount computed for 103123  
the district under the section of this act entitled "TRANSITIONAL 103124  
AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" also 103125  
shall be included. 103126

(5) "State education aid," for a joint vocational school 103127  
district, means the following: 103128

(a) For fiscal years prior to fiscal year 2010, the sum of 103129  
the state aid amounts computed for the district under division (N) 103130  
of section 3317.024 and section 3317.16 of the Revised Code. 103131  
However, when calculating state education aid for a joint 103132  
vocational school district for fiscal years 2008 and 2009, include 103133  
the amount computed for the district under Section 269.30.90 of 103134  
H.B. 119 of the 127th general assembly, as subsequently amended. 103135

(b) For fiscal years 2010 and 2011, the amount computed for 103136  
the district in accordance with the section of H.B. 1 of the 128th 103137  
general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 103138  
DISTRICTS<sup>2</sup>." 103139

(c) For fiscal years 2012 and 2013, the amount paid in 103140  
accordance with the section of H.B. 153 of the 129th general 103141  
assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 103142

(d) For fiscal year 2014 and each fiscal year thereafter, the 103143

amount computed for the district under section 3317.16 of the 103144  
Revised Code; except that, for fiscal years 2014 and 2015, the 103145  
amount computed for the district under the section of this act 103146  
entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" 103147  
shall be included. 103148

(6) "State education aid offset" means the amount determined 103149  
for each school district or joint vocational school district under 103150  
division (A)(1) of section 5727.85 of the Revised Code. 103151

(7) "Recognized valuation" ~~has the same meaning as in~~ means 103152  
the amount computed for a school district pursuant to section 103153  
~~3317.02~~ 3317.015 of the Revised Code. 103154

(8) "Electric company tax value loss" means the amount 103155  
determined under division (D) of this section. 103156

(9) "Natural gas company tax value loss" means the amount 103157  
determined under division (E) of this section. 103158

(10) "Tax value loss" means the sum of the electric company 103159  
tax value loss and the natural gas company tax value loss. 103160

(11) "Fixed-rate levy" means any tax levied on property other 103161  
than a fixed-sum levy. 103162

(12) "Fixed-rate levy loss" means the amount determined under 103163  
division (G) of this section. 103164

(13) "Fixed-sum levy" means a tax levied on property at 103165  
whatever rate is required to produce a specified amount of tax 103166  
money or levied in excess of the ten-mill limitation to pay debt 103167  
charges, and includes school district emergency levies charged and 103168  
payable pursuant to section 5705.194 of the Revised Code. 103169

(14) "Fixed-sum levy loss" means the amount determined under 103170  
division (H) of this section. 103171

(15) "Consumer price index" means the consumer price index 103172  
(all items, all urban consumers) prepared by the bureau of labor 103173

statistics of the United States department of labor. 103174

(16) "Total resources" and "total library resources" have the 103175  
same meanings as in section 5751.20 of the Revised Code. 103176

(17) "2011 current expense S.B. 3 allocation" means the sum 103177  
of payments received by a school district or joint vocational 103178  
school district in fiscal year 2011 for current expense levy 103179  
losses pursuant to division (C)(2) of section 5727.85 of the 103180  
Revised Code. If a fixed-rate levy eligible for reimbursement is 103181  
not charged and payable in any year after tax year 2010, "2011 103182  
current expense S.B. 3 allocation" used to compute payments to be 103183  
made under division (C)(3) of section 5727.85 of the Revised Code 103184  
in the tax years following the last year the levy is charged and 103185  
payable shall be reduced to the extent that those payments are 103186  
attributable to the fixed-rate levy loss of that levy. 103187

(18) "2010 current expense S.B. 3 allocation" means the sum 103188  
of payments received by a municipal corporation in calendar year 103189  
2010 for current expense levy losses pursuant to division (A)(1) 103190  
of section 5727.86 of the Revised Code, excluding any such 103191  
payments received for current expense levy losses attributable to 103192  
a tax levied under section 5705.23 of the Revised Code. If a 103193  
fixed-rate levy eligible for reimbursement is not charged and 103194  
payable in any year after tax year 2010, "2010 current expense 103195  
S.B. 3 allocation" used to compute payments to be made under 103196  
division (A)(1)(d) or (e) of section 5727.86 of the Revised Code 103197  
in the tax years following the last year the levy is charged and 103198  
payable shall be reduced to the extent that those payments are 103199  
attributable to the fixed-rate levy loss of that levy. 103200

(19) "2010 S.B. 3 allocation" means the sum of payments 103201  
received by a local taxing unit during calendar year 2010 pursuant 103202  
to division (A)(1) of section 5727.86 of the Revised Code, 103203  
excluding any such payments received for fixed-rate levy losses 103204  
attributable to a tax levied under section 5705.23 of the Revised 103205

Code. If a fixed-rate levy eligible for reimbursement is not 103206  
charged and payable in any year after tax year 2010, "2010 S.B. 3 103207  
allocation" used to compute payments to be made under division 103208  
(A)(1)(d) or (e) of section 5727.86 of the Revised Code in the tax 103209  
years following the last year the levy is charged and payable 103210  
shall be reduced to the extent that those payments are 103211  
attributable to the fixed-rate levy loss of that levy. 103212

(20) "Total S.B. 3 allocation" means, in the case of a school 103213  
district or joint vocational school district, the sum of the 103214  
payments received in fiscal year 2011 pursuant to divisions (C)(2) 103215  
and (D) of section 5727.85 of the Revised Code. In the case of a 103216  
local taxing unit, "total S.B. 3 allocation" means the sum of 103217  
payments received by the unit in calendar year 2010 pursuant to 103218  
divisions (A)(1) and (4) of section 5727.86 of the Revised Code, 103219  
excluding any such payments received for fixed-rate levy losses 103220  
attributable to a tax levied under section 5705.23 of the Revised 103221  
Code. If a fixed-rate levy eligible for reimbursement is not 103222  
charged and payable in any year after tax year 2010, "total S.B. 3 103223  
allocation" used to compute payments to be made under division 103224  
(C)(3) of section 5727.85 or division (A)(1)(d) or (e) of section 103225  
5727.86 of the Revised Code in the tax years following the last 103226  
year the levy is charged and payable shall be reduced to the 103227  
extent that those payments are attributable to the fixed-rate levy 103228  
loss of that levy as would be computed under division (C)(2) of 103229  
section 5727.85 or division (A)(1)(b) of section 5727.86 of the 103230  
Revised Code. 103231

(21) "2011 non-current expense S.B. 3 allocation" means the 103232  
difference of a school district's or joint vocational school 103233  
district's total S.B. 3 allocation minus the sum of the school 103234  
district's 2011 current expense S.B. 3 allocation and the portion 103235  
of the school district's total S.B. 3 allocation constituting 103236  
reimbursement for debt levies pursuant to division (D) of section 103237

5727.85 of the Revised Code. 103238

(22) "2010 non-current expense S.B. 3 allocation" means the 103239  
difference of a municipal corporation's total S.B. 3 allocation 103240  
minus the sum of its 2010 current expense S.B. 3 allocation and 103241  
the portion of its total S.B. 3 allocation constituting 103242  
reimbursement for debt levies pursuant to division (A)(4) of 103243  
section 5727.86 of the Revised Code. 103244

(23) "S.B. 3 allocation for library purposes" means, in the 103245  
case of a county, municipal corporation, school district, or 103246  
township public library that receives the proceeds of a tax levied 103247  
under section 5705.23 of the Revised Code, the sum of the payments 103248  
received by the public library in calendar year 2010 pursuant to 103249  
section 5727.86 of the Revised Code for fixed-rate levy losses 103250  
attributable to a tax levied under section 5705.23 of the Revised 103251  
Code. If a fixed-rate levy authorized under section 5705.23 of the 103252  
Revised Code that is eligible for reimbursement is not charged and 103253  
payable in any year after tax year 2010, "S.B. 3 allocation for 103254  
library purposes" used to compute payments to be made under 103255  
division (A)(1)(f) of section 5727.86 of the Revised Code in the 103256  
tax years following the last year the levy is charged and payable 103257  
shall be reduced to the extent that those payments are 103258  
attributable to the fixed-rate levy loss of that levy as would be 103259  
computed under division (A)(1)(b) of section 5727.86 of the 103260  
Revised Code. 103261

(24) "Threshold per cent" means, in the case of a school 103262  
district or joint vocational school district, two per cent for 103263  
fiscal year 2012 and four per cent for fiscal years 2013 and 103264  
thereafter. In the case of a local taxing unit or public library 103265  
that receives the proceeds of a tax levied under section 5705.23 103266  
of the Revised Code, "threshold per cent" means two per cent for 103267  
calendar year 2011, four per cent for calendar year 2012, and six 103268  
per cent for calendar years 2013 and thereafter. 103269

(B) The kilowatt-hour tax receipts fund is hereby created in 103270  
the state treasury and shall consist of money arising from the tax 103271  
imposed by section 5727.81 of the Revised Code. All money in the 103272  
kilowatt-hour tax receipts fund shall be credited as follows: 103273

| Fiscal Year            | General Revenue<br>Fund | School District<br>Property Tax<br>Replacement Fund | Local Government<br>Property Tax<br>Replacement Fund |        |
|------------------------|-------------------------|-----------------------------------------------------|------------------------------------------------------|--------|
| 2001-2011              | 63.0%                   | 25.4%                                               | 11.6%                                                | 103275 |
| 2012 and<br>thereafter | 88.0%                   | 9.0%                                                | 3.0%                                                 | 103276 |

(C) The natural gas tax receipts fund is hereby created in 103277  
the state treasury and shall consist of money arising from the tax 103278  
imposed by section 5727.811 of the Revised Code. All money in the 103279  
fund shall be credited as follows: 103280

(1) For fiscal years before fiscal year 2012: 103281

(a) Sixty-eight and seven-tenths per cent shall be credited 103282  
to the school district property tax replacement fund for the 103283  
purpose of making the payments described in section 5727.85 of the 103284  
Revised Code. 103285

(b) Thirty-one and three-tenths per cent shall be credited to 103286  
the local government property tax replacement fund for the purpose 103287  
of making the payments described in section 5727.86 of the Revised 103288  
Code. 103289

(2) For fiscal years 2012 and thereafter, one hundred per 103290  
cent to the general revenue fund. 103291

(D) Not later than January 1, 2002, the tax commissioner 103292  
shall determine for each taxing district its electric company tax 103293  
value loss, which is the sum of the applicable amounts described 103294  
in divisions (D)(1) to (4) of this section: 103295

(1) The difference obtained by subtracting the amount 103296  
described in division (D)(1)(b) from the amount described in 103297

division (D)(1)(a) of this section. 103298

(a) The value of electric company and rural electric company 103299  
tangible personal property as assessed by the tax commissioner for 103300  
tax year 1998 on a preliminary assessment, or an amended 103301  
preliminary assessment if issued prior to March 1, 1999, and as 103302  
apportioned to the taxing district for tax year 1998; 103303

(b) The value of electric company and rural electric company 103304  
tangible personal property as assessed by the tax commissioner for 103305  
tax year 1998 had the property been apportioned to the taxing 103306  
district for tax year 2001, and assessed at the rates in effect 103307  
for tax year 2001. 103308

(2) The difference obtained by subtracting the amount 103309  
described in division (D)(2)(b) from the amount described in 103310  
division (D)(2)(a) of this section. 103311

(a) The three-year average for tax years 1996, 1997, and 1998 103312  
of the assessed value from nuclear fuel materials and assemblies 103313  
assessed against a person under Chapter 5711. of the Revised Code 103314  
from the leasing of them to an electric company for those 103315  
respective tax years, as reflected in the preliminary assessments; 103316

(b) The three-year average assessed value from nuclear fuel 103317  
materials and assemblies assessed under division (D)(2)(a) of this 103318  
section for tax years 1996, 1997, and 1998, as reflected in the 103319  
preliminary assessments, using an assessment rate of twenty-five 103320  
per cent. 103321

(3) In the case of a taxing district having a nuclear power 103322  
plant within its territory, any amount, resulting in an electric 103323  
company tax value loss, obtained by subtracting the amount 103324  
described in division (D)(1) of this section from the difference 103325  
obtained by subtracting the amount described in division (D)(3)(b) 103326  
of this section from the amount described in division (D)(3)(a) of 103327  
this section. 103328

(a) The value of electric company tangible personal property 103329  
as assessed by the tax commissioner for tax year 2000 on a 103330  
preliminary assessment, or an amended preliminary assessment if 103331  
issued prior to March 1, 2001, and as apportioned to the taxing 103332  
district for tax year 2000; 103333

(b) The value of electric company tangible personal property 103334  
as assessed by the tax commissioner for tax year 2001 on a 103335  
preliminary assessment, or an amended preliminary assessment if 103336  
issued prior to March 1, 2002, and as apportioned to the taxing 103337  
district for tax year 2001. 103338

(4) In the case of a taxing district having a nuclear power 103339  
plant within its territory, the difference obtained by subtracting 103340  
the amount described in division (D)(4)(b) of this section from 103341  
the amount described in division (D)(4)(a) of this section, 103342  
provided that such difference is greater than ten per cent of the 103343  
amount described in division (D)(4)(a) of this section. 103344

(a) The value of electric company tangible personal property 103345  
as assessed by the tax commissioner for tax year 2005 on a 103346  
preliminary assessment, or an amended preliminary assessment if 103347  
issued prior to March 1, 2006, and as apportioned to the taxing 103348  
district for tax year 2005; 103349

(b) The value of electric company tangible personal property 103350  
as assessed by the tax commissioner for tax year 2006 on a 103351  
preliminary assessment, or an amended preliminary assessment if 103352  
issued prior to March 1, 2007, and as apportioned to the taxing 103353  
district for tax year 2006. 103354

(E) Not later than January 1, 2002, the tax commissioner 103355  
shall determine for each taxing district its natural gas company 103356  
tax value loss, which is the sum of the amounts described in 103357  
divisions (E)(1) and (2) of this section: 103358

(1) The difference obtained by subtracting the amount 103359



described in division (E)(1)(b) from the amount described in 103360  
division (E)(1)(a) of this section. 103361

(a) The value of all natural gas company tangible personal 103362  
property, other than property described in division (E)(2) of this 103363  
section, as assessed by the tax commissioner for tax year 1999 on 103364  
a preliminary assessment, or an amended preliminary assessment if 103365  
issued prior to March 1, 2000, and apportioned to the taxing 103366  
district for tax year 1999; 103367

(b) The value of all natural gas company tangible personal 103368  
property, other than property described in division (E)(2) of this 103369  
section, as assessed by the tax commissioner for tax year 1999 had 103370  
the property been apportioned to the taxing district for tax year 103371  
2001, and assessed at the rates in effect for tax year 2001. 103372

(2) The difference in the value of current gas obtained by 103373  
subtracting the amount described in division (E)(2)(b) from the 103374  
amount described in division (E)(2)(a) of this section. 103375

(a) The three-year average assessed value of current gas as 103376  
assessed by the tax commissioner for tax years 1997, 1998, and 103377  
1999 on a preliminary assessment, or an amended preliminary 103378  
assessment if issued prior to March 1, 2001, and as apportioned in 103379  
the taxing district for those respective years; 103380

(b) The three-year average assessed value from current gas 103381  
under division (E)(2)(a) of this section for tax years 1997, 1998, 103382  
and 1999, as reflected in the preliminary assessment, using an 103383  
assessment rate of twenty-five per cent. 103384

(F) The tax commissioner may request that natural gas 103385  
companies, electric companies, and rural electric companies file a 103386  
report to help determine the tax value loss under divisions (D) 103387  
and (E) of this section. The report shall be filed within thirty 103388  
days of the commissioner's request. A company that fails to file 103389  
the report or does not timely file the report is subject to the 103390

penalty in section 5727.60 of the Revised Code. 103391

(G) Not later than January 1, 2002, the tax commissioner 103392  
shall determine for each school district, joint vocational school 103393  
district, and local taxing unit its fixed-rate levy loss, which is 103394  
the sum of its electric company tax value loss multiplied by the 103395  
tax rate in effect in tax year 1998 for fixed-rate levies and its 103396  
natural gas company tax value loss multiplied by the tax rate in 103397  
effect in tax year 1999 for fixed-rate levies. 103398

(H) Not later than January 1, 2002, the tax commissioner 103399  
shall determine for each school district, joint vocational school 103400  
district, and local taxing unit its fixed-sum levy loss, which is 103401  
the amount obtained by subtracting the amount described in 103402  
division (H)(2) of this section from the amount described in 103403  
division (H)(1) of this section: 103404

(1) The sum of the electric company tax value loss multiplied 103405  
by the tax rate in effect in tax year 1998, and the natural gas 103406  
company tax value loss multiplied by the tax rate in effect in tax 103407  
year 1999, for fixed-sum levies for all taxing districts within 103408  
each school district, joint vocational school district, and local 103409  
taxing unit. For the years 2002 through 2006, this computation 103410  
shall include school district emergency levies that existed in 103411  
1998 in the case of the electric company tax value loss, and 1999 103412  
in the case of the natural gas company tax value loss, and all 103413  
other fixed-sum levies that existed in 1998 in the case of the 103414  
electric company tax value loss and 1999 in the case of the 103415  
natural gas company tax value loss and continue to be charged in 103416  
the tax year preceding the distribution year. For the years 2007 103417  
through 2016 in the case of school district emergency levies, and 103418  
for all years after 2006 in the case of all other fixed-sum 103419  
levies, this computation shall exclude all fixed-sum levies that 103420  
existed in 1998 in the case of the electric company tax value loss 103421  
and 1999 in the case of the natural gas company tax value loss, 103422

but are no longer in effect in the tax year preceding the 103423  
distribution year. For the purposes of this section, an emergency 103424  
levy that existed in 1998 in the case of the electric company tax 103425  
value loss, and 1999 in the case of the natural gas company tax 103426  
value loss, continues to exist in a year beginning on or after 103427  
January 1, 2007, but before January 1, 2017, if, in that year, the 103428  
board of education levies a school district emergency levy for an 103429  
annual sum at least equal to the annual sum levied by the board in 103430  
tax year 1998 or 1999, respectively, less the amount of the 103431  
payment certified under this division for 2002. 103432

(2) The total taxable value in tax year 1999 less the tax 103433  
value loss in each school district, joint vocational school 103434  
district, and local taxing unit multiplied by one-fourth of one 103435  
mill. 103436

If the amount computed under division (H) of this section for 103437  
any school district, joint vocational school district, or local 103438  
taxing unit is greater than zero, that amount shall equal the 103439  
fixed-sum levy loss reimbursed pursuant to division (F) of section 103440  
5727.85 of the Revised Code or division (A)(2) of section 5727.86 103441  
of the Revised Code, and the one-fourth of one mill that is 103442  
subtracted under division (H)(2) of this section shall be 103443  
apportioned among all contributing fixed-sum levies in the 103444  
proportion of each levy to the sum of all fixed-sum levies within 103445  
each school district, joint vocational school district, or local 103446  
taxing unit. 103447

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 103448  
section, in computing the tax value loss, fixed-rate levy loss, 103449  
and fixed-sum levy loss, the tax commissioner shall use the 103450  
greater of the 1998 tax rate or the 1999 tax rate in the case of 103451  
levy losses associated with the electric company tax value loss, 103452  
but the 1999 tax rate shall not include for this purpose any tax 103453  
levy approved by the voters after June 30, 1999, and the tax 103454

commissioner shall use the greater of the 1999 or the 2000 tax rate in the case of levy losses associated with the natural gas company tax value loss.

(J) Not later than January 1, 2002, the tax commissioner shall certify to the department of education the tax value loss determined under divisions (D) and (E) of this section for each taxing district, the fixed-rate levy loss calculated under division (G) of this section, and the fixed-sum levy loss calculated under division (H) of this section. The calculations under divisions (G) and (H) of this section shall separately display the levy loss for each levy eligible for reimbursement.

(K) Not later than September 1, 2001, the tax commissioner shall certify the amount of the fixed-sum levy loss to the county auditor of each county in which a school district with a fixed-sum levy loss has territory.

**Sec. 5727.89.** (A) The tax commissioner may make an assessment, based on any information in the commissioner's possession, against any natural gas distribution company, electric distribution company, self-assessing purchaser, or qualified end user that fails to file a return or pay any tax, interest, or additional charge as required by sections 5727.80 to 5727.95 of the Revised Code.

When information in the possession of the tax commissioner indicates that a person liable for the tax imposed by section 5727.81 or 5727.811 of the Revised Code has not paid the full amount of tax due, the commissioner may audit a representative sample of the person's business and may issue an assessment based on the audit. The commissioner shall give the person assessed written notice of the assessment in the manner provided in section 5703.37 of the Revised Code. With the notice, the commissioner shall provide instructions on how to petition for reassessment and

request a hearing on the petition. 103486

The tax commissioner may issue an assessment for which the 103487  
tax imposed by section 5727.81 or 5727.811 of the Revised Code was 103488  
due and unpaid on the date the person was informed by an agent of 103489  
the tax commissioner of an investigation or audit of the person. 103490  
Any payment of the tax for the period covered by the assessment, 103491  
after the person is so informed, shall be credited against the 103492  
assessment. 103493

A penalty of up to fifteen per cent may be added to all 103494  
amounts assessed under this section. The commissioner may adopt 103495  
rules providing for the imposition and remission of penalties. 103496

(B) Unless the party assessed files with the tax commissioner 103497  
within sixty days after service of the notice of assessment, 103498  
either personally or by certified mail, a written petition for 103499  
reassessment signed by the party assessed or that party's 103500  
authorized agent having knowledge of the facts, the assessment 103501  
becomes final and the amount of the assessment is due and payable 103502  
from the party assessed to the treasurer of state. The petition 103503  
shall indicate the objections of the party assessed, but 103504  
additional objections may be raised in writing if received by the 103505  
commissioner prior to the date shown on the final determination. 103506  
If the petition has been properly filed, the commissioner shall 103507  
proceed under section 5703.60 of the Revised Code. 103508

(C) After an assessment becomes final, if any portion of the 103509  
assessment, including accrued interest, remains unpaid, a 103510  
certified copy of the tax commissioner's entry making the 103511  
assessment final may be filed in the office of the clerk of the 103512  
court of common pleas in the county in which the party assessed 103513  
resides or in which the party's business is conducted. If the 103514  
party assessed maintains no place of business in this state and is 103515  
not a resident of this state, the certified copy of the entry may 103516  
be filed in the office of the clerk of the court of common pleas 103517

of Franklin county. 103518

Immediately upon the filing of the entry, the clerk shall 103519  
enter a judgment for the state against the person assessed in the 103520  
amount shown on the entry. The judgment may be filed by the clerk 103521  
in a loose-leaf book entitled "special judgments for the 103522  
distribution excise taxes," and shall have the same effect as 103523  
other judgments. Execution shall issue upon the judgment at the 103524  
request of the tax commissioner, and all laws applicable to sales 103525  
on execution shall apply to sales made under the judgment. 103526

~~The portion of~~ If the assessment is not paid in its entirety 103527  
within sixty days after the day the assessment was issued, the 103528  
portion of the assessment consisting of tax due shall bear 103529  
interest at the rate per annum prescribed by section 5703.47 of 103530  
the Revised Code from the day the tax commissioner issues the 103531  
assessment until the day the assessment is paid or until it is 103532  
certified to the attorney general for collection under section 103533  
131.02 of the Revised Code, whichever comes first. If the unpaid 103534  
portion of the assessment is certified to the attorney general for 103535  
collection, the entire unpaid portion of the assessment shall bear 103536  
interest at the rate per annum prescribed by section 5703.47 of 103537  
the Revised Code from the date of certification until the date it 103538  
is paid in its entirety. Interest shall be paid in the same manner 103539  
as the tax and may be collected by the issuance of an assessment 103540  
under this section. 103541

(D) If the tax commissioner believes that collection of the 103542  
tax imposed by section 5727.81 or 5727.811 of the Revised Code 103543  
will be jeopardized unless proceedings to collect or secure 103544  
collection of the tax are instituted without delay, the 103545  
commissioner may issue a jeopardy assessment against the person 103546  
liable for the tax. Immediately upon the issuance of the jeopardy 103547  
assessment, the commissioner shall file an entry with the clerk of 103548  
the court of common pleas in the manner prescribed by division (C) 103549

of this section. Notice of the jeopardy assessment shall be served 103550  
on the party assessed or the party's legal representative within 103551  
five days of the filing of the entry with the clerk. The total 103552  
amount assessed is immediately due and payable, unless the party 103553  
assessed files a petition for reassessment in accordance with 103554  
division (B) of this section and provides security in a form 103555  
satisfactory to the commissioner and in an amount sufficient to 103556  
satisfy the unpaid balance of the assessment. Full or partial 103557  
payment of the assessment does not prejudice the commissioner's 103558  
consideration of the petition for reassessment. 103559

(E) All money collected by the tax commissioner under this 103560  
section shall be paid to the treasurer of state, and when paid 103561  
shall be considered as revenue arising from the taxes imposed by 103562  
sections 5727.81 and 5727.811 of the Revised Code. 103563

**Sec. 5728.10.** (A) If any person required to file a fuel use 103564  
tax return by sections 5728.01 to 5728.14 of the Revised Code, 103565  
fails to file the return within the time prescribed by those 103566  
sections, files an incomplete return, files an incorrect return, 103567  
or fails to remit the full amount of the tax due for the period 103568  
covered by the return, the tax commissioner may make an assessment 103569  
against the person, based upon any information in the 103570  
commissioner's possession, for the period for which the tax was 103571  
due. 103572

No assessment shall be made against any person for any tax 103573  
imposed by this chapter more than four years after the return date 103574  
for the period for which the tax was due or more than four years 103575  
after the return for the period was filed, whichever is later. 103576  
This section does not bar an assessment against any person who 103577  
fails to file a fuel use tax return as required by this chapter, 103578  
or who files a fraudulent fuel use tax return. 103579

A penalty of up to fifteen per cent may be added to the 103580

amount of every assessment made pursuant to this section. The 103581  
commissioner may adopt rules providing for the imposition and 103582  
remission of penalties added to assessments made under this 103583  
section. 103584

The commissioner shall give the party assessed written notice 103585  
of the assessment in the manner provided in section 5703.37 of the 103586  
Revised Code. With the notice, the commissioner shall provide 103587  
instructions on how to petition for reassessment and request a 103588  
hearing on the petition. 103589

(B) Unless the party assessed files with the tax commissioner 103590  
within sixty days after service of the notice of assessment, 103591  
either personally or by certified mail, a written petition for 103592  
reassessment, signed by the party assessed, or by the party's 103593  
authorized agent having knowledge of the facts, the assessment 103594  
becomes final and the amount of the assessment is due and payable 103595  
from the party assessed to the treasurer of state. The petition 103596  
shall indicate the objections of the party assessed, but 103597  
additional objections may be raised in writing if received by the 103598  
commissioner prior to the date shown on the final determination. 103599  
If the petition has been properly filed, the commissioner shall 103600  
proceed under section 5703.60 of the Revised Code. 103601

(C) After an assessment becomes final, if any portion of the 103602  
assessment remains unpaid, including accrued interest, a certified 103603  
copy of the tax commissioner's entry making the assessment final 103604  
may be filed in the office of the clerk of the court of common 103605  
pleas in the county in which the party's place of business is 103606  
located or the county in which the party assessed resides. If the 103607  
party maintains no office in this state and is not a resident of 103608  
this state, the certified copy of the entry may be filed in the 103609  
office of the clerk of the court of common pleas of Franklin 103610  
county. 103611

Immediately upon the filing of the entry, the clerk shall 103612



enter a judgment for the state of Ohio against the party assessed 103613  
in the amount shown on the entry. The judgment may be filed by the 103614  
clerk in a loose-leaf book entitled "special judgments for state 103615  
fuel use tax," and shall have the same effect as other judgments. 103616  
Execution shall issue upon the judgment upon the request of the 103617  
commissioner, and all laws applicable to sales on execution shall 103618  
apply to sales made under the judgment. 103619

~~The portion of~~ If the assessment is not paid within sixty 103620  
days after the day the assessment was issued, the portion of the 103621  
assessment consisting of tax due shall bear interest at the rate 103622  
per annum prescribed by section 5703.47 of the Revised Code from 103623  
the day the commissioner issues the assessment until it is paid or 103624  
until it is certified to the attorney general for collection under 103625  
section 131.02 of the Revised Code, whichever comes first. If the 103626  
unpaid portion of the assessment is certified to the attorney 103627  
general for collection, the entire unpaid portion of the 103628  
assessment shall bear interest at the rate per annum prescribed by 103629  
section 5703.47 of the Revised Code from the date of certification 103630  
until the date it is paid in its entirety. Interest shall be paid 103631  
in the same manner as the tax and may be collected by the issuance 103632  
of an assessment under this section. 103633

(D) All money collected by the tax commissioner under this 103634  
section shall be paid into the state treasury in the same manner 103635  
as the revenues deriving from the taxes imposed by section 5728.06 103636  
of the Revised Code. 103637

**Sec. 5729.03.** (A) If the superintendent of insurance finds 103638  
the annual statement required by section 5729.02 of the Revised 103639  
Code to be correct, the superintendent shall compute the following 103640  
amount, as applicable, of the balance of such gross amount, after 103641  
deducting such return premiums and considerations received for 103642  
reinsurance, and charge such amount to such company as a tax upon 103643

the business done by it in this state for the period covered by 103644  
such annual statement: 103645

(1) If the company is a health insuring corporation, one per 103646  
cent of the balance of premium rate payments received, exclusive 103647  
of payments received under the medicare program ~~established under~~ 103648  
~~Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42~~ 103649  
~~U.S.C.A. 301, as amended,~~ and exclusive of payments received 103650  
pursuant to the ~~medical assistance~~ medicaid program ~~established~~ 103651  
~~under Chapter 5111. of the Revised Code~~ for the period ending 103652  
September 30, 2009, as reflected in its annual report; 103653

(2) If the company is not a health insuring corporation, one 103654  
and four-tenths per cent of the balance of premiums received, 103655  
exclusive of premiums received under the medicare program 103656  
~~established under Title XVIII of the "Social Security Act," 49~~ 103657  
~~Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ and exclusive of 103658  
payments received pursuant to the ~~medical assistance~~ medicaid 103659  
program ~~established under Chapter 5111. of the Revised Code~~ for 103660  
the period ending September 30, 2009, as reflected in its annual 103661  
statement, and, if the company operates a health insuring 103662  
corporation as a line of business, one per cent of the balance of 103663  
premium rate payments received from that line of business, 103664  
exclusive of payments received under the medicare program 103665  
~~established under Title XVIII of the "Social Security Act," 49~~ 103666  
~~Stat. 620 (1935), 42 U.S.C.A. 301, as amended,~~ and exclusive of 103667  
payments received pursuant to the ~~medical assistance~~ medicaid 103668  
program ~~established under Chapter 5111. of the Revised Code~~ for 103669  
the period ending September 30, 2009, as reflected in its annual 103670  
statement. 103671

Each foreign insurance company, including health insuring 103672  
corporations, receiving payments pursuant to the ~~medical~~ 103673  
~~assistance~~ medicaid program ~~established under Chapter 5111. of the~~ 103674  
~~Revised Code~~ during the period beginning October 1, 2009, and 103675

ending December 31, 2009, shall file with the 2009 annual 103676  
statement to the superintendent a schedule that reflects those 103677  
payments received pursuant to the ~~medical assistance~~ medicaid 103678  
program for that period. The payments reflected in the schedule, 103679  
plus all other taxable premiums, are subject to the annual 103680  
franchise tax due to be paid in 2010. 103681

(B) Any insurance policies that were not issued in violation 103682  
of Title XXXIX of the Revised Code and that were issued prior to 103683  
April 15, 1967, by a life insurance company organized and operated 103684  
without profit to any private shareholder or individual, 103685  
exclusively for the purpose of aiding educational or scientific 103686  
institutions organized and operated without profit to any private 103687  
shareholder or individual, are not subject to the tax imposed by 103688  
this section. All taxes collected pursuant to this section shall 103689  
be credited to the general revenue fund. 103690

(C) In no case shall the tax imposed under this section be 103691  
less than two hundred fifty dollars. 103692

**Sec. 5731.39.** This section does not apply to, and the written 103693  
permission of the tax commissioner is not required for asset 103694  
transfers with respect to, decedents dying on or after January 1, 103695  
2013. 103696

(A) No corporation organized or existing under the laws of 103697  
this state shall transfer on its books or issue a new certificate 103698  
for any share of its capital stock registered in the name of a 103699  
decedent, or in trust for a decedent, or in the name of a decedent 103700  
and another person or persons, without the written consent of the 103701  
tax commissioner. 103702

(B) No safe deposit company, trust company, financial 103703  
institution as defined in division (A) of section 5725.01 of the 103704  
Revised Code, or other corporation or person, having in 103705  
possession, control, or custody a deposit standing in the name of 103706

a decedent, or in trust for a decedent, or in the name of a 103707  
decedent and another person or persons, shall deliver or transfer 103708  
an amount in excess of three-fourths of the total value of such 103709  
deposit, including accrued interest and dividends, as of the date 103710  
of decedent's death, without the written consent of the tax 103711  
commissioner. The written consent of the tax commissioner need not 103712  
be obtained prior to the delivery or transfer of amounts having a 103713  
value of three-fourths or less of said total value. 103714

(C) No life insurance company shall pay the proceeds of an 103715  
annuity or matured endowment contract, or of a life insurance 103716  
contract payable to the estate of a decedent, or of any other 103717  
insurance contract taxable under Chapter 5731. of the Revised 103718  
Code, without the written consent of the tax commissioner. Any 103719  
life insurance company may pay the proceeds of any insurance 103720  
contract not specified in this division (C) without the written 103721  
consent of the tax commissioner. 103722

(D) No trust company or other corporation or person shall pay 103723  
the proceeds of any death benefit, retirement, pension, or 103724  
profit-sharing plan in excess of two thousand dollars, without the 103725  
written consent of the tax commissioner. Such trust company or 103726  
other corporation or person, however, may pay the proceeds of any 103727  
death benefit, retirement, pension, or profit-sharing plan which 103728  
consists of insurance on the life of the decedent payable to a 103729  
beneficiary other than the estate of the insured without the 103730  
written consent of the tax commissioner. 103731

(E) No safe deposit company, trust company, financial 103732  
institution as defined in division (A) of section 5725.01 of the 103733  
Revised Code, or other corporation or person, having in 103734  
possession, control, or custody securities, assets, or other 103735  
property (including the shares of the capital stock of, or other 103736  
interest in, such safe deposit company, trust company, financial 103737  
institution as defined in division (A) of section 5725.01 of the 103738

Revised Code, or other corporation), standing in the name of a 103739  
decedent, or in trust for a decedent, or in the name of a decedent 103740  
and another person or persons, and the transfer of which is 103741  
taxable under Chapter 5731. of the Revised Code, shall deliver or 103742  
transfer any such securities, assets, or other property which have 103743  
a value as of the date of decedent's death in excess of 103744  
three-fourths of the total value thereof, without the written 103745  
consent of the tax commissioner. The written consent of the tax 103746  
commissioner need not be obtained prior to the delivery or 103747  
transfer of any such securities, assets, or other property having 103748  
a value of three-fourths or less of said total value. 103749

(F) No safe deposit company, financial institution as defined 103750  
in division (A) of section 5725.01 of the Revised Code, or other 103751  
corporation or person having possession or control of a safe 103752  
deposit box or similar receptacle standing in the name of a 103753  
decedent or in the name of the decedent and another person or 103754  
persons, or to which the decedent had a right of access, except 103755  
when such safe deposit box or other receptacle stands in the name 103756  
of a corporation or partnership, or in the name of the decedent as 103757  
guardian or executor, shall deliver any of the contents thereof 103758  
unless the safe deposit box or similar receptacle has been opened 103759  
and inventoried in the presence of the tax commissioner or the 103760  
commissioner's agent, and a written consent to transfer issued; 103761  
provided, however, that a safe deposit company, financial 103762  
institution, or other corporation or person having possession or 103763  
control of a safe deposit box may deliver wills, deeds to burial 103764  
lots, and insurance policies to a representative of the decedent, 103765  
but that a representative of the safe deposit company, financial 103766  
institution, or other corporation or person must supervise the 103767  
opening of the box and make a written record of the wills, deeds, 103768  
and policies removed. Such written record shall be included in the 103769  
tax commissioner's inventory records. 103770

(G) Notwithstanding any provision of this section: 103771

(1) The tax commissioner may authorize any delivery or 103772  
transfer or waive any of the foregoing requirements under such 103773  
terms and conditions as the commissioner may prescribe; 103774

(2) A home, as defined in section 3721.10 of the Revised 103775  
Code, or a residential facility licensed under section ~~5119.22~~ 103776  
5119.34 of the Revised Code that provides accommodations, 103777  
supervision, and personal care services for three to sixteen 103778  
unrelated adults, may transfer or use the money in a personal 103779  
needs allowance account in accordance with section ~~5111.113~~ 103780  
5162.22 of the Revised Code without the written consent of the tax 103781  
commissioner, and without the account having been opened and 103782  
inventoried in the presence of the commissioner or the 103783  
commissioner's agent. 103784

Failure to comply with this section shall render such safe 103785  
deposit company, trust company, life insurance company, financial 103786  
institution as defined in division (A) of section 5725.01 of the 103787  
Revised Code, or other corporation or person liable for the amount 103788  
of the taxes and interest due under the provisions of Chapter 103789  
5731. of the Revised Code on the transfer of such stock, deposit, 103790  
proceeds of an annuity or matured endowment contract or of a life 103791  
insurance contract payable to the estate of a decedent, or other 103792  
insurance contract taxable under Chapter 5731. of the Revised 103793  
Code, proceeds of any death benefit, retirement, pension, or 103794  
profit-sharing plan in excess of two thousand dollars, or 103795  
securities, assets, or other property of any resident decedent, 103796  
and in addition thereto, to a penalty of not less than five 103797  
hundred or more than five thousand dollars. 103798

**Sec. 5733.01.** (A) The tax provided by this chapter for 103799  
domestic corporations shall be the amount charged against each 103800  
corporation organized for profit under the laws of this state and 103801

each nonprofit corporation organized pursuant to Chapter 1729. of 103802  
the Revised Code, except as provided in sections 5733.09 and 103803  
5733.10 of the Revised Code, for the privilege of exercising its 103804  
franchise during the calendar year in which that amount is 103805  
payable, and the tax provided by this chapter for foreign 103806  
corporations shall be the amount charged against each corporation 103807  
organized for profit and each nonprofit corporation organized or 103808  
operating in the same or similar manner as nonprofit corporations 103809  
organized under Chapter 1729. of the Revised Code, under the laws 103810  
of any state or country other than this state, except as provided 103811  
in sections 5733.09 and 5733.10 of the Revised Code, for the 103812  
privilege of doing business in this state, owning or using a part 103813  
or all of its capital or property in this state, holding a 103814  
certificate of compliance with the laws of this state authorizing 103815  
it to do business in this state, or otherwise having nexus in or 103816  
with this state under the Constitution of the United States, 103817  
during the calendar year in which that amount is payable. 103818

(B) A corporation is subject to the tax imposed by section 103819  
5733.06 of the Revised Code for each calendar year prior to 2014 103820  
that it is so organized, doing business, owning or using a part or 103821  
all of its capital or property, holding a certificate of 103822  
compliance, or otherwise having nexus in or with this state under 103823  
the Constitution of the United States, on the first day of January 103824  
of that calendar year. No credit authorized by this chapter may be 103825  
claimed for tax year 2014 or any tax year thereafter. 103826

(C) Any corporation subject to this chapter that is not 103827  
subject to the federal income tax shall file its returns and 103828  
compute its tax liability as required by this chapter in the same 103829  
manner as if that corporation were subject to the federal income 103830  
tax. 103831

(D) For purposes of this chapter, a federally chartered 103832  
financial institution shall be deemed to be organized under the 103833

laws of the state within which its principal office is located. 103834

(E) For purposes of this chapter, any person, as defined in 103835  
section 5701.01 of the Revised Code, shall be treated as a 103836  
corporation if the person is classified for federal income tax 103837  
purposes as an association taxable as a corporation, and an equity 103838  
interest in the person shall be treated as capital stock of the 103839  
person. 103840

(F) For the purposes of this chapter, "disregarded entity" 103841  
has the same meaning as in division (D) of section 5745.01 of the 103842  
Revised Code. 103843

(1) A person's interest in a disregarded entity, whether held 103844  
directly or indirectly, shall be treated as the person's ownership 103845  
of the assets and liabilities of the disregarded entity, and the 103846  
income, including gain or loss, shall be included in the person's 103847  
net income under this chapter. 103848

(2) Any sale, exchange, or other disposition of the person's 103849  
interest in the disregarded entity, whether held directly or 103850  
indirectly, shall be treated as a sale, exchange, or other 103851  
disposition of the person's share of the disregarded entity's 103852  
underlying assets or liabilities, and the gain or loss from such 103853  
sale, exchange, or disposition shall be included in the person's 103854  
net income under this chapter. 103855

(3) The disregarded entity's payroll, property, and sales 103856  
factors shall be included in the person's factors. 103857

(G) The tax a corporation is required to pay under this 103858  
chapter shall be as follows: 103859

(1)(a) For financial institutions, the greater of the minimum 103860  
payment required under division (E) of section 5733.06 of the 103861  
Revised Code or the difference between all taxes charged the 103862  
financial institution under this chapter, without regard to 103863  
division (G)(2) of this section, less any credits allowable 103864



against such tax. 103865

(b) A corporation satisfying the description in division 103866  
(E)(5), (6), (7), (8), or (10) of section 5751.01 of the Revised 103867  
Code, as that section existed before its amendment by H.B. 510 of 103868  
the 129th general assembly, that is not a financial institution, 103869  
insurance company, or dealer in intangibles is subject to the 103870  
taxes imposed under this chapter as a corporation and not subject 103871  
to tax as a financial institution, and shall pay the greater of 103872  
the minimum payment required under division (E) of section 5733.06 103873  
of the Revised Code or the difference between all the taxes 103874  
charged under this chapter, without regard to division (G)(2) of 103875  
this section, less any credits allowable against such tax. 103876

(2) For all corporations other than those persons described 103877  
in division (G)(1)(a) or (b) of this section, the amount under 103878  
division (G)(2)(a) of this section applicable to the tax year 103879  
specified less the amount under division (G)(2)(b) of this 103880  
section: 103881

(a)(i) For tax year 2005, the greater of the minimum payment 103882  
required under division (E) of section 5733.06 of the Revised Code 103883  
or the difference between all taxes charged the corporation under 103884  
this chapter and any credits allowable against such tax; 103885

(ii) For tax year 2006, the greater of the minimum payment 103886  
required under division (E) of section 5733.06 of the Revised Code 103887  
or four-fifths of the difference between all taxes charged the 103888  
corporation under this chapter and any credits allowable against 103889  
such tax, except the qualifying pass-through entity tax credit 103890  
described in division (A)(30) and the refundable credits described 103891  
in divisions (A)(31) to (35) of section 5733.98 of the Revised 103892  
Code; 103893

(iii) For tax year 2007, the greater of the minimum payment 103894  
required under division (E) of section 5733.06 of the Revised Code 103895

or three-fifths of the difference between all taxes charged the 103896  
corporation under this chapter and any credits allowable against 103897  
such tax, except the qualifying pass-through entity tax credit 103898  
described in division (A)(30) and the refundable credits described 103899  
in divisions (A)(31) to (35) of section 5733.98 of the Revised 103900  
Code; 103901

(iv) For tax year 2008, the greater of the minimum payment 103902  
required under division (E) of section 5733.06 of the Revised Code 103903  
or two-fifths of the difference between all taxes charged the 103904  
corporation under this chapter and any credits allowable against 103905  
such tax, except the qualifying pass-through entity tax credit 103906  
described in division (A)(30) and the refundable credits described 103907  
in divisions (A)(31) to (35) of section 5733.98 of the Revised 103908  
Code; 103909

(v) For tax year 2009, the greater of the minimum payment 103910  
required under division (E) of section 5733.06 of the Revised Code 103911  
or one-fifth of the difference between all taxes charged the 103912  
corporation under this chapter and any credits allowable against 103913  
such tax, except the qualifying pass-through entity tax credit 103914  
described in division (A)(30) and the refundable credits described 103915  
in divisions (A)(31), (32), (33), and (34) of section 5733.98 of 103916  
the Revised Code; 103917

(vi) For tax year 2010 and each tax year thereafter, no tax. 103918

(b) A corporation shall subtract from the amount calculated 103919  
under division (G)(2)(a)(ii), (iii), (iv), or (v) of this section 103920  
any qualifying pass-through entity tax credit described in 103921  
division (A)(30) and any refundable credits described in divisions 103922  
(A)(31) to (35) of section 5733.98 of the Revised Code to which 103923  
the corporation is entitled. Any unused qualifying pass-through 103924  
entity tax credit is not refundable. 103925

(c) For the purposes of computing the amount of a credit that 103926

may be carried forward to a subsequent tax year under division 103927  
(G)(2) of this section, a credit is utilized against the tax for a 103928  
tax year to the extent the credit applies against the tax for that 103929  
tax year, even if the difference is then multiplied by the 103930  
applicable fraction under division (G)(2)(a) of this section. 103931

(d) References in division (G)(2) of this section to section 103932  
5733.98 of the Revised Code is to that section before its 103933  
amendment by H.B. ... of the 130th general assembly. 103934

(3) Nothing in division (G) of this section eliminates or 103935  
reduces the tax imposed by section 5733.41 of the Revised Code on 103936  
a qualifying pass-through entity. 103937

**Sec. 5733.06.** For tax years prior to tax year 2014, the tax 103938  
hereby charged each corporation subject to this chapter shall be 103939  
the greater of the sum of divisions (A) and (B) of this section, 103940  
after the reduction, if any, provided by division (J) of this 103941  
section, or division (C) of this section, after the reduction, if 103942  
any, provided by division (J) of this section, except that the tax 103943  
hereby charged each financial institution subject to this chapter 103944  
shall be the amount computed under division (D) of this section: 103945

(A) Except as set forth in division (F) of this section, five 103946  
and one-tenth per cent upon the first fifty thousand dollars of 103947  
the value of the taxpayer's issued and outstanding shares of stock 103948  
as determined under division (B) of section 5733.05 of the Revised 103949  
Code; 103950

(B) Except as set forth in division (F) of this section, 103951  
eight and one-half per cent upon the value so determined in excess 103952  
of fifty thousand dollars; or 103953

(C)(1) Except as otherwise provided under division (G) of 103954  
this section, four mills times that portion of the value of the 103955  
issued and outstanding shares of stock as determined under 103956

division (C) of section 5733.05 of the Revised Code. For the 103957  
purposes of division (C) of this section, division (C)(2) of 103958  
section 5733.065, and division (C) of section 5733.066 of the 103959  
Revised Code, the value of the issued and outstanding shares of 103960  
stock of an eligible corporation for tax year 2003 through tax 103961  
year 2007, or of a qualifying holding company, is zero. 103962

(2) As used in division (C) of this section, "eligible 103963  
corporation" means a person treated as a corporation for federal 103964  
income tax purposes that meets all of the following criteria: 103965

(a) The corporation conducts business for an entire taxable 103966  
year as a qualified trade or business as defined by division (C) 103967  
of section 122.15 of the Revised Code, as that section existed 103968  
before its repeal by H.B. ... of the 130th general assembly. 103969

(b) The corporation uses more than fifty per cent of the 103970  
corporation's assets, based on net book value, that are located in 103971  
Ohio solely to conduct activities that constitute a qualified 103972  
trade or business as defined by section 122.15 of the Revised 103973  
Code, as that section existed before its repeal by H.B. ... of the 103974  
130th general assembly. 103975

(c) The corporation has been formed or organized not more 103976  
than three years before the report required to be filed by section 103977  
5733.02 of the Revised Code is due, without regard to any 103978  
extensions. 103979

(d) The corporation is not a related member, as defined in 103980  
section 5733.042 of the Revised Code, at any time during the 103981  
taxable year with respect to another person treated as a 103982  
corporation for federal income tax purposes. A corporation is not 103983  
a related member if during the entire taxable year at least 103984  
seventy-five per cent of the corporation's stock is owned directly 103985  
or through a pass-through entity by individuals, estates, and 103986  
grantor trusts, and the individuals, estates, and grantor trusts 103987

do not directly or indirectly own more than twenty per cent of the 103988  
value of another person treated as a corporation for federal 103989  
income tax purposes that is conducting a qualified trade or 103990  
business. 103991

(D) The tax charged each financial institution subject to 103992  
this chapter shall be that portion of the value of the issued and 103993  
outstanding shares of stock as determined under division (A) of 103994  
section 5733.05 of the Revised Code, multiplied by the following 103995  
amounts: 103996

(1) For tax years prior to the 1999 tax year, fifteen mills; 103997

(2) For the 1999 tax year, fourteen mills; 103998

(3) For tax year 2000 and thereafter, thirteen mills. 103999

(E) No tax shall be charged from any corporation that has 104000  
been adjudicated bankrupt, or for which a receiver has been 104001  
appointed, or that has made a general assignment for the benefit 104002  
of creditors, except for the portion of the then current tax year 104003  
during which the tax commissioner finds such corporation had the 104004  
power to exercise its corporate franchise unimpaired by such 104005  
proceedings or act. The minimum payment for each corporation shall 104006  
be as follows: 104007

(1) One thousand dollars in the case of a corporation having 104008  
gross receipts for the taxable year equal to at least five million 104009  
dollars from activities within or outside this state or in the 104010  
case of a corporation employing at least three hundred employees 104011  
at some time during the taxable year within or outside this state; 104012

(2) Fifty dollars in the case of any other corporation. 104013

The tax charged to corporations under this chapter for the 104014  
privilege of engaging in business in this state, which is an 104015  
excise tax levied on the value of the issued and outstanding 104016  
shares of stock, shall in no manner be construed as prohibiting or 104017

otherwise limiting the powers of municipal corporations, joint 104018  
economic development zones created under section 715.691 of the 104019  
Revised Code, and joint economic development districts created 104020  
under section 715.70 or 715.71 or sections 715.72 to 715.81 of the 104021  
Revised Code in this state to impose an income tax on the income 104022  
of such corporations. 104023

(F) If two or more taxpayers satisfy the ownership or control 104024  
requirements of division (A) of section 5733.052 of the Revised 104025  
Code, each such taxpayer shall substitute "the taxpayer's pro-rata 104026  
amount" for "fifty thousand dollars" in divisions (A) and (B) of 104027  
this section. For purposes of this division, "the taxpayer's 104028  
pro-rata amount" is an amount that, when added to the other such 104029  
taxpayers' pro-rata amounts, does not exceed fifty thousand 104030  
dollars. For the purpose of making that computation, the 104031  
taxpayer's pro-rata amount shall not be less than zero. Nothing in 104032  
this division derogates from or eliminates the requirement to make 104033  
the alternative computation of tax under division (C) of this 104034  
section. 104035

(G) The tax liability of any corporation under division (C) 104036  
of this section shall not exceed one hundred fifty thousand 104037  
dollars. 104038

(H)(1) For the purposes of division (H) of this section, 104039  
"exiting corporation" means a corporation that satisfies all of 104040  
the following conditions: 104041

(a) The corporation had nexus with or in this state under the 104042  
Constitution of the United States during any portion of a calendar 104043  
year; 104044

(b) The corporation was not a corporation described in 104045  
division (A) of section 5733.01 of the Revised Code on the first 104046  
day of January immediately following that calendar year; 104047

(c) The corporation was not a financial institution on the 104048

first day of January immediately following that calendar year; 104049

(d) If the corporation was a transferor as defined in section 104050  
5733.053 of the Revised Code, the corporation's transferee was not 104051  
required to add to the transferee's net income the income of the 104052  
transferor pursuant to division (B) of that section; 104053

(e) During any portion of that calendar year, or any portion 104054  
of the immediately preceding calendar year, the corporation had 104055  
net income that was not included in a report filed by the 104056  
corporation or its transferee pursuant to section 5733.02, 104057  
5733.021, 5733.03, 5733.031, or 5733.053 of the Revised Code; 104058

(f) The corporation would have been subject to the tax 104059  
computed under divisions (A), (B), (C), (F), and (G) of this 104060  
section if the corporation is assumed to be a corporation 104061  
described in division (A) of section 5733.01 of the Revised Code 104062  
on the first day of January immediately following the calendar 104063  
year to which division (H)(1)(a) of this section refers. 104064

(2) For the purposes of division (H) of this section, 104065  
"unreported net income" means net income that was not previously 104066  
included in a report filed pursuant to section 5733.02, 5733.021, 104067  
5733.03, 5733.031, or 5733.053 of the Revised Code and that was 104068  
realized or recognized during the calendar year to which division 104069  
(H)(1) of this section refers or the immediately preceding 104070  
calendar year. 104071

(3) Each exiting corporation shall pay a tax computed by 104072  
first allocating and apportioning the unreported net income 104073  
pursuant to division (B) of section 5733.05 and section 5733.051 104074  
and, if applicable, section 5733.052 of the Revised Code. The 104075  
exiting corporation then shall compute the tax due on its 104076  
unreported net income allocated and apportioned to this state by 104077  
applying divisions (A), (B), and (F) of this section to that 104078  
income. 104079

(4) Divisions (C) and (G) of this section, division (D)(2) of section 5733.065, and division (C) of section 5733.066 of the Revised Code do not apply to an exiting corporation, but exiting corporations are subject to every other provision of this chapter.

(5) Notwithstanding division (B) of section 5733.01 or sections 5733.02, 5733.021, and 5733.03 of the Revised Code to the contrary, each exiting corporation shall report and pay the tax due under division (H) of this section on or before the thirty-first day of May immediately following the calendar year to which division (H)(1)(a) of this section refers. The exiting corporation shall file that report on the form most recently prescribed by the tax commissioner for the purposes of complying with sections 5733.02 and 5733.03 of the Revised Code. Upon request by the corporation, the tax commissioner may extend the date for filing the report.

(6) If, on account of the application of section 5733.053 of the Revised Code, net income is subject to the tax imposed by divisions (A) and (B) of this section, such income shall not be subject to the tax imposed by division (H)(3) of this section.

(7) The amendments made to division (H) of this section by Am. Sub. S.B. 287 of the 123rd general assembly do not apply to any transfer, as defined in section 5733.053 of the Revised Code, for which negotiations began prior to January 1, 2001, and that was commenced in and completed during calendar year 2001, unless the taxpayer makes an election prior to December 31, 2001, to apply those amendments.

(8) The tax commissioner may adopt rules governing division (H) of this section.

(I) Any reference in the Revised Code to "the tax imposed by section 5733.06 of the Revised Code" or "the tax due under section 5733.06 of the Revised Code" includes the taxes imposed under



sections 5733.065 and 5733.066 of the Revised Code. 104111

(J)(1) Division (J) of this section applies solely to a 104112  
combined company. Section 5733.057 of the Revised Code shall apply 104113  
when calculating the adjustments required by division (J) of this 104114  
section. 104115

(2) Subject to division (J)(4) of this section, the total tax 104116  
calculated in divisions (A) and (B) of this section shall be 104117  
reduced by an amount calculated by multiplying such tax by a 104118  
fraction, the numerator of which is the total taxable gross 104119  
receipts attributed to providing public utility activity other 104120  
than as an electric company under section 5727.03 of the Revised 104121  
Code for the year upon which the taxable gross receipts are 104122  
measured immediately preceding the tax year, and the denominator 104123  
of which is the total gross receipts from all sources for the year 104124  
upon which the taxable gross receipts are measured immediately 104125  
preceding the tax year. Nothing herein shall be construed to 104126  
exclude from the denominator any item of income described in 104127  
section 5733.051 of the Revised Code. 104128

(3) Subject to division (J)(4) of this section, the total tax 104129  
calculated in division (C) of this section shall be reduced by an 104130  
amount calculated by multiplying such tax by the fraction 104131  
described in division (J)(2) of this section. 104132

(4) In no event shall the reduction provided by division 104133  
(J)(2) or (J)(3) of this section exceed the amount of the excise 104134  
tax paid in accordance with section 5727.38 of the Revised Code, 104135  
for the year upon which the taxable gross receipts are measured 104136  
immediately preceding the tax year. 104137

**Sec. 5733.11.** (A) If any corporation required to file a 104138  
report under this chapter fails to file the report within the time 104139  
prescribed, files an incorrect report, or fails to remit the full 104140  
amount of the tax due for the period covered by the report, the 104141

tax commissioner may make an assessment against the corporation 104142  
for any deficiency for the period for which the report or tax is 104143  
due, based upon any information in the commissioner's possession. 104144

No assessment shall be made or issued against a corporation 104145  
more than three years after the later of the final date the report 104146  
subject to assessment was required to be filed or the date the 104147  
report was filed. Such time limit may be extended if both the 104148  
corporation and the commissioner consent in writing to the 104149  
extension or if an agreement waiving or extending the time limit 104150  
has been entered into pursuant to section 122.171 of the Revised 104151  
Code. Any such extension shall extend the three-year time limit in 104152  
division (B) of section 5733.12 of the Revised Code for the same 104153  
period of time. There shall be no bar or limit to an assessment 104154  
against a corporation that fails to file a report subject to 104155  
assessment as required by this chapter, or that files a fraudulent 104156  
report. 104157

The commissioner shall give the corporation assessed written 104158  
notice of the assessment in the manner provided in section 5703.37 104159  
of the Revised Code. With the notice, the commissioner shall 104160  
provide instructions on how to petition for reassessment and 104161  
request a hearing on the petition. 104162

(B) Unless the corporation assessed files with the tax 104163  
commissioner within sixty days after service of the notice of 104164  
assessment, either personally or by certified mail, a written 104165  
petition for reassessment, signed by the ~~corporation~~ 104166  
corporation's authorized agent having knowledge of the facts, <sup>7</sup> the 104167  
assessment becomes final, and the amount of the assessment is due 104168  
and payable from the corporation assessed to the treasurer of 104169  
state. The petition shall indicate the corporation's objections, 104170  
but additional objections may be raised in writing if received by 104171  
the commissioner prior to the date shown on the final 104172  
determination. If the petition has been properly filed, the 104173

commissioner shall proceed under section 5703.60 of the Revised Code. 104174  
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(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the corporation has an office or place of business in this state, the county in which the corporation's statutory agent is located, or Franklin county. 104176  
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Immediately upon the filing of the entry, the clerk shall enter a judgment against the corporation assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state corporate franchise and litter taxes," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment. 104183  
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~~The portion of an~~ If the assessment is not paid within sixty days after the day the assessment was issued, the portion of the assessment consisting of tax due shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the tax commissioner issues the assessment until the assessment is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by issuing an assessment under this section. 104191  
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(D) All money collected under this section shall be 104205

considered as revenue arising from the taxes imposed by this 104206  
chapter. 104207

(E) The portion of an assessment that must be paid upon the 104208  
filing of a petition for reassessment shall be as follows: 104209

(1) If the sole item objected to is the assessed penalty or 104210  
interest, payment of the assessment, including interest but not 104211  
penalty, is required; 104212

(2) If the corporation assessed failed to file, prior to the 104213  
date of issuance of the assessment, the annual report required by 104214  
section 5733.02 of the Revised Code, any amended report required 104215  
by division (C) of section 5733.031 of the Revised Code for the 104216  
tax year at issue, or any amended report required by division (D) 104217  
of section 5733.067 of the Revised Code to indicate a reduction in 104218  
the amount of the credit provided under that section, payment of 104219  
the assessment, including interest but not penalty, is required; 104220

(3) If the corporation assessed filed, prior to the date of 104221  
issuance of the assessment, the annual report required by section 104222  
5733.02 of the Revised Code, all amended reports required by 104223  
division (C) of section 5733.031 of the Revised Code for the tax 104224  
year at issue, and all amended reports required by division (D) of 104225  
section 5733.067 of the Revised Code to indicate a reduction in 104226  
the amount of the credit provided under that section, and a 104227  
balance of the taxes shown due on the reports as computed on the 104228  
reports remains unpaid, payment of only that portion of the 104229  
assessment representing the unpaid balance of tax and interest is 104230  
required; 104231

(4) If the corporation assessed does not dispute that it is a 104232  
taxpayer but claims the protections of section 101 of Public Law 104233  
86-272, 73 Stat. 555, 15 U.S.C.A. 381, as amended, payment of only 104234  
that portion of the assessment representing any balance of taxes 104235  
shown due on the corporation's annual report required by section 104236

5733.02 of the Revised Code, as computed on the report, that 104237  
remains unpaid, and that represents taxes imposed by division (C) 104238  
of section 5733.06, division (C)(2) of section 5733.065, and 104239  
division (C) of section 5733.066 of the Revised Code, together 104240  
with all related interest, is required; 104241

(5) If none of the conditions specified in divisions (E)(1) 104242  
to (4) of this section apply, or if the corporation assessed 104243  
disputes that it is a taxpayer, no payment is required. 104244

(F) Notwithstanding the fact that a petition for reassessment 104245  
is pending, the corporation may pay all or a portion of the 104246  
assessment that is the subject of the petition. The acceptance of 104247  
a payment by the treasurer of state does not prejudice any claim 104248  
for refund upon final determination of the petition. 104249

If upon final determination of the petition an error in the 104250  
assessment is corrected by the tax commissioner, upon petition so 104251  
filed or pursuant to a decision of the board of tax appeals or any 104252  
court to which the determination or decision has been appealed, so 104253  
that the amount due from the corporation under the corrected 104254  
assessment is less than the portion paid, there shall be issued to 104255  
the corporation, its assigns, or legal representative a refund in 104256  
the amount of the overpayment as provided by section 5733.12 of 104257  
the Revised Code, with interest on that amount as provided by 104258  
section 5733.26 of the Revised Code, subject to section 5733.121 104259  
of the Revised Code. 104260

**Sec. 5733.98.** (A) To provide a uniform procedure for 104261  
calculating the amount of tax imposed by section 5733.06 of the 104262  
Revised Code that is due under this chapter, a taxpayer shall 104263  
claim any credits to which it is entitled in the following order, 104264  
except as otherwise provided in section 5733.058 of the Revised 104265  
Code: 104266

(1) For tax year 2005, the credit for taxes paid by a 104267

|                                                                                                                                   |                  |
|-----------------------------------------------------------------------------------------------------------------------------------|------------------|
| qualifying pass-through entity allowed under section 5733.0611 of<br>the Revised Code;                                            | 104268<br>104269 |
| (2) The credit allowed for financial institutions under<br>section 5733.45 of the Revised Code;                                   | 104270<br>104271 |
| (3) The credit for qualifying affiliated groups under section<br>5733.068 of the Revised Code;                                    | 104272<br>104273 |
| (4) The subsidiary corporation credit under section 5733.067<br>of the Revised Code;                                              | 104274<br>104275 |
| (5) The savings and loan assessment credit under section<br>5733.063 of the Revised Code;                                         | 104276<br>104277 |
| (6) The credit for recycling and litter prevention donations<br>under section 5733.064 of the Revised Code;                       | 104278<br>104279 |
| (7) The credit for employers that enter into agreements with<br>child day-care centers under section 5733.36 of the Revised Code; | 104280<br>104281 |
| (8) The credit for employers that reimburse employee child<br>care expenses under section 5733.38 of the Revised Code;            | 104282<br>104283 |
| (9) The credit for maintaining railroad active grade crossing<br>warning devices under section 5733.43 of the Revised Code;       | 104284<br>104285 |
| (10) The credit for purchases of lights and reflectors under<br>section 5733.44 of the Revised Code;                              | 104286<br>104287 |
| (11) The nonrefundable job retention credit under division<br>(B) of section 5733.0610 of the Revised Code;                       | 104288<br>104289 |
| (12) The credit for tax years 2008 and 2009 for selling<br>alternative fuel under section 5733.48 of the Revised Code;            | 104290<br>104291 |
| (13) The second credit for purchases of new manufacturing<br>machinery and equipment under section 5733.33 of the Revised Code;   | 104292<br>104293 |
| (14) The job training credit under section 5733.42 of the<br>Revised Code;                                                        | 104294<br>104295 |
| (15) The credit for qualified research expenses under section                                                                     | 104296           |

|                                                                                                                                                                                 |        |
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| 5733.351 of the Revised Code;                                                                                                                                                   | 104297 |
| (16) The enterprise zone credit under section 5709.66 of the Revised Code;                                                                                                      | 104298 |
|                                                                                                                                                                                 | 104299 |
| (17) The credit for the eligible costs associated with a voluntary action under section 5733.34 of the Revised Code;                                                            | 104300 |
|                                                                                                                                                                                 | 104301 |
| (18) The credit for employers that establish on-site child day-care centers under section 5733.37 of the Revised Code;                                                          | 104302 |
|                                                                                                                                                                                 | 104303 |
| (19) The ethanol plant investment credit under section 5733.46 of the Revised Code;                                                                                             | 104304 |
|                                                                                                                                                                                 | 104305 |
| (20) The credit for purchases of qualifying grape production property under section 5733.32 of the Revised Code;                                                                | 104306 |
|                                                                                                                                                                                 | 104307 |
| (21) The export sales credit under section 5733.069 of the Revised Code;                                                                                                        | 104308 |
|                                                                                                                                                                                 | 104309 |
| <del>(22) The credit for research and development and technology transfer investors under section 5733.35 of the Revised Code;</del>                                            | 104310 |
|                                                                                                                                                                                 | 104311 |
| <del>(23)</del> The enterprise zone credits under section 5709.65 of the Revised Code;                                                                                          | 104312 |
|                                                                                                                                                                                 | 104313 |
| <del>(24)</del> <u>(23)</u> The credit for using Ohio coal under section 5733.39 of the Revised Code;                                                                           | 104314 |
|                                                                                                                                                                                 | 104315 |
| <del>(25)</del> <u>(24)</u> The credit for purchases of qualified low-income community investments under section 5733.58 of the Revised Code;                                   | 104316 |
|                                                                                                                                                                                 | 104317 |
| <del>(26)</del> <u>(25)</u> The credit for small telephone companies under section 5733.57 of the Revised Code;                                                                 | 104318 |
|                                                                                                                                                                                 | 104319 |
| <del>(27)</del> <u>(26)</u> The credit for eligible nonrecurring 9-1-1 charges under section 5733.55 of the Revised Code;                                                       | 104320 |
|                                                                                                                                                                                 | 104321 |
| <del>(28)</del> <u>(27)</u> For tax year 2005, the credit for providing programs to aid the communicatively impaired under division (A) of section 5733.56 of the Revised Code; | 104322 |
|                                                                                                                                                                                 | 104323 |
|                                                                                                                                                                                 | 104324 |
| <del>(29)</del> <u>(28)</u> The research and development credit under section                                                                                                   | 104325 |

|                                                                                                                                                                                                                                                                                                                                                                        |                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| 5733.352 of the Revised Code;                                                                                                                                                                                                                                                                                                                                          | 104326                                                   |
| <del>(30)</del> <u>(29)</u> For tax years 2006 and subsequent tax years, the credit for taxes paid by a qualifying pass-through entity allowed under section 5733.0611 of the Revised Code;                                                                                                                                                                            | 104327<br>104328<br>104329                               |
| <del>(31)</del> <u>(30)</u> The refundable credit for rehabilitating a historic building under section 5733.47 of the Revised Code;                                                                                                                                                                                                                                    | 104330<br>104331                                         |
| <del>(32)</del> <u>(31)</u> The refundable jobs creation credit or job retention credit under division (A) of section 5733.0610 of the Revised Code;                                                                                                                                                                                                                   | 104332<br>104333<br>104334                               |
| <del>(33)</del> <u>(32)</u> The refundable credit for tax withheld under division (B)(2) of section 5747.062 of the Revised Code;                                                                                                                                                                                                                                      | 104335<br>104336                                         |
| <del>(34)</del> <u>(33)</u> The refundable credit under section 5733.49 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;                                                                                                                                                          | 104337<br>104338<br>104339                               |
| <del>(35)</del> <u>(34)</u> For tax years 2006, 2007, and 2008, the refundable credit allowable under division (B) of section 5733.56 of the Revised Code;                                                                                                                                                                                                             | 104340<br>104341<br>104342                               |
| <del>(36)</del> <u>(35)</u> The refundable motion picture production credit under section 5733.59 of the Revised Code.                                                                                                                                                                                                                                                 | 104343<br>104344                                         |
| (B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a tax year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. | 104345<br>104346<br>104347<br>104348<br>104349<br>104350 |
| <b>Sec. 5735.01.</b> As used in this chapter:                                                                                                                                                                                                                                                                                                                          | 104351                                                   |
| (A) "Motor vehicles" includes all vehicles, vessels, watercraft, engines, machines, or mechanical contrivances which are powered by internal combustion engines or motors.                                                                                                                                                                                             | 104352<br>104353<br>104354                               |



(B) "Motor fuel" means compressed natural gas and any liquid motor fuel, including, but not limited to, gasoline, diesel fuel, K-1 kerosene, ~~or any other liquid motor fuel, including, but not limited to,~~ liquid petroleum gas, or liquid natural gas, but excluding substances prepackaged and sold in containers of five gallons or less.

(C) "K-1 ~~Kerosene~~ kerosene" means fuel that conforms to the chemical and physical standards for kerosene no. 1-K as set forth in the ~~american~~ American society for testing and materials (ASTM) designated D-3699 "standard for specification for kerosene," as that standard may be modified from time to time. For purposes of inspection and testing, laboratory analysis shall be conducted using methods recognized by the ASTM designation D-3699.

(D) "Diesel fuel" means any liquid fuel capable of use in discrete form or as a blend component in the operation of engines of the diesel type, including transmix when mixed with diesel fuel.

(E) "Gasoline" means any of the following:

(1) All products, commonly or commercially known or sold as gasoline;

(2) Any blend stocks or additives, including alcohol, that are sold for blending with gasoline, other than products typically sold in containers of five gallons or less;

(3) Transmix when mixed with gasoline, unless certified, as required by the tax commissioner, for withdrawal from terminals for reprocessing at refineries;

(4) Alcohol that is offered for sale or sold for use as, or commonly and commercially used as, a fuel for internal combustion engines.

Gasoline does not include diesel fuel, commercial or

industrial naphthas or solvents manufactured, imported, received, 104385  
stored, distributed, sold, or used exclusively for purposes other 104386  
than as a motor fuel for a motor vehicle or vessel. The blending 104387  
of any of the products listed in the preceding sentence, 104388  
regardless of name or characteristics, is conclusively presumed to 104389  
have been done to produce gasoline, unless the product obtained by 104390  
the blending is entirely incapable for use as fuel to operate a 104391  
motor vehicle. An additive, blend stock, or alcohol is presumed to 104392  
be sold for blending unless a certification is obtained as 104393  
required by the tax commissioner. 104394

(F) "Public highways" means lands and lots over which the 104395  
public, either as user or owner, generally has a right to pass, 104396  
even though the same are closed temporarily by the authorities for 104397  
the purpose of construction, reconstruction, maintenance, or 104398  
repair. 104399

(G) "Waters within the boundaries of this state" means all 104400  
streams, lakes, ponds, marshes, water courses, and all other 104401  
bodies of surface water, natural or artificial, which are situated 104402  
wholly or partially within this state or within its jurisdiction, 104403  
except private impounded bodies of water. 104404

(H) "Person" includes individuals, partnerships, firms, 104405  
associations, corporations, receivers, trustees in bankruptcy, 104406  
estates, joint-stock companies, joint ventures, the state and its 104407  
political subdivisions, and any combination of persons of any 104408  
form. 104409

(I)(1) "Motor fuel dealer" means any person who satisfies any 104410  
of the following: 104411

(a) The person imports from another state or foreign country 104412  
or acquires motor fuel by any means into a terminal in this state; 104413

(b) The person imports motor fuel from another state or 104414  
foreign country in bulk lot vehicles for subsequent sale and 104415

|                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| distribution in this state from bulk lot vehicles;                                                                                                                                                                                                                                                                                                                                                                                                   | 104416                                                             |
| (c) The person refines motor fuel in this state;                                                                                                                                                                                                                                                                                                                                                                                                     | 104417                                                             |
| (d) The person acquires motor fuel from a motor fuel dealer<br>for subsequent sale and distribution by that person in this state<br>from bulk lot vehicles;                                                                                                                                                                                                                                                                                          | 104418<br>104419<br>104420                                         |
| (e) The person possesses an unrevoked permissive motor fuel<br>dealer's license.                                                                                                                                                                                                                                                                                                                                                                     | 104421<br>104422                                                   |
| (2) Any person who obtains dyed diesel fuel for use other<br>than the operation of motor vehicles upon the public highways or<br>upon waters within the boundaries of this state, but later uses<br>that motor fuel for the operation of motor vehicles upon the<br>public highways or upon waters within the boundaries of this<br>state, is deemed a motor fuel dealer as regards any unpaid motor<br>fuel taxes levied on the motor fuel so used. | 104423<br>104424<br>104425<br>104426<br>104427<br>104428<br>104429 |
| (J) As used in sections 5735.05, 5735.25, 5735.29, and<br>5735.30 of the Revised Code only:                                                                                                                                                                                                                                                                                                                                                          | 104430<br>104431                                                   |
| (1) With respect to gasoline, "received" or "receipt" shall<br>be construed as follows:                                                                                                                                                                                                                                                                                                                                                              | 104432<br>104433                                                   |
| (a) Gasoline produced at a refinery in this state or<br>delivered to a terminal in this state is deemed received when it<br>is disbursed through a loading rack at that refinery or terminal;                                                                                                                                                                                                                                                        | 104434<br>104435<br>104436                                         |
| (b) Except as provided in division (J)(1)(a) of this section,<br>gasoline imported into this state or purchased or otherwise<br>acquired in this state by any person is deemed received within<br>this state by that person when the gasoline is withdrawn from the<br>container in which it was transported;                                                                                                                                        | 104437<br>104438<br>104439<br>104440<br>104441                     |
| (c) Gasoline delivered or disbursed by any means from a<br>terminal directly to another terminal is not deemed received.                                                                                                                                                                                                                                                                                                                             | 104442<br>104443                                                   |
| (2) With respect to motor fuel other than gasoline,<br>"received" or "receipt" means distributed or sold for use or used                                                                                                                                                                                                                                                                                                                             | 104444<br>104445                                                   |

to generate power for the operation of motor vehicles upon the public highways or upon waters within the boundaries of this state. All diesel fuel that is not dyed diesel fuel, regardless of its use, shall be considered as used to generate power for the operation of motor vehicles upon the public highways or upon waters within the boundaries of this state when the fuel is sold or distributed to a person other than a licensed motor fuel dealer or to a person licensed under section 5735.026 of the Revised Code.

(K) Motor fuel used for the operation of licensed motor vehicles employed in the maintenance, construction, or repair of public highways is deemed to be used for the operation of motor vehicles upon the public highways.

(L) "Licensed motor fuel dealer" means any dealer possessing an unrevoked motor fuel dealer's license issued by the tax commissioner as provided in section 5735.02 of the Revised Code.

(M) "Licensed retail dealer" means any retail dealer possessing an unrevoked retail dealer's license issued by the tax commissioner as provided in section 5735.022 of the Revised Code.

(N) "Cents per gallon rate" means the amount computed by the tax commissioner under section 5735.011 of the Revised Code that is used to determine that portion of the tax levied by section 5735.05 of the Revised Code that is computed in the manner prescribed by division (B)(2) of section 5735.06 of the Revised Code and that is applicable for the period that begins on the first day of July following the date on which the commissioner makes the computation.

(O) "Retail dealer" means any person that sells or distributes motor fuel at a retail service station located in this state.

(P) "Retail service station" means a location from which

motor fuel is sold to the general public and is dispensed or 104477  
pumped directly into motor vehicle fuel tanks for consumption. 104478

(Q) "Transit bus" means a motor vehicle that is operated for 104479  
public transit or paratransit service on a regular and continuing 104480  
basis within the state by or for a county, a municipal 104481  
corporation, a county transit board pursuant to sections 306.01 to 104482  
306.13 of the Revised Code, a regional transit authority pursuant 104483  
to sections 306.30 to 306.54 of the Revised Code, or a regional 104484  
transit commission pursuant to sections 306.80 to 306.90 of the 104485  
Revised Code. Public transit or paratransit service may include 104486  
fixed route, demand-responsive, or subscription bus service 104487  
transportation, but does not include shared-ride taxi service, 104488  
carpools, vanpools, jitney service, school bus transportation, or 104489  
charter or sightseeing services. 104490

(R) "Export" means motor fuel delivered outside this state. 104491  
Motor fuel delivered outside this state by or for the seller 104492  
constitutes an export by the seller. Motor fuel delivered outside 104493  
this state by or for the purchaser constitutes an export by the 104494  
purchaser. 104495

(S) "Import" means motor fuel delivered into this state from 104496  
outside this state. Motor fuel delivered into this state from 104497  
outside this state by or for the seller constitutes an import by 104498  
the seller. Motor fuel delivered into this state from outside this 104499  
state by or for the purchaser constitutes an import by the 104500  
purchaser. 104501

(T) "Terminal" means a motor fuel storage or distribution 104502  
facility that is supplied by pipeline or marine vessel. 104503

(U) "Consumer" means a buyer of motor fuel for purposes other 104504  
than resale in any form. 104505

(V) "Bulk lot vehicle" means railroad tank cars, transport 104506  
tank trucks and tank wagons with a capacity of at least 1,400 104507

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| gallons.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 104508                                                                                 |
| (W) "Licensed permissive motor fuel dealer" means any person possessing an unrevoked permissive motor fuel dealer's license issued by the tax commissioner under section 5735.021 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                 | 104509<br>104510<br>104511<br>104512                                                   |
| (X) "Licensed terminal operator" means any person possessing an unrevoked terminal operator's license issued by the tax commissioner under section 5735.026 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                       | 104513<br>104514<br>104515                                                             |
| (Y) "Licensed exporter" means any person possessing an unrevoked exporter's license issued by the tax commissioner under section 5735.026 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                         | 104516<br>104517<br>104518                                                             |
| (Z) "Dyed diesel fuel" means any diesel fuel dyed pursuant to regulations issued by the internal revenue service or a rule promulgated by the tax commissioner.                                                                                                                                                                                                                                                                                                                                                                                                                        | 104519<br>104520<br>104521                                                             |
| (AA) "Gross gallons" means U.S. gallons without temperature or barometric adjustments.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 104522<br>104523                                                                       |
| (BB) "Net gallons" means U.S. gallons with a temperature adjustment to sixty degrees fahrenheit.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 104524<br>104525                                                                       |
| <b>Sec. 5735.012.</b> <u>Amounts With respect to liquid motor fuel other than liquid natural gas, amounts of motor fuel reported under this chapter shall be measured in gross gallons, except that amounts reported for terminal to terminal transactions shall be measured in net gallons and amounts reported for terminal to Ohio licensed dealer transactions shall be measured in both net gallons and gross gallons. Amounts of compressed natural gas and liquid natural gas shall be measured in gallon equivalents as described in section 5735.013 of the Revised Code.</u> | 104526<br>104527<br>104528<br>104529<br>104530<br>104531<br>104532<br>104533<br>104534 |
| <b>Sec. 5735.013.</b> <u>For the purposes of this chapter, the following amounts of compressed natural gas or liquid natural gas</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 104535<br>104536                                                                       |

shall be the equivalent of one gallon of motor fuel: 104537

(A) For compressed natural gas that is received through a dispenser capable of providing a measurement in pounds, five and sixty-six one-hundredths pounds of compressed natural gas; 104538  
104539  
104540

(B) For compressed natural gas that is not received as provided in division (A) of this section, one hundred twenty-six and sixty-seven one-hundredths cubic feet of compressed natural gas; 104541  
104542  
104543  
104544

(C) For liquid natural gas, six and six one-hundredths pounds of liquid natural gas. 104545  
104546

**Sec. 5735.12.** (A) Any motor fuel dealer required by this 104547  
chapter to file reports and pay the tax levied by this chapter who 104548  
fails to file the report within the time prescribed, may be liable 104549  
for an additional charge not exceeding the greater of ten per cent 104550  
of the motor fuel dealer's tax liability for that month or fifty 104551  
dollars. The tax commissioner may remit all or a portion of the 104552  
additional charge and may adopt rules relating to the remission of 104553  
all or a portion of the charge. 104554

If any person required by this chapter to file reports and 104555  
pay the taxes, interest, or additional charge levied by this 104556  
chapter fails to file the report, files an incomplete or incorrect 104557  
report, or fails to remit the full amount of the tax, interest, or 104558  
additional charge due for the period covered by the report, the 104559  
commissioner may make an assessment against the person based upon 104560  
any information in the commissioner's possession. 104561

No assessment shall be made against any motor fuel dealer for 104562  
taxes imposed by this chapter more than four years after the date 104563  
on which the report on which the assessment was based was due or 104564  
was filed, whichever is later. This section does not bar an 104565  
assessment against any motor fuel dealer who fails to file a 104566

report required by section 5735.06 of the Revised Code, or who 104567  
files a fraudulent motor fuel tax report. 104568

A penalty of up to fifteen per cent may be added to the 104569  
amount of every assessment made under this section. The 104570  
commissioner may adopt rules providing for the imposition and 104571  
remission of penalties added to assessments made under this 104572  
section. 104573

The commissioner shall give the party assessed written notice 104574  
of the assessment in the manner provided in section 5703.37 of the 104575  
Revised Code. With the notice, the commissioner shall provide 104576  
instructions on how to petition for reassessment and request a 104577  
hearing on the petition. 104578

(B) Unless the party assessed files with the tax commissioner 104579  
within sixty days after service of the notice of assessment, 104580  
either personally or by certified mail, a written petition for 104581  
reassessment in writing, signed by the party assessed or that 104582  
party's authorized agent having knowledge of the facts, the 104583  
assessment becomes final and the amount of the assessment is due 104584  
and payable from the party assessed to the treasurer of state. The 104585  
petition shall indicate the objections of the party assessed, but 104586  
additional objections may be raised in writing if received by the 104587  
commissioner prior to the date shown on the final determination. 104588  
If the petition has been properly filed, the commissioner shall 104589  
proceed under section 5703.60 of the Revised Code. 104590

(C) After an assessment becomes final, if any portion of the 104591  
assessment remains unpaid, including accrued interest, a certified 104592  
copy of the tax commissioner's entry making the assessment final 104593  
may be filed in the office of the clerk of the court of common 104594  
pleas in the county in which the party assessed resides or in 104595  
which the business of the party assessed is conducted. If the 104596  
party assessed maintains no place of business in this state and is 104597  
not a resident of this state, the certified copy of the entry may 104598



be filed in the office of the clerk of the court of common pleas 104599  
of Franklin county. 104600

Immediately upon the filing of the entry, the clerk shall 104601  
enter a judgment for the state against the party assessed in the 104602  
amount shown on the entry. The judgment may be filed by the clerk 104603  
in a loose-leaf book entitled "special judgments for state motor 104604  
fuel tax," and shall have the same effect as other judgments. 104605  
Execution shall issue upon the judgment upon the request of the 104606  
tax commissioner, and all laws applicable to sales on execution 104607  
shall apply to sales made under the judgment. 104608

~~The portion of~~ If the assessment is not paid in its entirety 104609  
within sixty days after the day the assessment was issued, the 104610  
portion of the assessment consisting of tax due shall bear 104611  
interest at the rate per annum prescribed by section 5703.47 of 104612  
the Revised Code from the day the commissioner issues the 104613  
assessment until it is paid or until it is certified to the 104614  
attorney general for collection under section 131.02 of the 104615  
Revised Code, whichever comes first. If the unpaid portion of the 104616  
assessment is certified to the attorney general for collection, 104617  
the entire unpaid portion of the assessment shall bear interest at 104618  
the rate per annum prescribed by section 5703.47 of the Revised 104619  
Code from the date of certification until the date it is paid in 104620  
its entirety. Interest shall be paid in the same manner as the tax 104621  
and may be collected by the issuance of an assessment under this 104622  
section. 104623

(D) All money collected by the tax commissioner under this 104624  
section shall be paid to the treasurer of state, and when paid 104625  
shall be considered as revenue arising from the tax imposed by 104626  
this chapter. 104627

(E) If the tax commissioner determines that the commissioner 104628  
has erroneously refunded motor fuel tax to any person, the 104629  
commissioner may make an assessment against the person for 104630

recovery of the erroneously refunded tax. 104631

**Sec. 5735.34.** (A) If any motor fuel dealer sells that motor 104632  
fuel dealer's entire business or discontinues operating that 104633  
business, the taxes and any interest and penalties imposed under 104634  
this chapter that arose prior to the date of sale or 104635  
discontinuation become due and payable immediately. The Within 104636  
fifteen days after the date of the sale or discontinuation of the 104637  
business, the motor fuel dealer shall make a final return ~~within~~ 104638  
~~fifteen days after the date of the sale or discontinuation of the~~ 104639  
~~business and provide written notification to the tax commissioner~~ 104640  
~~of the sale or discontinuation and the name and contact~~ 104641  
~~information of the purchaser, if applicable.~~ The purchaser of the 104642  
business shall withhold a sufficient amount of the purchase money 104643  
to cover the amount of such taxes, interest, and penalties due and 104644  
unpaid until the seller produces a receipt from the tax 104645  
commissioner showing that the taxes, interest, and penalties have 104646  
been paid, or until the seller produces a certificate indicating 104647  
that no taxes, interest, and penalties are due. 104648

(B) If the purchaser of the business fails to withhold the 104649  
purchase money required to be withheld under this section, the 104650  
purchaser of the business is personally liable for the payment of 104651  
the taxes, interest, and penalties accrued and unpaid during the 104652  
operation of the business by the seller, but only to the extent of 104653  
the consideration offered for the entire business. 104654

(C) For purposes of this section, "entire business" means 104655  
substantially all of the seller's assets determined without regard 104656  
to any then existing mortgages, liens, security interests or other 104657  
encumbrances attaching to those assets. A person is considered to 104658  
have sold the entire business only if the person ceases to qualify 104659  
as a motor fuel dealer and has relinquished or the tax 104660  
commissioner has canceled the person's motor fuel dealer's 104661

license. 104662

**Sec. 5739.01.** As used in this chapter: 104663

(A) "Person" includes individuals, receivers, assignees, 104664  
trustees in bankruptcy, estates, firms, partnerships, 104665  
associations, joint-stock companies, joint ventures, clubs, 104666  
societies, corporations, the state and its political subdivisions, 104667  
and combinations of individuals of any form. 104668

(B) "Sale" and "selling" include all of the following 104669  
transactions for a consideration in any manner, whether absolutely 104670  
or conditionally, whether for a price or rental, in money or by 104671  
exchange, and by any means whatsoever: 104672

(1) All transactions by which title or possession, or both, 104673  
of tangible personal property, is or is to be transferred, or a 104674  
license to use or consume tangible personal property is or is to 104675  
be granted; 104676

(2) All transactions by which lodging by a hotel is or is to 104677  
be furnished to transient guests; 104678

(3) All transactions by which: 104679

(a) An item of tangible personal property is or is to be 104680  
repaired, except property, the purchase of which would not be 104681  
subject to the tax imposed by section 5739.02 of the Revised Code; 104682

(b) An item of tangible personal property is or is to be 104683  
installed, except property, the purchase of which would not be 104684  
subject to the tax imposed by section 5739.02 of the Revised Code 104685  
or property that is or is to be incorporated into and will become 104686  
a part of a production, transmission, transportation, or 104687  
distribution system for the delivery of a public utility service; 104688

(c) The service of washing, cleaning, waxing, polishing, or 104689  
painting a motor vehicle is or is to be furnished; 104690

(d) Until August 1, 2003, industrial laundry cleaning 104691  
services are or are to be provided and, on and after August 1, 104692  
2003, laundry and dry cleaning services are or are to be provided; 104693

(e) Automatic data processing, computer services, or 104694  
electronic information services are or are to be provided for use 104695  
in business when the true object of the transaction is the receipt 104696  
by the consumer of automatic data processing, computer services, 104697  
or electronic information services rather than the receipt of 104698  
personal or professional services to which automatic data 104699  
processing, computer services, or electronic information services 104700  
are incidental or supplemental. Notwithstanding any other 104701  
provision of this chapter, such transactions that occur between 104702  
members of an affiliated group are not sales. An "affiliated 104703  
group" means two or more persons related in such a way that one 104704  
person owns or controls the business operation of another member 104705  
of the group. In the case of corporations with stock, one 104706  
corporation owns or controls another if it owns more than fifty 104707  
per cent of the other corporation's common stock with voting 104708  
rights. 104709

(f) Telecommunications service, including prepaid calling 104710  
service, prepaid wireless calling service, or ancillary service, 104711  
is or is to be provided, but not including coin-operated telephone 104712  
service; 104713

(g) Landscaping and lawn care service is or is to be 104714  
provided; 104715

(h) Private investigation and security service is or is to be 104716  
provided; 104717

(i) Information services or tangible personal property is 104718  
provided or ordered by means of a nine hundred telephone call; 104719

(j) Building maintenance and janitorial service is or is to 104720  
be provided; 104721

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (k) Employment service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 104722                                                                       |
| (l) Employment placement service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 104723                                                                       |
| (m) Exterminating service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 104724                                                                       |
| (n) Physical fitness facility service is or is to be<br>provided;                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 104725<br>104726                                                             |
| (o) Recreation and sports club service is or is to be<br>provided;                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 104727<br>104728                                                             |
| (p) On and after August 1, 2003, satellite broadcasting<br>service is or is to be provided;                                                                                                                                                                                                                                                                                                                                                                                                                                            | 104729<br>104730                                                             |
| (q) On and after August 1, 2003, personal care service is or<br>is to be provided to an individual. As used in this division,<br>"personal care service" includes skin care, the application of<br>cosmetics, manicuring, pedicuring, hair removal, tattooing, body<br>piercing, tanning, massage, and other similar services. "Personal<br>care service" does not include a service provided by or on the<br>order of a licensed physician or licensed chiropractor, or the<br>cutting, coloring, or styling of an individual's hair. | 104731<br>104732<br>104733<br>104734<br>104735<br>104736<br>104737<br>104738 |
| (r) On and after August 1, 2003, the transportation of<br>persons by motor vehicle or aircraft is or is to be provided, when<br>the transportation is entirely within this state, except for<br>transportation provided by an ambulance service, by a transit bus,<br>as defined in section 5735.01 of the Revised Code, and<br>transportation provided by a citizen of the United States holding<br>a certificate of public convenience and necessity issued under 49<br>U.S.C. 41102;                                                | 104739<br>104740<br>104741<br>104742<br>104743<br>104744<br>104745<br>104746 |
| (s) On and after August 1, 2003, motor vehicle towing service<br>is or is to be provided. As used in this division, "motor vehicle<br>towing service" means the towing or conveyance of a wrecked,<br>disabled, or illegally parked motor vehicle.                                                                                                                                                                                                                                                                                     | 104747<br>104748<br>104749<br>104750                                         |
| (t) On and after August 1, 2003, snow removal service is or                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 104751                                                                       |

is to be provided. As used in this division, "snow removal 104752  
service" means the removal of snow by any mechanized means, but 104753  
does not include the providing of such service by a person that 104754  
has less than five thousand dollars in sales of such service 104755  
during the calendar year. 104756

(u) Electronic publishing service is or is to be provided to 104757  
a consumer for use in business, except that such transactions 104758  
occurring between members of an affiliated group, as defined in 104759  
division (B)(3)(e) of this section, are not sales. 104760

(4) All transactions by which printed, imprinted, 104761  
overprinted, lithographic, multilithic, blueprinted, photostatic, 104762  
or other productions or reproductions of written or graphic matter 104763  
are or are to be furnished or transferred; 104764

(5) The production or fabrication of tangible personal 104765  
property for a consideration for consumers who furnish either 104766  
directly or indirectly the materials used in the production of 104767  
fabrication work; and include the furnishing, preparing, or 104768  
serving for a consideration of any tangible personal property 104769  
consumed on the premises of the person furnishing, preparing, or 104770  
serving such tangible personal property. Except as provided in 104771  
section 5739.03 of the Revised Code, a construction contract 104772  
pursuant to which tangible personal property is or is to be 104773  
incorporated into a structure or improvement on and becoming a 104774  
part of real property is not a sale of such tangible personal 104775  
property. The construction contractor is the consumer of such 104776  
tangible personal property, provided that the sale and 104777  
installation of carpeting, the sale and installation of 104778  
agricultural land tile, the sale and erection or installation of 104779  
portable grain bins, or the provision of landscaping and lawn care 104780  
service and the transfer of property as part of such service is 104781  
never a construction contract. 104782

As used in division (B)(5) of this section: 104783

(a) "Agricultural land tile" means fired clay or concrete tile, or flexible or rigid perforated plastic pipe or tubing, incorporated or to be incorporated into a subsurface drainage system appurtenant to land used or to be used primarily in production by farming, agriculture, horticulture, or floriculture. The term does not include such materials when they are or are to be incorporated into a drainage system appurtenant to a building or structure even if the building or structure is used or to be used in such production.

(b) "Portable grain bin" means a structure that is used or to be used by a person engaged in farming or agriculture to shelter the person's grain and that is designed to be disassembled without significant damage to its component parts.

(6) All transactions in which all of the shares of stock of a closely held corporation are transferred, or an ownership interest in a pass-through entity, as defined in section 5733.04 of the Revised Code, is transferred, if the corporation or pass-through entity is not engaging in business and its entire assets consist of boats, planes, motor vehicles, or other tangible personal property operated primarily for the use and enjoyment of the shareholders or owners;

(7) All transactions in which a warranty, maintenance or service contract, or similar agreement by which the vendor of the warranty, contract, or agreement agrees to repair or maintain the tangible personal property of the consumer is or is to be provided;

(8) The transfer of copyrighted motion picture films used solely for advertising purposes, except that the transfer of such films for exhibition purposes is not a sale;

(9) On and after August 1, 2003, all transactions by which tangible personal property is or is to be stored, except such

property that the consumer of the storage holds for sale in the 104815  
regular course of business; 104816

(10) All transactions in which "guaranteed auto protection" 104817  
is provided whereby a person promises to pay to the consumer the 104818  
difference between the amount the consumer receives from motor 104819  
vehicle insurance and the amount the consumer owes to a person 104820  
holding title to or a lien on the consumer's motor vehicle in the 104821  
event the consumer's motor vehicle suffers a total loss under the 104822  
terms of the motor vehicle insurance policy or is stolen and not 104823  
recovered, if the protection and its price are included in the 104824  
purchase or lease agreement; 104825

(11)(a) Except as provided in division (B)(11)(b) of this 104826  
section, on and after October 1, 2009, all transactions by which 104827  
health care services are paid for, reimbursed, provided, 104828  
delivered, arranged for, or otherwise made available by a medicaid 104829  
health insuring corporation pursuant to the corporation's contract 104830  
with the state. 104831

(b) If the centers for medicare and medicaid services of the 104832  
United States department of health and human services determines 104833  
that the taxation of transactions described in division (B)(11)(a) 104834  
of this section constitutes an impermissible health care-related 104835  
tax under ~~section 1903(w) of the "Social Security Act," 49 Stat.~~ 104836  
~~620 (1935)~~ section 1903(w), 42 U.S.C. 1396b(w), ~~as amended~~, and 104837  
regulations adopted thereunder, the medicaid director ~~of job and~~ 104838  
~~family services~~ shall notify the tax commissioner of that 104839  
determination. Beginning with the first day of the month following 104840  
that notification, the transactions described in division 104841  
(B)(11)(a) of this section are not sales for the purposes of this 104842  
chapter or Chapter 5741. of the Revised Code. The tax commissioner 104843  
shall order that the collection of taxes under sections 5739.02, 104844  
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 104845  
5741.023 of the Revised Code shall cease for transactions 104846



occurring on or after that date. 104847

Except as provided in this section, "sale" and "selling" do 104848  
not include transfers of interest in leased property where the 104849  
original lessee and the terms of the original lease agreement 104850  
remain unchanged, or professional, insurance, or personal service 104851  
transactions that involve the transfer of tangible personal 104852  
property as an inconsequential element, for which no separate 104853  
charges are made. 104854

(C) "Vendor" means the person providing the service or by 104855  
whom the transfer effected or license given by a sale is or is to 104856  
be made or given and, for sales described in division (B)(3)(i) of 104857  
this section, the telecommunications service vendor that provides 104858  
the nine hundred telephone service; if two or more persons are 104859  
engaged in business at the same place of business under a single 104860  
trade name in which all collections on account of sales by each 104861  
are made, such persons shall constitute a single vendor. 104862

Physicians, dentists, hospitals, and veterinarians who are 104863  
engaged in selling tangible personal property as received from 104864  
others, such as eyeglasses, mouthwashes, dentifrices, or similar 104865  
articles, are vendors. Veterinarians who are engaged in 104866  
transferring to others for a consideration drugs, the dispensing 104867  
of which does not require an order of a licensed veterinarian or 104868  
physician under federal law, are vendors. 104869

(D)(1) "Consumer" means the person for whom the service is 104870  
provided, to whom the transfer effected or license given by a sale 104871  
is or is to be made or given, to whom the service described in 104872  
division (B)(3)(f) or (i) of this section is charged, or to whom 104873  
the admission is granted. 104874

(2) Physicians, dentists, hospitals, and blood banks operated 104875  
by nonprofit institutions and persons licensed to practice 104876  
veterinary medicine, surgery, and dentistry are consumers of all 104877

tangible personal property and services purchased by them in 104878  
connection with the practice of medicine, dentistry, the rendition 104879  
of hospital or blood bank service, or the practice of veterinary 104880  
medicine, surgery, and dentistry. In addition to being consumers 104881  
of drugs administered by them or by their assistants according to 104882  
their direction, veterinarians also are consumers of drugs that 104883  
under federal law may be dispensed only by or upon the order of a 104884  
licensed veterinarian or physician, when transferred by them to 104885  
others for a consideration to provide treatment to animals as 104886  
directed by the veterinarian. 104887

(3) A person who performs a facility management, or similar 104888  
service contract for a contractee is a consumer of all tangible 104889  
personal property and services purchased for use in connection 104890  
with the performance of such contract, regardless of whether title 104891  
to any such property vests in the contractee. The purchase of such 104892  
property and services is not subject to the exception for resale 104893  
under division (E)(1) of this section. 104894

(4)(a) In the case of a person who purchases printed matter 104895  
for the purpose of distributing it or having it distributed to the 104896  
public or to a designated segment of the public, free of charge, 104897  
that person is the consumer of that printed matter, and the 104898  
purchase of that printed matter for that purpose is a sale. 104899

(b) In the case of a person who produces, rather than 104900  
purchases, printed matter for the purpose of distributing it or 104901  
having it distributed to the public or to a designated segment of 104902  
the public, free of charge, that person is the consumer of all 104903  
tangible personal property and services purchased for use or 104904  
consumption in the production of that printed matter. That person 104905  
is not entitled to claim exemption under division (B)(42)(f) of 104906  
section 5739.02 of the Revised Code for any material incorporated 104907  
into the printed matter or any equipment, supplies, or services 104908  
primarily used to produce the printed matter. 104909

(c) The distribution of printed matter to the public or to a designated segment of the public, free of charge, is not a sale to the members of the public to whom the printed matter is distributed or to any persons who purchase space in the printed matter for advertising or other purposes.

(5) A person who makes sales of any of the services listed in division (B)(3) of this section is the consumer of any tangible personal property used in performing the service. The purchase of that property is not subject to the resale exception under division (E)(1) of this section.

(6) A person who engages in highway transportation for hire is the consumer of all packaging materials purchased by that person and used in performing the service, except for packaging materials sold by such person in a transaction separate from the service.

(7) In the case of a transaction for health care services under division (B)(11) of this section, a medicaid health insuring corporation is the consumer of such services. The purchase of such services by a medicaid health insuring corporation is not subject to the exception for resale under division (E)(1) of this section or to the exemptions provided under divisions (B)(12), (18), (19), and (22) of section 5739.02 of the Revised Code.

(E) "Retail sale" and "sales at retail" include all sales, except those in which the purpose of the consumer is to resell the thing transferred or benefit of the service provided, by a person engaging in business, in the form in which the same is, or is to be, received by the person.

(F) "Business" includes any activity engaged in by any person with the object of gain, benefit, or advantage, either direct or indirect. "Business" does not include the activity of a person in managing and investing the person's own funds.

(G) "Engaging in business" means commencing, conducting, or continuing in business, and liquidating a business when the liquidator thereof holds itself out to the public as conducting such business. Making a casual sale is not engaging in business.

(H)(1)(a) "Price," except as provided in divisions (H)(2), (3), and (4) of this section, means the total amount of consideration, including cash, credit, property, and services, for which tangible personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for any of the following:

(i) The vendor's cost of the property sold;

(ii) The cost of materials used, labor or service costs, interest, losses, all costs of transportation to the vendor, all taxes imposed on the vendor, including the tax imposed under Chapter 5751. of the Revised Code, and any other expense of the vendor;

(iii) Charges by the vendor for any services necessary to complete the sale;

(iv) On and after August 1, 2003, delivery charges. As used in this division, "delivery charges" means charges by the vendor for preparation and delivery to a location designated by the consumer of tangible personal property or a service, including transportation, shipping, postage, handling, crating, and packing.

(v) Installation charges;

(vi) Credit for any trade-in.

(b) "Price" includes consideration received by the vendor from a third party, if the vendor actually receives the consideration from a party other than the consumer, and the consideration is directly related to a price reduction or discount on the sale; the vendor has an obligation to pass the price

reduction or discount through to the consumer; the amount of the 104971  
consideration attributable to the sale is fixed and determinable 104972  
by the vendor at the time of the sale of the item to the consumer; 104973  
and one of the following criteria is met: 104974

(i) The consumer presents a coupon, certificate, or other 104975  
document to the vendor to claim a price reduction or discount 104976  
where the coupon, certificate, or document is authorized, 104977  
distributed, or granted by a third party with the understanding 104978  
that the third party will reimburse any vendor to whom the coupon, 104979  
certificate, or document is presented; 104980

(ii) The consumer identifies the consumer's self to the 104981  
seller as a member of a group or organization entitled to a price 104982  
reduction or discount. A preferred customer card that is available 104983  
to any patron does not constitute membership in such a group or 104984  
organization. 104985

(iii) The price reduction or discount is identified as a 104986  
third party price reduction or discount on the invoice received by 104987  
the consumer, or on a coupon, certificate, or other document 104988  
presented by the consumer. 104989

(c) "Price" does not include any of the following: 104990

(i) Discounts, including cash, term, or coupons that are not 104991  
reimbursed by a third party that are allowed by a vendor and taken 104992  
by a consumer on a sale; 104993

(ii) Interest, financing, and carrying charges from credit 104994  
extended on the sale of tangible personal property or services, if 104995  
the amount is separately stated on the invoice, bill of sale, or 104996  
similar document given to the purchaser; 104997

(iii) Any taxes legally imposed directly on the consumer that 104998  
are separately stated on the invoice, bill of sale, or similar 104999  
document given to the consumer. For the purpose of this division, 105000  
the tax imposed under Chapter 5751. of the Revised Code is not a 105001

tax directly on the consumer, even if the tax or a portion thereof 105002  
is separately stated. 105003

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 105004  
section, any discount allowed by an automobile manufacturer to its 105005  
employee, or to the employee of a supplier, on the purchase of a 105006  
new motor vehicle from a new motor vehicle dealer in this state. 105007

(v) The dollar value of a gift card that is not sold by a 105008  
vendor or purchased by a consumer and that is redeemed by the 105009  
consumer in purchasing tangible personal property or services if 105010  
the vendor is not reimbursed and does not receive compensation 105011  
from a third party to cover all or part of the gift card value. 105012  
For the purposes of this division, a gift card is not sold by a 105013  
vendor or purchased by a consumer if it is distributed pursuant to 105014  
an awards, loyalty, or promotional program. Past and present 105015  
purchases of tangible personal property or services by the 105016  
consumer shall not be treated as consideration exchanged for a 105017  
gift card. 105018

(2) In the case of a sale of any new motor vehicle by a new 105019  
motor vehicle dealer, as defined in section 4517.01 of the Revised 105020  
Code, in which another motor vehicle is accepted by the dealer as 105021  
part of the consideration received, "price" has the same meaning 105022  
as in division (H)(1) of this section, reduced by the credit 105023  
afforded the consumer by the dealer for the motor vehicle received 105024  
in trade. 105025

(3) In the case of a sale of any watercraft or outboard motor 105026  
by a watercraft dealer licensed in accordance with section 105027  
1547.543 of the Revised Code, in which another watercraft, 105028  
watercraft and trailer, or outboard motor is accepted by the 105029  
dealer as part of the consideration received, "price" has the same 105030  
meaning as in division (H)(1) of this section, reduced by the 105031  
credit afforded the consumer by the dealer for the watercraft, 105032  
watercraft and trailer, or outboard motor received in trade. As 105033

used in this division, "watercraft" includes an outdrive unit 105034  
attached to the watercraft. 105035

(4) In the case of transactions for health care services 105036  
under division (B)(11) of this section, "price" means the amount 105037  
of managed care premiums received each month by a medicaid health 105038  
insuring corporation. 105039

(I) "Receipts" means the total amount of the prices of the 105040  
sales of vendors, provided that the dollar value of gift cards 105041  
distributed pursuant to an awards, loyalty, or promotional 105042  
program, and cash discounts allowed and taken on sales at the time 105043  
they are consummated are not included, minus any amount deducted 105044  
as a bad debt pursuant to section 5739.121 of the Revised Code. 105045  
"Receipts" does not include the sale price of property returned or 105046  
services rejected by consumers when the full sale price and tax 105047  
are refunded either in cash or by credit. 105048

(J) "Place of business" means any location at which a person 105049  
engages in business. 105050

(K) "Premises" includes any real property or portion thereof 105051  
upon which any person engages in selling tangible personal 105052  
property at retail or making retail sales and also includes any 105053  
real property or portion thereof designated for, or devoted to, 105054  
use in conjunction with the business engaged in by such person. 105055

(L) "Casual sale" means a sale of an item of tangible 105056  
personal property that was obtained by the person making the sale, 105057  
through purchase or otherwise, for the person's own use and was 105058  
previously subject to any state's taxing jurisdiction on its sale 105059  
or use, and includes such items acquired for the seller's use that 105060  
are sold by an auctioneer employed directly by the person for such 105061  
purpose, provided the location of such sales is not the 105062  
auctioneer's permanent place of business. As used in this 105063  
division, "permanent place of business" includes any location 105064

where such auctioneer has conducted more than two auctions during 105065  
the year. 105066

(M) "Hotel" means every establishment kept, used, maintained, 105067  
advertised, or held out to the public to be a place where sleeping 105068  
accommodations are offered to guests, in which five or more rooms 105069  
are used for the accommodation of such guests, whether the rooms 105070  
are in one or several structures, except as otherwise provided in 105071  
division (G) of section 5739.09 of the Revised Code. 105072

(N) "Transient guests" means persons occupying a room or 105073  
rooms for sleeping accommodations for less than thirty consecutive 105074  
days. 105075

(O) "Making retail sales" means the effecting of transactions 105076  
wherein one party is obligated to pay the price and the other 105077  
party is obligated to provide a service or to transfer title to or 105078  
possession of the item sold. "Making retail sales" does not 105079  
include the preliminary acts of promoting or soliciting the retail 105080  
sales, other than the distribution of printed matter which 105081  
displays or describes and prices the item offered for sale, nor 105082  
does it include delivery of a predetermined quantity of tangible 105083  
personal property or transportation of property or personnel to or 105084  
from a place where a service is performed. 105085

(P) "Used directly in the rendition of a public utility 105086  
service" means that property that is to be incorporated into and 105087  
will become a part of the consumer's production, transmission, 105088  
transportation, or distribution system and that retains its 105089  
classification as tangible personal property after such 105090  
incorporation; fuel or power used in the production, transmission, 105091  
transportation, or distribution system; and tangible personal 105092  
property used in the repair and maintenance of the production, 105093  
transmission, transportation, or distribution system, including 105094  
only such motor vehicles as are specially designed and equipped 105095  
for such use. Tangible personal property and services used 105096



primarily in providing highway transportation for hire are not 105097  
used directly in the rendition of a public utility service. In 105098  
this definition, "public utility" includes a citizen of the United 105099  
States holding, and required to hold, a certificate of public 105100  
convenience and necessity issued under 49 U.S.C. 41102. 105101

(Q) "Refining" means removing or separating a desirable 105102  
product from raw or contaminated materials by distillation or 105103  
physical, mechanical, or chemical processes. 105104

(R) "Assembly" and "assembling" mean attaching or fitting 105105  
together parts to form a product, but do not include packaging a 105106  
product. 105107

(S) "Manufacturing operation" means a process in which 105108  
materials are changed, converted, or transformed into a different 105109  
state or form from which they previously existed and includes 105110  
refining materials, assembling parts, and preparing raw materials 105111  
and parts by mixing, measuring, blending, or otherwise committing 105112  
such materials or parts to the manufacturing process. 105113  
"Manufacturing operation" does not include packaging. 105114

(T) "Fiscal officer" means, with respect to a regional 105115  
transit authority, the secretary-treasurer thereof, and with 105116  
respect to a county that is a transit authority, the fiscal 105117  
officer of the county transit board if one is appointed pursuant 105118  
to section 306.03 of the Revised Code or the county auditor if the 105119  
board of county commissioners operates the county transit system. 105120

(U) "Transit authority" means a regional transit authority 105121  
created pursuant to section 306.31 of the Revised Code or a county 105122  
in which a county transit system is created pursuant to section 105123  
306.01 of the Revised Code. For the purposes of this chapter, a 105124  
transit authority must extend to at least the entire area of a 105125  
single county. A transit authority that includes territory in more 105126  
than one county must include all the area of the most populous 105127

county that is a part of such transit authority. County population 105128  
shall be measured by the most recent census taken by the United 105129  
States census bureau. 105130

(V) "Legislative authority" means, with respect to a regional 105131  
transit authority, the board of trustees thereof, and with respect 105132  
to a county that is a transit authority, the board of county 105133  
commissioners. 105134

(W) "Territory of the transit authority" means all of the 105135  
area included within the territorial boundaries of a transit 105136  
authority as they from time to time exist. Such territorial 105137  
boundaries must at all times include all the area of a single 105138  
county or all the area of the most populous county that is a part 105139  
of such transit authority. County population shall be measured by 105140  
the most recent census taken by the United States census bureau. 105141

(X) "Providing a service" means providing or furnishing 105142  
anything described in division (B)(3) of this section for 105143  
consideration. 105144

(Y)(1)(a) "Automatic data processing" means processing of 105145  
others' data, including keypunching or similar data entry services 105146  
together with verification thereof, or providing access to 105147  
computer equipment for the purpose of processing data. 105148

(b) "Computer services" means providing services consisting 105149  
of specifying computer hardware configurations and evaluating 105150  
technical processing characteristics, computer programming, and 105151  
training of computer programmers and operators, provided in 105152  
conjunction with and to support the sale, lease, or operation of 105153  
taxable computer equipment or systems. 105154

(c) "Electronic information services" means providing access 105155  
to computer equipment by means of telecommunications equipment for 105156  
the purpose of either of the following: 105157

(i) Examining or acquiring data stored in or accessible to 105158

the computer equipment; 105159

(ii) Placing data into the computer equipment to be retrieved 105160  
by designated recipients with access to the computer equipment. 105161

For transactions occurring on or after the effective date of 105162  
the amendment of this section by H.B. 157 of the 127th general 105163  
assembly, December 21, 2007, "electronic information services" 105164  
does not include electronic publishing as defined in division 105165  
(LLL) of this section. 105166

(d) "Automatic data processing, computer services, or 105167  
electronic information services" shall not include personal or 105168  
professional services. 105169

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 105170  
section, "personal and professional services" means all services 105171  
other than automatic data processing, computer services, or 105172  
electronic information services, including but not limited to: 105173

(a) Accounting and legal services such as advice on tax 105174  
matters, asset management, budgetary matters, quality control, 105175  
information security, and auditing and any other situation where 105176  
the service provider receives data or information and studies, 105177  
alters, analyzes, interprets, or adjusts such material; 105178

(b) Analyzing business policies and procedures; 105179

(c) Identifying management information needs; 105180

(d) Feasibility studies, including economic and technical 105181  
analysis of existing or potential computer hardware or software 105182  
needs and alternatives; 105183

(e) Designing policies, procedures, and custom software for 105184  
collecting business information, and determining how data should 105185  
be summarized, sequenced, formatted, processed, controlled, and 105186  
reported so that it will be meaningful to management; 105187

(f) Developing policies and procedures that document how 105188

|                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| business events and transactions are to be authorized, executed,<br>and controlled;                                                                                                                                                                                                                                                                                                                       | 105189<br>105190                                                   |
| (g) Testing of business procedures;                                                                                                                                                                                                                                                                                                                                                                       | 105191                                                             |
| (h) Training personnel in business procedure applications;                                                                                                                                                                                                                                                                                                                                                | 105192                                                             |
| (i) Providing credit information to users of such information<br>by a consumer reporting agency, as defined in the "Fair Credit<br>Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or<br>as hereafter amended, including but not limited to gathering,<br>organizing, analyzing, recording, and furnishing such information<br>by any oral, written, graphic, or electronic medium;       | 105193<br>105194<br>105195<br>105196<br>105197<br>105198           |
| (j) Providing debt collection services by any oral, written,<br>graphic, or electronic means.                                                                                                                                                                                                                                                                                                             | 105199<br>105200                                                   |
| The services listed in divisions (Y)(2)(a) to (j) of this<br>section are not automatic data processing or computer services.                                                                                                                                                                                                                                                                              | 105201<br>105202                                                   |
| (Z) "Highway transportation for hire" means the<br>transportation of personal property belonging to others for<br>consideration by any of the following:                                                                                                                                                                                                                                                  | 105203<br>105204<br>105205                                         |
| (1) The holder of a permit or certificate issued by this<br>state or the United States authorizing the holder to engage in<br>transportation of personal property belonging to others for<br>consideration over or on highways, roadways, streets, or any<br>similar public thoroughfare;                                                                                                                 | 105206<br>105207<br>105208<br>105209<br>105210                     |
| (2) A person who engages in the transportation of personal<br>property belonging to others for consideration over or on<br>highways, roadways, streets, or any similar public thoroughfare<br>but who could not have engaged in such transportation on December<br>11, 1985, unless the person was the holder of a permit or<br>certificate of the types described in division (Z)(1) of this<br>section; | 105211<br>105212<br>105213<br>105214<br>105215<br>105216<br>105217 |
| (3) A person who leases a motor vehicle to and operates it                                                                                                                                                                                                                                                                                                                                                | 105218                                                             |

for a person described by division (Z)(1) or (2) of this section. 105219

(AA)(1) "Telecommunications service" means the electronic 105220  
transmission, conveyance, or routing of voice, data, audio, video, 105221  
or any other information or signals to a point, or between or 105222  
among points. "Telecommunications service" includes such 105223  
transmission, conveyance, or routing in which computer processing 105224  
applications are used to act on the form, code, or protocol of the 105225  
content for purposes of transmission, conveyance, or routing 105226  
without regard to whether the service is referred to as voice-over 105227  
internet protocol service or is classified by the federal 105228  
communications commission as enhanced or value-added. 105229  
"Telecommunications service" does not include any of the 105230  
following: 105231

(a) Data processing and information services that allow data 105232  
to be generated, acquired, stored, processed, or retrieved and 105233  
delivered by an electronic transmission to a consumer where the 105234  
consumer's primary purpose for the underlying transaction is the 105235  
processed data or information; 105236

(b) Installation or maintenance of wiring or equipment on a 105237  
customer's premises; 105238

(c) Tangible personal property; 105239

(d) Advertising, including directory advertising; 105240

(e) Billing and collection services provided to third 105241  
parties; 105242

(f) Internet access service; 105243

(g) Radio and television audio and video programming 105244  
services, regardless of the medium, including the furnishing of 105245  
transmission, conveyance, and routing of such services by the 105246  
programming service provider. Radio and television audio and video 105247  
programming services include, but are not limited to, cable 105248

service, as defined in 47 U.S.C. 522(6), and audio and video 105249  
programming services delivered by commercial mobile radio service 105250  
providers, as defined in 47 C.F.R. 20.3; 105251

(h) Ancillary service; 105252

(i) Digital products delivered electronically, including 105253  
software, music, video, reading materials, or ring tones. 105254

(2) "Ancillary service" means a service that is associated 105255  
with or incidental to the provision of telecommunications service, 105256  
including conference bridging service, detailed telecommunications 105257  
billing service, directory assistance, vertical service, and voice 105258  
mail service. As used in this division: 105259

(a) "Conference bridging service" means an ancillary service 105260  
that links two or more participants of an audio or video 105261  
conference call, including providing a telephone number. 105262  
"Conference bridging service" does not include telecommunications 105263  
services used to reach the conference bridge. 105264

(b) "Detailed telecommunications billing service" means an 105265  
ancillary service of separately stating information pertaining to 105266  
individual calls on a customer's billing statement. 105267

(c) "Directory assistance" means an ancillary service of 105268  
providing telephone number or address information. 105269

(d) "Vertical service" means an ancillary service that is 105270  
offered in connection with one or more telecommunications 105271  
services, which offers advanced calling features that allow 105272  
customers to identify callers and manage multiple calls and call 105273  
connections, including conference bridging service. 105274

(e) "Voice mail service" means an ancillary service that 105275  
enables the customer to store, send, or receive recorded messages. 105276  
"Voice mail service" does not include any vertical services that 105277  
the customer may be required to have in order to utilize the voice 105278

mail service. 105279

(3) "900 service" means an inbound toll telecommunications 105280  
service purchased by a subscriber that allows the subscriber's 105281  
customers to call in to the subscriber's prerecorded announcement 105282  
or live service, and which is typically marketed under the name 105283  
"900<sup>+</sup> service" and any subsequent numbers designated by the 105284  
federal communications commission. "900 service" does not include 105285  
the charge for collection services provided by the seller of the 105286  
telecommunications service to the subscriber, or services or 105287  
products sold by the subscriber to the subscriber's customer. 105288

(4) "Prepaid calling service" means the right to access 105289  
exclusively telecommunications services, which must be paid for in 105290  
advance and which enables the origination of calls using an access 105291  
number or authorization code, whether manually or electronically 105292  
dialed, and that is sold in predetermined units or dollars of 105293  
which the number declines with use in a known amount. 105294

(5) "Prepaid wireless calling service" means a 105295  
telecommunications service that provides the right to utilize 105296  
mobile telecommunications service as well as other 105297  
non-telecommunications services, including the download of digital 105298  
products delivered electronically, and content and ancillary 105299  
services, that must be paid for in advance and that is sold in 105300  
predetermined units or dollars of which the number declines with 105301  
use in a known amount. 105302

(6) "Value-added non-voice data service" means a 105303  
telecommunications service in which computer processing 105304  
applications are used to act on the form, content, code, or 105305  
protocol of the information or data primarily for a purpose other 105306  
than transmission, conveyance, or routing. 105307

(7) "Coin-operated telephone service" means a 105308  
telecommunications service paid for by inserting money into a 105309

telephone accepting direct deposits of money to operate. 105310

(8) "Customer" has the same meaning as in section 5739.034 of 105311  
the Revised Code. 105312

(BB) "Laundry and dry cleaning services" means removing soil 105313  
or dirt from towels, linens, articles of clothing, or other fabric 105314  
items that belong to others and supplying towels, linens, articles 105315  
of clothing, or other fabric items. "Laundry and dry cleaning 105316  
services" does not include the provision of self-service 105317  
facilities for use by consumers to remove soil or dirt from 105318  
towels, linens, articles of clothing, or other fabric items. 105319

(CC) "Magazines distributed as controlled circulation 105320  
publications" means magazines containing at least twenty-four 105321  
pages, at least twenty-five per cent editorial content, issued at 105322  
regular intervals four or more times a year, and circulated 105323  
without charge to the recipient, provided that such magazines are 105324  
not owned or controlled by individuals or business concerns which 105325  
conduct such publications as an auxiliary to, and essentially for 105326  
the advancement of the main business or calling of, those who own 105327  
or control them. 105328

(DD) "Landscaping and lawn care service" means the services 105329  
of planting, seeding, sodding, removing, cutting, trimming, 105330  
pruning, mulching, aerating, applying chemicals, watering, 105331  
fertilizing, and providing similar services to establish, promote, 105332  
or control the growth of trees, shrubs, flowers, grass, ground 105333  
cover, and other flora, or otherwise maintaining a lawn or 105334  
landscape grown or maintained by the owner for ornamentation or 105335  
other nonagricultural purpose. However, "landscaping and lawn care 105336  
service" does not include the providing of such services by a 105337  
person who has less than five thousand dollars in sales of such 105338  
services during the calendar year. 105339

(EE) "Private investigation and security service" means the 105340



performance of any activity for which the provider of such service 105341  
is required to be licensed pursuant to Chapter 4749. of the 105342  
Revised Code, or would be required to be so licensed in performing 105343  
such services in this state, and also includes the services of 105344  
conducting polygraph examinations and of monitoring or overseeing 105345  
the activities on or in, or the condition of, the consumer's home, 105346  
business, or other facility by means of electronic or similar 105347  
monitoring devices. "Private investigation and security service" 105348  
does not include special duty services provided by off-duty police 105349  
officers, deputy sheriffs, and other peace officers regularly 105350  
employed by the state or a political subdivision. 105351

(FF) "Information services" means providing conversation, 105352  
giving consultation or advice, playing or making a voice or other 105353  
recording, making or keeping a record of the number of callers, 105354  
and any other service provided to a consumer by means of a nine 105355  
hundred telephone call, except when the nine hundred telephone 105356  
call is the means by which the consumer makes a contribution to a 105357  
recognized charity. 105358

(GG) "Research and development" means designing, creating, or 105359  
formulating new or enhanced products, equipment, or manufacturing 105360  
processes, and also means conducting scientific or technological 105361  
inquiry and experimentation in the physical sciences with the goal 105362  
of increasing scientific knowledge which may reveal the bases for 105363  
new or enhanced products, equipment, or manufacturing processes. 105364

(HH) "Qualified research and development equipment" means 105365  
capitalized tangible personal property, and leased personal 105366  
property that would be capitalized if purchased, used by a person 105367  
primarily to perform research and development. Tangible personal 105368  
property primarily used in testing, as defined in division (A)(4) 105369  
of section 5739.011 of the Revised Code, or used for recording or 105370  
storing test results, is not qualified research and development 105371  
equipment unless such property is primarily used by the consumer 105372

in testing the product, equipment, or manufacturing process being 105373  
created, designed, or formulated by the consumer in the research 105374  
and development activity or in recording or storing such test 105375  
results. 105376

(II) "Building maintenance and janitorial service" means 105377  
cleaning the interior or exterior of a building and any tangible 105378  
personal property located therein or thereon, including any 105379  
services incidental to such cleaning for which no separate charge 105380  
is made. However, "building maintenance and janitorial service" 105381  
does not include the providing of such service by a person who has 105382  
less than five thousand dollars in sales of such service during 105383  
the calendar year. 105384

(JJ) "Employment service" means providing or supplying 105385  
personnel, on a temporary or long-term basis, to perform work or 105386  
labor under the supervision or control of another, when the 105387  
personnel so provided or supplied receive their wages, salary, or 105388  
other compensation from the provider or supplier of the employment 105389  
service or from a third party that provided or supplied the 105390  
personnel to the provider or supplier. "Employment service" does 105391  
not include: 105392

(1) Acting as a contractor or subcontractor, where the 105393  
personnel performing the work are not under the direct control of 105394  
the purchaser. 105395

(2) Medical and health care services. 105396

(3) Supplying personnel to a purchaser pursuant to a contract 105397  
of at least one year between the service provider and the 105398  
purchaser that specifies that each employee covered under the 105399  
contract is assigned to the purchaser on a permanent basis. 105400

(4) Transactions between members of an affiliated group, as 105401  
defined in division (B)(3)(e) of this section. 105402

(5) Transactions where the personnel so provided or supplied 105403

by a provider or supplier to a purchaser of an employment service 105404  
are then provided or supplied by that purchaser to a third party 105405  
as an employment service, except "employment service" does include 105406  
the transaction between that purchaser and the third party. 105407

(KK) "Employment placement service" means locating or finding 105408  
employment for a person or finding or locating an employee to fill 105409  
an available position. 105410

(LL) "Exterminating service" means eradicating or attempting 105411  
to eradicate vermin infestations from a building or structure, or 105412  
the area surrounding a building or structure, and includes 105413  
activities to inspect, detect, or prevent vermin infestation of a 105414  
building or structure. 105415

(MM) "Physical fitness facility service" means all 105416  
transactions by which a membership is granted, maintained, or 105417  
renewed, including initiation fees, membership dues, renewal fees, 105418  
monthly minimum fees, and other similar fees and dues, by a 105419  
physical fitness facility such as an athletic club, health spa, or 105420  
gymnasium, which entitles the member to use the facility for 105421  
physical exercise. 105422

(NN) "Recreation and sports club service" means all 105423  
transactions by which a membership is granted, maintained, or 105424  
renewed, including initiation fees, membership dues, renewal fees, 105425  
monthly minimum fees, and other similar fees and dues, by a 105426  
recreation and sports club, which entitles the member to use the 105427  
facilities of the organization. "Recreation and sports club" means 105428  
an organization that has ownership of, or controls or leases on a 105429  
continuing, long-term basis, the facilities used by its members 105430  
and includes an aviation club, gun or shooting club, yacht club, 105431  
card club, swimming club, tennis club, golf club, country club, 105432  
riding club, amateur sports club, or similar organization. 105433

(OO) "Livestock" means farm animals commonly raised for food, 105434

food production, or other agricultural purposes, including, but 105435  
not limited to, cattle, sheep, goats, swine, poultry, and captive 105436  
deer. "Livestock" does not include invertebrates, amphibians, 105437  
reptiles, domestic pets, animals for use in laboratories or for 105438  
exhibition, or other animals not commonly raised for food or food 105439  
production. 105440

(PP) "Livestock structure" means a building or structure used 105441  
exclusively for the housing, raising, feeding, or sheltering of 105442  
livestock, and includes feed storage or handling structures and 105443  
structures for livestock waste handling. 105444

(QQ) "Horticulture" means the growing, cultivation, and 105445  
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 105446  
and nursery stock. As used in this division, "nursery stock" has 105447  
the same meaning as in section 927.51 of the Revised Code. 105448

(RR) "Horticulture structure" means a building or structure 105449  
used exclusively for the commercial growing, raising, or 105450  
overwintering of horticultural products, and includes the area 105451  
used for stocking, storing, and packing horticultural products 105452  
when done in conjunction with the production of those products. 105453

(SS) "Newspaper" means an unbound publication bearing a title 105454  
or name that is regularly published, at least as frequently as 105455  
biweekly, and distributed from a fixed place of business to the 105456  
public in a specific geographic area, and that contains a 105457  
substantial amount of news matter of international, national, or 105458  
local events of interest to the general public. 105459

(TT) "Professional racing team" means a person that employs 105460  
at least twenty full-time employees for the purpose of conducting 105461  
a motor vehicle racing business for profit. The person must 105462  
conduct the business with the purpose of racing one or more motor 105463  
racing vehicles in at least ten competitive professional racing 105464  
events each year that comprise all or part of a motor racing 105465

series sanctioned by one or more motor racing sanctioning 105466  
organizations. A "motor racing vehicle" means a vehicle for which 105467  
the chassis, engine, and parts are designed exclusively for motor 105468  
racing, and does not include a stock or production model vehicle 105469  
that may be modified for use in racing. For the purposes of this 105470  
division: 105471

(1) A "competitive professional racing event" is a motor 105472  
vehicle racing event sanctioned by one or more motor racing 105473  
sanctioning organizations, at which aggregate cash prizes in 105474  
excess of eight hundred thousand dollars are awarded to the 105475  
competitors. 105476

(2) "Full-time employee" means an individual who is employed 105477  
for consideration for thirty-five or more hours a week, or who 105478  
renders any other standard of service generally accepted by custom 105479  
or specified by contract as full-time employment. 105480

(UU)(1) "Lease" or "rental" means any transfer of the 105481  
possession or control of tangible personal property for a fixed or 105482  
indefinite term, for consideration. "Lease" or "rental" includes 105483  
future options to purchase or extend, and agreements described in 105484  
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 105485  
the amount of consideration may be increased or decreased by 105486  
reference to the amount realized upon the sale or disposition of 105487  
the property. "Lease" or "rental" does not include: 105488

(a) A transfer of possession or control of tangible personal 105489  
property under a security agreement or a deferred payment plan 105490  
that requires the transfer of title upon completion of the 105491  
required payments; 105492

(b) A transfer of possession or control of tangible personal 105493  
property under an agreement that requires the transfer of title 105494  
upon completion of required payments and payment of an option 105495  
price that does not exceed the greater of one hundred dollars or 105496

one per cent of the total required payments; 105497

(c) Providing tangible personal property along with an 105498  
operator for a fixed or indefinite period of time, if the operator 105499  
is necessary for the property to perform as designed. For purposes 105500  
of this division, the operator must do more than maintain, 105501  
inspect, or ~~set-up~~ set up the tangible personal property. 105502

(2) "Lease" and "rental," as defined in division (UU) of this 105503  
section, shall not apply to leases or rentals that exist before 105504  
June 26, 2003. 105505

(3) "Lease" and "rental" have the same meaning as in division 105506  
(UU)(1) of this section regardless of whether a transaction is 105507  
characterized as a lease or rental under generally accepted 105508  
accounting principles, the Internal Revenue Code, Title XIII of 105509  
the Revised Code, or other federal, state, or local laws. 105510

(VV) "Mobile telecommunications service" has the same meaning 105511  
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 105512  
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 105513  
on and after August 1, 2003, includes related fees and ancillary 105514  
services, including universal service fees, detailed billing 105515  
service, directory assistance, service initiation, voice mail 105516  
service, and vertical services, such as caller ID and three-way 105517  
calling. 105518

(WW) "Certified service provider" has the same meaning as in 105519  
section 5740.01 of the Revised Code. 105520

(XX) "Satellite broadcasting service" means the distribution 105521  
or broadcasting of programming or services by satellite directly 105522  
to the subscriber's receiving equipment without the use of ground 105523  
receiving or distribution equipment, except the subscriber's 105524  
receiving equipment or equipment used in the uplink process to the 105525  
satellite, and includes all service and rental charges, premium 105526  
channels or other special services, installation and repair 105527

service charges, and any other charges having any connection with 105528  
the provision of the satellite broadcasting service. 105529

(YY) "Tangible personal property" means personal property 105530  
that can be seen, weighed, measured, felt, or touched, or that is 105531  
in any other manner perceptible to the senses. For purposes of 105532  
this chapter and Chapter 5741. of the Revised Code, "tangible 105533  
personal property" includes motor vehicles, electricity, water, 105534  
gas, steam, and prewritten computer software. 105535

(ZZ) "Direct mail" means printed material delivered or 105536  
distributed by United States mail or other delivery service to a 105537  
mass audience or to addressees on a mailing list provided by the 105538  
consumer or at the direction of the consumer when the cost of the 105539  
items are not billed directly to the recipients. "Direct mail" 105540  
includes tangible personal property supplied directly or 105541  
indirectly by the consumer to the direct mail vendor for inclusion 105542  
in the package containing the printed material. "Direct mail" does 105543  
not include multiple items of printed material delivered to a 105544  
single address. 105545

(AAA) "Computer" means an electronic device that accepts 105546  
information in digital or similar form and manipulates it for a 105547  
result based on a sequence of instructions. 105548

(BBB) "Computer software" means a set of coded instructions 105549  
designed to cause a computer or automatic data processing 105550  
equipment to perform a task. 105551

(CCC) "Delivered electronically" means delivery of computer 105552  
software from the seller to the purchaser by means other than 105553  
tangible storage media. 105554

(DDD) "Prewritten computer software" means computer software, 105555  
including prewritten upgrades, that is not designed and developed 105556  
by the author or other creator to the specifications of a specific 105557  
purchaser. The combining of two or more prewritten computer 105558

software programs or prewritten portions thereof does not cause 105559  
the combination to be other than prewritten computer software. 105560  
"Prewritten computer software" includes software designed and 105561  
developed by the author or other creator to the specifications of 105562  
a specific purchaser when it is sold to a person other than the 105563  
purchaser. If a person modifies or enhances computer software of 105564  
which the person is not the author or creator, the person shall be 105565  
deemed to be the author or creator only of such person's 105566  
modifications or enhancements. Prewritten computer software or a 105567  
prewritten portion thereof that is modified or enhanced to any 105568  
degree, where such modification or enhancement is designed and 105569  
developed to the specifications of a specific purchaser, remains 105570  
prewritten computer software; provided, however, that where there 105571  
is a reasonable, separately stated charge or an invoice or other 105572  
statement of the price given to the purchaser for the modification 105573  
or enhancement, the modification or enhancement shall not 105574  
constitute prewritten computer software. 105575

(EEE)(1) "Food" means substances, whether in liquid, 105576  
concentrated, solid, frozen, dried, or dehydrated form, that are 105577  
sold for ingestion or chewing by humans and are consumed for their 105578  
taste or nutritional value. "Food" does not include alcoholic 105579  
beverages, dietary supplements, soft drinks, or tobacco. 105580

(2) As used in division (EEE)(1) of this section: 105581

(a) "Alcoholic beverages" means beverages that are suitable 105582  
for human consumption and contain one-half of one per cent or more 105583  
of alcohol by volume. 105584

(b) "Dietary supplements" means any product, other than 105585  
tobacco, that is intended to supplement the diet and that is 105586  
intended for ingestion in tablet, capsule, powder, softgel, 105587  
gelcap, or liquid form, or, if not intended for ingestion in such 105588  
a form, is not represented as conventional food for use as a sole 105589  
item of a meal or of the diet; that is required to be labeled as a 105590



dietary supplement, identifiable by the "supplement facts" box 105591  
found on the label, as required by 21 C.F.R. 101.36; and that 105592  
contains one or more of the following dietary ingredients: 105593

(i) A vitamin; 105594

(ii) A mineral; 105595

(iii) An herb or other botanical; 105596

(iv) An amino acid; 105597

(v) A dietary substance for use by humans to supplement the 105598  
diet by increasing the total dietary intake; 105599

(vi) A concentrate, metabolite, constituent, extract, or 105600  
combination of any ingredient described in divisions 105601  
(EEE)(2)(b)(i) to (v) of this section. 105602

(c) "Soft drinks" means nonalcoholic beverages that contain 105603  
natural or artificial sweeteners. "Soft drinks" does not include 105604  
beverages that contain milk or milk products, soy, rice, or 105605  
similar milk substitutes, or that contains greater than fifty per 105606  
cent vegetable or fruit juice by volume. 105607

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 105608  
tobacco, or any other item that contains tobacco. 105609

(FFF) "Drug" means a compound, substance, or preparation, and 105610  
any component of a compound, substance, or preparation, other than 105611  
food, dietary supplements, or alcoholic beverages that is 105612  
recognized in the official United States pharmacopoeia, official 105613  
homeopathic pharmacopoeia of the United States, or official 105614  
national formulary, and supplements to them; is intended for use 105615  
in the diagnosis, cure, mitigation, treatment, or prevention of 105616  
disease; or is intended to affect the structure or any function of 105617  
the body. 105618

(GGG) "Prescription" means an order, formula, or recipe 105619  
issued in any form of oral, written, electronic, or other means of 105620

transmission by a duly licensed practitioner authorized by the 105621  
laws of this state to issue a prescription. 105622

(HHH) "Durable medical equipment" means equipment, including 105623  
repair and replacement parts for such equipment, that can 105624  
withstand repeated use, is primarily and customarily used to serve 105625  
a medical purpose, generally is not useful to a person in the 105626  
absence of illness or injury, and is not worn in or on the body. 105627  
"Durable medical equipment" does not include mobility enhancing 105628  
equipment. 105629

(III) "Mobility enhancing equipment" means equipment, 105630  
including repair and replacement parts for such equipment, that is 105631  
primarily and customarily used to provide or increase the ability 105632  
to move from one place to another and is appropriate for use 105633  
either in a home or a motor vehicle, that is not generally used by 105634  
persons with normal mobility, and that does not include any motor 105635  
vehicle or equipment on a motor vehicle normally provided by a 105636  
motor vehicle manufacturer. "Mobility enhancing equipment" does 105637  
not include durable medical equipment. 105638

(JJJ) "Prosthetic device" means a replacement, corrective, or 105639  
supportive device, including repair and replacement parts for the 105640  
device, worn on or in the human body to artificially replace a 105641  
missing portion of the body, prevent or correct physical deformity 105642  
or malfunction, or support a weak or deformed portion of the body. 105643  
As used in this division, "prosthetic device" does not include 105644  
corrective eyeglasses, contact lenses, or dental prosthesis. 105645

(KKK)(1) "Fractional aircraft ownership program" means a 105646  
program in which persons within an affiliated group sell and 105647  
manage fractional ownership program aircraft, provided that at 105648  
least one hundred airworthy aircraft are operated in the program 105649  
and the program meets all of the following criteria: 105650

(a) Management services are provided by at least one program 105651

manager within an affiliated group on behalf of the fractional 105652  
owners. 105653

(b) Each program aircraft is owned or possessed by at least 105654  
one fractional owner. 105655

(c) Each fractional owner owns or possesses at least a 105656  
one-sixteenth interest in at least one fixed-wing program 105657  
aircraft. 105658

(d) A dry-lease aircraft interchange arrangement is in effect 105659  
among all of the fractional owners. 105660

(e) Multi-year program agreements are in effect regarding the 105661  
fractional ownership, management services, and dry-lease aircraft 105662  
interchange arrangement aspects of the program. 105663

(2) As used in division (KKK)(1) of this section: 105664

(a) "Affiliated group" has the same meaning as in division 105665  
(B)(3)(e) of this section. 105666

(b) "Fractional owner" means a person that owns or possesses 105667  
at least a one-sixteenth interest in a program aircraft and has 105668  
entered into the agreements described in division (KKK)(1)(e) of 105669  
this section. 105670

(c) "Fractional ownership program aircraft" or "program 105671  
aircraft" means a turbojet aircraft that is owned or possessed by 105672  
a fractional owner and that has been included in a dry-lease 105673  
aircraft interchange arrangement and agreement under divisions 105674  
(KKK)(1)(d) and (e) of this section, or an aircraft a program 105675  
manager owns or possesses primarily for use in a fractional 105676  
aircraft ownership program. 105677

(d) "Management services" means administrative and aviation 105678  
support services furnished under a fractional aircraft ownership 105679  
program in accordance with a management services agreement under 105680  
division (KKK)(1)(e) of this section, and offered by the program 105681

manager to the fractional owners, including, at a minimum, the 105682  
establishment and implementation of safety guidelines; the 105683  
coordination of the scheduling of the program aircraft and crews; 105684  
program aircraft maintenance; program aircraft insurance; crew 105685  
training for crews employed, furnished, or contracted by the 105686  
program manager or the fractional owner; the satisfaction of 105687  
record-keeping requirements; and the development and use of an 105688  
operations manual and a maintenance manual for the fractional 105689  
aircraft ownership program. 105690

(e) "Program manager" means the person that offers management 105691  
services to fractional owners pursuant to a management services 105692  
agreement under division (KKK)(1)(e) of this section. 105693

(LLL) "Electronic publishing" means providing access to one 105694  
or more of the following primarily for business customers, 105695  
including the federal government or a state government or a 105696  
political subdivision thereof, to conduct research: news; 105697  
business, financial, legal, consumer, or credit materials; 105698  
editorials, columns, reader commentary, or features; photos or 105699  
images; archival or research material; legal notices, identity 105700  
verification, or public records; scientific, educational, 105701  
instructional, technical, professional, trade, or other literary 105702  
materials; or other similar information which has been gathered 105703  
and made available by the provider to the consumer in an 105704  
electronic format. Providing electronic publishing includes the 105705  
functions necessary for the acquisition, formatting, editing, 105706  
storage, and dissemination of data or information that is the 105707  
subject of a sale. 105708

(MMM) "Medicaid health insuring corporation" means a health 105709  
insuring corporation that holds a certificate of authority under 105710  
Chapter 1751. of the Revised Code and is under contract with the 105711  
department of job and family services pursuant to section 5111.17 105712  
of the Revised Code. 105713

(NNN) "Managed care premium" means any premium, capitation, 105714  
or other payment a medicaid health insuring corporation receives 105715  
for providing or arranging for the provision of health care 105716  
services to its members or enrollees residing in this state. 105717

(OOO) "Captive deer" means deer and other cervidae that have 105718  
been legally acquired, or their offspring, that are privately 105719  
owned for agricultural or farming purposes. 105720

(PPP) "Gift card" means a document, card, certificate, or 105721  
other record, whether tangible or intangible, that may be redeemed 105722  
by a consumer for a dollar value when making a purchase of 105723  
tangible personal property or services. 105724

(OOO) "Hotel intermediary" means a person, other than a 105725  
hotel, that contracts with hotels to sell reservations for lodging 105726  
at such hotels to transient guests. 105727

**Sec. 5739.081.** A legislative authority of a municipal 105728  
corporation may not adopt or amend a resolution or ordinance 105729  
levying a tax on transactions by which lodging by a hotel is or is 105730  
to be furnished to transient guests pursuant to section 5739.08 of 105731  
the Revised Code on or after October 1, 2013, unless the 105732  
legislative authority levies the tax on any transaction by which a 105733  
transient quest obtains or will obtain lodging in a hotel using a 105734  
hotel intermediary. The legislative authority shall levy the tax 105735  
on any amount the purchaser pays to the hotel intermediary for the 105736  
intermediary's services plus any amount paid for the furnishing of 105737  
lodging in a hotel to the transient quest. 105738

The hotel intermediary shall collect and remit all tax paid 105739  
by the purchaser to the municipal corporation that levies the tax 105740  
pursuant to section 5739.08 of the Revised Code. If the hotel 105741  
intermediary does not collect or remit the full amount of tax, the 105742  
hotel in which the transient quest will lodge shall collect and 105743  
remit to the municipal corporation the uncollected or unremitted 105744

tax. 105745

**Sec. 5739.09.** (A)(1) A board of county commissioners may, by 105746  
resolution adopted by a majority of the members of the board, levy 105747  
an excise tax not to exceed three per cent on transactions by 105748  
which lodging by a hotel is or is to be furnished to transient 105749  
guests. The board shall establish all regulations necessary to 105750  
provide for the administration and allocation of the tax. The 105751  
regulations may prescribe the time for payment of the tax, and may 105752  
provide for the imposition of a penalty or interest, or both, for 105753  
late payments, provided that the penalty does not exceed ten per 105754  
cent of the amount of tax due, and the rate at which interest 105755  
accrues does not exceed the rate per annum prescribed pursuant to 105756  
section 5703.47 of the Revised Code. Except as provided in 105757  
divisions (A)(2), (3), (4), (5), (6), and (7) of this section, the 105758  
regulations shall provide, after deducting the real and actual 105759  
costs of administering the tax, for the return to each municipal 105760  
corporation or township that does not levy an excise tax on the 105761  
transactions, a uniform percentage of the tax collected in the 105762  
municipal corporation or in the unincorporated portion of the 105763  
township from each transaction, not to exceed thirty-three and 105764  
one-third per cent. The remainder of the revenue arising from the 105765  
tax shall be deposited in a separate fund and shall be spent 105766  
solely to make contributions to the convention and visitors' 105767  
bureau operating within the county, including a pledge and 105768  
contribution of any portion of the remainder pursuant to an 105769  
agreement authorized by section 307.695 of the Revised Code, 105770  
provided that if the board of county commissioners of an eligible 105771  
county as defined in section 307.695 of the Revised Code adopts a 105772  
resolution amending a resolution levying a tax under this division 105773  
to provide that the revenue from the tax shall be used by the 105774  
board as described in division (H) of section 307.695 of the 105775  
Revised Code, the remainder of the revenue shall be used as 105776

described in the resolution making that amendment. Except as 105777  
provided in division (A)(2), (3), (4), (5), (6), or (7) or (H) of 105778  
this section, on and after May 10, 1994, a board of county 105779  
commissioners may not levy an excise tax pursuant to this division 105780  
in any municipal corporation or township located wholly or partly 105781  
within the county that has in effect an ordinance or resolution 105782  
levying an excise tax pursuant to division (B) of this section. 105783  
The board of a county that has levied a tax under division (C) of 105784  
this section may, by resolution adopted within ninety days after 105785  
July 15, 1985, by a majority of the members of the board, amend 105786  
the resolution levying a tax under this division to provide for a 105787  
portion of that tax to be pledged and contributed in accordance 105788  
with an agreement entered into under section 307.695 of the 105789  
Revised Code. A tax, any revenue from which is pledged pursuant to 105790  
such an agreement, shall remain in effect at the rate at which it 105791  
is imposed for the duration of the period for which the revenue 105792  
from the tax has been so pledged. 105793

The board of county commissioners of an eligible county as 105794  
defined in section 307.695 of the Revised Code may, by resolution 105795  
adopted by a majority of the members of the board, amend a 105796  
resolution levying a tax under this division to provide that the 105797  
revenue from the tax shall be used by the board as described in 105798  
division (H) of section 307.695 of the Revised Code, in which case 105799  
the tax shall remain in effect at the rate at which it was imposed 105800  
for the duration of any agreement entered into by the board under 105801  
section 307.695 of the Revised Code, the duration during which any 105802  
securities issued by the board under that section are outstanding, 105803  
or the duration of the period during which the board owns a 105804  
project as defined in section 307.695 of the Revised Code, 105805  
whichever duration is longest. 105806

(2) A board of county commissioners that levies an excise tax 105807  
under division (A)(1) of this section on June 30, 1997, at a rate 105808

of three per cent, and that has pledged revenue from the tax to an agreement entered into under section 307.695 of the Revised Code or, in the case of the board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code, has amended a resolution levying a tax under division (C) of this section to provide that proceeds from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code, may, at any time by a resolution adopted by a majority of the members of the board, amend the resolution levying a tax under division (A)(1) of this section to provide for an increase in the rate of that tax up to seven per cent on each transaction; to provide that revenue from the increase in the rate shall be used as described in division (H) of section 307.695 of the Revised Code or be spent solely to make contributions to the convention and visitors' bureau operating within the county to be used specifically for promotion, advertising, and marketing of the region in which the county is located; and to provide that the rate in excess of the three per cent levied under division (A)(1) of this section shall remain in effect at the rate at which it is imposed for the duration of the period during which any agreement is in effect that was entered into under section 307.695 of the Revised Code by the board of county commissioners levying a tax under division (A)(1) of this section, the duration of the period during which any securities issued by the board under division (I) of section 307.695 of the Revised Code are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest. The amendment also shall provide that no portion of that revenue need be returned to townships or municipal corporations as would otherwise be required under division (A)(1) of this section.

(3) A board of county commissioners that levies a tax under division (A)(1) of this section on March 18, 1999, at a rate of



three per cent may, by resolution adopted not later than 105842  
forty-five days after March 18, 1999, amend the resolution levying 105843  
the tax to provide for all of the following: 105844

(a) That the rate of the tax shall be increased by not more 105845  
than an additional four per cent on each transaction; 105846

(b) That all of the revenue from the increase in the rate 105847  
shall be pledged and contributed to a convention facilities 105848  
authority established by the board of county commissioners under 105849  
Chapter 351. of the Revised Code on or before November 15, 1998, 105850  
and used to pay costs of constructing, maintaining, operating, and 105851  
promoting a facility in the county, including paying bonds, or 105852  
notes issued in anticipation of bonds, as provided by that 105853  
chapter; 105854

(c) That no portion of the revenue arising from the increase 105855  
in rate need be returned to municipal corporations or townships as 105856  
otherwise required under division (A)(1) of this section; 105857

(d) That the increase in rate shall not be subject to 105858  
diminution by initiative or referendum or by law while any bonds, 105859  
or notes in anticipation of bonds, issued by the authority under 105860  
Chapter 351. of the Revised Code to which the revenue is pledged, 105861  
remain outstanding in accordance with their terms, unless 105862  
provision is made by law or by the board of county commissioners 105863  
for an adequate substitute therefor that is satisfactory to the 105864  
trustee if a trust agreement secures the bonds. 105865

Division (A)(3) of this section does not apply to the board 105866  
of county commissioners of any county in which a convention center 105867  
or facility exists or is being constructed on November 15, 1998, 105868  
or of any county in which a convention facilities authority levies 105869  
a tax pursuant to section 351.021 of the Revised Code on that 105870  
date. 105871

As used in division (A)(3) of this section, "cost" and 105872

"facility" have the same meanings as in section 351.01 of the Revised Code, and "convention center" has the same meaning as in section 307.695 of the Revised Code.

(4)(a) A board of county commissioners that levies a tax under division (A)(1) of this section on June 30, 2002, at a rate of three per cent may, by resolution adopted not later than September 30, 2002, amend the resolution levying the tax to provide for all of the following:

(i) That the rate of the tax shall be increased by not more than an additional three and one-half per cent on each transaction;

(ii) That all of the revenue from the increase in rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before May 15, 2002, and be used to pay costs of constructing, expanding, maintaining, operating, or promoting a convention center in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter;

(iii) That no portion of the revenue arising from the increase in rate need be returned to municipal corporations or townships as otherwise required under division (A)(1) of this section;

(iv) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law or by the board of county commissioners for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds.

(b) Any board of county commissioners that, pursuant to 105904  
division (A)(4)(a) of this section, has amended a resolution 105905  
levying the tax authorized by division (A)(1) of this section may 105906  
further amend the resolution to provide that the revenue referred 105907  
to in division (A)(4)(a)(ii) of this section shall be pledged and 105908  
contributed both to a convention facilities authority to pay the 105909  
costs of constructing, expanding, maintaining, or operating one or 105910  
more convention centers in the county, including paying bonds, or 105911  
notes issued in anticipation of bonds, as provided in Chapter 351. 105912  
of the Revised Code, and to a convention and visitors' bureau to 105913  
pay the costs of promoting one or more convention centers in the 105914  
county. 105915

As used in division (A)(4) of this section, "cost" has the 105916  
same meaning as in section 351.01 of the Revised Code, and 105917  
"convention center" has the same meaning as in section 307.695 of 105918  
the Revised Code. 105919

(5)(a) As used in division (A)(5) of this section: 105920

(i) "Port authority" means a port authority created under 105921  
Chapter 4582. of the Revised Code. 105922

(ii) "Port authority military-use facility" means port 105923  
authority facilities on which or adjacent to which is located an 105924  
installation of the armed forces of the United States, a reserve 105925  
component thereof, or the national guard and at least part of 105926  
which is made available for use, for consideration, by the armed 105927  
forces of the United States, a reserve component thereof, or the 105928  
national guard. 105929

(b) For the purpose of contributing revenue to pay operating 105930  
expenses of a port authority that operates a port authority 105931  
military-use facility, the board of county commissioners of a 105932  
county that created, participated in the creation of, or has 105933  
joined such a port authority may do one or both of the following: 105934

(i) Amend a resolution previously adopted under division 105935  
(A)(1) of this section to designate some or all of the revenue 105936  
from the tax levied under the resolution to be used for that 105937  
purpose, notwithstanding that division; 105938

(ii) Amend a resolution previously adopted under division 105939  
(A)(1) of this section to increase the rate of the tax by not more 105940  
than an additional two per cent and use the revenue from the 105941  
increase exclusively for that purpose. 105942

(c) If a board of county commissioners amends a resolution to 105943  
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 105944  
of this section, the board also may amend the resolution to 105945  
specify that the increase in rate of the tax does not apply to 105946  
"hotels," as otherwise defined in section 5739.01 of the Revised 105947  
Code, having fewer rooms used for the accommodation of guests than 105948  
a number of rooms specified by the board. 105949

(6) A board of county commissioners of a county organized 105950  
under a county charter adopted pursuant to Article X, Section 3, 105951  
Ohio Constitution, and that levies an excise tax under division 105952  
(A)(1) of this section at a rate of three per cent and levies an 105953  
additional excise tax under division (E) of this section at a rate 105954  
of one and one-half per cent may, by resolution adopted not later 105955  
than January 1, 2008, by a majority of the members of the board, 105956  
amend the resolution levying a tax under division (A)(1) of this 105957  
section to provide for an increase in the rate of that tax by not 105958  
more than an additional one per cent on transactions by which 105959  
lodging by a hotel is or is to be furnished to transient guests. 105960  
Notwithstanding divisions (A)(1) and (E) of this section, the 105961  
resolution shall provide that all of the revenue from the increase 105962  
in rate, after deducting the real and actual costs of 105963  
administering the tax, shall be used to pay the costs of 105964  
improving, expanding, equipping, financing, or operating a 105965  
convention center by a convention and visitors' bureau in the 105966

county. The increase in rate shall remain in effect for the period 105967  
specified in the resolution, not to exceed ten years. The increase 105968  
in rate shall be subject to the regulations adopted under division 105969  
(A)(1) of this section, except that the resolution may provide 105970  
that no portion of the revenue from the increase in the rate shall 105971  
be returned to townships or municipal corporations as would 105972  
otherwise be required under that division. 105973

(7) Division (A)(7) of this section applies only to a county 105974  
with a population greater than sixty-five thousand and less than 105975  
seventy thousand according to the most recent federal decennial 105976  
census and in which, on December 31, 2006, an excise tax is levied 105977  
under division (A)(1) of this section at a rate not less than and 105978  
not greater than three per cent, and in which the most recent 105979  
increase in the rate of that tax was enacted or took effect in 105980  
November 1984. 105981

The board of county commissioners of a county to which this 105982  
division applies, by resolution adopted by a majority of the 105983  
members of the board, may increase the rate of the tax by not more 105984  
than one per cent on transactions by which lodging by a hotel is 105985  
or is to be furnished to transient guests. The increase in rate 105986  
shall be for the purpose of paying expenses deemed necessary by 105987  
the convention and visitors' bureau operating in the county to 105988  
promote travel and tourism. The increase in rate shall remain in 105989  
effect for the period specified in the resolution, not to exceed 105990  
twenty years, provided that the increase in rate may not continue 105991  
beyond the time when the purpose for which the increase is levied 105992  
ceases to exist. If revenue from the increase in rate is pledged 105993  
to the payment of debt charges on securities, the increase in rate 105994  
is not subject to diminution by initiative or referendum or by law 105995  
for so long as the securities are outstanding, unless provision is 105996  
made by law or by the board of county commissioners for an 105997  
adequate substitute for that revenue that is satisfactory to the 105998

trustee if a trust agreement secures payment of the debt charges. 105999  
The increase in rate shall be subject to the regulations adopted 106000  
under division (A)(1) of this section, except that the resolution 106001  
may provide that no portion of the revenue from the increase in 106002  
the rate shall be returned to townships or municipal corporations 106003  
as would otherwise be required under division (A)(1) of this 106004  
section. A resolution adopted under division (A)(7) of this 106005  
section is subject to referendum under sections 305.31 to 305.99 106006  
of the Revised Code. 106007

(B)(1) The legislative authority of a municipal corporation 106008  
or the board of trustees of a township that is not wholly or 106009  
partly located in a county that has in effect a resolution levying 106010  
an excise tax pursuant to division (A)(1) of this section may, by 106011  
ordinance or resolution, levy an excise tax not to exceed three 106012  
per cent on transactions by which lodging by a hotel is or is to 106013  
be furnished to transient guests. The legislative authority of the 106014  
municipal corporation or the board of trustees of the township 106015  
shall deposit at least fifty per cent of the revenue from the tax 106016  
levied pursuant to this division into a separate fund, which shall 106017  
be spent solely to make contributions to convention and visitors' 106018  
bureaus operating within the county in which the municipal 106019  
corporation or township is wholly or partly located, and the 106020  
balance of that revenue shall be deposited in the general fund. 106021  
The municipal corporation or township shall establish all 106022  
regulations necessary to provide for the administration and 106023  
allocation of the tax. The regulations may prescribe the time for 106024  
payment of the tax, and may provide for the imposition of a 106025  
penalty or interest, or both, for late payments, provided that the 106026  
penalty does not exceed ten per cent of the amount of tax due, and 106027  
the rate at which interest accrues does not exceed the rate per 106028  
annum prescribed pursuant to section 5703.47 of the Revised Code. 106029  
The levy of a tax under this division is in addition to any tax 106030  
imposed on the same transaction by a municipal corporation or a 106031

township as authorized by division (A) of section 5739.08 of the Revised Code. 106032  
106033

(2)(a) The legislative authority of the most populous municipal corporation located wholly or partly in a county in which the board of county commissioners has levied a tax under division (A)(4) of this section may amend, on or before September 30, 2002, that municipal corporation's ordinance or resolution that levies an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests, to provide for all of the following: 106034  
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(i) That the rate of the tax shall be increased by not more than an additional one per cent on each transaction; 106042  
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(ii) That all of the revenue from the increase in rate shall be pledged and contributed to a convention facilities authority established by the board of county commissioners under Chapter 351. of the Revised Code on or before May 15, 2002, and be used to pay costs of constructing, expanding, maintaining, operating, or promoting a convention center in the county, including paying bonds, or notes issued in anticipation of bonds, as provided by that chapter; 106044  
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(iii) That the increase in rate shall not be subject to diminution by initiative or referendum or by law while any bonds, or notes in anticipation of bonds, issued by the authority under Chapter 351. of the Revised Code to which the revenue is pledged, remain outstanding in accordance with their terms, unless provision is made by law, by the board of county commissioners, or by the legislative authority, for an adequate substitute therefor that is satisfactory to the trustee if a trust agreement secures the bonds. 106052  
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(b) The legislative authority of a municipal corporation that, pursuant to division (B)(2)(a) of this section, has amended 106061  
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its ordinance or resolution to increase the rate of the tax 106063  
authorized by division (B)(1) of this section may further amend 106064  
the ordinance or resolution to provide that the revenue referred 106065  
to in division (B)(2)(a)(ii) of this section shall be pledged and 106066  
contributed both to a convention facilities authority to pay the 106067  
costs of constructing, expanding, maintaining, or operating one or 106068  
more convention centers in the county, including paying bonds, or 106069  
notes issued in anticipation of bonds, as provided in Chapter 351. 106070  
of the Revised Code, and to a convention and visitors' bureau to 106071  
pay the costs of promoting one or more convention centers in the 106072  
county. 106073

As used in division (B)(2) of this section, "cost" has the 106074  
same meaning as in section 351.01 of the Revised Code, and 106075  
"convention center" has the same meaning as in section 307.695 of 106076  
the Revised Code. 106077

(C) For the purposes described in section 307.695 of the 106078  
Revised Code and to cover the costs of administering the tax, a 106079  
board of county commissioners of a county where a tax imposed 106080  
under division (A)(1) of this section is in effect may, by 106081  
resolution adopted within ninety days after July 15, 1985, by a 106082  
majority of the members of the board, levy an additional excise 106083  
tax not to exceed three per cent on transactions by which lodging 106084  
by a hotel is or is to be furnished to transient guests. The tax 106085  
authorized by this division shall be in addition to any tax that 106086  
is levied pursuant to division (A) of this section, but it shall 106087  
not apply to transactions subject to a tax levied by a municipal 106088  
corporation or township pursuant to the authorization granted by 106089  
division (A) of section 5739.08 of the Revised Code. The board 106090  
shall establish all regulations necessary to provide for the 106091  
administration and allocation of the tax. The regulations may 106092  
prescribe the time for payment of the tax, and may provide for the 106093  
imposition of a penalty or interest, or both, for late payments, 106094



provided that the penalty does not exceed ten per cent of the 106095  
amount of tax due, and the rate at which interest accrues does not 106096  
exceed the rate per annum prescribed pursuant to section 5703.47 106097  
of the Revised Code. All revenues arising from the tax shall be 106098  
expended in accordance with section 307.695 of the Revised Code. 106099  
The board of county commissioners of an eligible county as defined 106100  
in section 307.695 of the Revised Code may, by resolution adopted 106101  
by a majority of the members of the board, amend the resolution 106102  
levying a tax under this division to provide that the revenue from 106103  
the tax shall be used by the board as described in division (H) of 106104  
section 307.695 of the Revised Code. A tax imposed under this 106105  
division shall remain in effect at the rate at which it is imposed 106106  
for the duration of the period during which any agreement entered 106107  
into by the board under section 307.695 of the Revised Code is in 106108  
effect, the duration of the period during which any securities 106109  
issued by the board under division (I) of section 307.695 of the 106110  
Revised Code are outstanding, or the duration of the period during 106111  
which the board owns a project as defined in section 307.695 of 106112  
the Revised Code, whichever duration is longest. 106113

(D) For the purpose of providing contributions under division 106114  
(B)(1) of section 307.671 of the Revised Code to enable the 106115  
acquisition, construction, and equipping of a port authority 106116  
educational and cultural facility in the county and, to the extent 106117  
provided for in the cooperative agreement authorized by that 106118  
section, for the purpose of paying debt service charges on bonds, 106119  
or notes in anticipation of bonds, described in division (B)(1)(b) 106120  
of that section, a board of county commissioners, by resolution 106121  
adopted within ninety days after December 22, 1992, by a majority 106122  
of the members of the board, may levy an additional excise tax not 106123  
to exceed one and one-half per cent on transactions by which 106124  
lodging by a hotel is or is to be furnished to transient guests. 106125  
The excise tax authorized by this division shall be in addition to 106126  
any tax that is levied pursuant to divisions (A), (B), and (C) of 106127

this section, to any excise tax levied pursuant to section 5739.08 106128  
of the Revised Code, and to any excise tax levied pursuant to 106129  
section 351.021 of the Revised Code. The board of county 106130  
commissioners shall establish all regulations necessary to provide 106131  
for the administration and allocation of the tax that are not 106132  
inconsistent with this section or section 307.671 of the Revised 106133  
Code. The regulations may prescribe the time for payment of the 106134  
tax, and may provide for the imposition of a penalty or interest, 106135  
or both, for late payments, provided that the penalty does not 106136  
exceed ten per cent of the amount of tax due, and the rate at 106137  
which interest accrues does not exceed the rate per annum 106138  
prescribed pursuant to section 5703.47 of the Revised Code. All 106139  
revenues arising from the tax shall be expended in accordance with 106140  
section 307.671 of the Revised Code and division (D) of this 106141  
section. The levy of a tax imposed under this division may not 106142  
commence prior to the first day of the month next following the 106143  
execution of the cooperative agreement authorized by section 106144  
307.671 of the Revised Code by all parties to that agreement. The 106145  
tax shall remain in effect at the rate at which it is imposed for 106146  
the period of time described in division (C) of section 307.671 of 106147  
the Revised Code for which the revenue from the tax has been 106148  
pledged by the county to the corporation pursuant to that section, 106149  
but, to any extent provided for in the cooperative agreement, for 106150  
no lesser period than the period of time required for payment of 106151  
the debt service charges on bonds, or notes in anticipation of 106152  
bonds, described in division (B)(1)(b) of that section. 106153

(E) For the purpose of paying the costs of acquiring, 106154  
constructing, equipping, and improving a municipal educational and 106155  
cultural facility, including debt service charges on bonds 106156  
provided for in division (B) of section 307.672 of the Revised 106157  
Code, and for any additional purposes determined by the county in 106158  
the resolution levying the tax or amendments to the resolution, 106159  
including subsequent amendments providing for paying costs of 106160

acquiring, constructing, renovating, rehabilitating, equipping, 106161  
and improving a port authority educational and cultural performing 106162  
arts facility, as defined in section 307.674 of the Revised Code, 106163  
and including debt service charges on bonds provided for in 106164  
division (B) of section 307.674 of the Revised Code, the 106165  
legislative authority of a county, by resolution adopted within 106166  
ninety days after June 30, 1993, by a majority of the members of 106167  
the legislative authority, may levy an additional excise tax not 106168  
to exceed one and one-half per cent on transactions by which 106169  
lodging by a hotel is or is to be furnished to transient guests. 106170  
The excise tax authorized by this division shall be in addition to 106171  
any tax that is levied pursuant to divisions (A), (B), (C), and 106172  
(D) of this section, to any excise tax levied pursuant to section 106173  
5739.08 of the Revised Code, and to any excise tax levied pursuant 106174  
to section 351.021 of the Revised Code. The legislative authority 106175  
of the county shall establish all regulations necessary to provide 106176  
for the administration and allocation of the tax. The regulations 106177  
may prescribe the time for payment of the tax, and may provide for 106178  
the imposition of a penalty or interest, or both, for late 106179  
payments, provided that the penalty does not exceed ten per cent 106180  
of the amount of tax due, and the rate at which interest accrues 106181  
does not exceed the rate per annum prescribed pursuant to section 106182  
5703.47 of the Revised Code. All revenues arising from the tax 106183  
shall be expended in accordance with section 307.672 of the 106184  
Revised Code and this division. The levy of a tax imposed under 106185  
this division shall not commence prior to the first day of the 106186  
month next following the execution of the cooperative agreement 106187  
authorized by section 307.672 of the Revised Code by all parties 106188  
to that agreement. The tax shall remain in effect at the rate at 106189  
which it is imposed for the period of time determined by the 106190  
legislative authority of the county. That period of time shall not 106191  
exceed fifteen years, except that the legislative authority of a 106192  
county with a population of less than two hundred fifty thousand 106193

according to the most recent federal decennial census, by 106194  
resolution adopted by a majority of its members before the 106195  
original tax expires, may extend the duration of the tax for an 106196  
additional period of time. The additional period of time by which 106197  
a legislative authority extends a tax levied under this division 106198  
shall not exceed fifteen years. 106199

(F) The legislative authority of a county that has levied a 106200  
tax under division (E) of this section may, by resolution adopted 106201  
within one hundred eighty days after January 4, 2001, by a 106202  
majority of the members of the legislative authority, amend the 106203  
resolution levying a tax under that division to provide for the 106204  
use of the proceeds of that tax, to the extent that it is no 106205  
longer needed for its original purpose as determined by the 106206  
parties to a cooperative agreement amendment pursuant to division 106207  
(D) of section 307.672 of the Revised Code, to pay costs of 106208  
acquiring, constructing, renovating, rehabilitating, equipping, 106209  
and improving a port authority educational and cultural performing 106210  
arts facility, including debt service charges on bonds provided 106211  
for in division (B) of section 307.674 of the Revised Code, and to 106212  
pay all obligations under any guaranty agreements, reimbursement 106213  
agreements, or other credit enhancement agreements described in 106214  
division (C) of section 307.674 of the Revised Code. The 106215  
resolution may also provide for the extension of the tax at the 106216  
same rate for the longer of the period of time determined by the 106217  
legislative authority of the county, but not to exceed an 106218  
additional twenty-five years, or the period of time required to 106219  
pay all debt service charges on bonds provided for in division (B) 106220  
of section 307.672 of the Revised Code and on port authority 106221  
revenue bonds provided for in division (B) of section 307.674 of 106222  
the Revised Code. All revenues arising from the amendment and 106223  
extension of the tax shall be expended in accordance with section 106224  
307.674 of the Revised Code, this division, and division (E) of 106225  
this section. 106226

(G) For purposes of a tax levied by a county, township, or municipal corporation under this section or section 5739.08 of the Revised Code, a board of county commissioners, board of township trustees, or the legislative authority of a municipal corporation may adopt a resolution or ordinance at any time specifying that "hotel," as otherwise defined in section 5739.01 of the Revised Code, includes the following:

(1) Establishments in which fewer than five rooms are used for the accommodation of guests.

(2) Establishments at which rooms are used for the accommodation of guests regardless of whether each room is accessible through its own keyed entry or several rooms are accessible through the same keyed entry; and, in determining the number of rooms, all rooms are included regardless of the number of structures in which the rooms are situated or the number of parcels of land on which the structures are located if the structures are under the same ownership and the structures are not identified in advertisements of the accommodations as distinct establishments. For the purposes of division (G)(2) of this section, two or more structures are under the same ownership if they are owned by the same person, or if they are owned by two or more persons the majority of the ownership interests of which are owned by the same person.

The resolution or ordinance may apply to a tax imposed pursuant to this section prior to the adoption of the resolution or ordinance if the resolution or ordinance so states, but the tax shall not apply to transactions by which lodging by such an establishment is provided to transient guests prior to the adoption of the resolution or ordinance.

(H)(1) As used in this division:

(a) "Convention facilities authority" has the same meaning as

in section 351.01 of the Revised Code. 106258

(b) "Convention center" has the same meaning as in section 106259  
307.695 of the Revised Code. 106260

(2) Notwithstanding any contrary provision of division (D) of 106261  
this section, the legislative authority of a county with a 106262  
population of one million or more according to the most recent 106263  
federal decennial census that has levied a tax under division (D) 106264  
of this section may, by resolution adopted by a majority of the 106265  
members of the legislative authority, provide for the extension of 106266  
such levy and may provide that the proceeds of that tax, to the 106267  
extent that they are no longer needed for their original purpose 106268  
as defined by a cooperative agreement entered into under section 106269  
307.671 of the Revised Code, shall be deposited into the county 106270  
general revenue fund. The resolution shall provide for the 106271  
extension of the tax at a rate not to exceed the rate specified in 106272  
division (D) of this section for a period of time determined by 106273  
the legislative authority of the county, but not to exceed an 106274  
additional forty years. 106275

(3) The legislative authority of a county with a population 106276  
of one million or more that has levied a tax under division (A)(1) 106277  
of this section may, by resolution adopted by a majority of the 106278  
members of the legislative authority, increase the rate of the tax 106279  
levied by such county under division (A)(1) of this section to a 106280  
rate not to exceed five per cent on transactions by which lodging 106281  
by a hotel is or is to be furnished to transient guests. 106282  
Notwithstanding any contrary provision of division (A)(1) of this 106283  
section, the resolution may provide that all collections resulting 106284  
from the rate levied in excess of three per cent, after deducting 106285  
the real and actual costs of administering the tax, shall be 106286  
deposited in the county general fund. 106287

(4) The legislative authority of a county with a population 106288  
of one million or more that has levied a tax under division (A)(1) 106289

of this section may, by resolution adopted on or before August 30, 106290  
2004, by a majority of the members of the legislative authority, 106291  
provide that all or a portion of the proceeds of the tax levied 106292  
under division (A)(1) of this section, after deducting the real 106293  
and actual costs of administering the tax and the amounts required 106294  
to be returned to townships and municipal corporations with 106295  
respect to the first three per cent levied under division (A)(1) 106296  
of this section, shall be deposited in the county general fund, 106297  
provided that such proceeds shall be used to satisfy any pledges 106298  
made in connection with an agreement entered into under section 106299  
307.695 of the Revised Code. 106300

(5) No amount collected from a tax levied, extended, or 106301  
required to be deposited in the county general fund under division 106302  
(H) of this section shall be contributed to a convention 106303  
facilities authority, corporation, or other entity created after 106304  
July 1, 2003, for the principal purpose of constructing, 106305  
improving, expanding, equipping, financing, or operating a 106306  
convention center unless the mayor of the municipal corporation in 106307  
which the convention center is to be operated by that convention 106308  
facilities authority, corporation, or other entity has consented 106309  
to the creation of that convention facilities authority, 106310  
corporation, or entity. Notwithstanding any contrary provision of 106311  
section 351.04 of the Revised Code, if a tax is levied by a county 106312  
under division (H) of this section, the board of county 106313  
commissioners of that county may determine the manner of 106314  
selection, the qualifications, the number, and terms of office of 106315  
the members of the board of directors of any convention facilities 106316  
authority, corporation, or other entity described in division 106317  
(H)(5) of this section. 106318

(6)(a) No amount collected from a tax levied, extended, or 106319  
required to be deposited in the county general fund under division 106320  
(H) of this section may be used for any purpose other than paying 106321

the direct and indirect costs of constructing, improving, 106322  
expanding, equipping, financing, or operating a convention center 106323  
and for the real and actual costs of administering the tax, 106324  
unless, prior to the adoption of the resolution of the legislative 106325  
authority of the county authorizing the levy, extension, increase, 106326  
or deposit, the county and the mayor of the most populous 106327  
municipal corporation in that county have entered into an 106328  
agreement as to the use of such amounts, provided that such 106329  
agreement has been approved by a majority of the mayors of the 106330  
other municipal corporations in that county. The agreement shall 106331  
provide that the amounts to be used for purposes other than paying 106332  
the convention center or administrative costs described in 106333  
division (H)(6)(a) of this section be used only for the direct and 106334  
indirect costs of capital improvements, including the financing of 106335  
capital improvements. 106336

(b) If the county in which the tax is levied has an 106337  
association of mayors and city managers, the approval of that 106338  
association of an agreement described in division (H)(6)(a) of 106339  
this section shall be considered to be the approval of the 106340  
majority of the mayors of the other municipal corporations for 106341  
purposes of that division. 106342

(7) Each year, the auditor of state shall conduct an audit of 106343  
the uses of any amounts collected from taxes levied, extended, or 106344  
deposited under division (H) of this section and shall prepare a 106345  
report of the auditor of state's findings. The auditor of state 106346  
shall submit the report to the legislative authority of the county 106347  
that has levied, extended, or deposited the tax, the speaker of 106348  
the house of representatives, the president of the senate, and the 106349  
leaders of the minority parties of the house of representatives 106350  
and the senate. 106351

(I)(1) As used in this division: 106352

(a) "Convention facilities authority" has the same meaning as 106353



in section 351.01 of the Revised Code. 106354

(b) "Convention center" has the same meaning as in section 106355  
307.695 of the Revised Code. 106356

(2) Notwithstanding any contrary provision of division (D) of 106357  
this section, the legislative authority of a county with a 106358  
population of one million two hundred thousand or more according 106359  
to the most recent federal decennial census or the most recent 106360  
annual population estimate published or released by the United 106361  
States census bureau at the time the resolution is adopted placing 106362  
the levy on the ballot, that has levied a tax under division (D) 106363  
of this section may, by resolution adopted by a majority of the 106364  
members of the legislative authority, provide for the extension of 106365  
such levy and may provide that the proceeds of that tax, to the 106366  
extent that the proceeds are no longer needed for their original 106367  
purpose as defined by a cooperative agreement entered into under 106368  
section 307.671 of the Revised Code and after deducting the real 106369  
and actual costs of administering the tax, shall be used for 106370  
paying the direct and indirect costs of constructing, improving, 106371  
expanding, equipping, financing, or operating a convention center. 106372  
The resolution shall provide for the extension of the tax at a 106373  
rate not to exceed the rate specified in division (D) of this 106374  
section for a period of time determined by the legislative 106375  
authority of the county, but not to exceed an additional forty 106376  
years. 106377

(3) The legislative authority of a county with a population 106378  
of one million two hundred thousand or more that has levied a tax 106379  
under division (A)(1) of this section may, by resolution adopted 106380  
by a majority of the members of the legislative authority, 106381  
increase the rate of the tax levied by such county under division 106382  
(A)(1) of this section to a rate not to exceed five per cent on 106383  
transactions by which lodging by a hotel is or is to be furnished 106384  
to transient guests. Notwithstanding any contrary provision of 106385

division (A)(1) of this section, the resolution shall provide that 106386  
all collections resulting from the rate levied in excess of three 106387  
per cent, after deducting the real and actual costs of 106388  
administering the tax, shall be used for paying the direct and 106389  
indirect costs of constructing, improving, expanding, equipping, 106390  
financing, or operating a convention center. 106391

(4) The legislative authority of a county with a population 106392  
of one million two hundred thousand or more that has levied a tax 106393  
under division (A)(1) of this section may, by resolution adopted 106394  
on or before July 1, 2008, by a majority of the members of the 106395  
legislative authority, provide that all or a portion of the 106396  
proceeds of the tax levied under division (A)(1) of this section, 106397  
after deducting the real and actual costs of administering the tax 106398  
and the amounts required to be returned to townships and municipal 106399  
corporations with respect to the first three per cent levied under 106400  
division (A)(1) of this section, shall be used to satisfy any 106401  
pledges made in connection with an agreement entered into under 106402  
section 307.695 of the Revised Code or shall otherwise be used for 106403  
paying the direct and indirect costs of constructing, improving, 106404  
expanding, equipping, financing, or operating a convention center. 106405

(5) Any amount collected from a tax levied or extended under 106406  
division (I) of this section may be contributed to a convention 106407  
facilities authority created before July 1, 2005, but no amount 106408  
collected from a tax levied or extended under division (I) of this 106409  
section may be contributed to a convention facilities authority, 106410  
corporation, or other entity created after July 1, 2005, unless 106411  
the mayor of the municipal corporation in which the convention 106412  
center is to be operated by that convention facilities authority, 106413  
corporation, or other entity has consented to the creation of that 106414  
convention facilities authority, corporation, or entity. 106415

(J) A board of commissioners of a county or board of trustees 106416  
of a township may not adopt or amend a resolution levying a tax on 106417

transactions by which lodging by a hotel is or is to be furnished 106418  
to transient guests pursuant to this section on or after October 106419  
1, 2013, unless the board levies the tax on any transaction by 106420  
which a transient guest obtains or will obtain lodging in a hotel 106421  
using a hotel intermediary. The board shall levy the tax on any 106422  
amount the purchaser pays to the hotel intermediary for the 106423  
intermediary's services plus any amount paid for the furnishing of 106424  
lodging in a hotel to the transient guest. 106425

The hotel intermediary shall collect and remit all tax paid 106426  
by the purchaser to the county or township, as applicable, that 106427  
levies the tax pursuant to this section. If the hotel intermediary 106428  
does not collect or remit the full amount of tax, the hotel in 106429  
which the transient guest will lodge shall attempt to collect and 106430  
remit to the county or township, as applicable, the uncollected or 106431  
unremitted tax. 106432

**Sec. 5739.12.** (A)(1) Each person who has or is required to 106433  
have a vendor's license, on or before the twenty-third day of each 106434  
month, shall make and file a return for the preceding month in the 106435  
form prescribed by the tax commissioner, and shall pay the tax 106436  
shown on the return to be due. The return shall be filed 106437  
electronically using the Ohio business gateway, as defined in 106438  
section 718.051 of the Revised Code, the Ohio telefile system, or 106439  
any other electronic means prescribed by the commissioner. Payment 106440  
of the tax shown on the return to be due shall be made 106441  
electronically in a manner approved by the commissioner. The 106442  
commissioner may require a vendor that operates from multiple 106443  
locations or has multiple vendor's licenses to report all tax 106444  
liabilities on one consolidated return. The return shall show the 106445  
amount of tax due from the vendor to the state for the period 106446  
covered by the return and such other information as the 106447  
commissioner deems necessary for the proper administration of this 106448  
chapter. The commissioner may extend the time for making and 106449

filing returns and paying the tax, and may require that the return 106450  
for the last month of any annual or semiannual period, as 106451  
determined by the commissioner, be a reconciliation return 106452  
detailing the vendor's sales activity for the preceding annual or 106453  
semiannual period. The reconciliation return shall be filed by the 106454  
last day of the month following the last month of the annual or 106455  
semiannual period. The commissioner may remit all or any part of 106456  
amounts or penalties that may become due under this chapter and 106457  
may adopt rules relating thereto. Such return shall be filed 106458  
electronically as directed by the tax commissioner, and payment of 106459  
the amount of tax shown to be due thereon, after deduction of any 106460  
discount provided for under this section, shall be made 106461  
electronically in a manner approved by the tax commissioner. 106462

(2) Any person required to file returns and make payments 106463  
electronically under division (A)(1) of this section may apply to 106464  
the tax commissioner on a form prescribed by the commissioner to 106465  
be excused from that requirement. For good cause shown, the 106466  
commissioner may excuse the person from that requirement and may 106467  
permit the person to file the returns and make the payments 106468  
required by this section by nonelectronic means. 106469

(B)(1) If the return is filed and the amount of tax shown 106470  
thereon to be due is paid on or before the date such return is 106471  
required to be filed, the vendor shall be entitled to a discount 106472  
of three-fourths of one per cent of the amount shown to be due on 106473  
the return. 106474

(2) A vendor that has selected a certified service provider 106475  
as its agent shall not be entitled to the discount if the 106476  
certified service provider receives a monetary allowance pursuant 106477  
to section 5739.06 of the Revised Code for performing the vendor's 106478  
sales and use tax functions in this state. Amounts paid to the 106479  
clerk of courts pursuant to section 4505.06 of the Revised Code 106480  
shall be subject to the applicable discount. The discount shall be 106481

in consideration for prompt payment to the clerk of courts and for 106482  
other services performed by the vendor in the collection of the 106483  
tax. 106484

(C)(1) Upon application to the tax commissioner, a vendor who 106485  
is required to file monthly returns may be relieved of the 106486  
requirement to report and pay the actual tax due, provided that 106487  
the vendor agrees to remit to the commissioner payment of not less 106488  
than an amount determined by the commissioner to be the average 106489  
monthly tax liability of the vendor, based upon a review of the 106490  
returns or other information pertaining to such vendor for a 106491  
period of not less than six months nor more than two years 106492  
immediately preceding the filing of the application. Vendors who 106493  
agree to the above conditions shall make and file an annual or 106494  
semiannual reconciliation return, as prescribed by the 106495  
commissioner. The reconciliation return shall be filed 106496  
electronically as directed by the tax commissioner, and payment of 106497  
the amount of tax shown to be due thereon, after deduction of any 106498  
discount provided in this section, shall be made electronically in 106499  
a manner approved by the commissioner. Failure of a vendor to 106500  
comply with any of the above conditions may result in immediate 106501  
reinstatement of the requirement of reporting and paying the 106502  
actual tax liability on each monthly return, and the commissioner 106503  
may at the commissioner's discretion deny the vendor the right to 106504  
report and pay based upon the average monthly liability for a 106505  
period not to exceed two years. The amount ascertained by the 106506  
commissioner to be the average monthly tax liability of a vendor 106507  
may be adjusted, based upon a review of the returns or other 106508  
information pertaining to the vendor for a period of not less than 106509  
six months nor more than two years preceding such adjustment. 106510

(2) The commissioner may authorize vendors whose tax 106511  
liability is not such as to merit monthly returns, as ascertained 106512  
by the commissioner upon the basis of administrative costs to the 106513

state, to make and file returns at less frequent intervals. When 106514  
returns are filed at less frequent intervals in accordance with 106515  
such authorization, the vendor shall be allowed the discount 106516  
provided in this section in consideration for prompt payment with 106517  
the return, provided the return is filed and payment is made of 106518  
the amount of tax shown to be due thereon, at the time specified 106519  
by the commissioner, but a vendor that has selected a certified 106520  
service provider as its agent shall not be entitled to the 106521  
discount. 106522

(D) Any vendor who fails to file a return or to pay the full 106523  
amount of the tax shown on the return to be due in the manner 106524  
prescribed under this section and the rules of the commissioner 106525  
may, for each such return, be required to forfeit and pay into the 106526  
state treasury an additional charge not exceeding fifty dollars or 106527  
ten per cent of the tax required to be paid for the reporting 106528  
period, whichever is greater, as revenue arising from the tax 106529  
imposed by this chapter, and such sum may be collected by 106530  
assessment in the manner provided in section 5739.13 of the 106531  
Revised Code. The commissioner may remit all or a portion of the 106532  
additional charge and may adopt rules relating to the imposition 106533  
and remission of the additional charge. 106534

(E) If the amount required to be collected by a vendor from 106535  
consumers is in excess of the applicable percentage of the 106536  
vendor's receipts from sales that are taxable under section 106537  
5739.02 of the Revised Code, or in the case of sales subject to a 106538  
tax levied pursuant to section 5739.021, 5739.023, or 5739.026 of 106539  
the Revised Code, in excess of the percentage equal to the 106540  
aggregate rate of such taxes and the tax levied by section 5739.02 106541  
of the Revised Code, such excess shall be remitted along with the 106542  
remittance of the amount of tax due under section 5739.10 of the 106543  
Revised Code. 106544

(F) The commissioner, if the commissioner deems it necessary 106545

in order to insure the payment of the tax imposed by this chapter, 106546  
may require returns and payments to be made for other than monthly 106547  
periods. 106548

(G) Any vendor required to file a return and pay the tax 106549  
under this section whose total payment for a year equals or 106550  
exceeds the amount shown in division (A) of section 5739.122 of 106551  
the Revised Code is subject to the accelerated tax payment 106552  
requirements in divisions (B) and (C) of that section. For a 106553  
vendor that operates from multiple locations or has multiple 106554  
vendor's licenses, in determining whether the vendor's total 106555  
payment equals or exceeds the amount shown in division (A) of that 106556  
section, the vendor's total payment amount shall be the amount of 106557  
the vendor's total tax liability for the previous calendar year 106558  
for all of the vendor's locations or licenses. 106559

(H) If a vendor that is a hotel intermediary does not collect 106560  
and remit the full amount of tax due, the hotel in which the 106561  
transient guest will lodge shall attempt to collect and remit any 106562  
remaining amount of tax from the transient guest. 106563

**Sec. 5739.13.** (A) If any vendor collects the tax imposed by 106564  
or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 106565  
the Revised Code, and fails to remit the tax to the state as 106566  
prescribed, or on the sale of a motor vehicle, watercraft, or 106567  
outboard motor required to be titled, fails to remit payment to a 106568  
clerk of a court of common pleas as provided in section 1548.06 or 106569  
4505.06 of the Revised Code, the vendor shall be personally liable 106570  
for any tax collected and not remitted. The tax commissioner may 106571  
make an assessment against such vendor based upon any information 106572  
in the commissioner's possession. 106573

If any vendor fails to collect the tax or any consumer fails 106574  
to pay the tax imposed by or pursuant to section 5739.02, 106575  
5739.021, 5739.023, or 5739.026 of the Revised Code, on any 106576

transaction subject to the tax, the vendor or consumer shall be 106577  
personally liable for the amount of the tax applicable to the 106578  
transaction. The commissioner may make an assessment against 106579  
either the vendor or consumer, as the facts may require, based 106580  
upon any information in the commissioner's possession. 106581

An assessment against a vendor when the tax imposed by or 106582  
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 106583  
the Revised Code has not been collected or paid, shall not 106584  
discharge the purchaser's or consumer's liability to reimburse the 106585  
vendor for the tax applicable to such transaction. 106586

An assessment issued against either, pursuant to this 106587  
section, shall not be considered an election of remedies, nor a 106588  
bar to an assessment against the other for the tax applicable to 106589  
the same transaction, provided that no assessment shall be issued 106590  
against any person for the tax due on a particular transaction if 106591  
the tax on that transaction actually has been paid by another. 106592

The commissioner may make an assessment against any vendor 106593  
who fails to file a return or remit the proper amount of tax 106594  
required by this chapter, or against any consumer who fails to pay 106595  
the proper amount of tax required by this chapter. When 106596  
information in the possession of the commissioner indicates that 106597  
the amount required to be collected or paid under this chapter is 106598  
greater than the amount remitted by the vendor or paid by the 106599  
consumer, the commissioner may audit a sample of the vendor's 106600  
sales or the consumer's purchases for a representative period, to 106601  
ascertain the per cent of exempt or taxable transactions or the 106602  
effective tax rate and may issue an assessment based on the audit. 106603  
The commissioner shall make a good faith effort to reach agreement 106604  
with the vendor or consumer in selecting a representative sample. 106605

The commissioner may make an assessment, based on any 106606  
information in ~~his~~ the commissioner's possession, against any 106607  
person who fails to file a return or remit the proper amount of 106608



tax required by section 5739.102 of the Revised Code. 106609

The commissioner may issue an assessment on any transaction 106610  
for which any tax imposed under this chapter or Chapter 5741. of 106611  
the Revised Code was due and unpaid on the date the vendor or 106612  
consumer was informed by an agent of the tax commissioner of an 106613  
investigation or audit. If the vendor or consumer remits any 106614  
payment of the tax for the period covered by the assessment after 106615  
the vendor or consumer was informed of the investigation or audit, 106616  
the payment shall be credited against the amount of the 106617  
assessment. 106618

The commissioner shall give the party assessed written notice 106619  
of the assessment in the manner provided in section 5703.37 of the 106620  
Revised Code. With the notice, the commissioner shall provide 106621  
instructions on how to petition for reassessment and request a 106622  
hearing on the petition. 106623

(B) Unless the party assessed files with the commissioner 106624  
within sixty days after service of the notice of assessment, 106625  
either personally or by certified mail, a written petition for 106626  
reassessment, signed by the party assessed or that party's 106627  
authorized agent having knowledge of the facts, the assessment 106628  
becomes final and the amount of the assessment is due from the 106629  
party assessed and payable to the treasurer of state and remitted 106630  
to the tax commissioner. The petition shall indicate the 106631  
objections of the party assessed, but additional objections may be 106632  
raised in writing if received by the commissioner prior to the 106633  
date shown on the final determination. If the petition has been 106634  
properly filed, the commissioner shall proceed under section 106635  
5703.60 of the Revised Code. 106636

(C) After an assessment becomes final, if any portion of the 106637  
assessment remains unpaid, including accrued interest, a certified 106638  
copy of the commissioner's entry making the assessment final may 106639  
be filed in the office of the clerk of the court of common pleas 106640

in the county in which the place of business of the party assessed 106641  
is located or the county in which the party assessed resides. If 106642  
the party assessed maintains no place of business in this state 106643  
and is not a resident of this state, the certified copy of the 106644  
entry may be filed in the office of the clerk of the court of 106645  
common pleas of Franklin county. 106646

Immediately upon the filing of the entry, the clerk shall 106647  
enter a judgment for the state against the party assessed in the 106648  
amount shown on the entry. The judgment may be filed by the clerk 106649  
in a loose-leaf book entitled "special judgments for state, 106650  
county, and transit authority retail sales tax" or, if 106651  
appropriate, "special judgments for resort area excise tax," and 106652  
shall have the same effect as other judgments. Execution shall 106653  
issue upon the judgment upon the request of the tax commissioner, 106654  
and all laws applicable to sales on execution shall apply to sales 106655  
made under the judgment except as otherwise provided in this 106656  
chapter. 106657

~~The portion of~~ If the assessment is not paid in its entirety 106658  
within sixty days after the date the assessment was issued, the 106659  
portion of the assessment consisting of tax due shall bear 106660  
interest at the rate per annum prescribed by section 5703.47 of 106661  
the Revised Code from the day the tax commissioner issues the 106662  
assessment until the assessment is paid or until it is certified 106663  
to the attorney general for collection under section 131.02 of the 106664  
Revised Code, whichever comes first. If the unpaid portion of the 106665  
assessment is certified to the attorney general for collection, 106666  
the entire unpaid portion of the assessment shall bear interest at 106667  
the rate per annum prescribed by section 5703.47 of the Revised 106668  
Code from the date of certification until the date it is paid in 106669  
its entirety. Interest shall be paid in the same manner as the tax 106670  
and may be collected by issuing an assessment under this section. 106671

(D) All money collected by the tax commissioner under this 106672

section shall be paid to the treasurer of state, and when paid 106673  
shall be considered as revenue arising from the taxes imposed by 106674  
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 106675

**Sec. 5741.01.** As used in this chapter: 106676

(A) "Person" includes individuals, receivers, assignees, 106677  
trustees in bankruptcy, estates, firms, partnerships, 106678  
associations, joint-stock companies, joint ventures, clubs, 106679  
societies, corporations, business trusts, governments, and 106680  
combinations of individuals of any form. 106681

(B) "Storage" means and includes any keeping or retention in 106682  
this state for use or other consumption in this state. 106683

(C) "Use" means and includes the exercise of any right or 106684  
power incidental to the ownership of the thing used. A thing is 106685  
also "used" in this state if its consumer gives or otherwise 106686  
distributes it, without charge, to recipients in this state. 106687

(D) "Purchase" means acquired or received for a 106688  
consideration, whether such acquisition or receipt was effected by 106689  
a transfer of title, or of possession, or of both, or a license to 106690  
use or consume; whether such transfer was absolute or conditional, 106691  
and by whatever means the transfer was effected; and whether the 106692  
consideration was money, credit, barter, or exchange. Purchase 106693  
includes production, even though the article produced was used, 106694  
stored, or consumed by the producer. The transfer of copyrighted 106695  
motion picture films for exhibition purposes is not a purchase, 106696  
except such films as are used solely for advertising purposes. 106697

(E) "Seller" means the person from whom a purchase is made, 106698  
and includes every person engaged in this state or elsewhere in 106699  
the business of selling tangible personal property or providing a 106700  
service for storage, use, or other consumption or benefit in this 106701  
state; and when, in the opinion of the tax commissioner, it is 106702

necessary for the efficient administration of this chapter, to 106703  
regard any ~~salesman~~ salesperson, representative, peddler, or 106704  
canvasser as the agent of a dealer, distributor, supervisor, or 106705  
employer under whom the person operates, or from whom the person 106706  
obtains tangible personal property, sold by the person for 106707  
storage, use, or other consumption in this state, irrespective of 106708  
whether or not the person is making such sales on the person's own 106709  
behalf, or on behalf of such dealer, distributor, supervisor, or 106710  
employer, the commissioner may regard the person as such agent, 106711  
and may regard such dealer, distributor, supervisor, or employer 106712  
as the seller. "Seller" does not include any person to the extent 106713  
the person provides a communications medium, such as, but not 106714  
limited to, newspapers, magazines, radio, television, or cable 106715  
television, by means of which sellers solicit purchases of their 106716  
goods or services. 106717

(F) "Consumer" means any person who has purchased tangible 106718  
personal property or has been provided a service for storage, use, 106719  
or other consumption or benefit in this state. "Consumer" does not 106720  
include a person who receives, without charge, tangible personal 106721  
property or a service. 106722

A person who performs a facility management or similar 106723  
service contract for a contractee is a consumer of all tangible 106724  
personal property and services purchased for use in connection 106725  
with the performance of such contract, regardless of whether title 106726  
to any such property vests in the contractee. The purchase of such 106727  
property and services is not subject to the exception for resale 106728  
under division (E) of section 5739.01 of the Revised Code. 106729

(G)(1) "Price," except as provided in divisions (G)(2) to (6) 106730  
of this section, has the same meaning as in division (H)(1) of 106731  
section 5739.01 of the Revised Code. 106732

(2) In the case of watercraft, outboard motors, or new motor 106733  
vehicles, "price" has the same meaning as in divisions (H)(2) and 106734

(3) of section 5739.01 of the Revised Code. 106735

(3) In the case of a nonresident business consumer that 106736  
purchases and uses tangible personal property outside this state 106737  
and subsequently temporarily stores, uses, or otherwise consumes 106738  
such tangible personal property in the conduct of business in this 106739  
state, the consumer or the tax commissioner may determine the 106740  
price based on the value of the temporary storage, use, or other 106741  
consumption, in lieu of determining the price pursuant to division 106742  
(G)(1) of this section. A price determination made by the consumer 106743  
is subject to review and redetermination by the commissioner. 106744

(4) In the case of tangible personal property held in this 106745  
state as inventory for sale or lease, and that is temporarily 106746  
stored, used, or otherwise consumed in a taxable manner, the price 106747  
is the value of the temporary use. A price determination made by 106748  
the consumer is subject to review and redetermination by the 106749  
commissioner. 106750

(5) In the case of tangible personal property originally 106751  
purchased and used by the consumer outside this state, and that 106752  
becomes permanently stored, used, or otherwise consumed in this 106753  
state more than six months after its acquisition by the consumer, 106754  
the consumer or the commissioner may determine the price based on 106755  
the current value of such tangible personal property, in lieu of 106756  
determining the price pursuant to division (G)(1) of this section. 106757  
A price determination made by the consumer is subject to review 106758  
and redetermination by the commissioner. 106759

(6) If a consumer produces tangible personal property for 106760  
sale and removes that property from inventory for the consumer's 106761  
own use, the price is the produced cost of that tangible personal 106762  
property. 106763

(H) "Nexus with this state" means that the seller engages in 106764  
continuous and widespread solicitation of purchases from residents 106765

of this state or otherwise purposefully directs its business 106766  
activities at residents of this state. 106767

(I)(1) "Substantial nexus with this state" means that the 106768  
seller has sufficient contact with this state, in accordance with 106769  
Section 8 of Article I of the Constitution of the United States, 106770  
to allow the state to require the seller to collect and remit use 106771  
tax on sales of tangible personal property or services made to 106772  
consumers in this state. ~~"Substantial~~ 106773

(2) "Substantial nexus with this state" ~~exists~~ is presumed to 106774  
exist when the seller does any of the following: 106775

~~(1) Maintains a~~ (a) Uses an office, distribution facility, 106776  
warehouse, storage facility, or similar place of business within 106777  
this state, whether operated by ~~employees or agents of the seller,~~ 106778  
~~by a member of an affiliated group, as defined in division~~ 106779  
~~(B)(3)(e) of section 5739.01 of the Revised Code, of which the~~ 106780  
~~seller is a member, or by a franchisee using a trade name of the~~ 106781  
~~seller; or any other person, other than a common carrier acting in~~ 106782  
its capacity as a common carrier. 106783

~~(2)(b)~~ Regularly ~~has~~ uses employees, agents, representatives, 106784  
solicitors, installers, ~~repairmen~~ repairers, ~~salesmen~~ 106785  
salespersons, or other ~~individuals~~ persons in this state (i) for 106786  
the purpose of conducting the business of the seller, or that 106787  
(ii) engage in a business with the same or a similar industry 106788  
classification as the seller selling a similar product or line of 106789  
products as the seller, or (iii) use trademarks, service marks, or 106790  
trade names in this state that are the same or substantially 106791  
similar to those used by the seller. 106792

~~(3)(c)~~ Uses a any person, other than a common carrier acting 106793  
in its capacity as a common carrier, in this state for any of the 106794  
~~purpose of receiving~~ following purposes: 106795

(i) Receiving or processing orders of the seller's goods or 106796

services; 106797

(ii) Using that person's employees or facilities in this state to advertise, promote, or facilitate sales by the seller to customers; 106798  
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(iii) Delivering, installing, assembling, or performing maintenance services for the seller's customers; 106801  
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(iv) Facilitating the seller's delivery of tangible personal property to customers in this state by allowing the seller's customers to pick up property sold by the seller at an office, distribution facility, warehouse, storage facility, or similar place of business. 106803  
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~~(4)(d) Makes regular deliveries of tangible personal property into this state by means other than common carrier.~~ 106808  
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~~(5) Has membership in an affiliated group, as described in division (B)(3)(c) of section 5739.01 of the Revised Code, at least one other member of which has substantial nexus with this state;~~ 106810  
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~~(6)(e) Owns tangible personal property that is rented or leased to a consumer in this state, or offers tangible personal property, on approval, to consumers in this state.~~ 106814  
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~~(7) Except as provided in section 5703.65 of the Revised Code, is registered with the secretary of state to do business in this state or is registered or licensed by any state agency, board, or commission to transact business in this state or to make sales to persons in this state;~~ 106817  
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~~(8) Has any other contact with this state that would allow this state to require the seller to collect and remit use tax under Section 8 of Article I of the Constitution of the United States~~ 106822  
106823  
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(f) Is a hotel intermediary that furnishes lodging in hotels located in this state to transient guests. 106825  
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(g) Enters into an agreement with one or more residents of this state under which the resident, for a commission or other consideration, directly or indirectly refers potential customers to the seller, whether by a link on a web site, an in-person oral presentation, telemarketing, or otherwise, provided the cumulative gross receipts from sales to consumers referred to the seller by all such residents exceeded ten thousand dollars during the preceding twelve months. 106827  
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(3) A seller presumed to have substantial nexus with this state under divisions (I)(2)(a) to (f) of this section may rebut that presumption by demonstrating that activities described in any of those divisions that are conducted by a person in this state on the seller's behalf are not significantly associated with the seller's ability to establish or maintain a market in this state for the seller's sales. 106835  
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(4) A seller presumed to have substantial nexus with this state under division (I)(2)(g) of this section may rebut that presumption by submitting proof that each resident engaged by the seller as described in that division did not engage in any activity within this state during the preceding twelve months that was significantly associated with the seller's ability to establish or maintain the seller's market in this state during the preceding twelve months. Such proof may consist of sworn written statements from all the residents with whom the seller has an agreement stating that the resident did not engage in any solicitation in this state on behalf of the seller during the preceding twelve months if such statements are provided and obtained in good faith. 106842  
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(5) A seller that does not have substantial nexus with this state, and any affiliated person of the seller, before selling or leasing tangible personal property or services to a state agency, shall register with the tax commissioner in the same manner as a 106855  
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seller described in division (A)(1) of section 5741.17 of the 106859  
Revised Code. 106860

(6) As used in division (I) of this section: 106861

(a) "Affiliated person" means any person that is a member of 106862  
the same controlled group of corporations as the seller or any 106863  
other person that, notwithstanding the form of organization, bears 106864  
the same ownership relationship to the seller as a corporation 106865  
that is a member of the same controlled group of corporations. 106866

(b) "Controlled group of corporations" has the same meaning 106867  
as in section 1536(a) of the Internal Revenue Code. 106868

(c) "State agency" has the same meaning as in section 1.60 of 106869  
the Revised Code. 106870

(J) "Fiscal officer" means, with respect to a regional 106871  
transit authority, the secretary-treasurer thereof, and with 106872  
respect to a county which is a transit authority, the fiscal 106873  
officer of the county transit board appointed pursuant to section 106874  
306.03 of the Revised Code or, if the board of county 106875  
commissioners operates the county transit system, the county 106876  
auditor. 106877

(K) "Territory of the transit authority" means all of the 106878  
area included within the territorial boundaries of a transit 106879  
authority as they from time to time exist. Such territorial 106880  
boundaries must at all times include all the area of a single 106881  
county or all the area of the most populous county which is a part 106882  
of such transit authority. County population shall be measured by 106883  
the most recent census taken by the United States census bureau. 106884

(L) "Transit authority" means a regional transit authority 106885  
created pursuant to section 306.31 of the Revised Code or a county 106886  
in which a county transit system is created pursuant to section 106887  
306.01 of the Revised Code. For the purposes of this chapter, a 106888  
transit authority must extend to at least the entire area of a 106889

single county. A transit authority which includes territory in 106890  
more than one county must include all the area of the most 106891  
populous county which is a part of such transit authority. County 106892  
population shall be measured by the most recent census taken by 106893  
the United States census bureau. 106894

(M) "~~Providing a service~~ Service" has the same meaning as in 106895  
~~division (X)~~ of section 5739.01 of the Revised Code. 106896

(N) "Other consumption" includes receiving the benefits of a 106897  
service. 106898

(O) "Lease" or "rental" has the same meaning as in ~~division~~ 106899  
~~(UU)~~ of section 5739.01 of the Revised Code. 106900

(P) "Certified service provider" has the same meaning as in 106901  
section 5740.01 of the Revised Code. 106902

(Q) "Hotel intermediary," "hotel," and "transient guest" have 106903  
the same meanings as in section 5739.01 of the Revised Code. 106904

**Sec. 5741.12.** (A) Each seller required by section 5741.17 of 106905  
the Revised Code to register with the tax commissioner, and any 106906  
seller authorized by the commissioner to collect the tax imposed 106907  
by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 106908  
of the Revised Code is subject to the same requirements and 106909  
entitled to the same deductions and discount for prompt payments 106910  
as are vendors under section 5739.12 of the Revised Code, and the 106911  
same monetary allowances as are vendors under section 5739.06 of 106912  
the Revised Code. The powers and duties of the commissioner with 106913  
respect to returns and tax remittances under this section shall be 106914  
identical with those prescribed in section 5739.12 of the Revised 106915  
Code. 106916

(B) Every person storing, using, or consuming tangible 106917  
personal property or receiving the benefit of a service, the 106918  
storage, use, consumption, or receipt of which is subject to the 106919

tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 106920  
or 5741.023 of the Revised Code, when such tax was not paid to a 106921  
seller, shall, on or before the twenty-third day of each month, 106922  
file with the tax commissioner a return for the preceding month in 106923  
such form as is prescribed by the commissioner, showing such 106924  
information as the commissioner deems necessary, and shall pay the 106925  
tax shown on the return to be due. Remittance shall be made 106926  
payable to the treasurer of state. The commissioner may require 106927  
consumers to file returns and pay the tax at other than monthly 106928  
intervals, if the commissioner determines that such filing is 106929  
necessary for the efficient administration of the tax. If the 106930  
commissioner determines that a consumer's tax liability is not 106931  
such as to merit monthly filing, the commissioner may authorize 106932  
the consumer to file returns and pay tax at less frequent 106933  
intervals. 106934

Any consumer required to file a return and pay the tax under 106935  
this section whose payment for any year equals or exceeds the 106936  
amount shown in division (A) of section 5741.121 of the Revised 106937  
Code is subject to the accelerated tax payment requirements in 106938  
divisions (B) and (C) of that section. 106939

(C) Every person storing, using, or consuming a motor 106940  
vehicle, watercraft, or outboard motor, the ownership of which 106941  
must be evidenced by certificate of title, shall file the return 106942  
required by this section and pay the tax due at or prior to the 106943  
time of filing an application for certificate of title. 106944

(D) If a seller that is a hotel intermediary does not collect 106945  
and remit the full amount of tax due, the hotel in which the 106946  
transient guest will lodge shall attempt to collect and remit any 106947  
remaining amount of tax from the transient guest. 106948

**Sec. 5741.17.** (A)(1) Except as otherwise provided in 106949  
divisions (A)(2), (3), and (4) of this section, every seller of 106950

tangible personal property or services who has substantial nexus 106951  
with this state shall register with the tax commissioner and 106952  
supply any information concerning ~~his~~ the seller's contacts with 106953  
this state that may be required by the commissioner. 106954

(2) A seller who is licensed as a vendor pursuant to section 106955  
5739.17 of the Revised Code shall not be required to register with 106956  
the commissioner pursuant to this section if all sales to 106957  
consumers in this state are made under the authority of ~~his~~ the 106958  
seller's vendor's license. 106959

(3) A Unless the seller has substantial nexus with this state 106960  
pursuant to division (I)(2)(g) of section 5741.01 of the Revised 106961  
Code, a seller is not required to register under this section if 106962  
the seller has no contact with this state other than an agency 106963  
relationship with a person engaged in the business of 106964  
telemarketing in this state and engaged by the seller exclusively 106965  
for the purpose of solicitation of customers in other states. 106966

(4) A seller is not required to register under this section 106967  
if the seller has no contact with this state other than the 106968  
ownership of property that is located at the facility of a printer 106969  
with which the seller has contracted for printing and that 106970  
consists of the final printed product, property that becomes a 106971  
part of the final printed product, or copy from which the final 106972  
printed product is produced. 106973

(B) A seller who does not have substantial nexus with this 106974  
state may voluntarily register with the commissioner. A seller who 106975  
voluntarily registers with the commissioner under this section is 106976  
entitled to the same benefits and is subject to the same duties 106977  
and requirements as a seller required to be registered with the 106978  
commissioner under this chapter. 106979

The commissioner shall maintain an alphabetical index of all 106980  
sellers registered under this chapter and records of the use tax 106981

reported and paid. Upon request, this information shall be made 106982  
available to the treasurer of state. 106983

**Sec. 5743.081.** (A) If any wholesale dealer or retail dealer 106984  
fails to pay the tax levied under section 5743.02, 5743.021, 106985  
5743.024, or 5743.026 of the Revised Code as required by sections 106986  
5743.01 to 5743.20 of the Revised Code, and by the rules of the 106987  
tax commissioner, or fails to collect the tax from the purchaser 106988  
or consumer, the commissioner may make an assessment against the 106989  
wholesale or retail dealer based upon any information in the 106990  
commissioner's possession. 106991

The commissioner may make an assessment against any wholesale 106992  
or retail dealer who fails to file a return required by section 106993  
5743.03 or 5743.025 of the Revised Code. 106994

No assessment shall be made against any wholesale or retail 106995  
dealer for any taxes imposed under section 5743.02, 5743.021, 106996  
5743.024, or 5743.026 of the Revised Code more than three years 106997  
after the last day of the calendar month that immediately follows 106998  
the semiannual period prescribed in section 5743.03 of the Revised 106999  
Code in which the sale was made, or more than three years after 107000  
the semiannual return for such period is filed, whichever is 107001  
later. This section does not bar an assessment against any 107002  
wholesale or retail dealer who fails to file a return as required 107003  
by section 5743.025 or 5743.03 of the Revised Code, or who files a 107004  
fraudulent return. 107005

A penalty of up to thirty per cent may be added to the amount 107006  
of every assessment made under this section. The commissioner may 107007  
adopt rules providing for the imposition and remission of 107008  
penalties added to assessments made under this section. 107009

The commissioner shall give the party assessed written notice 107010  
of the assessment in the manner provided in section 5703.37 of the 107011  
Revised Code. The notice shall specify separately any portion of 107012

the assessment that represents a county tax. With the notice, the commissioner shall provide instructions on how to petition for reassessment and request a hearing on the petition.

(B) Unless the party assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the party assessed to the treasurer of state. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the wholesale or retail dealer's place of business is located or the county in which the party assessed resides. If the party assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the commissioner's entry, the clerk shall enter a judgment for the state against the party assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state cigarette sales tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the tax commissioner, and all laws applicable

to sales on execution shall apply to sales made under the 107045  
judgment, except as otherwise provided in sections 5743.01 to 107046  
5743.20 of the Revised Code. 107047

~~The portion of~~ If the assessment is not paid in its entirety 107048  
within sixty days after the assessment was issued, the portion of 107049  
the assessment consisting of tax due shall bear interest at the 107050  
rate per annum prescribed by section 5703.47 of the Revised Code 107051  
from the day the commissioner issues the assessment until it is 107052  
paid or until it is certified to the attorney general for 107053  
collection under section 131.02 of the Revised Code, whichever 107054  
comes first. If the unpaid portion of the assessment is certified 107055  
to the attorney general for collection, the entire unpaid portion 107056  
of the assessment shall bear interest at the rate per annum 107057  
prescribed by section 5703.47 of the Revised Code from the date of 107058  
certification until the date it is paid in its entirety. Interest 107059  
shall be paid in the same manner as the tax and may be collected 107060  
by the issuance of an assessment under this section. 107061

(D) All money collected by the tax commissioner under this 107062  
section shall be paid to the treasurer of state, and when paid 107063  
shall be considered as revenue arising from the taxes imposed by 107064  
sections 5743.01 to 5743.20 of the Revised Code. 107065

**Sec. 5743.15.** (A) Except as otherwise provided in this 107066  
division, no person shall engage in this state in the wholesale or 107067  
retail business of trafficking in cigarettes or in the business of 107068  
a manufacturer or importer of cigarettes without having a license 107069  
to conduct each such activity issued by a county auditor under 107070  
division (B) of this section or the tax commissioner under 107071  
divisions (C) and (F) of this section. On dissolution of a 107072  
partnership by death, the surviving partner may operate under the 107073  
license of the partnership until expiration of the license, and 107074  
the heirs or legal representatives of deceased persons, and 107075

receivers and trustees in bankruptcy appointed by any competent 107076  
authority, may operate under the license of the person succeeded 107077  
in possession by such heir, representative, receiver, or trustee 107078  
in bankruptcy if the partner or successor notifies the issuer of 107079  
the license of the dissolution or succession within thirty days 107080  
after the dissolution or succession. 107081

(B)(1) Each applicant for a license to engage in the retail 107082  
business of trafficking in cigarettes under this section, 107083  
annually, on or before the fourth Monday of May, shall make and 107084  
deliver to the county auditor of the county in which the applicant 107085  
desires to engage in the retail business of trafficking in 107086  
cigarettes, upon a blank form furnished by such auditor for that 107087  
purpose, a statement showing the name of the applicant, each 107088  
physical place in the county where the applicant's business is 107089  
conducted, the nature of the business, and any other information 107090  
the tax commissioner requires in the form of statement prescribed 107091  
by the commissioner. If the applicant is a firm, partnership, or 107092  
association other than a corporation, the application shall state 107093  
the name and address of each of its members. If the applicant is a 107094  
corporation, the application shall state the name and address of 107095  
each of its officers. At the time of making the application 107096  
required by this section, every person desiring to engage in the 107097  
retail business of trafficking in cigarettes shall pay an 107098  
application fee in the sum of one hundred twenty-five dollars for 107099  
each physical place where the person proposes to carry on such 107100  
business. Each place of business shall be deemed such space, under 107101  
lease or license to, or under the control of, or under the 107102  
supervision of the applicant, as is contained in one or more 107103  
contiguous, adjacent, or adjoining buildings constituting an 107104  
industrial plant or a place of business operated by, or under the 107105  
control of, one person, or under one roof and connected by doors, 107106  
halls, stairways, or elevators, which space may contain any number 107107  
of points at which cigarettes are offered for sale, provided that 107108



each additional point at which cigarettes are offered for sale 107109  
shall be listed in the application. 107110

(2) Upon receipt of the application and exhibition of the 107111  
county treasurer's receipt showing the payment of the application 107112  
fee, the county auditor shall issue to the applicant a license for 107113  
each place of business designated in the application, authorizing 107114  
the applicant to engage in such business at such place for one 107115  
year commencing on the fourth Monday of May. The form of the 107116  
license shall be prescribed by the commissioner. A duplicate 107117  
license may be obtained from the county auditor upon payment of a 107118  
five-dollar fee if the original license is lost, destroyed, or 107119  
defaced. When an application is filed after the fourth Monday of 107120  
May, the application fee required to be paid shall be proportioned 107121  
in amount to the remainder of the license year, except that it 107122  
shall not be less than twenty-five dollars in any one year. 107123

(3) The holder of a retail dealer's cigarette license may 107124  
transfer the license to a place of business within the same county 107125  
other than that designated on the license on condition that the 107126  
licensee's ownership interest and business structure remain 107127  
unchanged, and that the licensee applies to the county auditor 107128  
therefor, upon forms approved by the commissioner and the payment 107129  
of a fee of five dollars into the county treasury. 107130

(C)(1) Each applicant for a license to engage in the 107131  
wholesale business of trafficking in cigarettes under this 107132  
section, annually, on or before the fourth Monday in May, shall 107133  
make and deliver to the tax commissioner, upon a blank form 107134  
furnished by the commissioner for that purpose, a statement 107135  
showing the name of the applicant, physical street address where 107136  
the applicant's business is conducted, the nature of the business, 107137  
and any other information required by the commissioner. If the 107138  
applicant is a firm, partnership, or association other than a 107139  
corporation, the applicant shall state the name and address of 107140

each of its members. If the applicant is a corporation, the 107141  
applicant shall state the name and address of each of its 107142  
officers. At the time of making the application required by this 107143  
section, every person desiring to engage in the wholesale business 107144  
of trafficking in cigarettes shall pay an application fee of one 107145  
thousand dollars for each physical place where the person proposes 107146  
to carry on such business. Each place of business shall be deemed 107147  
such space, under lease or license to, or under the control of, or 107148  
under the supervision of the applicant, as is contained in one or 107149  
more contiguous, adjacent, or adjoining buildings constituting an 107150  
industrial plant or a place of business operated by, or under the 107151  
control of, one person, or under one roof and connected by doors, 107152  
halls, stairways, or elevators. A duplicate license may be 107153  
obtained from the commissioner upon payment of a 107154  
twenty-five-dollar fee if the original license is lost, destroyed, 107155  
or defaced. 107156

(2) Upon receipt of the application and payment of any 107157  
application fee required by this section, the commissioner shall 107158  
verify that the applicant is ~~in good standing under~~ not in 107159  
violation of any provision of Chapter 1346. ~~and or~~ Title LVII of 107160  
the Revised Code. The commissioner shall also verify that the 107161  
applicant has filed any returns, submitted any information, and 107162  
paid any outstanding taxes or fees as required by the 107163  
commissioner, to the extent that the commissioner is aware of the 107164  
returns, information, taxes, or fees at the time of the 107165  
application. Upon approval, the commissioner shall issue to the 107166  
applicant a license for each physical place of business designated 107167  
in the application authorizing the applicant to engage in business 107168  
at that location for one year commencing on the fourth Monday in 107169  
May. For licenses issued after the fourth Monday in May, the 107170  
application fee shall be reduced proportionately by the remainder 107171  
of the twelve-month period for which the license is issued, except 107172  
that the application fee required to be paid under this section 107173

shall be not less than two hundred dollars in any one year. 107174

(3) The holder of a wholesale dealer cigarette license may 107175  
transfer the license to a place of business other than that 107176  
designated on the license on condition that the licensee's 107177  
ownership or business structure remains unchanged, and that the 107178  
licensee applies to the commissioner for such a transfer upon a 107179  
form promulgated by the commissioner and pays a fee of twenty-five 107180  
dollars, which shall be deposited into the cigarette tax 107181  
enforcement fund created in division (E) of this section. 107182

(D)(1) The wholesale cigarette license application fees 107183  
collected under this section shall be paid into the cigarette tax 107184  
enforcement fund. 107185

(2) The retail cigarette license application fees collected 107186  
under this section shall be distributed as follows: 107187

(a) Thirty per cent shall be paid upon the warrant of the 107188  
county auditor into the treasury of the municipal corporation or 107189  
township in which the places of business for which the tax revenue 107190  
was received are located; 107191

(b) Ten per cent shall be credited to the general fund of the 107192  
county; 107193

(c) Sixty per cent shall be paid into the cigarette tax 107194  
enforcement fund. 107195

(3) The remainder of the revenues and fines collected under 107196  
this section and the penal laws relating to cigarettes shall be 107197  
distributed as follows: 107198

(a) Three-fourths shall be paid upon the warrant of the 107199  
county auditor into the treasury of the municipal corporation or 107200  
township in which the place of business, on account of which the 107201  
revenues and fines were received, is located; 107202

(b) One-fourth shall be credited to the general fund of the 107203

county. 107204

(E) There is hereby created within the state treasury the 107205  
cigarette tax enforcement fund for the purpose of providing funds 107206  
to assist in paying the costs of enforcing sections 1333.11 to 107207  
1333.21 and Chapter 5743. of the Revised Code. 107208

The portion of cigarette license application fees received by 107209  
a county auditor during the annual application period that ends on 107210  
the fourth Monday in May and that is required to be deposited in 107211  
the cigarette tax enforcement fund shall be sent to the treasurer 107212  
of state by the thirtieth day of June each year accompanied by the 107213  
form prescribed by the tax commissioner. The portion of cigarette 107214  
license application fees received by each county auditor after the 107215  
fourth Monday in May and that is required to be deposited in the 107216  
cigarette tax enforcement fund shall be sent to the treasurer of 107217  
state by the last day of the month following the month in which 107218  
such fees were collected. 107219

(F)(1) Every person who desires to engage in the business of 107220  
a manufacturer or importer of cigarettes shall, annually, on or 107221  
before the fourth Monday of May, make and deliver to the tax 107222  
commissioner, upon a blank form furnished by the commissioner for 107223  
that purpose, a statement showing the name of the applicant, the 107224  
nature of the applicant's business, and any other information 107225  
required by the commissioner. If the applicant is a firm, 107226  
partnership, or association other than a corporation, the 107227  
applicant shall state the name and address of each of its members. 107228  
If the applicant is a corporation, the applicant shall state the 107229  
name and address of each of its officers. 107230

(2) Upon receipt of the application required under this 107231  
section, the commissioner shall verify that the applicant is ~~in~~ 107232  
~~good standing under~~ not in violation of any provision of Chapter 107233  
1346. ~~and or~~ Title LVII of the Revised Code. The commissioner 107234  
shall also verify that the applicant has filed any returns, 107235

submitted any information, and paid any outstanding taxes or fees 107236  
as required by the commissioner, to the extent that the 107237  
commissioner is aware of the returns, information, taxes, or fees 107238  
at the time of the application. Upon approval, the commissioner 107239  
shall issue to the applicant a license authorizing the applicant 107240  
to engage in the business of manufacturer or importer, whichever 107241  
the case may be, for one year commencing on the fourth Monday of 107242  
May. 107243

(3) The issuing of a license under division (F)(1) of this 107244  
section to a manufacturer does not excuse a manufacturer from the 107245  
certification process required under section 1346.05 of the 107246  
Revised Code. A manufacturer who is issued a license under 107247  
division (F)(1) of this section and who is not listed on the 107248  
directory required under section 1346.05 of the Revised Code shall 107249  
not be permitted to sell cigarettes in this state other than to a 107250  
licensed cigarette wholesaler for sale outside this state. Such a 107251  
manufacturer shall provide documentation to the commissioner 107252  
evidencing that the cigarettes are legal for sale in another 107253  
state. 107254

(G) The tax commissioner may adopt rules necessary to 107255  
administer this section. 107256

**Sec. 5743.56.** (A) Any person required to pay the tax imposed 107257  
by section 5743.51, 5743.62, or 5743.63 of the Revised Code is 107258  
personally liable for the tax. The tax commissioner may make an 107259  
assessment, based upon any information in the commissioner's 107260  
possession, against any person who fails to file a return or pay 107261  
any tax, interest, or additional charge as required by this 107262  
chapter. The commissioner shall give the person assessed written 107263  
notice of such assessment in the manner provided in section 107264  
5703.37 of the Revised Code. With the notice, the commissioner 107265  
shall provide instructions on how to petition for reassessment and 107266

request a hearing on the petition. 107267

(B) When the information in the possession of the tax commissioner indicates that a person liable for the tax imposed by section 5743.51, 5743.62, or 5743.63 of the Revised Code has not paid the full amount of tax due, the commissioner may audit a representative sample of the person's business and may issue an assessment based on such audit. 107268  
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(C) A penalty of up to fifteen per cent may be added to all amounts assessed under this section. The tax commissioner may adopt rules providing for the imposition and remission of such penalties. 107274  
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(D) Unless the person assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment signed by the person assessed or that person's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the person assessed to the treasurer of state. A petition shall indicate the objections of the person assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code. 107278  
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(E) After an assessment becomes final, if any portion of the assessment, including accrued interest, remains unpaid, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the person assessed resides or in which the person assessed conducts business. If the person assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common 107290  
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pleas of Franklin county. 107299

Immediately upon the filing of the entry, the clerk shall 107300  
enter a judgment for the state against the person assessed in the 107301  
amount shown on the entry. The judgment may be filed by the clerk 107302  
in a loose-leaf book entitled "special judgments for state tobacco 107303  
products tax," and shall have the same effect as other judgments. 107304  
Execution shall issue upon the judgment upon the request of the 107305  
commissioner, and all laws applicable to sales on execution shall 107306  
apply to sales made under the judgment. 107307

~~The portion of~~ If the assessment is not paid in its entirety 107308  
within sixty days after the day the assessment is issued, the 107309  
portion of the assessment consisting of tax due shall bear 107310  
interest at the rate per annum prescribed by section 5703.47 of 107311  
the Revised Code from the day the commissioner issues the 107312  
assessment until the assessment is paid or until it is certified 107313  
to the attorney general for collection under section 131.02 of the 107314  
Revised Code, whichever comes first. If the unpaid portion of the 107315  
assessment is certified to the attorney general for collection, 107316  
the entire unpaid portion of the assessment shall bear interest at 107317  
the rate per annum prescribed by section 5703.47 of the Revised 107318  
Code from the date of certification until the date it is paid in 107319  
its entirety. Interest shall be paid in the same manner as the tax 107320  
and may be collected by issuing an assessment under this section. 107321

(F) If the tax commissioner believes that collection of the 107322  
tax will be jeopardized unless proceedings to collect or secure 107323  
collection of the tax are instituted without delay, the 107324  
commissioner may issue a jeopardy assessment against the person 107325  
liable for the tax. Immediately upon the issuance of the jeopardy 107326  
assessment, the commissioner shall file an entry with the clerk of 107327  
the court of common pleas in the manner prescribed by division (E) 107328  
of this section. Notice of the jeopardy assessment shall be served 107329  
on the person assessed or the legal representative of the person 107330

assessed, as provided in section 5703.37 of the Revised Code, 107331  
within five days of the filing of the entry with the clerk. The 107332  
total amount assessed is immediately due and payable, unless the 107333  
person assessed files a petition for reassessment in accordance 107334  
with division (D) of this section and provides security in a form 107335  
satisfactory to the commissioner and in an amount sufficient to 107336  
satisfy the unpaid balance of the assessment. Full or partial 107337  
payment of the assessment does not prejudice the commissioner's 107338  
consideration of the petition for reassessment. 107339

(G) All money collected by the tax commissioner under this 107340  
section shall be paid to the treasurer of state as revenue arising 107341  
from the tax imposed by sections 5743.51, 5743.62, and 5743.63 of 107342  
the Revised Code. 107343

**Sec. 5745.12.** (A) If any taxpayer required to file a report 107344  
under this chapter fails to file the report within the time 107345  
prescribed, files an incorrect report, or fails to remit the full 107346  
amount of the tax due for the period covered by the report, the 107347  
tax commissioner may make an assessment against the taxpayer for 107348  
any deficiency for the period for which the report or tax is due, 107349  
based upon any information in the commissioner's possession. 107350

The tax commissioner shall not make or issue an assessment 107351  
against a taxpayer more than three years after the later of the 107352  
final date the report subject to assessment was required to be 107353  
filed or the date the report was filed. Such time limit may be 107354  
extended if both the taxpayer and the commissioner consent in 107355  
writing to the extension. Any such extension shall extend the 107356  
three-year time limit in section 5745.11 of the Revised Code for 107357  
the same period of time. There shall be no bar or limit to an 107358  
assessment against a taxpayer that fails to file a report subject 107359  
to assessment as required by this chapter, or that files a 107360  
fraudulent report. The commissioner shall give the taxpayer 107361



assessed written notice of the assessment as provided in section 107362  
5703.37 of the Revised Code. With the notice, the commissioner 107363  
shall provide instructions on how to petition for reassessment and 107364  
request a hearing on the petition. 107365

(B) Unless the taxpayer assessed files with the tax 107366  
commissioner within sixty days after service of the notice of 107367  
assessment, either personally or by certified mail, a written 107368  
petition for reassessment signed by the authorized agent of the 107369  
taxpayer assessed having knowledge of the facts, the assessment 107370  
becomes final, and the amount of the assessment is due and payable 107371  
from the taxpayer to the treasurer of state. The petition shall 107372  
indicate the taxpayer's objections, but additional objections may 107373  
be raised in writing if received by the commissioner prior to the 107374  
date shown on the final determination. If the petition has been 107375  
properly filed, the commissioner shall proceed under section 107376  
5703.60 of the Revised Code. 107377

(C) After an assessment becomes final, if any portion of the 107378  
assessment remains unpaid, including accrued interest, a certified 107379  
copy of the tax commissioner's entry making the assessment final 107380  
may be filed in the office of the clerk of the court of common 107381  
pleas in the county in which the taxpayer has an office or place 107382  
of business in this state, the county in which the taxpayer's 107383  
statutory agent is located, or Franklin county. 107384

Immediately upon the filing of the entry, the clerk shall 107385  
enter a judgment against the taxpayer assessed in the amount shown 107386  
on the entry. The judgment may be filed by the clerk in a 107387  
loose-leaf book entitled "special judgments for municipal income 107388  
taxes," and shall have the same effect as other judgments. 107389  
Execution shall issue upon the judgment upon the request of the 107390  
tax commissioner, and all laws applicable to sales on execution 107391  
shall apply to sales made under the judgment. 107392

~~The portion of an~~ If the assessment is not paid in its 107393

entirety within sixty days after the day the assessment was 107394  
issued, the portion of the assessment consisting of tax due shall 107395  
bear interest at the rate per annum prescribed by section 5703.47 107396  
of the Revised Code from the day the commissioner issues the 107397  
assessment until the assessment is paid or until it is certified 107398  
to the attorney general for collection under section 131.02 of the 107399  
Revised Code, whichever comes first. If the unpaid portion of the 107400  
assessment is certified to the attorney general for collection, 107401  
the entire unpaid portion of the assessment shall bear interest at 107402  
the rate per annum prescribed by section 5703.47 of the Revised 107403  
Code from the date of certification until the date it is paid in 107404  
its entirety. Interest shall be paid in the same manner as the tax 107405  
and may be collected by issuing an assessment under this section. 107406

(D) All money collected under this section shall be credited 107407  
and distributed to the municipal corporation to which the money is 107408  
owed based on the assessment issued under this section. 107409

(E) If the tax commissioner believes that collection of the 107410  
tax imposed by this chapter will be jeopardized unless proceedings 107411  
to collect or secure collection of the tax are instituted without 107412  
delay, the commissioner may issue a jeopardy assessment against 107413  
the taxpayer liable for the tax. Immediately upon the issuance of 107414  
the jeopardy assessment, the commissioner shall file an entry with 107415  
the clerk of the court of common pleas in the manner prescribed by 107416  
division (C) of this section. Notice of the jeopardy assessment 107417  
shall be served on the taxpayer assessed or the taxpayer's legal 107418  
representative in the manner provided in section 5703.37 of the 107419  
Revised Code within five days of the filing of the entry with the 107420  
clerk. The total amount assessed is immediately due and payable, 107421  
unless the taxpayer assessed files a petition for reassessment in 107422  
accordance with division (B) of this section and provides security 107423  
in a form satisfactory to the commissioner and in an amount 107424  
sufficient to satisfy the unpaid balance of the assessment. Full 107425

or partial payment of the assessment does not prejudice the 107426  
commissioner's consideration of the petition for reassessment. 107427

(F) Notwithstanding the fact that a petition for reassessment 107428  
is pending, the taxpayer may pay all or a portion of the 107429  
assessment that is the subject of the petition. The acceptance of 107430  
a payment by the treasurer of state does not prejudice any claim 107431  
for refund upon final determination of the petition. 107432

If upon final determination of the petition an error in the 107433  
assessment is corrected by the tax commissioner, upon petition so 107434  
filed or pursuant to a decision of the board of tax appeals or any 107435  
court to which the determination or decision has been appealed, so 107436  
that the amount due from the taxpayer under the corrected 107437  
assessment is less than the portion paid, there shall be issued to 107438  
the taxpayer, its assigns, or legal representative a refund in the 107439  
amount of the overpayment as provided by section 5745.11 of the 107440  
Revised Code, with interest on that amount as provided by section 107441  
5745.11 of the Revised Code. 107442

**Sec. 5747.01.** Except as otherwise expressly provided or 107443  
clearly appearing from the context, any term used in this chapter 107444  
that is not otherwise defined in this section has the same meaning 107445  
as when used in a comparable context in the laws of the United 107446  
States relating to federal income taxes or if not used in a 107447  
comparable context in those laws, has the same meaning as in 107448  
section 5733.40 of the Revised Code. Any reference in this chapter 107449  
to the Internal Revenue Code includes other laws of the United 107450  
States relating to federal income taxes. 107451

As used in this chapter: 107452

(A) "Adjusted gross income" or "Ohio adjusted gross income" 107453  
means federal adjusted gross income, as defined and used in the 107454  
Internal Revenue Code, adjusted as provided in this section: 107455

(1) Add interest or dividends on obligations or securities of any state or of any political subdivision or authority of any state, other than this state and its subdivisions and authorities.

(2) Add interest or dividends on obligations of any authority, commission, instrumentality, territory, or possession of the United States to the extent that the interest or dividends are exempt from federal income taxes but not from state income taxes.

(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income.

(5) Deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code.

(6) In the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 of the Internal Revenue Code, add, for the beneficiary's taxable years beginning before 2002, the portion, if any, of such distribution that does not exceed the undistributed net income of the trust for the three taxable years preceding the taxable year in which the distribution is made to the extent that the portion was not included in the trust's taxable income for any of the trust's taxable years beginning in 2002 or thereafter. "Undistributed net income of a trust" means the taxable income of the trust increased by (a)(i) the additions to adjusted gross

income required under division (A) of this section and (ii) the 107487  
personal exemptions allowed to the trust pursuant to section 107488  
642(b) of the Internal Revenue Code, and decreased by (b)(i) the 107489  
deductions to adjusted gross income required under division (A) of 107490  
this section, (ii) the amount of federal income taxes attributable 107491  
to such income, and (iii) the amount of taxable income that has 107492  
been included in the adjusted gross income of a beneficiary by 107493  
reason of a prior accumulation distribution. Any undistributed net 107494  
income included in the adjusted gross income of a beneficiary 107495  
shall reduce the undistributed net income of the trust commencing 107496  
with the earliest years of the accumulation period. 107497

(7) Deduct the amount of wages and salaries, if any, not 107498  
otherwise allowable as a deduction but that would have been 107499  
allowable as a deduction in computing federal adjusted gross 107500  
income for the taxable year, had the targeted jobs credit allowed 107501  
and determined under sections 38, 51, and 52 of the Internal 107502  
Revenue Code not been in effect. 107503

(8) Deduct any interest or interest equivalent on public 107504  
obligations and purchase obligations to the extent that the 107505  
interest or interest equivalent is included in federal adjusted 107506  
gross income. 107507

(9) Add any loss or deduct any gain resulting from the sale, 107508  
exchange, or other disposition of public obligations to the extent 107509  
that the loss has been deducted or the gain has been included in 107510  
computing federal adjusted gross income. 107511

(10) Deduct or add amounts, as provided under section 5747.70 107512  
of the Revised Code, related to contributions to variable college 107513  
savings program accounts made or tuition units purchased pursuant 107514  
to Chapter 3334. of the Revised Code. 107515

(11)(a) Deduct, to the extent not otherwise allowable as a 107516  
deduction or exclusion in computing federal or Ohio adjusted gross 107517

income for the taxable year, the amount the taxpayer paid during 107518  
the taxable year for medical care insurance and qualified 107519  
long-term care insurance for the taxpayer, the taxpayer's spouse, 107520  
and dependents. No deduction for medical care insurance under 107521  
division (A)(11) of this section shall be allowed either to any 107522  
taxpayer who is eligible to participate in any subsidized health 107523  
plan maintained by any employer of the taxpayer or of the 107524  
taxpayer's spouse, or to any taxpayer who is entitled to, or on 107525  
application would be entitled to, benefits under part A of Title 107526  
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 107527  
301, as amended. For the purposes of division (A)(11)(a) of this 107528  
section, "subsidized health plan" means a health plan for which 107529  
the employer pays any portion of the plan's cost. The deduction 107530  
allowed under division (A)(11)(a) of this section shall be the net 107531  
of any related premium refunds, related premium reimbursements, or 107532  
related insurance premium dividends received during the taxable 107533  
year. 107534

(b) Deduct, to the extent not otherwise deducted or excluded 107535  
in computing federal or Ohio adjusted gross income during the 107536  
taxable year, the amount the taxpayer paid during the taxable 107537  
year, not compensated for by any insurance or otherwise, for 107538  
medical care of the taxpayer, the taxpayer's spouse, and 107539  
dependents, to the extent the expenses exceed seven and one-half 107540  
per cent of the taxpayer's federal adjusted gross income. 107541

(c) Deduct, to the extent not otherwise deducted or excluded 107542  
in computing federal or Ohio adjusted gross income, any amount 107543  
included in federal adjusted gross income under section 105 or not 107544  
excluded under section 106 of the Internal Revenue Code solely 107545  
because it relates to an accident and health plan for a person who 107546  
otherwise would be a "qualifying relative" and thus a "dependent" 107547  
under section 152 of the Internal Revenue Code but for the fact 107548  
that the person fails to meet the income and support limitations 107549

under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 107550

(d) For purposes of division (A)(11) of this section, 107551  
"medical care" has the meaning given in section 213 of the 107552  
Internal Revenue Code, subject to the special rules, limitations, 107553  
and exclusions set forth therein, and "qualified long-term care" 107554  
has the same meaning given in section 7702B(c) of the Internal 107555  
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 107556  
of this section, "dependent" includes a person who otherwise would 107557  
be a "qualifying relative" and thus a "dependent" under section 107558  
152 of the Internal Revenue Code but for the fact that the person 107559  
fails to meet the income and support limitations under section 107560  
152(d)(1)(B) and (C) of the Internal Revenue Code. 107561

(12)(a) Deduct any amount included in federal adjusted gross 107562  
income solely because the amount represents a reimbursement or 107563  
refund of expenses that in any year the taxpayer had deducted as 107564  
an itemized deduction pursuant to section 63 of the Internal 107565  
Revenue Code and applicable United States department of the 107566  
treasury regulations. The deduction otherwise allowed under 107567  
division (A)(12)(a) of this section shall be reduced to the extent 107568  
the reimbursement is attributable to an amount the taxpayer 107569  
deducted under this section in any taxable year. 107570

(b) Add any amount not otherwise included in Ohio adjusted 107571  
gross income for any taxable year to the extent that the amount is 107572  
attributable to the recovery during the taxable year of any amount 107573  
deducted or excluded in computing federal or Ohio adjusted gross 107574  
income in any taxable year. 107575

(13) Deduct any portion of the deduction described in section 107576  
1341(a)(2) of the Internal Revenue Code, for repaying previously 107577  
reported income received under a claim of right, that meets both 107578  
of the following requirements: 107579

(a) It is allowable for repayment of an item that was 107580

included in the taxpayer's adjusted gross income for a prior 107581  
taxable year and did not qualify for a credit under division (A) 107582  
or (B) of section 5747.05 of the Revised Code for that year; 107583

(b) It does not otherwise reduce the taxpayer's adjusted 107584  
gross income for the current or any other taxable year. 107585

(14) Deduct an amount equal to the deposits made to, and net 107586  
investment earnings of, a medical savings account during the 107587  
taxable year, in accordance with section 3924.66 of the Revised 107588  
Code. The deduction allowed by division (A)(14) of this section 107589  
does not apply to medical savings account deposits and earnings 107590  
otherwise deducted or excluded for the current or any other 107591  
taxable year from the taxpayer's federal adjusted gross income. 107592

(15)(a) Add an amount equal to the funds withdrawn from a 107593  
medical savings account during the taxable year, and the net 107594  
investment earnings on those funds, when the funds withdrawn were 107595  
used for any purpose other than to reimburse an account holder 107596  
for, or to pay, eligible medical expenses, in accordance with 107597  
section 3924.66 of the Revised Code; 107598

(b) Add the amounts distributed from a medical savings 107599  
account under division (A)(2) of section 3924.68 of the Revised 107600  
Code during the taxable year. 107601

(16) Add any amount claimed as a credit under section 107602  
5747.059 or 5747.65 of the Revised Code to the extent that such 107603  
amount satisfies either of the following: 107604

(a) The amount was deducted or excluded from the computation 107605  
of the taxpayer's federal adjusted gross income as required to be 107606  
reported for the taxpayer's taxable year under the Internal 107607  
Revenue Code; 107608

(b) The amount resulted in a reduction of the taxpayer's 107609  
federal adjusted gross income as required to be reported for any 107610  
of the taxpayer's taxable years under the Internal Revenue Code. 107611



(17) Deduct the amount contributed by the taxpayer to an individual development account program established by a county department of job and family services pursuant to sections 329.11 to 329.14 of the Revised Code for the purpose of matching funds deposited by program participants. On request of the tax commissioner, the taxpayer shall provide any information that, in the tax commissioner's opinion, is necessary to establish the amount deducted under division (A)(17) of this section.

(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of this state and is enrolled in or attending a program that culminates in a degree or diploma at an eligible institution. The deduction may be claimed only to the extent that qualified tuition and fees are not otherwise deducted or excluded for any taxable year from federal or Ohio adjusted gross income. The deduction may not be claimed for educational expenses for which the taxpayer claims a credit under section 5747.27 of the Revised Code.

(19) Add any reimbursement received during the taxable year of any amount the taxpayer deducted under division (A)(18) of this section in any previous taxable year to the extent the amount is not otherwise included in Ohio adjusted gross income.

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of depreciation expense allowed by subsection (k) of section 168 of the Internal

Revenue Code, including the taxpayer's proportionate or 107644  
distributive share of the amount of depreciation expense allowed 107645  
by that subsection to a pass-through entity in which the taxpayer 107646  
has a direct or indirect ownership interest. 107647

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of 107648  
this section, add five-sixths of the amount of qualifying section 107649  
179 depreciation expense, including the taxpayer's proportionate 107650  
or distributive share of the amount of qualifying section 179 107651  
depreciation expense allowed to any pass-through entity in which 107652  
the taxpayer has a direct or indirect ownership interest. 107653

(iii) Subject to division (A)(20)(a)(v) of this section, for 107654  
taxable years beginning in 2012 or thereafter, if the increase in 107655  
income taxes withheld by the taxpayer is equal to or greater than 107656  
ten per cent of income taxes withheld by the taxpayer during the 107657  
taxpayer's immediately preceding taxable year, "two-thirds" shall 107658  
be substituted for "five-sixths" for the purpose of divisions 107659  
(A)(20)(a)(i) and (ii) of this section. 107660

(iv) Subject to division (A)(20)(a)(v) of this section, for 107661  
taxable years beginning in 2012 or thereafter, a taxpayer is not 107662  
required to add an amount under division (A)(20) of this section 107663  
if the increase in income taxes withheld by the taxpayer and by 107664  
any pass-through entity in which the taxpayer has a direct or 107665  
indirect ownership interest is equal to or greater than the sum of 107666  
(I) the amount of qualifying section 179 depreciation expense and 107667  
(II) the amount of depreciation expense allowed to the taxpayer by 107668  
subsection (k) of section 168 of the Internal Revenue Code, and 107669  
including the taxpayer's proportionate or distributive shares of 107670  
such amounts allowed to any such pass-through entities. 107671

(v) If a taxpayer directly or indirectly incurs a net 107672  
operating loss for the taxable year for federal income tax 107673  
purposes, to the extent such loss resulted from depreciation 107674  
expense allowed by subsection (k) of section 168 of the Internal 107675

Revenue Code and by qualifying section 179 depreciation expense, 107676  
"the entire" shall be substituted for "five-sixths of the" for the 107677  
purpose of divisions (A)(20)(a)(i) and (ii) of this section. 107678

The tax commissioner, under procedures established by the 107679  
commissioner, may waive the add-backs related to a pass-through 107680  
entity if the taxpayer owns, directly or indirectly, less than 107681  
five per cent of the pass-through entity. 107682

(b) Nothing in division (A)(20) of this section shall be 107683  
construed to adjust or modify the adjusted basis of any asset. 107684

(c) To the extent the add-back required under division 107685  
(A)(20)(a) of this section is attributable to property generating 107686  
nonbusiness income or loss allocated under section 5747.20 of the 107687  
Revised Code, the add-back shall be situated to the same location 107688  
as the nonbusiness income or loss generated by the property for 107689  
the purpose of determining the credit under division (A) of 107690  
section 5747.05 of the Revised Code. Otherwise, the add-back shall 107691  
be apportioned, subject to one or more of the four alternative 107692  
methods of apportionment enumerated in section 5747.21 of the 107693  
Revised Code. 107694

(d) For the purposes of division (A)(20)(a)(v) of this 107695  
section, net operating loss carryback and carryforward shall not 107696  
include the allowance of any net operating loss deduction 107697  
carryback or carryforward to the taxable year to the extent such 107698  
loss resulted from depreciation allowed by section 168(k) of the 107699  
Internal Revenue Code and by the qualifying section 179 107700  
depreciation expense amount. 107701

(e) For the purposes of divisions (A)(20) and (21) of this 107702  
section: 107703

(i) "Income taxes withheld" means the total amount withheld 107704  
and remitted under sections 5747.06 and 5747.07 of the Revised 107705  
Code by an employer during the employer's taxable year. 107706

(ii) "Increase in income taxes withheld" means the amount by which the amount of income taxes withheld by an employer during the employer's current taxable year exceeds the amount of income taxes withheld by that employer during the employer's immediately preceding taxable year.

(iii) "Qualifying section 179 depreciation expense" means the difference between (I) the amount of depreciation expense directly or indirectly allowed to a taxpayer under section 179 of the Internal Revised Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002.

(21)(a) If the taxpayer was required to add an amount under division (A)(20)(a) of this section for a taxable year, deduct one of the following:

(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of qualifying section 179 depreciation expense or depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code;

(ii) One-half of the amount so added for each of the two succeeding taxable years if the amount so added was two-thirds of such depreciation expense;

(iii) One-sixth of the amount so added for each of the six succeeding taxable years if the entire amount of such depreciation expense was so added.

(b) If the amount deducted under division (A)(21)(a) of this section is attributable to an add-back allocated under division (A)(20)(c) of this section, the amount deducted shall be situated to the same location. Otherwise, the add-back shall be apportioned using the apportionment factors for the taxable year in which the

deduction is taken, subject to one or more of the four alternative 107738  
methods of apportionment enumerated in section 5747.21 of the 107739  
Revised Code. 107740

(c) No deduction is available under division (A)(21)(a) of 107741  
this section with regard to any depreciation allowed by section 107742  
168(k) of the Internal Revenue Code and by the qualifying section 107743  
179 depreciation expense amount to the extent that such 107744  
depreciation results in or increases a federal net operating loss 107745  
carryback or carryforward. If no such deduction is available for a 107746  
taxable year, the taxpayer may carry forward the amount not 107747  
deducted in such taxable year to the next taxable year and add 107748  
that amount to any deduction otherwise available under division 107749  
(A)(21)(a) of this section for that next taxable year. The 107750  
carryforward of amounts not so deducted shall continue until the 107751  
entire addition required by division (A)(20)(a) of this section 107752  
has been deducted. 107753

(d) No refund shall be allowed as a result of adjustments 107754  
made by division (A)(21) of this section. 107755

(22) Deduct, to the extent not otherwise deducted or excluded 107756  
in computing federal or Ohio adjusted gross income for the taxable 107757  
year, the amount the taxpayer received during the taxable year as 107758  
reimbursement for life insurance premiums under section 5919.31 of 107759  
the Revised Code. 107760

(23) Deduct, to the extent not otherwise deducted or excluded 107761  
in computing federal or Ohio adjusted gross income for the taxable 107762  
year, the amount the taxpayer received during the taxable year as 107763  
a death benefit paid by the adjutant general under section 5919.33 107764  
of the Revised Code. 107765

(24) Deduct, to the extent included in federal adjusted gross 107766  
income and not otherwise allowable as a deduction or exclusion in 107767  
computing federal or Ohio adjusted gross income for the taxable 107768

year, military pay and allowances received by the taxpayer during 107769  
the taxable year for active duty service in the United States 107770  
army, air force, navy, marine corps, or coast guard or reserve 107771  
components thereof or the national guard. The deduction may not be 107772  
claimed for military pay and allowances received by the taxpayer 107773  
while the taxpayer is stationed in this state. 107774

(25) Deduct, to the extent not otherwise allowable as a 107775  
deduction or exclusion in computing federal or Ohio adjusted gross 107776  
income for the taxable year and not otherwise compensated for by 107777  
any other source, the amount of qualified organ donation expenses 107778  
incurred by the taxpayer during the taxable year, not to exceed 107779  
ten thousand dollars. A taxpayer may deduct qualified organ 107780  
donation expenses only once for all taxable years beginning with 107781  
taxable years beginning in 2007. 107782

For the purposes of division (A)(25) of this section: 107783

(a) "Human organ" means all or any portion of a human liver, 107784  
pancreas, kidney, intestine, or lung, and any portion of human 107785  
bone marrow. 107786

(b) "Qualified organ donation expenses" means travel 107787  
expenses, lodging expenses, and wages and salary forgone by a 107788  
taxpayer in connection with the taxpayer's donation, while living, 107789  
of one or more of the taxpayer's human organs to another human 107790  
being. 107791

(26) Deduct, to the extent not otherwise deducted or excluded 107792  
in computing federal or Ohio adjusted gross income for the taxable 107793  
year, amounts received by the taxpayer as retired ~~military~~ 107794  
personnel pay for service in the ~~United States army, navy, air~~ 107795  
~~force, coast guard, or marine corps~~ uniformed services or reserve 107796  
components thereof, or the national guard, or received by the 107797  
surviving spouse or former spouse of such a taxpayer under the 107798  
survivor benefit plan on account of such a taxpayer's death. If 107799

the taxpayer receives income on account of retirement paid under 107800  
the federal civil service retirement system or federal employees 107801  
retirement system, or under any successor retirement program 107802  
enacted by the congress of the United States that is established 107803  
and maintained for retired employees of the United States 107804  
government, and such retirement income is based, in whole or in 107805  
part, on credit for the taxpayer's ~~military~~ uniformed service, the 107806  
deduction allowed under this division shall include only that 107807  
portion of such retirement income that is attributable to the 107808  
taxpayer's ~~military~~ uniformed service, to the extent that portion 107809  
of such retirement income is otherwise included in federal 107810  
adjusted gross income and is not otherwise deducted under this 107811  
section. Any amount deducted under division (A)(26) of this 107812  
section is not included in a taxpayer's adjusted gross income for 107813  
the purposes of section 5747.055 of the Revised Code. No amount 107814  
may be deducted under division (A)(26) of this section on the 107815  
basis of which a credit was claimed under section 5747.055 of the 107816  
Revised Code. 107817

(27) Deduct, to the extent not otherwise deducted or excluded 107818  
in computing federal or Ohio adjusted gross income for the taxable 107819  
year, the amount the taxpayer received during the taxable year 107820  
from the military injury relief fund created in section 5101.98 of 107821  
the Revised Code. 107822

(28) Deduct, to the extent not otherwise deducted or excluded 107823  
in computing federal or Ohio adjusted gross income for the taxable 107824  
year, the amount the taxpayer received as a veterans bonus during 107825  
the taxable year from the Ohio department of veterans services as 107826  
authorized by Section 2r of Article VIII, Ohio Constitution. 107827

(29) Deduct, to the extent not otherwise deducted or excluded 107828  
in computing federal or Ohio adjusted gross income for the taxable 107829  
year, any loss from wagering transactions that is allowed as an 107830  
itemized deduction under section 165 of the Internal Revenue Code 107831

and that the taxpayer deducted in computing federal taxable 107832  
income. 107833

(30) Deduct, to the extent not otherwise deducted or excluded 107834  
in computing federal or Ohio adjusted gross income for the taxable 107835  
year, any income derived from providing public services under a 107836  
contract through a project owned by the state, as described in 107837  
section 126.604 of the Revised Code or derived from a transfer 107838  
agreement or from the enterprise transferred under that agreement 107839  
under section 4313.02 of the Revised Code. 107840

(31) Deduct, to the extent not otherwise deducted or excluded 107841  
in computing federal or Ohio adjusted gross income for the taxable 107842  
year, Ohio college opportunity or federal Pell grant amounts 107843  
received by the taxpayer or the taxpayer's spouse or dependent 107844  
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 107845  
1070a, et seq., and used to pay room or board furnished by the 107846  
educational institution for which the grant was awarded at the 107847  
institution's facilities, including meal plans administered by the 107848  
institution. For the purposes of this division, receipt of a grant 107849  
includes the distribution of a grant directly to an educational 107850  
institution and the crediting of the grant to the enrollee's 107851  
account with the institution. 107852

(B) "Business income" means income, including gain or loss, 107853  
arising from transactions, activities, and sources in the regular 107854  
course of a trade or business and includes income, gain, or loss 107855  
from real property, tangible property, and intangible property if 107856  
the acquisition, rental, management, and disposition of the 107857  
property constitute integral parts of the regular course of a 107858  
trade or business operation. "Business income" includes income, 107859  
including gain or loss, from a partial or complete liquidation of 107860  
a business, including, but not limited to, gain or loss from the 107861  
sale or other disposition of goodwill. 107862

(C) "Nonbusiness income" means all income other than business 107863



income and may include, but is not limited to, compensation, rents 107864  
and royalties from real or tangible personal property, capital 107865  
gains, interest, dividends and distributions, patent or copyright 107866  
royalties, or lottery winnings, prizes, and awards. 107867

(D) "Compensation" means any form of remuneration paid to an 107868  
employee for personal services. 107869

(E) "Fiduciary" means a guardian, trustee, executor, 107870  
administrator, receiver, conservator, or any other person acting 107871  
in any fiduciary capacity for any individual, trust, or estate. 107872

(F) "Fiscal year" means an accounting period of twelve months 107873  
ending on the last day of any month other than December. 107874

(G) "Individual" means any natural person. 107875

(H) "Internal Revenue Code" means the "Internal Revenue Code 107876  
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 107877

(I) "Resident" means any of the following, provided that 107878  
division (I)(3) of this section applies only to taxable years of a 107879  
trust beginning in 2002 or thereafter: 107880

(1) An individual who is domiciled in this state, subject to 107881  
section 5747.24 of the Revised Code; 107882

(2) The estate of a decedent who at the time of death was 107883  
domiciled in this state. The domicile tests of section 5747.24 of 107884  
the Revised Code are not controlling for purposes of division 107885  
(I)(2) of this section. 107886

(3) A trust that, in whole or part, resides in this state. If 107887  
only part of a trust resides in this state, the trust is a 107888  
resident only with respect to that part. 107889

For the purposes of division (I)(3) of this section: 107890

(a) A trust resides in this state for the trust's current 107891  
taxable year to the extent, as described in division (I)(3)(d) of 107892  
this section, that the trust consists directly or indirectly, in 107893

whole or in part, of assets, net of any related liabilities, that 107894  
were transferred, or caused to be transferred, directly or 107895  
indirectly, to the trust by any of the following: 107896

(i) A person, a court, or a governmental entity or 107897  
instrumentality on account of the death of a decedent, but only if 107898  
the trust is described in division (I)(3)(e)(i) or (ii) of this 107899  
section; 107900

(ii) A person who was domiciled in this state for the 107901  
purposes of this chapter when the person directly or indirectly 107902  
transferred assets to an irrevocable trust, but only if at least 107903  
one of the trust's qualifying beneficiaries is domiciled in this 107904  
state for the purposes of this chapter during all or some portion 107905  
of the trust's current taxable year; 107906

(iii) A person who was domiciled in this state for the 107907  
purposes of this chapter when the trust document or instrument or 107908  
part of the trust document or instrument became irrevocable, but 107909  
only if at least one of the trust's qualifying beneficiaries is a 107910  
resident domiciled in this state for the purposes of this chapter 107911  
during all or some portion of the trust's current taxable year. If 107912  
a trust document or instrument became irrevocable upon the death 107913  
of a person who at the time of death was domiciled in this state 107914  
for purposes of this chapter, that person is a person described in 107915  
division (I)(3)(a)(iii) of this section. 107916

(b) A trust is irrevocable to the extent that the transferor 107917  
is not considered to be the owner of the net assets of the trust 107918  
under sections 671 to 678 of the Internal Revenue Code. 107919

(c) With respect to a trust other than a charitable lead 107920  
trust, "qualifying beneficiary" has the same meaning as "potential 107921  
current beneficiary" as defined in section 1361(e)(2) of the 107922  
Internal Revenue Code, and with respect to a charitable lead trust 107923  
"qualifying beneficiary" is any current, future, or contingent 107924

beneficiary, but with respect to any trust "qualifying  
beneficiary" excludes a person or a governmental entity or  
instrumentality to any of which a contribution would qualify for  
the charitable deduction under section 170 of the Internal Revenue  
Code.

(d) For the purposes of division (I)(3)(a) of this section,  
the extent to which a trust consists directly or indirectly, in  
whole or in part, of assets, net of any related liabilities, that  
were transferred directly or indirectly, in whole or part, to the  
trust by any of the sources enumerated in that division shall be  
ascertained by multiplying the fair market value of the trust's  
assets, net of related liabilities, by the qualifying ratio, which  
shall be computed as follows:

(i) The first time the trust receives assets, the numerator  
of the qualifying ratio is the fair market value of those assets  
at that time, net of any related liabilities, from sources  
enumerated in division (I)(3)(a) of this section. The denominator  
of the qualifying ratio is the fair market value of all the  
trust's assets at that time, net of any related liabilities.

(ii) Each subsequent time the trust receives assets, a  
revised qualifying ratio shall be computed. The numerator of the  
revised qualifying ratio is the sum of (1) the fair market value  
of the trust's assets immediately prior to the subsequent  
transfer, net of any related liabilities, multiplied by the  
qualifying ratio last computed without regard to the subsequent  
transfer, and (2) the fair market value of the subsequently  
transferred assets at the time transferred, net of any related  
liabilities, from sources enumerated in division (I)(3)(a) of this  
section. The denominator of the revised qualifying ratio is the  
fair market value of all the trust's assets immediately after the  
subsequent transfer, net of any related liabilities.

(iii) Whether a transfer to the trust is by or from any of

the sources enumerated in division (I)(3)(a) of this section shall 107957  
be ascertained without regard to the domicile of the trust's 107958  
beneficiaries. 107959

(e) For the purposes of division (I)(3)(a)(i) of this 107960  
section: 107961

(i) A trust is described in division (I)(3)(e)(i) of this 107962  
section if the trust is a testamentary trust and the testator of 107963  
that testamentary trust was domiciled in this state at the time of 107964  
the testator's death for purposes of the taxes levied under 107965  
Chapter 5731. of the Revised Code. 107966

(ii) A trust is described in division (I)(3)(e)(ii) of this 107967  
section if the transfer is a qualifying transfer described in any 107968  
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 107969  
irrevocable inter vivos trust, and at least one of the trust's 107970  
qualifying beneficiaries is domiciled in this state for purposes 107971  
of this chapter during all or some portion of the trust's current 107972  
taxable year. 107973

(f) For the purposes of division (I)(3)(e)(ii) of this 107974  
section, a "qualifying transfer" is a transfer of assets, net of 107975  
any related liabilities, directly or indirectly to a trust, if the 107976  
transfer is described in any of the following: 107977

(i) The transfer is made to a trust, created by the decedent 107978  
before the decedent's death and while the decedent was domiciled 107979  
in this state for the purposes of this chapter, and, prior to the 107980  
death of the decedent, the trust became irrevocable while the 107981  
decedent was domiciled in this state for the purposes of this 107982  
chapter. 107983

(ii) The transfer is made to a trust to which the decedent, 107984  
prior to the decedent's death, had directly or indirectly 107985  
transferred assets, net of any related liabilities, while the 107986  
decedent was domiciled in this state for the purposes of this 107987

chapter, and prior to the death of the decedent the trust became 107988  
irrevocable while the decedent was domiciled in this state for the 107989  
purposes of this chapter. 107990

(iii) The transfer is made on account of a contractual 107991  
relationship existing directly or indirectly between the 107992  
transferor and either the decedent or the estate of the decedent 107993  
at any time prior to the date of the decedent's death, and the 107994  
decedent was domiciled in this state at the time of death for 107995  
purposes of the taxes levied under Chapter 5731. of the Revised 107996  
Code. 107997

(iv) The transfer is made to a trust on account of a 107998  
contractual relationship existing directly or indirectly between 107999  
the transferor and another person who at the time of the 108000  
decedent's death was domiciled in this state for purposes of this 108001  
chapter. 108002

(v) The transfer is made to a trust on account of the will of 108003  
a testator who was domiciled in this state at the time of the 108004  
testator's death for purposes of the taxes levied under Chapter 108005  
5731. of the Revised Code. 108006

(vi) The transfer is made to a trust created by or caused to 108007  
be created by a court, and the trust was directly or indirectly 108008  
created in connection with or as a result of the death of an 108009  
individual who, for purposes of the taxes levied under Chapter 108010  
5731. of the Revised Code, was domiciled in this state at the time 108011  
of the individual's death. 108012

(g) The tax commissioner may adopt rules to ascertain the 108013  
part of a trust residing in this state. 108014

(J) "Nonresident" means an individual or estate that is not a 108015  
resident. An individual who is a resident for only part of a 108016  
taxable year is a nonresident for the remainder of that taxable 108017  
year. 108018

(K) "Pass-through entity" has the same meaning as in section 108019  
5733.04 of the Revised Code. 108020

(L) "Return" means the notifications and reports required to 108021  
be filed pursuant to this chapter for the purpose of reporting the 108022  
tax due and includes declarations of estimated tax when so 108023  
required. 108024

(M) "Taxable year" means the calendar year or the taxpayer's 108025  
fiscal year ending during the calendar year, or fractional part 108026  
thereof, upon which the adjusted gross income is calculated 108027  
pursuant to this chapter. 108028

(N) "Taxpayer" means any person subject to the tax imposed by 108029  
section 5747.02 of the Revised Code or any pass-through entity 108030  
that makes the election under division (D) of section 5747.08 of 108031  
the Revised Code. 108032

(O) "Dependents" means dependents as defined in the Internal 108033  
Revenue Code and as claimed in the taxpayer's federal income tax 108034  
return for the taxable year or which the taxpayer would have been 108035  
permitted to claim had the taxpayer filed a federal income tax 108036  
return. 108037

(P) "Principal county of employment" means, in the case of a 108038  
nonresident, the county within the state in which a taxpayer 108039  
performs services for an employer or, if those services are 108040  
performed in more than one county, the county in which the major 108041  
portion of the services are performed. 108042

(Q) As used in sections 5747.50 to 5747.55 of the Revised 108043  
Code: 108044

(1) "Subdivision" means any county, municipal corporation, 108045  
park district, or township. 108046

(2) "Essential local government purposes" includes all 108047  
functions that any subdivision is required by general law to 108048

exercise, including like functions that are exercised under a 108049  
charter adopted pursuant to the Ohio Constitution. 108050

(R) "Overpayment" means any amount already paid that exceeds 108051  
the figure determined to be the correct amount of the tax. 108052

(S) "Taxable income" or "Ohio taxable income" applies only to 108053  
estates and trusts, and means federal taxable income, as defined 108054  
and used in the Internal Revenue Code, adjusted as follows: 108055

(1) Add interest or dividends, net of ordinary, necessary, 108056  
and reasonable expenses not deducted in computing federal taxable 108057  
income, on obligations or securities of any state or of any 108058  
political subdivision or authority of any state, other than this 108059  
state and its subdivisions and authorities, but only to the extent 108060  
that such net amount is not otherwise includible in Ohio taxable 108061  
income and is described in either division (S)(1)(a) or (b) of 108062  
this section: 108063

(a) The net amount is not attributable to the S portion of an 108064  
electing small business trust and has not been distributed to 108065  
beneficiaries for the taxable year; 108066

(b) The net amount is attributable to the S portion of an 108067  
electing small business trust for the taxable year. 108068

(2) Add interest or dividends, net of ordinary, necessary, 108069  
and reasonable expenses not deducted in computing federal taxable 108070  
income, on obligations of any authority, commission, 108071  
instrumentality, territory, or possession of the United States to 108072  
the extent that the interest or dividends are exempt from federal 108073  
income taxes but not from state income taxes, but only to the 108074  
extent that such net amount is not otherwise includible in Ohio 108075  
taxable income and is described in either division (S)(1)(a) or 108076  
(b) of this section; 108077

(3) Add the amount of personal exemption allowed to the 108078  
estate pursuant to section 642(b) of the Internal Revenue Code; 108079

(4) Deduct interest or dividends, net of related expenses 108080  
deducted in computing federal taxable income, on obligations of 108081  
the United States and its territories and possessions or of any 108082  
authority, commission, or instrumentality of the United States to 108083  
the extent that the interest or dividends are exempt from state 108084  
taxes under the laws of the United States, but only to the extent 108085  
that such amount is included in federal taxable income and is 108086  
described in either division (S)(1)(a) or (b) of this section; 108087

(5) Deduct the amount of wages and salaries, if any, not 108088  
otherwise allowable as a deduction but that would have been 108089  
allowable as a deduction in computing federal taxable income for 108090  
the taxable year, had the targeted jobs credit allowed under 108091  
sections 38, 51, and 52 of the Internal Revenue Code not been in 108092  
effect, but only to the extent such amount relates either to 108093  
income included in federal taxable income for the taxable year or 108094  
to income of the S portion of an electing small business trust for 108095  
the taxable year; 108096

(6) Deduct any interest or interest equivalent, net of 108097  
related expenses deducted in computing federal taxable income, on 108098  
public obligations and purchase obligations, but only to the 108099  
extent that such net amount relates either to income included in 108100  
federal taxable income for the taxable year or to income of the S 108101  
portion of an electing small business trust for the taxable year; 108102

(7) Add any loss or deduct any gain resulting from sale, 108103  
exchange, or other disposition of public obligations to the extent 108104  
that such loss has been deducted or such gain has been included in 108105  
computing either federal taxable income or income of the S portion 108106  
of an electing small business trust for the taxable year; 108107

(8) Except in the case of the final return of an estate, add 108108  
any amount deducted by the taxpayer on both its Ohio estate tax 108109  
return pursuant to section 5731.14 of the Revised Code, and on its 108110  
federal income tax return in determining federal taxable income; 108111



(9)(a) Deduct any amount included in federal taxable income 108112  
solely because the amount represents a reimbursement or refund of 108113  
expenses that in a previous year the decedent had deducted as an 108114  
itemized deduction pursuant to section 63 of the Internal Revenue 108115  
Code and applicable treasury regulations. The deduction otherwise 108116  
allowed under division (S)(9)(a) of this section shall be reduced 108117  
to the extent the reimbursement is attributable to an amount the 108118  
taxpayer or decedent deducted under this section in any taxable 108119  
year. 108120

(b) Add any amount not otherwise included in Ohio taxable 108121  
income for any taxable year to the extent that the amount is 108122  
attributable to the recovery during the taxable year of any amount 108123  
deducted or excluded in computing federal or Ohio taxable income 108124  
in any taxable year, but only to the extent such amount has not 108125  
been distributed to beneficiaries for the taxable year. 108126

(10) Deduct any portion of the deduction described in section 108127  
1341(a)(2) of the Internal Revenue Code, for repaying previously 108128  
reported income received under a claim of right, that meets both 108129  
of the following requirements: 108130

(a) It is allowable for repayment of an item that was 108131  
included in the taxpayer's taxable income or the decedent's 108132  
adjusted gross income for a prior taxable year and did not qualify 108133  
for a credit under division (A) or (B) of section 5747.05 of the 108134  
Revised Code for that year. 108135

(b) It does not otherwise reduce the taxpayer's taxable 108136  
income or the decedent's adjusted gross income for the current or 108137  
any other taxable year. 108138

(11) Add any amount claimed as a credit under section 108139  
5747.059 or 5747.65 of the Revised Code to the extent that the 108140  
amount satisfies either of the following: 108141

(a) The amount was deducted or excluded from the computation 108142

of the taxpayer's federal taxable income as required to be 108143  
reported for the taxpayer's taxable year under the Internal 108144  
Revenue Code; 108145

(b) The amount resulted in a reduction in the taxpayer's 108146  
federal taxable income as required to be reported for any of the 108147  
taxpayer's taxable years under the Internal Revenue Code. 108148

(12) Deduct any amount, net of related expenses deducted in 108149  
computing federal taxable income, that a trust is required to 108150  
report as farm income on its federal income tax return, but only 108151  
if the assets of the trust include at least ten acres of land 108152  
satisfying the definition of "land devoted exclusively to 108153  
agricultural use" under section 5713.30 of the Revised Code, 108154  
regardless of whether the land is valued for tax purposes as such 108155  
land under sections 5713.30 to 5713.38 of the Revised Code. If the 108156  
trust is a pass-through entity investor, section 5747.231 of the 108157  
Revised Code applies in ascertaining if the trust is eligible to 108158  
claim the deduction provided by division (S)(12) of this section 108159  
in connection with the pass-through entity's farm income. 108160

Except for farm income attributable to the S portion of an 108161  
electing small business trust, the deduction provided by division 108162  
(S)(12) of this section is allowed only to the extent that the 108163  
trust has not distributed such farm income. Division (S)(12) of 108164  
this section applies only to taxable years of a trust beginning in 108165  
2002 or thereafter. 108166

(13) Add the net amount of income described in section 641(c) 108167  
of the Internal Revenue Code to the extent that amount is not 108168  
included in federal taxable income. 108169

(14) Add or deduct the amount the taxpayer would be required 108170  
to add or deduct under division (A)(20) or (21) of this section if 108171  
the taxpayer's Ohio taxable income were computed in the same 108172  
manner as an individual's Ohio adjusted gross income is computed 108173

under this section. In the case of a trust, division (S)(14) of 108174  
this section applies only to any of the trust's taxable years 108175  
beginning in 2002 or thereafter. 108176

(T) "School district income" and "school district income tax" 108177  
have the same meanings as in section 5748.01 of the Revised Code. 108178

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 108179  
of this section, "public obligations," "purchase obligations," and 108180  
"interest or interest equivalent" have the same meanings as in 108181  
section 5709.76 of the Revised Code. 108182

(V) "Limited liability company" means any limited liability 108183  
company formed under Chapter 1705. of the Revised Code or under 108184  
the laws of any other state. 108185

(W) "Pass-through entity investor" means any person who, 108186  
during any portion of a taxable year of a pass-through entity, is 108187  
a partner, member, shareholder, or equity investor in that 108188  
pass-through entity. 108189

(X) "Banking day" has the same meaning as in section 1304.01 108190  
of the Revised Code. 108191

(Y) "Month" means a calendar month. 108192

(Z) "Quarter" means the first three months, the second three 108193  
months, the third three months, or the last three months of the 108194  
taxpayer's taxable year. 108195

(AA)(1) "Eligible institution" means a state university or 108196  
state institution of higher education as defined in section 108197  
3345.011 of the Revised Code, or a private, nonprofit college, 108198  
university, or other post-secondary institution located in this 108199  
state that possesses a certificate of authorization issued by the 108200  
Ohio board of regents pursuant to Chapter 1713. of the Revised 108201  
Code or a certificate of registration issued by the state board of 108202  
career colleges and schools under Chapter 3332. of the Revised 108203

Code. 108204

(2) "Qualified tuition and fees" means tuition and fees 108205  
imposed by an eligible institution as a condition of enrollment or 108206  
attendance, not exceeding two thousand five hundred dollars in 108207  
each of the individual's first two years of post-secondary 108208  
education. If the individual is a part-time student, "qualified 108209  
tuition and fees" includes tuition and fees paid for the academic 108210  
equivalent of the first two years of post-secondary education 108211  
during a maximum of five taxable years, not exceeding a total of 108212  
five thousand dollars. "Qualified tuition and fees" does not 108213  
include: 108214

(a) Expenses for any course or activity involving sports, 108215  
games, or hobbies unless the course or activity is part of the 108216  
individual's degree or diploma program; 108217

(b) The cost of books, room and board, student activity fees, 108218  
athletic fees, insurance expenses, or other expenses unrelated to 108219  
the individual's academic course of instruction; 108220

(c) Tuition, fees, or other expenses paid or reimbursed 108221  
through an employer, scholarship, grant in aid, or other 108222  
educational benefit program. 108223

(BB)(1) "Modified business income" means the business income 108224  
included in a trust's Ohio taxable income after such taxable 108225  
income is first reduced by the qualifying trust amount, if any. 108226

(2) "Qualifying trust amount" of a trust means capital gains 108227  
and losses from the sale, exchange, or other disposition of equity 108228  
or ownership interests in, or debt obligations of, a qualifying 108229  
investee to the extent included in the trust's Ohio taxable 108230  
income, but only if the following requirements are satisfied: 108231

(a) The book value of the qualifying investee's physical 108232  
assets in this state and everywhere, as of the last day of the 108233  
qualifying investee's fiscal or calendar year ending immediately 108234

prior to the date on which the trust recognizes the gain or loss, 108235  
is available to the trust. 108236

(b) The requirements of section 5747.011 of the Revised Code 108237  
are satisfied for the trust's taxable year in which the trust 108238  
recognizes the gain or loss. 108239

Any gain or loss that is not a qualifying trust amount is 108240  
modified business income, qualifying investment income, or 108241  
modified nonbusiness income, as the case may be. 108242

(3) "Modified nonbusiness income" means a trust's Ohio 108243  
taxable income other than modified business income, other than the 108244  
qualifying trust amount, and other than qualifying investment 108245  
income, as defined in section 5747.012 of the Revised Code, to the 108246  
extent such qualifying investment income is not otherwise part of 108247  
modified business income. 108248

(4) "Modified Ohio taxable income" applies only to trusts, 108249  
and means the sum of the amounts described in divisions (BB)(4)(a) 108250  
to (c) of this section: 108251

(a) The fraction, calculated under section 5747.013, and 108252  
applying section 5747.231 of the Revised Code, multiplied by the 108253  
sum of the following amounts: 108254

(i) The trust's modified business income; 108255

(ii) The trust's qualifying investment income, as defined in 108256  
section 5747.012 of the Revised Code, but only to the extent the 108257  
qualifying investment income does not otherwise constitute 108258  
modified business income and does not otherwise constitute a 108259  
qualifying trust amount. 108260

(b) The qualifying trust amount multiplied by a fraction, the 108261  
numerator of which is the sum of the book value of the qualifying 108262  
investee's physical assets in this state on the last day of the 108263  
qualifying investee's fiscal or calendar year ending immediately 108264

prior to the day on which the trust recognizes the qualifying trust amount, and the denominator of which is the sum of the book value of the qualifying investee's total physical assets everywhere on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the day on which the trust recognizes the qualifying trust amount. If, for a taxable year, the trust recognizes a qualifying trust amount with respect to more than one qualifying investee, the amount described in division (BB)(4)(b) of this section shall equal the sum of the products so computed for each such qualifying investee.

(c)(i) With respect to a trust or portion of a trust that is a resident as ascertained in accordance with division (I)(3)(d) of this section, its modified nonbusiness income.

(ii) With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the amount of its modified nonbusiness income satisfying the descriptions in divisions (B)(2) to (5) of section 5747.20 of the Revised Code, except as otherwise provided in division (BB)(4)(c)(ii) of this section. With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the trust's portion of modified nonbusiness income recognized from the sale, exchange, or other disposition of a debt interest in or equity interest in a section 5747.212 entity, as defined in section 5747.212 of the Revised Code, without regard to division (A) of that section, shall not be allocated to this state in accordance with section 5747.20 of the Revised Code but shall be apportioned to this state in accordance with division (B) of section 5747.212 of the Revised Code without regard to division (A) of that section.

If the allocation and apportionment of a trust's income under divisions (BB)(4)(a) and (c) of this section do not fairly

represent the modified Ohio taxable income of the trust in this 108297  
state, the alternative methods described in division (C) of 108298  
section 5747.21 of the Revised Code may be applied in the manner 108299  
and to the same extent provided in that section. 108300

(5)(a) Except as set forth in division (BB)(5)(b) of this 108301  
section, "qualifying investee" means a person in which a trust has 108302  
an equity or ownership interest, or a person or unit of government 108303  
the debt obligations of either of which are owned by a trust. For 108304  
the purposes of division (BB)(2)(a) of this section and for the 108305  
purpose of computing the fraction described in division (BB)(4)(b) 108306  
of this section, all of the following apply: 108307

(i) If the qualifying investee is a member of a qualifying 108308  
controlled group on the last day of the qualifying investee's 108309  
fiscal or calendar year ending immediately prior to the date on 108310  
which the trust recognizes the gain or loss, then "qualifying 108311  
investee" includes all persons in the qualifying controlled group 108312  
on such last day. 108313

(ii) If the qualifying investee, or if the qualifying 108314  
investee and any members of the qualifying controlled group of 108315  
which the qualifying investee is a member on the last day of the 108316  
qualifying investee's fiscal or calendar year ending immediately 108317  
prior to the date on which the trust recognizes the gain or loss, 108318  
separately or cumulatively own, directly or indirectly, on the 108319  
last day of the qualifying investee's fiscal or calendar year 108320  
ending immediately prior to the date on which the trust recognizes 108321  
the qualifying trust amount, more than fifty per cent of the 108322  
equity of a pass-through entity, then the qualifying investee and 108323  
the other members are deemed to own the proportionate share of the 108324  
pass-through entity's physical assets which the pass-through 108325  
entity directly or indirectly owns on the last day of the 108326  
pass-through entity's calendar or fiscal year ending within or 108327  
with the last day of the qualifying investee's fiscal or calendar 108328

year ending immediately prior to the date on which the trust 108329  
recognizes the qualifying trust amount. 108330

(iii) For the purposes of division (BB)(5)(a)(iii) of this 108331  
section, "upper level pass-through entity" means a pass-through 108332  
entity directly or indirectly owning any equity of another 108333  
pass-through entity, and "lower level pass-through entity" means 108334  
that other pass-through entity. 108335

An upper level pass-through entity, whether or not it is also 108336  
a qualifying investee, is deemed to own, on the last day of the 108337  
upper level pass-through entity's calendar or fiscal year, the 108338  
proportionate share of the lower level pass-through entity's 108339  
physical assets that the lower level pass-through entity directly 108340  
or indirectly owns on the last day of the lower level pass-through 108341  
entity's calendar or fiscal year ending within or with the last 108342  
day of the upper level pass-through entity's fiscal or calendar 108343  
year. If the upper level pass-through entity directly and 108344  
indirectly owns less than fifty per cent of the equity of the 108345  
lower level pass-through entity on each day of the upper level 108346  
pass-through entity's calendar or fiscal year in which or with 108347  
which ends the calendar or fiscal year of the lower level 108348  
pass-through entity and if, based upon clear and convincing 108349  
evidence, complete information about the location and cost of the 108350  
physical assets of the lower pass-through entity is not available 108351  
to the upper level pass-through entity, then solely for purposes 108352  
of ascertaining if a gain or loss constitutes a qualifying trust 108353  
amount, the upper level pass-through entity shall be deemed as 108354  
owning no equity of the lower level pass-through entity for each 108355  
day during the upper level pass-through entity's calendar or 108356  
fiscal year in which or with which ends the lower level 108357  
pass-through entity's calendar or fiscal year. Nothing in division 108358  
(BB)(5)(a)(iii) of this section shall be construed to provide for 108359  
any deduction or exclusion in computing any trust's Ohio taxable 108360



income. 108361

(b) With respect to a trust that is not a resident for the 108362  
taxable year and with respect to a part of a trust that is not a 108363  
resident for the taxable year, "qualifying investee" for that 108364  
taxable year does not include a C corporation if both of the 108365  
following apply: 108366

(i) During the taxable year the trust or part of the trust 108367  
recognizes a gain or loss from the sale, exchange, or other 108368  
disposition of equity or ownership interests in, or debt 108369  
obligations of, the C corporation. 108370

(ii) Such gain or loss constitutes nonbusiness income. 108371

(6) "Available" means information is such that a person is 108372  
able to learn of the information by the due date plus extensions, 108373  
if any, for filing the return for the taxable year in which the 108374  
trust recognizes the gain or loss. 108375

(CC) "Qualifying controlled group" has the same meaning as in 108376  
section 5733.04 of the Revised Code. 108377

(DD) "Related member" has the same meaning as in section 108378  
5733.042 of the Revised Code. 108379

(EE)(1) For the purposes of division (EE) of this section: 108380

(a) "Qualifying person" means any person other than a 108381  
qualifying corporation. 108382

(b) "Qualifying corporation" means any person classified for 108383  
federal income tax purposes as an association taxable as a 108384  
corporation, except either of the following: 108385

(i) A corporation that has made an election under subchapter 108386  
S, chapter one, subtitle A, of the Internal Revenue Code for its 108387  
taxable year ending within, or on the last day of, the investor's 108388  
taxable year; 108389

(ii) A subsidiary that is wholly owned by any corporation 108390

that has made an election under subchapter S, chapter one, 108391  
subtitle A of the Internal Revenue Code for its taxable year 108392  
ending within, or on the last day of, the investor's taxable year. 108393

(2) For the purposes of this chapter, unless expressly stated 108394  
otherwise, no qualifying person indirectly owns any asset directly 108395  
or indirectly owned by any qualifying corporation. 108396

(FF) For purposes of this chapter and Chapter 5751. of the 108397  
Revised Code: 108398

(1) "Trust" does not include a qualified pre-income tax 108399  
trust. 108400

(2) A "qualified pre-income tax trust" is any pre-income tax 108401  
trust that makes a qualifying pre-income tax trust election as 108402  
described in division (FF)(3) of this section. 108403

(3) A "qualifying pre-income tax trust election" is an 108404  
election by a pre-income tax trust to subject to the tax imposed 108405  
by section 5751.02 of the Revised Code the pre-income tax trust 108406  
and all pass-through entities of which the trust owns or controls, 108407  
directly, indirectly, or constructively through related interests, 108408  
five per cent or more of the ownership or equity interests. The 108409  
trustee shall notify the tax commissioner in writing of the 108410  
election on or before April 15, 2006. The election, if timely 108411  
made, shall be effective on and after January 1, 2006, and shall 108412  
apply for all tax periods and tax years until revoked by the 108413  
trustee of the trust. 108414

(4) A "pre-income tax trust" is a trust that satisfies all of 108415  
the following requirements: 108416

(a) The document or instrument creating the trust was 108417  
executed by the grantor before January 1, 1972; 108418

(b) The trust became irrevocable upon the creation of the 108419  
trust; and 108420

(c) The grantor was domiciled in this state at the time the trust was created. 108421  
108422

(GG) "Uniformed services" has the same meaning as in 10 U.S.C. 101. 108423  
108424

**Sec. 5747.02.** (A) For the purpose of providing revenue for the support of schools and local government functions, to provide relief to property taxpayers, to provide revenue for the general revenue fund, and to meet the expenses of administering the tax levied by this chapter, there is hereby levied on every individual, trust, and estate residing in or earning or receiving income in this state, on every individual, trust, and estate earning or receiving lottery winnings, prizes, or awards pursuant to Chapter 3770. of the Revised Code, on every individual, trust, and estate earning or receiving winnings on casino gaming, and on every individual, trust, and estate otherwise having nexus with or in this state under the Constitution of the United States, an annual tax measured in the case of individuals by Ohio adjusted gross income less an exemption for the taxpayer, the taxpayer's spouse, and each dependent as provided in section 5747.025 of the Revised Code; measured in the case of trusts by modified Ohio taxable income under division (D) of this section; and measured in the case of estates by Ohio taxable income. The tax imposed by this section on the balance thus obtained is hereby levied as follows: 108425  
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- (1) For taxable years beginning in 2004: 108445  
OHIO ADJUSTED GROSS INCOME LESS 108446  
EXEMPTIONS (INDIVIDUALS)  
OR 108447  
MODIFIED OHIO 108448  
TAXABLE INCOME (TRUSTS) 108449  
OR 108450

|                                                 |                                                            |        |
|-------------------------------------------------|------------------------------------------------------------|--------|
| OHIO TAXABLE INCOME (ESTATES)                   | TAX                                                        | 108451 |
| \$5,000 or less                                 | .743%                                                      | 108452 |
| More than \$5,000 but not more than \$10,000    | \$37.15 plus 1.486% of the amount in excess of \$5,000     | 108453 |
| More than \$10,000 but not more than \$15,000   | \$111.45 plus 2.972% of the amount in excess of \$10,000   | 108454 |
| More than \$15,000 but not more than \$20,000   | \$260.05 plus 3.715% of the amount in excess of \$15,000   | 108455 |
| More than \$20,000 but not more than \$40,000   | \$445.80 plus 4.457% of the amount in excess of \$20,000   | 108456 |
| More than \$40,000 but not more than \$80,000   | \$1,337.20 plus 5.201% of the amount in excess of \$40,000 | 108457 |
| More than \$80,000 but not more than \$100,000  | \$3,417.60 plus 5.943% of the amount in excess of \$80,000 | 108458 |
| More than \$100,000 but not more than \$200,000 | \$4,606.20 plus 6.9% of the amount in excess of \$100,000  | 108459 |
| More than \$200,000                             | \$11,506.20 plus 7.5% of the amount in excess of \$200,000 | 108460 |
| (2) For taxable years beginning in 2005:        |                                                            | 108461 |
| OHIO ADJUSTED GROSS INCOME LESS                 |                                                            | 108462 |
| EXEMPTIONS (INDIVIDUALS)                        |                                                            |        |
| OR                                              |                                                            | 108463 |
| MODIFIED OHIO                                   |                                                            | 108464 |
| TAXABLE INCOME (TRUSTS)                         |                                                            | 108465 |
| OR                                              |                                                            | 108466 |
| OHIO TAXABLE INCOME (ESTATES)                   | TAX                                                        | 108467 |
| \$5,000 or less                                 | .712%                                                      | 108468 |
| More than \$5,000 but not more than \$10,000    | \$35.60 plus 1.424% of the amount in excess of \$5,000     | 108469 |
| More than \$10,000 but not more than \$15,000   | \$106.80 plus 2.847% of the amount in excess of \$10,000   | 108470 |
| More than \$15,000 but not more than \$20,000   | \$249.15 plus 3.559% of the amount in excess of \$15,000   | 108471 |

|                                                          |                                                              |        |
|----------------------------------------------------------|--------------------------------------------------------------|--------|
| More than \$20,000 but not more than \$40,000            | \$427.10 plus 4.27% of the amount in excess of \$20,000      | 108472 |
| More than \$40,000 but not more than \$80,000            | \$1,281.10 plus 4.983% of the amount in excess of \$40,000   | 108473 |
| More than \$80,000 but not more than \$100,000           | \$3,274.30 plus 5.693% of the amount in excess of \$80,000   | 108474 |
| More than \$100,000 but not more than \$200,000          | \$4,412.90 plus 6.61% of the amount in excess of \$100,000   | 108475 |
| More than \$200,000                                      | \$11,022.90 plus 7.185% of the amount in excess of \$200,000 | 108476 |
| (3) For taxable years beginning in 2006:                 |                                                              | 108477 |
| OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS) |                                                              | 108478 |
| OR                                                       |                                                              | 108479 |
| MODIFIED OHIO TAXABLE INCOME (TRUSTS)                    |                                                              | 108480 |
| OR                                                       |                                                              | 108482 |
| OHIO TAXABLE INCOME (ESTATES)                            | TAX                                                          | 108483 |
| \$5,000 or less                                          | .681%                                                        | 108484 |
| More than \$5,000 but not more than \$10,000             | \$34.05 plus 1.361% of the amount in excess of \$5,000       | 108485 |
| More than \$10,000 but not more than \$15,000            | \$102.10 plus 2.722% of the amount in excess of \$10,000     | 108486 |
| More than \$15,000 but not more than \$20,000            | \$238.20 plus 3.403% of the amount in excess of \$15,000     | 108487 |
| More than \$20,000 but not more than \$40,000            | \$408.35 plus 4.083% of the amount in excess of \$20,000     | 108488 |
| More than \$40,000 but not more than \$80,000            | \$1,224.95 plus 4.764% of the amount in excess of \$40,000   | 108489 |
| More than \$80,000 but not more than \$100,000           | \$3,130.55 plus 5.444% of the amount in excess of \$80,000   | 108490 |
| More than \$100,000 but not more than \$200,000          | \$4,219.35 plus 6.32% of the amount in excess of \$100,000   | 108491 |

|                                                         |                                                              |        |
|---------------------------------------------------------|--------------------------------------------------------------|--------|
| More than \$200,000                                     | \$10,539.35 plus 6.87% of the amount in excess of \$200,000  | 108492 |
| (4) For taxable years beginning in 2007:                |                                                              | 108493 |
| OHIO ADJUSTED GROSS INCOME LESS                         |                                                              | 108494 |
| EXEMPTIONS (INDIVIDUALS)                                |                                                              |        |
| OR                                                      |                                                              | 108495 |
| MODIFIED OHIO                                           |                                                              | 108496 |
| TAXABLE INCOME (TRUSTS)                                 |                                                              | 108497 |
| OR                                                      |                                                              | 108498 |
| OHIO TAXABLE INCOME (ESTATES)                           | TAX                                                          | 108499 |
| \$5,000 or less                                         | .649%                                                        | 108500 |
| More than \$5,000 but not more than \$10,000            | \$32.45 plus 1.299% of the amount in excess of \$5,000       | 108501 |
| More than \$10,000 but not more than \$15,000           | \$97.40 plus 2.598% of the amount in excess of \$10,000      | 108502 |
| More than \$15,000 but not more than \$20,000           | \$227.30 plus 3.247% of the amount in excess of \$15,000     | 108503 |
| More than \$20,000 but not more than \$40,000           | \$389.65 plus 3.895% of the amount in excess of \$20,000     | 108504 |
| More than \$40,000 but not more than \$80,000           | \$1,168.65 plus 4.546% of the amount in excess of \$40,000   | 108505 |
| More than \$80,000 but not more than \$100,000          | \$2,987.05 plus 5.194% of the amount in excess of \$80,000   | 108506 |
| More than \$100,000 but not more than \$200,000         | \$4,025.85 plus 6.031% of the amount in excess of \$100,000  | 108507 |
| More than \$200,000                                     | \$10,056.85 plus 6.555% of the amount in excess of \$200,000 | 108508 |
| (5) For taxable years beginning in 2008, 2009, or 2010: |                                                              | 108509 |
| OHIO ADJUSTED GROSS INCOME LESS                         |                                                              | 108510 |
| EXEMPTIONS (INDIVIDUALS)                                |                                                              |        |
| OR                                                      |                                                              | 108511 |
| MODIFIED OHIO                                           |                                                              | 108512 |

|                                                                                |                                                             |        |
|--------------------------------------------------------------------------------|-------------------------------------------------------------|--------|
| TAXABLE INCOME (TRUSTS)                                                        |                                                             | 108513 |
| OR                                                                             |                                                             | 108514 |
| OHIO TAXABLE INCOME (ESTATES)                                                  | TAX                                                         | 108515 |
| \$5,000 or less                                                                | .618%                                                       | 108516 |
| More than \$5,000 but not more than \$10,000                                   | \$30.90 plus 1.236% of the amount in excess of \$5,000      | 108517 |
| More than \$10,000 but not more than \$15,000                                  | \$92.70 plus 2.473% of the amount in excess of \$10,000     | 108518 |
| More than \$15,000 but not more than \$20,000                                  | \$216.35 plus 3.091% of the amount in excess of \$15,000    | 108519 |
| More than \$20,000 but not more than \$40,000                                  | \$370.90 plus 3.708% of the amount in excess of \$20,000    | 108520 |
| More than \$40,000 but not more than \$80,000                                  | \$1,112.50 plus 4.327% of the amount in excess of \$40,000  | 108521 |
| More than \$80,000 but not more than \$100,000                                 | \$2,843.30 plus 4.945% of the amount in excess of \$80,000  | 108522 |
| More than \$100,000 but not more than \$200,000                                | \$3,832.30 plus 5.741% of the amount in excess of \$100,000 | 108523 |
| More than \$200,000                                                            | \$9,573.30 plus 6.24% of the amount in excess of \$200,000  | 108524 |
| (6) For taxable years beginning in 2011 or <del>thereafter</del> <u>2012</u> : |                                                             | 108525 |
| OHIO ADJUSTED GROSS INCOME LESS                                                |                                                             | 108526 |
| EXEMPTIONS (INDIVIDUALS)                                                       |                                                             |        |
| OR                                                                             |                                                             | 108527 |
| MODIFIED OHIO                                                                  |                                                             | 108528 |
| TAXABLE INCOME (TRUSTS)                                                        |                                                             | 108529 |
| OR                                                                             |                                                             | 108530 |
| OHIO TAXABLE INCOME (ESTATES)                                                  | TAX                                                         | 108531 |
| \$5,000 or less                                                                | .587%                                                       | 108532 |
| More than \$5,000 but not more than \$10,000                                   | \$29.35 plus 1.174% of the amount in excess of \$5,000      | 108533 |
| More than \$10,000 but not more than \$15,000                                  | \$88.05 plus 2.348% of the amount in excess of \$10,000     | 108534 |

|                                                               |                                                                   |        |
|---------------------------------------------------------------|-------------------------------------------------------------------|--------|
| More than \$15,000 but not more than \$20,000                 | \$205.45 plus 2.935% of the amount in excess of \$15,000          | 108535 |
| More than \$20,000 but not more than \$40,000                 | \$352.20 plus 3.521% of the amount in excess of \$20,000          | 108536 |
| More than \$40,000 but not more than \$80,000                 | \$1,056.40 plus 4.109% of the amount in excess of \$40,000        | 108537 |
| More than \$80,000 but not more than \$100,000                | \$2,700.00 plus 4.695% of the amount in excess of \$80,000        | 108538 |
| More than \$100,000 but not more than \$200,000               | \$3,639.00 plus 5.451% of the amount in excess of \$100,000       | 108539 |
| More than \$200,000                                           | \$9,090.00 plus 5.925% of the amount in excess of \$200,000       | 108540 |
| <u>(7) For taxable years beginning in 2013 or thereafter:</u> |                                                                   | 108541 |
| <u>OHIO ADJUSTED GROSS INCOME LESS</u>                        |                                                                   | 108542 |
| <u>EXEMPTIONS (INDIVIDUALS)</u>                               |                                                                   |        |
| <u>OR</u>                                                     |                                                                   | 108543 |
| <u>MODIFIED OHIO</u>                                          |                                                                   | 108544 |
| <u>TAXABLE INCOME (TRUSTS)</u>                                |                                                                   | 108545 |
| <u>OR</u>                                                     |                                                                   | 108546 |
| <u>OHIO TAXABLE INCOME (ESTATES)</u>                          | <u>TAX</u>                                                        | 108547 |
| <u>\$5,000 or less</u>                                        | <u>.546%</u>                                                      | 108548 |
| <u>More than \$5,000 but not more than \$10,000</u>           | <u>\$27.30 plus 1.092% of the amount in excess of \$5,000</u>     | 108549 |
| <u>More than \$10,000 but not more than \$15,000</u>          | <u>\$81.89 plus 2.184% of the amount in excess of \$10,000</u>    | 108550 |
| <u>More than \$15,000 but not more than \$20,000</u>          | <u>\$191.07 plus 2.730% of the amount in excess of \$15,000</u>   | 108551 |
| <u>More than \$20,000 but not more than \$40,000</u>          | <u>\$327.55 plus 3.275% of the amount in excess of \$20,000</u>   | 108552 |
| <u>More than \$40,000 but not more than \$80,000</u>          | <u>\$982.45 plus 3.821% of the amount in excess of \$40,000</u>   | 108553 |
| <u>More than \$80,000 but not more than \$100,000</u>         | <u>\$2,511.00 plus 4.366% of the amount in excess of \$80,000</u> | 108554 |



More than \$100,000 but not more than \$200,000      \$3,384.27 plus 5.069% of the amount in excess of \$100,000      108555  
More than \$200,000      \$8,453.70 plus 5.510% of the amount in excess of \$200,000      108556

In ~~July~~ August of each year, ~~beginning in 2010~~, the tax commissioner shall adjust the income amounts prescribed in this division by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the adjustment of the income amounts. The rates of taxation shall not be adjusted.      108557  
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The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made. The tax commissioner shall not make such adjustments in any year in which the amount resulting from the adjustment would be less than the amount resulting from the adjustment in the preceding year.      108570  
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(B) If the director of budget and management makes a certification to the tax commissioner under division (B) of section 131.44 of the Revised Code, the amount of tax as determined under division (A) of this section shall be reduced by the percentage prescribed in that certification for taxable years beginning in the calendar year in which that certification is made.      108575  
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(C) The levy of this tax on income does not prevent a municipal corporation, a joint economic development zone created under section 715.691, or a joint economic development district      108582  
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108584

created under section 715.70 or 715.71 or sections 715.72 to 108585  
715.81 of the Revised Code from levying a tax on income. 108586

(D) This division applies only to taxable years of a trust 108587  
beginning in 2002 or thereafter. 108588

(1) The tax imposed by this section on a trust shall be 108589  
computed by multiplying the Ohio modified taxable income of the 108590  
trust by the rates prescribed by division (A) of this section. 108591

(2) A resident trust may claim a credit against the tax 108592  
computed under division (D) of this section equal to the lesser of 108593  
(1) the tax paid to another state or the District of Columbia on 108594  
the resident trust's modified nonbusiness income, other than the 108595  
portion of the resident trust's nonbusiness income that is 108596  
qualifying investment income as defined in section 5747.012 of the 108597  
Revised Code, or (2) the effective tax rate, based on modified 108598  
Ohio taxable income, multiplied by the resident trust's modified 108599  
nonbusiness income other than the portion of the resident trust's 108600  
nonbusiness income that is qualifying investment income. The 108601  
credit applies before any other applicable credits. 108602

(3) The credits enumerated in divisions (A)(1) to (13) of 108603  
section 5747.98 of the Revised Code do not apply to a trust 108604  
subject to division (D) of this section. Any credits enumerated in 108605  
other divisions of section 5747.98 of the Revised Code apply to a 108606  
trust subject to division (D) of this section. To the extent that 108607  
the trust distributes income for the taxable year for which a 108608  
credit is available to the trust, the credit shall be shared by 108609  
the trust and its beneficiaries. The tax commissioner and the 108610  
trust shall be guided by applicable regulations of the United 108611  
States treasury regarding the sharing of credits. 108612

(E) For the purposes of this section, "trust" means any trust 108613  
described in Subchapter J of Chapter 1 of the Internal Revenue 108614  
Code, excluding trusts that are not irrevocable as defined in 108615

division (I)(3)(b) of section 5747.01 of the Revised Code and that 108616  
have no modified Ohio taxable income for the taxable year, 108617  
charitable remainder trusts, qualified funeral trusts and preneed 108618  
funeral contract trusts established pursuant to sections 4717.31 108619  
to 4717.38 of the Revised Code that are not qualified funeral 108620  
trusts, endowment and perpetual care trusts, qualified settlement 108621  
trusts and funds, designated settlement trusts and funds, and 108622  
trusts exempted from taxation under section 501(a) of the Internal 108623  
Revenue Code. 108624

**Sec. 5747.022.** An individual subject to the tax imposed by 108625  
section 5747.02 of the Revised Code may claim a credit equal to 108626  
twenty dollars times the number of exemptions allowed for the 108627  
taxpayer, ~~his~~ the taxpayer's spouse, and each dependent under 108628  
section 5747.02 of the Revised Code. The credit shall be claimed 108629  
in the order required under section 5747.98 of the Revised Code. 108630  
The credit shall not be considered in determining the taxes 108631  
required to be withheld under section 5747.06 of the Revised Code 108632  
or the estimated taxes required to be paid under section 5747.09 108633  
of the Revised Code. In the case of an individual with respect to 108634  
whom an exemption under section 5747.02 of the Revised Code is 108635  
allowable to another taxpayer for a taxable year beginning in the 108636  
calendar year in which the individual's taxable year begins, the 108637  
"number of exemptions allowed" for purposes of calculating the 108638  
credit allowed under this section to such individual for the 108639  
individual's taxable year shall not include an exemption for the 108640  
individual. 108641

**Sec. 5747.025.** (A) The Except as otherwise provided in this 108642  
division, the personal exemption for the taxpayer and the 108643  
taxpayer's spouse shall be seven hundred fifty dollars each for 108644  
the taxable year beginning in 1996, eight hundred fifty dollars 108645  
each for the taxable year beginning in 1997, nine hundred fifty 108646

dollars each for the taxable year beginning in 1998, and one 108647  
thousand fifty dollars each for the taxable year beginning in 1999 108648  
and taxable years beginning after 1999. The personal exemption 108649  
amount prescribed in this division for taxable years beginning 108650  
after 1999 shall be adjusted each year in the manner prescribed in 108651  
division (C) of this section. In the case of an individual with 108652  
respect to whom an exemption under section 5747.02 of the Revised 108653  
Code is allowable to another taxpayer for a taxable year beginning 108654  
in the calendar year in which the individual's taxable year 108655  
begins, the exemption amount applicable to such individual for 108656  
such individual's taxable year shall be zero. 108657

(B) The personal exemption for each dependent shall be eight 108658  
hundred fifty dollars for the taxable year beginning in 1996, and 108659  
one thousand fifty dollars for the taxable year beginning in 1997 108660  
and taxable years beginning after 1997. The personal exemption 108661  
amount prescribed in this division for taxable years beginning 108662  
after 1999 shall be adjusted each year in the manner prescribed in 108663  
division (C) of this section. 108664

(C) In ~~September~~ August of each year, ~~beginning in 2000~~, the 108665  
tax commissioner shall determine the percentage increase in the 108666  
gross domestic product deflator determined by the bureau of 108667  
economic analysis of the United States department of commerce from 108668  
the first day of January of the preceding calendar year to the 108669  
last day of December of the preceding year, and adjust the 108670  
personal exemption amount for taxable years beginning in the 108671  
current calendar year by multiplying that amount by the percentage 108672  
increase in the gross domestic product deflator for that period; 108673  
adding the resulting product to the personal exemption amount for 108674  
taxable years beginning in the preceding calendar year; and 108675  
rounding the resulting sum upward to the nearest multiple of fifty 108676  
dollars. The commissioner shall not make such an adjustment in any 108677  
calendar year in which the amount resulting from the adjustment 108678

would be less than the amount resulting from the adjustment in the 108679  
preceding calendar year. 108680

**Sec. 5747.08.** An annual return with respect to the tax 108681  
imposed by section 5747.02 of the Revised Code and each tax 108682  
imposed under Chapter 5748. of the Revised Code shall be made by 108683  
every taxpayer for any taxable year for which the taxpayer is 108684  
liable for the tax imposed by that section or under that chapter, 108685  
unless the total credits allowed under divisions (E), (F), and (G) 108686  
of section 5747.05 of the Revised Code for the year are equal to 108687  
or exceed the tax imposed by section 5747.02 of the Revised Code, 108688  
in which case no return shall be required unless the taxpayer is 108689  
liable for a tax imposed pursuant to Chapter 5748. of the Revised 108690  
Code. 108691

(A) If an individual is deceased, any return or notice 108692  
required of that individual under this chapter shall be made and 108693  
filed by that decedent's executor, administrator, or other person 108694  
charged with the property of that decedent. 108695

(B) If an individual is unable to make a return or notice 108696  
required by this chapter, the return or notice required of that 108697  
individual shall be made and filed by the individual's duly 108698  
authorized agent, guardian, conservator, fiduciary, or other 108699  
person charged with the care of the person or property of that 108700  
individual. 108701

(C) Returns or notices required of an estate or a trust shall 108702  
be made and filed by the fiduciary of the estate or trust. 108703

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) 108704  
of this section, any pass-through entity may file a single return 108705  
on behalf of one or more of the entity's investors other than an 108706  
investor that is a person subject to the tax imposed under section 108707  
5733.06 of the Revised Code. The single return shall set forth the 108708  
name, address, and social security number or other identifying 108709

number of each of those pass-through entity investors and shall 108710  
indicate the distributive share of each of those pass-through 108711  
entity investor's income taxable in this state in accordance with 108712  
sections 5747.20 to 5747.231 of the Revised Code. Such 108713  
pass-through entity investors for whom the pass-through entity 108714  
elects to file a single return are not entitled to the exemption 108715  
or credit provided for by sections 5747.02 and 5747.022 of the 108716  
Revised Code; shall calculate the tax before business credits at 108717  
the highest rate of tax set forth in section 5747.02 of the 108718  
Revised Code for the taxable year for which the return is filed; 108719  
and are entitled to only their distributive share of the business 108720  
credits as defined in division (D)(2) of this section. A single 108721  
check drawn by the pass-through entity shall accompany the return 108722  
in full payment of the tax due, as shown on the single return, for 108723  
such investors, other than investors who are persons subject to 108724  
the tax imposed under section 5733.06 of the Revised Code. 108725

(b)(i) A pass-through entity shall not include in such a 108726  
single return any investor that is a trust to the extent that any 108727  
direct or indirect current, future, or contingent beneficiary of 108728  
the trust is a person subject to the tax imposed under section 108729  
5733.06 of the Revised Code. 108730

(ii) A pass-through entity shall not include in such a single 108731  
return any investor that is itself a pass-through entity to the 108732  
extent that any direct or indirect investor in the second 108733  
pass-through entity is a person subject to the tax imposed under 108734  
section 5733.06 of the Revised Code. 108735

(c) Nothing in division (D) of this section precludes the tax 108736  
commissioner from requiring such investors to file the return and 108737  
make the payment of taxes and related interest, penalty, and 108738  
interest penalty required by this section or section 5747.02, 108739  
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 108740  
of this section precludes such an investor from filing the annual 108741

return under this section, utilizing the refundable credit equal 108742  
to the investor's proportionate share of the tax paid by the 108743  
pass-through entity on behalf of the investor under division (J) 108744  
of this section, and making the payment of taxes imposed under 108745  
section 5747.02 of the Revised Code. Nothing in division (D) of 108746  
this section shall be construed to provide to such an investor or 108747  
pass-through entity any additional deduction or credit, other than 108748  
the credit provided by division (J) of this section, solely on 108749  
account of the entity's filing a return in accordance with this 108750  
section. Such a pass-through entity also shall make the filing and 108751  
payment of estimated taxes on behalf of the pass-through entity 108752  
investors other than an investor that is a person subject to the 108753  
tax imposed under section 5733.06 of the Revised Code. 108754

(2) For the purposes of this section, "business credits" 108755  
means the credits listed in section 5747.98 of the Revised Code 108756  
excluding the following credits: 108757

(a) The retirement credit under division (B) of section 108758  
5747.055 of the Revised Code; 108759

(b) The senior citizen credit under division (C) of section 108760  
5747.05 of the Revised Code; 108761

(c) The lump sum distribution credit under division (D) of 108762  
section 5747.05 of the Revised Code; 108763

(d) The dependent care credit under section 5747.054 of the 108764  
Revised Code; 108765

(e) The lump sum retirement income credit under division (C) 108766  
of section 5747.055 of the Revised Code; 108767

(f) The lump sum retirement income credit under division (D) 108768  
of section 5747.055 of the Revised Code; 108769

(g) The lump sum retirement income credit under division (E) 108770  
of section 5747.055 of the Revised Code; 108771

(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code; 108772  
108773

(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code; 108774  
108775

(j) The joint filing credit under division (G) of section 5747.05 of the Revised Code; 108776  
108777

(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code; 108778  
108779

(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code; 108780  
108781

(m) The low-income credit under section 5747.056 of the Revised Code. 108782  
108783

(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any deduction or credit that would not be allowable if a nonresident pass-through entity investor were to file an annual return. 108784  
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(4) If a pass-through entity makes the election provided for under division (D) of this section, the pass-through entity shall be liable for any additional taxes, interest, interest penalty, or penalties imposed by this chapter if the tax commissioner finds that the single return does not reflect the correct tax due by the pass-through entity investors covered by that return. Nothing in this division shall be construed to limit or alter the liability, if any, imposed on pass-through entity investors for unpaid or underpaid taxes, interest, interest penalty, or penalties as a result of the pass-through entity's making the election provided for under division (D) of this section. For the purposes of 108792  
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division (D) of this section, "correct tax due" means the tax that 108803  
would have been paid by the pass-through entity had the single 108804  
return been filed in a manner reflecting the commissioner's 108805  
findings. Nothing in division (D) of this section shall be 108806  
construed to make or hold a pass-through entity liable for tax 108807  
attributable to a pass-through entity investor's income from a 108808  
source other than the pass-through entity electing to file the 108809  
single return. 108810

(E) If a husband and wife file a joint federal income tax 108811  
return for a taxable year, they shall file a joint return under 108812  
this section for that taxable year, and their liabilities are 108813  
joint and several, but, if the federal income tax liability of 108814  
either spouse is determined on a separate federal income tax 108815  
return, they shall file separate returns under this section. 108816

If either spouse is not required to file a federal income tax 108817  
return and either or both are required to file a return pursuant 108818  
to this chapter, they may elect to file separate or joint returns, 108819  
and, pursuant to that election, their liabilities are separate or 108820  
joint and several. If a husband and wife file separate returns 108821  
pursuant to this chapter, each must claim the taxpayer's own 108822  
exemption, but not both, as authorized under section 5747.02 of 108823  
the Revised Code on the taxpayer's own return. 108824

(F) Each return or notice required to be filed under this 108825  
section shall contain the signature of the taxpayer or the 108826  
taxpayer's duly authorized agent and of the person who prepared 108827  
the return for the taxpayer, and shall include the taxpayer's 108828  
social security number. Each return shall be verified by a 108829  
declaration under the penalties of perjury. The tax commissioner 108830  
shall prescribe the form that the signature and declaration shall 108831  
take. 108832

(G) Each return or notice required to be filed under this 108833  
section shall be made and filed as required by section 5747.04 of 108834

the Revised Code, on or before the fifteenth day of April of each 108835  
year, on forms that the tax commissioner shall prescribe, together 108836  
with remittance made payable to the treasurer of state in the 108837  
combined amount of the state and all school district income taxes 108838  
shown to be due on the form, ~~unless the combined amount shown to~~ 108839  
~~be due is one dollar or less, in which case that amount need not~~ 108840  
~~be remitted.~~ 108841

Upon good cause shown, the commissioner may extend the period 108842  
for filing any notice or return required to be filed under this 108843  
section and may adopt rules relating to extensions. If the 108844  
extension results in an extension of time for the payment of any 108845  
state or school district income tax liability with respect to 108846  
which the return is filed, the taxpayer shall pay at the time the 108847  
tax liability is paid an amount of interest computed at the rate 108848  
per annum prescribed by section 5703.47 of the Revised Code on 108849  
that liability from the time that payment is due without extension 108850  
to the time of actual payment. Except as provided in section 108851  
5747.132 of the Revised Code, in addition to all other interest 108852  
charges and penalties, all taxes imposed under this chapter or 108853  
Chapter 5748. of the Revised Code and remaining unpaid after they 108854  
become due, except combined amounts due of one dollar or less, 108855  
bear interest at the rate per annum prescribed by section 5703.47 108856  
of the Revised Code until paid or until the day an assessment is 108857  
issued under section 5747.13 of the Revised Code, whichever occurs 108858  
first. 108859

If the commissioner considers it necessary in order to ensure 108860  
the payment of the tax imposed by section 5747.02 of the Revised 108861  
Code or any tax imposed under Chapter 5748. of the Revised Code, 108862  
the commissioner may require returns and payments to be made 108863  
otherwise than as provided in this section. 108864

To the extent that any provision in this division conflicts 108865  
with any provision in section 5747.026 of the Revised Code, the 108866

provision in that section prevails. 108867

(H) If any report, claim, statement, or other document 108868  
required to be filed, or any payment required to be made, within a 108869  
prescribed period or on or before a prescribed date under this 108870  
chapter is delivered after that period or that date by United 108871  
States mail to the agency, officer, or office with which the 108872  
report, claim, statement, or other document is required to be 108873  
filed, or to which the payment is required to be made, the date of 108874  
the postmark stamped on the cover in which the report, claim, 108875  
statement, or other document, or payment is mailed shall be deemed 108876  
to be the date of delivery or the date of payment. 108877

If a payment is required to be made by electronic funds 108878  
transfer pursuant to section 5747.072 of the Revised Code, the 108879  
payment is considered to be made when the payment is received by 108880  
the treasurer of state or credited to an account designated by the 108881  
treasurer of state for the receipt of tax payments. 108882

"The date of the postmark" means, in the event there is more 108883  
than one date on the cover, the earliest date imprinted on the 108884  
cover by the United States postal service. 108885

(I) The amounts withheld by an employer pursuant to section 108886  
5747.06 of the Revised Code, a casino operator pursuant to section 108887  
5747.063 of the Revised Code, or a lottery sales agent pursuant to 108888  
section 5747.064 of the Revised Code shall be allowed to the 108889  
recipient of the compensation casino winnings, or lottery prize 108890  
award as credits against payment of the appropriate taxes imposed 108891  
on the recipient by section 5747.02 and under Chapter 5748. of the 108892  
Revised Code. 108893

(J) ~~If, in accordance with division (D) of this section,~~ a 108894  
pass-through entity elects to file a single return under division 108895  
(D) of this section and if any investor is required to file the 108896  
annual return and make the payment of taxes required by this 108897

chapter on account of the investor's other income that is not 108898  
included in a single return filed by a pass-through entity or any 108899  
other investor elects to file the annual return, the investor is 108900  
entitled to a refundable credit equal to the investor's 108901  
proportionate share of the tax paid by the pass-through entity on 108902  
behalf of the investor. The investor shall claim the credit for 108903  
the investor's taxable year in which or with which ends the 108904  
taxable year of the pass-through entity. Nothing in this chapter 108905  
shall be construed to allow any credit provided in this chapter to 108906  
be claimed more than once. For the ~~purposes~~ purpose of computing 108907  
any interest, penalty, or interest penalty, the investor shall be 108908  
deemed to have paid the refundable credit provided by this 108909  
division on the day that the pass-through entity paid the 108910  
estimated tax or the tax giving rise to the credit. 108911

(K) The tax commissioner shall ensure that each return 108912  
required to be filed under this section includes a box that the 108913  
taxpayer may check to authorize a paid tax preparer who prepared 108914  
the return to communicate with the department of taxation about 108915  
matters pertaining to the return. The return or instructions 108916  
accompanying the return shall indicate that by checking the box 108917  
the taxpayer authorizes the department of taxation to contact the 108918  
preparer concerning questions that arise during the processing of 108919  
the return and authorizes the preparer only to provide the 108920  
department with information that is missing from the return, to 108921  
contact the department for information about the processing of the 108922  
return or the status of the taxpayer's refund or payments, and to 108923  
respond to notices about mathematical errors, offsets, or return 108924  
preparation that the taxpayer has received from the department and 108925  
has shown to the preparer. 108926

(L) The tax commissioner shall permit individual taxpayers to 108927  
instruct the department of taxation to cause any refund of 108928  
overpaid taxes to be deposited directly into a checking account, 108929

savings account, or an individual retirement account or individual 108930  
retirement annuity, or preexisting college savings plan or program 108931  
account offered by the Ohio tuition trust authority under Chapter 108932  
3334. of the Revised Code, as designated by the taxpayer, when the 108933  
taxpayer files the annual return required by this section 108934  
electronically. 108935

(M) The tax commissioner may adopt rules to administer this 108936  
section. 108937

**Sec. 5747.10.** If any of the facts, figures, computations, or 108938  
attachments required in a taxpayer's annual return to determine 108939  
the tax charged by this chapter or Chapter 5748. of the Revised 108940  
Code must be altered as the result of an adjustment to the 108941  
taxpayer's federal income tax return, whether initiated by the 108942  
taxpayer or the internal revenue service, and such alteration 108943  
affects the taxpayer's tax liability under this chapter or Chapter 108944  
5748. of the Revised Code, the taxpayer shall file an amended 108945  
return with the tax commissioner in such form as the commissioner 108946  
requires. The amended return shall be filed not later than sixty 108947  
days after the adjustment has been agreed to or finally determined 108948  
for federal income tax purposes or any federal income tax 108949  
deficiency or refund, or the abatement or credit resulting 108950  
therefrom, has been assessed or paid, whichever occurs first. 108951

(A) In the case of an underpayment, the amended return shall 108952  
be accompanied by payment of any combined additional tax due 108953  
together with interest thereon. ~~If the combined tax shown to be 108954  
due is one dollar or less, such amount need not accompany the 108955  
amended return.~~ An amended return required by this section is a 108956  
return subject to assessment under section 5747.13 of the Revised 108957  
Code for the purpose of assessing any additional tax due under 108958  
this section, together with any applicable penalty and interest. 108959  
It shall not reopen those facts, figures, computations, or 108960

attachments from a previously filed return no longer subject to 108961  
assessment that are not affected, either directly or indirectly, 108962  
by the adjustment to the taxpayer's federal income tax return. 108963

(B) In the case of an overpayment, an application for refund 108964  
may be filed under this division within the sixty-day period 108965  
prescribed for filing the amended return even if it is filed 108966  
beyond the period prescribed in section 5747.11 of the Revised 108967  
Code if it otherwise conforms to the requirements of such section. 108968  
An application filed under this division shall claim refund of 108969  
overpayments resulting from alterations to only those facts, 108970  
figures, computations, or attachments required in the taxpayer's 108971  
annual return that are affected, either directly or indirectly, by 108972  
the adjustment to the taxpayer's federal income tax return unless 108973  
it is also filed within the time prescribed in section 5747.11 of 108974  
the Revised Code. It shall not reopen those facts, figures, 108975  
computations, or attachments that are not affected, either 108976  
directly or indirectly, by the adjustment to the taxpayer's 108977  
federal income tax return. 108978

**Sec. 5747.11.** (A) The tax commissioner shall refund to 108979  
employers, qualifying entities, or taxpayers, ~~with respect to any~~ 108980  
subject to a tax imposed under section 5733.41, 5747.02, or 108981  
5747.41, or Chapter 5748. of the Revised Code. 108982

~~(1) Overpayments of more than one dollar;~~ 108983

~~(2) Amounts in excess of one dollar paid illegally or~~ 108984  
~~erroneously;~~ 108985

~~(3) Amounts in excess of one dollar paid on an illegal,~~ 108986  
~~erroneous, or excessive assessment~~ the amount of any overpayment 108987  
of such tax. 108988

(B) Except as otherwise provided under divisions (D) and (E) 108989  
of this section, applications for refund shall be filed with the 108990

tax commissioner, on the form prescribed by the commissioner, 108991  
within four years from the date of the illegal, erroneous, or 108992  
excessive payment of the tax, or within any additional period 108993  
allowed by division (B)(3)(b) of section 5747.05, division (B) of 108994  
section 5747.10, division (A) of section 5747.13, or division (C) 108995  
of section 5747.45 of the Revised Code. 108996

On filing of the refund application, the commissioner shall 108997  
determine the amount of refund due and, if that amount exceeds one 108998  
dollar, certify such amount to the director of budget and 108999  
management and treasurer of state for payment from the tax refund 109000  
fund created by section 5703.052 of the Revised Code. Payment 109001  
shall be made as provided in division (C) of section 126.35 of the 109002  
Revised Code. 109003

~~(C)(1) Interest shall be allowed and paid upon any illegal or 109004  
erroneous assessment in excess of one dollar in respect of the tax 109005  
imposed under section 5747.02 or Chapter 5748. of the Revised Code 109006  
at the rate per annum prescribed by section 5703.47 of the Revised 109007  
Code from the date of the payment of the illegal or erroneous 109008  
assessment until the date the refund of such amount is paid. If 109009  
such refund results from the filing of a return or report, or the 109010  
payment accompanying such return or report, by an employer or 109011  
taxpayer, rather than from an assessment by the commissioner, such 109012  
interest shall run from a period ninety days after the final 109013  
filing date of the annual return until the date the refund is 109014  
paid.~~ 109015

~~(2) Interest shall be allowed and paid at the rate per annum 109016  
prescribed by section 5703.47 of the Revised Code upon any 109017  
overpayment in excess of one dollar in respect of on amounts 109018  
refunded with respect to the tax imposed under section 5747.02 or 109019  
Chapter 5748. of the Revised Code from the date of the overpayment 109020  
until the date of the refund of the overpayment, except that if 109021  
any overpayment is refunded within ninety days after the final 109022~~

filing date of the annual return or ninety days after the return 109023  
is filed, whichever is later, no interest shall be allowed on such 109024  
overpayment. If the overpayment results from the carryback of a 109025  
net operating loss or net capital loss to a previous taxable year, 109026  
the overpayment is deemed not to have been made prior to the 109027  
filing date, including any extension thereof, for the taxable year 109028  
in which the net operating loss or net capital loss arises. For 109029  
purposes of the payment of interest on overpayments, no amount of 109030  
tax, for any taxable year, shall be treated as having been paid 109031  
before the date on which the tax return for that year was due 109032  
without regard to any extension of time for filing such return. 109033

~~(3)~~(2) Interest shall be allowed at the rate per annum 109034  
prescribed by section 5703.47 of the Revised Code on amounts 109035  
refunded with respect to the taxes imposed under sections 5733.41 109036  
and 5747.41 of the Revised Code. The interest shall run from 109037  
whichever of the following days is the latest until the day the 109038  
refund is paid: the day the illegal, erroneous, or excessive 109039  
payment was made; the ninetieth day after the final day the annual 109040  
report was required to be filed under section 5747.42 of the 109041  
Revised Code; or the ninetieth day after the day that report was 109042  
filed. 109043

(D) "Ninety days" shall be substituted for "four years" in 109044  
division (B) of this section if the taxpayer satisfies both of the 109045  
following conditions: 109046

(1) The taxpayer has applied for a refund based in whole or 109047  
in part upon section 5747.059 of the Revised Code; 109048

(2) The taxpayer asserts that either the imposition or 109049  
collection of the tax imposed or charged by this chapter or any 109050  
portion of such tax violates the Constitution of the United States 109051  
or the Constitution of Ohio. 109052

(E)(1) Division (E)(2) of this section applies only if all of 109053



the following conditions are satisfied: 109054

(a) A qualifying entity pays an amount of the tax imposed by 109055  
section 5733.41 or 5747.41 of the Revised Code; 109056

(b) The taxpayer is a qualifying investor as to that 109057  
qualifying entity; 109058

(c) The taxpayer did not claim the credit provided for in 109059  
section 5747.059 of the Revised Code as to the tax described in 109060  
division (E)(1)(a) of this section; 109061

(d) The four-year period described in division (B) of this 109062  
section has ended as to the taxable year for which the taxpayer 109063  
otherwise would have claimed that credit. 109064

(2) A taxpayer shall file an application for refund pursuant 109065  
to division (E) of this section within one year after the date the 109066  
payment described in division (E)(1)(a) of this section is made. 109067  
An application filed under division (E)(2) of this section shall 109068  
claim refund only of overpayments resulting from the taxpayer's 109069  
failure to claim the credit described in division (E)(1)(c) of 109070  
this section. Nothing in division (E) of this section shall be 109071  
construed to relieve a taxpayer from complying with division 109072  
(A)(16) of section 5747.01 of the Revised Code. 109073

**Sec. 5747.113.** (A) Any taxpayer claiming a refund under 109074  
section 5747.11 of the Revised Code who wishes to contribute any 109075  
part of the taxpayer's refund to the natural areas and preserves 109076  
fund created in section 1517.11 of the Revised Code, the nongame 109077  
and endangered wildlife fund created in section 1531.26 of the 109078  
Revised Code, the military injury relief fund created in section 109079  
5101.98 of the Revised Code, the Ohio historical society income 109080  
tax contribution fund created in section 149.308 of the Revised 109081  
Code, or all of those funds may designate on the taxpayer's income 109082  
tax return the amount that the taxpayer wishes to contribute to 109083

the fund or funds. A designated contribution is irrevocable upon 109084  
the filing of the return and shall be made in the full amount 109085  
designated if the refund found due the taxpayer upon the initial 109086  
processing of the taxpayer's return, after any deductions 109087  
including those required by section 5747.12 of the Revised Code, 109088  
is greater than or equal to the designated contribution. If the 109089  
refund due as initially determined is less than the designated 109090  
contribution, the contribution shall be made in the full amount of 109091  
the refund. The tax commissioner shall subtract the amount of the 109092  
contribution from the amount of the refund initially found due the 109093  
taxpayer and shall certify the difference to the director of 109094  
budget and management and treasurer of state for payment to the 109095  
taxpayer in accordance with section 5747.11 of the Revised Code. 109096  
For the purpose of any subsequent determination of the taxpayer's 109097  
net tax payment, the contribution shall be considered a part of 109098  
the refund paid to the taxpayer. 109099

(B) The tax commissioner shall provide a space on the income 109100  
tax return form in which a taxpayer may indicate that the taxpayer 109101  
wishes to make a donation in accordance with this section. The tax 109102  
commissioner shall also print in the instructions accompanying the 109103  
income tax return form a description of the purposes for which the 109104  
natural areas and preserves fund, the nongame and endangered 109105  
wildlife fund, the military injury relief fund, and the Ohio 109106  
historical society income tax contribution fund were created and 109107  
the use of moneys from the income tax refund contribution system 109108  
established in this section. No person shall designate on the 109109  
person's income tax return any part of a refund claimed under 109110  
section 5747.11 of the Revised Code as a contribution to any fund 109111  
other than the natural areas and preserves fund, the nongame and 109112  
endangered wildlife fund, the military injury relief fund, or the 109113  
Ohio historical society income tax contribution fund. 109114

(C) The money collected under the income tax refund 109115

contribution system established in this section shall be deposited 109116  
by the tax commissioner into the natural areas and preserves fund, 109117  
the nongame and endangered wildlife fund, the military injury 109118  
relief fund, and the Ohio historical society income tax 109119  
contribution fund in the amounts designated on the tax returns. 109120

(D) No later than the thirtieth day of September each year, 109121  
the tax commissioner shall determine the total amount contributed 109122  
to each fund under this section during the preceding eight months, 109123  
any adjustments to prior months, and the cost to the department of 109124  
taxation of administering the income tax refund contribution 109125  
system during that eight-month period. The commissioner shall make 109126  
an additional determination no later than the thirty-first day of 109127  
January of each year of the total amount contributed to each fund 109128  
under this section during the preceding four calendar months, any 109129  
adjustments to prior years made during that four-month period, and 109130  
the cost to the department of taxation of administering the income 109131  
tax contribution system during that period. The cost of 109132  
administering the income tax contribution system shall be 109133  
certified by the tax commissioner to the director of budget and 109134  
management, who shall transfer an amount equal to one-fourth of 109135  
such administrative costs from the natural areas and preserves 109136  
fund, one-fourth of such costs from the nongame and endangered 109137  
wildlife fund, one-fourth of such costs from the military injury 109138  
relief fund, and one-fourth of such costs from the Ohio historical 109139  
society income tax contribution fund to the ~~litter control and~~ 109140  
~~natural resource income tax administration~~ contribution fund, 109141  
which is hereby created, provided that the moneys that the 109142  
department receives to pay the cost of administering the income 109143  
tax refund contribution system in any year shall not exceed two 109144  
and one-half per cent of the total amount contributed under that 109145  
system during that year. 109146

(E)(1) The director of natural resources, in January of every 109147

odd-numbered year, shall report to the general assembly on the 109148  
effectiveness of the income tax refund contribution system as it 109149  
pertains to the natural areas and preserves fund and the nongame 109150  
and endangered wildlife fund. The report shall include the amount 109151  
of money contributed to each fund in each of the previous five 109152  
years, the amount of money contributed directly to each fund in 109153  
addition to or independently of the income tax refund contribution 109154  
system in each of the previous five years, and the purposes for 109155  
which the money was expended. 109156

(2) The director of job and family services and the director 109157  
of the Ohio historical society, in January of every odd-numbered 109158  
year, each shall report to the general assembly on the 109159  
effectiveness of the income tax refund contribution system as it 109160  
pertains to the military injury relief fund and the Ohio 109161  
historical society income tax contribution fund, respectively. The 109162  
report shall include the amount of money contributed to the fund 109163  
in each of the previous five years, the amount of money 109164  
contributed directly to the fund in addition to or independently 109165  
of the income tax refund contribution system in each of the 109166  
previous five years, and the purposes for which the money was 109167  
expended. 109168

**Sec. 5747.122.** (A) The tax commissioner, in accordance with 109169  
section 5101.184 of the Revised Code, shall cooperate with the 109170  
director of job and family services to collect overpayments of 109171  
assistance under Chapter 5107., ~~5111.~~ or 5115., former Chapter 109172  
5113., or section 5101.54 of the Revised Code from refunds of 109173  
state income taxes for taxable year 1992 and thereafter that are 109174  
payable to the recipients of such overpayments. 109175

(B) At the request of the department of job and family 109176  
services in connection with the collection of an overpayment of 109177  
assistance from a refund of state income taxes pursuant to this 109178

section and section 5101.184 of the Revised Code, the tax 109179  
commissioner shall release to the department the home address and 109180  
social security number of any recipient of assistance whose 109181  
overpayment may be collected from a refund of state income taxes 109182  
under those sections. 109183

(C) In the case of a joint income tax return for two people 109184  
who were not married to each other at the time one of them 109185  
received an overpayment of assistance, only the portion of a 109186  
refund that is due to the recipient of the overpayment shall be 109187  
available for collection of the overpayment under this section and 109188  
section 5101.184 of the Revised Code. The tax commissioner shall 109189  
determine such portion. A recipient's spouse who objects to the 109190  
portion as determined by the commissioner may file a complaint 109191  
with the commissioner within twenty-one days after receiving 109192  
notice of the collection, and the commissioner shall afford the 109193  
spouse an opportunity to be heard on the complaint. The 109194  
commissioner shall waive or extend the twenty-one-day period if 109195  
the recipient's spouse establishes that such action is necessary 109196  
to avoid unjust, unfair, or unreasonable results. After the 109197  
hearing, the commissioner shall make a final determination of the 109198  
portion of the refund available for collection of the overpayment. 109199

(D) The welfare overpayment intercept fund is hereby created 109200  
in the state treasury. The tax commissioner shall deposit amounts 109201  
collected from income tax refunds under this section to the credit 109202  
of the welfare overpayment intercept fund. The director of job and 109203  
family services shall distribute money in the fund in accordance 109204  
with appropriate federal or state laws and procedures regarding 109205  
collection of welfare overpayments. 109206

**Sec. 5747.13.** (A) If any employer collects the tax imposed by 109207  
section 5747.02 or under Chapter 5748. of the Revised Code and 109208  
fails to remit the tax as required by law, or fails to collect the 109209

tax, the employer is personally liable for any amount collected 109210  
that the employer fails to remit, or any amount that the employer 109211  
fails to collect. If any taxpayer fails to file a return or fails 109212  
to pay the tax imposed by section 5747.02 or under Chapter 5748. 109213  
of the Revised Code, the taxpayer is personally liable for the 109214  
amount of the tax. 109215

If any employer, taxpayer, or qualifying entity required to 109216  
file a return under this chapter fails to file the return within 109217  
the time prescribed, files an incorrect return, fails to remit the 109218  
full amount of the taxes due for the period covered by the return, 109219  
or fails to remit any additional tax due as a result of a 109220  
reduction in the amount of the credit allowed under division (B) 109221  
of section 5747.05 of the Revised Code together with interest on 109222  
the additional tax within the time prescribed by that division, 109223  
the tax commissioner may make an assessment against any person 109224  
liable for any deficiency for the period for which the return is 109225  
or taxes are due, based upon any information in the commissioner's 109226  
possession. 109227

An assessment issued against either the employer or the 109228  
taxpayer pursuant to this section shall not be considered an 109229  
election of remedies or a bar to an assessment against the other 109230  
for failure to report or pay the same tax. No assessment shall be 109231  
issued against any person if the tax actually has been paid by 109232  
another. 109233

No assessment shall be made or issued against an employer, 109234  
taxpayer, or qualifying entity more than four years after the 109235  
final date the return subject to assessment was required to be 109236  
filed or the date the return was filed, whichever is later. 109237  
However, the commissioner may assess any balance due as the result 109238  
of a reduction in the credit allowed under division (B) of section 109239  
5747.05 of the Revised Code, including applicable penalty and 109240  
interest, within four years of the date on which the taxpayer 109241

reports a change in either the portion of the taxpayer's adjusted 109242  
gross income subjected to an income tax or tax measured by income 109243  
in another state or the District of Columbia, or the amount of 109244  
liability for an income tax or tax measured by income to another 109245  
state or the District of Columbia, as required by division (B)(3) 109246  
of section 5747.05 of the Revised Code. Such time limits may be 109247  
extended if both the employer, taxpayer, or qualifying entity and 109248  
the commissioner consent in writing to the extension or if an 109249  
agreement waiving or extending the time limits has been entered 109250  
into pursuant to section 122.171 of the Revised Code. Any such 109251  
extension shall extend the four-year time limit in division (B) of 109252  
section 5747.11 of the Revised Code for the same period of time. 109253  
There shall be no bar or limit to an assessment against an 109254  
employer for taxes withheld from employees and not remitted to the 109255  
state, against an employer, taxpayer, or qualifying entity that 109256  
fails to file a return subject to assessment as required by this 109257  
chapter, or against an employer, taxpayer, or qualifying entity 109258  
that files a fraudulent return. 109259

The commissioner shall give the party assessed written notice 109260  
of the assessment in the manner provided in section 5703.37 of the 109261  
Revised Code. With the notice, the commissioner shall provide 109262  
instructions on how to petition for reassessment and request a 109263  
hearing on the petition. 109264

(B) Unless the party assessed files with the tax commissioner 109265  
within sixty days after service of the notice of assessment, 109266  
either personally or by certified mail, a written petition for 109267  
reassessment, signed by the party assessed or that party's 109268  
authorized agent having knowledge of the facts, the assessment 109269  
becomes final, and the amount of the assessment is due and payable 109270  
from the party assessed to the commissioner with remittance made 109271  
payable to the treasurer of state. The petition shall indicate the 109272  
objections of the party assessed, but additional objections may be 109273

raised in writing if received by the commissioner prior to the 109274  
date shown on the final determination. If the petition has been 109275  
properly filed, the commissioner shall proceed under section 109276  
5703.60 of the Revised Code. 109277

(C) After an assessment becomes final, if any portion of the 109278  
assessment remains unpaid, including accrued interest, a certified 109279  
copy of the tax commissioner's entry making the assessment final 109280  
may be filed in the office of the clerk of the court of common 109281  
pleas in the county in which the employer's, taxpayer's, or 109282  
qualifying entity's place of business is located or the county in 109283  
which the party assessed resides. If the party assessed is not a 109284  
resident of this state, the certified copy of the entry may be 109285  
filed in the office of the clerk of the court of common pleas of 109286  
Franklin county. 109287

Immediately upon the filing of the entry, the clerk shall 109288  
enter a judgment against the party assessed in the amount shown on 109289  
the entry. The judgment shall be filed by the clerk in one of two 109290  
loose-leaf books, one entitled "special judgments for state and 109291  
school district income taxes," and the other entitled "special 109292  
judgments for qualifying entity taxes." The judgment shall have 109293  
the same effect as other judgments. Execution shall issue upon the 109294  
judgment upon the request of the tax commissioner, and all laws 109295  
applicable to sales on execution shall apply to sales made under 109296  
the judgment. 109297

~~The portion of~~ If the assessment is not paid in its entirety 109298  
within sixty days after the assessment was issued, the portion of 109299  
the assessment consisting of tax due shall bear interest at the 109300  
rate per annum prescribed by section 5703.47 of the Revised Code 109301  
from the day the tax commissioner issues the assessment until it 109302  
is paid or until it is certified to the attorney general for 109303  
collection under section 131.02 of the Revised Code, whichever 109304  
comes first. If the unpaid portion of the assessment is certified 109305



to the attorney general for collection, the entire unpaid portion 109306  
of the assessment shall bear interest at the rate per annum 109307  
prescribed by section 5703.47 of the Revised Code from the date of 109308  
certification until the date it is paid in its entirety. Interest 109309  
shall be paid in the same manner as the tax and may be collected 109310  
by the issuance of an assessment under this section. 109311

(D) All money collected under this section shall be 109312  
considered as revenue arising from the taxes imposed by this 109313  
chapter or Chapter 5733. or 5748. of the Revised Code, as 109314  
appropriate. 109315

(E) If the party assessed files a petition for reassessment 109316  
under division (B) of this section, the person, on or before the 109317  
last day the petition may be filed, shall pay the assessed amount, 109318  
including assessed interest and assessed penalties, if any of the 109319  
following conditions exists: 109320

(1) The person files a tax return reporting Ohio adjusted 109321  
gross income, less the exemptions allowed by section 5747.025 of 109322  
the Revised Code, in an amount less than one cent, and the 109323  
reported amount is not based on the computations required under 109324  
division (A) of section 5747.01 or section 5747.025 of the Revised 109325  
Code. 109326

(2) The person files a tax return that the tax commissioner 109327  
determines to be incomplete, false, fraudulent, or frivolous. 109328

(3) The person fails to file a tax return, and the basis for 109329  
this failure is not either of the following: 109330

(a) An assertion that the person has no nexus with this 109331  
state; 109332

(b) The computations required under division (A) of section 109333  
5747.01 of the Revised Code or the application of credits allowed 109334  
under this chapter has the result that the person's tax liability 109335  
is less than one dollar and one cent. 109336

(F) Notwithstanding the fact that a petition for reassessment is pending, the petitioner may pay all or a portion of the assessment that is the subject of the petition. The acceptance of a payment by the treasurer of state does not prejudice any claim for refund upon final determination of the petition.

If upon final determination of the petition an error in the assessment is corrected by the tax commissioner, upon petition so filed or pursuant to a decision of the board of tax appeals or any court to which the determination or decision has been appealed, so that the amount due from the party assessed under the corrected assessment is less than the portion paid, there shall be issued to the petitioner or to the petitioner's assigns or legal representative a refund in the amount of the overpayment as provided by section 5747.11 of the Revised Code, with interest on that amount as provided by such section, subject to section 5747.12 of the Revised Code.

**Sec. 5747.21.** (A) This section applies solely for the purposes of computing the credit allowed under division (A) of section 5747.05 of the Revised Code, computing income taxable in this state under division (D) of section 5747.08 of the Revised Code, and computing the credit allowed under section 5747.057 of the Revised Code.

(B) Except as otherwise provided under ~~sections 5747.211 and section~~ section 5747.212 of the Revised Code, all items of business income and business deduction shall be apportioned to this state by multiplying the adjusted gross income by the fraction calculated under division (B)(2) of section 5733.05 and section 5733.057 of the Revised Code as if the taxpayer's business were a corporation subject to the tax imposed by section 5733.06 of the Revised Code.

(C) If the allocation and apportionment provisions of sections 5747.20 to 5747.23 of the Revised Code or of any rule

adopted by the tax commissioner, do not fairly represent the extent of business activity in this state of a taxpayer or pass-through entity, the taxpayer or pass-through entity may request, which request must be in writing accompanying ~~the~~ a timely filed return or timely filed amended return, or the tax commissioner may require, in respect of all or any part of the business activity, if reasonable, any one or more of the following:

- (1) Separate accounting;
- (2) The exclusion of one or more factors;
- (3) The inclusion of one or more additional factors which will fairly represent the business activity in this state;
- (4) The employment of any other method to effectuate an equitable allocation and apportionment of such business in this state. An alternative method will be effective only with approval of the tax commissioner.

The tax commissioner may adopt rules in the manner provided by sections 5703.14 and 5747.18 of the Revised Code providing for alternative methods of calculating business income and nonbusiness income applicable to all taxpayers and pass-through entities, to classes of taxpayers and pass-through entities, or only to taxpayers and pass-through entities within a certain industry.

**Sec. 5747.47.** (A)(1) By the ~~twentieth~~ twenty-fifth day of July of each year, the tax commissioner shall estimate and certify the following for each county to its county auditor:

- (a) Its guaranteed share of the ensuing year's fund balance;
- (b) Its share of the excess of the ensuing year's fund balance;
- (c) Its total entitlement.

(2) In December and in June following such estimations and 109397  
certifications, the commissioner shall revise such estimates and 109398  
certify such revised estimates to the respective county auditors. 109399

(B) By the tenth day of each month the commissioner shall 109400  
distribute the amount credited to the public library fund in the 109401  
current month under section 131.51 of the Revised Code. The 109402  
distributions shall be made as follows: 109403

(1) During the first six months of each year, each county 109404  
shall be paid a percentage of the balance that is the same per 109405  
cent that the revised estimate of the county's total entitlement 109406  
certified in December under division (A)(2) of this section is of 109407  
the sum of such revised estimates of the total entitlements for 109408  
all counties. 109409

(2) During the last six months, each county shall be paid a 109410  
percentage of the balance that is the same per cent that the 109411  
revised estimate of the county's total entitlement certified in 109412  
June under division (A)(2) of this section is of the sum of such 109413  
revised estimates of the total entitlements for all counties. 109414

(3) During each of the first six months of each year, the 109415  
payments made to each county shall be adjusted as follows: 109416

(a) If the county received an overpayment during the 109417  
preceding distribution year, reduce the sum of the payments by the 109418  
amount of such overpayment. The reduction shall be apportioned 109419  
over the six months. 109420

(b) If the county received an underpayment during the 109421  
preceding distribution year, increase the sum of the payments by 109422  
the amount of such underpayment. The increase shall be apportioned 109423  
over the six months. 109424

(C) By the twentieth day of December of each year, the tax 109425  
commissioner shall determine and certify to the auditor of each 109426  
county each of the following with respect to the current 109427

|                                                                                                                                                                                                                                                                  |                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| distribution year:                                                                                                                                                                                                                                               | 109428                                         |
| (1) The year's fund balance;                                                                                                                                                                                                                                     | 109429                                         |
| (2) Each county's guaranteed share;                                                                                                                                                                                                                              | 109430                                         |
| (3) Each county's share of the excess;                                                                                                                                                                                                                           | 109431                                         |
| (4) Each county's total entitlement;                                                                                                                                                                                                                             | 109432                                         |
| (5) Each county's net distribution;                                                                                                                                                                                                                              | 109433                                         |
| (6) The amount by which each county's net distribution exceeded or was less than its total entitlement, which amount shall constitute the county's overpayment or underpayment for purposes of division (B)(3) of this section in the ensuing distribution year. | 109434<br>109435<br>109436<br>109437<br>109438 |

**Sec. 5747.501.** (A) On or before the twenty-fifth day of July of each year, the tax commissioner shall estimate and certify to each county auditor the amount to be distributed from the local government fund to each undivided local government fund during the following calendar year under section 5747.50 of the Revised Code. The estimate shall equal the sum of the separate amounts computed under divisions (B)(1) and (2) of this section.

(B)(1) The product obtained by multiplying the percentage described in division (B)(1)(a) of this section by the amount described in division (B)(1)(b) of this section.

(a) Each county's proportionate share of the total amount distributed to the counties from the local government fund and the local government revenue assistance fund during calendar year 2007. In fiscal year 2014 and thereafter, the amount distributed to any county undivided local government fund shall be an amount not less than seven hundred fifty thousand dollars or the amount distributed to such fund in fiscal year 2013, whichever amount is smaller. To the extent necessary to implement this minimum distribution requirement, the proportionate shares computed under

this division shall be adjusted accordingly. 109458

(b) The total amount distributed to counties from the local 109459  
government fund and the local government revenue assistance fund 109460  
during calendar year 2007 adjusted downward if, and to the extent 109461  
that, total local government fund distributions to counties for 109462  
the following year are projected to be less than what was 109463  
distributed to counties from the local government fund and local 109464  
government revenue assistance fund during calendar year 2007. 109465

(2) The product obtained by multiplying the percentage 109466  
described in division (B)(2)(a) of this section by the amount 109467  
described in division (B)(2)(b) of this section. 109468

(a) Each county's proportionate share of the state's 109469  
population as reflected in the most recent federal decennial 109470  
census or the federal government's most recent census estimates, 109471  
whichever represents the most recent year. 109472

(b) The amount by which total estimated distributions from 109473  
the local government fund during the immediately succeeding 109474  
calendar year, less the total estimated amount to be distributed 109475  
from the fund to municipal corporations under division (C) of 109476  
section 5747.50 of the Revised Code during the immediately 109477  
succeeding calendar year, exceed the total amount distributed to 109478  
counties from the local government fund and local government 109479  
revenue assistance fund during calendar year 2007. 109480

**Sec. 5747.98.** (A) To provide a uniform procedure for 109481  
calculating the amount of tax due under section 5747.02 of the 109482  
Revised Code, a taxpayer shall claim any credits to which the 109483  
taxpayer is entitled in the following order: 109484

(1) The retirement income credit under division (B) of 109485  
section 5747.055 of the Revised Code; 109486

(2) The senior citizen credit under division (C) of section 109487

|                                                                                                                                 |                  |
|---------------------------------------------------------------------------------------------------------------------------------|------------------|
| 5747.05 of the Revised Code;                                                                                                    | 109488           |
| (3) The lump sum distribution credit under division (D) of section 5747.05 of the Revised Code;                                 | 109489<br>109490 |
| (4) The dependent care credit under section 5747.054 of the Revised Code;                                                       | 109491<br>109492 |
| (5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;                           | 109493<br>109494 |
| (6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;                           | 109495<br>109496 |
| (7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;                           | 109497<br>109498 |
| (8) The low-income credit under section 5747.056 of the Revised Code;                                                           | 109499<br>109500 |
| (9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;                        | 109501<br>109502 |
| (10) The campaign contribution credit under section 5747.29 of the Revised Code;                                                | 109503<br>109504 |
| (11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;                                    | 109505<br>109506 |
| (12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;                                         | 109507<br>109508 |
| (13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;                                          | 109509<br>109510 |
| (14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;                 | 109511<br>109512 |
| (15) The credit for employers that enter into agreements with child day-care centers under section 5747.34 of the Revised Code; | 109513<br>109514 |
| (16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;            | 109515<br>109516 |

|                                                                                                                                                                 |                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| (17) The credit for adoption of a minor child under section 5747.37 of the Revised Code;                                                                        | 109517<br>109518           |
| (18) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;                                                               | 109519<br>109520           |
| (19) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;                                                         | 109521<br>109522           |
| (20) The credit for selling alternative fuel under section 5747.77 of the Revised Code;                                                                         | 109523<br>109524           |
| (21) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code; | 109525<br>109526<br>109527 |
| (22) The job training credit under section 5747.39 of the Revised Code;                                                                                         | 109528<br>109529           |
| (23) The enterprise zone credit under section 5709.66 of the Revised Code;                                                                                      | 109530<br>109531           |
| (24) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;                                            | 109532<br>109533           |
| (25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;                                          | 109534<br>109535           |
| (26) The ethanol plant investment credit under section 5747.75 of the Revised Code;                                                                             | 109536<br>109537           |
| (27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;                                                | 109538<br>109539           |
| (28) The small business investment credit under section 5747.81 of the Revised Code;                                                                            | 109540<br>109541           |
| <del>(29) The credit for research and development and technology transfer investors under section 5747.33 of the Revised Code;</del>                            | 109542<br>109543           |
| <del>(30)</del> The enterprise zone credits under section 5709.65 of the Revised Code;                                                                          | 109544<br>109545           |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| <del>(31)</del> (30) The research and development credit under section 5747.331 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 109546<br>109547                                                                       |
| <del>(32)</del> (31) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 109548<br>109549                                                                       |
| <del>(33)</del> (32) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 109550<br>109551                                                                       |
| <del>(34)</del> (33) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                | 109552<br>109553                                                                       |
| <del>(35)</del> (34) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 109554<br>109555                                                                       |
| <del>(36)</del> (35) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (J) of section 5747.08 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                           | 109556<br>109557<br>109558                                                             |
| <del>(37)</del> (36) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                      | 109559<br>109560<br>109561                                                             |
| <del>(38)</del> (37) The refundable motion picture production credit under section 5747.66 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 109562<br>109563                                                                       |
| <del>(39)</del> (38) The refundable credit for financial institution taxes paid by a pass-through entity granted under section 5747.65 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                 | 109564<br>109565<br>109566                                                             |
| (B) For any credit, except the refundable credits enumerated in this section and the credit granted under division (I) of section 5747.08 of the Revised Code, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a | 109567<br>109568<br>109569<br>109570<br>109571<br>109572<br>109573<br>109574<br>109575 |

taxable year. 109576

**Sec. 5749.02.** (A) For the purpose of providing revenue to 109577  
administer the state's coal mining and reclamation regulatory 109578  
program, to meet the environmental and resource management needs 109579  
of this state, and to reclaim land affected by mining, an excise 109580  
tax is hereby levied on the privilege of engaging in the severance 109581  
of natural resources from the soil or water of this state. The tax 109582  
shall be imposed upon the severer ~~and shall be~~ at the rates 109583  
prescribed by divisions (A)(1) to (9) of this section: 109584

(1) Ten cents per ton of coal; 109585

(2) Four cents per ton of salt; 109586

(3) Two cents per ton of limestone or dolomite; 109587

(4) Two cents per ton of sand and gravel; 109588

(5) Ten cents per barrel of oil; 109589

(6) Two and one-half cents per thousand cubic feet of natural 109590  
gas; 109591

(7) One cent per ton of clay, sandstone or conglomerate, 109592  
shale, gypsum, or quartzite; 109593

(8) Except as otherwise provided in this division or in rules 109594  
adopted by the reclamation forfeiture fund advisory board under 109595  
section 1513.182 of the Revised Code, an additional fourteen cents 109596  
per ton of coal produced from an area under a coal mining and 109597  
reclamation permit issued under Chapter 1513. of the Revised Code 109598  
for which the performance security is provided under division 109599  
(C)(2) of section 1513.08 of the Revised Code. Beginning July 1, 109600  
2007, if at the end of a fiscal biennium the balance of the 109601  
reclamation forfeiture fund created in section 1513.18 of the 109602  
Revised Code is equal to or greater than ten million dollars, the 109603  
rate levied shall be twelve cents per ton. Beginning July 1, 2007, 109604  
if at the end of a fiscal biennium the balance of the fund is at 109605

least five million dollars, but less than ten million dollars, the 109606  
rate levied shall be fourteen cents per ton. Beginning July 1, 109607  
2007, if at the end of a fiscal biennium the balance of the fund 109608  
is less than five million dollars, the rate levied shall be 109609  
sixteen cents per ton. Beginning July 1, 2009, not later than 109610  
thirty days after the close of a fiscal biennium, the chief of the 109611  
division of mineral resources management shall certify to the tax 109612  
commissioner the amount of the balance of the reclamation 109613  
forfeiture fund as of the close of the fiscal biennium. Any 109614  
necessary adjustment of the rate levied shall take effect on the 109615  
first day of the following January and shall remain in effect 109616  
during the calendar biennium that begins on that date. 109617

(9) An additional one and two-tenths cents per ton of coal 109618  
mined by surface mining methods. 109619

(B) ~~Of~~ After the director of budget and management transfers 109620  
money from the severance tax receipts fund as required in division 109621  
(H) of section 5749.06 of the Revised Code, money remaining in the 109622  
severance tax receipts fund, except for money in the fund from the 109623  
amounts due under section 1509.50 of the Revised Code, shall be 109624  
credited as follows: 109625

(1) Of the moneys received by the treasurer of state in the 109626  
fund from the tax levied in division (A)(1) of this section, four 109627  
and seventy-six-hundredths per cent shall be credited to the 109628  
geological mapping fund created in section 1505.09 of the Revised 109629  
Code, eighty and ninety-five-hundredths per cent shall be credited 109630  
to the coal mining administration and reclamation reserve fund 109631  
created in section 1513.181 of the Revised Code, and fourteen and 109632  
twenty-nine-hundredths per cent shall be credited to the 109633  
unreclaimed lands fund created in section 1513.30 of the Revised 109634  
Code. 109635

(2) The money received by the treasurer of state in the fund 109636  
from the tax levied in division (A)(2) of this section shall be 109637

credited to the geological mapping fund. 109638

(3) Of the moneys ~~received by the treasurer of state in the~~ 109639  
fund from the tax levied in divisions (A)(3) and (4) of this 109640  
section, seven and five-tenths per cent shall be credited to the 109641  
geological mapping fund, forty-two and five-tenths per cent shall 109642  
be credited to the unreclaimed lands fund, and the remainder shall 109643  
be credited to the surface mining fund created in section 1514.06 109644  
of the Revised Code. 109645

(4) Of the moneys ~~received by the treasurer of state in the~~ 109646  
fund from the tax levied in divisions (A)(5) and (6) of this 109647  
section, ninety per cent shall be credited to the oil and gas well 109648  
fund created in section 1509.02 of the Revised Code and ten per 109649  
cent shall be credited to the geological mapping fund. All of the 109650  
moneys ~~received by the treasurer of state in the fund~~ from the tax 109651  
levied in division (A)(7) of this section shall be credited to the 109652  
surface mining fund. 109653

(5) All of the moneys ~~received by the treasurer of state in~~ 109654  
the fund from the tax levied in division (A)(8) of this section 109655  
shall be credited to the reclamation forfeiture fund. 109656

(6) All of the moneys ~~received by the treasurer of state in~~ 109657  
the fund from the tax levied in division (A)(9) of this section 109658  
shall be credited to the unreclaimed lands fund. 109659

(C) When, at the close of any fiscal year, the chief finds 109660  
that the balance of the reclamation forfeiture fund, plus 109661  
estimated transfers to it from the coal mining administration and 109662  
reclamation reserve fund under section 1513.181 of the Revised 109663  
Code, plus the estimated revenues from the tax levied by division 109664  
(A)(8) of this section for the remainder of the calendar year that 109665  
includes the close of the fiscal year, are sufficient to complete 109666  
the reclamation of all lands for which the performance security 109667  
has been provided under division (C)(2) of section 1513.08 of the 109668

Revised Code, the purposes for which the tax under division (A)(8) 109669  
of this section is levied shall be deemed accomplished at the end 109670  
of that calendar year. The chief, within thirty days after the 109671  
close of the fiscal year, shall certify those findings to the tax 109672  
commissioner, and the tax levied under division (A)(8) of this 109673  
section shall cease to be imposed for the subsequent calendar year 109674  
after the last day of that calendar year on coal produced under a 109675  
coal mining and reclamation permit issued under Chapter 1513. of 109676  
the Revised Code if the permittee has made tax payments under 109677  
division (A)(8) of this section during each of the preceding five 109678  
full calendar years. Not later than thirty days after the close of 109679  
a fiscal year, the chief shall certify to the tax commissioner the 109680  
identity of any permittees who accordingly no longer are required 109681  
to pay the tax levied under division (A)(8) of this section for 109682  
the subsequent calendar year. 109683

**Sec. 5749.06.** (A)(1) Each severer liable for the tax imposed 109684  
by section 5749.02 of the Revised Code and each severer or owner 109685  
liable for the amounts due under section 1509.50 of the Revised 109686  
Code shall make and file returns with the tax commissioner in the 109687  
prescribed form and as of the prescribed times, computing and 109688  
reflecting therein the tax as required by this chapter and amounts 109689  
due under section 1509.50 of the Revised Code. 109690

(2) The returns shall be filed for every quarterly period, 109691  
which periods shall end on the thirty-first day of March, the 109692  
thirtieth day of June, the thirtieth day of September, and the 109693  
thirty-first day of December of each year, as required by this 109694  
section, unless a different return period is prescribed for a 109695  
taxpayer by the commissioner. 109696

(B)(1) A separate return shall be filed for each calendar 109697  
quarterly period, or other period, or any part thereof, during 109698  
which the severer holds a license as provided by section 5749.04 109699

of the Revised Code, or is required to hold the license, or during 109700  
which an owner is required to file a return, ~~and the.~~ The return 109701  
shall be filed within forty-five days after the last day of each 109702  
such calendar month, or other period, or any part thereof, for 109703  
which the return is required ~~and shall include remittance payable~~ 109704  
~~to the treasurer of state of the amount of.~~ The tax due is payable 109705  
along with the return. All such returns shall contain such 109706  
information as the commissioner may require to fairly administer 109707  
the tax. 109708

(2) All returns shall be signed by the severer or owner, as 109709  
applicable, shall contain the full and complete information 109710  
requested, and shall be made under penalty of perjury. 109711

(C) If the commissioner believes that quarterly payments of 109712  
tax would result in a delay that might jeopardize the collection 109713  
of such tax payments, the commissioner may order that such 109714  
payments be made weekly, or more frequently if necessary, such 109715  
payments to be made not later than seven days following the close 109716  
of the period for which the jeopardy payment is required. Such an 109717  
order shall be delivered to the taxpayer personally or by 109718  
certified mail and shall remain in effect until the commissioner 109719  
notifies the taxpayer to the contrary. 109720

(D) Upon good cause the commissioner may extend for thirty 109721  
days the period for filing any notice or return required to be 109722  
filed under this section, and may remit all or a part of penalties 109723  
that may become due under this chapter. 109724

(E) Any tax and any amount due under section 1509.50 of the 109725  
Revised Code not paid by the day the tax or amount is due shall 109726  
bear interest computed at the rate per annum prescribed by section 109727  
5703.47 of the Revised Code on that amount due from the day that 109728  
the amount was originally required to be paid to the day of actual 109729  
payment or to the day an assessment was issued under section 109730  
5749.07 or 5749.10 of the Revised Code, whichever occurs first. 109731

(F) ~~The severer shall make all payments payable to the treasurer of state. Except for the amounts due under section 1509.50 of the Revised Code, all A severer or owner, as applicable, that fails to file a complete return or pay the full amount due under this chapter within the time prescribed, including any extensions of time granted by the commissioner, shall be subject to a penalty not to exceed the greater of fifty dollars or ten per cent of the amount due for the period.~~ 109732  
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(G)(1) A severer or owner, as applicable, shall remit payments electronically and, if required by the commissioner, file each return electronically. The commissioner may require that the severer or owner use the Ohio business gateway, as defined in section 718.051 of the Revised Code, or another electronic means to file returns and remit payments electronically. 109740  
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(2) A severer or owner that is required to remit payments electronically under this section may apply to the commissioner, in the manner prescribed by the commissioner, to be excused from that requirement. The commissioner may excuse a severer or owner from the requirements of division (G) of this section for good cause. 109746  
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(3) If a severer or owner that is required to remit payments or file returns electronically under this section fails to do so, the commissioner may impose a penalty on the severer or owner not to exceed the following: 109752  
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(a) For the first or second payment or return the severer or owner fails to remit or file electronically, the greater of five per cent of the amount of the payment that was required to be remitted or twenty-five dollars; 109756  
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(b) For every payment or return after the second that the severer or owner fails to remit or file electronically, the greater of ten per cent of the amount of the payment that was 109760  
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required to be remitted or fifty dollars. 109763

(H)(1) All amounts that the ~~tax~~ commissioner receives under this section shall be deemed to be revenue from taxes imposed under this chapter. ~~The commissioner shall immediately forward to the treasurer of state all amounts received under this section or from the amount due under section 1509.50 of the Revised Code, as applicable, and shall be deposited in the severance tax receipts fund, which is hereby created in the state treasury.~~ 109764  
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(2) The director of budget and management shall transfer from the severance tax receipts fund to the tax refund fund amounts equal to the refunds certified by the commissioner under section 5749.08 of the Revised Code. Any amount transferred under division (H)(2) of this section shall be derived from receipts of the same tax or other amount from which the refund arose. 109771  
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(3) After the director of budget and management makes any transfer required by division (H)(2) of this section, but not later than the fifteenth day of the month following the end of each calendar quarter, the commissioner shall certify to the director the total amount remaining in the severance tax receipts fund organized according to the amount attributable to each natural resource and according to the amount attributable to a tax imposed by this chapter and the amounts due under section 1509.50 of the Revised Code. 109777  
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(I) Penalties imposed under this section are in addition to any other penalty imposed under this chapter and shall be considered as revenue arising from the tax levied under this chapter or the amount due under section 1509.50 of the Revised Code, as applicable. The commissioner may collect any penalty or interest imposed under this section in the same manner as provided for the making of an assessment in section 5749.07 of the Revised Code. The commissioner may abate all or a portion of such interest or penalties and may adopt rules governing such abatements. 109786  
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**Sec. 5749.07.** (A) If any severer required by this chapter to 109795  
make and file returns and pay the tax levied by section 5749.02 of 109796  
the Revised Code, or any severer or owner liable for the amounts 109797  
due under section 1509.50 of the Revised Code, fails to make such 109798  
return or pay such tax ~~or amounts~~, the tax commissioner may make 109799  
an assessment against the severer ~~or owner~~ based upon any 109800  
information in the commissioner's possession. 109801

No assessment shall be made or issued against any severer for 109802  
any tax imposed by section 5749.02 of the Revised Code or against 109803  
any severer or owner for any amount due under section 1509.50 of 109804  
the Revised Code more than four years after the return was due or 109805  
was filed, whichever is later. This section does not bar an 109806  
assessment against a severer or owner who fails to file a return 109807  
as required by this chapter, or who files a fraudulent return. 109808

The commissioner shall give the party assessed written notice 109809  
of such assessment in the manner provided in section 5703.37 of 109810  
the Revised Code. With the notice, the commissioner shall provide 109811  
instructions on how to petition for reassessment and request a 109812  
hearing on the petition. 109813

(B) Unless the party assessed files with the commissioner 109814  
within sixty days after service of the notice of assessment, 109815  
either personally or by certified mail, a written petition for 109816  
reassessment signed by the party assessed or that party's 109817  
authorized agent having knowledge of the facts, the assessment 109818  
becomes final and the amount of the assessment is due and payable 109819  
from the party assessed to the treasurer of state. The petition 109820  
shall indicate the objections of the party assessed, but 109821  
additional objections may be raised in writing if received by the 109822  
commissioner prior to the date shown on the final determination. 109823  
If the petition has been properly filed, the commissioner shall 109824  
proceed under section 5703.60 of the Revised Code. 109825

(C) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the party assessed resides or in which the party's business is conducted. If the party assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of such entry, the clerk shall enter a judgment for the state against the party assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state severance tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

~~The portion of~~ If the assessment is not paid in its entirety within sixty days after the day the assessment is issued, the portion of the assessment consisting of tax due or amounts due under section 1509.50 of the Revised Code shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the day the commissioner issues the assessment until it is paid or until it is certified to the attorney general for collection under section 131.02 of the Revised Code, whichever comes first. If the unpaid portion of the assessment is certified to the attorney general for collection, the entire unpaid portion of the assessment shall bear interest at the rate per annum prescribed by section 5703.47 of the Revised Code from the date of certification until the date it is paid in its entirety. Interest shall be paid in the same manner as the tax and may be collected by the issuance of an assessment under this section.

(D) All money collected by the commissioner under this 109858  
section shall be paid to the treasurer of state, and when paid 109859  
shall be considered as revenue arising from the tax imposed by 109860  
section 5749.02 of the Revised Code and the amount due under 109861  
section 1509.50 of the Revised Code, as applicable. 109862

**Sec. 5749.17.** ~~Any~~ Except for purposes of enforcing Chapter 109863  
1509. of the Revised Code, any information provided to the 109864  
department of natural resources by the department of taxation in 109865  
accordance with division (C)(12) of section 5703.21 of the Revised 109866  
Code shall not be disclosed publicly by the department of natural 109867  
resources, ~~but.~~ However the department of natural resources may 109868  
provide such information to the attorney general for purposes of 109869  
enforcement of ~~the law~~ Chapter 1509. of the Revised Code. 109870

**Sec. 5751.01.** As used in this chapter: 109871

(A) "Person" means, but is not limited to, individuals, 109872  
combinations of individuals of any form, receivers, assignees, 109873  
trustees in bankruptcy, firms, companies, joint-stock companies, 109874  
business trusts, estates, partnerships, limited liability 109875  
partnerships, limited liability companies, associations, joint 109876  
ventures, clubs, societies, for-profit corporations, S 109877  
corporations, qualified subchapter S subsidiaries, qualified 109878  
subchapter S trusts, trusts, entities that are disregarded for 109879  
federal income tax purposes, and any other entities. 109880

(B) "Consolidated elected taxpayer" means a group of two or 109881  
more persons treated as a single taxpayer for purposes of this 109882  
chapter as the result of an election made under section 5751.011 109883  
of the Revised Code. 109884

(C) "Combined taxpayer" means a group of two or more persons 109885  
treated as a single taxpayer for purposes of this chapter under 109886  
section 5751.012 of the Revised Code. 109887

(D) "Taxpayer" means any person, or any group of persons in the case of a consolidated elected taxpayer or combined taxpayer treated as one taxpayer, required to register or pay tax under this chapter. "Taxpayer" does not include excluded persons.

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(E) "Excluded person" means any of the following:

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(1) Any person with not more than one hundred fifty thousand dollars of taxable gross receipts during the calendar year. Division (E)(1) of this section does not apply to a person that is a member of a consolidated elected taxpayer;

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(2) A public utility that paid the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter, except that a public utility that is a combined company is a taxpayer with regard to the following gross receipts:

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(a) Taxable gross receipts directly attributed to a public utility activity, but not directly attributed to an activity that is subject to the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code;

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(b) Taxable gross receipts that cannot be directly attributed to any activity, multiplied by a fraction whose numerator is the taxable gross receipts described in division (E)(2)(a) of this section and whose denominator is the total taxable gross receipts that can be directly attributed to any activity;

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(c) Except for any differences resulting from the use of an accrual basis method of accounting for purposes of determining gross receipts under this chapter and the use of the cash basis method of accounting for purposes of determining gross receipts under section 5727.24 of the Revised Code, the gross receipts directly attributed to the activity of a natural gas company shall be determined in a manner consistent with division (D) of section 5727.03 of the Revised Code.

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As used in division (E)(2) of this section, "combined company" and "public utility" have the same meanings as in section 5727.01 of the Revised Code.

(3) A financial institution, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter;

(4) A person directly or indirectly owned by one or more financial institutions, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter.

For the purposes of division (E)(4) of this section, a person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;

(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1705.01 of the Revised Code, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company;

(c) In the case of a partnership, trust, or other unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent or more of the combined beneficial interests of all persons having such an interest in the organization.

(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code, or an unauthorized insurance company whose gross premiums are subject to tax under section 3905.36 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter;

(6) A person that solely facilitates or services one or more securitizations of phase-in-recovery property pursuant to a final financing order as those terms are defined in section 4928.23 of the Revised Code. For purposes of this division, "securitization" means transferring one or more assets to one or more persons and then issuing securities backed by the right to receive payment from the asset or assets so transferred.

(7) Except as otherwise provided in this division, a pre-income tax trust as defined in division (FF)(4) of section 5747.01 of the Revised Code and any pass-through entity of which such pre-income tax trust owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests. If the pre-income tax trust has made a qualifying pre-income tax trust election under division (FF)(3) of section 5747.01 of the Revised Code, then the trust and the pass-through entities of which it owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests, shall not be excluded persons for purposes of the tax imposed under section 5751.02 of the Revised Code.

(8) Nonprofit organizations or the state and its agencies, instrumentalities, or political subdivisions.

(F) Except as otherwise provided in divisions (F)(2), (3), and (4) of this section, "gross receipts" means the total amount realized by a person, without deduction for the cost of goods sold

or other expenses incurred, that contributes to the production of 109982  
gross income of the person, including the fair market value of any 109983  
property and any services received, and any debt transferred or 109984  
forgiven as consideration. 109985

(1) The following are examples of gross receipts: 109986

(a) Amounts realized from the sale, exchange, or other 109987  
disposition of the taxpayer's property to or with another; 109988

(b) Amounts realized from the taxpayer's performance of 109989  
services for another; 109990

(c) Amounts realized from another's use or possession of the 109991  
taxpayer's property or capital; 109992

(d) Any combination of the foregoing amounts. 109993

(2) "Gross receipts" excludes the following amounts: 109994

(a) Interest income except interest on credit sales; 109995

(b) Dividends and distributions from corporations, and 109996  
distributive or proportionate shares of receipts and income from a 109997  
pass-through entity as defined under section 5733.04 of the 109998  
Revised Code; 109999

(c) Receipts from the sale, exchange, or other disposition of 110000  
an asset described in section 1221 or 1231 of the Internal Revenue 110001  
Code, without regard to the length of time the person held the 110002  
asset. Notwithstanding section 1221 of the Internal Revenue Code, 110003  
receipts from hedging transactions also are excluded to the extent 110004  
the transactions are entered into primarily to protect a financial 110005  
position, such as managing the risk of exposure to (i) foreign 110006  
currency fluctuations that affect assets, liabilities, profits, 110007  
losses, equity, or investments in foreign operations; (ii) 110008  
interest rate fluctuations; or (iii) commodity price fluctuations. 110009  
As used in division (F)(2)(c) of this section, "hedging 110010  
transaction" has the same meaning as used in section 1221 of the 110011

Internal Revenue Code and also includes transactions accorded 110012  
hedge accounting treatment under statement of financial accounting 110013  
standards number 133 of the financial accounting standards board. 110014  
For the purposes of division (F)(2)(c) of this section, the actual 110015  
transfer of title of real or tangible personal property to another 110016  
entity is not a hedging transaction. 110017

(d) Proceeds received attributable to the repayment, 110018  
maturity, or redemption of the principal of a loan, bond, mutual 110019  
fund, certificate of deposit, or marketable instrument; 110020

(e) The principal amount received under a repurchase 110021  
agreement or on account of any transaction properly characterized 110022  
as a loan to the person; 110023

(f) Contributions received by a trust, plan, or other 110024  
arrangement, any of which is described in section 501(a) of the 110025  
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 110026  
1, Subchapter (D) of the Internal Revenue Code applies; 110027

(g) Compensation, whether current or deferred, and whether in 110028  
cash or in kind, received or to be received by an employee, former 110029  
employee, or the employee's legal successor for services rendered 110030  
to or for an employer, including reimbursements received by or for 110031  
an individual for medical or education expenses, health insurance 110032  
premiums, or employee expenses, or on account of a dependent care 110033  
spending account, legal services plan, any cafeteria plan 110034  
described in section 125 of the Internal Revenue Code, or any 110035  
similar employee reimbursement; 110036

(h) Proceeds received from the issuance of the taxpayer's own 110037  
stock, options, warrants, puts, or calls, or from the sale of the 110038  
taxpayer's treasury stock; 110039

(i) Proceeds received on the account of payments from 110040  
insurance policies, except those proceeds received for the loss of 110041  
business revenue; 110042



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| (j) Gifts or charitable contributions received; membership         | 110043 |
| dues received by trade, professional, homeowners', or condominium  | 110044 |
| associations; and payments received for educational courses,       | 110045 |
| meetings, meals, or similar payments to a trade, professional, or  | 110046 |
| other similar association; and fundraising receipts received by    | 110047 |
| any person when any excess receipts are donated or used            | 110048 |
| exclusively for charitable purposes;                               | 110049 |
| (k) Damages received as the result of litigation in excess of      | 110050 |
| amounts that, if received without litigation, would be gross       | 110051 |
| receipts;                                                          | 110052 |
| (l) Property, money, and other amounts received or acquired        | 110053 |
| by an agent on behalf of another in excess of the agent's          | 110054 |
| commission, fee, or other remuneration;                            | 110055 |
| (m) Tax refunds, other tax benefit recoveries, and                 | 110056 |
| reimbursements for the tax imposed under this chapter made by      | 110057 |
| entities that are part of the same combined taxpayer or            | 110058 |
| consolidated elected taxpayer group, and reimbursements made by    | 110059 |
| entities that are not members of a combined taxpayer or            | 110060 |
| consolidated elected taxpayer group that are required to be made   | 110061 |
| for economic parity among multiple owners of an entity whose tax   | 110062 |
| obligation under this chapter is required to be reported and paid  | 110063 |
| entirely by one owner, pursuant to the requirements of sections    | 110064 |
| 5751.011 and 5751.012 of the Revised Code;                         | 110065 |
| (n) Pension reversions;                                            | 110066 |
| (o) Contributions to capital;                                      | 110067 |
| (p) Sales or use taxes collected as a vendor or an                 | 110068 |
| out-of-state seller on behalf of the taxing jurisdiction from a    | 110069 |
| consumer or other taxes the taxpayer is required by law to collect | 110070 |
| directly from a purchaser and remit to a local, state, or federal  | 110071 |
| tax authority;                                                     | 110072 |
| (q) In the case of receipts from the sale of cigarettes or         | 110073 |

tobacco products by a wholesale dealer, retail dealer, 110074  
distributor, manufacturer, or seller, all as defined in section 110075  
5743.01 of the Revised Code, an amount equal to the federal and 110076  
state excise taxes paid by any person on or for such cigarettes or 110077  
tobacco products under subtitle E of the Internal Revenue Code or 110078  
Chapter 5743. of the Revised Code; 110079

(r) In the case of receipts from the sale of motor fuel by a 110080  
licensed motor fuel dealer, licensed retail dealer, or licensed 110081  
permissive motor fuel dealer, all as defined in section 5735.01 of 110082  
the Revised Code, an amount equal to federal and state excise 110083  
taxes paid by any person on such motor fuel under section 4081 of 110084  
the Internal Revenue Code or Chapter 5735. of the Revised Code; 110085

(s) In the case of receipts from the sale of beer or 110086  
intoxicating liquor, as defined in section 4301.01 of the Revised 110087  
Code, by a person holding a permit issued under Chapter 4301. or 110088  
4303. of the Revised Code, an amount equal to federal and state 110089  
excise taxes paid by any person on or for such beer or 110090  
intoxicating liquor under subtitle E of the Internal Revenue Code 110091  
or Chapter 4301. or 4305. of the Revised Code; 110092

(t) Receipts realized by a new motor vehicle dealer or used 110093  
motor vehicle dealer, as defined in section 4517.01 of the Revised 110094  
Code, from the sale or other transfer of a motor vehicle, as 110095  
defined in that section, to another motor vehicle dealer for the 110096  
purpose of resale by the transferee motor vehicle dealer, but only 110097  
if the sale or other transfer was based upon the transferee's need 110098  
to meet a specific customer's preference for a motor vehicle; 110099

(u) Receipts from a financial institution described in 110100  
division (E)(3) of this section for services provided to the 110101  
financial institution in connection with the issuance, processing, 110102  
servicing, and management of loans or credit accounts, if such 110103  
financial institution and the recipient of such receipts have at 110104  
least fifty per cent of their ownership interests owned or 110105

controlled, directly or constructively through related interests, 110106  
by common owners; 110107

(v) Receipts realized from administering anti-neoplastic 110108  
drugs and other cancer chemotherapy, biologicals, therapeutic 110109  
agents, and supportive drugs in a physician's office to patients 110110  
with cancer; 110111

(w) Funds received or used by a mortgage broker that is not a 110112  
dealer in intangibles, other than fees or other consideration, 110113  
pursuant to a table-funding mortgage loan or warehouse-lending 110114  
mortgage loan. Terms used in division (F)(2)(w) of this section 110115  
have the same meanings as in section 1322.01 of the Revised Code, 110116  
except "mortgage broker" means a person assisting a buyer in 110117  
obtaining a mortgage loan for a fee or other consideration paid by 110118  
the buyer or a lender, or a person engaged in table-funding or 110119  
warehouse-lending mortgage loans that are first lien mortgage 110120  
loans. 110121

(x) Property, money, and other amounts received by a 110122  
professional employer organization, as defined in section 4125.01 110123  
of the Revised Code, from a client employer, as defined in that 110124  
section, in excess of the administrative fee charged by the 110125  
professional employer organization to the client employer; 110126

(y) In the case of amounts retained as commissions by a 110127  
permit holder under Chapter 3769. of the Revised Code, an amount 110128  
equal to the amounts specified under that chapter that must be 110129  
paid to or collected by the tax commissioner as a tax and the 110130  
amounts specified under that chapter to be used as purse money; 110131

(z) Qualifying distribution center receipts. 110132

(i) For purposes of division (F)(2)(z) of this section: 110133

(I) "Qualifying distribution center receipts" means receipts 110134  
of a supplier from qualified property that is delivered to a 110135  
qualified distribution center, multiplied by a quantity that 110136

equals one minus the Ohio delivery percentage. If the qualified 110137  
distribution center is a refining facility, "supplier" includes 110138  
all dealers, brokers, processors, sellers, vendors, cosigners, and 110139  
distributors of qualified property. 110140

(II) "Qualified property" means tangible personal property 110141  
delivered to a qualified distribution center that is shipped to 110142  
that qualified distribution center solely for further shipping by 110143  
the qualified distribution center to another location in this 110144  
state or elsewhere or, in the case of gold, silver, platinum, or 110145  
palladium delivered to a refining facility solely for refining to 110146  
a grade and fineness acceptable for delivery to a registered 110147  
commodities exchange. "Further shipping" includes storing and 110148  
repackaging property into smaller or larger bundles, so long as 110149  
the property is not subject to further manufacturing or 110150  
processing. "Refining" is limited to extracting impurities from 110151  
gold, silver, platinum, or palladium through smelting or some 110152  
other process at a refining facility. 110153

(III) "Qualified distribution center" means a warehouse, a 110154  
facility similar to a warehouse, or a refining facility in this 110155  
state that, for the qualifying year, is operated by a person that 110156  
is not part of a combined taxpayer group and that has a qualifying 110157  
certificate. All warehouses or facilities similar to warehouses 110158  
that are operated by persons in the same taxpayer group and that 110159  
are located within one mile of each other shall be treated as one 110160  
qualified distribution center. All refining facilities that are 110161  
operated by persons in the same taxpayer group and that are 110162  
located in the same or adjacent counties may be treated as one 110163  
qualified distribution center. 110164

(IV) "Qualifying year" means the calendar year to which the 110165  
qualifying certificate applies. 110166

(V) "Qualifying period" means the period of the first day of 110167  
July of the second year preceding the qualifying year through the 110168

thirtieth day of June of the year preceding the qualifying year. 110169

(VI) "Qualifying certificate" means the certificate issued by 110170  
the tax commissioner after the operator of a distribution center 110171  
files an annual application with the commissioner. The application 110172  
and annual fee shall be filed and paid for each qualified 110173  
distribution center on or before the first day of September before 110174  
the qualifying year or within forty-five days after the 110175  
distribution center opens, whichever is later. 110176

The applicant must substantiate to the commissioner's 110177  
satisfaction that, for the qualifying period, all persons 110178  
operating the distribution center have more than fifty per cent of 110179  
the cost of the qualified property shipped to a location such that 110180  
it would be situated outside this state under the provisions of 110181  
division (E) of section 5751.033 of the Revised Code. The 110182  
applicant must also substantiate that the distribution center 110183  
cumulatively had costs from its suppliers equal to or exceeding 110184  
five hundred million dollars during the qualifying period. (For 110185  
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 110186  
excludes any person that is part of the consolidated elected 110187  
taxpayer group, if applicable, of the operator of the qualified 110188  
distribution center.) The commissioner may require the applicant 110189  
to have an independent certified public accountant certify that 110190  
the calculation of the minimum thresholds required for a qualified 110191  
distribution center by the operator of a distribution center has 110192  
been made in accordance with generally accepted accounting 110193  
principles. The commissioner shall issue or deny the issuance of a 110194  
certificate within sixty days after the receipt of the 110195  
application. A denial is subject to appeal under section 5717.02 110196  
of the Revised Code. If the operator files a timely appeal under 110197  
section 5717.02 of the Revised Code, the operator shall be granted 110198  
a qualifying certificate, provided that the operator is liable for 110199  
any tax, interest, or penalty upon amounts claimed as qualifying 110200

distribution center receipts, other than those receipts exempt 110201  
under division (C)(1) of section 5751.011 of the Revised Code, 110202  
that would have otherwise not been owed by its suppliers if the 110203  
qualifying certificate was valid. 110204

(VII) "Ohio delivery percentage" means the proportion of the 110205  
total property delivered to a destination inside Ohio from the 110206  
qualified distribution center during the qualifying period 110207  
compared with total deliveries from such distribution center 110208  
everywhere during the qualifying period. 110209

(VIII) "Refining facility" means one or more buildings 110210  
located in a county in the Appalachian region of this state as 110211  
defined by section 107.21 of the Revised Code and utilized for 110212  
refining or smelting gold, silver, platinum, or palladium to a 110213  
grade and fineness acceptable for delivery to a registered 110214  
commodities exchange. 110215

(IX) "Registered commodities exchange" means a board of 110216  
trade, such as New York mercantile exchange, inc. or commodity 110217  
exchange, inc., designated as a contract market by the commodity 110218  
futures trading commission under the "Commodity Exchange Act," 7 110219  
U.S.C. 1 et seq., as amended. 110220

(ii) If the distribution center is new and was not open for 110221  
the entire qualifying period, the operator of the distribution 110222  
center may request that the commissioner grant a qualifying 110223  
certificate. If the certificate is granted and it is later 110224  
determined that more than fifty per cent of the qualified property 110225  
during that year was not shipped to a location such that it would 110226  
be situated outside of this state under the provisions of division 110227  
(E) of section 5751.033 of the Revised Code or if it is later 110228  
determined that the person that operates the distribution center 110229  
had average monthly costs from its suppliers of less than forty 110230  
million dollars during that year, then the operator of the 110231  
distribution center shall be liable for any tax, interest, or 110232

penalty upon amounts claimed as qualifying distribution center 110233  
receipts, other than those receipts exempt under division (C)(1) 110234  
of section 5751.011 of the Revised Code, that would have not 110235  
otherwise been owed by its suppliers during the qualifying year if 110236  
the qualifying certificate was valid. (For purposes of division 110237  
(F)(2)(z)(ii) of this section, "supplier" excludes any person that 110238  
is part of the consolidated elected taxpayer group, if applicable, 110239  
of the operator of the qualified distribution center.) 110240

(iii) When filing an application for a qualifying certificate 110241  
under division (F)(2)(z)(i)(VI) of this section, the operator of a 110242  
qualified distribution center also shall provide documentation, as 110243  
the commissioner requires, for the commissioner to ascertain the 110244  
Ohio delivery percentage. The commissioner, upon issuing the 110245  
qualifying certificate, also shall certify the Ohio delivery 110246  
percentage. The operator of the qualified distribution center may 110247  
appeal the commissioner's certification of the Ohio delivery 110248  
percentage in the same manner as an appeal is taken from the 110249  
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 110250  
of this section. 110251

Within thirty days after all appeals have been exhausted, the 110252  
operator of the qualified distribution center shall notify the 110253  
affected suppliers of qualified property that such suppliers are 110254  
required to file, within sixty days after receiving notice from 110255  
the operator of the qualified distribution center, amended reports 110256  
for the impacted calendar quarter or quarters or calendar year, 110257  
whichever the case may be. Any additional tax liability or tax 110258  
overpayment shall be subject to interest but shall not be subject 110259  
to the imposition of any penalty so long as the amended returns 110260  
are timely filed. The supplier of tangible personal property 110261  
delivered to the qualified distribution center shall include in 110262  
its report of taxable gross receipts the receipts from the total 110263  
sales of property delivered to the qualified distribution center 110264

for the calendar quarter or calendar year, whichever the case may be, multiplied by the Ohio delivery percentage for the qualifying year. Nothing in division (F)(2)(z)(iii) of this section shall be construed as imposing liability on the operator of a qualified distribution center for the tax imposed by this chapter arising from any change to the Ohio delivery percentage.

(iv) In the case where the distribution center is new and not open for the entire qualifying period, the operator shall make a good faith estimate of an Ohio delivery percentage for use by suppliers in their reports of taxable gross receipts for the remainder of the qualifying period. The operator of the facility shall disclose to the suppliers that such Ohio delivery percentage is an estimate and is subject to recalculation. By the due date of the next application for a qualifying certificate, the operator shall determine the actual Ohio delivery percentage for the estimated qualifying period and proceed as provided in division (F)(2)(z)(iii) of this section with respect to the calculation and recalculation of the Ohio delivery percentage. The supplier is required to file, within sixty days after receiving notice from the operator of the qualified distribution center, amended reports for the impacted calendar quarter or quarters or calendar year, whichever the case may be. Any additional tax liability or tax overpayment shall be subject to interest but shall not be subject to the imposition of any penalty so long as the amended returns are timely filed.

(v) Qualifying certificates and Ohio delivery percentages issued by the commissioner shall be open to public inspection and shall be timely published by the commissioner. A supplier relying in good faith on a certificate issued under this division shall not be subject to tax on the qualifying distribution center receipts under division (F)(2)(z) of this section. A person receiving a qualifying certificate is responsible for paying the



tax, interest, and penalty upon amounts claimed as qualifying 110297  
distribution center receipts that would not otherwise have been 110298  
owed by the supplier if the qualifying certificate were available 110299  
when it is later determined that the qualifying certificate should 110300  
not have been issued because the statutory requirements were in 110301  
fact not met. 110302

(vi) The annual fee for a qualifying certificate shall be one 110303  
hundred thousand dollars for each qualified distribution center. 110304  
If a qualifying certificate is not issued, the annual fee is 110305  
subject to refund after the exhaustion of all appeals provided for 110306  
in division (F)(2)(z)(i)(VI) of this section. The fee imposed 110307  
under this division may be assessed in the same manner as the tax 110308  
imposed under this chapter. The first one hundred thousand dollars 110309  
of the annual application fees collected each calendar year shall 110310  
be credited to the revenue enhancement fund. The remainder of the 110311  
annual application fees collected shall be distributed in the same 110312  
manner required under section 5751.20 of the Revised Code. 110313

(vii) The tax commissioner may require that adequate security 110314  
be posted by the operator of the distribution center on appeal 110315  
when the commissioner disagrees that the applicant has met the 110316  
minimum thresholds for a qualified distribution center as set 110317  
forth in divisions (F)(2)(z)(i)(VI) and (F)(2)(z)(ii) of this 110318  
section. 110319

(aa) Receipts of an employer from payroll deductions relating 110320  
to the reimbursement of the employer for advancing moneys to an 110321  
unrelated third party on an employee's behalf; 110322

(bb) Cash discounts allowed and taken; 110323

(cc) Returns and allowances; 110324

(dd) Bad debts from receipts on the basis of which the tax 110325  
imposed by this chapter was paid in a prior quarterly tax payment 110326  
period. For the purpose of this division, "bad debts" means any 110327

debts that have become worthless or uncollectible between the 110328  
preceding and current quarterly tax payment periods, have been 110329  
uncollected for at least six months, and that may be claimed as a 110330  
deduction under section 166 of the Internal Revenue Code and the 110331  
regulations adopted under that section, or that could be claimed 110332  
as such if the taxpayer kept its accounts on the accrual basis. 110333  
"Bad debts" does not include repossessed property, uncollectible 110334  
amounts on property that remains in the possession of the taxpayer 110335  
until the full purchase price is paid, or expenses in attempting 110336  
to collect any account receivable or for any portion of the debt 110337  
recovered; 110338

(ee) Any amount realized from the sale of an account 110339  
receivable to the extent the receipts from the underlying 110340  
transaction giving rise to the account receivable were included in 110341  
the gross receipts of the taxpayer; 110342

(ff) Any receipts directly attributed to providing public 110343  
services pursuant to sections 126.60 to 126.605 of the Revised 110344  
Code, or any receipts directly attributed to a transfer agreement 110345  
or to the enterprise transferred under that agreement under 110346  
section 4313.02 of the Revised Code. 110347

(gg)(i) As used in this division: 110348

(I) "Qualified uranium receipts" means receipts from the 110349  
sale, exchange, lease, loan, production, processing, or other 110350  
disposition of uranium within a uranium enrichment zone certified 110351  
by the tax commissioner under division (F)(2)(gg)(ii) of this 110352  
section. "Qualified uranium receipts" does not include any 110353  
receipts with a situs in this state outside a uranium enrichment 110354  
zone certified by the tax commissioner under division 110355  
(F)(2)(gg)(ii) of this section. 110356

(II) "Uranium enrichment zone" means all real property that 110357  
is part of a uranium enrichment facility licensed by the United 110358

States nuclear regulatory commission and that was or is owned or 110359  
controlled by the United States department of energy or its 110360  
successor. 110361

(ii) Any person that owns, leases, or operates real or 110362  
tangible personal property constituting or located within a 110363  
uranium enrichment zone may apply to the tax commissioner to have 110364  
the uranium enrichment zone certified for the purpose of excluding 110365  
qualified uranium receipts under division (F)(2)(gg) of this 110366  
section. The application shall include such information that the 110367  
tax commissioner prescribes. Within sixty days after receiving the 110368  
application, the tax commissioner shall certify the zone for that 110369  
purpose if the commissioner determines that the property qualifies 110370  
as a uranium enrichment zone as defined in division (F)(2)(gg) of 110371  
this section, or, if the tax commissioner determines that the 110372  
property does not qualify, the commissioner shall deny the 110373  
application or request additional information from the applicant. 110374  
If the tax commissioner denies an application, the commissioner 110375  
shall state the reasons for the denial. The applicant may appeal 110376  
the denial of an application to the board of tax appeals pursuant 110377  
to section 5717.02 of the Revised Code. If the applicant files a 110378  
timely appeal, the tax commissioner shall conditionally certify 110379  
the applicant's property. The conditional certification shall 110380  
expire when all of the applicant's appeals are exhausted. Until 110381  
final resolution of the appeal, the applicant shall retain the 110382  
applicant's records in accordance with section 5751.12 of the 110383  
Revised Code, notwithstanding any time limit on the preservation 110384  
of records under that section. 110385

(hh) Amounts realized by licensed motor fuel dealers or 110386  
licensed permissive motor fuel dealers from the exchange of 110387  
petroleum products, including motor fuel, between such dealers, 110388  
provided that delivery of the petroleum products occurs at a 110389  
refinery, terminal, pipeline, or marine vessel and that the 110390

exchanging dealers agree neither dealer shall require monetary 110391  
compensation from the other for the value of the exchanged 110392  
petroleum products other than such compensation for differences in 110393  
product location or grade. Division (F)(2)(hh) of this section 110394  
does not apply to amounts realized as a result of differences in 110395  
location or grade of exchanged petroleum products or from 110396  
handling, lubricity, dye, or other additive injections fees, 110397  
pipeline security fees, or similar fees. As used in this division, 110398  
"motor fuel," "licensed motor fuel dealer," "licensed permissive 110399  
motor fuel dealer," and "terminal" have the same meanings as in 110400  
section 5735.01 of the Revised Code. 110401

(ii) In the case of amounts collected by a licensed casino 110402  
operator from casino gaming, amounts in excess of the casino 110403  
operator's gross casino revenue. In this division, "casino 110404  
operator" and "casino gaming" have the meanings defined in section 110405  
3772.01 of the Revised Code, and "gross casino revenue" has the 110406  
meaning defined in section 5753.01 of the Revised Code. 110407

(jj) Receipts realized from the sale of agricultural 110408  
commodities by an agricultural commodity handler, both as defined 110409  
in section 926.01 of the Revised Code, that is licensed by the 110410  
director of agriculture to handle agricultural commodities in this 110411  
state. 110412

(kk) Any receipts for which the tax imposed by this chapter 110413  
is prohibited by the constitution or laws of the United States or 110414  
the constitution of this state. 110415

(3) In the case of a taxpayer when acting as a real estate 110416  
broker, "gross receipts" includes only the portion of any fee for 110417  
the service of a real estate broker, or service of a real estate 110418  
salesperson associated with that broker, that is retained by the 110419  
broker and not paid to an associated real estate salesperson or 110420  
another real estate broker. For the purposes of this division, 110421  
"real estate broker" and "real estate salesperson" have the same 110422

meanings as in section 4735.01 of the Revised Code. 110423

(4) A taxpayer's method of accounting for gross receipts for 110424  
a tax period shall be the same as the taxpayer's method of 110425  
accounting for federal income tax purposes for the taxpayer's 110426  
federal taxable year that includes the tax period. If a taxpayer's 110427  
method of accounting for federal income tax purposes changes, its 110428  
method of accounting for gross receipts under this chapter shall 110429  
be changed accordingly. 110430

(G) "Taxable gross receipts" means gross receipts situated to 110431  
this state under section 5751.033 of the Revised Code. 110432

(H) A person has "substantial nexus with this state" if any 110433  
of the following applies. The person: 110434

(1) Owns or uses a part or all of its capital in this state; 110435

(2) Holds a certificate of compliance with the laws of this 110436  
state authorizing the person to do business in this state; 110437

(3) Has bright-line presence in this state; 110438

(4) Otherwise has nexus with this state to an extent that the 110439  
person can be required to remit the tax imposed under this chapter 110440  
under the Constitution of the United States. 110441

(I) A person has "bright-line presence" in this state for a 110442  
reporting period and for the remaining portion of the calendar 110443  
year if any of the following applies. The person: 110444

(1) Has at any time during the calendar year property in this 110445  
state with an aggregate value of at least fifty thousand dollars. 110446  
For the purpose of division (I)(1) of this section, owned property 110447  
is valued at original cost and rented property is valued at eight 110448  
times the net annual rental charge. 110449

(2) Has during the calendar year payroll in this state of at 110450  
least fifty thousand dollars. Payroll in this state includes all 110451  
of the following: 110452

(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code; 110453  
110454

(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and 110455  
110456  
110457

(c) Any amount the person pays for services performed in this state on its behalf by another. 110458  
110459

(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars. 110460  
110461

(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts. 110462  
110463  
110464

(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes. 110465  
110466

(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code. 110467  
110468

(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes. 110469  
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(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December. 110477  
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(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter. 110480  
110481  
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|                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.                                                                                                                                                                                                                                                                                                             | 110483<br>110484                                                   |
| (O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.                                                                                                                                                                                                                                                                                                       | 110485<br>110486                                                   |
| (P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:                                                                                                                                                                                                                                                 | 110487<br>110488<br>110489                                         |
| (1) A person receiving a fee to sell financial instruments;                                                                                                                                                                                                                                                                                                                                            | 110490                                                             |
| (2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;                                                                                                                                                                                                                                                             | 110491<br>110492<br>110493                                         |
| (3) A person issuing licenses and permits under section 1533.13 of the Revised Code;                                                                                                                                                                                                                                                                                                                   | 110494<br>110495                                                   |
| (4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;                                                                                                                                                                                                                                                                                                    | 110496<br>110497                                                   |
| (5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.                                                                                                                                                                                                                                                                                           | 110498<br>110499                                                   |
| (Q) "Received" includes amounts accrued under the accrual method of accounting.                                                                                                                                                                                                                                                                                                                        | 110500<br>110501                                                   |
| (R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group. | 110502<br>110503<br>110504<br>110505<br>110506<br>110507<br>110508 |
| <b>Sec. 5751.014.</b> All members of a consolidated elected taxpayer or combined taxpayer group during the tax period or periods for which additional tax, penalty, or interest is owed are jointly and                                                                                                                                                                                                | 110509<br>110510<br>110511                                         |

severally liable for such amounts. Although the reporting person 110512  
will be assessed for the liability, such amounts due may be 110513  
collected by assessment against any member of the group as 110514  
provided in section 5703.90 of the Revised Code or pursued against 110515  
any member of the group when a liability is certified to the 110516  
attorney general under section 131.02 of the Revised Code. 110517

**Sec. 5751.07.** (A) Any person required to file returns ~~for a~~ 110518  
~~calendar quarter~~ under this chapter shall remit each tax payment, 110519  
and, if required by the tax commissioner, file the tax return or 110520  
the annual report, electronically. The commissioner may require 110521  
taxpayers to use the Ohio business gateway as defined in section 110522  
718.051 of the Revised Code to file returns and remit the tax, or 110523  
may provide another means for taxpayers to file and remit the tax 110524  
electronically. 110525

(B) A person required by this section to remit taxes or file 110526  
returns electronically may apply to the tax commissioner, on the 110527  
form prescribed by the commissioner, to be excused from that 110528  
requirement. The commissioner may excuse a person from the 110529  
requirements of this division for good cause. 110530

(C)(1) If a person required to remit taxes or file a return 110531  
electronically under this section fails to do so, the commissioner 110532  
may impose a penalty not to exceed the following: 110533

(a) For either of the first two ~~calendar quarters~~ tax periods 110534  
the person so fails, the greater of twenty-five dollars or five 110535  
per cent of the amount of the payment that was required to be 110536  
remitted; 110537

(b) For the third and any subsequent ~~calendar quarters~~ tax 110538  
periods the person so fails, the greater of fifty dollars or ten 110539  
per cent of the amount of the payment that was required to be 110540  
remitted. 110541



(2) The penalty imposed under division (C)(1) of this section 110542  
is in addition to any other penalty imposed under this chapter and 110543  
shall be considered as revenue arising from the tax imposed under 110544  
this chapter. A penalty may be collected by assessment in the 110545  
manner prescribed by section 5751.09 of the Revised Code. The tax 110546  
commissioner may abate all or a portion of such a penalty. 110547

(D) The tax commissioner may adopt rules necessary to 110548  
administer this section. 110549

**Sec. 5751.081.** As used in this section, "debt to this state" 110550  
means unpaid taxes due the state, unpaid workers' compensation 110551  
premiums due under section 4123.35 of the Revised Code, unpaid 110552  
unemployment compensation contributions due under section 4141.25 110553  
of the Revised Code, unpaid unemployment compensation payment in 110554  
lieu of contribution under section 4141.241 of the Revised Code, 110555  
unpaid fee payable to the state or to the clerk of courts pursuant 110556  
to section 4505.06 of the Revised Code, incorrect ~~medical~~ 110557  
~~assistance~~ payments for medicaid services under ~~section 5111.02 of~~ 110558  
~~the Revised Code~~ the medicaid program, or any unpaid charge, 110559  
penalty, or interest arising from any of the foregoing. 110560

If a taxpayer entitled to a refund under section 5751.08 of 110561  
the Revised Code owes any debt to this state, the amount 110562  
refundable may be applied in satisfaction of the debt. If the 110563  
amount refundable is less than the amount of the debt, it may be 110564  
applied in partial satisfaction of the debt. If the amount 110565  
refundable is greater than the amount of the debt, the amount 110566  
remaining after satisfaction of the debt shall be refunded. This 110567  
section applies only to debts that have become final. For the 110568  
purposes of this section, a debt becomes final when, under the 110569  
applicable law, any time provided for petition for reassessment, 110570  
request for reconsideration, or other appeal of the legality or 110571  
validity of the amount giving rise to the debt expires without an 110572

appeal having been filed in the manner provided by law. 110573

**Sec. 5751.09.** (A) The tax commissioner may make an 110574  
assessment, based on any information in the commissioner's 110575  
possession, against any person that fails to file a return or pay 110576  
any tax as required by this chapter. The commissioner shall give 110577  
the person assessed written notice of the assessment as provided 110578  
in section 5703.37 of the Revised Code. With the notice, the 110579  
commissioner shall provide instructions on the manner in which to 110580  
petition for reassessment and request a hearing with respect to 110581  
the petition. The commissioner shall send any assessments against 110582  
consolidated elected taxpayer and combined taxpayer groups under 110583  
section 5751.011 or 5751.012 of the Revised Code to the taxpayer's 110584  
"reporting person" as defined under division (R) of section 110585  
5751.01 of the Revised Code. The reporting person shall notify all 110586  
members of the group of the assessment and all outstanding taxes, 110587  
interest, and penalties for which the assessment is issued. 110588

(B) Unless the person assessed, within sixty days after 110589  
service of the notice of assessment, files with the tax 110590  
commissioner, either personally or by certified mail, a written 110591  
petition signed by the person or the person's authorized agent 110592  
having knowledge of the facts, the assessment becomes final, and 110593  
the amount of the assessment is due and payable from the person 110594  
assessed to the treasurer of state. The petition shall indicate 110595  
the objections of the person assessed, but additional objections 110596  
may be raised in writing if received by the commissioner prior to 110597  
the date shown on the final determination. 110598

If a petition for reassessment has been properly filed, the 110599  
commissioner shall proceed under section 5703.60 of the Revised 110600  
Code. 110601

(C)(1) After an assessment becomes final, if any portion of 110602  
the assessment, including accrued interest, remains unpaid, a 110603

certified copy of the tax commissioner's entry making the 110604  
assessment final may be filed in the office of the clerk of the 110605  
court of common pleas in the county in which the person resides or 110606  
has its principal place of business in this state, or in the 110607  
office of the clerk of court of common pleas of Franklin county. 110608

(2) Immediately upon the filing of the entry, the clerk shall 110609  
enter judgment for the state against the person assessed in the 110610  
amount shown on the entry. The judgment may be filed by the clerk 110611  
in a loose-leaf book entitled, "special judgments for the 110612  
commercial activity tax" and shall have the same effect as other 110613  
judgments. Execution shall issue upon the judgment at the request 110614  
of the tax commissioner, and all laws applicable to sales on 110615  
execution shall apply to sales made under the judgment. 110616

(3) ~~The portion of~~ If the assessment is not paid in its 110617  
entirety within sixty days after the day the assessment was 110618  
issued, the portion of the assessment consisting of tax due shall 110619  
bear interest at the rate per annum prescribed by section 5703.47 110620  
of the Revised Code from the day the tax commissioner issues the 110621  
assessment until it is paid or until it is certified to the 110622  
attorney general for collection under section 131.02 of the 110623  
Revised Code, whichever comes first. If the unpaid portion of the 110624  
assessment is certified to the attorney general for collection, 110625  
the entire unpaid portion of the assessment shall bear interest at 110626  
the rate per annum prescribed by section 5703.47 of the Revised 110627  
Code from the date of certification until the date it is paid in 110628  
its entirety. Interest shall be paid in the same manner as the tax 110629  
and may be collected by the issuance of an assessment under this 110630  
section. 110631

(D) If the tax commissioner believes that collection of the 110632  
tax will be jeopardized unless proceedings to collect or secure 110633  
collection of the tax are instituted without delay, the 110634  
commissioner may issue a jeopardy assessment against the person 110635

liable for the tax. Immediately upon the issuance of the jeopardy 110636  
assessment, the commissioner shall file an entry with the clerk of 110637  
the court of common pleas in the manner prescribed by division (C) 110638  
of this section. Notice of the jeopardy assessment shall be served 110639  
on the person assessed or the person's authorized agent in the 110640  
manner provided in section 5703.37 of the Revised Code within five 110641  
days of the filing of the entry with the clerk. The total amount 110642  
assessed is immediately due and payable, unless the person 110643  
assessed files a petition for reassessment in accordance with 110644  
division (B) of this section and provides security in a form 110645  
satisfactory to the commissioner and in an amount sufficient to 110646  
satisfy the unpaid balance of the assessment. Full or partial 110647  
payment of the assessment does not prejudice the commissioner's 110648  
consideration of the petition for reassessment. 110649

(E) The tax commissioner shall immediately forward to the 110650  
treasurer of state all amounts the commissioner receives under 110651  
this section, and such amounts shall be considered as revenue 110652  
arising from the tax imposed under this chapter. 110653

(F) Except as otherwise provided in this division, no 110654  
assessment shall be made or issued against a taxpayer for the tax 110655  
imposed under this chapter more than four years after the due date 110656  
for the filing of the return for the tax period for which the tax 110657  
was reported, or more than four years after the return for the tax 110658  
period was filed, whichever is later. The time limit may be 110659  
extended if both the taxpayer and the commissioner consent in 110660  
writing to the extension or enter into an agreement waiving or 110661  
extending the time limit. Any such extension shall extend the 110662  
four-year time limit in division (B) of section 5751.08 of the 110663  
Revised Code for the same period of time. Nothing in this division 110664  
bars an assessment against a taxpayer that fails to file a return 110665  
required by this chapter or that files a fraudulent return. 110666

(G) If the tax commissioner possesses information that 110667

indicates that the amount of tax a taxpayer is required to pay 110668  
under this chapter exceeds the amount the taxpayer paid, the tax 110669  
commissioner may audit a sample of the taxpayer's gross receipts 110670  
over a representative period of time to ascertain the amount of 110671  
tax due, and may issue an assessment based on the audit. The tax 110672  
commissioner shall make a good faith effort to reach agreement 110673  
with the taxpayer in selecting a representative sample. The tax 110674  
commissioner may apply a sampling method only if the commissioner 110675  
has prescribed the method by rule. 110676

(H) If the whereabouts of a person subject to this chapter is 110677  
not known to the tax commissioner, the commissioner shall follow 110678  
the procedures under section 5703.37 of the Revised Code. 110679

**Sec. 5751.20.** (A) As used in sections 5751.20 to 5751.22 of 110680  
the Revised Code: 110681

(1) "School district," "joint vocational school district," 110682  
"local taxing unit," "recognized valuation," "fixed-rate levy," 110683  
and "fixed-sum levy" have the same meanings as used in section 110684  
5727.84 of the Revised Code. 110685

(2) "State education aid" for a school district means the 110686  
following: 110687

(a) For fiscal years prior to fiscal year 2010, the sum of 110688  
state aid amounts computed for the district under the following 110689  
provisions, as they existed for the applicable fiscal year: 110690  
division (A) of section 3317.022 of the Revised Code, including 110691  
the amounts calculated under ~~sections~~ former section 3317.029 and 110692  
section 3317.0217 of the Revised Code; divisions (C)(1), (C)(4), 110693  
(D), (E), and (F) of section 3317.022; divisions (B), (C), and (D) 110694  
of section 3317.023; divisions (L) and (N) of section 3317.024; 110695  
section 3317.0216; and any unit payments for gifted student 110696  
services paid under ~~sections~~ section 3317.05~~7~~ and former sections 110697  
3317.052~~7~~ and 3317.053 of the Revised Code; except that, for 110698

fiscal years 2008 and 2009, the amount computed for the district 110699  
under Section 269.20.80 of H.B. 119 of the 127th general assembly 110700  
and as that section subsequently may be amended shall be 110701  
substituted for the amount computed under division (D) of section 110702  
3317.022 of the Revised Code, and the amount computed under 110703  
Section 269.30.80 of H.B. 119 of the 127th general assembly and as 110704  
that section subsequently may be amended shall be included. 110705

(b) For fiscal years 2010 and 2011, the sum of the amounts 110706  
computed under former sections 3306.052, 3306.12, 3306.13, 110707  
3306.19, 3306.191, and 3306.192 of the Revised Code; 110708

(c) For fiscal years 2012 and 2013, the sum of the amounts 110709  
paid under Sections 267.30.50, 267.30.53, and 267.30.56 of H.B. 110710  
153 of the 129th general assembly; 110711

(d) For fiscal year 2014 and each fiscal year thereafter, the 110712  
sum of state amounts computed for the district under section 110713  
3317.022 of the Revised Code; except that, for fiscal years 2014 110714  
and 2015, the amount computed for the district under the section 110715  
of this act entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND 110716  
EXEMPTED VILLAGE SCHOOL DISTRICTS" shall be included. 110717

(3) "State education aid" for a joint vocational school 110718  
district means the following: 110719

(a) For fiscal years prior to fiscal year 2010, the sum of 110720  
the state aid computed for the district under division (N) of 110721  
section 3317.024 and former section 3317.16 of the Revised Code, 110722  
except that, for fiscal years 2008 and 2009, the amount computed 110723  
under Section 269.30.80 of H.B. 119 of the 127th general assembly 110724  
and as that section subsequently may be amended shall be included. 110725

(b) For fiscal years 2010 and 2011, the amount paid in 110726  
accordance with Section 265.30.50 of H.B. 1 of the 128th general 110727  
assembly. 110728

(c) For fiscal years 2012 and 2013, the amount paid in 110729

accordance with Section 267.30.60 of H.B. 153 of the 129th general assembly. 110730  
110731

(d) For fiscal year 2014 and each fiscal year thereafter, the amount computed for the district under section 3317.16 of the Revised Code; except that, for fiscal years 2014 and 2015, the amount computed for the district under the section of this act entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" shall be included. 110732  
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110737

(4) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5751.21 of the Revised Code. 110738  
110739  
110740

(5) "Machinery and equipment property tax value loss" means the amount determined under division (C)(1) of this section. 110741  
110742

(6) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section. 110743  
110744

(7) "Furniture and fixtures property tax value loss" means the amount determined under division (C)(3) of this section. 110745  
110746

(8) "Machinery and equipment fixed-rate levy loss" means the amount determined under division (D)(1) of this section. 110747  
110748

(9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section. 110749  
110750

(10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section. 110751  
110752

(11) "Total fixed-rate levy loss" means the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, the furniture and fixtures fixed-rate levy loss, and the telephone company fixed-rate levy loss. 110753  
110754  
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110756

(12) "Fixed-sum levy loss" means the amount determined under division (E) of this section. 110757  
110758

(13) "Machinery and equipment" means personal property 110759

subject to the assessment rate specified in division (F) of 110760  
section 5711.22 of the Revised Code. 110761

(14) "Inventory" means personal property subject to the 110762  
assessment rate specified in division (E) of section 5711.22 of 110763  
the Revised Code. 110764

(15) "Furniture and fixtures" means personal property subject 110765  
to the assessment rate specified in division (G) of section 110766  
5711.22 of the Revised Code. 110767

(16) "Qualifying levies" are levies in effect for tax year 110768  
2004 or applicable to tax year 2005 or approved at an election 110769  
conducted before September 1, 2005. For the purpose of determining 110770  
the rate of a qualifying levy authorized by section 5705.212 or 110771  
5705.213 of the Revised Code, the rate shall be the rate that 110772  
would be in effect for tax year 2010. 110773

(17) "Telephone property" means tangible personal property of 110774  
a telephone, telegraph, or interexchange telecommunications 110775  
company subject to an assessment rate specified in section 110776  
5727.111 of the Revised Code in tax year 2004. 110777

(18) "Telephone property tax value loss" means the amount 110778  
determined under division (C)(4) of this section. 110779

(19) "Telephone property fixed-rate levy loss" means the 110780  
amount determined under division (D)(4) of this section. 110781

(20) "Taxes charged and payable" means taxes charged and 110782  
payable after the reduction required by section 319.301 of the 110783  
Revised Code but before the reductions required by sections 110784  
319.302 and 323.152 of the Revised Code. 110785

(21) "Median estate tax collections" means, in the case of a 110786  
municipal corporation to which revenue from the taxes levied in 110787  
Chapter 5731. of the Revised Code was distributed in each of 110788  
calendar years 2006, 2007, 2008, and 2009, the median of those 110789



distributions. In the case of a municipal corporation to which no 110790  
distributions were made in one or more of those years, "median 110791  
estate tax collections" means zero. 110792

(22) "Total resources," in the case of a school district, 110793  
means the sum of the amounts in divisions (A)(22)(a) to (h) of 110794  
this section less any reduction required under division (A)(32) or 110795  
(33) of this section. 110796

(a) The state education aid for fiscal year 2010; 110797

(b) The sum of the payments received by the school district 110798  
in fiscal year 2010 for current expense levy losses pursuant to 110799  
division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of 110800  
section 5751.21 of the Revised Code, excluding the portion of such 110801  
payments attributable to levies for joint vocational school 110802  
district purposes; 110803

(c) The sum of fixed-sum levy loss payments received by the 110804  
school district in fiscal year 2010 pursuant to division (E)(1) of 110805  
section 5727.85 and division (E)(1) of section 5751.21 of the 110806  
Revised Code for fixed-sum levies charged and payable for a 110807  
purpose other than paying debt charges; 110808

(d) Fifty per cent of the school district's taxes charged and 110809  
payable against all property on the tax list of real and public 110810  
utility property for current expense purposes for tax year 2008, 110811  
including taxes charged and payable from emergency levies charged 110812  
and payable under section 5709.194 of the Revised Code and 110813  
excluding taxes levied for joint vocational school district 110814  
purposes; 110815

(e) Fifty per cent of the school district's taxes charged and 110816  
payable against all property on the tax list of real and public 110817  
utility property for current expenses for tax year 2009, including 110818  
taxes charged and payable from emergency levies and excluding 110819  
taxes levied for joint vocational school district purposes; 110820

(f) The school district's taxes charged and payable against 110821  
all property on the general tax list of personal property for 110822  
current expenses for tax year 2009, including taxes charged and 110823  
payable from emergency levies; 110824

(g) The amount certified for fiscal year 2010 under division 110825  
(A)(2) of section 3317.08 of the Revised Code; 110826

(h) Distributions received during calendar year 2009 from 110827  
taxes levied under section 718.09 of the Revised Code. 110828

(23) "Total resources," in the case of a joint vocational 110829  
school district, means the sum of amounts in divisions (A)(23)(a) 110830  
to (g) of this section less any reduction required under division 110831  
(A)(32) of this section. 110832

(a) The state education aid for fiscal year 2010; 110833

(b) The sum of the payments received by the joint vocational 110834  
school district in fiscal year 2010 for current expense levy 110835  
losses pursuant to division (C)(2) of section 5727.85 and 110836  
divisions (C)(8) and (9) of section 5751.21 of the Revised Code; 110837

(c) Fifty per cent of the joint vocational school district's 110838  
taxes charged and payable against all property on the tax list of 110839  
real and public utility property for current expense purposes for 110840  
tax year 2008; 110841

(d) Fifty per cent of the joint vocational school district's 110842  
taxes charged and payable against all property on the tax list of 110843  
real and public utility property for current expenses for tax year 110844  
2009; 110845

(e) Fifty per cent of a city, local, or exempted village 110846  
school district's taxes charged and payable against all property 110847  
on the tax list of real and public utility property for current 110848  
expenses of the joint vocational school district for tax year 110849  
2008; 110850

(f) Fifty per cent of a city, local, or exempted village school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses of the joint vocational school district for tax year 2009;

(g) The joint vocational school district's taxes charged and payable against all property on the general tax list of personal property for current expenses for tax year 2009.

(24) "Total resources," in the case of county mental health and disability related functions, means the sum of the amounts in divisions (A)(24)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for mental health and developmental disability related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for mental health and developmental disability related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

(25) "Total resources," in the case of county senior services related functions, means the sum of the amounts in divisions (A)(25)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for senior services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for senior services related purposes, the taxes charged and payable for such

purposes against all property on the tax list of real and public utility property for tax year 2009. 110882  
110883

(26) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(26)(a) and (b) of this section less any reduction required under division (A)(32) of this section. 110884  
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110886  
110887

(a) The sum of the payments received by the county for children's services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time; 110888  
110889  
110890  
110891

(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009. 110892  
110893  
110894  
110895

(27) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(27)(a) and (b) of this section less any reduction required under division (A)(32) of this section. 110896  
110897  
110898  
110899

(a) The sum of the payments received by the county for public health related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time; 110900  
110901  
110902  
110903

(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009. 110904  
110905  
110906  
110907

(28) "Total resources," in the case of all county functions not included in divisions (A)(24) to (27) of this section, means the sum of the amounts in divisions (A)(28)(a) to (d) of this section less any reduction required under division (A)(32) or (33) of this section. 110908  
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110910  
110911  
110912

(a) The sum of the payments received by the county for all 110913  
other purposes in calendar year 2010 under division (A)(1) of 110914  
section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of 110915  
the Revised Code as they existed at that time; 110916

(b) The county's percentage share of county undivided local 110917  
government fund allocations as certified to the tax commissioner 110918  
for calendar year 2010 by the county auditor under division (J) of 110919  
section 5747.51 of the Revised Code or division (F) of section 110920  
5747.53 of the Revised Code multiplied by the total amount 110921  
actually distributed in calendar year 2010 from the county 110922  
undivided local government fund; 110923

(c) With respect to taxes levied by the county for all other 110924  
purposes, the taxes charged and payable for such purposes against 110925  
all property on the tax list of real and public utility property 110926  
for tax year 2009, excluding taxes charged and payable for the 110927  
purpose of paying debt charges; 110928

(d) The sum of the amounts distributed to the county in 110929  
calendar year 2010 for the taxes levied pursuant to sections 110930  
5739.021 and 5741.021 of the Revised Code. 110931

(29) "Total resources," in the case of a municipal 110932  
corporation, means the sum of the amounts in divisions (A)(29)(a) 110933  
to (g) of this section less any reduction required under division 110934  
(A)(32) or (33) of this section. 110935

(a) The sum of the payments received by the municipal 110936  
corporation in calendar year 2010 for current expense levy losses 110937  
under division (A)(1) of section 5727.86 and divisions (A)(1) and 110938  
(2) of section 5751.22 of the Revised Code as they existed at that 110939  
time; 110940

(b) The municipal corporation's percentage share of county 110941  
undivided local government fund allocations as certified to the 110942  
tax commissioner for calendar year 2010 by the county auditor 110943

under division (J) of section 5747.51 of the Revised Code or 110944  
division (F) of section 5747.53 of the Revised Code multiplied by 110945  
the total amount actually distributed in calendar year 2010 from 110946  
the county undivided local government fund; 110947

(c) The sum of the amounts distributed to the municipal 110948  
corporation in calendar year 2010 pursuant to section 5747.50 of 110949  
the Revised Code; 110950

(d) With respect to taxes levied by the municipal 110951  
corporation, the taxes charged and payable against all property on 110952  
the tax list of real and public utility property for current 110953  
expenses, defined in division (A)(35) of this section, for tax 110954  
year 2009; 110955

(e) The amount of admissions tax collected by the municipal 110956  
corporation in calendar year 2008, or if such information has not 110957  
yet been reported to the tax commissioner, in the most recent year 110958  
before 2008 for which the municipal corporation has reported data 110959  
to the commissioner; 110960

(f) The amount of income taxes collected by the municipal 110961  
corporation in calendar year 2008, or if such information has not 110962  
yet been reported to the tax commissioner, in the most recent year 110963  
before 2008 for which the municipal corporation has reported data 110964  
to the commissioner; 110965

(g) The municipal corporation's median estate tax 110966  
collections. 110967

(30) "Total resources," in the case of a township, means the 110968  
sum of the amounts in divisions (A)(30)(a) to (c) of this section 110969  
less any reduction required under division (A)(32) or (33) of this 110970  
section. 110971

(a) The sum of the payments received by the township in 110972  
calendar year 2010 pursuant to division (A)(1) of section 5727.86 110973  
of the Revised Code and divisions (A)(1) and (2) of section 110974

5751.22 of the Revised Code as they existed at that time, 110975  
excluding payments received for debt purposes; 110976

(b) The township's percentage share of county undivided local 110977  
government fund allocations as certified to the tax commissioner 110978  
for calendar year 2010 by the county auditor under division (J) of 110979  
section 5747.51 of the Revised Code or division (F) of section 110980  
5747.53 of the Revised Code multiplied by the total amount 110981  
actually distributed in calendar year 2010 from the county 110982  
undivided local government fund; 110983

(c) With respect to taxes levied by the township, the taxes 110984  
charged and payable against all property on the tax list of real 110985  
and public utility property for tax year 2009 excluding taxes 110986  
charged and payable for the purpose of paying debt charges. 110987

(31) "Total resources," in the case of a local taxing unit 110988  
that is not a county, municipal corporation, or township, means 110989  
the sum of the amounts in divisions (A)(31)(a) to (e) of this 110990  
section less any reduction required under division (A)(32) of this 110991  
section. 110992

(a) The sum of the payments received by the local taxing unit 110993  
in calendar year 2010 pursuant to division (A)(1) of section 110994  
5727.86 of the Revised Code and divisions (A)(1) and (2) of 110995  
section 5751.22 of the Revised Code as they existed at that time; 110996

(b) The local taxing unit's percentage share of county 110997  
undivided local government fund allocations as certified to the 110998  
tax commissioner for calendar year 2010 by the county auditor 110999  
under division (J) of section 5747.51 of the Revised Code or 111000  
division (F) of section 5747.53 of the Revised Code multiplied by 111001  
the total amount actually distributed in calendar year 2010 from 111002  
the county undivided local government fund; 111003

(c) With respect to taxes levied by the local taxing unit, 111004  
the taxes charged and payable against all property on the tax list 111005

of real and public utility property for tax year 2009 excluding 111006  
taxes charged and payable for the purpose of paying debt charges; 111007

(d) The amount received from the tax commissioner during 111008  
calendar year 2010 for sales or use taxes authorized under 111009  
sections 5739.023 and 5741.022 of the Revised Code; 111010

(e) For institutions of higher education receiving tax 111011  
revenue from a local levy, as identified in section 3358.02 of the 111012  
Revised Code, the final state share of instruction allocation for 111013  
fiscal year 2010 as calculated by the board of regents and 111014  
reported to the state controlling board. 111015

(32) If a fixed-rate levy that is a qualifying levy is not 111016  
charged and payable in any year after tax year 2010, "total 111017  
resources" used to compute payments to be made under division 111018  
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 111019  
5751.22 of the Revised Code in the tax years following the last 111020  
year the levy is charged and payable shall be reduced to the 111021  
extent that the payments are attributable to the fixed-rate levy 111022  
loss of that levy as would be computed under division (C)(2) of 111023  
section 5727.85, division (A)(1) of section 5727.85, divisions 111024  
(C)(8) and (9) of section 5751.21, or division (A)(1) of section 111025  
5751.22 of the Revised Code. 111026

(33) In the case of a county, municipal corporation, school 111027  
district, or township with fixed-rate levy losses attributable to 111028  
a tax levied under section 5705.23 of the Revised Code, "total 111029  
resources" used to compute payments to be made under division 111030  
(C)(3) of section 5727.85, division (A)(1)(d) of section 5727.86, 111031  
division (C)(12) of section 5751.21, or division (A)(1)(c) of 111032  
section 5751.22 of the Revised Code shall be reduced by the 111033  
amounts described in divisions (A)(34)(a) to (c) of this section 111034  
to the extent that those amounts were included in calculating the 111035  
"total resources" of the school district or local taxing unit 111036  
under division (A)(22), (28), (29), or (30) of this section. 111037



(34) "Total library resources," in the case of a county, 111038  
municipal corporation, school district, or township public library 111039  
that receives the proceeds of a tax levied under section 5705.23 111040  
of the Revised Code, means the sum of the amounts in divisions 111041  
(A)(34)(a) to (c) of this section less any reduction required 111042  
under division (A)(32) of this section. 111043

(a) The sum of the payments received by the county, municipal 111044  
corporation, school district, or township public library in 111045  
calendar year 2010 pursuant to sections 5727.86 and 5751.22 of the 111046  
Revised Code, as they existed at that time, for fixed-rate levy 111047  
losses attributable to a tax levied under section 5705.23 of the 111048  
Revised Code for the benefit of the public library; 111049

(b) The public library's percentage share of county undivided 111050  
local government fund allocations as certified to the tax 111051  
commissioner for calendar year 2010 by the county auditor under 111052  
division (J) of section 5747.51 of the Revised Code or division 111053  
(F) of section 5747.53 of the Revised Code multiplied by the total 111054  
amount actually distributed in calendar year 2010 from the county 111055  
undivided local government fund; 111056

(c) With respect to a tax levied pursuant to section 5705.23 111057  
of the Revised Code for the benefit of the public library, the 111058  
amount of such tax that is charged and payable against all 111059  
property on the tax list of real and public utility property for 111060  
tax year 2009 excluding any tax that is charged and payable for 111061  
the purpose of paying debt charges. 111062

(35) "Municipal current expense property tax levies" means 111063  
all property tax levies of a municipality, except those with the 111064  
following levy names: airport resurfacing; bond or any levy name 111065  
including the word "bond"; capital improvement or any levy name 111066  
including the word "capital"; debt or any levy name including the 111067  
word "debt"; equipment or any levy name including the word 111068  
"equipment," unless the levy is for combined operating and 111069

equipment; employee termination fund; fire pension or any levy 111070  
containing the word "pension," including police pensions; 111071  
fireman's fund or any practically similar name; sinking fund; road 111072  
improvements or any levy containing the word "road"; fire truck or 111073  
apparatus; flood or any levy containing the word "flood"; 111074  
conservancy district; county health; note retirement; sewage, or 111075  
any levy containing the words "sewage" or "sewer"; park 111076  
improvement; parkland acquisition; storm drain; street or any levy 111077  
name containing the word "street"; lighting, or any levy name 111078  
containing the word "lighting"; and water. 111079

(36) "Current expense TPP allocation" means, in the case of a 111080  
school district or joint vocational school district, the sum of 111081  
the payments received by the school district in fiscal year 2011 111082  
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 111083  
Revised Code to the extent paid for current expense levies. In the 111084  
case of a municipal corporation, "current expense TPP allocation" 111085  
means the sum of the payments received by the municipal 111086  
corporation in calendar year 2010 pursuant to divisions (A)(1) and 111087  
(2) of section 5751.22 of the Revised Code to the extent paid for 111088  
municipal current expense property tax levies as defined in 111089  
division (A)(35) of this section, excluding any such payments 111090  
received for current expense levy losses attributable to a tax 111091  
levied under section 5705.23 of the Revised Code. If a fixed-rate 111092  
levy that is a qualifying levy is not charged and payable in any 111093  
year after tax year 2010, "current expense TPP allocation" used to 111094  
compute payments to be made under division (C)(12) of section 111095  
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 111096  
Revised Code in the tax years following the last year the levy is 111097  
charged and payable shall be reduced to the extent that the 111098  
payments are attributable to the fixed-rate levy loss of that levy 111099  
as would be computed under divisions (C)(10) and (11) of section 111100  
5751.21 or division (A)(1) of section 5751.22 of the Revised Code. 111101

(37) "TPP allocation" means the sum of payments received by a local taxing unit in calendar year 2010 pursuant to divisions (A)(1) and (2) of section 5751.22 of the Revised Code, excluding any such payments received for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code. If a fixed-rate levy that is a qualifying levy is not charged and payable in any year after tax year 2010, "TPP allocation" used to compute payments to be made under division (A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that the payments are attributable to the fixed-rate levy loss of that levy as would be computed under division (A)(1) of that section.

(38) "Total TPP allocation" means, in the case of a school district or joint vocational school district, the sum of the amounts received in fiscal year 2011 pursuant to divisions (C)(10) and (11) and (D) of section 5751.21 of the Revised Code. In the case of a local taxing unit, "total TPP allocation" means the sum of payments received by the unit in calendar year 2010 pursuant to divisions (A)(1), (2), and (3) of section 5751.22 of the Revised Code. If a fixed-rate levy that is a qualifying levy is not charged and payable in any year after tax year 2010, "total TPP allocation" used to compute payments to be made under division (C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that the payments are attributable to the fixed-rate levy loss of that levy as would be computed under divisions (C)(10) and (11) of section 5751.21 or division (A)(1) of section 5751.22 of the Revised Code.

(39) "Non-current expense TPP allocation" means the difference of total TPP allocation minus the sum of current

expense TPP allocation and the portion of total TPP allocation 111134  
constituting reimbursement for debt levies, pursuant to division 111135  
(D) of section 5751.21 of the Revised Code in the case of a school 111136  
district or joint vocational school district and pursuant to 111137  
division (A)(3) of section 5751.22 of the Revised Code in the case 111138  
of a municipal corporation. 111139

(40) "TPP allocation for library purposes" means the sum of 111140  
payments received by a county, municipal corporation, school 111141  
district, or township public library in calendar year 2010 111142  
pursuant to section 5751.22 of the Revised Code for fixed-rate 111143  
levy losses attributable to a tax levied under section 5705.23 of 111144  
the Revised Code. If a fixed-rate levy authorized under section 111145  
5705.23 of the Revised Code that is a qualifying levy is not 111146  
charged and payable in any year after tax year 2010, "TPP 111147  
allocation for library purposes" used to compute payments to be 111148  
made under division (A)(1)(d) of section 5751.22 of the Revised 111149  
Code in the tax years following the last year the levy is charged 111150  
and payable shall be reduced to the extent that the payments are 111151  
attributable to the fixed-rate levy loss of that levy as would be 111152  
computed under division (A)(1) of section 5751.22 of the Revised 111153  
Code. 111154

(41) "Threshold per cent" means, in the case of a school 111155  
district or joint vocational school district, two per cent for 111156  
fiscal year 2012 and four per cent for fiscal years 2013 and 111157  
thereafter. In the case of a local taxing unit or public library 111158  
that receives the proceeds of a tax levied under section 5705.23 111159  
of the Revised Code, "threshold per cent" means two per cent for 111160  
tax year 2011, four per cent for tax year 2012, and six per cent 111161  
for tax years 2013 and thereafter. 111162

(B) The commercial activities tax receipts fund is hereby 111163  
created in the state treasury and shall consist of money arising 111164  
from the tax imposed under this chapter. Eighty-five 111165

one-hundredths of one per cent of the money credited to that fund 111166  
 shall be credited to the revenue enhancement fund and shall be 111167  
 used to defray the costs incurred by the department of taxation in 111168  
 administering the tax imposed by this chapter and in implementing 111169  
 tax reform measures. The remainder in the commercial activities 111170  
 tax receipts fund shall be credited for each fiscal year in the 111171  
 following percentages to the general revenue fund, to the school 111172  
 district tangible property tax replacement fund, which is hereby 111173  
 created in the state treasury for the purpose of making the 111174  
 payments described in section 5751.21 of the Revised Code, and to 111175  
 the local government tangible property tax replacement fund, which 111176  
 is hereby created in the state treasury for the purpose of making 111177  
 the payments described in section 5751.22 of the Revised Code, in 111178  
 the following percentages: 111179

| Fiscal year         | General Revenue Fund | School District Tangible Property Tax Replacement Fund | Local Government Tangible Property Tax Replacement Fund |        |
|---------------------|----------------------|--------------------------------------------------------|---------------------------------------------------------|--------|
| 2006                | 67.7%                | 22.6%                                                  | 9.7%                                                    | 111181 |
| 2007                | 0%                   | 70.0%                                                  | 30.0%                                                   | 111182 |
| 2008                | 0%                   | 70.0%                                                  | 30.0%                                                   | 111183 |
| 2009                | 0%                   | 70.0%                                                  | 30.0%                                                   | 111184 |
| 2010                | 0%                   | 70.0%                                                  | 30.0%                                                   | 111185 |
| 2011                | 0%                   | 70.0%                                                  | 30.0%                                                   | 111186 |
| 2012                | 25.0%                | 52.5%                                                  | 22.5%                                                   | 111187 |
| 2013 and thereafter | 50.0%                | 35.0%                                                  | 15.0%                                                   | 111188 |

(C) Not later than September 15, 2005, the tax commissioner 111189  
 shall determine for each school district, joint vocational school 111190  
 district, and local taxing unit its machinery and equipment, 111191  
 inventory property, furniture and fixtures property, and telephone 111192  
 property tax value losses, which are the applicable amounts 111193  
 described in divisions (C)(1), (2), (3), and (4) of this section, 111194

|                                                                                                                                                                        |        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| except as provided in division (C)(5) of this section:                                                                                                                 | 111195 |
| (1) Machinery and equipment property tax value loss is the taxable value of machinery and equipment property as reported by taxpayers for tax year 2004 multiplied by: | 111196 |
| (a) For tax year 2006, thirty-three and eight-tenths per cent;                                                                                                         | 111197 |
| (b) For tax year 2007, sixty-one and three-tenths per cent;                                                                                                            | 111198 |
| (c) For tax year 2008, eighty-three per cent;                                                                                                                          | 111199 |
| (d) For tax year 2009 and thereafter, one hundred per cent.                                                                                                            | 111200 |
| (2) Inventory property tax value loss is the taxable value of inventory property as reported by taxpayers for tax year 2004 multiplied by:                             | 111201 |
| (a) For tax year 2006, a fraction, the numerator of which is five and three-fourths and the denominator of which is twenty-three;                                      | 111202 |
| (b) For tax year 2007, a fraction, the numerator of which is nine and one-half and the denominator of which is twenty-three;                                           | 111203 |
| (c) For tax year 2008, a fraction, the numerator of which is thirteen and one-fourth and the denominator of which is twenty-three;                                     | 111204 |
| (d) For tax year 2009 and thereafter a fraction, the numerator of which is seventeen and the denominator of which is twenty-three.                                     | 111205 |
| (3) Furniture and fixtures property tax value loss is the taxable value of furniture and fixture property as reported by taxpayers for tax year 2004 multiplied by:    | 111206 |
| (a) For tax year 2006, twenty-five per cent;                                                                                                                           | 111207 |
| (b) For tax year 2007, fifty per cent;                                                                                                                                 | 111208 |
| (c) For tax year 2008, seventy-five per cent;                                                                                                                          | 111209 |

(d) For tax year 2009 and thereafter, one hundred per cent. 111224

The taxable value of property reported by taxpayers used in 111225  
divisions (C)(1), (2), and (3) of this section shall be such 111226  
values as determined to be final by the tax commissioner as of 111227  
August 31, 2005. Such determinations shall be final except for any 111228  
correction of a clerical error that was made prior to August 31, 111229  
2005, by the tax commissioner. 111230

(4) Telephone property tax value loss is the taxable value of 111231  
telephone property as taxpayers would have reported that property 111232  
for tax year 2004 if the assessment rate for all telephone 111233  
property for that year were twenty-five per cent, multiplied by: 111234

(a) For tax year 2006, zero per cent; 111235

(b) For tax year 2007, zero per cent; 111236

(c) For tax year 2008, zero per cent; 111237

(d) For tax year 2009, sixty per cent; 111238

(e) For tax year 2010, eighty per cent; 111239

(f) For tax year 2011 and thereafter, one hundred per cent. 111240

(5) Division (C)(5) of this section applies to any school 111241  
district, joint vocational school district, or local taxing unit 111242  
in a county in which is located a facility currently or formerly 111243  
devoted to the enrichment or commercialization of uranium or 111244  
uranium products, and for which the total taxable value of 111245  
property listed on the general tax list of personal property for 111246  
any tax year from tax year 2001 to tax year 2004 was fifty per 111247  
cent or less of the taxable value of such property listed on the 111248  
general tax list of personal property for the next preceding tax 111249  
year. 111250

In computing the fixed-rate levy losses under divisions 111251  
(D)(1), (2), and (3) of this section for any school district, 111252  
joint vocational school district, or local taxing unit to which 111253

division (C)(5) of this section applies, the taxable value of such 111254  
property as listed on the general tax list of personal property 111255  
for tax year 2000 shall be substituted for the taxable value of 111256  
such property as reported by taxpayers for tax year 2004, in the 111257  
taxing district containing the uranium facility, if the taxable 111258  
value listed for tax year 2000 is greater than the taxable value 111259  
reported by taxpayers for tax year 2004. For the purpose of making 111260  
the computations under divisions (D)(1), (2), and (3) of this 111261  
section, the tax year 2000 valuation is to be allocated to 111262  
machinery and equipment, inventory, and furniture and fixtures 111263  
property in the same proportions as the tax year 2004 values. For 111264  
the purpose of the calculations in division (A) of section 5751.21 111265  
of the Revised Code, the tax year 2004 taxable values shall be 111266  
used. 111267

To facilitate the calculations required under division (C) of 111268  
this section, the county auditor, upon request from the tax 111269  
commissioner, shall provide by August 1, 2005, the values of 111270  
machinery and equipment, inventory, and furniture and fixtures for 111271  
all single-county personal property taxpayers for tax year 2004. 111272

(D) Not later than September 15, 2005, the tax commissioner 111273  
shall determine for each tax year from 2006 through 2009 for each 111274  
school district, joint vocational school district, and local 111275  
taxing unit its machinery and equipment, inventory, and furniture 111276  
and fixtures fixed-rate levy losses, and for each tax year from 111277  
2006 through 2011 its telephone property fixed-rate levy loss. 111278  
Except as provided in division (F) of this section, such losses 111279  
are the applicable amounts described in divisions (D)(1), (2), 111280  
(3), and (4) of this section: 111281

(1) The machinery and equipment fixed-rate levy loss is the 111282  
machinery and equipment property tax value loss multiplied by the 111283  
sum of the tax rates of fixed-rate qualifying levies. 111284

(2) The inventory fixed-rate loss is the inventory property 111285



tax value loss multiplied by the sum of the tax rates of 111286  
fixed-rate qualifying levies. 111287

(3) The furniture and fixtures fixed-rate levy loss is the 111288  
furniture and fixture property tax value loss multiplied by the 111289  
sum of the tax rates of fixed-rate qualifying levies. 111290

(4) The telephone property fixed-rate levy loss is the 111291  
telephone property tax value loss multiplied by the sum of the tax 111292  
rates of fixed-rate qualifying levies. 111293

(E) Not later than September 15, 2005, the tax commissioner 111294  
shall determine for each school district, joint vocational school 111295  
district, and local taxing unit its fixed-sum levy loss. The 111296  
fixed-sum levy loss is the amount obtained by subtracting the 111297  
amount described in division (E)(2) of this section from the 111298  
amount described in division (E)(1) of this section: 111299

(1) The sum of the machinery and equipment property tax value 111300  
loss, the inventory property tax value loss, and the furniture and 111301  
fixtures property tax value loss, and, for 2008 through 2010, the 111302  
telephone property tax value loss of the district or unit 111303  
multiplied by the sum of the fixed-sum tax rates of qualifying 111304  
levies. For 2006 through 2010, this computation shall include all 111305  
qualifying levies remaining in effect for the current tax year and 111306  
any school district levies charged and payable under section 111307  
5705.194 or 5705.213 of the Revised Code that are qualifying 111308  
levies not remaining in effect for the current year. For 2011 111309  
through 2017 in the case of school district levies charged and 111310  
payable under section 5705.194 or 5705.213 of the Revised Code and 111311  
for all years after 2010 in the case of other fixed-sum levies, 111312  
this computation shall include only qualifying levies remaining in 111313  
effect for the current year. For purposes of this computation, a 111314  
qualifying school district levy charged and payable under section 111315  
5705.194 or 5705.213 of the Revised Code remains in effect in a 111316  
year after 2010 only if, for that year, the board of education 111317

levies a school district levy charged and payable under section 111318  
5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code for 111319  
an annual sum at least equal to the annual sum levied by the board 111320  
in tax year 2004 less the amount of the payment certified under 111321  
this division for 2006. 111322

(2) The total taxable value in tax year 2004 less the sum of 111323  
the machinery and equipment, inventory, furniture and fixtures, 111324  
and telephone property tax value losses in each school district, 111325  
joint vocational school district, and local taxing unit multiplied 111326  
by one-half of one mill per dollar. 111327

(3) For the calculations in divisions (E)(1) and (2) of this 111328  
section, the tax value losses are those that would be calculated 111329  
for tax year 2009 under divisions (C)(1), (2), and (3) of this 111330  
section and for tax year 2011 under division (C)(4) of this 111331  
section. 111332

(4) To facilitate the calculation under divisions (D) and (E) 111333  
of this section, not later than September 1, 2005, any school 111334  
district, joint vocational school district, or local taxing unit 111335  
that has a qualifying levy that was approved at an election 111336  
conducted during 2005 before September 1, 2005, shall certify to 111337  
the tax commissioner a copy of the county auditor's certificate of 111338  
estimated property tax millage for such levy as required under 111339  
division (B) of section 5705.03 of the Revised Code, which is the 111340  
rate that shall be used in the calculations under such divisions. 111341

If the amount determined under division (E) of this section 111342  
for any school district, joint vocational school district, or 111343  
local taxing unit is greater than zero, that amount shall equal 111344  
the reimbursement to be paid pursuant to division (E) of section 111345  
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 111346  
and the one-half of one mill that is subtracted under division 111347  
(E)(2) of this section shall be apportioned among all contributing 111348  
fixed-sum levies in the proportion that each levy bears to the sum 111349

of all fixed-sum levies within each school district, joint vocational school district, or local taxing unit.

(F) If a school district levies a tax under section 5705.219 of the Revised Code, the fixed-rate levy loss for qualifying levies, to the extent repealed under that section, shall equal the sum of the following amounts in lieu of the amounts computed for such levies under division (D) of this section:

(1) The sum of the rates of qualifying levies to the extent so repealed multiplied by the sum of the machinery and equipment, inventory, and furniture and fixtures tax value losses for 2009 as determined under that division;

(2) The sum of the rates of qualifying levies to the extent so repealed multiplied by the telephone property tax value loss for 2011 as determined under that division.

The fixed-rate levy losses for qualifying levies to the extent not repealed under section 5705.219 of the Revised Code shall be as determined under division (D) of this section. The revised fixed-rate levy losses determined under this division and division (D) of this section first apply in the year following the first year the district levies the tax under section 5705.219 of the Revised Code.

(G) Not later than October 1, 2005, the tax commissioner shall certify to the department of education for every school district and joint vocational school district the machinery and equipment, inventory, furniture and fixtures, and telephone property tax value losses determined under division (C) of this section, the machinery and equipment, inventory, furniture and fixtures, and telephone fixed-rate levy losses determined under division (D) of this section, and the fixed-sum levy losses calculated under division (E) of this section. The calculations under divisions (D) and (E) of this section shall separately

display the levy loss for each levy eligible for reimbursement. 111381

(H) Not later than October 1, 2005, the tax commissioner 111382  
shall certify the amount of the fixed-sum levy losses to the 111383  
county auditor of each county in which a school district, joint 111384  
vocational school district, or local taxing unit with a fixed-sum 111385  
levy loss reimbursement has territory. 111386

(I) Not later than the twenty-eighth day of February each 111387  
year beginning in 2011 and ending in 2014, the tax commissioner 111388  
shall certify to the department of education for each school 111389  
district first levying a tax under section 5705.219 of the Revised 111390  
Code in the preceding year the revised fixed-rate levy losses 111391  
determined under divisions (D) and (F) of this section. 111392

(J) There is hereby created in the state treasury the 111393  
commercial activity tax motor fuel receipts fund. 111394

**Sec. 5751.21.** (A) Not later than the thirtieth day of July of 111395  
2007 through 2010, the department of education shall consult with 111396  
the director of budget and management and determine the following 111397  
for each school district and each joint vocational school district 111398  
eligible for payment under division (B) of this section: 111399  
111400

(1) The state education aid offset, which, except as provided 111401  
in division (A)(1)(c) of this section, is the difference obtained 111402  
by subtracting the amount described in division (A)(1)(b) of this 111403  
section from the amount described in division (A)(1)(a) of this 111404  
section: 111405

(a) The state education aid computed for the school district 111406  
or joint vocational school district for the current fiscal year as 111407  
of the thirtieth day of July; 111408

(b) The state education aid that would be computed for the 111409  
school district or joint vocational school district for the 111410

current fiscal year as of the thirtieth day of July if the 111411  
valuation used in the calculation in division (B)(1) of section 111412  
3306.13 of the Revised Code as that division existed for fiscal 111413  
years 2010 and 2011 included the machinery and equipment, 111414  
inventory, furniture and fixtures, and telephone property tax 111415  
value losses for the school district or joint vocational school 111416  
district for the second preceding tax year, and if taxes charged 111417  
and payable associated with the tax value losses are accounted for 111418  
in any state education aid computation dependent on taxes charged 111419  
and payable. 111420

(c) The state education aid offset for fiscal year 2010 and 111421  
fiscal year 2011 equals the greater of the state education aid 111422  
offset calculated for that fiscal year under divisions (A)(1)(a) 111423  
and (b) of this section and the state education aid offset 111424  
calculated for fiscal year 2009. For fiscal year 2012 and 2013, 111425  
the state education aid offset equals the state education aid 111426  
offset for fiscal year 2011. 111427

(2) For fiscal years 2008 through 2011, the greater of zero 111428  
or the difference obtained by subtracting the state education aid 111429  
offset determined under division (A)(1) of this section from the 111430  
sum of the machinery and equipment fixed-rate levy loss, the 111431  
inventory fixed-rate levy loss, furniture and fixtures fixed-rate 111432  
levy loss, and telephone property fixed-rate levy loss certified 111433  
under divisions (G) and (I) of section 5751.20 of the Revised Code 111434  
for all taxing districts in each school district and joint 111435  
vocational school district for the second preceding tax year. 111436

By the thirtieth day of July of each such year, the 111437  
department of education and the director of budget and management 111438  
shall agree upon the amount to be determined under division (A)(1) 111439  
of this section. 111440

(B) On or before the thirty-first day of August of 2008, 111441  
2009, and 2010, the department of education shall recalculate the 111442

offset described under division (A) of this section for the 111443  
previous fiscal year and recalculate the payments made under 111444  
division (C) of this section in the preceding fiscal year using 111445  
the offset calculated under this division. If the payments 111446  
calculated under this division differ from the payments made under 111447  
division (C) of this section in the preceding fiscal year, the 111448  
difference shall either be paid to a school district or recaptured 111449  
from a school district through an adjustment at the same times 111450  
during the current fiscal year that the payments under division 111451  
(C) of this section are made. In August and October of the current 111452  
fiscal year, the amount of each adjustment shall be three-sevenths 111453  
of the amount calculated under this division. In May of the 111454  
current fiscal year, the adjustment shall be one-seventh of the 111455  
amount calculated under this division. 111456

(C) The department of education shall pay from the school 111457  
district tangible property tax replacement fund to each school 111458  
district and joint vocational school district all of the following 111459  
for fixed-rate levy losses certified under divisions (G) and (I) 111460  
of section 5751.20 of the Revised Code: 111461

(1) On or before May 31, 2006, one-seventh of the total 111462  
fixed-rate levy loss for tax year 2006; 111463

(2) On or before August 31, 2006, and October 31, 2006, 111464  
one-half of six-sevenths of the total fixed-rate levy loss for tax 111465  
year 2006; 111466

(3) On or before May 31, 2007, one-seventh of the total 111467  
fixed-rate levy loss for tax year 2007; 111468

(4) On or before August 31, 2007, and October 31, 2007, 111469  
forty-three per cent of the amount determined under division 111470  
(A)(2) of this section for fiscal year 2008, but not less than 111471  
zero, plus one-half of six-sevenths of the difference between the 111472  
total fixed-rate levy loss for tax year 2007 and the total 111473

fixed-rate levy loss for tax year 2006. 111474

(5) On or before May 31, 2008, fourteen per cent of the 111475  
amount determined under division (A)(2) of this section for fiscal 111476  
year 2008, but not less than zero, plus one-seventh of the 111477  
difference between the total fixed-rate levy loss for tax year 111478  
2008 and the total fixed-rate levy loss for tax year 2006. 111479

(6) On or before August 31, 2008, and October 31, 2008, 111480  
forty-three per cent of the amount determined under division 111481  
(A)(2) of this section for fiscal year 2009, but not less than 111482  
zero, plus one-half of six-sevenths of the difference between the 111483  
total fixed-rate levy loss in tax year 2008 and the total 111484  
fixed-rate levy loss in tax year 2007. 111485

(7) On or before May 31, 2009, fourteen per cent of the 111486  
amount determined under division (A)(2) of this section for fiscal 111487  
year 2009, but not less than zero, plus one-seventh of the 111488  
difference between the total fixed-rate levy loss for tax year 111489  
2009 and the total fixed-rate levy loss for tax year 2007. 111490

(8) On or before August 31, 2009, and October 31, 2009, 111491  
forty-three per cent of the amount determined under division 111492  
(A)(2) of this section for fiscal year 2010, but not less than 111493  
zero, plus one-half of six-sevenths of the difference between the 111494  
total fixed-rate levy loss in tax year 2009 and the total 111495  
fixed-rate levy loss in tax year 2008. 111496

(9) On or before May 31, 2010, fourteen per cent of the 111497  
amount determined under division (A)(2) of this section for fiscal 111498  
year 2010, but not less than zero, plus one-seventh of the 111499  
difference between the total fixed-rate levy loss in tax year 2010 111500  
and the total fixed-rate levy loss in tax year 2008. 111501

(10) On or before August 31, 2010, and October 31, 2010, 111502  
forty-three per cent of the amount determined under division 111503  
(A)(2) of this section for fiscal year 2011, but not less than 111504

zero, plus one-half of six-sevenths of the difference between the 111505  
telephone property fixed-rate levy loss for tax year 2010 and the 111506  
telephone property fixed-rate levy loss for tax year 2009. 111507

(11) On or before May 31, 2011, fourteen per cent of the 111508  
amount determined under division (A)(2) of this section for fiscal 111509  
year 2011, but not less than zero, plus one-seventh of the 111510  
difference between the telephone property fixed-rate levy loss for 111511  
tax year 2011 and the telephone property fixed-rate levy loss for 111512  
tax year 2009. 111513

(12) For fiscal years 2012 and thereafter, the sum of the 111514  
amounts in divisions (C)(12)(a) or (b) and (c) of this section 111515  
shall be paid on or before the ~~twentieth~~ last day of November and 111516  
the last day of May: 111517

(a) If the ratio of current expense TPP allocation to total 111518  
resources is equal to or less than the threshold per cent, zero; 111519

(b) If the ratio of current expense TPP allocation to total 111520  
resources is greater than the threshold per cent, fifty per cent 111521  
of the difference of current expense TPP allocation minus the 111522  
product of total resources multiplied by the threshold per cent; 111523

(c) Fifty per cent of the product of non-current expense TPP 111524  
allocation multiplied by seventy-five per cent for fiscal year 111525  
2012 and fifty per cent for fiscal years 2013 and thereafter. 111526

The department of education shall report to each school 111527  
district and joint vocational school district the apportionment of 111528  
the payments among the school district's or joint vocational 111529  
school district's funds based on the certifications under 111530  
divisions (G) and (I) of section 5751.20 of the Revised Code. 111531

(D) For taxes levied within the ten-mill limitation for debt 111532  
purposes in tax year 2005, payments shall be made equal to one 111533  
hundred per cent of the loss computed as if the tax were a 111534  
fixed-rate levy, but those payments shall extend from fiscal year 111535



2006 through fiscal year 2018, as long as the qualifying levy 111536  
continues to be used for debt purposes. If the purpose of such a 111537  
qualifying levy is changed, that levy becomes subject to the 111538  
payments determined in division (C) of this section. 111539

(E)(1) Not later than January 1, 2006, for each fixed-sum 111540  
levy of each school district or joint vocational school district 111541  
and for each year for which a determination is made under division 111542  
(E) of section 5751.20 of the Revised Code that a fixed-sum levy 111543  
loss is to be reimbursed, the tax commissioner shall certify to 111544  
the department of education the fixed-sum levy loss determined 111545  
under that division. The certification shall cover a time period 111546  
sufficient to include all fixed-sum levies for which the 111547  
commissioner made such a determination. On or before the last day 111548  
of May of the current year, the department shall pay from the 111549  
school district property tax replacement fund to the school 111550  
district or joint vocational school district one-third of the 111551  
fixed-sum levy loss so certified, plus one-third of the amount 111552  
certified under division (I) of section 5751.20 of the Revised 111553  
Code, and on or before the ~~twentieth~~ last day of November, 111554  
two-thirds of the fixed-sum levy loss so certified, plus 111555  
two-thirds of the amount certified under division (I) of section 111556  
5751.20 of the Revised Code. Payments under this division of the 111557  
amounts certified under division (I) of section 5751.20 of the 111558  
Revised Code shall continue until the levy adopted under section 111559  
5705.219 of the Revised Code expires. 111560

(2) Beginning in 2006, by the first day of January of each 111561  
year, the tax commissioner shall review the certification 111562  
originally made under division (E)(1) of this section. If the 111563  
commissioner determines that a debt levy that had been scheduled 111564  
to be reimbursed in the current year has expired, a revised 111565  
certification for that and all subsequent years shall be made to 111566  
the department of education. 111567

(F) Beginning in September 2007 and through June 2013, the director of budget and management shall transfer from the school district tangible property tax replacement fund to the general revenue fund each of the following:

(1) On the first day of September, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section;

(2) On the first day of December, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section;

(3) On the first day of March, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section;

(4) On the first day of June, one-fourth of the amount determined for that fiscal year under division (A)(1) of this section.

If, when a transfer is required under division (F)(1), (2), (3), or (4) of this section, there is not sufficient money in the school district tangible property tax replacement fund to make the transfer in the required amount, the director shall transfer the balance in the fund to the general revenue fund and may make additional transfers on later dates as determined by the director in a total amount that does not exceed one-fourth of the amount determined for the fiscal year.

(G) If the total amount in the school district tangible property tax replacement fund is insufficient to make all payments under divisions (C), (D), and (E) of this section at the times the payments are to be made, the director of budget and management shall transfer from the general revenue fund to the school district tangible property tax replacement fund the difference between the total amount to be paid and the amount in the school

district tangible property tax replacement fund. 111599

(H) On the fifteenth day of June of each year, the director 111600  
of budget and management may transfer any balance in the school 111601  
district tangible property tax replacement fund to the general 111602  
revenue fund. 111603

(I) If all of the territory of a school district or joint 111604  
vocational school district is merged with another district, or if 111605  
a part of the territory of a school district or joint vocational 111606  
school district is transferred to an existing or newly created 111607  
district, the department of education, in consultation with the 111608  
tax commissioner, shall adjust the payments made under this 111609  
section as follows: 111610

(1) For a merger of two or more districts, the fixed-sum levy 111611  
losses, total resources, current expense TPP allocation, total TPP 111612  
allocation, and non-current expense TPP allocation of the 111613  
successor district shall be the sum of such items for each of the 111614  
districts involved in the merger. 111615

(2) If property is transferred from one district to a 111616  
previously existing district, the amount of total resources, 111617  
current expense TPP allocation, total TPP allocation, and 111618  
non-current expense TPP allocation that shall be transferred to 111619  
the recipient district shall be an amount equal to total 111620  
resources, current expense TPP allocation, total TPP allocation, 111621  
and non-current expense TPP allocation of the transferor district 111622  
times a fraction, the numerator of which is the number of pupils 111623  
being transferred to the recipient district, measured, in the case 111624  
of a school district, by average daily membership as reported 111625  
under division (A) of section 3317.03 of the Revised Code or, in 111626  
the case of a joint vocational school district, by formula ADM as 111627  
reported in division (D) of that section, and the denominator of 111628  
which is the average daily membership or formula ADM of the 111629  
transferor district. 111630

(3) After December 31, 2010, if property is transferred from one or more districts to a district that is newly created out of the transferred property, the newly created district shall be deemed not to have any total resources, current expense TPP allocation, total TPP allocation, or non-current expense TPP allocation.

(4) If the recipient district under division (I)(2) of this section or the newly created district under division (I)(3) of this section is assuming debt from one or more of the districts from which the property was transferred and any of the districts losing the property had fixed-sum levy losses, the department of education, in consultation with the tax commissioner, shall make an equitable division of the fixed-sum levy loss reimbursements.

**Sec. 5753.01.** As used in Chapter 5753. of the Revised Code and for no other purpose under Title LVII of the Revised Code:

(A) "Casino facility" has the same meaning as in section 3772.01 of the Revised Code.

(B) "Casino gaming" has the same meaning as in section 3772.01 of the Revised Code.

(C) "Casino operator" has the same meaning as in section 3772.01 of the Revised Code.

(D) "Gross casino revenue" means the total amount of money exchanged for the purchase of chips, tokens, tickets, electronic cards, or similar objects by casino patrons, less winnings paid to wagerers. "Gross casino revenue" does not include ~~the~~:

(1) The issuance to casino patrons or wagering by casino patrons of any promotional gaming credit as defined in section 3772.01 of the Revised Code. When issuance of the promotional gaming credit requires money exchanged as a match from the patron, the excludible portion of the promotional gaming credit does not

include the portion of the wager purchased by the patron. 111661

(2) Bad debts from receipts on the basis of which the tax 111662  
imposed by this chapter was paid in a prior tax period to the 111663  
extent not previously excluded. For the purposes of this division, 111664  
"bad debts" means any debts that have become worthless or 111665  
uncollectible in a prior tax period, have been uncollected for at 111666  
least six months, and that may be claimed as a deduction under 111667  
section 166 of the Internal Revenue Code and the regulations 111668  
adopted under that section, or that could be claimed as such if 111669  
the taxpayer kept its accounts on the accrual basis. "Bad debts" 111670  
does not include repossessed property, uncollectible amounts on 111671  
property that remains in the possession of the casino operator 111672  
until the full purchase price is paid, or expenses in attempting 111673  
to collect any account receivable or for any portion of the debt 111674  
recovered. 111675

(E) "Person" has the same meaning as in section 3772.01 of 111676  
the Revised Code. 111677

(F) "Slot machine" has the same meaning as in section 3772.01 111678  
of the Revised Code. 111679

(G) "Table game" has the same meaning as in section 3772.01 111680  
of the Revised Code. 111681

(H) "Tax period" means one twenty-four-hour period with 111682  
regard to which a casino operator is required to pay the tax 111683  
levied by this chapter. 111684

**Sec. 5753.03.** (A) For the purpose of receiving and 111685  
distributing, and accounting for, revenue received from the tax 111686  
levied by section 5753.02 of the Revised Code, the following funds 111687  
are created in the state treasury: 111688

(1) The casino tax revenue fund; 111689

(2) The gross casino revenue county fund; 111690

|                                                                                                                                                                                                                                                              |                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (3) The gross casino revenue county student fund;                                                                                                                                                                                                            | 111691                               |
| (4) The gross casino revenue host city fund;                                                                                                                                                                                                                 | 111692                               |
| (5) The Ohio state racing commission fund;                                                                                                                                                                                                                   | 111693                               |
| (6) The Ohio law enforcement training fund;                                                                                                                                                                                                                  | 111694                               |
| (7) The problem casino gambling and addictions fund;                                                                                                                                                                                                         | 111695                               |
| (8) The casino control commission fund;                                                                                                                                                                                                                      | 111696                               |
| (9) The casino tax administration fund;                                                                                                                                                                                                                      | 111697                               |
| (10) The peace officer training academy fund;                                                                                                                                                                                                                | 111698                               |
| (11) The criminal justice services casino tax revenue fund.                                                                                                                                                                                                  | 111699                               |
| (B) All moneys collected from the tax levied under this chapter shall be deposited into the casino tax revenue fund.                                                                                                                                         | 111700<br>111701                     |
| (C) From the casino tax revenue fund the director of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds certified by the tax commissioner under section 5753.06 of the Revised Code.                         | 111702<br>111703<br>111704<br>111705 |
| (D) After making any transfers required by division (C) of this section, but not later than the fifteenth day of the month following the end of each calendar quarter, the director of budget and management shall transfer amounts to each fund as follows: | 111706<br>111707<br>111708<br>111709 |
| (1) Fifty-one per cent to the gross casino revenue county fund to make payments as required by Section 6(C)(3)(a) of Article XV, Ohio Constitution;                                                                                                          | 111710<br>111711<br>111712           |
| (2) Thirty-four per cent to the gross casino revenue county student fund to make payments as required by Section 6(C)(3)(b) of Article XV, Ohio Constitution and as provided in section 5753.11 of the Revised Code;                                         | 111713<br>111714<br>111715<br>111716 |
| (3) Five per cent to the gross casino revenue host city fund for the benefit of the cities in which casino facilities are located;                                                                                                                           | 111717<br>111718<br>111719           |

(4) Three per cent to the Ohio state racing commission fund 111720  
to support the efforts and activities of the Ohio state racing 111721  
commission to promote horse racing in this state at which the 111722  
pari-mutuel system of wagering is conducted; 111723

(5) Two per cent to the Ohio law enforcement training fund to 111724  
support law enforcement functions in the state; 111725

(6) Two per cent to the problem casino gambling and 111726  
addictions fund to support efforts of the department of ~~alcohol~~ 111727  
~~and drug addiction services~~ mental health and addiction services 111728  
to alleviate problem gambling and substance abuse and related 111729  
research in the state under section ~~3793.032~~ 5119.47 of the 111730  
Revised Code; 111731

(7) Three per cent to the casino control commission fund to 111732  
support the operations of the Ohio casino control commission and 111733  
to defray the cost of administering the tax levied under section 111734  
5753.02 of the Revised Code. 111735

Payments under divisions (D)(1) and (3) of this section shall 111736  
be made by the end of the month following the end of the quarterly 111737  
period. The tax commissioner shall make the data available to the 111738  
director of budget and management for this purpose. 111739

Money in the Ohio state racing commission fund shall be 111740  
distributed at the discretion of the Ohio state racing commission 111741  
for the purpose stated in division (D)(4) of this section by the 111742  
end of the month following the end of the quarterly period. The 111743  
commission may retain up to five per cent of the amount 111744  
transferred to the fund under division (D)(4) of this section for 111745  
operating expenses necessary for the administration of the fund. 111746

Payments from the gross casino revenue county student fund as 111747  
required under section 5753.11 of the Revised Code shall be made 111748  
by the last day of January and by the last day of August of each 111749  
year, beginning in 2013. The tax commissioner shall make the data 111750

available to the director of budget and management for this 111751  
purpose. 111752

Of the money credited to the Ohio law enforcement training 111753  
fund, the director of budget and management shall distribute 111754  
eighty-five per cent of the money to the police officer training 111755  
academy fund for the purpose of supporting the law enforcement 111756  
training efforts of the Ohio peace officer training academy and 111757  
fifteen per cent of the money to the criminal justice services 111758  
casino tax revenue fund for the purpose of supporting the law 111759  
enforcement training efforts of the division of criminal justice 111760  
services. 111761

(E)(1) The tax commissioner shall serve as an agent of the 111762  
counties of this state only for the purposes of this division and 111763  
solely to make payments directly to municipal corporations and 111764  
school districts, as applicable, on the counties' behalf. 111765

(2) On or before the last day of the month following the end 111766  
of each calendar quarter, the tax commissioner shall provide for 111767  
payment from the funds referenced in divisions (D)(1) and (3) of 111768  
this section to each county and municipal corporation as 111769  
prescribed in those divisions. 111770

(3) On or before the last day of January and the last day of 111771  
August each year, the commissioner shall provide for payments from 111772  
the fund referenced in division (D)(2) of this section to each 111773  
school district as prescribed in that division. 111774

(F) The director of budget and management shall transfer one 111775  
per cent of the money credited to the casino control commission 111776  
fund to the casino tax administration fund. The tax commissioner 111777  
shall use the casino tax administration fund to defray the costs 111778  
incurred in administering the tax levied by this chapter. 111779

(G) All investment earnings of the gross casino revenue 111780  
county student fund shall be credited to the fund. 111781



**Sec. 5753.07.** (A)(1) The tax commissioner may issue an 111782  
assessment, based on any information in the tax commissioner's 111783  
possession, against a casino operator who fails to pay the tax 111784  
levied under section 5753.02 of the Revised Code or to file a 111785  
return under section 5753.04 of the Revised Code. The tax 111786  
commissioner shall give the casino operator written notice of the 111787  
assessment under section 5703.37 of the Revised Code. With the 111788  
notice, the tax commissioner shall include instructions on how to 111789  
petition for reassessment and on how to request a hearing with 111790  
respect to the petition. 111791

(2) Unless the casino operator, within sixty days after 111792  
service of the notice of assessment, files with the tax 111793  
commissioner, either personally or by certified mail, a written 111794  
petition signed by the casino operator, or by the casino 111795  
operator's authorized agent who has knowledge of the facts, the 111796  
assessment becomes final, and the amount of the assessment is due 111797  
and payable from the casino operator to the treasurer of state. 111798  
The petition shall indicate the casino operator's objections to 111799  
the assessment. Additional objections may be raised in writing if 111800  
they are received by the tax commissioner before the date shown on 111801  
the final determination. 111802

(3) If a petition for reassessment has been properly filed, 111803  
the tax commissioner shall proceed under section 5703.60 of the 111804  
Revised Code. 111805

(4) After an assessment becomes final, if any portion of the 111806  
assessment, including penalties and accrued interest, remains 111807  
unpaid, the tax commissioner may file a certified copy of the 111808  
entry making the assessment final in the office of the clerk of 111809  
the court of common pleas of Franklin county or in the office of 111810  
the clerk of the court of common pleas of the county in which the 111811  
casino operator resides, the casino operator's casino facility is 111812

located, or the casino operator's principal place of business in 111813  
this state is located. Immediately upon the filing of the entry, 111814  
the clerk shall enter a judgment for the state against the 111815  
taxpayer assessed in the amount shown on the entry. The judgment 111816  
may be filed by the clerk in a loose-leaf book entitled, "special 111817  
judgments for the gross casino revenue tax." The judgment has the 111818  
same effect as other judgments. Execution shall issue upon the 111819  
judgment at the request of the tax commissioner, and all laws 111820  
applicable to sales on execution apply to sales made under the 111821  
judgment. 111822

(5) ~~The portion of an~~ If the assessment is not paid in its 111823  
entirety within sixty days after the day the assessment was issued 111824  
~~bears, the portion of the assessment consisting of tax due shall~~ 111825  
bear interest at the rate per annum prescribed by section 5703.47 111826  
of the Revised Code from the day the tax commissioner issued the 111827  
assessment until the assessment is paid or until it is certified 111828  
to the attorney general for collection under section 131.02 of the 111829  
Revised Code, whichever comes first. If the unpaid portion of the 111830  
assessment is certified to the attorney general for collection, 111831  
the entire unpaid portion of the assessment shall bear interest at 111832  
the rate per annum prescribed by section 5703.47 of the Revised 111833  
Code from the date of certification until the date it is paid in 111834  
its entirety. Interest shall be paid in the same manner as the tax 111835  
levied under section 5753.02 of the Revised Code and may be 111836  
collected by the issuance of an assessment under this section. 111837

(B) If the tax commissioner believes that collection of the 111838  
tax levied under section 5753.02 of the Revised Code will be 111839  
jeopardized unless proceedings to collect or secure collection of 111840  
the tax are instituted without delay, the commissioner may issue a 111841  
jeopardy assessment against the casino operator who is liable for 111842  
the tax. Immediately upon the issuance of a jeopardy assessment, 111843  
the tax commissioner shall file an entry with the clerk of the 111844

court of common pleas in the manner prescribed by division (A)(4) 111845  
of this section, and the clerk shall proceed as directed in that 111846  
division. Notice of the jeopardy assessment shall be served on the 111847  
casino operator or the casino operator's authorized agent under 111848  
section 5703.37 of the Revised Code within five days after the 111849  
filing of the entry with the clerk. The total amount assessed is 111850  
immediately due and payable, unless the casino operator assessed 111851  
files a petition for reassessment under division (A)(2) of this 111852  
section and provides security in a form satisfactory to the tax 111853  
commissioner that is in an amount sufficient to satisfy the unpaid 111854  
balance of the assessment. If a petition for reassessment has been 111855  
filed, and if satisfactory security has been provided, the tax 111856  
commissioner shall proceed under division (A)(3) of this section. 111857  
Full or partial payment of the assessment does not prejudice the 111858  
tax commissioner's consideration of the petition for reassessment. 111859

(C) The tax commissioner shall immediately forward to the 111860  
treasurer of state all amounts the tax commissioner receives under 111861  
this section, and the amounts forwarded shall be treated as if 111862  
they were revenue arising from the tax levied under section 111863  
5753.02 of the Revised Code. 111864

(D) Except as otherwise provided in this division, no 111865  
assessment shall be issued against a casino operator for the tax 111866  
levied under section 5753.02 of the Revised Code more than four 111867  
years after the due date for filing the return for the tax period 111868  
for which the tax was reported, or more than four years after the 111869  
return for the tax period was filed, whichever is later. This 111870  
division does not bar an assessment against a casino operator who 111871  
fails to file a return as required by section 5753.04 of the 111872  
Revised Code or who files a fraudulent return, or when the casino 111873  
operator and the tax commissioner waive in writing the time 111874  
limitation. 111875

(E) If the tax commissioner possesses information that 111876

indicates that the amount of tax a casino operator is liable to 111877  
pay under section 5753.02 of the Revised Code exceeds the amount 111878  
the casino operator paid, the tax commissioner may audit a sample 111879  
of the casino operator's gross casino revenue over a 111880  
representative period of time to ascertain the amount of tax due, 111881  
and may issue an assessment based on the audit. The tax 111882  
commissioner shall make a good faith effort to reach agreement 111883  
with the casino operator in selecting a representative sample. The 111884  
tax commissioner may apply a sampling method only if the tax 111885  
commissioner has prescribed the method by rule. 111886

(F) If the whereabouts of a casino operator who is liable for 111887  
the tax levied under section 5753.02 of the Revised Code are 111888  
unknown to the tax commissioner, the tax commissioner shall 111889  
proceed under section 5703.37 of the Revised Code. 111890

(G) If a casino operator fails to pay the tax levied under 111891  
section 5753.02 of the Revised Code within a period of one year 111892  
after the due date for remitting the tax, the Ohio casino control 111893  
commission may suspend the casino operator's license. 111894

**Sec. 5815.28.** (A) As used in this section: 111895

(1) "Ascertainable standard" includes a standard in a trust 111896  
instrument requiring the trustee to provide for the care, comfort, 111897  
maintenance, welfare, education, or general well-being of the 111898  
beneficiary. 111899

(2) "Disability" means any substantial, medically 111900  
determinable impairment that can be expected to result in death or 111901  
that has lasted or can be expected to last for a continuous period 111902  
of at least twelve months, except that "disability" does not 111903  
include an impairment that is the result of abuse of alcohol or 111904  
drugs. 111905

(3) "Political subdivision" and "state" have the same 111906

meanings as in section 2744.01 of the Revised Code. 111907

(4) "Supplemental services" means services specified by rule 111908  
of the department of ~~mental health~~ mental health and addiction 111909  
services under section ~~5119.01~~ 5119.10 of the Revised Code or the 111910  
department of developmental disabilities under section 5123.04 of 111911  
the Revised Code that are provided to an individual with a 111912  
disability in addition to services the individual is eligible to 111913  
receive under programs authorized by federal or state law. 111914

(B) Any person may create a trust under this section to 111915  
provide funding for supplemental services for the benefit of 111916  
another individual who meets either of the following conditions: 111917

(1) The individual has a physical or mental disability and is 111918  
eligible to receive services through the department of 111919  
developmental disabilities or a county board of developmental 111920  
disabilities; 111921

(2) The individual has a mental disability and is eligible to 111922  
receive services through the department of ~~mental health~~ mental 111923  
health and addiction services or a board of alcohol, drug 111924  
addiction, and mental health services. 111925

The trust may confer discretion upon the trustee and may 111926  
contain specific instructions or conditions governing the exercise 111927  
of the discretion. 111928

(C) The general division of the court of common pleas and the 111929  
probate court of the county in which the beneficiary of a trust 111930  
authorized by division (B) of this section resides or is confined 111931  
have concurrent original jurisdiction to hear and determine 111932  
actions pertaining to the trust. In any action pertaining to the 111933  
trust in a court of common pleas or probate court and in any 111934  
appeal of the action, all of the following apply to the trial or 111935  
appellate court: 111936

(1) The court shall render determinations consistent with the 111937

testator's or other settlor's intent in creating the trust, as 111938  
evidenced by the terms of the trust instrument. 111939

(2) The court may order the trustee to exercise discretion 111940  
that the trust instrument confers upon the trustee only if the 111941  
instrument contains specific instructions or conditions governing 111942  
the exercise of that discretion and the trustee has failed to 111943  
comply with the instructions or conditions. In issuing an order 111944  
pursuant to this division, the court shall require the trustee to 111945  
exercise the trustee's discretion only in accordance with the 111946  
instructions or conditions. 111947

(3) The court may order the trustee to maintain the trust and 111948  
distribute assets in accordance with rules adopted by the director 111949  
of ~~mental health~~ mental health and addiction services under 111950  
section ~~5119.04~~ 5119.10 of the Revised Code or the director of 111951  
developmental disabilities under section 5123.04 of the Revised 111952  
Code if the trustee has failed to comply with such rules. 111953

(D) To the extent permitted by federal law and subject to the 111954  
provisions of division (C)(2) of this section pertaining to the 111955  
enforcement of specific instructions or conditions governing a 111956  
trustee's discretion, a trust authorized by division (B) of this 111957  
section that confers discretion upon the trustee shall not be 111958  
considered an asset or resource of the beneficiary, the 111959  
beneficiary's estate, the settlor, or the settlor's estate and 111960  
shall be exempt from the claims of creditors, political 111961  
subdivisions, the state, other governmental entities, and other 111962  
claimants against the beneficiary, the beneficiary's estate, the 111963  
settlor, or the settlor's estate, including claims regarding the 111964  
medicaid program or based on provisions of Chapters ~~5111.7~~ 5121.7 111965  
or 5123. of the Revised Code and claims sought to be satisfied by 111966  
way of a civil action, subrogation, execution, garnishment, 111967  
attachment, judicial sale, or other legal process, if all of the 111968  
following apply: 111969

(1) At the time the trust is created, the trust principal 111970  
does not exceed the maximum amount determined under division (E) 111971  
of this section; 111972

(2) The trust instrument contains a statement of the 111973  
settlor's intent, or otherwise clearly evidences the settlor's 111974  
intent, that the beneficiary does not have authority to compel the 111975  
trustee under any circumstances to furnish the beneficiary with 111976  
minimal or other maintenance or support, to make payments from the 111977  
principal of the trust or from the income derived from the 111978  
principal, or to convert any portion of the principal into cash, 111979  
whether pursuant to an ascertainable standard specified in the 111980  
instrument or otherwise; 111981

(3) The trust instrument provides that trust assets can be 111982  
used only to provide supplemental services, as defined by rule of 111983  
the director of ~~mental health~~ mental health and addiction services 111984  
under section ~~5119.01~~ 5119.10 of the Revised Code or the director 111985  
of developmental disabilities under section 5123.04 of the Revised 111986  
Code, to the beneficiary; 111987

(4) The trust is maintained and assets are distributed in 111988  
accordance with rules adopted by the director of ~~mental health~~ 111989  
mental health and addiction services under section ~~5119.01~~ 5119.10 111990  
of the Revised Code or the director of developmental disabilities 111991  
under section 5123.04 of the Revised Code; 111992

(5) The trust instrument provides that on the death of the 111993  
beneficiary, a portion of the remaining assets of the trust, which 111994  
shall be not less than fifty per cent of such assets, will be 111995  
deposited to the credit of the services fund for individuals with 111996  
mental illness created by section ~~5119.17~~ 5119.51 of the Revised 111997  
Code or the services fund for individuals with mental retardation 111998  
and developmental disabilities created by section 5123.40 of the 111999  
Revised Code. 112000

(E) In 1994, the trust principal maximum amount for a trust 112001  
created under this section shall be two hundred thousand dollars. 112002  
The maximum amount for a trust created under this section prior to 112003  
November 11, 1994, may be increased to two hundred thousand 112004  
dollars. 112005

In 1995, the maximum amount for a trust created under this 112006  
section shall be two hundred two thousand dollars. Each year 112007  
thereafter, the maximum amount shall be the prior year's amount 112008  
plus two thousand dollars. 112009

(F) This section does not limit or otherwise affect the 112010  
creation, validity, interpretation, or effect of any trust that is 112011  
not created under this section. 112012

(G) Once a trustee takes action on a trust created by a 112013  
settlor under this section and disburses trust funds on behalf of 112014  
the beneficiary of the trust, then the trust may not be terminated 112015  
or otherwise revoked by a particular event or otherwise without 112016  
payment into the services fund created pursuant to section ~~5119.17~~ 112017  
5119.51 or 5123.40 of the Revised Code of an amount that is equal 112018  
to the disbursements made on behalf of the beneficiary for medical 112019  
care by the state from the date the trust vests but that is not 112020  
more than fifty per cent of the trust corpus. 112021

**Sec. 5905.02.** Whenever it appears that a person is eligible 112022  
for care or treatment by the veterans' administration or other 112023  
agency of the United States, and hospitalization is necessary for 112024  
the proper care or treatment of such person, the probate court, 112025  
upon receipt of a certificate from the veterans' administration or 112026  
such other agency showing that facilities are available and such 112027  
person is eligible for care or treatment therein, may order such 112028  
person to said veterans' administration or other agency for care 112029  
and treatment. 112030

Upon admission, such person shall be subject to the 112031



applicable regulations of the veterans' administration or other 112032  
agency of the United States. The chief officer of any hospital to 112033  
which any person is admitted pursuant to hospitalization as 112034  
provided in sections 5905.01 to 5905.19 of the Revised Code, or 112035  
under the law in effect at the time of such admission, shall have 112036  
the same powers as are exercised by heads of hospitals for mental 112037  
diseases and the department of ~~mental health~~ mental health and 112038  
addiction services with respect to the retention, transfer, 112039  
parole, or discharge of the person hospitalized; provided no 112040  
person shall be transferred to a hospital operated by the state or 112041  
any political subdivision thereof without the consent of such 112042  
department. 112043

The right of such person to appear and defend shall not be 112044  
denied. 112045

The judgment or order of hospitalization by a court of 112046  
competent jurisdiction of another state ordering a person to the 112047  
veterans' administration or other agency of the United States, or 112048  
any hospital operated by any such agency, for care or treatment 112049  
shall have the same effect as to such person while in this state 112050  
as in the state in which the court entering such judgment or 112051  
making such order is situated, provided that no nonresident 112052  
ordered to a veterans' administration facility located in Ohio 112053  
shall thereby acquire a legal settlement in Ohio. 112054

Upon receipt of a certificate that facilities are available 112055  
in any such hospital operated by the United States for the care or 112056  
treatment of any person ordered to any hospital for the mentally 112057  
ill or other hospital in this state for the care of persons 112058  
similarly afflicted, and that such person is eligible for such 112059  
care or treatment, such department may transfer any such person to 112060  
the veterans' administration or other agency of the United States 112061  
in the state. Upon effecting any such transfer, the ordering court 112062  
shall be notified thereof by the transferring agency; provided 112063

that no such person shall be transferred if ~~he~~ the person is 112064  
confined pursuant to conviction of any crime or misdemeanor, or if 112065  
~~he~~ the person has been acquitted of any such charge solely on the 112066  
ground of insanity, unless prior to such transfer the court 112067  
originally ordering such person enters an order for such transfer 112068  
after appropriate motion and hearing. 112069

Any person transferred as provided in this section is ordered 112070  
to the veterans' administration or other agency of the United 112071  
States pursuant to the original order as though ~~he~~ the person had 112072  
been originally so ordered. 112073

**Sec. 5910.02.** There is hereby created an Ohio war orphans 112074  
scholarship board as part of the department of veterans services. 112075  
The board consists of eight members as follows: the chancellor of 112076  
the Ohio board of regents or the chancellor's designee; the 112077  
director of veterans services or the director's designee; one 112078  
member of the house of representatives, appointed by the speaker; 112079  
one member of the senate, appointed by the president of the 112080  
senate; and four members appointed by the governor, one of whom 112081  
shall be a representative of the American Legion, one of whom 112082  
shall be a representative of the Veterans of Foreign Wars, one of 112083  
whom shall be a representative of the Disabled American Veterans, 112084  
and one of whom shall be a representative of the AMVETS. At least 112085  
ninety days prior to the expiration of the term of office of the 112086  
representative of a veterans organization appointed by the 112087  
governor, the governor shall notify the state headquarters of the 112088  
affected organization of the need for an appointment and request 112089  
the organization to make at least three nominations. Within sixty 112090  
days after making the request for nominations, the governor may 112091  
make the appointment from the nominations received, or may reject 112092  
all the nominations and request at least three new nominations, 112093  
from which the governor shall make an appointment within thirty 112094  
days after making the request for the new nominations. If the 112095

governor receives no nominations during this thirty-day period, 112096  
the governor may appoint any veteran. 112097

Terms of office for the four members appointed by the 112098  
governor shall be for four years, commencing on the first day of 112099  
January and ending on the thirty-first day of December, except 112100  
that the term of the AMVETS representative shall expire December 112101  
31, 1998, and the new term that succeeds it shall commence on 112102  
January 1, 1999, and end on December 31, 2002. Each member shall 112103  
hold office from the date of the member's appointment until the 112104  
end of the term for which the member was appointed. The other 112105  
members shall serve during their terms of office. Any vacancy 112106  
shall be filled by appointment in the same manner as by original 112107  
appointment. Any member appointed to fill a vacancy occurring 112108  
prior to the expiration of the term for which the member's 112109  
predecessor was appointed shall hold office for the remainder of 112110  
such term. Any appointed member shall continue in office 112111  
subsequent to the expiration date of the member's term until the 112112  
member's successor takes office, or until a period of sixty days 112113  
has elapsed, whichever occurs first. The members of the board 112114  
shall serve without pay but shall be reimbursed for travel 112115  
expenses and for other actual and necessary expenses incurred in 112116  
the performance of their duties, not to exceed ten dollars per day 112117  
for ten days in any one year to be appropriated out of any moneys 112118  
in the state treasury to the credit of the general revenue fund. 112119

The chancellor of the board of regents shall act as secretary 112120  
to the board and shall furnish such clerical and other assistance 112121  
as may be necessary to the performance of the duties of the board. 112122

The board shall determine the number of scholarships to be 112123  
made available, receive applications for scholarships, pass upon 112124  
the eligibility of applicants, decide which applicants are to 112125  
receive scholarships, and do all other things necessary for the 112126  
proper administration of this chapter. 112127

The board may apply for, and may receive and accept, grants, 112128  
and may receive and accept gifts, bequests, and contributions, 112129  
from public and private sources, including agencies and 112130  
instrumentalities of the United States and this state, and shall 112131  
deposit the grants, gifts, bequests, or contributions into the 112132  
Ohio war orphans scholarship donation fund. 112133

**Sec. 5910.07.** The Ohio war orphans scholarship donation fund 112134  
is created in the state treasury. The fund shall consist of gifts, 112135  
bequests, grants, and contributions made to the fund under section 112136  
5910.02 of the Revised Code. Investment earnings of the fund shall 112137  
be deposited into the fund. The fund shall be used to operate the 112138  
war orphans scholarship program and to provide grants under 112139  
sections 5910.01 to 5910.06 of the Revised Code. 112140

**Sec. 5910.08.** There is hereby created in the state treasury 112141  
the war orphans scholarship reserve fund. Not later than the first 112142  
day of July of each fiscal year, the chancellor of the Ohio board 112143  
of regents shall certify to the director of budget and management 112144  
the unencumbered balance of the general revenue fund 112145  
appropriations made in the immediately preceding fiscal year for 112146  
purposes of the war orphans scholarship program created in Chapter 112147  
5910. of the Revised Code. Upon receipt of the certification, the 112148  
director may transfer an amount not exceeding the certified amount 112149  
from the general revenue fund to the war orphans scholarship 112150  
reserve fund. Moneys in the war orphans scholarship reserve fund 112151  
shall be used to pay scholarship obligations in excess of the 112152  
general revenue fund appropriations made for that purpose. 112153

The director may transfer any unencumbered balance from the 112154  
war orphans scholarship reserve fund to the general revenue fund. 112155

**Sec. 5919.34.** (A) As used in this section: 112156

(1) "Academic term" means any one of the following: 112157

|                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (a) Fall term, which consists of fall semester or fall quarter, as appropriate;                                                                                                                                                                                                                                                                                                                                                                              | 112158<br>112159                                                             |
| (b) Winter term, which consists of winter semester, winter quarter, or spring semester, as appropriate;                                                                                                                                                                                                                                                                                                                                                      | 112160<br>112161                                                             |
| (c) Spring term, which consists of spring quarter;                                                                                                                                                                                                                                                                                                                                                                                                           | 112162                                                                       |
| (d) Summer term, which consists of summer semester or summer quarter, as appropriate.                                                                                                                                                                                                                                                                                                                                                                        | 112163<br>112164                                                             |
| (2) "Eligible applicant" means any individual to whom all of the following apply:                                                                                                                                                                                                                                                                                                                                                                            | 112165<br>112166                                                             |
| (a) The individual does not possess a baccalaureate degree.                                                                                                                                                                                                                                                                                                                                                                                                  | 112167                                                                       |
| (b) The individual has enlisted, re-enlisted, or extended current enlistment in the Ohio national guard or is an individual to which division (F) of this section applies.                                                                                                                                                                                                                                                                                   | 112168<br>112169<br>112170                                                   |
| (c) The individual is actively enrolled as a full-time or part-time student for at least three credit hours of course work in a semester or quarter in a two-year or four-year degree-granting program at a state institution of higher education or a private institution of higher education, or in a diploma-granting program at a state or private institution of higher education that is a school of nursing.                                          | 112171<br>112172<br>112173<br>112174<br>112175<br>112176<br>112177           |
| (d) The individual has not accumulated ninety-six eligibility units under division (E) of this section.                                                                                                                                                                                                                                                                                                                                                      | 112178<br>112179                                                             |
| (3) "State institution of higher education" means any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college established under Chapter 3354. of the Revised Code, state community college established under Chapter 3358. of the Revised Code, university branch established under Chapter 3355. of the Revised Code, or technical college established under Chapter 3357. of the Revised Code. | 112180<br>112181<br>112182<br>112183<br>112184<br>112185<br>112186<br>112187 |

(4) "Private institution of higher education" means an Ohio institution of higher education that is nonprofit and has received a certificate of authorization pursuant to Chapter 1713. of the Revised Code, that is a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, or that holds a certificate of registration and program authorization issued by the state board of career colleges and schools pursuant to section 3332.05 of the Revised Code.

(5) "Tuition" means the charges imposed to attend an institution of higher education and includes general and instructional fees. "Tuition" does not include laboratory fees, room and board, or other similar fees and charges.

(B) There is hereby created a scholarship program to be known as the Ohio national guard scholarship program.

(C) The adjutant general shall approve scholarships for all eligible applicants. The adjutant general shall process all applications for scholarships for each academic term in the order in which they are received. The scholarships shall be made without regard to financial need. At no time shall one person be placed in priority over another because of sex, race, or religion.

(D)(1) Except as provided in divisions (I) and (J) of this section, for each academic term that an eligible applicant is approved for a scholarship under this section and either remains a current member in good standing of the Ohio national guard or is eligible for a scholarship under division (F)(1) of this section, the institution of higher education in which the applicant is enrolled shall, if the applicant's enlistment obligation extends beyond the end of that academic term or if division (F)(1) of this section applies, be paid on the applicant's behalf the applicable one of the following amounts:

(a) If the institution is a state institution of higher education, an amount equal to one hundred per cent of the institution's tuition charges; 112219  
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(b) If the institution is a nonprofit private institution or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, an amount equal to one hundred per cent of the average tuition charges of all state universities; 112222  
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(c) If the institution is an institution that holds a certificate of registration from the state board of career colleges and schools, the lesser of the following: 112227  
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(i) An amount equal to one hundred per cent of the institution's tuition; 112230  
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(ii) An amount equal to one hundred per cent of the average tuition charges of all state universities, as that term is defined in section 3345.011 of the Revised Code. 112232  
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(2) An eligible applicant's scholarship shall not be reduced by the amount of that applicant's benefits under "the Montgomery G.I. Bill Act of 1984," Pub. L. No. 98-525, 98 Stat. 2553 (1984). 112235  
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(E) A scholarship recipient under this section shall be entitled to receive scholarships under this section for the number of quarters or semesters it takes the recipient to accumulate ninety-six eligibility units as determined under divisions (E)(1) to (3) of this section. 112238  
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(1) To determine the maximum number of semesters or quarters for which a recipient is entitled to a scholarship under this section, the adjutant general shall convert a recipient's credit hours of enrollment for each academic term into eligibility units in accordance with the following table: 112243  
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The

|                    |        |             |    |               |        |
|--------------------|--------|-------------|----|---------------|--------|
| Number of          |        | following   |    | The following | 112249 |
| credit hours       |        | number of   |    | number of     | 112250 |
| of enrollment      |        | eligibility |    | eligibility   | 112251 |
| in an academic     |        | units if a  |    | units if a    | 112252 |
| term               | equals | semester    | or | quarter       | 112253 |
|                    |        |             |    |               | 112254 |
| 12 or more hours   |        | 12 units    |    | 8 units       | 112255 |
| 9 but less than 12 |        | 9 units     |    | 6 units       | 112256 |
| 6 but less than 9  |        | 6 units     |    | 4 units       | 112257 |
| 3 but less than 6  |        | 3 units     |    | 2 units       | 112258 |

(2) A scholarship recipient under this section may continue 112259  
to apply for scholarships under this section until the recipient 112260  
has accumulated ninety-six eligibility units. 112261

(3) If a scholarship recipient withdraws from courses prior 112262  
to the end of an academic term so that the recipient's enrollment 112263  
for that academic term is less than three credit hours, no 112264  
scholarship shall be paid on behalf of that person for that 112265  
academic term. Except as provided in division (F)(3) of this 112266  
section, if a scholarship has already been paid on behalf of the 112267  
person for that academic term, the adjutant general shall add to 112268  
that person's accumulated eligibility units the number of 112269  
eligibility units for which the scholarship was paid. 112270

(F) This division applies to any eligible applicant called 112271  
into active duty on or after September 11, 2001. As used in this 112272  
division, "active duty" means active duty pursuant to an executive 112273  
order of the president of the United States, an act of the 112274  
congress of the United States, or section 5919.29 or 5923.21 of 112275  
the Revised Code. 112276

(1) For a period of up to five years from when an 112277  
individual's enlistment obligation in the Ohio national guard 112278  
ends, an individual to whom this division applies is eligible for 112279  
scholarships under this section for those academic terms that were 112280



missed or could have been missed as a result of the individual's 112281  
call into active duty. Scholarships shall not be paid for the 112282  
academic term in which an eligible applicant's enlistment 112283  
obligation ends unless an applicant is eligible under this 112284  
division for a scholarship for such academic term due to previous 112285  
active duty. 112286

(2) When an individual to whom this division applies 112287  
withdraws or otherwise fails to complete courses, for which 112288  
scholarships have been awarded under this section, because the 112289  
individual was called into active duty, the institution of higher 112290  
education shall grant the individual a leave of absence from the 112291  
individual's education program and shall not impose any academic 112292  
penalty for such withdrawal or failure to complete courses. 112293  
Division (F)(2) of this section applies regardless of whether or 112294  
not the scholarship amount was paid to the institution of higher 112295  
education. 112296

(3) If an individual to whom this division applies withdraws 112297  
or otherwise fails to complete courses because the individual was 112298  
called into active duty, and if scholarships for those courses 112299  
have already been paid, either: 112300

(a) The adjutant general shall not add to that person's 112301  
accumulated eligibility units calculated under division (E) of 112302  
this section the number of eligibility units for the academic 112303  
courses or term for which the scholarship was paid and the 112304  
institution of higher education shall repay the scholarship amount 112305  
to the state. 112306

(b) The adjutant general shall add to that individual's 112307  
accumulated eligibility units calculated under division (E) of 112308  
this section the number of eligibility units for the academic 112309  
courses or term for which the scholarship was paid if the 112310  
institution of higher education agrees to permit the individual to 112311  
complete the remainder of the academic courses in which the 112312

individual was enrolled at the time the individual was called into active duty. 112313  
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(4) No individual who is discharged from the Ohio national guard under other than honorable conditions shall be eligible for scholarships under this division. 112315  
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(G) A scholarship recipient under this section who fails to complete the term of enlistment, re-enlistment, or extension of current enlistment the recipient was serving at the time a scholarship was paid on behalf of the recipient under this section is liable to the state for repayment of a percentage of all Ohio national guard scholarships paid on behalf of the recipient under this section, plus interest at the rate of ten per cent per annum calculated from the dates the scholarships were paid. This percentage shall equal the percentage of the current term of enlistment, re-enlistment, or extension of enlistment a recipient has not completed as of the date the recipient is discharged from the Ohio national guard. 112318  
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The attorney general may commence a civil action on behalf of the chancellor of the Ohio board of regents to recover the amount of the scholarships and the interest provided for in this division and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. A scholarship recipient is not liable under this division if the recipient's failure to complete the term of enlistment being served at the time a scholarship was paid on behalf of the recipient under this section is due to the recipient's death or discharge from the national guard due to disability. 112330  
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(H) On or before the first day of each academic term, the adjutant general shall provide an eligibility roster to the chancellor and to each institution of higher education at which one or more scholarship recipients have applied for enrollment. The institution shall use the roster to certify the actual 112340  
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full-time or part-time enrollment of each scholarship recipient 112345  
listed as enrolled at the institution and return the roster to the 112346  
adjutant general and the chancellor. Except as provided in 112347  
division (J) of this section, the chancellor shall provide for 112348  
payment of the appropriate number and amount of scholarships to 112349  
each institution of higher education pursuant to division (D) of 112350  
this section. If an institution of higher education fails to 112351  
certify the actual enrollment of a scholarship recipient listed as 112352  
enrolled at the institution within thirty days of the end of an 112353  
academic term, the institution shall not be eligible to receive 112354  
payment from the Ohio national guard scholarship program or from 112355  
the individual enrollee. The adjutant general shall report on a 112356  
semiannual basis to the director of budget and management, the 112357  
speaker of the house of representatives, the president of the 112358  
senate, and the chancellor the number of Ohio national guard 112359  
scholarship recipients, the size of the scholarship-eligible 112360  
population, and a projection of the cost of the program for the 112361  
remainder of the biennium. 112362

(I) The chancellor and the adjutant general may adopt rules 112363  
pursuant to Chapter 119. of the Revised Code governing the 112364  
administration and fiscal management of the Ohio national guard 112365  
scholarship program and the procedure by which the chancellor and 112366  
the department of the adjutant general may modify the amount of 112367  
scholarships a member receives based on the amount of other state 112368  
financial aid a member receives. 112369

(J) The adjutant general, the chancellor, and the director, 112370  
or their designees, shall jointly estimate the costs of the Ohio 112371  
national guard scholarship program for each upcoming fiscal 112372  
biennium, and shall report that estimate prior to the beginning of 112373  
the fiscal biennium to the chairpersons of the finance committees 112374  
in the general assembly. During each fiscal year of the biennium, 112375  
the adjutant general, the chancellor, and the director, or their 112376

designees, shall meet regularly to monitor the actual costs of the 112377  
Ohio national guard scholarship program and update cost 112378  
projections for the remainder of the biennium as necessary. If the 112379  
amounts appropriated for the Ohio national guard scholarship 112380  
program and any funds in the Ohio national guard scholarship 112381  
reserve fund and the Ohio national guard scholarship donation fund 112382  
are not adequate to provide scholarships in the amounts specified 112383  
in division (D)(1) of this section for all eligible applicants, 112384  
the chancellor shall do all of the following: 112385

(1) Notify each private institution of higher education, 112386  
where a scholarship recipient is enrolled, that, by accepting the 112387  
Ohio national guard scholarship program as payment for all or part 112388  
of the institution's tuition, the institution agrees that if the 112389  
chancellor reduces the amount of each scholarship, the institution 112390  
shall provide each scholarship recipient a grant or tuition waiver 112391  
in an amount equal to the amount the recipient's scholarship was 112392  
reduced by the chancellor. 112393

(2) Reduce the amount of each scholarship under division 112394  
(D)(1)(a) of this section proportionally based on the amount of 112395  
remaining available funds. Each state institution of higher 112396  
education shall provide each scholarship recipient under division 112397  
(D)(1)(a) of this section a grant or tuition waiver in an amount 112398  
equal to the amount the recipient's scholarship was reduced by the 112399  
chancellor. 112400

(K) Notwithstanding division (A) of section 127.14 of the 112401  
Revised Code, the controlling board shall not transfer all or part 112402  
of any appropriation for the Ohio national guard scholarship 112403  
program. 112404

(L) The chancellor and the adjutant general may apply for, 112405  
and may receive and accept grants, and may receive and accept 112406  
gifts, bequests, and contributions, from public and private 112407  
sources, including agencies and instrumentalities of the United 112408

States and this state, and shall deposit the grants, gifts, 112409  
bequests, or contributions into the national guard scholarship 112410  
~~reserve~~ donation fund. 112411

Sec. 5919.342. The national guard scholarship donation fund 112412  
is created in the state treasury. The fund shall consist of gifts, 112413  
bequests, grants, and contributions made to the fund under 112414  
division (L) of section 5919.34 of the Revised Code. Investment 112415  
earnings of the fund shall be deposited into the fund. The fund 112416  
shall be used to operate the Ohio national guard scholarship 112417  
program created under section 5919.34 of the Revised Code. 112418

**Sec. 5924.502.** (A) If the issue of an accused's competence to 112419  
stand trial is raised or if an accused enters a plea of not guilty 112420  
by reason of insanity, the court may order one or more evaluations 112421  
of the accused's present mental condition or, in the case of a 112422  
plea of not guilty by reason of insanity, of the accused's mental 112423  
condition at the time of the offense charged. An examiner shall 112424  
conduct the evaluation. 112425

(B) If the court orders more than one evaluation under 112426  
division (A) of this section, the trial counsel and the defense 112427  
counsel may recommend to the court an examiner whom each prefers 112428  
to perform one of the evaluations. If an accused enters a plea of 112429  
not guilty by reason of insanity and if the court does not 112430  
designate an examiner recommended by the defense counsel, the 112431  
court shall inform the accused that the accused may have 112432  
independent expert evaluation and that it will be obtained for the 112433  
accused at public expense. 112434

(C) If the court orders an evaluation under division (A) of 112435  
this section, the accused shall be available at the times and 112436  
places established by the examiners who are to conduct the 112437  
evaluation. The court may order an accused who is not being held 112438

in pretrial confinement to submit to an evaluation under this 112439  
section. If an accused who is not being held in pretrial 112440  
confinement refuses to submit to a complete evaluation, the court 112441  
may order the sheriff to take the accused into custody and deliver 112442  
the accused to a center, program, or facility operated or 112443  
certified by the department of ~~mental health~~ mental health and 112444  
addiction services where the accused may be held for evaluation 112445  
for a reasonable period of time not to exceed twenty days. 112446

(D) An accused who is being held in pretrial confinement may 112447  
be evaluated at the accused's place of detention. Upon the request 112448  
of the examiner, the court may order the sheriff to transport the 112449  
accused to a program or facility operated or certified by the 112450  
department of ~~mental health~~ mental health and addiction services, 112451  
where the accused may be held for evaluation for a reasonable 112452  
period of time not to exceed twenty days, and to return the 112453  
accused to the place of detention after the evaluation. 112454

(E) If a court orders the evaluation to determine an 112455  
accused's mental condition at the time of the offense charged, the 112456  
court shall inform the examiner of the offense with which the 112457  
accused is charged. 112458

(F) In conducting an evaluation of an accused's mental 112459  
condition at the time of the offense charged, the examiner shall 112460  
consider all relevant evidence. If the offense charged involves 112461  
the use of force against another person, the relevant evidence to 112462  
be considered includes, but is not limited to, any evidence that 112463  
the accused suffered at the time of the commission of the offense 112464  
from the "battered woman syndrome." 112465

(G) The examiner shall file a written report with the court 112466  
within thirty days after entry of a court order for evaluation, 112467  
and the court shall provide copies of the report to the trial 112468  
counsel and defense counsel. The report shall include all of the 112469  
following: 112470

- (1) The examiner's findings; 112471
- (2) The facts in reasonable detail on which the findings are based; 112472  
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- (3) If the evaluation was ordered to determine the accused's competence to stand trial, all of the following findings or recommendations that are applicable: 112474  
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- (a) Whether the accused is capable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense; 112477  
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- (b) If the examiner's opinion is that the accused is incapable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense, whether the accused presently is mentally ill; 112480  
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- (c) If the examiner's opinion is that the accused is incapable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense, the examiner's opinion as to the likelihood of the accused becoming capable of understanding the nature and objective of the proceedings against the accused and of assisting in the accused's defense within one year if the accused is provided with a course of treatment; 112484  
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- (d) If the examiner's opinion is that the accused is incapable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense and that the accused presently is mentally ill, the examiner's recommendation as to the least restrictive placement or commitment alternative, consistent with the accused's treatment needs for restoration to competency and with the safety of the community; 112492  
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- (e) If the accused is charged before a special or summary court-martial with an offense that is not a violation of section 112500  
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5924.120, 5924.127, or 5924.128 of the Revised Code and the 112502  
examiner's opinion is that the accused is incapable of 112503  
understanding the nature and objective of the proceedings against 112504  
the accused or of assisting in the accused's defense and that the 112505  
accused is presently mentally ill, the examiner's recommendation 112506  
as to whether the accused is amenable to engagement in mental 112507  
health treatment. 112508

(4) If the evaluation was ordered to determine the accused's 112509  
mental condition at the time of the offense charged, the 112510  
examiner's findings as to whether the accused at the time of the 112511  
offense charged did not know, as a result of a severe mental 112512  
disease or defect, the wrongfulness of the accused's acts charged. 112513

(H) An examiner appointed under divisions (A) and (B) of this 112514  
section to evaluate an accused to determine the accused's 112515  
competence to stand trial also may be appointed to evaluate an 112516  
accused who has entered a plea of not guilty by reason of 112517  
insanity, but an examiner of that nature shall prepare separate 112518  
reports on the issue of competence to stand trial and the defense 112519  
of not guilty by reason of insanity. 112520

(I) No statement that an accused makes in an evaluation or 112521  
hearing under divisions (A) to (H) of this section relating to the 112522  
accused's competence to stand trial or to the accused's mental 112523  
condition at the time of the offense charged may be used against 112524  
the accused on the issue of guilt in any criminal action or 112525  
proceeding, but, in a criminal action or proceeding, the trial 112526  
counsel or defense counsel may call as a witness any person who 112527  
evaluated the accused or prepared a report pursuant to a referral 112528  
under this section. Neither the appointment nor the testimony of 112529  
an examiner appointed under this section precludes the trial 112530  
counsel or defense counsel from calling other witnesses or 112531  
presenting other evidence on competency or insanity issues. 112532

(J) Persons appointed as examiners under divisions (A) and 112533



(B) of this section or under division (H) of this section shall be 112534  
paid a reasonable amount for their services and expenses, as 112535  
certified by the court. 112536

**Sec. 5924.503.** (A) If the issue of an accused's competence to 112537  
stand trial is raised and if the court, upon conducting the 112538  
hearing provided for in section 5924.502 of the Revised Code, 112539  
finds that the accused is competent to stand trial, the accused 112540  
shall be proceeded against as provided by law. If the court finds 112541  
the accused competent to stand trial and the accused is receiving 112542  
psychotropic drugs or other medication, the court may authorize 112543  
the continued administration of the drugs or medication or other 112544  
appropriate treatment in order to maintain the accused's 112545  
competence to stand trial unless the accused's attending physician 112546  
advises the court against continuation of the drugs, other 112547  
medication, or treatment. 112548

(B)(1)(a) If, after taking into consideration all relevant 112549  
reports, information, and other evidence, the court finds that the 112550  
accused is incompetent to stand trial and that there is a 112551  
substantial probability that the accused will become competent to 112552  
stand trial within one year if the accused is provided with a 112553  
course of treatment, the court shall order the accused to undergo 112554  
treatment. If the accused is being tried by a general 112555  
court-martial and if, after taking into consideration all relevant 112556  
reports, information, and other evidence, the court finds that the 112557  
accused is incompetent to stand trial, but the court is unable at 112558  
that time to determine whether there is a substantial probability 112559  
that the accused will become competent to stand trial within one 112560  
year if the accused is provided with a course of treatment, the 112561  
court shall order continuing evaluation and treatment of the 112562  
accused for a period not to exceed four months to determine 112563  
whether there is a substantial probability that the accused will 112564  
become competent to stand trial within one year if the accused is 112565

provided with a course of treatment. 112566

(b) The court order for the accused to undergo treatment or 112567  
continuing evaluation and treatment under division (B)(1)(a) of 112568  
this section shall specify that the accused, if determined to 112569  
require mental health treatment or continuing evaluation and 112570  
treatment, shall be committed to the department of ~~mental health~~ 112571  
mental health and addiction services for treatment or continuing 112572  
evaluation and treatment at a hospital, facility, or agency 112573  
determined to be clinically appropriate by the department of 112574  
~~mental health~~ mental health and addiction services. The order may 112575  
restrict the accused's freedom of movement as the court considers 112576  
necessary. The trial counsel in the accused's case shall send to 112577  
the chief clinical officer of the hospital, facility, or ~~agency~~ 112578  
services provider where the accused is placed by the department of 112579  
~~mental health~~ mental health and addiction services or to the 112580  
managing officer of the institution, the director of the facility, 112581  
or the person to which the accused is committed copies of relevant 112582  
investigative reports and other background information that 112583  
pertains to the accused and is available to the trial counsel 112584  
unless the trial counsel determines that the release of any of the 112585  
information in the investigative reports or any of the other 112586  
background information to unauthorized persons would interfere 112587  
with the effective prosecution of any person or would create a 112588  
substantial risk of harm to any person. 112589

In committing the accused to the department of ~~mental health~~ 112590  
mental health and addiction services, the court shall consider the 112591  
extent to which the person is a danger to the person and to 112592  
others, the need for security, and the type of crime involved and, 112593  
if the court finds that restrictions on the accused's freedom of 112594  
movement are necessary, shall specify the least restrictive 112595  
limitations on the person's freedom of movement determined to be 112596  
necessary to protect public safety. In weighing these factors, the 112597

court shall give preference to protecting public safety. 112598

(c) If the accused is found incompetent to stand trial, if 112599  
the chief clinical officer of the hospital, facility, or ~~agency~~ 112600  
services provider where the accused is placed, or the managing 112601  
officer of the institution, the director of the facility, or the 112602  
person to which the accused is committed for treatment or 112603  
continuing evaluation and treatment under division (B)(1)(b) of 112604  
this section determines that medication is necessary to restore 112605  
the accused's competency to stand trial, and if the accused lacks 112606  
the capacity to give informed consent or refuses medication, the 112607  
chief clinical officer of the hospital, facility, or ~~agency~~ 112608  
services provider where the accused is placed or the managing 112609  
officer of the institution, the director of the facility, or the 112610  
person to which the accused is committed for treatment or 112611  
continuing evaluation and treatment may petition the court for 112612  
authorization for the involuntary administration of medication. 112613  
The court shall hold a hearing on the petition within five days of 112614  
the filing of the petition. Following the hearing, the court may 112615  
authorize the involuntary administration of medication or may 112616  
dismiss the petition. 112617

(d) If the accused is charged before a special or summary 112618  
court-martial with an offense that is not a violation of section 112619  
5924.120, 5924.127, or 5924.128 of the Revised Code, the trial 112620  
counsel may hold the charges in abeyance while the accused engages 112621  
in mental health treatment. 112622

(2) If the court finds that the accused is incompetent to 112623  
stand trial and that, even if the accused is provided with a 112624  
course of treatment, there is not a substantial probability that 112625  
the accused will become competent to stand trial within one year, 112626  
the court shall order the discharge of the accused, unless upon 112627  
motion of the trial counsel or on its own motion, the court either 112628  
seeks to retain jurisdiction over the accused pursuant to division 112629

(A)(2) of section 5924.504 of the Revised Code or files an affidavit in the probate court for the civil commitment of the accused pursuant to Chapter 5122. of the Revised Code alleging that the accused is a mentally ill person subject to hospitalization by court order. If an affidavit is filed in the probate court, the trial court shall send to the probate court copies of all written reports of the accused's mental condition that were prepared pursuant to section 5924.502 of the Revised Code.

The trial court may issue the temporary order of detention that a probate court may issue under section 5122.11 of the Revised Code, to remain in effect until the probable cause or initial hearing in the probate court. Further proceedings in the probate court are civil proceedings governed by Chapter 5122. of the Revised Code.

(C) No accused shall be required to undergo treatment, including any continuing evaluation and treatment, under division (B)(1) of this section for longer than whichever of the following periods is applicable:

(1) One year, if the accused is being tried by a general court-martial;

(2) Six months, if the accused is being tried before a special court-martial;

(3) Sixty days, if the accused is being tried before a summary court-martial.

(D) Any accused who is committed pursuant to this section shall not voluntarily admit the accused or be voluntarily admitted to a hospital or institution pursuant to section 5122.02 or 5122.15 of the Revised Code.

(E) Except as otherwise provided in this division, an accused who is charged with an offense and is committed by the court under

this section to the department of ~~mental health~~ mental health and 112661  
addiction services with restrictions on the accused's freedom of 112662  
movement shall not be granted unsupervised on-grounds movement, 112663  
supervised off-grounds movement, or nonsecured status except in 112664  
accordance with the court order. The court may grant an accused 112665  
supervised off-grounds movement to obtain medical treatment or 112666  
specialized habilitation treatment services if the person who 112667  
supervises the treatment or the continuing evaluation and 112668  
treatment of the accused ordered under division (B)(1)(a) of this 112669  
section informs the court that the treatment or continuing 112670  
evaluation and treatment cannot be provided at the hospital or 112671  
facility where the accused is placed by the department of ~~mental~~ 112672  
~~health~~ mental health and addiction services. The chief clinical 112673  
officer of the hospital or facility where the accused is placed by 112674  
the department of ~~mental health~~ mental health and addiction 112675  
services or the managing officer of the institution or director of 112676  
the facility to which the accused is committed or a designee of 112677  
any of those persons may grant an accused movement to a medical 112678  
facility for an emergency medical situation with appropriate 112679  
supervision to ensure the safety of the accused, staff, and 112680  
community during that emergency medical situation. The chief 112681  
clinical officer of the hospital or facility where the accused is 112682  
placed by the department of ~~mental health~~ mental health and 112683  
addiction services or the managing officer of the institution or 112684  
director of the facility to which the accused is committed shall 112685  
notify the court within twenty-four hours of the accused's 112686  
movement to the medical facility for an emergency medical 112687  
situation under this division. 112688

(F) The person who supervises the treatment or continuing 112689  
evaluation and treatment of an accused ordered to undergo 112690  
treatment or continuing evaluation and treatment under division 112691  
(B)(1)(a) of this section shall file a written report with the 112692  
court at the following times: 112693

(1) Whenever the person believes the accused is capable of understanding the nature and objective of the proceedings against the accused and of assisting in the accused's defense;

(2) Fourteen days before expiration of the maximum time for treatment as specified in division (C) of this section and fourteen days before the expiration of the maximum time for continuing evaluation and treatment as specified in division (B)(1)(a) of this section;

(3) At a minimum, after each six months of treatment;

(4) Whenever the person who supervises the treatment or continuing evaluation and treatment of an accused ordered under division (B)(1)(a) of this section believes that there is not a substantial probability that the accused will become capable of understanding the nature and objective of the proceedings against the accused or of assisting in the accused's defense even if the accused is provided with a course of treatment.

(G) A report under division (F) of this section shall contain the examiner's findings, the facts in reasonable detail on which the findings are based, and the examiner's opinion as to the accused's capability of understanding the nature and objective of the proceedings against the accused and of assisting in the accused's defense. If, in the examiner's opinion, the accused remains incapable of understanding the nature and objective of the proceedings against the accused and of assisting in the accused's defense and there is a substantial probability that the accused will become capable of understanding the nature and objective of the proceedings against the accused and of assisting in the accused's defense if the accused is provided with a course of treatment, if in the examiner's opinion the accused remains mentally ill, and if the maximum time for treatment as specified in division (C) of this section has not expired, the report also shall contain the examiner's recommendation as to the least

restrictive placement or commitment alternative that is consistent 112726  
with the accused's treatment needs for restoration to competency 112727  
and with the safety of the community. The court shall provide 112728  
copies of the report to the trial counsel and defense counsel. 112729

(H) If an accused is committed pursuant to division (B)(1) of 112730  
this section, within ten days after the treating physician of the 112731  
accused or the examiner of the accused who is employed or retained 112732  
by the treating facility advises that there is not a substantial 112733  
probability that the accused will become capable of understanding 112734  
the nature and objective of the proceedings against the accused or 112735  
of assisting in the accused's defense even if the accused is 112736  
provided with a course of treatment, within ten days after the 112737  
expiration of the maximum time for treatment as specified in 112738  
division (C) of this section, within ten days after the expiration 112739  
of the maximum time for continuing evaluation and treatment as 112740  
specified in division (B)(1)(a) of this section, within thirty 112741  
days after an accused's request for a hearing that is made after 112742  
six months of treatment, or within thirty days after being advised 112743  
by the treating physician or examiner that the accused is 112744  
competent to stand trial, whichever is the earliest, the court 112745  
shall conduct another hearing to determine if the accused is 112746  
competent to stand trial and shall do whichever of the following 112747  
is applicable: 112748

(1) If the court finds that the accused is competent to stand 112749  
trial, the accused shall be proceeded against as provided by law. 112750

(2) If the court finds that the accused is incompetent to 112751  
stand trial, but that there is a substantial probability that the 112752  
accused will become competent to stand trial if the accused is 112753  
provided with a course of treatment, and the maximum time for 112754  
treatment as specified in division (C) of this section has not 112755  
expired, the court, after consideration of the examiner's 112756  
recommendation, shall order that treatment be continued, may 112757

change least restrictive limitations on the accused's freedom of 112758  
movement. 112759

(3) If the court finds that the accused is incompetent to 112760  
stand trial, if the accused is being tried by a general 112761  
court-martial, and if the court finds that there is not a 112762  
substantial probability that the accused will become competent to 112763  
stand trial even if the accused is provided with a course of 112764  
treatment, or if the maximum time for treatment as specified in 112765  
division (C) of this section has expired, further proceedings 112766  
shall be as provided in sections 5924.504 to 5924.506 of the 112767  
Revised Code. 112768

(4) If the court finds that the accused is incompetent to 112769  
stand trial, if the accused is being tried before a special 112770  
court-martial, and if the court finds that there is not a 112771  
substantial probability that the accused will become competent to 112772  
stand trial even if the accused is provided with a course of 112773  
treatment, or if the maximum time for treatment as specified in 112774  
division (C) of this section has expired, the court shall dismiss 112775  
the charge against the accused. A dismissal under this division is 112776  
not a bar to further prosecution based on the same conduct. The 112777  
court shall discharge the accused unless the court or trial 112778  
counsel files an affidavit in probate court for civil commitment 112779  
pursuant to Chapter 5122. of the Revised Code. If an affidavit for 112780  
civil commitment is filed, the court may detain the accused for 112781  
ten days pending civil commitment. All of the following provisions 112782  
apply to persons being tried by a special court-martial who are 112783  
committed by the probate court subsequent to the court's or trial 112784  
counsel's filing of an affidavit for civil commitment under 112785  
authority of this division: 112786

(a) The chief clinical officer of the entity, hospital, or 112787  
facility, the managing officer of the institution, or the person 112788  
to which the accused is committed or admitted shall do all of the 112789



following: 112790

(i) Notify the trial counsel in writing of the discharge of 112791  
the accused, send the notice at least ten days prior to the 112792  
discharge unless the discharge is by the probate court, and state 112793  
in the notice the date on which the accused will be discharged; 112794

(ii) Notify the trial counsel in writing when the accused is 112795  
absent without leave or is granted unsupervised, off-grounds 112796  
movement and send this notice promptly after the discovery of the 112797  
absence without leave or prior to the granting of the 112798  
unsupervised, off-grounds movement, whichever is applicable; 112799

(iii) Notify the trial counsel in writing of the change of 112800  
the accused's commitment or admission to voluntary status, send 112801  
the notice promptly upon learning of the change to voluntary 112802  
status, and state in the notice the date on which the accused was 112803  
committed or admitted on a voluntary status. 112804

(b) The trial counsel shall promptly inform the convening 112805  
authority of any notification received under division (H)(4)(a) of 112806  
this section. Upon receiving notice that the accused will be 112807  
granted unsupervised, off-grounds movement, the convening 112808  
authority either shall refer the charges against the accused to an 112809  
investigating officer again or promptly notify the court that the 112810  
convening authority does not intend to refer the charges against 112811  
the accused again. 112812

(I) If an accused is convicted of a crime and sentenced to 112813  
confinement, the accused's sentence shall be reduced by the total 112814  
number of days the accused is confined for evaluation to determine 112815  
the accused's competence to stand trial or treatment under this 112816  
section and sections 5924.502 and 5924.504 of the Revised Code or 112817  
by the total number of days the accused is confined for evaluation 112818  
to determine the accused's mental condition at the time of the 112819  
offense charged. 112820

**Sec. 5924.504.** (A) If an accused being tried by a general court-martial is found incompetent to stand trial, after the expiration of the maximum time for treatment as specified in division (C) of section 5924.503 of the Revised Code or after the court finds that there is not a substantial probability that the accused will become competent to stand trial even if the accused is provided with a course of treatment, one of the following applies:

(1) The court or the trial counsel may file an affidavit in probate court for civil commitment of the accused in the manner provided in Chapter 5122. of the Revised Code. If the court or trial counsel files an affidavit for civil commitment, the court may detain the accused for ten days pending civil commitment. If the probate court commits the accused subsequent to the court's or trial counsel's filing of an affidavit for civil commitment, the chief clinical officer of the entity, hospital, or facility, the managing officer of the institution, or the person to which the accused is committed or admitted shall send to the trial counsel the notices described in divisions (H)(4)(a)(i) to (iii) of section 5924.503 of the Revised Code within the periods of time and under the circumstances specified in those divisions.

(2) On the motion of the trial counsel or on its own motion, the court may retain jurisdiction over the accused if at a hearing the court finds both of the following by clear and convincing evidence:

(a) The accused committed the offense with which the accused is charged.

(b) The accused is a mentally ill person subject to hospitalization by court order.

(B) In making its determination under division (A)(2) of this section as to whether to retain jurisdiction over the accused, the

court may consider all relevant evidence, including, but not 112852  
limited to, any relevant psychiatric, psychological, or medical 112853  
testimony or reports, the acts constituting the offense charged, 112854  
and any history of the accused that is relevant to the accused's 112855  
ability to conform to the law. 112856

(C) If the court conducts a hearing as described in division 112857  
(A)(2) of this section and if the court does not make both 112858  
findings described in divisions (A)(2)(a) and (b) of this section 112859  
by clear and convincing evidence, the court shall dismiss the 112860  
charges against the accused. Upon the dismissal, the court shall 112861  
discharge the accused unless the court or trial counsel files an 112862  
affidavit in probate court for civil commitment of the accused 112863  
pursuant to Chapter 5122. of the Revised Code. If the court or 112864  
trial counsel files an affidavit for civil commitment, the court 112865  
may order that the accused be detained for up to ten days pending 112866  
the civil commitment. If the probate court commits the accused 112867  
subsequent to the court's or trial counsel's filing of an 112868  
affidavit for civil commitment, the chief clinical officer of the 112869  
entity, hospital, or facility, the managing officer of the 112870  
institution, or the person to which the accused is committed or 112871  
admitted shall send to the trial counsel the notices described in 112872  
divisions (H)(4)(a)(i) to (iii) of section 5924.503 of the Revised 112873  
Code within the periods of time and under the circumstances 112874  
specified in those divisions. A dismissal of charges under this 112875  
division is not a bar to further criminal proceedings based on the 112876  
same conduct. 112877

(D)(1) If the court conducts a hearing as described in 112878  
division (A)(2) of this section and if the court makes the 112879  
findings described in divisions (A)(2)(a) and (b) of this section 112880  
by clear and convincing evidence, the court shall commit the 112881  
accused, if determined to require mental health treatment, to the 112882  
department of ~~mental health~~ mental health and addiction services 112883

for treatment at a hospital, facility, or ~~agency services provider~~ 112884  
as determined clinically appropriate by the department of ~~mental~~ 112885  
~~health~~ mental health and addiction services. In committing the 112886  
accused to the department of ~~mental health~~ mental health and 112887  
addiction services, the court shall specify the least restrictive 112888  
limitations on the accused's freedom of movement determined to be 112889  
necessary to protect public safety. 112890

(2) If a court makes a commitment of an accused under 112891  
division (D)(1) of this section, the trial counsel shall send to 112892  
the hospital, facility, or ~~agency services provider~~ where the 112893  
accused is placed by the department of ~~mental health~~ mental health 112894  
and addiction services or to the accused's place of commitment all 112895  
reports of the accused's current mental condition and, except as 112896  
otherwise provided in this division, any other relevant 112897  
information, including, but not limited to, a transcript of the 112898  
hearing held pursuant to division (A)(2) of this section, copies 112899  
of relevant investigative reports, and copies of any prior arrest 112900  
and conviction records that pertain to the accused and that the 112901  
trial counsel possesses. The trial counsel shall send the reports 112902  
of the accused's current mental condition in every case of 112903  
commitment, and, unless the trial counsel determines that the 112904  
release of any of the other relevant information to unauthorized 112905  
persons would interfere with the effective prosecution of any 112906  
person or would create a substantial risk of harm to any person, 112907  
the trial counsel also shall send the other relevant information. 112908

(3) If a court makes a commitment under division (D)(1) of 112909  
this section, all further proceedings shall be in accordance with 112910  
Chapter 5122. of the Revised Code. 112911

**Sec. 5924.506.** (A) If an accused person is found not guilty 112912  
by reason of insanity, the verdict shall state that finding, and 112913  
the trial court shall conduct a full hearing to determine whether 112914

the person is a mentally ill person subject to hospitalization by court order. Prior to the hearing, if the military judge believes that there is probable cause that the person found not guilty by reason of insanity is a mentally ill person subject to hospitalization by court order, the military judge may issue a temporary order of detention for that person to remain in effect for ten court days or until the hearing, whichever occurs first.

Any person detained pursuant to a temporary order of detention issued under this division shall be held in a suitable facility, taking into consideration the place and type of confinement prior to and during trial.

(B) The court shall hold the hearing under division (A) of this section to determine whether the person found not guilty by reason of insanity is a mentally ill person subject to hospitalization by court order within ten court days after the finding of not guilty by reason of insanity. Failure to conduct the hearing within the ten-day period shall cause the immediate discharge of the respondent, unless the judge grants a continuance for not longer than ten court days for good cause shown or for any period of time upon motion of the respondent.

(C) If a person is found not guilty by reason of insanity, the person has the right to attend a hearing conducted pursuant to this section. At the hearing, the court shall inform the person that the person has all of the following rights:

(1) The right to be represented by defense counsel or to retain civilian counsel, if the person so chooses;

(2) The right to have independent expert evaluation;

(3) The right to subpoena witnesses and documents, to present evidence on the person's behalf, and to cross-examine witnesses against the person;

(4) The right to testify in the person's own behalf and to

not be compelled to testify; 112946

(5) The right to have copies of any relevant medical or 112947  
mental health document in the custody of the state or of any place 112948  
of commitment other than a document for which the court finds that 112949  
the release to the person of information contained in the document 112950  
would create a substantial risk of harm to any person. 112951

(D) The hearing under division (A) of this section shall be 112952  
open to the public, and the court shall conduct the hearing in 112953  
accordance with regulations prescribed by the adjutant general. 112954  
The court shall make and maintain a full transcript and record of 112955  
the hearing proceedings. The court may consider all relevant 112956  
evidence, including, but not limited to, any relevant psychiatric, 112957  
psychological, or medical testimony or reports, the acts 112958  
constituting the offense in relation to which the person was found 112959  
not guilty by reason of insanity, and any history of the person 112960  
that is relevant to the person's ability to conform to the law. 112961

(E) Upon completion of the hearing under division (A) of this 112962  
section, if the court finds there is not clear and convincing 112963  
evidence that the person is a mentally ill person subject to 112964  
hospitalization by court order, the court shall discharge the 112965  
person, unless a detainer has been placed upon the person by the 112966  
department of rehabilitation and correction, in which case the 112967  
person shall be returned to that department. 112968

(F) If, at the hearing under division (A) of this section, 112969  
the court finds by clear and convincing evidence that the person 112970  
is a mentally ill person subject to hospitalization by court 112971  
order, it shall commit the person to the department of ~~mental~~ 112972  
~~health~~ mental health and addiction services for placement in a 112973  
hospital, facility, or ~~agency~~ services provider as determined 112974  
clinically appropriate by the department of ~~mental health~~ mental 112975  
health and addiction services. Further proceedings shall be in 112976  
accordance with Chapter 5122. or 5123. of the Revised Code. In 112977

committing the accused to the department of ~~mental health~~ mental 112978  
health and addiction services, the court shall specify the least 112979  
restrictive limitations on the accused's freedom of movement 112980  
determined to be necessary to protect public safety. 112981

(G) If a court makes a commitment of a person under division 112982  
(F) of this section, the trial counsel shall send to the hospital, 112983  
facility, or ~~agency~~ services provider where the defendant is 112984  
placed by the department of ~~mental health~~ mental health and 112985  
addiction services or to the accused's place of commitment all 112986  
reports of the person's current mental condition, and, except as 112987  
otherwise provided in this division, any other relevant 112988  
information, including, but not limited to, a transcript of the 112989  
hearing held pursuant to division (A) of this section, copies of 112990  
relevant investigative reports, and copies of any prior arrest and 112991  
conviction records that pertain to the person and that the trial 112992  
counsel possesses. The trial counsel shall send the reports of the 112993  
person's current mental condition in every case of commitment, 112994  
and, unless the trial counsel determines that the release of any 112995  
of the other relevant information to unauthorized persons would 112996  
interfere with the effective prosecution of any person or would 112997  
create a substantial risk of harm to any person, the trial counsel 112998  
also shall send the other relevant information. 112999

(H) A person who is committed pursuant to this section shall 113000  
not voluntarily admit the person or be voluntarily admitted to a 113001  
hospital or institution pursuant to sections 5122.02 and 5122.15 113002  
of the Revised Code. 113003

**Sec. 6109.21.** (A) Except as provided in divisions (I) and (J) 113004  
of this section, no person shall operate a public water system in 113005  
this state without a license issued by the director of 113006  
environmental protection. 113007

(B)~~(1)~~ A person who proposes to operate a new public water 113008

system, in addition to complying with section 6109.07 of the Revised Code and rules adopted under it, shall obtain an initial license from the director. The person shall submit an application for the initial license at least forty-five days prior to commencing the operation of the system.

(C) A license shall expire on the thirtieth day of January in the year following its issuance.

(D) A license shall be renewed annually. A person proposing to continue operating a public water system shall apply for a license renewal at least thirty days prior to the expiration date of the license.

(E) ~~Through June 30, 2014, each~~ Each application for a license or license renewal shall be accompanied by the appropriate fee established under division (M) of section 3745.11 of the Revised Code. However, an applicant for an initial license who is proposing to operate a new public water system shall submit a fee that equals a prorated amount of the appropriate fee established under that division for the remainder of the licensing year.

(F) Not later than thirty days after receiving a completed application and the appropriate license fee for a license or license renewal for a public water system, the director shall do one of the following:

(1) Issue the license or license renewal for the public water system;

(2) Issue the license or license renewal subject to terms and conditions that the director determines are necessary to ensure compliance with this chapter and rules adopted under it;

(3) Deny the license or license renewal if the director finds that the public water system cannot be operated in substantial compliance with this chapter and rules adopted under it.



(G) The director may condition, suspend, or revoke a license 113039  
or license renewal issued under this section at any time if the 113040  
director finds that the public water system was not or will not be 113041  
operated in substantial compliance with this chapter and rules 113042  
adopted under it. 113043

(H) The director shall adopt rules in accordance with Chapter 113044  
119. of the Revised Code establishing procedures and requirements 113045  
governing both of the following: 113046

(1) Information to be included on applications for licenses 113047  
and license renewals issued under this section; 113048

(2) The issuance, conditioning, suspension, revocation, and 113049  
denial of licenses and license renewals under this section. 113050

(I)(1) As used in division (I) of this section, "church" 113051  
means a fellowship of believers, congregation, society, 113052  
corporation, convention, or association that is formed primarily 113053  
or exclusively for religious purposes and that is not formed or 113054  
operated for the private profit of any person. 113055

(2) This section does not apply to a church that operates or 113056  
maintains a public water system solely to provide water for that 113057  
church or for a campground that is owned by the church and 113058  
operated primarily or exclusively for members of the church and 113059  
their families. 113060

(J) This section does not apply to any public or nonpublic 113061  
school that meets minimum standards of the state board of 113062  
education that operates or maintains a public water system solely 113063  
to provide water for that school. 113064

(K) The environmental protection agency shall collect well 113065  
log filing fees on behalf of the division of soil and water 113066  
resources in the department of natural resources in accordance 113067  
with section 1521.05 of the Revised Code and rules adopted under 113068  
it. The fees shall be submitted to the division quarterly as 113069

provided in those rules. 113070

**Sec. 6111.037.** (A) ~~There is hereby created in the state~~ 113071  
~~treasury the nonpoint source pollution management fund. The fund~~ 113072  
~~shall consist of grant moneys received under~~ For purposes of state 113073  
nonpoint source pollution management and pursuant to section 319 113074  
of the "Federal Water Pollution Control Act," ~~for purposes of~~ 113075  
~~assisting with the development and implementation of a~~ 113076  
~~comprehensive nonpoint source pollution management program~~ 113077  
~~pursuant to that section of the act. Moneys credited to the fund~~ 113078  
~~may be used for purposes of research, planning, water quality~~ 113079  
~~assessments, demonstration projects, enforcement, technical~~ 113080  
~~assistance, education, and training regarding management of~~ 113081  
~~nonpoint sources of water pollution. The~~ the director of 113082  
environmental protection may enter into agreements to receive 113083  
grant moneys for ~~the nonpoint source pollution management fund and~~ 113084  
for deposit into the state treasury to the credit of the water 113085  
quality protection fund created in section 6111.0381 of the 113086  
Revised Code. The director may enter into agreements to make 113087  
grants of moneys credited to the fund under this section, 113088  
including, without limitation, passthrough grants to other state 113089  
departments or agencies. 113090

(B) The director shall periodically prepare and, by rules 113091  
adopted under division (O) of section 6111.036 of the Revised 113092  
Code, establish a priority system for identifying activities 113093  
eligible for assistance under this section. The priority system 113094  
shall ensure that financial assistance available under this 113095  
section is first provided to: 113096

(1) Control particularly difficult or serious nonpoint source 113097  
pollution problems, including, without limitation, problems 113098  
resulting from mining activities; 113099

(2) Implement innovative methods or practices for controlling 113100

nonpoint sources of pollution, including, without limitation, 113101  
regulatory programs that the director determines are appropriate; 113102

(3) Control interstate nonpoint source pollution problems; 113103

(4) Implement ground and surface water quality protection 113104  
activities that the director determines are part of a 113105  
comprehensive nonpoint source pollution control program, which 113106  
activities include research, planning, ~~ground~~ water quality 113107  
assessments, demonstration programs, enforcement, technical 113108  
assistance, education, and training to protect ~~ground~~ water 113109  
quality from nonpoint sources of pollution. 113110

**Section 101.02.** That existing sections 9.03, 9.15, 9.231, 113111  
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5747.01, 5747.02, 5747.022, 5747.025, 5747.08, 5747.10, 5747.11, 113289  
5747.113, 5747.122, 5747.13, 5747.21, 5747.47, 5747.501, 5747.98, 113290  
5749.02, 5749.06, 5749.07, 5749.17, 5751.01, 5751.014, 5751.07, 113291



5751.081, 5751.09, 5751.20, 5751.21, 5753.01, 5753.03, 5753.07, 113292  
5815.28, 5905.02, 5910.02, 5910.07, 5919.34, 5924.502, 5924.503, 113293  
5924.504, 5924.506, 6109.21, and 6111.037 of the Revised Code are 113294  
hereby repealed. 113295

**Section 105.01.** That sections 122.076, 122.15, 122.151, 113296  
122.152, 122.153, 122.154, 122.29, 122.97, 123.23, 125.837, 113297  
125.838, 166.22, 166.28, 173.425, 173.433, 183.28, 184.04, 113298  
340.022, 340.033, 340.06, 340.14, 1321.461, 1513.371, 1531.34, 113299  
1547.721, 1547.722, 1547.723, 1547.724, 1547.725, 1547.726, 113300  
3302.043, 3313.481, 3313.482, 3313.4811, 3314.088, 3314.13, 113301  
3317.012, 3317.014, 3317.018, 3317.02, 3317.022, 3317.029, 113302  
3317.0217, 3317.051, 3317.052, 3317.053, 3317.11, 3317.13, 113303  
3317.16, 3317.62, 3317.63, 3317.64, 3318.023, 3323.16, 3326.39, 113304  
3327.02, 3345.81, 3353.02, 3353.03, 3353.04, 3353.09, 3353.15, 113305  
3353.20, 3383.02, 3383.03, 3383.04, 3383.05, 3383.06, 3383.08, 113306  
3383.09, 3701.072, 3701.263, 3701.343, 3701.90, 3701.901, 113307  
3701.902, 3701.903, 3701.904, 3701.905, 3701.906, 3701.907, 113308  
3721.026, 3793.02, 3793.03, 3793.04, 3793.041, 3793.05, 3793.06, 113309  
3793.061, 3793.08, 3793.09, 3793.19, 3793.20, 3793.21, 3793.99, 113310  
5101.503, 5101.514, 5101.515, 5101.518, 5101.523, 5101.525, 113311  
5101.526, 5101.528, 5101.529, 5111.012, 5111.014, 5111.015, 113312  
5111.0110, 5111.0111, 5111.0113, 5111.0115, 5111.0120, 5111.0121, 113313  
5111.0122, 5111.0123, 5111.0124, 5111.0125, 5111.176, 5111.211, 113314  
5111.236, 5111.65, 5111.70, 5111.701, 5111.702, 5111.703, 113315  
5111.704, 5111.705, 5111.706, 5111.707, 5111.708, 5111.709, 113316  
5111.7011, 5111.83, 5111.8710, 5111.8811, 5111.913, 5111.942, 113317  
5111.946, 5119.011, 5119.013, 5119.03, 5119.05, 5119.47, 5119.623, 113318  
5119.64, 5119.65, 5119.66, 5119.67, 5119.68, 5707.05, 5727.41, 113319  
5733.35, 5747.211, 5747.33, 6101.451, and 6111.029 of the Revised 113320  
Code are hereby repealed. 113321

**Section 110.10.** That section 3313.88 of the Revised Code as 113322  
it results from Section 101.01 of this act be amended and 113323  
recodified as section 3313.482 of the Revised Code to read as 113324  
follows: 113325

**Sec. ~~3313.88~~ 3313.482.** (A)(1) Prior to the first day of 113326  
August of each school year, the board of education of any school 113327  
district or the governing authority of any chartered nonpublic 113328  
school may submit to the department of education a plan to require 113329  
students to access and complete classroom lessons posted on the 113330  
district's or nonpublic school's web portal or web site in order 113331  
to make up ~~days~~ hours in that school year on which it is necessary 113332  
to close schools for ~~any of the reasons specified in division (B)~~ 113333  
~~of section 3317.01 of the Revised Code in excess of the number of~~ 113334  
~~days permitted under sections 3313.48, 3313.481, and 3317.01 of~~ 113335  
~~the Revised Code~~ disease epidemic, hazardous weather conditions, 113336  
law enforcement emergencies, inoperability of school buses or 113337  
other equipment necessary to the school's operation, damage to a 113338  
school building, or other temporary circumstances due to utility 113339  
failure rendering the school building unfit for school use. 113340

Prior to the first day of August of each school year, the 113342  
governing authority of any community school established under 113343  
Chapter 3314. that is not an internet- or computer-based community 113344  
school, as defined in section 3314.02 of the Revised Code, may 113345  
submit to the department a plan to require students to access and 113346  
complete classroom lessons posted on the school's web portal or 113347  
web site in order to make up ~~days or~~ hours in that school year on 113348  
which it is necessary to close the school for any of the reasons 113349  
specified in division (H)(4) of section 3314.08 of the Revised 113350  
Code so that the school is in compliance with the minimum number 113351  
of hours required under Chapter 3314. of the Revised Code. 113352

A plan submitted by a school district board ~~or~~, chartered nonpublic school governing authority ~~shall provide for making up any number of days, up to a maximum of three days.~~ A plan submitted by a, or community school governing authority shall provide for making up any number of hours, up to a maximum of the number of hours that are the equivalent of three school days. Provided the plan meets all requirements of this section, the department shall permit the board or governing authority to implement the plan for the applicable school year.

(2) Each plan submitted under this section by a school district board of education shall include the written consent of the teachers' employee representative designated under division (B) of section 4117.04 of the Revised Code.

(3) Each plan submitted under this section shall provide for the following:

(a) Not later than the first day of November of the school year, each classroom teacher shall develop a sufficient number of lessons for each course taught by the teacher that school year to cover the number of make-up ~~days or~~ hours specified in the plan. The teacher shall designate the order in which the lessons are to be posted on the district's, community school's, or nonpublic school's web portal or web site in the event of a school closure. Teachers may be granted up to one professional development day to create lesson plans for those lessons.

(b) To the extent possible and necessary, a classroom teacher shall update or replace, based on current instructional progress, one or more of the lesson plans developed under division (A)(3)(a) of this section before they are posted on the web portal or web site under division (A)(3)(c) of this section or distributed under division (B) of this section.

(c) As soon as practicable after a school closure, a district

or school employee responsible for web portal or web site 113384  
operations shall make the designated lessons available to students 113385  
on the district's, community school's, or nonpublic school's 113386  
portal or site. A lesson shall be posted for each course that was 113387  
scheduled to meet on the day or hours of the closure. 113388

(d) Each student enrolled in a course for which a lesson is 113389  
posted on the portal or site shall be granted a two-week period 113390  
from the date of posting to complete the lesson. The student's 113391  
classroom teacher shall grade the lesson in the same manner as 113392  
other lessons. The student may receive an incomplete or failing 113393  
grade if the lesson is not completed on time. 113394

(e) If a student does not have access to a computer at the 113395  
student's residence and the plan does not include blizzard bags 113396  
under division (B) of this section, the student shall be permitted 113397  
to work on the posted lessons at school after the student's school 113398  
reopens. If the lessons were posted prior to the reopening, the 113399  
student shall be granted a two-week period from the date of the 113400  
reopening, rather than from the date of posting as otherwise 113401  
required under division (A)(3)(d) of this section, to complete the 113402  
lessons. The district board or community school or nonpublic 113403  
school governing authority may provide the student access to a 113404  
computer before, during, or after the regularly scheduled school 113405  
day or may provide a substantially similar paper lesson in order 113406  
to complete the lessons. 113407

(B)(1) In addition to posting classroom lessons online under 113408  
division (A) of this section, the board of education of any school 113409  
district or governing authority of any community or chartered 113410  
nonpublic school may include in the plan distribution of "blizzard 113411  
bags," which are paper copies of the lessons posted online. 113412

(2) If a school opts to use blizzard bags, teachers shall 113413  
prepare paper copies in conjunction with the lessons to be posted 113414  
online and update the paper copies whenever the teacher updates 113415

the online lesson plans. 113416

(3) The board of education of any school district or 113417  
governing authority of any community or chartered nonpublic school 113418  
that opts to use blizzard bags shall specify in the plan the 113419  
method of distribution of blizzard bag lessons, which may include, 113420  
but not be limited to, requiring distribution by a specific 113421  
deadline or requiring distribution prior to anticipated school 113422  
closure as directed by the superintendent of a school district or 113423  
the principal, director, chief administrative officer, or the 113424  
equivalent, of a school. 113425

(4) Students shall turn in completed lessons in accordance 113426  
with division (A)(3)(d) of this section. 113427

(C)(1) No school district that implements a plan in 113428  
accordance with this section shall be considered to have failed to 113429  
comply with division (B) of section 3317.01 of the Revised Code 113430  
with respect to the number of make-up ~~days~~ hours specified in the 113431  
plan. 113432

(2) No community school that implements a plan in accordance 113433  
with this section shall be considered to have failed to comply 113434  
with the minimum number of hours required under Chapter 3314. of 113435  
the Revised Code with respect to the number of make-up hours 113436  
specified in the plan. 113437

**Section 110.11.** That existing section 3313.88 of the Revised 113438  
Code is hereby repealed. 113439

**Section 110.12.** Sections 110.10 and 110.11 of this act shall 113440  
take effect July 1, 2014. 113441

**Section 110.20.** That the versions of sections 109.57, 113442  
2151.011, 2923.126, 5104.012, 5104.013, 5104.03, 5104.08, and 113443  
5104.32 of the Revised Code that are scheduled to take effect 113444

January 1, 2014, be amended to read as follows: 113445

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 113446  
criminal identification and investigation shall procure from 113447  
wherever procurable and file for record photographs, pictures, 113448  
descriptions, fingerprints, measurements, and other information 113449  
that may be pertinent of all persons who have been convicted of 113450  
committing within this state a felony, any crime constituting a 113451  
misdemeanor on the first offense and a felony on subsequent 113452  
offenses, or any misdemeanor described in division (A)(1)(a), 113453  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 113454  
all children under eighteen years of age who have been adjudicated 113455  
delinquent children for committing within this state an act that 113456  
would be a felony or an offense of violence if committed by an 113457  
adult or who have been convicted of or pleaded guilty to 113458  
committing within this state a felony or an offense of violence, 113459  
and of all well-known and habitual criminals. The person in charge 113460  
of any county, multicounty, municipal, municipal-county, or 113461  
multicounty-municipal jail or workhouse, community-based 113462  
correctional facility, halfway house, alternative residential 113463  
facility, or state correctional institution and the person in 113464  
charge of any state institution having custody of a person 113465  
suspected of having committed a felony, any crime constituting a 113466  
misdemeanor on the first offense and a felony on subsequent 113467  
offenses, or any misdemeanor described in division (A)(1)(a), 113468  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 113469  
having custody of a child under eighteen years of age with respect 113470  
to whom there is probable cause to believe that the child may have 113471  
committed an act that would be a felony or an offense of violence 113472  
if committed by an adult shall furnish such material to the 113473  
superintendent of the bureau. Fingerprints, photographs, or other 113474  
descriptive information of a child who is under eighteen years of 113475

age, has not been arrested or otherwise taken into custody for 113476  
committing an act that would be a felony or an offense of violence 113477  
who is not in any other category of child specified in this 113478  
division, if committed by an adult, has not been adjudicated a 113479  
delinquent child for committing an act that would be a felony or 113480  
an offense of violence if committed by an adult, has not been 113481  
convicted of or pleaded guilty to committing a felony or an 113482  
offense of violence, and is not a child with respect to whom there 113483  
is probable cause to believe that the child may have committed an 113484  
act that would be a felony or an offense of violence if committed 113485  
by an adult shall not be procured by the superintendent or 113486  
furnished by any person in charge of any county, multicounty, 113487  
municipal, municipal-county, or multicounty-municipal jail or 113488  
workhouse, community-based correctional facility, halfway house, 113489  
alternative residential facility, or state correctional 113490  
institution, except as authorized in section 2151.313 of the 113491  
Revised Code. 113492

(2) Every clerk of a court of record in this state, other 113493  
than the supreme court or a court of appeals, shall send to the 113494  
superintendent of the bureau a weekly report containing a summary 113495  
of each case involving a felony, involving any crime constituting 113496  
a misdemeanor on the first offense and a felony on subsequent 113497  
offenses, involving a misdemeanor described in division (A)(1)(a), 113498  
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 113499  
involving an adjudication in a case in which a child under 113500  
eighteen years of age was alleged to be a delinquent child for 113501  
committing an act that would be a felony or an offense of violence 113502  
if committed by an adult. The clerk of the court of common pleas 113503  
shall include in the report and summary the clerk sends under this 113504  
division all information described in divisions (A)(2)(a) to (f) 113505  
of this section regarding a case before the court of appeals that 113506  
is served by that clerk. The summary shall be written on the 113507

standard forms furnished by the superintendent pursuant to 113508  
division (B) of this section and shall include the following 113509  
information: 113510

(a) The incident tracking number contained on the standard 113511  
forms furnished by the superintendent pursuant to division (B) of 113512  
this section; 113513

(b) The style and number of the case; 113514

(c) The date of arrest, offense, summons, or arraignment; 113515

(d) The date that the person was convicted of or pleaded 113516  
guilty to the offense, adjudicated a delinquent child for 113517  
committing the act that would be a felony or an offense of 113518  
violence if committed by an adult, found not guilty of the 113519  
offense, or found not to be a delinquent child for committing an 113520  
act that would be a felony or an offense of violence if committed 113521  
by an adult, the date of an entry dismissing the charge, an entry 113522  
declaring a mistrial of the offense in which the person is 113523  
discharged, an entry finding that the person or child is not 113524  
competent to stand trial, or an entry of a nolle prosequi, or the 113525  
date of any other determination that constitutes final resolution 113526  
of the case; 113527

(e) A statement of the original charge with the section of 113528  
the Revised Code that was alleged to be violated; 113529

(f) If the person or child was convicted, pleaded guilty, or 113530  
was adjudicated a delinquent child, the sentence or terms of 113531  
probation imposed or any other disposition of the offender or the 113532  
delinquent child. 113533

If the offense involved the disarming of a law enforcement 113534  
officer or an attempt to disarm a law enforcement officer, the 113535  
clerk shall clearly state that fact in the summary, and the 113536  
superintendent shall ensure that a clear statement of that fact is 113537  
placed in the bureau's records. 113538



(3) The superintendent shall cooperate with and assist 113539  
sheriffs, chiefs of police, and other law enforcement officers in 113540  
the establishment of a complete system of criminal identification 113541  
and in obtaining fingerprints and other means of identification of 113542  
all persons arrested on a charge of a felony, any crime 113543  
constituting a misdemeanor on the first offense and a felony on 113544  
subsequent offenses, or a misdemeanor described in division 113545  
(A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the 113546  
Revised Code and of all children under eighteen years of age 113547  
arrested or otherwise taken into custody for committing an act 113548  
that would be a felony or an offense of violence if committed by 113549  
an adult. The superintendent also shall file for record the 113550  
fingerprint impressions of all persons confined in a county, 113551  
multicounty, municipal, municipal-county, or multicounty-municipal 113552  
jail or workhouse, community-based correctional facility, halfway 113553  
house, alternative residential facility, or state correctional 113554  
institution for the violation of state laws and of all children 113555  
under eighteen years of age who are confined in a county, 113556  
multicounty, municipal, municipal-county, or multicounty-municipal 113557  
jail or workhouse, community-based correctional facility, halfway 113558  
house, alternative residential facility, or state correctional 113559  
institution or in any facility for delinquent children for 113560  
committing an act that would be a felony or an offense of violence 113561  
if committed by an adult, and any other information that the 113562  
superintendent may receive from law enforcement officials of the 113563  
state and its political subdivisions. 113564

(4) The superintendent shall carry out Chapter 2950. of the 113565  
Revised Code with respect to the registration of persons who are 113566  
convicted of or plead guilty to a sexually oriented offense or a 113567  
child-victim oriented offense and with respect to all other duties 113568  
imposed on the bureau under that chapter. 113569

(5) The bureau shall perform centralized recordkeeping 113570

functions for criminal history records and services in this state 113571  
for purposes of the national crime prevention and privacy compact 113572  
set forth in section 109.571 of the Revised Code and is the 113573  
criminal history record repository as defined in that section for 113574  
purposes of that compact. The superintendent or the 113575  
superintendent's designee is the compact officer for purposes of 113576  
that compact and shall carry out the responsibilities of the 113577  
compact officer specified in that compact. 113578

(B) The superintendent shall prepare and furnish to every 113579  
county, multicounty, municipal, municipal-county, or 113580  
multicounty-municipal jail or workhouse, community-based 113581  
correctional facility, halfway house, alternative residential 113582  
facility, or state correctional institution and to every clerk of 113583  
a court in this state specified in division (A)(2) of this section 113584  
standard forms for reporting the information required under 113585  
division (A) of this section. The standard forms that the 113586  
superintendent prepares pursuant to this division may be in a 113587  
tangible format, in an electronic format, or in both tangible 113588  
formats and electronic formats. 113589

(C)(1) The superintendent may operate a center for 113590  
electronic, automated, or other data processing for the storage 113591  
and retrieval of information, data, and statistics pertaining to 113592  
criminals and to children under eighteen years of age who are 113593  
adjudicated delinquent children for committing an act that would 113594  
be a felony or an offense of violence if committed by an adult, 113595  
criminal activity, crime prevention, law enforcement, and criminal 113596  
justice, and may establish and operate a statewide communications 113597  
network to be known as the Ohio law enforcement gateway to gather 113598  
and disseminate information, data, and statistics for the use of 113599  
law enforcement agencies and for other uses specified in this 113600  
division. The superintendent may gather, store, retrieve, and 113601  
disseminate information, data, and statistics that pertain to 113602

children who are under eighteen years of age and that are gathered 113603  
pursuant to sections 109.57 to 109.61 of the Revised Code together 113604  
with information, data, and statistics that pertain to adults and 113605  
that are gathered pursuant to those sections. 113606

(2) The superintendent or the superintendent's designee shall 113607  
gather information of the nature described in division (C)(1) of 113608  
this section that pertains to the offense and delinquency history 113609  
of a person who has been convicted of, pleaded guilty to, or been 113610  
adjudicated a delinquent child for committing a sexually oriented 113611  
offense or a child-victim oriented offense for inclusion in the 113612  
state registry of sex offenders and child-victim offenders 113613  
maintained pursuant to division (A)(1) of section 2950.13 of the 113614  
Revised Code and in the internet database operated pursuant to 113615  
division (A)(13) of that section and for possible inclusion in the 113616  
internet database operated pursuant to division (A)(11) of that 113617  
section. 113618

(3) In addition to any other authorized use of information, 113619  
data, and statistics of the nature described in division (C)(1) of 113620  
this section, the superintendent or the superintendent's designee 113621  
may provide and exchange the information, data, and statistics 113622  
pursuant to the national crime prevention and privacy compact as 113623  
described in division (A)(5) of this section. 113624

(4) The attorney general may adopt rules under Chapter 119. 113625  
of the Revised Code establishing guidelines for the operation of 113626  
and participation in the Ohio law enforcement gateway. The rules 113627  
may include criteria for granting and restricting access to 113628  
information gathered and disseminated through the Ohio law 113629  
enforcement gateway. The attorney general shall permit the state 113630  
medical board and board of nursing to access and view, but not 113631  
alter, information gathered and disseminated through the Ohio law 113632  
enforcement gateway. 113633

The attorney general may appoint a steering committee to 113634

advise the attorney general in the operation of the Ohio law enforcement gateway that is comprised of persons who are representatives of the criminal justice agencies in this state that use the Ohio law enforcement gateway and is chaired by the superintendent or the superintendent's designee.

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

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

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

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

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

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

109.572 of the Revised Code, the request shall be treated as a 113666  
single request and only one fee shall be charged. 113667

(2) Except as otherwise provided in this division, a rule 113668  
adopted under division (E)(1) of this section may provide only for 113669  
the release of information gathered pursuant to division (A) of 113670  
this section that relates to the conviction of a person, or a 113671  
person's plea of guilty to, a criminal offense. The superintendent 113672  
shall not release, and the attorney general shall not adopt any 113673  
rule under division (E)(1) of this section that permits the 113674  
release of, any information gathered pursuant to division (A) of 113675  
this section that relates to an adjudication of a child as a 113676  
delinquent child, or that relates to a criminal conviction of a 113677  
person under eighteen years of age if the person's case was 113678  
transferred back to a juvenile court under division (B)(2) or (3) 113679  
of section 2152.121 of the Revised Code and the juvenile court 113680  
imposed a disposition or serious youthful offender disposition 113681  
upon the person under either division, unless either of the 113682  
following applies with respect to the adjudication or conviction: 113683

(a) The adjudication or conviction was for a violation of 113684  
section 2903.01 or 2903.02 of the Revised Code. 113685

(b) The adjudication or conviction was for a sexually 113686  
oriented offense, the juvenile court was required to classify the 113687  
child a juvenile offender registrant for that offense under 113688  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, and that 113689  
classification has not been removed. 113690

(F)(1) As used in division (F)(2) of this section, "head 113691  
start agency" means an entity in this state that has been approved 113692  
to be an agency for purposes of subchapter II of the "Community 113693  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 113694  
as amended. 113695

(2)(a) In addition to or in conjunction with any request that 113696

is required to be made under section 109.572, 2151.86, 3301.32, 113697  
3301.541, division (C) of section 3310.58, or section 3319.39, 113698  
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, or 113699  
5153.111 of the Revised Code or that is made under section 113700  
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 113701  
board of education of any school district; the director of 113702  
developmental disabilities; any county board of developmental 113703  
disabilities; any provider or subcontractor as defined in section 113704  
5123.081 of the Revised Code; the chief administrator of any 113705  
chartered nonpublic school; the chief administrator of a 113706  
registered private provider that is not also a chartered nonpublic 113707  
school; the chief administrator of any home health agency; the 113708  
chief administrator of or person operating any child day-care 113709  
center, type A family day-care home, or type B family day-care 113710  
home licensed under Chapter 5104. of the Revised Code; the chief 113711  
administrator of any head start agency; the executive director of 113712  
a public children services agency; a private company described in 113713  
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 113714  
Code; or an employer described in division (J)(2) of section 113715  
3327.10 of the Revised Code may request that the superintendent of 113716  
the bureau investigate and determine, with respect to any 113717  
individual who has applied for employment in any position after 113718  
October 2, 1989, or any individual wishing to apply for employment 113719  
with a board of education may request, with regard to the 113720  
individual, whether the bureau has any information gathered under 113721  
division (A) of this section that pertains to that individual. On 113722  
receipt of the request, subject to division (E)(2) of this 113723  
section, the superintendent shall determine whether that 113724  
information exists and, upon request of the person, board, or 113725  
entity requesting information, also shall request from the federal 113726  
bureau of investigation any criminal records it has pertaining to 113727  
that individual. The superintendent or the superintendent's 113728  
designee also may request criminal history records from other 113729

states or the federal government pursuant to the national crime 113730  
prevention and privacy compact set forth in section 109.571 of the 113731  
Revised Code. Within thirty days of the date that the 113732  
superintendent receives a request, subject to division (E)(2) of 113733  
this section, the superintendent shall send to the board, entity, 113734  
or person a report of any information that the superintendent 113735  
determines exists, including information contained in records that 113736  
have been sealed under section 2953.32 of the Revised Code, and, 113737  
within thirty days of its receipt, subject to division (E)(2) of 113738  
this section, shall send the board, entity, or person a report of 113739  
any information received from the federal bureau of investigation, 113740  
other than information the dissemination of which is prohibited by 113741  
federal law. 113742

(b) When a board of education or a registered private 113743  
provider is required to receive information under this section as 113744  
a prerequisite to employment of an individual pursuant to division 113745  
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 113746  
may accept a certified copy of records that were issued by the 113747  
bureau of criminal identification and investigation and that are 113748  
presented by an individual applying for employment with the 113749  
district in lieu of requesting that information itself. In such a 113750  
case, the board shall accept the certified copy issued by the 113751  
bureau in order to make a photocopy of it for that individual's 113752  
employment application documents and shall return the certified 113753  
copy to the individual. In a case of that nature, a district or 113754  
provider only shall accept a certified copy of records of that 113755  
nature within one year after the date of their issuance by the 113756  
bureau. 113757

(c) Notwithstanding division (F)(2)(a) of this section, in 113758  
the case of a request under section 3319.39, 3319.391, or 3327.10 113759  
of the Revised Code only for criminal records maintained by the 113760  
federal bureau of investigation, the superintendent shall not 113761

determine whether any information gathered under division (A) of 113762  
this section exists on the person for whom the request is made. 113763

(3) The state board of education may request, with respect to 113764  
any individual who has applied for employment after October 2, 113765  
1989, in any position with the state board or the department of 113766  
education, any information that a school district board of 113767  
education is authorized to request under division (F)(2) of this 113768  
section, and the superintendent of the bureau shall proceed as if 113769  
the request has been received from a school district board of 113770  
education under division (F)(2) of this section. 113771

(4) When the superintendent of the bureau receives a request 113772  
for information under section 3319.291 of the Revised Code, the 113773  
superintendent shall proceed as if the request has been received 113774  
from a school district board of education and shall comply with 113775  
divisions (F)(2)(a) and (c) of this section. 113776

(5) When a recipient of a classroom reading improvement grant 113777  
paid under section 3301.86 of the Revised Code requests, with 113778  
respect to any individual who applies to participate in providing 113779  
any program or service funded in whole or in part by the grant, 113780  
the information that a school district board of education is 113781  
authorized to request under division (F)(2)(a) of this section, 113782  
the superintendent of the bureau shall proceed as if the request 113783  
has been received from a school district board of education under 113784  
division (F)(2)(a) of this section. 113785

(G) In addition to or in conjunction with any request that is 113786  
required to be made under section 3701.881, 3712.09, or 3721.121 113787  
of the Revised Code with respect to an individual who has applied 113788  
for employment in a position that involves providing direct care 113789  
to an older adult or adult resident, the chief administrator of a 113790  
home health agency, hospice care program, home licensed under 113791  
Chapter 3721. of the Revised Code, or adult day-care program 113792  
operated pursuant to rules adopted under section 3721.04 of the 113793



Revised Code may request that the superintendent of the bureau 113794  
investigate and determine, with respect to any individual who has 113795  
applied after January 27, 1997, for employment in a position that 113796  
does not involve providing direct care to an older adult or adult 113797  
resident, whether the bureau has any information gathered under 113798  
division (A) of this section that pertains to that individual. 113799

In addition to or in conjunction with any request that is 113800  
required to be made under section 173.27 of the Revised Code with 113801  
respect to an individual who has applied for employment in a 113802  
position that involves providing ~~ombudsperson~~ ombudsman services 113803  
to residents of long-term care facilities or recipients of 113804  
community-based long-term care services, the state long-term care 113805  
~~ombudsperson~~ ombudsman, ~~ombudsperson's designee, or the~~ director 113806  
of ~~health aging, a regional long-term care ombudsman program, or~~ 113807  
~~the designee of the ombudsman, director, or program~~ may request 113808  
that the superintendent investigate and determine, with respect to 113809  
any individual who has applied for employment in a position that 113810  
does not involve providing such ~~ombudsperson~~ ombudsman services, 113811  
whether the bureau has any information gathered under division (A) 113812  
of this section that pertains to that applicant. 113813

In addition to or in conjunction with any request that is 113814  
required to be made under section ~~173.394~~ 173.38 of the Revised 113815  
Code with respect to an individual who has applied for employment 113816  
in a direct-care position ~~that involves providing direct care to~~ 113817  
~~an individual~~, the chief administrator of a ~~community-based~~ 113818  
~~long-term care agency~~ provider, as defined in section 173.39 of 113819  
the Revised Code, may request that the superintendent investigate 113820  
and determine, with respect to any individual who has applied for 113821  
employment in a position that ~~does is not involve providing direct~~ 113822  
~~care~~ a direct-care position, whether the bureau has any 113823  
information gathered under division (A) of this section that 113824  
pertains to that applicant. 113825

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

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

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

(I) The superintendent may charge a reasonable fee for

providing information or criminal records under division (F)(2) or 113858  
(G) of this section. 113859

(J) As used in this section: 113860

(1) "Pediatric respite care program" and "pediatric care 113861  
patient" have the same meanings as in section 3712.01 of the 113862  
Revised Code. 113863

(2) "Sexually oriented offense" and "child-victim oriented 113864  
offense" have the same meanings as in section 2950.01 of the 113865  
Revised Code. 113866

(3) "Registered private provider" means a nonpublic school or 113867  
entity registered with the superintendent of public instruction 113868  
under section 3310.41 of the Revised Code to participate in the 113869  
autism scholarship program or section 3310.58 of the Revised Code 113870  
to participate in the Jon Peterson special needs scholarship 113871  
program. 113872

**Sec. 2151.011.** (A) As used in the Revised Code: 113873

(1) "Juvenile court" means whichever of the following is 113874  
applicable that has jurisdiction under this chapter and Chapter 113875  
2152. of the Revised Code: 113876

(a) The division of the court of common pleas specified in 113877  
section 2101.022 or 2301.03 of the Revised Code as having 113878  
jurisdiction under this chapter and Chapter 2152. of the Revised 113879  
Code or as being the juvenile division or the juvenile division 113880  
combined with one or more other divisions; 113881

(b) The juvenile court of Cuyahoga county or Hamilton county 113882  
that is separately and independently created by section 2151.08 or 113883  
Chapter 2153. of the Revised Code and that has jurisdiction under 113884  
this chapter and Chapter 2152. of the Revised Code; 113885

(c) If division (A)(1)(a) or (b) of this section does not 113886  
apply, the probate division of the court of common pleas. 113887

- (2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter. 113888  
113889
- (3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption. 113890  
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- (4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of job and family services that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following: 113895  
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113899
- (a) Receives and cares for children for two or more consecutive weeks; 113900  
113901
- (b) Participates in the placement of children in certified foster homes; 113902  
113903
- (c) Provides adoption services in conjunction with a public children services agency or private child placing agency. 113904  
113905
- (B) As used in this chapter: 113906
- (1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs. 113907  
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- (2) "Adult" means an individual who is eighteen years of age or older. 113913  
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- (3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children 113915  
113916  
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services agency or a private child placing agency. 113918

(4) "Alternative response" means the public children services 113919  
agency's response to a report of child abuse or neglect that 113920  
engages the family in a comprehensive evaluation of child safety, 113921  
risk of subsequent harm, and family strengths and needs and that 113922  
does not include a determination as to whether child abuse or 113923  
neglect occurred. 113924

(5) "Certified foster home" means a foster home, as defined 113925  
in section 5103.02 of the Revised Code, certified under section 113926  
5103.03 of the Revised Code. 113927

(6) "Child" means a person who is under eighteen years of 113928  
age, except that the juvenile court has jurisdiction over any 113929  
person who is adjudicated an unruly child prior to attaining 113930  
eighteen years of age until the person attains twenty-one years of 113931  
age, and, for purposes of that jurisdiction related to that 113932  
adjudication, a person who is so adjudicated an unruly child shall 113933  
be deemed a "child" until the person attains twenty-one years of 113934  
age. 113935

(7) "Child day camp," "child care," "child day-care center," 113936  
"part-time child day-care center," "type A family day-care home," 113937  
"licensed type B family day-care home," "type B family day-care 113938  
home," "administrator of a child day-care center," "administrator 113939  
of a type A family day-care home," and "in-home aide" have the 113940  
same meanings as in section 5104.01 of the Revised Code. 113941

(8) "Child care provider" means an individual who is a 113942  
child-care staff member or administrator of a child day-care 113943  
center, a type A family day-care home, or a type B family day-care 113944  
home, or an in-home aide or an individual who is licensed, is 113945  
regulated, is approved, operates under the direction of, or 113946  
otherwise is certified by the department of job and family 113947  
services, department of developmental disabilities, or the early 113948

childhood programs of the department of education. 113949

(9) "Chronic truant" has the same meaning as in section 113950  
2152.02 of the Revised Code. 113951

(10) "Commit" means to vest custody as ordered by the court. 113952

(11) "Counseling" includes both of the following: 113953

(a) General counseling services performed by a public 113954  
children services agency or shelter for victims of domestic 113955  
violence to assist a child, a child's parents, and a child's 113956  
siblings in alleviating identified problems that may cause or have 113957  
caused the child to be an abused, neglected, or dependent child. 113958

(b) Psychiatric or psychological therapeutic counseling 113959  
services provided to correct or alleviate any mental or emotional 113960  
illness or disorder and performed by a licensed psychiatrist, 113961  
licensed psychologist, or a person licensed under Chapter 4757. of 113962  
the Revised Code to engage in social work or professional 113963  
counseling. 113964

(12) "Custodian" means a person who has legal custody of a 113965  
child or a public children services agency or private child 113966  
placing agency that has permanent, temporary, or legal custody of 113967  
a child. 113968

(13) "Delinquent child" has the same meaning as in section 113969  
2152.02 of the Revised Code. 113970

(14) "Detention" means the temporary care of children pending 113971  
court adjudication or disposition, or execution of a court order, 113972  
in a public or private facility designed to physically restrict 113973  
the movement and activities of children. 113974

(15) "Developmental disability" has the same meaning as in 113975  
section 5123.01 of the Revised Code. 113976

(16) "Differential response approach" means an approach that 113977  
a public children services agency may use to respond to accepted 113978

reports of child abuse or neglect with either an alternative 113979  
response or a traditional response. 113980

(17) "Foster caregiver" has the same meaning as in section 113981  
5103.02 of the Revised Code. 113982

(18) "Guardian" means a person, association, or corporation 113983  
that is granted authority by a probate court pursuant to Chapter 113984  
2111. of the Revised Code to exercise parental rights over a child 113985  
to the extent provided in the court's order and subject to the 113986  
residual parental rights of the child's parents. 113987

(19) "Habitual truant" means any child of compulsory school 113988  
age who is absent without legitimate excuse for absence from the 113989  
public school the child is supposed to attend for five or more 113990  
consecutive school days, seven or more school days in one school 113991  
month, or twelve or more school days in a school year. 113992

(20) "Juvenile traffic offender" has the same meaning as in 113993  
section 2152.02 of the Revised Code. 113994

(21) "Legal custody" means a legal status that vests in the 113995  
custodian the right to have physical care and control of the child 113996  
and to determine where and with whom the child shall live, and the 113997  
right and duty to protect, train, and discipline the child and to 113998  
provide the child with food, shelter, education, and medical care, 113999  
all subject to any residual parental rights, privileges, and 114000  
responsibilities. An individual granted legal custody shall 114001  
exercise the rights and responsibilities personally unless 114002  
otherwise authorized by any section of the Revised Code or by the 114003  
court. 114004

(22) A "legitimate excuse for absence from the public school 114005  
the child is supposed to attend" includes, but is not limited to, 114006  
any of the following: 114007

(a) The fact that the child in question has enrolled in and 114008  
is attending another public or nonpublic school in this or another 114009

state; 114010

(b) The fact that the child in question is excused from 114011  
attendance at school for any of the reasons specified in section 114012  
3321.04 of the Revised Code; 114013

(c) The fact that the child in question has received an age 114014  
and schooling certificate in accordance with section 3331.01 of 114015  
the Revised Code. 114016

(23) "Mental illness" and "mentally ill person subject to 114017  
hospitalization by court order" have the same meanings as in 114018  
section 5122.01 of the Revised Code. 114019

(24) "Mental injury" means any behavioral, cognitive, 114020  
emotional, or mental disorder in a child caused by an act or 114021  
omission that is described in section 2919.22 of the Revised Code 114022  
and is committed by the parent or other person responsible for the 114023  
child's care. 114024

(25) "Mentally retarded person" has the same meaning as in 114025  
section 5123.01 of the Revised Code. 114026

(26) "Nonsecure care, supervision, or training" means care, 114027  
supervision, or training of a child in a facility that does not 114028  
confine or prevent movement of the child within the facility or 114029  
from the facility. 114030

(27) "Of compulsory school age" has the same meaning as in 114031  
section 3321.01 of the Revised Code. 114032

(28) "Organization" means any institution, public, 114033  
semipublic, or private, and any private association, society, or 114034  
agency located or operating in the state, incorporated or 114035  
unincorporated, having among its functions the furnishing of 114036  
protective services or care for children, or the placement of 114037  
children in certified foster homes or elsewhere. 114038

(29) "Out-of-home care" means detention facilities, shelter 114039



facilities, certified children's crisis care facilities, certified 114040  
foster homes, placement in a prospective adoptive home prior to 114041  
the issuance of a final decree of adoption, organizations, 114042  
certified organizations, child day-care centers, type A family 114043  
day-care homes, type B family day-care homes, child care provided 114044  
by in-home aides, group home providers, group homes, institutions, 114045  
state institutions, residential facilities, residential care 114046  
facilities, residential camps, day camps, public schools, 114047  
chartered nonpublic schools, educational service centers, 114048  
hospitals, and medical clinics that are responsible for the care, 114049  
physical custody, or control of children. 114050

(30) "Out-of-home care child abuse" means any of the 114051  
following when committed by a person responsible for the care of a 114052  
child in out-of-home care: 114053

(a) Engaging in sexual activity with a child in the person's 114054  
care; 114055

(b) Denial to a child, as a means of punishment, of proper or 114056  
necessary subsistence, education, medical care, or other care 114057  
necessary for a child's health; 114058

(c) Use of restraint procedures on a child that cause injury 114059  
or pain; 114060

(d) Administration of prescription drugs or psychotropic 114061  
medication to the child without the written approval and ongoing 114062  
supervision of a licensed physician; 114063

(e) Commission of any act, other than by accidental means, 114064  
that results in any injury to or death of the child in out-of-home 114065  
care or commission of any act by accidental means that results in 114066  
an injury to or death of a child in out-of-home care and that is 114067  
at variance with the history given of the injury or death. 114068

(31) "Out-of-home care child neglect" means any of the 114069  
following when committed by a person responsible for the care of a 114070

|                                                                                                                                                                                                                                                               |                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| child in out-of-home care:                                                                                                                                                                                                                                    | 114071                               |
| (a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;                                                                                  | 114072<br>114073<br>114074           |
| (b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;             | 114075<br>114076<br>114077<br>114078 |
| (c) Failure to develop a process for all of the following:                                                                                                                                                                                                    | 114079                               |
| (i) Administration of prescription drugs or psychotropic drugs for the child;                                                                                                                                                                                 | 114080<br>114081                     |
| (ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;                                                                                                                                               | 114082<br>114083                     |
| (iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.                                                                                                                         | 114084<br>114085<br>114086           |
| (d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;                                                                                            | 114087<br>114088<br>114089           |
| (e) Confinement of the child to a locked room without monitoring by staff;                                                                                                                                                                                    | 114090<br>114091                     |
| (f) Failure to provide ongoing security for all prescription and nonprescription medication;                                                                                                                                                                  | 114092<br>114093                     |
| (g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.                                                                   | 114094<br>114095<br>114096           |
| (32) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or | 114097<br>114098<br>114099<br>114100 |

adoptive parents of all parental rights, privileges, and 114101  
obligations, including all residual rights and obligations. 114102

(33) "Permanent surrender" means the act of the parents or, 114103  
if a child has only one parent, of the parent of a child, by a 114104  
voluntary agreement authorized by section 5103.15 of the Revised 114105  
Code, to transfer the permanent custody of the child to a public 114106  
children services agency or a private child placing agency. 114107

(34) "Person" means an individual, association, corporation, 114108  
or partnership and the state or any of its political subdivisions, 114109  
departments, or agencies. 114110

(35) "Person responsible for a child's care in out-of-home 114111  
care" means any of the following: 114112

(a) Any foster caregiver, in-home aide, or provider; 114113

(b) Any administrator, employee, or agent of any of the 114114  
following: a public or private detention facility; shelter 114115  
facility; certified children's crisis care facility; organization; 114116  
certified organization; child day-care center; type A family 114117  
day-care home; licensed type B family day-care home; group home; 114118  
institution; state institution; residential facility; residential 114119  
care facility; residential camp; day camp; school district; 114120  
community school; chartered nonpublic school; educational service 114121  
center; hospital; or medical clinic; 114122

(c) Any person who supervises or coaches children as part of 114123  
an extracurricular activity sponsored by a school district, public 114124  
school, or chartered nonpublic school; 114125

(d) Any other person who performs a similar function with 114126  
respect to, or has a similar relationship to, children. 114127

(36) "Physically impaired" means having one or more of the 114128  
following conditions that substantially limit one or more of an 114129  
individual's major life activities, including self-care, receptive 114130

|                                                                                                                                                                                                                                              |                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| and expressive language, learning, mobility, and self-direction:                                                                                                                                                                             | 114131                               |
| (a) A substantial impairment of vision, speech, or hearing;                                                                                                                                                                                  | 114132                               |
| (b) A congenital orthopedic impairment;                                                                                                                                                                                                      | 114133                               |
| (c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.                                                                                | 114134<br>114135<br>114136           |
| (37) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.       | 114137<br>114138<br>114139<br>114140 |
| (38) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.              | 114141<br>114142<br>114143<br>114144 |
| (39) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:                                                                                                                | 114145<br>114146                     |
| (a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.                                                                              | 114147<br>114148<br>114149           |
| (b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.                             | 114150<br>114151<br>114152<br>114153 |
| (40) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.                                                                                                   | 114154<br>114155<br>114156           |
| (41) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code. | 114157<br>114158<br>114159<br>114160 |

(42) "Protective supervision" means an order of disposition 114161  
pursuant to which the court permits an abused, neglected, 114162  
dependent, or unruly child to remain in the custody of the child's 114163  
parents, guardian, or custodian and stay in the child's home, 114164  
subject to any conditions and limitations upon the child, the 114165  
child's parents, guardian, or custodian, or any other person that 114166  
the court prescribes, including supervision as directed by the 114167  
court for the protection of the child. 114168

(43) "Psychiatrist" has the same meaning as in section 114169  
5122.01 of the Revised Code. 114170

(44) "Psychologist" has the same meaning as in section 114171  
4732.01 of the Revised Code. 114172

(45) "Residential camp" means a program in which the care, 114173  
physical custody, or control of children is accepted overnight for 114174  
recreational or recreational and educational purposes. 114175

(46) "Residential care facility" means an institution, 114176  
residence, or facility that is licensed by the department of 114177  
~~mental health~~ mental health and addiction services under section 114178  
~~5119.22~~ 5119.34 of the Revised Code and that provides care for a 114179  
child. 114180

(47) "Residential facility" means a home or facility that is 114181  
licensed by the department of developmental disabilities under 114182  
section 5123.19 of the Revised Code and in which a child with a 114183  
developmental disability resides. 114184

(48) "Residual parental rights, privileges, and 114185  
responsibilities" means those rights, privileges, and 114186  
responsibilities remaining with the natural parent after the 114187  
transfer of legal custody of the child, including, but not 114188  
necessarily limited to, the privilege of reasonable visitation, 114189  
consent to adoption, the privilege to determine the child's 114190  
religious affiliation, and the responsibility for support. 114191

(49) "School day" means the school day established by the state board of education of the applicable school district pursuant to section ~~3313.48~~ 3313.481 of the Revised Code.

(50) "School ~~month~~ and "school year" ~~have~~ has the same ~~meanings~~ meaning as in section 3313.62 of the Revised Code.

(51) "Secure correctional facility" means a facility under the direction of the department of youth services that is designed to physically restrict the movement and activities of children and used for the placement of children after adjudication and disposition.

(52) "Sexual activity" has the same meaning as in section 2907.01 of the Revised Code.

(53) "Shelter" means the temporary care of children in physically unrestricted facilities pending court adjudication or disposition.

(54) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.

(55) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement.

(56) "Traditional response" means a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm.

(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to

visit or maintain contact with the child for more than ninety 114222  
days, regardless of whether the parents resume contact with the 114223  
child after that period of ninety days. 114224

**Sec. 2923.126.** (A) A concealed handgun license that is issued 114225  
under section 2923.125 of the Revised Code shall expire five years 114226  
after the date of issuance. A licensee who has been issued a 114227  
license under that section shall be granted a grace period of 114228  
thirty days after the licensee's license expires during which the 114229  
licensee's license remains valid. Except as provided in divisions 114230  
(B) and (C) of this section, a licensee who has been issued a 114231  
concealed handgun license under section 2923.125 or 2923.1213 of 114232  
the Revised Code may carry a concealed handgun anywhere in this 114233  
state if the licensee also carries a valid license and valid 114234  
identification when the licensee is in actual possession of a 114235  
concealed handgun. The licensee shall give notice of any change in 114236  
the licensee's residence address to the sheriff who issued the 114237  
license within forty-five days after that change. 114238

If a licensee is the driver or an occupant of a motor vehicle 114239  
that is stopped as the result of a traffic stop or a stop for 114240  
another law enforcement purpose and if the licensee is 114241  
transporting or has a loaded handgun in the motor vehicle at that 114242  
time, the licensee shall promptly inform any law enforcement 114243  
officer who approaches the vehicle while stopped that the licensee 114244  
has been issued a concealed handgun license and that the licensee 114245  
currently possesses or has a loaded handgun; the licensee shall 114246  
not knowingly disregard or fail to comply with lawful orders of a 114247  
law enforcement officer given while the motor vehicle is stopped, 114248  
knowingly fail to remain in the motor vehicle while stopped, or 114249  
knowingly fail to keep the licensee's hands in plain sight after 114250  
any law enforcement officer begins approaching the licensee while 114251  
stopped and before the officer leaves, unless directed otherwise 114252  
by a law enforcement officer; and the licensee shall not knowingly 114253

have contact with the loaded handgun by touching it with the 114254  
licensee's hands or fingers, in any manner in violation of 114255  
division (E) of section 2923.16 of the Revised Code, after any law 114256  
enforcement officer begins approaching the licensee while stopped 114257  
and before the officer leaves. Additionally, if a licensee is the 114258  
driver or an occupant of a commercial motor vehicle that is 114259  
stopped by an employee of the motor carrier enforcement unit for 114260  
the purposes defined in section 5503.04 of the Revised Code and if 114261  
the licensee is transporting or has a loaded handgun in the 114262  
commercial motor vehicle at that time, the licensee shall promptly 114263  
inform the employee of the unit who approaches the vehicle while 114264  
stopped that the licensee has been issued a concealed handgun 114265  
license and that the licensee currently possesses or has a loaded 114266  
handgun. 114267

If a licensee is stopped for a law enforcement purpose and if 114268  
the licensee is carrying a concealed handgun at the time the 114269  
officer approaches, the licensee shall promptly inform any law 114270  
enforcement officer who approaches the licensee while stopped that 114271  
the licensee has been issued a concealed handgun license and that 114272  
the licensee currently is carrying a concealed handgun; the 114273  
licensee shall not knowingly disregard or fail to comply with 114274  
lawful orders of a law enforcement officer given while the 114275  
licensee is stopped or knowingly fail to keep the licensee's hands 114276  
in plain sight after any law enforcement officer begins 114277  
approaching the licensee while stopped and before the officer 114278  
leaves, unless directed otherwise by a law enforcement officer; 114279  
and the licensee shall not knowingly remove, attempt to remove, 114280  
grasp, or hold the loaded handgun or knowingly have contact with 114281  
the loaded handgun by touching it with the licensee's hands or 114282  
fingers, in any manner in violation of division (B) of section 114283  
2923.12 of the Revised Code, after any law enforcement officer 114284  
begins approaching the licensee while stopped and before the 114285  
officer leaves. 114286



(B) A valid concealed handgun license does not authorize the licensee to carry a concealed handgun in any manner prohibited under division (B) of section 2923.12 of the Revised Code or in any manner prohibited under section 2923.16 of the Revised Code. A valid license does not authorize the licensee to carry a concealed handgun into any of the following places:

(1) A police station, sheriff's office, or state highway patrol station, premises controlled by the bureau of criminal identification and investigation, a state correctional institution, jail, workhouse, or other detention facility, an airport passenger terminal, or an institution that is maintained, operated, managed, and governed pursuant to division (A) of section ~~5119.02~~ 5119.14 of the Revised Code or division (A)(1) of section 5123.03 of the Revised Code;

(2) A school safety zone if the licensee's carrying the concealed handgun is in violation of section 2923.122 of the Revised Code;

(3) A courthouse or another building or structure in which a courtroom is located, in violation of section 2923.123 of the Revised Code;

(4) Any premises or open air arena for which a D permit has been issued under Chapter 4303. of the Revised Code if the licensee's carrying the concealed handgun is in violation of section 2923.121 of the Revised Code;

(5) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle;

(6) Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship

posts or permits otherwise; 114318

(7) A child day-care center, a type A family day-care home, 114319  
or a type B family day-care home, except that this division does 114320  
not prohibit a licensee who resides in a type A family day-care 114321  
home or a type B family day-care home from carrying a concealed 114322  
handgun at any time in any part of the home that is not dedicated 114323  
or used for day-care purposes, or from carrying a concealed 114324  
handgun in a part of the home that is dedicated or used for 114325  
day-care purposes at any time during which no children, other than 114326  
children of that licensee, are in the home; 114327

(8) An aircraft that is in, or intended for operation in, 114328  
foreign air transportation, interstate air transportation, 114329  
intrastate air transportation, or the transportation of mail by 114330  
aircraft; 114331

(9) Any building that is a government facility of this state 114332  
or a political subdivision of this state and that is not a 114333  
building that is used primarily as a shelter, restroom, parking 114334  
facility for motor vehicles, or rest facility and is not a 114335  
courthouse or other building or structure in which a courtroom is 114336  
located that is subject to division (B)(3) of this section; 114337

(10) A place in which federal law prohibits the carrying of 114338  
handguns. 114339

(C)(1) Nothing in this section shall negate or restrict a 114340  
rule, policy, or practice of a private employer that is not a 114341  
private college, university, or other institution of higher 114342  
education concerning or prohibiting the presence of firearms on 114343  
the private employer's premises or property, including motor 114344  
vehicles owned by the private employer. Nothing in this section 114345  
shall require a private employer of that nature to adopt a rule, 114346  
policy, or practice concerning or prohibiting the presence of 114347  
firearms on the private employer's premises or property, including 114348

motor vehicles owned by the private employer. 114349

(2)(a) A private employer shall be immune from liability in a 114350  
civil action for any injury, death, or loss to person or property 114351  
that allegedly was caused by or related to a licensee bringing a 114352  
handgun onto the premises or property of the private employer, 114353  
including motor vehicles owned by the private employer, unless the 114354  
private employer acted with malicious purpose. A private employer 114355  
is immune from liability in a civil action for any injury, death, 114356  
or loss to person or property that allegedly was caused by or 114357  
related to the private employer's decision to permit a licensee to 114358  
bring, or prohibit a licensee from bringing, a handgun onto the 114359  
premises or property of the private employer. As used in this 114360  
division, "private employer" includes a private college, 114361  
university, or other institution of higher education. 114362

(b) A political subdivision shall be immune from liability in 114363  
a civil action, to the extent and in the manner provided in 114364  
Chapter 2744. of the Revised Code, for any injury, death, or loss 114365  
to person or property that allegedly was caused by or related to a 114366  
licensee bringing a handgun onto any premises or property owned, 114367  
leased, or otherwise under the control of the political 114368  
subdivision. As used in this division, "political subdivision" has 114369  
the same meaning as in section 2744.01 of the Revised Code. 114370

(3)(a) Except as provided in division (C)(3)(b) of this 114371  
section, the owner or person in control of private land or 114372  
premises, and a private person or entity leasing land or premises 114373  
owned by the state, the United States, or a political subdivision 114374  
of the state or the United States, may post a sign in a 114375  
conspicuous location on that land or on those premises prohibiting 114376  
persons from carrying firearms or concealed firearms on or onto 114377  
that land or those premises. Except as otherwise provided in this 114378  
division, a person who knowingly violates a posted prohibition of 114379  
that nature is guilty of criminal trespass in violation of 114380

division (A)(4) of section 2911.21 of the Revised Code and is 114381  
guilty of a misdemeanor of the fourth degree. If a person 114382  
knowingly violates a posted prohibition of that nature and the 114383  
posted land or premises primarily was a parking lot or other 114384  
parking facility, the person is not guilty of criminal trespass in 114385  
violation of division (A)(4) of section 2911.21 of the Revised 114386  
Code and instead is subject only to a civil cause of action for 114387  
trespass based on the violation. 114388

(b) A landlord may not prohibit or restrict a tenant who is a 114389  
licensee and who on or after September 9, 2008, enters into a 114390  
rental agreement with the landlord for the use of residential 114391  
premises, and the tenant's guest while the tenant is present, from 114392  
lawfully carrying or possessing a handgun on those residential 114393  
premises. 114394

(c) As used in division (C)(3) of this section: 114395

(i) "Residential premises" has the same meaning as in section 114396  
5321.01 of the Revised Code, except "residential premises" does 114397  
not include a dwelling unit that is owned or operated by a college 114398  
or university. 114399

(ii) "Landlord," "tenant," and "rental agreement" have the 114400  
same meanings as in section 5321.01 of the Revised Code. 114401

(D) A person who holds a concealed handgun license issued by 114402  
another state that is recognized by the attorney general pursuant 114403  
to a reciprocity agreement entered into pursuant to section 109.69 114404  
of the Revised Code has the same right to carry a concealed 114405  
handgun in this state as a person who was issued a concealed 114406  
handgun license under section 2923.125 of the Revised Code and is 114407  
subject to the same restrictions that apply to a person who 114408  
carries a license issued under that section. 114409

(E) A peace officer has the same right to carry a concealed 114410  
handgun in this state as a person who was issued a concealed 114411

handgun license under section 2923.125 of the Revised Code. For 114412  
purposes of reciprocity with other states, a peace officer shall 114413  
be considered to be a licensee in this state. 114414

(F)(1) A qualified retired peace officer who possesses a 114415  
retired peace officer identification card issued pursuant to 114416  
division (F)(2) of this section and a valid firearms 114417  
requalification certification issued pursuant to division (F)(3) 114418  
of this section has the same right to carry a concealed handgun in 114419  
this state as a person who was issued a concealed handgun license 114420  
under section 2923.125 of the Revised Code and is subject to the 114421  
same restrictions that apply to a person who carries a license 114422  
issued under that section. For purposes of reciprocity with other 114423  
states, a qualified retired peace officer who possesses a retired 114424  
peace officer identification card issued pursuant to division 114425  
(F)(2) of this section and a valid firearms requalification 114426  
certification issued pursuant to division (F)(3) of this section 114427  
shall be considered to be a licensee in this state. 114428

(2)(a) Each public agency of this state or of a political 114429  
subdivision of this state that is served by one or more peace 114430  
officers shall issue a retired peace officer identification card 114431  
to any person who retired from service as a peace officer with 114432  
that agency, if the issuance is in accordance with the agency's 114433  
policies and procedures and if the person, with respect to the 114434  
person's service with that agency, satisfies all of the following: 114435

(i) The person retired in good standing from service as a 114436  
peace officer with the public agency, and the retirement was not 114437  
for reasons of mental instability. 114438

(ii) Before retiring from service as a peace officer with 114439  
that agency, the person was authorized to engage in or supervise 114440  
the prevention, detection, investigation, or prosecution of, or 114441  
the incarceration of any person for, any violation of law and the 114442  
person had statutory powers of arrest. 114443

(iii) At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.

(iv) Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of fifteen years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any applicable probationary period of that service, due to a service-connected disability, as determined by the agency.

(b) A retired peace officer identification card issued to a person under division (F)(2)(a) of this section shall identify the person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this state from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section. In addition to the required content specified in this division, a retired peace officer identification card issued to a person under division (F)(2)(a) of this section may include the firearms requalification certification described in division (F)(3) of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with division (F)(2)(a) of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section, provided that the

credentials so issued to retired peace officers are stamped with 114476  
the word "RETIRED." 114477

(c) A public agency of this state or of a political 114478  
subdivision of this state may charge persons who retired from 114479  
service as a peace officer with the agency a reasonable fee for 114480  
issuing to the person a retired peace officer identification card 114481  
pursuant to division (F)(2)(a) of this section. 114482

(3) If a person retired from service as a peace officer with 114483  
a public agency of this state or of a political subdivision of 114484  
this state and the person satisfies the criteria set forth in 114485  
divisions (F)(2)(a)(i) to (iv) of this section, the public agency 114486  
may provide the retired peace officer with the opportunity to 114487  
attend a firearms requalification program that is approved for 114488  
purposes of firearms requalification required under section 114489  
109.801 of the Revised Code. The retired peace officer may be 114490  
required to pay the cost of the course. 114491

If a retired peace officer who satisfies the criteria set 114492  
forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 114493  
firearms requalification program that is approved for purposes of 114494  
firearms requalification required under section 109.801 of the 114495  
Revised Code, the retired peace officer's successful completion of 114496  
the firearms requalification program requalifies the retired peace 114497  
officer for purposes of division (F) of this section for five 114498  
years from the date on which the program was successfully 114499  
completed, and the requalification is valid during that five-year 114500  
period. If a retired peace officer who satisfies the criteria set 114501  
forth in divisions (F)(2)(a)(i) to (iv) of this section 114502  
satisfactorily completes such a firearms requalification program, 114503  
the retired peace officer shall be issued a firearms 114504  
requalification certification that identifies the retired peace 114505  
officer by name, identifies the entity that taught the program, 114506  
specifies that the retired peace officer successfully completed 114507

the program, specifies the date on which the course was 114508  
successfully completed, and specifies that the requalification is 114509  
valid for five years from that date of successful completion. The 114510  
firearms requalification certification for a retired peace officer 114511  
may be included in the retired peace officer identification card 114512  
issued to the retired peace officer under division (F)(2) of this 114513  
section. 114514

A retired peace officer who attends a firearms 114515  
requalification program that is approved for purposes of firearms 114516  
requalification required under section 109.801 of the Revised Code 114517  
may be required to pay the cost of the program. 114518

(G) As used in this section: 114519

(1) "Qualified retired peace officer" means a person who 114520  
satisfies all of the following: 114521

(a) The person satisfies the criteria set forth in divisions 114522  
(F)(2)(a)(i) to (v) of this section. 114523

(b) The person is not under the influence of alcohol or 114524  
another intoxicating or hallucinatory drug or substance. 114525

(c) The person is not prohibited by federal law from 114526  
receiving firearms. 114527

(2) "Retired peace officer identification card" means an 114528  
identification card that is issued pursuant to division (F)(2) of 114529  
this section to a person who is a retired peace officer. 114530

(3) "Government facility of this state or a political 114531  
subdivision of this state" means any of the following: 114532

(a) A building or part of a building that is owned or leased 114533  
by the government of this state or a political subdivision of this 114534  
state and where employees of the government of this state or the 114535  
political subdivision regularly are present for the purpose of 114536  
performing their official duties as employees of the state or 114537



political subdivision; 114538

(b) The office of a deputy registrar serving pursuant to 114539  
Chapter 4503. of the Revised Code that is used to perform deputy 114540  
registrar functions. 114541

**Sec. 5104.012.** (A)(1) At the times specified in this 114542  
division, the administrator of a child day-care center or a type A 114543  
family day-care home shall request the superintendent of the 114544  
bureau of criminal identification and investigation to conduct a 114545  
criminal records check with respect to any applicant who has 114546  
applied to the center or type A home for employment as a person 114547  
responsible for the care, custody, or control of a child. 114548

The administrator shall request a criminal records check 114549  
pursuant to this division at the time of the applicant's initial 114550  
application for employment and every ~~four~~ five years thereafter. 114551  
When the administrator requests pursuant to this division a 114552  
criminal records check for an applicant at the time of the 114553  
applicant's initial application for employment, the administrator 114554  
shall request that the superintendent obtain information from the 114555  
federal bureau of investigation as a part of the criminal records 114556  
check for the applicant, including fingerprint-based checks of 114557  
national crime information databases as described in 42 U.S.C. 114558  
671, for the person subject to the criminal records check. In all 114559  
other cases in which the administrator requests a criminal records 114560  
check for an applicant pursuant to this division, the 114561  
administrator may request that the superintendent include 114562  
information from the federal bureau of investigation in the 114563  
criminal records check, including fingerprint-based checks of 114564  
national crime information databases as described in 42 U.S.C. 114565  
671. 114566

(2) A person required by division (A)(1) of this section to 114567  
request a criminal records check shall provide to each applicant a 114568

copy of the form prescribed pursuant to division (C)(1) of section 114569  
109.572 of the Revised Code, provide to each applicant a standard 114570  
impression sheet to obtain fingerprint impressions prescribed 114571  
pursuant to division (C)(2) of section 109.572 of the Revised 114572  
Code, obtain the completed form and impression sheet from each 114573  
applicant, and forward the completed form and impression sheet to 114574  
the superintendent of the bureau of criminal identification and 114575  
investigation at the time the person requests a criminal records 114576  
check pursuant to division (A)(1) of this section. On and after 114577  
August 14, 2008, the administrator of a child day-care center or a 114578  
type A family day-care home shall review the results of the 114579  
criminal records check before the applicant has sole 114580  
responsibility for the care, custody, or control of any child. 114581

(3) An applicant who receives pursuant to division (A)(2) of 114582  
this section a copy of the form prescribed pursuant to division 114583  
(C)(1) of section 109.572 of the Revised Code and a copy of an 114584  
impression sheet prescribed pursuant to division (C)(2) of that 114585  
section and who is requested to complete the form and provide a 114586  
set of fingerprint impressions shall complete the form or provide 114587  
all the information necessary to complete the form and shall 114588  
provide the impression sheet with the impressions of the 114589  
applicant's fingerprints. If an applicant, upon request, fails to 114590  
provide the information necessary to complete the form or fails to 114591  
provide impressions of the applicant's fingerprints, the center or 114592  
type A home shall not employ that applicant for any position for 114593  
which a criminal records check is required by division (A)(1) of 114594  
this section. 114595

(B)(1) Except as provided in rules adopted under division (E) 114596  
of this section, no child day-care center or type A family 114597  
day-care home shall employ or contract with another entity for the 114598  
services of a person as a person responsible for the care, 114599  
custody, or control of a child if the person previously has been 114600

convicted of or pleaded guilty to any of the violations described 114601  
in division (A)(5) of section 109.572 of the Revised Code. 114602

(2) A child day-care center or type A family day-care home 114603  
may employ an applicant conditionally until the criminal records 114604  
check required by this section is completed and the center or home 114605  
receives the results of the criminal records check. If the results 114606  
of the criminal records check indicate that, pursuant to division 114607  
(B)(1) of this section, the applicant does not qualify for 114608  
employment, the center or home shall release the applicant from 114609  
employment. 114610

(C)(1) Each child day-care center and type A family day-care 114611  
home shall pay to the bureau of criminal identification and 114612  
investigation the fee prescribed pursuant to division (C)(3) of 114613  
section 109.572 of the Revised Code for each criminal records 114614  
check conducted in accordance with that section upon the request 114615  
pursuant to division (A)(1) of this section of the administrator 114616  
or provider of the center or home. 114617

(2) A child day-care center and type A family day-care home 114618  
may charge an applicant a fee for the costs it incurs in obtaining 114619  
a criminal records check under this section. A fee charged under 114620  
this division shall not exceed the amount of fees the center or 114621  
home pays under division (C)(1) of this section. If a fee is 114622  
charged under this division, the center or home shall notify the 114623  
applicant at the time of the applicant's initial application for 114624  
employment of the amount of the fee and that, unless the fee is 114625  
paid, the center or type A home will not consider the applicant 114626  
for employment. 114627

(D) The report of any criminal records check conducted by the 114628  
bureau of criminal identification and investigation in accordance 114629  
with section 109.572 of the Revised Code and pursuant to a request 114630  
under division (A)(1) of this section is not a public record for 114631  
the purposes of section 149.43 of the Revised Code and shall not 114632

be made available to any person other than the applicant who is 114633  
the subject of the criminal records check or the applicant's 114634  
representative; the center or type A home requesting the criminal 114635  
records check or its representative; the department of job and 114636  
family services or a county department of job and family services; 114637  
and any court, hearing officer, or other necessary individual 114638  
involved in a case dealing with the denial of employment to the 114639  
applicant. 114640

(E) The director of job and family services shall adopt rules 114641  
pursuant to Chapter 119. of the Revised Code to implement this 114642  
section, including rules specifying circumstances under which a 114643  
center or home may hire a person who has been convicted of an 114644  
offense listed in division (B)(1) of this section but who meets 114645  
standards in regard to rehabilitation set by the department. 114646

(F) Any person required by division (A)(1) of this section to 114647  
request a criminal records check shall inform each person, at the 114648  
time of the person's initial application for employment, that the 114649  
person is required to provide a set of impressions of the person's 114650  
fingerprints and that a criminal records check is required to be 114651  
conducted and satisfactorily completed in accordance with section 114652  
109.572 of the Revised Code if the person comes under final 114653  
consideration for appointment or employment as a precondition to 114654  
employment for that position. 114655

(G) As used in this section: 114656

(1) "Applicant" means a person who is under final 114657  
consideration for appointment to or employment in a position with 114658  
a child day-care center or a type A family day-care home as a 114659  
person responsible for the care, custody, or control of a child or 114660  
any person who would serve in any position with a child day-care 114661  
center or a type A family day-care home as a person responsible 114662  
for the care, custody, or control of a child pursuant to a 114663  
contract with another entity. 114664

(2) "Criminal records check" has the same meaning as in 114665  
section 109.572 of the Revised Code. 114666

**Sec. 5104.013.** (A)(1) At the times specified in division 114667  
(A)(3) of this section, the director of job and family services, 114668  
as part of the process of licensure of child day-care centers, 114669  
type A family day-care homes, and licensed type B family day-care 114670  
homes shall request the superintendent of the bureau of criminal 114671  
identification and investigation to conduct a criminal records 114672  
check with respect to the following persons: 114673

(a) Any owner, licensee, or administrator of a child day-care 114674  
center; 114675

(b) Any owner, licensee, or administrator of a type A family 114676  
day-care home and any person eighteen years of age or older who 114677  
resides in a type A family day-care home; 114678

(c) Any administrator of a licensed type B family day-care 114679  
home and any person eighteen years of age or older who resides in 114680  
a licensed type B family day-care home. 114681

(2) At the time specified in division (A)(3) of this section, 114682  
the director of a county department of job and family services, as 114683  
part of the process of certification of in-home aides, shall 114684  
request the superintendent of the bureau of criminal 114685  
identification and investigation to conduct a criminal records 114686  
check with respect to any in-home aide. 114687

(3) The director of job and family services shall request a 114688  
criminal records check pursuant to division (A)(1) of this section 114689  
at the time of the initial application for licensure and every 114690  
~~four~~ five years thereafter. The director of a county department of 114691  
job and family services shall request a criminal records check 114692  
pursuant to division (A)(2) of this section at the time of the 114693  
initial application for certification and every ~~four~~ five years 114694

thereafter. When the director of job and family services or the 114695  
director of a county department of job and family services 114696  
requests pursuant to division (A)(1) or (2) of this section a 114697  
criminal records check for a person at the time of the person's 114698  
initial application for licensure or certification, the director 114699  
shall request that the superintendent of the bureau of criminal 114700  
identification and investigation obtain information from the 114701  
federal bureau of investigation as a part of the criminal records 114702  
check for the person, including fingerprint-based checks of 114703  
national crime information databases as described in 42 U.S.C. 671 114704  
for the person subject to the criminal records check. In all other 114705  
cases in which the director of job and family services or the 114706  
director of a county department of job and family services 114707  
requests a criminal records check for an applicant pursuant to 114708  
division (A)(1) or (2) of this section, the director may request 114709  
that the superintendent include information from the federal 114710  
bureau of investigation in the criminal records check, including 114711  
fingerprint-based checks of national crime information databases 114712  
as described in 42 U.S.C. 671. 114713

(4) The director of job and family services shall review the 114714  
results of a criminal records check subsequent to a request made 114715  
pursuant to divisions (A)(1) and (3) of this section prior to 114716  
approval of a license. The director of a county department of job 114717  
and family services shall review the results of a criminal records 114718  
check subsequent to a request made pursuant to divisions (A)(2) 114719  
and (3) of this section prior to approval of certification. 114720

(B) The director of job and family services or the director 114721  
of a county department of job and family services shall provide to 114722  
each person for whom a criminal records check is required under 114723  
this section a copy of the form prescribed pursuant to division 114724  
(C)(1) of section 109.572 of the Revised Code and a standard 114725  
impression sheet to obtain fingerprint impressions prescribed 114726

pursuant to division (C)(2) of that section, obtain the completed 114727  
form and impression sheet from that person, and forward the 114728  
completed form and impression sheet to the superintendent of the 114729  
bureau of criminal identification and investigation. 114730

(C) A person who receives pursuant to division (B) of this 114731  
section a copy of the form and standard impression sheet described 114732  
in that division and who is requested to complete the form and 114733  
provide a set of fingerprint impressions shall complete the form 114734  
or provide all the information necessary to complete the form and 114735  
shall provide the impression sheet with the impressions of the 114736  
person's fingerprints. If the person, upon request, fails to 114737  
provide the information necessary to complete the form or fails to 114738  
provide impressions of the person's fingerprints, the director may 114739  
consider the failure as a reason to deny licensure or 114740  
certification. 114741

(D) Except as provided in rules adopted under division (G) of 114742  
this section, the director of job and family services shall not 114743  
grant a license to a child day-care center, type A family day-care 114744  
home, or type B family day-care home and a county director of job 114745  
and family services shall not certify an in-home aide if a person 114746  
for whom a criminal records check was required in connection with 114747  
the center or home previously has been convicted of or pleaded 114748  
guilty to any of the violations described in division (A)(5) of 114749  
section 109.572 of the Revised Code. 114750

(E) Each child day-care center, type A family day-care home, 114751  
and type B family day-care home shall pay to the bureau of 114752  
criminal identification and investigation the fee prescribed 114753  
pursuant to division (C)(3) of section 109.572 of the Revised Code 114754  
for each criminal records check conducted in accordance with that 114755  
section upon a request made pursuant to division (A) of this 114756  
section. 114757

(F) The report of any criminal records check conducted by the 114758

bureau of criminal identification and investigation in accordance 114759  
with section 109.572 of the Revised Code and pursuant to a request 114760  
made under division (A) of this section is not a public record for 114761  
the purposes of section 149.43 of the Revised Code and shall not 114762  
be made available to any person other than the person who is the 114763  
subject of the criminal records check or the person's 114764  
representative, the director of job and family services, the 114765  
director of a county department of job and family services, the 114766  
center, type A home, or type B home involved, and any court, 114767  
hearing officer, or other necessary individual involved in a case 114768  
dealing with a denial of licensure or certification related to the 114769  
criminal records check. 114770

(G) The director of job and family services shall adopt rules 114771  
in accordance with Chapter 119. of the Revised Code to implement 114772  
this section, including rules specifying exceptions to the 114773  
prohibition in division (D) of this section for persons who have 114774  
been convicted of an offense listed in that division but who meet 114775  
standards in regard to rehabilitation set by the director. 114776

(H) As used in this section, "criminal records check" has the 114777  
same meaning as in section 109.572 of the Revised Code. 114778

**Sec. 5104.03.** (A) Any person, firm, organization, 114779  
institution, or agency seeking to establish a child day-care 114780  
center, type A family day-care home, or licensed type B family 114781  
day-care home shall apply for a license to the director of job and 114782  
family services on such form as the director prescribes. The 114783  
director shall provide at no charge to each applicant for 114784  
licensure a copy of the child care license requirements in this 114785  
chapter and a copy of the rules adopted pursuant to this chapter. 114786  
The copies may be provided in paper or electronic form. 114787

Fees shall be set by the director pursuant to sections 114788  
5104.015, 5104.017, and 5104.018 of the Revised Code and shall be 114789



paid at the time of application for a license to operate a center, 114790  
type A home, or type B home. Fees collected under this section 114791  
shall be paid into the state treasury to the credit of the general 114792  
revenue fund. 114793

(B)(1) Upon filing of the application for a license, the 114794  
director shall investigate and inspect the center, type A home, or 114795  
type B home to determine the license capacity for each age 114796  
category of children of the center, type A home, or type B home 114797  
and to determine whether the center, type A home, or type B home 114798  
complies with this chapter and rules adopted pursuant to this 114799  
chapter. When, after investigation and inspection, the director is 114800  
satisfied that this chapter and rules adopted pursuant to it are 114801  
complied with, subject to division (H) of this section, a license 114802  
shall be issued as soon as practicable in such form and manner as 114803  
prescribed by the director. The license shall be designated as 114804  
provisional and shall be valid for twelve months from the date of 114805  
issuance unless revoked. 114806

(2) The director may contract with a government entity or a 114807  
private nonprofit entity for the entity to inspect and license 114808  
type B family day-care homes pursuant to this section. The 114809  
department, government entity, or nonprofit entity shall conduct 114810  
the inspection prior to the issuance of a license for the type B 114811  
home and, as part of that inspection, ensure that the type B home 114812  
is safe and sanitary. 114813

(C)(1) On receipt of an application for licensure as a type B 114814  
family day-care home to provide publicly funded child care, the 114815  
department shall search the uniform statewide automated child 114816  
welfare information system for information concerning any abuse or 114817  
neglect report made pursuant to section 2151.421 of the Revised 114818  
Code of which the applicant, any other adult residing in the 114819  
applicant's home, or a person designated by the applicant to be an 114820  
emergency or substitute caregiver for the applicant is the 114821

subject. 114822

(2) The department shall consider any information it 114823  
discovers pursuant to division (C)(1) of this section or that is 114824  
provided by a public children services agency pursuant to section 114825  
5153.175 of the Revised Code. If the department determines that 114826  
the information, when viewed within the totality of the 114827  
circumstances, reasonably leads to the conclusion that the 114828  
applicant may directly or indirectly endanger the health, safety, 114829  
or welfare of children, the department shall deny the application 114830  
for licensure or revoke the license of a type B family day-care 114831  
home. 114832

(D) The director shall investigate and inspect the center, 114833  
type A home, or type B home at least once during operation under a 114834  
license designated as provisional. If after the investigation and 114835  
inspection the director determines that the requirements of this 114836  
chapter and rules adopted pursuant to this chapter are met, 114837  
subject to division (H) of this section, the director shall issue 114838  
a new license to the center or home. 114839

(E) Each license shall state the name of the licensee, the 114840  
name of the administrator, the address of the center, type A home, 114841  
or licensed type B home, and the license capacity for each age 114842  
category of children. The license shall include thereon, in 114843  
accordance with sections 5104.015, 5104.017, and 5104.018 of the 114844  
Revised Code, the toll-free telephone number to be used by persons 114845  
suspecting that the center, type A home, or licensed type B home 114846  
has violated a provision of this chapter or rules adopted pursuant 114847  
to this chapter. A license is valid only for the licensee, 114848  
administrator, address, and license capacity for each age category 114849  
of children designated on the license. The license capacity 114850  
specified on the license is the maximum number of children in each 114851  
age category that may be cared for in the center, type A home, or 114852  
licensed type B home at one time. 114853

The center or type A home licensee shall notify the director 114854  
when the administrator of the center or home changes. The director 114855  
shall amend the current license to reflect a change in an 114856  
administrator, if the administrator meets the requirements of this 114857  
chapter and rules adopted pursuant to this chapter, or a change in 114858  
license capacity for any age category of children as determined by 114859  
the director of job and family services. 114860

(F) If the director revokes the license of a center, a type A 114861  
home, or a type B home, the director shall not issue another 114862  
license to the owner of the center, type A home, or type B home 114863  
until five years have elapsed from the date the license is 114864  
revoked. 114865

If the director denies an application for a license, the 114866  
director shall not accept another application from the applicant 114867  
until five years have elapsed from the date the application is 114868  
denied. 114869

(G) If during the application for licensure process the 114870  
director determines that the license of the owner has been 114871  
revoked, the investigation of the center, type A home, or type B 114872  
home shall cease. This action does not constitute denial of the 114873  
application and may not be appealed under division (H) of this 114874  
section. 114875

(H) All actions of the director with respect to licensing 114876  
centers, type A homes, or type B homes, refusal to license, and 114877  
revocation of a license shall be in accordance with Chapter 119. 114878  
of the Revised Code. Any applicant who is denied a license or any 114879  
owner whose license is revoked may appeal in accordance with 114880  
section 119.12 of the Revised Code. 114881

(I) In no case shall the director issue a license under this 114882  
section for a center, type A home, or type B home if the director, 114883  
based on documentation provided by the appropriate county 114884

department of job and family services, determines that the 114885  
applicant had been certified as a type B family day-care home when 114886  
such certifications were issued by county departments prior to ~~the~~ 114887  
~~effective date of this amendment~~ January 1, 2014, that the county 114888  
department revoked that certification within the immediately 114889  
preceding five years, that the revocation was based on the 114890  
applicant's refusal or inability to comply with the criteria for 114891  
certification, and that the refusal or inability resulted in a 114892  
risk to the health or safety of children. 114893

(J)(1) Except as provided in division (J)(2) of this section, 114894  
an administrator of a type B family day-care home that receives a 114895  
license pursuant to this section to provide publicly funded child 114896  
care is an independent contractor and is not an employee of the 114897  
department of job and family services. 114898

(2) For purposes of Chapter 4141. of the Revised Code, 114899  
determinations concerning the employment of an administrator of a 114900  
type B family day-care home that receives a license pursuant to 114901  
this section shall be determined under Chapter 4141. of the 114902  
Revised Code. 114903

**Sec. 5104.08.** (A) There is hereby created in the department 114904  
of job and family services a child care advisory council to advise 114905  
and assist the department in the administration of this chapter 114906  
and in the development of child care. The council shall consist of 114907  
twenty-two voting members appointed by the director of job and 114908  
family services with the approval of the governor. The director of 114909  
job and family services, the director of developmental 114910  
disabilities, the director of ~~mental health~~ mental health and 114911  
addiction services, the superintendent of public instruction, the 114912  
director of health, the director of commerce, and the state fire 114913  
marshal shall serve as nonvoting members of the council. 114914

Six members shall be representatives of child care centers 114915

subject to licensing, the members to represent a variety of 114916  
centers, including nonprofit and proprietary, from different 114917  
geographical areas of the state. At least three members shall be 114918  
parents, guardians, or custodians of children receiving child care 114919  
or publicly funded child care in the child's own home, a center, a 114920  
type A home, a head start program, a licensed type B home, or a 114921  
type B home at the time of appointment. Three members shall be 114922  
representatives of in-home aides, type A homes, licensed type B 114923  
homes, or type B homes or head start programs. At least six 114924  
members shall represent county departments of job and family 114925  
services. The remaining members shall be representatives of the 114926  
teaching, child development, and health professions, and other 114927  
individuals interested in the welfare of children. At least six 114928  
members of the council shall not be employees or licensees of a 114929  
child day-care center, head start program, or type A home, or 114930  
providers operating a licensed type B home or type B home, or 114931  
in-home aides. 114932

Appointments shall be for three-year terms. Vacancies shall 114933  
be filled for the unexpired terms. A member of the council is 114934  
subject to removal by the director of job and family services for 114935  
a willful and flagrant exercise of authority or power that is not 114936  
authorized by law, for a refusal or willful neglect to perform any 114937  
official duty as a member of the council imposed by law, or for 114938  
being guilty of misfeasance, malfeasance, nonfeasance, or gross 114939  
neglect of duty as a member of the council. 114940

There shall be two co-chairpersons of the council. One 114941  
co-chairperson shall be the director of job and family services or 114942  
the director's designee, and one co-chairperson shall be elected 114943  
by the members of the council. The council shall meet as often as 114944  
is necessary to perform its duties, provided that it shall meet at 114945  
least once in each quarter of each calendar year and at the call 114946  
of the co-chairpersons. The co-chairpersons or their designee 114947

shall send to each member a written notice of the date, time, and 114948  
place of each meeting. 114949

Members of the council shall serve without compensation, but 114950  
shall be reimbursed for necessary expenses. 114951

(B) The child care advisory council shall advise the director 114952  
on matters affecting the licensing of centers, type A homes, and 114953  
type B homes and the certification of in-home aides. The council 114954  
shall make an annual report to the director of job and family 114955  
services that addresses the availability, affordability, 114956  
accessibility, and quality of child care and that summarizes the 114957  
recommendations and plans of action that the council has proposed 114958  
to the director during the preceding fiscal year. The director of 114959  
job and family services shall provide copies of the report to the 114960  
governor, speaker and minority leader of the house of 114961  
representatives, and the president and minority leader of the 114962  
senate and, on request, shall make copies available to the public. 114963

(C) The director of job and family services shall adopt rules 114964  
in accordance with Chapter 119. of the Revised Code to implement 114965  
this section. 114966

**Sec. 5104.32.** (A) Except as provided in division (C) of this 114967  
section, all purchases of publicly funded child care shall be made 114968  
under a contract entered into by a licensed child day-care center, 114969  
licensed type A family day-care home, licensed type B family 114970  
day-care home, certified in-home aide, approved child day camp, 114971  
licensed preschool program, licensed school child program, or 114972  
border state child care provider and the department of job and 114973  
family services. All contracts for publicly funded child care 114974  
shall be contingent upon the availability of state and federal 114975  
funds. The department shall prescribe a standard form to be used 114976  
for all contracts for the purchase of publicly funded child care, 114977  
regardless of the source of public funds used to purchase the 114978

child care. To the extent permitted by federal law and 114979  
notwithstanding any other provision of the Revised Code that 114980  
regulates state contracts or contracts involving the expenditure 114981  
of state or federal funds, all contracts for publicly funded child 114982  
care shall be entered into in accordance with the provisions of 114983  
this chapter and are exempt from any other provision of the 114984  
Revised Code that regulates state contracts or contracts involving 114985  
the expenditure of state or federal funds. 114986

(B) Each contract for publicly funded child care shall 114987  
specify at least the following: 114988

(1) That the provider of publicly funded child care agrees to 114989  
be paid for rendering services at the lower of the rate 114990  
customarily charged by the provider for children enrolled for 114991  
child care or the reimbursement ceiling or rate of payment 114992  
established pursuant to section 5104.30 of the Revised Code; 114993

(2) That, if a provider provides child care to an individual 114994  
potentially eligible for publicly funded child care who is 114995  
subsequently determined to be eligible, the department agrees to 114996  
pay for all child care provided between the date the county 114997  
department of job and family services receives the individual's 114998  
completed application and the date the individual's eligibility is 114999  
determined; 115000

(3) Whether the county department of job and family services, 115001  
the provider, or a child care resource and referral service 115002  
organization will make eligibility determinations, whether the 115003  
provider or a child care resource and referral service 115004  
organization will be required to collect information to be used by 115005  
the county department to make eligibility determinations, and the 115006  
time period within which the provider or child care resource and 115007  
referral service organization is required to complete required 115008  
eligibility determinations or to transmit to the county department 115009  
any information collected for the purpose of making eligibility 115010

determinations; 115011

(4) That the provider, other than a border state child care 115012  
provider, shall continue to be licensed, approved, or certified 115013  
pursuant to this chapter and shall comply with all standards and 115014  
other requirements in this chapter and in rules adopted pursuant 115015  
to this chapter for maintaining the provider's license, approval, 115016  
or certification; 115017

(5) That, in the case of a border state child care provider, 115018  
the provider shall continue to be licensed, certified, or 115019  
otherwise approved by the state in which the provider is located 115020  
and shall comply with all standards and other requirements 115021  
established by that state for maintaining the provider's license, 115022  
certificate, or other approval; 115023

(6) Whether the provider will be paid by the state department 115024  
of job and family services or in some other manner as prescribed 115025  
by rules adopted under section 5104.42 of the Revised Code; 115026

(7) That the contract is subject to the availability of state 115027  
and federal funds. 115028

(C) Unless specifically prohibited by federal law or by rules 115029  
adopted under section 5104.42 of the Revised Code, the county 115030  
department of job and family services shall give individuals 115031  
eligible for publicly funded child care the option of obtaining 115032  
certificates that the individual may use to purchase services from 115033  
any provider qualified to provide publicly funded child care under 115034  
section 5104.31 of the Revised Code. Providers of publicly funded 115035  
child care may present these certificates for payment in 115036  
accordance with rules that the director of job and family services 115037  
shall adopt. Only providers may receive payment for certificates. 115038  
The value of the certificate shall be based on the lower of the 115039  
rate customarily charged by the provider or the rate of payment 115040  
established pursuant to section 5104.30 of the Revised Code. The 115041



county department may provide the certificates to the individuals 115042  
or may contract with child care providers or child care resource 115043  
and referral service organizations that make determinations of 115044  
eligibility for publicly funded child care pursuant to contracts 115045  
entered into under section 5104.34 of the Revised Code for the 115046  
providers or resource and referral service organizations to 115047  
provide the certificates to individuals whom they determine are 115048  
eligible for publicly funded child care. 115049

For each six-month period a provider of publicly funded child 115050  
care provides publicly funded child care to the child of an 115051  
individual given certificates, the individual shall provide the 115052  
provider certificates for days the provider would have provided 115053  
publicly funded child care to the child had the child been 115054  
present. The maximum number of days providers shall be provided 115055  
certificates shall not exceed ten days in a six-month period 115056  
during which publicly funded child care is provided to the child 115057  
regardless of the number of providers that provide publicly funded 115058  
child care to the child during that period. 115059

(D)(1) The department shall establish the Ohio electronic 115060  
child care system to track attendance and calculate payments for 115061  
publicly funded child care. The system shall include issuing an 115062  
electronic child care card to each caretaker parent to swipe 115063  
through a point of service device issued to an eligible provider, 115064  
as described in section 5104.31 of the Revised Code. 115065

(2) Each eligible provider that provides publicly funded 115066  
child care shall participate in the Ohio electronic child care 115067  
system. A provider participating in the system shall not do any of 115068  
the following: 115069

(a) Use or have possession of an electronic child care card 115070  
issued to a caretaker parent; 115071

(b) Falsify attendance records; 115072

|                                                                                                                                                                                                                                                                                                                                                             |        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| <u>(c) Knowingly seek payment for publicly funded child care that was not provided;</u>                                                                                                                                                                                                                                                                     | 115073 |
|                                                                                                                                                                                                                                                                                                                                                             | 115074 |
| <u>(d) Knowingly accept reimbursement for publicly funded child care that was not provided.</u>                                                                                                                                                                                                                                                             | 115075 |
|                                                                                                                                                                                                                                                                                                                                                             | 115076 |
| <b>Section 110.21.</b> That the existing versions of sections 109.57, 2151.011, 2923.126, 5104.012, 5104.013, 5104.03, 5104.08, and 5104.32 of the Revised Code that are scheduled to take effect January 1, 2014, are hereby repealed.                                                                                                                     | 115077 |
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|                                                                                                                                                                                                                                                                                                                                                             | 115080 |
| <b>Section 110.22.</b> Sections 110.20 and 110.21 of this act shall take effect January 1, 2014, except that the amendments by Sections 110.20 and 110.21 of this act to divisions (B)(49) and (50) of section 2151.011 of the Revised Code shall take effect July 1, 2014.                                                                                 | 115081 |
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| <b>Section 110.30.</b> That the version of section 4507.06 of the Revised Code that is scheduled to take effect January 1, 2017, be amended to read as follows:                                                                                                                                                                                             | 115086 |
|                                                                                                                                                                                                                                                                                                                                                             | 115087 |
|                                                                                                                                                                                                                                                                                                                                                             | 115088 |
| <b>Sec. 4507.06.</b> (A)(1) Every application for a driver's license, motorcycle operator's license or endorsement, or motor-driven cycle or motor scooter license or endorsement, or duplicate of any such license or endorsement, shall be made upon the approved form furnished by the registrar of motor vehicles and shall be signed by the applicant. | 115089 |
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| Every application shall state the following:                                                                                                                                                                                                                                                                                                                | 115095 |
| (a) The applicant's name, date of birth, social security number if such has been assigned, sex, general description, including height, weight, color of hair, and eyes, residence address, including county of residence, duration of residence in this state, and country of citizenship;                                                                  | 115096 |
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(b) Whether the applicant previously has been licensed as an operator, chauffeur, driver, commercial driver, or motorcycle operator and, if so, when, by what state, and whether such license is suspended or canceled at the present time and, if so, the date of and reason for the suspension or cancellation;

(c) Whether the applicant is now or ever has been afflicted with epilepsy, or whether the applicant now is suffering from any physical or mental disability or disease and, if so, the nature and extent of the disability or disease, giving the names and addresses of physicians then or previously in attendance upon the applicant;

(d) Whether an applicant for a duplicate driver's license, duplicate license containing a motorcycle operator endorsement, or duplicate license containing a motor-driven cycle or motor scooter endorsement has pending a citation for violation of any motor vehicle law or ordinance, a description of any such citation pending, and the date of the citation;

(e) ~~Whether~~ If an applicant has not certified the applicant's willingness to make an anatomical gift under section 2108.05 of the Revised Code, whether the applicant wishes to certify willingness to make such an anatomical gift ~~under section 2108.05 of the Revised Code~~, which shall be given no consideration in the issuance of a license or endorsement;

(f) Whether the applicant has executed a valid durable power of attorney for health care pursuant to sections 1337.11 to 1337.17 of the Revised Code or has executed a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment pursuant to sections 2133.01 to 2133.15 of the Revised Code and, if the applicant has executed either type of instrument, whether the applicant wishes the applicant's license to indicate that the applicant has executed the instrument;

(g) On and after October 7, 2009, whether the applicant is a 115133  
veteran, active duty, or reservist of the armed forces of the 115134  
United States and, if the applicant is such, whether the applicant 115135  
wishes the applicant's license to indicate that the applicant is a 115136  
veteran, active duty, or reservist of the armed forces of the 115137  
United States by a military designation on the license. 115138

(2) Every applicant for a driver's license shall be 115139  
photographed in color at the time the application for the license 115140  
is made. The application shall state any additional information 115141  
that the registrar requires. 115142

(B) The registrar or a deputy registrar, in accordance with 115143  
section 3503.11 of the Revised Code, shall register as an elector 115144  
any person who applies for a license or endorsement under division 115145  
(A) of this section, or for a renewal or duplicate of the license 115146  
or endorsement, if the applicant is eligible and wishes to be 115147  
registered as an elector. The decision of an applicant whether to 115148  
register as an elector shall be given no consideration in the 115149  
decision of whether to issue the applicant a license or 115150  
endorsement, or a renewal or duplicate. 115151

(C) The registrar or a deputy registrar, in accordance with 115152  
section 3503.11 of the Revised Code, shall offer the opportunity 115153  
of completing a notice of change of residence or change of name to 115154  
any applicant for a driver's license or endorsement under division 115155  
(A) of this section, or for a renewal or duplicate of the license 115156  
or endorsement, if the applicant is a registered elector who has 115157  
changed the applicant's residence or name and has not filed such a 115158  
notice. 115159

(D) In addition to any other information it contains, on and 115160  
after October 7, 2009, the approved form furnished by the 115161  
registrar of motor vehicles for an application for a license or 115162  
endorsement or an application for a duplicate of any such license 115163  
or endorsement shall inform applicants that the applicant must 115164

present a copy of the applicant's DD-214 or an equivalent document 115165  
in order to qualify to have the license or duplicate indicate that 115166  
the applicant is a veteran, active duty, or reservist of the armed 115167  
forces of the United States based on a request made pursuant to 115168  
division (A)(1)(g) of this section. 115169

**Section 110.31.** That the existing version of section 4507.06 115170  
of the Revised Code that is scheduled to take effect January 1, 115171  
2017, is hereby repealed. 115172

**Section 110.32.** Sections 110.30 and 110.31 of this act shall 115173  
take effect January 1, 2017. 115174

**Section 125.10.** (A) Sections 5168.01, 5168.02, 5168.03, 115175  
5168.04, 5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 115176  
5168.11, 5168.12, 5168.13, 5168.99, and 5168.991 of the Revised 115177  
Code are hereby repealed, effective October 16, 2015. 115178

(B) Any money remaining in the Legislative Budget Services 115179  
Fund on October 16, 2015, the date that section 5168.12 of the 115180  
Revised Code is repealed by division (A) of this section, shall be 115181  
used solely for the purposes stated in then former section 5168.12 115182  
of the Revised Code. When all money in the Legislative Budget 115183  
Services Fund has been spent after then former section 5168.12 of 115184  
the Revised Code is repealed under division (A) of this section, 115185  
the fund shall cease to exist. 115186

**Section 125.11.** Sections 5168.20, 5168.21, 5168.22, 5168.23, 115187  
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 115188  
Code are hereby repealed, effective October 1, 2015. 115189

**Section 125.11.10.** That Section 267.60.31 of Am. Sub. H.B. 115190  
153 of the 129th General Assembly is hereby repealed. 115191

**Section 125.12.** That Section 153 of Am. Sub. H.B. 117 of the 115192  
121st General Assembly, as most recently amended by Am. Sub. H.B. 115193  
153 of the 129th General Assembly, is hereby repealed. 115194

**Section 125.13.** That Section 125.10 of Am. Sub. H.B. 1 of the 115195  
128th General Assembly, as most recently amended by Am. Sub. H.B. 115196  
153 of the 129th General Assembly, is hereby repealed. 115197

**Section 201.10.** Except as otherwise provided in this act, all 115198  
appropriation items in this act are appropriated out of any moneys 115199  
in the state treasury to the credit of the designated fund that 115200  
are not otherwise appropriated. For all appropriations made in 115201  
this act, the amounts in the first column are for fiscal year 2014 115202  
and the amounts in the second column are for fiscal year 2015. 115203  
115204

**Section 203.10.** ACC ACCOUNTANCY BOARD OF OHIO 115205

General Services Fund Group 115206

|                                 |        |                    |    |           |    |           |        |
|---------------------------------|--------|--------------------|----|-----------|----|-----------|--------|
| 4J80                            | 889601 | CPA Education      | \$ | 325,000   | \$ | 325,000   | 115207 |
|                                 |        | Assistance         |    |           |    |           |        |
| 4K90                            | 889609 | Operating Expenses | \$ | 977,500   | \$ | 977,500   | 115208 |
| TOTAL GSF General Services Fund |        |                    |    |           |    |           | 115209 |
| Group                           |        |                    |    |           |    |           |        |
|                                 |        |                    | \$ | 1,302,500 | \$ | 1,302,500 | 115210 |
| TOTAL ALL BUDGET FUND GROUPS    |        |                    |    |           |    |           | 115211 |

**Section 205.10.** ADJ ADJUTANT GENERAL 115213

General Revenue Fund 115214

|     |        |                       |    |           |    |           |        |
|-----|--------|-----------------------|----|-----------|----|-----------|--------|
| GRF | 745401 | Ohio Military Reserve | \$ | 12,308    | \$ | 12,308    | 115215 |
| GRF | 745404 | Air National Guard    | \$ | 1,810,606 | \$ | 1,810,606 | 115216 |
| GRF | 745407 | National Guard        | \$ | 400,000   | \$ | 400,000   | 115217 |
|     |        | Benefits              |    |           |    |           |        |
| GRF | 745409 | Central               | \$ | 2,682,098 | \$ | 2,682,098 | 115218 |

|           |        |                                    |    |            |    |                   |
|-----------|--------|------------------------------------|----|------------|----|-------------------|
|           |        | Administration                     |    |            |    |                   |
| GRF       | 745499 | Army National Guard                | \$ | 3,689,871  | \$ | 3,689,871 115219  |
| TOTAL GRF |        | General Revenue Fund               | \$ | 8,594,883  | \$ | 8,594,883 115220  |
|           |        | General Services Fund Group        |    |            |    | 115221            |
| 5340      | 745612 | Property Operations                | \$ | 534,304    | \$ | 534,304 115222    |
|           |        | Management                         |    |            |    |                   |
| 5360      | 745605 | Marksmanship                       | \$ | 128,600    | \$ | 128,600 115223    |
|           |        | Activities                         |    |            |    |                   |
| 5360      | 745620 | Camp Perry and                     | \$ | 978,846    | \$ | 978,846 115224    |
|           |        | Buckeye Inn                        |    |            |    |                   |
|           |        | Operations                         |    |            |    |                   |
| 5370      | 745604 | Ohio National Guard                | \$ | 62,000     | \$ | 62,000 115225     |
|           |        | Facilities                         |    |            |    |                   |
|           |        | Maintenance                        |    |            |    |                   |
| TOTAL GSF |        | General Services Fund              | \$ | 1,703,750  | \$ | 1,703,750 115226  |
|           |        | Group                              |    |            |    |                   |
|           |        | Federal Special Revenue Fund Group |    |            |    | 115227            |
| 3410      | 745615 | Air National Guard                 | \$ | 2,919,000  | \$ | 2,919,000 115228  |
|           |        | Base Security                      |    |            |    |                   |
| 3420      | 745616 | Army National Guard                | \$ | 15,063,000 | \$ | 15,063,000 115229 |
|           |        | Service Agreement                  |    |            |    |                   |
| 3E80      | 745628 | Air National Guard                 | \$ | 16,850,000 | \$ | 16,850,000 115230 |
|           |        | Operations and                     |    |            |    |                   |
|           |        | Maintenance                        |    |            |    |                   |
| 3R80      | 745603 | Counter Drug                       | \$ | 15,000     | \$ | 15,000 115231     |
|           |        | Operations                         |    |            |    |                   |
| TOTAL FED |        | Federal Special Revenue            | \$ | 34,847,000 | \$ | 34,847,000 115232 |
|           |        | Fund Group                         |    |            |    |                   |
|           |        | State Special Revenue Fund Group   |    |            |    | 115233            |
| 5U80      | 745613 | Community Match                    | \$ | 350,000    | \$ | 350,000 115234    |
|           |        | Armories                           |    |            |    |                   |
| TOTAL SSR |        | State Special Revenue              | \$ | 350,000    | \$ | 350,000 115235    |

Fund Group

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |               |               |                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|---------------|------------------------------------------------------------------------------|
| TOTAL ALL BUDGET FUND GROUPS                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | \$ 45,495,633 | \$ 45,495,633 | 115236                                                                       |
| NATIONAL GUARD BENEFITS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |               |               | 115237                                                                       |
| The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the associated programs.                                                                                                                                                                                                                                                                                              |               |               | 115238<br>115239<br>115240<br>115241                                         |
| If necessary, in order to pay benefits in a timely manner pursuant to sections 5919.31 and 5919.33 of the Revised Code, the Adjutant General may request the Director of Budget and Management transfer appropriation from any appropriation item used by the Adjutant General to appropriation item 745407, National Guard Benefits. The Adjutant General may subsequently seek Controlling Board approval to restore the appropriation in the appropriation item from which such a transfer was made. |               |               | 115242<br>115243<br>115244<br>115245<br>115246<br>115247<br>115248<br>115249 |
| For active duty members of the Ohio National Guard who died after October 7, 2001, while performing active duty, the death benefit, pursuant to section 5919.33 of the Revised Code, shall be paid to the beneficiary or beneficiaries designated on the member's Servicemembers' Group Life Insurance Policy.                                                                                                                                                                                          |               |               | 115250<br>115251<br>115252<br>115253<br>115254                               |
| STATE ACTIVE DUTY COSTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |               |               | 115255                                                                       |
| Of the foregoing appropriation item 745409, Central Administration, \$50,000 in each fiscal year shall be used for the purpose of paying expenses related to state active duty of members of the Ohio organized militia, in accordance with a proclamation of the Governor. Expenses include, but are not limited to, the cost of equipment, supplies, and services, as determined by the Adjutant General's Department.                                                                                |               |               | 115256<br>115257<br>115258<br>115259<br>115260<br>115261<br>115262           |
| <b>Section 207.10.</b> DAS DEPARTMENT OF ADMINISTRATIVE SERVICES                                                                                                                                                                                                                                                                                                                                                                                                                                        |               |               | 115263                                                                       |
| General Revenue Fund                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |               |               | 115264                                                                       |



|           |        |                                                     |    |             |    |             |        |
|-----------|--------|-----------------------------------------------------|----|-------------|----|-------------|--------|
| GRF       | 100403 | Public Employees<br>Health Care Program             | \$ | 309,600     | \$ | 309,600     | 115265 |
| GRF       | 100414 | MARCS Lease Rental<br>Payments                      | \$ | 5,133,700   | \$ | 5,135,800   | 115266 |
| GRF       | 100415 | OAKS Lease Rental<br>Payments                       | \$ | 22,998,500  | \$ | 22,982,500  | 115267 |
| GRF       | 100416 | STARS Lease Rental<br>Payments                      | \$ | 4,976,500   | \$ | 4,973,200   | 115268 |
| GRF       | 100447 | Administrative<br>Building Lease Rental<br>Payments | \$ | 85,847,800  | \$ | 91,059,600  | 115269 |
| GRF       | 100448 | Office Building<br>Operating Payments               | \$ | 20,000,000  | \$ | 20,000,000  | 115270 |
| GRF       | 100449 | DAS - Building<br>Operating Payments                | \$ | 7,551,571   | \$ | 7,551,571   | 115271 |
| GRF       | 100452 | Lean Ohio                                           | \$ | 1,059,624   | \$ | 1,059,624   | 115272 |
| GRF       | 100456 | State IT Services                                   | \$ | 1,739,038   | \$ | 1,739,038   | 115273 |
| GRF       | 100457 | Equal Opportunity<br>Services                       | \$ | 1,910,516   | \$ | 1,910,516   | 115274 |
| GRF       | 100459 | Ohio Business Gateway                               | \$ | 4,049,094   | \$ | 4,049,094   | 115275 |
| GRF       | 100460 | Local Government<br>Information Exchange<br>Grants  | \$ | 2,500,000   | \$ | 0           | 115276 |
| GRF       | 130321 | State Agency Support<br>Services                    | \$ | 2,477,008   | \$ | 2,477,008   | 115277 |
| TOTAL GRF |        | General Revenue Fund                                | \$ | 160,552,951 | \$ | 163,247,551 | 115278 |
|           |        | General Services Fund Group                         |    |             |    |             | 115279 |
| 1120      | 100616 | DAS Administration                                  | \$ | 6,127,659   | \$ | 6,147,659   | 115280 |
| 1150      | 100632 | Central Service Agency                              | \$ | 911,580     | \$ | 927,699     | 115281 |
| 1170      | 100644 | General Services<br>Division - Operating            | \$ | 12,993,870  | \$ | 12,993,870  | 115282 |
| 1220      | 100637 | Fleet Management                                    | \$ | 4,200,000   | \$ | 4,200,000   | 115283 |
| 1250      | 100622 | Human Resources                                     | \$ | 16,649,839  | \$ | 16,649,839  | 115284 |

|      |        |                                       |    |            |    |                   |
|------|--------|---------------------------------------|----|------------|----|-------------------|
|      |        | Division - Operating                  |    |            |    |                   |
| 1250 | 100657 | Benefits Communication                | \$ | 712,316    | \$ | 712,316 115285    |
| 1280 | 100620 | Office of Collective Bargaining       | \$ | 3,329,507  | \$ | 3,329,507 115286  |
| 1300 | 100606 | Risk Management Reserve               | \$ | 6,635,784  | \$ | 6,635,784 115287  |
| 1320 | 100631 | DAS Building Management               | \$ | 19,743,170 | \$ | 19,743,170 115288 |
| 1330 | 100607 | IT Services Delivery                  | \$ | 57,521,975 | \$ | 57,521,975 115289 |
| 1880 | 100649 | Equal Opportunity                     | \$ | 863,013    | \$ | 863,013 115290    |
|      |        | Division - Operating                  |    |            |    |                   |
| 2100 | 100612 | State Printing                        | \$ | 20,459,526 | \$ | 20,459,526 115291 |
| 2290 | 100630 | IT Governance                         | \$ | 16,446,474 | \$ | 16,446,474 115292 |
| 2290 | 100640 | Leveraged Enterprise Purchases        | \$ | 7,065,639  | \$ | 7,065,639 115293  |
| 4270 | 100602 | Investment Recovery                   | \$ | 3,885,000  | \$ | 2,900,000 115294  |
| 4N60 | 100617 | Major IT Purchases                    | \$ | 56,888,635 | \$ | 56,888,635 115295 |
| 4P30 | 100603 | DAS Information Services              | \$ | 6,400,070  | \$ | 6,400,070 115296  |
| 5C20 | 100605 | MARCS Administration                  | \$ | 14,292,596 | \$ | 14,512,028 115297 |
| 5C30 | 100608 | Minor Construction Project Management | \$ | 204,375    | \$ | 204,375 115298    |
| 5EB0 | 100635 | OAKS Support Organization             | \$ | 25,813,077 | \$ | 19,813,077 115299 |
| 5EB0 | 100656 | OAKS Updates and Developments         | \$ | 9,886,923  | \$ | 2,636,923 115300  |
| 5HU0 | 100655 | Construction Reform Demo Compliance   | \$ | 150,000    | \$ | 150,000 115301    |
| 5KZ0 | 100659 | Building Improvement                  | \$ | 500,000    | \$ | 500,000 115302    |
| 5L70 | 100610 | Professional Development              | \$ | 2,100,000  | \$ | 2,100,000 115303  |
| 5LA0 | 100660 | Building Operation                    | \$ | 27,000,767 | \$ | 27,214,648 115304 |
| 5LJ0 | 100661 | IT Development                        | \$ | 13,200,000 | \$ | 13,200,000 115305 |

|                                    |                                     |    |             |    |             |        |
|------------------------------------|-------------------------------------|----|-------------|----|-------------|--------|
| 5V60 100619                        | Employee Educational<br>Development | \$ | 800,000     | \$ | 800,000     | 115306 |
| TOTAL GSF General Services Fund    |                                     |    |             |    |             | 115307 |
| Group                              |                                     | \$ | 334,781,795 | \$ | 321,016,227 | 115308 |
| Federal Special Revenue Fund Group |                                     |    |             |    |             | 115309 |
| 3AJ0 100654                        | ARRA Broadband Mapping<br>Grant     | \$ | 1,723,009   | \$ | 1,723,009   | 115310 |
| TOTAL FED Federal Special Revenue  |                                     |    |             |    |             | 115311 |
| Fund Group                         |                                     | \$ | 1,723,009   | \$ | 1,723,009   | 115312 |
| State Special Revenue Fund Group   |                                     |    |             |    |             | 115313 |
| 5JQ0 100658                        | Professionals<br>Licensing System   | \$ | 3,028,366   | \$ | 990,000     | 115314 |
| 5MV0 100662                        | Theatre Equipment<br>Maintenance    | \$ | 80,891      | \$ | 80,891      | 115315 |
| TOTAL SSR State Special Revenue    |                                     |    |             |    |             | 115316 |
| Fund Group                         |                                     | \$ | 3,109,257   | \$ | 1,070,891   | 115317 |
| TOTAL ALL BUDGET FUND GROUPS       |                                     |    |             |    |             | 115318 |

**Section 207.20. OAKS LEASE RENTAL PAYMENTS** 115320

The foregoing appropriation item 100415, OAKS Lease Rental 115321  
Payments, shall be used for payments at the times they are 115322  
required to be made for the period from July 1, 2013, through June 115323  
30, 2015, pursuant to leases and agreements entered into under 115324  
Chapter 125. of the Revised Code, as supplemented by Section 115325  
281.10 of Am. Sub. H.B. 562 of the 127th General Assembly and 115326  
other prior acts of the General Assembly, with respect to 115327  
financing the costs associated with the acquisition, development, 115328  
installation, and implementation of the Ohio Administrative 115329  
Knowledge System. If it is determined that additional 115330  
appropriations are necessary for this purpose, the amounts are 115331  
hereby appropriated. 115332

**Section 207.30. STARS LEASE RENTAL PAYMENTS** 115333

The foregoing appropriation item 100416, STARS Lease Rental 115334  
Payments, shall be used for payments at the times they are 115335  
required to be made for the period from July 1, 2013, through June 115336  
30, 2015, pursuant to leases and agreements entered into under 115337  
Chapter 125. of the Revised Code, as supplemented by Section 115338  
207.10.30 of Am. Sub. H.B. 1 of the 128th General Assembly and 115339  
other prior acts of the General Assembly, with respect to 115340  
financing the cost for the acquisition, development, installation, 115341  
and implementation of the State Taxation Accounting and Revenue 115342  
System (STARS). If it is determined that additional appropriations 115343  
are necessary for this purpose, the amounts are appropriated. 115344

The State Taxation Accounting and Revenue System (STARS) is 115345  
an integrated tax collection and audit system that will replace 115346  
all of the state's existing separate tax software and 115347  
administration systems for the various taxes collected by the 115348  
state. The Department of Administrative Services, in conjunction 115349  
with the Department of Taxation, may acquire STARS, including, but 115350  
not limited to, the application hardware and software and 115351  
installation and implementation thereof, for the use of the 115352  
Department of Taxation. Any lease-purchase agreement used under 115353  
Chapter 125. of the Revised Code to acquire STARS, including any 115354  
fractionalized interests as defined in division (N) of section 115355  
133.01 of the Revised Code in the lease payments under that 115356  
agreement, shall provide at the end of the lease period that the 115357  
financed asset becomes the property of the state. The principal 115358  
amount of any new such financing is limited, excluding the 115359  
principal amounts of any lease-purchase financing heretofore 115360  
completed for STARS, to the amount of \$20,000,000. 115361

**Section 207.40. MARCS LEASE RENTAL PAYMENTS** 115362

The foregoing appropriation item 100414, MARCS Lease Rental Payments, shall be used for payments at the times they are required to be made for the period from July 1, 2013, through June 30, 2015, pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.20 of Sub. H.B. 482 of the 129th General Assembly, with respect to financing the cost for the acquisition, development, installation, and implementation of the Multi-Agency Radio Communication System (MARCS) upgrade. If it is determined that additional appropriations are necessary for this purpose, the amounts are hereby appropriated.

**Section 207.50. MULTI-AGENCY RADIO COMMUNICATION SYSTEM UPGRADE**

The Multi-Agency Radio Communications System (MARCS) is a statewide computer and communications network designed to provide instant voice and data communication and supply a communications backbone to public safety and emergency management. The Department of Administrative Services may update or add functionality to MARCS to upgrade the existing system to a 700/800 megahertz voice and data system specifically designed to support interoperable communications for public safety law enforcement and first responders. The improvements may include, but are not limited to, hardware and software and the installation and implementation thereof. Any lease-purchase agreement utilized under Chapter 125. of the Revised Code to acquire MARCS and the enhancements described above, including any fractionalized interest as defined in division (N) of section 133.01 of the Revised Code in the lease payments under that agreement, shall provide at the end of the lease period that the financed asset becomes the property of the state. The principal amount of any new such financing is limited, in addition to the principal amounts of lease-purchase financing heretofore completed for MARCS, to the amount of \$27,000,000.

**Section 207.60.** ADMINISTRATIVE BUILDING LEASE RENTAL PAYMENTS 115395

The foregoing appropriation item 100447, Administrative 115396  
Building Lease Rental Payments, shall be used to meet all payments 115397  
at the times they are required to be made during the period from 115398  
July 1, 2013, through June 30, 2015, by the Department of 115399  
Administrative Services pursuant to leases and agreements under 115400  
Chapters 152. and 154. of the Revised Code. These appropriations 115401  
are the source of funds pledged for bond service charges on 115402  
related obligations issued under Chapters 152. and 154. of the 115403  
Revised Code. 115404

The foregoing appropriation item 100448, Office Building 115405  
Operating Payments, shall be used to pay the expenses of vacant 115406  
space, space undergoing renovation, agencies funded by the General 115407  
Revenue Fund, and the rent expenses of tenants that have been 115408  
relocated because of building renovations that occupy space in the 115409  
James A. Rhodes State Office Tower, the Vern Riffe Center for 115410  
Government and the Arts, the Frank J. Lausche State Office 115411  
Building, the Michael V. DiSalle Government Center, and the Oliver 115412  
R. Ocasek Government Office Building. 115413

At least once per year, the portion of appropriation item 115414  
100448, Office Building Operating Payments, that is not used for 115415  
expenses of agencies funded by the General Revenue Fund, vacant 115416  
space, space undergoing renovation, and the rent expenses of 115417  
tenants that are relocated because of building renovations shall 115418  
be processed by the Department of Administrative Services through 115419  
intrastate voucher and placed in the Building Improvements Fund 115420  
(Fund 5KZ0). 115421

**Section 207.70.** DAS - BUILDING OPERATING PAYMENTS 115422

The foregoing appropriation item 100449, DAS - Building 115423  
Operating Payments, shall be used to pay the rent expenses of 115424

veterans organizations pursuant to section 123.024 of the Revised Code in fiscal years 2014 and 2015.

The foregoing appropriation item, 100449, DAS - Building Operating Payments, also may be used to provide funding for the cost of property appraisals or building studies that the Department of Administrative Services may be required to obtain for property that is being sold by the state or property under consideration to be renovated or purchased by the state.

Notwithstanding section 125.28 of the Revised Code, the remaining portion of the appropriation may be used to pay the operating expenses of state facilities maintained by the Department of Administrative Services that are not billed to building tenants, or other costs associated with the Voinovich Center in Youngstown, Ohio. These expenses may include, but are not limited to, the costs for vacant space and space undergoing renovation, and the rent expenses of tenants that are relocated because of building renovations. These payments may be processed by the Department of Administrative Services through intrastate transfer vouchers and placed in the Building Management Fund (Fund 1320) or the Information Technology Services Fund (Fund 1330).

CASH TRANSFER FROM THE WORKFORCE DEVELOPMENT FUND TO THE HUMAN RESOURCES SERVICES FUND

Upon request of the Director of Administrative Services, during the FY 2014 - FY 2015 biennium, the Director of Budget and Management shall transfer up to \$975,000 from the Workforce Development Fund (Fund 5D70) to the Human Resources Services Fund (Fund 1250) to support one-time human resources administration activities for state agencies.

**Section 207.73. LOCAL GOVERNMENT INFORMATION GRANTS**

Of the foregoing appropriation item 100460, Local Government

Information Exchange Grants, up to \$100,000 in fiscal year 2014 115455  
shall be used by the Director of Administrative Services for 115456  
administration and maintenance of the Ohio Local Government 115457  
Information Exchange Grant Program and for administration of Local 115458  
Government Information Exchange grants. The remainder of the 115459  
foregoing appropriation item 100460, Local Government Information 115460  
Exchange Grants, shall be used by the Director of Administrative 115461  
Services to disburse grant awards to eligible local governments 115462  
under section 149.60 of the Revised Code. 115463

On July 1, 2014, or as soon as possible thereafter, the Chief 115464  
Information Officer may request that the Director of Budget and 115465  
Management approve the reappropriation of the unexpended, 115466  
unencumbered balance at the end of fiscal year 2014 of the 115467  
foregoing appropriation item 100460, Local Government Information 115468  
Exchange Grants, for fiscal year 2015. The Director of Budget and 115469  
Management may request additional information necessary for 115470  
evaluating the request, and the Director of Administrative 115471  
Services shall provide the requested information to the Director 115472  
of Budget and Management. Based on the information provided by the 115473  
Director of Administrative Services, the Director of Budget and 115474  
Management shall determine the amounts to be reappropriated, and 115475  
those amounts are hereby reappropriated for fiscal year 2015. 115476

**Section 207.80. CENTRAL SERVICE AGENCY FUND** 115477

Appropriation item 100632, Central Service Agency, shall be 115478  
used to purchase the equipment, products, and services that are 115479  
needed to maintain existing automated applications for the 115480  
professional licensing boards and the Casino Control Commission to 115481  
support board licensing functions in fiscal years 2014 and 2015 115482  
until these functions are replaced by the Ohio Professionals 115483  
Licensing System. The Department of Administrative Services shall 115484  
establish charges for recovering the costs of carrying out these 115485



functions. The charges shall be billed to the professional 115486  
licensing boards and the Casino Control Commission, and deposited 115487  
via intrastate transfer vouchers to the credit of the Central 115488  
Service Agency Fund (Fund 1150). 115489

Upon implementation of the replacement Ohio Professionals 115490  
Licensing System and the decommissioning of the existing automated 115491  
applications, the Director of Budget and Management may transfer 115492  
any cash balances that remain in the Central Service Agency Fund 115493  
(Fund 1150) and that are attributable to the operation of the 115494  
existing automated applications to the Professions Licensing 115495  
System Fund (Fund 5JQ0). 115496

**Section 207.90. GENERAL SERVICE CHARGES** 115497

The Department of Administrative Services, with the approval 115498  
of the Director of Budget and Management, shall establish charges 115499  
for recovering the costs of administering the programs funded by 115500  
the General Services Fund (Fund 1170) and the State Printing Fund 115501  
(Fund 2100). Such charges within Fund 1170 may be used to recover 115502  
the cost of paying a vendor to establish reduced pricing for 115503  
contracted supplies or services. 115504

If the Director of Administrative Services determines that 115505  
additional amounts are necessary to pay for consulting and 115506  
administrative costs related to securing lower pricing, the 115507  
Director of Administrative Services may request that the Director 115508  
of Budget and Management approve additional expenditures. Such 115509  
approved additional amounts are appropriated to appropriation item 115510  
100644, General Services Division-Operating. 115511

**Section 207.100. COLLECTIVE BARGAINING ARBITRATION EXPENSES** 115512

With approval of the Director of Budget and Management, the 115513  
Department of Administrative Services may seek reimbursement from 115514  
state agencies for the actual costs and expenses the Department 115515

incurs in the collective bargaining arbitration process. The 115516  
reimbursements shall be processed through intrastate transfer 115517  
vouchers and credited to the Collective Bargaining Fund (Fund 115518  
1280). 115519

**Section 207.110. EQUAL OPPORTUNITY PROGRAM** 115520

The Department of Administrative Services, with the approval 115521  
of the Director of Budget and Management, shall establish charges 115522  
for recovering the costs of administering the activities supported 115523  
by the State EEO Fund (Fund 1880). These charges shall be 115524  
deposited to the credit of the State EEO Fund (Fund 1880) upon 115525  
payment made by state agencies, state-supported or state-assisted 115526  
institutions of higher education, and tax-supported agencies, 115527  
municipal corporations, and other political subdivisions of the 115528  
state, for services rendered. 115529

**Section 207.113. LEVERAGED ENTERPRISE PURCHASES** 115530

The foregoing appropriation item 100640, Leveraged Enterprise 115531  
Purchases, shall be used by the Department of Administrative 115532  
Services to make information technology purchases for the benefit 115533  
of one or more government entities as authorized under division 115534  
(G) of section 125.18 of the Revised Code. If the Director of 115535  
Administrative Services determines that additional amounts are 115536  
necessary to pay for pass-through information technology purchases 115537  
that will be billed to one or more state agencies, the Director of 115538  
Administrative Services shall seek Controlling Board approval for 115539  
an increase in appropriation to make the requested purchases. 115540

**Section 207.120. INVESTMENT RECOVERY FUND** 115541

Notwithstanding division (B) of section 125.14 of the Revised 115542  
Code, cash balances in the Investment Recovery Fund (Fund 4270) 115543  
may be used to support the operating expenses of the Federal 115544

Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code. 115545  
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Of the foregoing appropriation item 100602, Investment Recovery, up to \$1,618,062 in fiscal year 2014 and up to \$1,638,515 in fiscal year 2015 may be used to pay the operating expenses of the State Surplus Property Program and the Surplus Federal Property Program, under Chapter 125. of the Revised Code and this section. If additional appropriations are necessary for the operations of these programs, the Director of Administrative Services shall seek increased appropriations from the Controlling Board under section 131.35 of the Revised Code. 115547  
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Of the foregoing appropriation item 100602, Investment Recovery, up to \$2,266,938 in fiscal year 2014 and up to \$1,261,485 in fiscal year 2015 shall be used to transfer proceeds from the sale of surplus property from the Investment Recovery Fund to non-General Revenue Funds under division (A)(2) of section 125.14 of the Revised Code. If it is determined by the Director of Administrative Services that additional amounts are necessary for the transfer of such sale proceeds, the Director of Administrative Services may request the Director of Budget and Management to authorize additional amounts. Such authorized additional amounts are hereby appropriated. 115556  
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**Section 207.130. MAJOR IT PURCHASES CHARGES** 115567

The Department of Administrative Services may bill agencies for actual expenditures made for major IT purchases if those expenditures are not recovered as part of the information technology services rates the Department charges and deposits into the Information Technology Fund (Fund 1330) created in section 125.15 of the Revised Code. These charges shall be deposited to the credit of the Major IT Purchases Fund (Fund 4N60). 115568  
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**Section 207.140.** DAS INFORMATION SERVICES 115575

There is hereby established in the State Treasury the DAS 115576  
Information Services Fund. The foregoing appropriation item 115577  
100603, DAS Information Services, shall be used to pay the costs 115578  
of providing information systems and services in the Department of 115579  
Administrative Services. Any state agency, board, or commission 115580  
may use DAS Information Services by paying for the services 115581  
rendered. 115582

The Department of Administrative Services shall establish 115583  
user charges for all information systems and services that are 115584  
allowable in the statewide indirect cost allocation plan submitted 115585  
annually to the United States Department of Health and Human 115586  
Services. These charges shall comply with federal regulations and 115587  
shall be deposited to the credit of the DAS Information Services 115588  
Fund (Fund 4P30). 115589

**Section 207.150.** CASH TRANSFER FROM THE MARCS ADMINISTRATION 115590  
FUND TO GRF 115591

Upon the request of the Director of Administrative Services, 115592  
the Director of Budget and Management may transfer unobligated 115593  
cash in the MARCS Administration Fund (Fund 5C20) to the General 115594  
Revenue Fund to reimburse the General Revenue Fund for lease 115595  
rental payments made on behalf of the MARCS upgrade. 115596

**Section 207.160.** PROFESSIONS LICENSING SYSTEM 115597

There is hereby created in the state treasury the Professions 115598  
Licensing System Fund (Fund 5JQ0). Appropriation item 100658, Ohio 115599  
Professionals Licensing System, shall be used to make payments 115600  
from the fund. The fund shall be used to purchase the equipment, 115601  
products, and services necessary to develop and maintain a 115602  
replacement automated licensing system for the professional 115603

licensing boards. The Director of Budget and Management may 115604  
transfer up to a total of \$990,000 in cash from the Occupational 115605  
Licensing and Regulatory Fund (4K90), the State Medical Board 115606  
Operating Fund (Fund 5C60), and the Casino Control Commission - 115607  
Operating Fund (Fund 5HS0) to the Professions Licensing System 115608  
Fund during the FY 2014 - FY 2015 biennium. These transfers shall 115609  
be in proportion to the number of current licensees issued by the 115610  
professional licensing boards and current and anticipated licenses 115611  
in the case of the Casino Control Commission. The purpose of these 115612  
cash transfers is to fund the initial acquisition and development 115613  
of the system. Any cash balances not expended in fiscal year 2014 115614  
are hereby reappropriated in fiscal year 2015. 115615

Effective with the implementation of the replacement 115616  
licensing system, the Department of Administrative Services shall 115617  
establish charges for recovering the costs of ongoing maintenance 115618  
of the system. The charges shall be billed to the professional 115619  
licensing boards and the Casino Control Commission, and deposited 115620  
via intrastate transfer vouchers to the credit of the Professions 115621  
Licensing System Fund. 115622

**Section 207.170. BUILDING IMPROVEMENT FUND** 115623

The foregoing appropriation item 100659, Building 115624  
Improvement, shall be used to make payments from the Building 115625  
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 115626  
required in the James A. Rhodes State Office Tower, the Vern Riffe 115627  
Center for Government and the Arts, the Frank J. Lausche State 115628  
Office Building, the Michael V. DiSalle Government Center, and the 115629  
Oliver R. Ocasek Government Office. The Department of 115630  
Administrative Services shall conduct or contract for regular 115631  
assessments of these buildings and shall maintain a cash balance 115632  
in the Building Improvement Fund equal to the cost of the repairs 115633  
and improvements that are recommended to occur within the next 115634

five years, with the following exception described below. 115635

Upon request of the Director of Administrative Services, the 115636  
Director of Budget and Management may permit a cash transfer from 115637  
the Building Improvement Fund (Fund 5KZ0) to the Building 115638  
Operating Fund (Fund 5LA0) to pay costs of operating and 115639  
maintaining the James A. Rhodes State Office Tower, the Vern Riffe 115640  
Center for Government and the Arts, the Frank J. Lausche State 115641  
Office Building, the Michael V. DiSalle Government Center, and the 115642  
Oliver R. Ocasek Government Office that are not charged to tenants 115643  
during the same fiscal year. 115644

Should the cash balance in the Building Operating Fund (Fund 115645  
5LA0) be determined to be sufficient, the Director of 115646  
Administrative Services may request that the Director of Budget 115647  
and Management transfer cash from the Building Operating Fund 115648  
(Fund 5LA0) to the Building Improvement Fund (Fund 5KZ0) in an 115649  
amount equal to the initial cash transfer made under this section 115650  
plus applicable interest. 115651

**Section 207.180. PROFESSIONAL DEVELOPMENT FUND** 115652

The foregoing appropriation item 100610, Professional 115653  
Development, shall be used to make payments from the Professional 115654  
Development Fund (Fund 5L70) under section 124.182 of the Revised 115655  
Code. If it is determined by the Director of Administrative 115656  
Services that additional amounts are necessary, the Director of 115657  
Administrative Services may request that the Director of Budget 115658  
and Management approve additional amounts. Such approved 115659  
additional amounts are hereby appropriated. 115660

**Section 207.190. BUILDING OPERATING FUND** 115661

The foregoing appropriation item 100660, Building Operation, 115662  
shall be used to make payments from the Building Operating Fund 115663  
(Fund 5LA0) to pay costs of operating and maintaining the James A. 115664

Rhodes State Office Tower, the Vern Riffe Center for Government 115665  
and the Arts, the Frank J. Lausche State Office Building, the 115666  
Michael V. DiSalle Government Center, and the Oliver R. Ocasek 115667  
Government Office. 115668

The Department of Administrative Services, with the approval 115669  
of the Director of Budget and Management, shall establish charges 115670  
to be reimbursed for the cost of operating these buildings. These 115671  
charges shall include the cost of applicable depreciation on the 115672  
buildings and the resulting revenue shall be deposited in the 115673  
Building Operating Fund (Fund 5LA0). 115674

**Section 207.200. INFORMATION TECHNOLOGY DEVELOPMENT** 115675

The foregoing appropriation item 100661, IT Development, 115676  
shall be used by the Department of Administrative Services to pay 115677  
the costs of modernizing the state's information technology 115678  
management and investment practices away from a limited, 115679  
agency-specific focus in favor of a statewide methodology 115680  
supporting development of enterprise solutions. 115681

The Department of Administrative Services, with the approval 115682  
of the Director of Budget and Management, may charge state 115683  
agencies an information technology development assessment based on 115684  
state agencies' information technology expenditures or other 115685  
methodology. The revenue from this assessment shall be deposited 115686  
in the Information Technology Development Fund (Fund 5LJ0), which 115687  
is hereby created. 115688

**Section 207.210. EMPLOYEE EDUCATIONAL DEVELOPMENT** 115689

The foregoing appropriation item 100619, Employee Educational 115690  
Development, shall be used to make payments from the Employee 115691  
Educational Development Fund (Fund 5V60) under section 124.86 of 115692  
the Revised Code. The fund shall be used to pay the costs of 115693  
administering educational programs under existing collective 115694

bargaining agreements with District 1199, the Health Care and 115695  
Social Service Union; State Council of Professional Educators; 115696  
Ohio Education Association and National Education Association; the 115697  
Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio 115698  
State Troopers Association, Units 1 and 15. 115699

If it is determined by the Director of Administrative 115700  
Services that additional amounts are necessary, the Director of 115701  
Administrative Services may request that the Director of Budget 115702  
and Management approve additional amounts. Such approved 115703  
additional amounts are hereby appropriated. 115704

**Section 207.220. CASH TRANSFERS TO THE MAJOR IT PURCHASES** 115705  
FUND 115706

Upon request of the Director of Administrative Services, the 115707  
Director of Budget and Management may transfer up to \$4,000,000 115708  
from the OAKS Support Organization Fund (Fund 5EB0) to the Major 115709  
IT Purchases Fund (Fund 4N60). This amount represents cash 115710  
transferred from Fund 4N60 during fiscal year 2010 pursuant to 115711  
Section 207.30.80 of Am. Sub. H.B. 1 of the 128th General 115712  
Assembly. Any portion of appropriation item 100617, Major IT 115713  
Purchases, that is unencumbered and unexpended at the end of 115714  
fiscal year 2014 is hereby reappropriated for fiscal year 2015. 115715

**Section 207.230. MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT** 115716  
SERVICE PAYMENTS 115717

The Director of Administrative Services, in consultation with 115718  
the Multi-Agency Radio Communication System (MARCS) Steering 115719  
Committee and the Director of Budget and Management, shall 115720  
determine the share of debt service payments attributable to 115721  
spending for MARCS components that are not specific to any one 115722  
agency and that shall be charged to agencies supported by the 115723  
motor fuel tax. Such share of debt service payments shall be 115724



calculated for MARCS capital disbursements made beginning July 1, 115725  
1997. Within thirty days of any payment made from appropriation 115726  
item 100447, Administrative Building Lease Payments, the Director 115727  
of Administrative Services shall certify to the Director of Budget 115728  
and Management the amount of this share. The Director of Budget 115729  
and Management shall transfer such amounts to the General Revenue 115730  
Fund from the State Highway Safety Fund (Fund 7036) established in 115731  
section 4501.06 of the Revised Code. 115732

The Director of Administrative Services shall consider 115733  
renting or leasing existing tower sites at reasonable or current 115734  
market rates, so long as these existing sites are equipped with 115735  
the technical capabilities to support the MARCS project. 115736

**Section 207.240. ENTERPRISE IT STRATEGY IMPLEMENTATION** 115737

The Director of Administrative Services shall determine and 115738  
implement strategies that benefit the enterprise by improving 115739  
efficiency, reducing costs or enhancing capacity of information 115740  
technology (IT) services. Such improvements and efficiencies may 115741  
result in the consolidation and transfer of such services. As 115742  
determined to be necessary for successful implementation of this 115743  
section and notwithstanding any provision of law to the contrary, 115744  
the Director of Administrative Services may request the Director 115745  
of Budget and Management to consolidate or transfer IT-specific 115746  
budget authority between agencies as necessary to implement 115747  
enterprise IT cost containment strategies and related 115748  
efficiencies. Once the Director of Budget and Management is 115749  
satisfied that the proposed initiative is cost advantageous to the 115750  
enterprise, the Director of Budget and Management may transfer 115751  
appropriations, funds and cash as needed to implement the proposed 115752  
initiative. The establishment of any new fund or total increased 115753  
appropriation as a result of this section will be subject to 115754  
approval by the Controlling Board. 115755

The Director of Budget and Management and the Director of Administrative Services may transfer any employees, assets, and liabilities, including, but not limited to, records, contracts, and agreements in order to facilitate the improvements determined in accordance with this section.

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**Section 209.10. AGE DEPARTMENT OF AGING**

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General Revenue Fund

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GRF 490321 Operating Expenses \$ 1,487,418 \$ 1,487,418 115763

GRF 490410 Long-Term Care \$ 477,448 \$ 477,448 115764

Ombudsman

GRF 490411 Senior Community \$ 7,060,844 \$ 7,060,844 115765

Services

GRF 490414 Alzheimer's Respite \$ 1,895,245 \$ 1,895,245 115766

GRF 490506 National Senior \$ 241,413 \$ 241,413 115767

Service Corps

GRF 656423 Long-Term Care \$ 3,385,057 \$ 3,385,057 115768

Program Support -

State

TOTAL GRF General Revenue Fund \$ 14,547,425 \$ 14,547,425 115769

General Services Fund Group

115770

4800 490606 Senior Community \$ 372,523 \$ 372,523 115771

Outreach and

Education

TOTAL GSF General Services Fund 115772

Group \$ 372,523 \$ 372,523 115773

Federal Special Revenue Fund Group

115774

3220 490618 Federal Aging Grants \$ 12,000,000 \$ 12,000,000 115775

3C40 656623 Long-Term Care \$ 3,385,057 \$ 3,385,057 115776

Program Support -

Federal

3M40 490612 Federal Independence \$ 58,655,080 \$ 58,655,080 115777

Services

|                                                             |    |            |               |        |
|-------------------------------------------------------------|----|------------|---------------|--------|
| TOTAL FED Federal Special Revenue                           |    |            |               | 115778 |
| Fund Group                                                  | \$ | 74,040,137 | \$ 74,040,137 | 115779 |
| State Special Revenue Fund Group                            |    |            |               | 115780 |
| 4C40 490609 Regional Long-Term<br>Care Ombudsman<br>Program | \$ | 935,000    | \$ 935,000    | 115781 |
| 5BA0 490620 Ombudsman Support                               | \$ | 1,250,000  | \$ 1,250,000  | 115782 |
| 5K90 490613 Long-Term Care<br>Consumers Guide               | \$ | 1,059,400  | \$ 1,059,400  | 115783 |
| 5MT0 490627 Board of Executives<br>of LTSS                  | \$ | 600,000    | \$ 600,000    | 115784 |
| 5W10 490616 Resident Services<br>Coordinator Program        | \$ | 344,700    | \$ 344,700    | 115785 |
| TOTAL SSR State Special Revenue                             |    |            |               | 115786 |
| Fund Group                                                  | \$ | 4,189,100  | \$ 4,189,100  | 115787 |
| TOTAL ALL BUDGET FUND GROUPS                                | \$ | 93,149,185 | \$ 93,149,185 | 115788 |

**Section 209.20. LONG-TERM CARE** 115790

Pursuant to an interagency agreement, the Department of 115791  
Medicaid may designate the Department of Aging to perform 115792  
assessments under section 5165.04 of the Revised Code. The 115793  
Department of Aging shall provide long-term care consultations 115794  
under section 173.42 of the Revised Code to assist individuals in 115795  
planning for their long-term health care needs. 115796

The Department of Aging shall administer the Medicaid 115797  
waiver-funded PASSPORT Home Care Program, the Choices Program, the 115798  
Assisted Living Program, and PACE as delegated by the Department 115799  
of Medicaid in an interagency agreement. The foregoing 115800  
appropriation items 656423, Long-Term Care Program Support - 115801  
State, and 656623, Long-Term Care Program Support - Federal, may 115802  
be used to support the Department of Aging's administrative costs 115803

associated with operating the PASSPORT, Choices, Assisted Living, 115804  
and PACE programs. 115805

PERFORMANCE-BASED REIMBURSEMENT 115806

The Department of Aging may design and utilize a payment 115807  
method for PASSPORT administrative agency operations that includes 115808  
a pay-for-performance incentive component that is earned by a 115809  
PASSPORT administrative agency when defined consumer and policy 115810  
outcomes are achieved. 115811

**Section 209.30.** LONG-TERM CARE OMBUDSMAN 115812

The foregoing appropriation item 490410, Long-Term Care 115813  
Ombudsman, shall be used to fund ombudsman program activities as 115814  
authorized in sections 173.14 to 173.27 and section 173.99 of the 115815  
Revised Code. 115816

The State Ombudsman may explore the design of a payment 115817  
method for the Ombudsman Program that includes a 115818  
pay-for-performance incentive component that is earned by 115819  
designated regional long-term care ombudsman programs. 115820

SENIOR COMMUNITY SERVICES 115821

The foregoing appropriation item 490411, Senior Community 115822  
Services, shall be used for services designated by the Department 115823  
of Aging, including, but not limited to, home-delivered and 115824  
congregate meals, transportation services, personal care services, 115825  
respite services, adult day services, home repair, care 115826  
coordination, prevention and disease self-management, and decision 115827  
support systems. Service priority shall be given to low income, 115828  
frail, and cognitively impaired persons 60 years of age and over. 115829  
The department shall promote cost sharing by service recipients 115830  
for those services funded with senior community services funds, 115831  
including, when possible, sliding-fee scale payment systems based 115832  
on the income of service recipients. 115833

ALZHEIMER'S RESPITE 115834

The foregoing appropriation item 490414, Alzheimer's Respite, 115835  
shall be used to fund only Alzheimer's disease services under 115836  
section 173.04 of the Revised Code. 115837

NATIONAL SENIOR SERVICE CORPS 115838

The foregoing appropriation item 490506, National Senior 115839  
Service Corps, shall be used by the Department of Aging to fund 115840  
grants for three Corporation for National and Community 115841  
Service/Senior Corps programs: the Foster Grandparents Program, 115842  
the Senior Companion Program, and the Retired Senior Volunteer 115843  
Program. A recipient of these grant funds shall use the funds to 115844  
support priorities established by the Department and the Ohio 115845  
State Office of the Corporation for National and Community 115846  
Service. The expenditure of these funds by any grant recipient 115847  
shall be in accordance with Senior Corps policies and procedures, 115848  
as stated in the Domestic Volunteer Service Act of 1973, as 115849  
amended. Neither the Department nor any area agencies on aging 115850  
that are involved in the distribution of these funds to 115851  
lower-tiered grant recipients may use any portion of these funds 115852  
to cover administrative costs. 115853

SENIOR COMMUNITY OUTREACH AND EDUCATION 115854

The foregoing appropriation item 490606, Senior Community 115855  
Outreach and Education, may be used to provide training to workers 115856  
in the field of aging pursuant to division (G) of section 173.02 115857  
of the Revised Code. 115858

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES 115859  
AND FEDERAL AGING GRANTS 115860

At the request of the Director of Aging, the Director of 115861  
Budget and Management may transfer appropriation between 115862  
appropriation items 490612, Federal Independence Services, and 115863  
490618, Federal Aging Grants. The amounts transferred shall not 115864

exceed 30 per cent of the appropriation from which the transfer is 115865  
made. Any transfers shall be reported by the Department of Aging 115866  
to the Controlling Board at the next scheduled meeting of the 115867  
board. 115868

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM 115869

The foregoing appropriation item 490609, Regional Long-Term 115870  
Care Ombudsman Program, shall be used to pay the costs of 115871  
operating the regional long-term care ombudsman programs 115872  
designated by the State Long-Term Care Ombudsman. 115873

TRANSFER OF RESIDENT PROTECTION FUNDS 115874

In each fiscal year, the Director of Budget and Management 115875  
may transfer up to \$1,250,000 cash from the Resident Protection 115876  
Fund (Fund 4E30), which is used by the Department of Medicaid, to 115877  
the Ombudsman Support Fund (Fund 5BA0), which is used by the 115878  
Department of Aging. 115879

The Director of Aging and the Office of the State Long-Term 115880  
Care Ombudsman may use moneys in the Ombudsman Support Fund (Fund 115881  
5BA0) to implement a nursing home quality initiative as specified 115882  
in section 173.60 of the Revised Code. 115883

LONG-TERM CARE CONSUMERS GUIDE 115884

The foregoing appropriation item 490613, Long-Term Care 115885  
Consumers Guide, shall be used to conduct annual consumer 115886  
satisfaction surveys and to pay for other administrative expenses 115887  
related to the publication of the Ohio Long-Term Care Consumer 115888  
Guide. 115889

CASH TRANSFER FROM THE GENERAL OPERATIONS FUND TO THE BOARD 115890  
OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS FUND 115891

On July 1, 2013, or as soon as possible thereafter, the 115892  
Director of Health shall certify to the Director of Budget and 115893  
Management the cash balance relating to the Board of Examiners of 115894

Nursing Home Administrators in the General Operations Fund (Fund 115895  
4700), used by the Department of Health. Upon receiving this 115896  
certification, the Director of Budget and Management may transfer 115897  
this cash from the General Operations Fund (Fund 4700) to the 115898  
Board of Executives of Long-Term Services and Supports Fund (Fund 115899  
5MT0), used by the Department of Aging. If this transfer occurs, 115900  
the Director of Budget and Management shall cancel any existing 115901  
encumbrances pertaining to the Board of Examiners of Nursing Home 115902  
Administrators against appropriation item 440647, Fee Supported 115903  
Programs, and re-establish them against appropriation item 490627, 115904  
Board of Executives of LTSS. The re-established encumbrance 115905  
amounts are hereby appropriated. 115906

**Section 209.40.** DEPARTMENT OF AGING'S APPROPRIATION ITEM 115907  
STRUCTURE 115908

Upon request from the Director of Aging, the Director of 115909  
Budget and Management may establish new funds, new appropriation 115910  
items, and appropriations in order to support the transition to a 115911  
new appropriation item structure in the Department of Aging's 115912  
budget. Also, upon request of the Director of Aging, the Director 115913  
of Budget and Management may transfer appropriations between GRF 115914  
appropriation items, transfer cash between any funds used by the 115915  
Department of Aging, abolish existing funds used by the Department 115916  
of Aging, and cancel and reestablish encumbrances. Any 115917  
establishment of new funds or appropriation items, any transfers 115918  
of appropriations or cash, and any increases in appropriation 115919  
under this section are subject to Controlling Board approval. 115920

**Section 209.50.** UPDATING AUTHORIZING STATUTE CITATIONS 115921

As used in this section, "authorizing statute" means a 115922  
Revised Code section or provision of a Revised Code section that 115923  
is cited in the Ohio Administrative Code as the statute that 115924

authorizes the adoption of a rule. 115925

The Director of Aging is not required to amend any rule for 115926  
the sole purpose of updating the citation in the Ohio 115927  
Administrative Code to the rule's authorizing statute to reflect 115928  
that this act renumbers the authorizing statute or relocates it to 115929  
another Revised Code section. Such citations shall be updated as 115930  
the Director amends the rules for other purposes. 115931

**Section 211.10.** AGR DEPARTMENT OF AGRICULTURE 115932

General Revenue Fund 115933

|            |                                          |    |            |    |            |        |
|------------|------------------------------------------|----|------------|----|------------|--------|
| GRF 700401 | Animal Disease Control                   | \$ | 3,936,687  | \$ | 3,936,687  | 115934 |
| GRF 700403 | Dairy Division                           | \$ | 1,088,115  | \$ | 1,088,115  | 115935 |
| GRF 700404 | Ohio Proud                               | \$ | 50,000     | \$ | 50,000     | 115936 |
| GRF 700406 | Consumer Analytical<br>Lab               | \$ | 1,287,556  | \$ | 1,287,556  | 115937 |
| GRF 700407 | Food Safety                              | \$ | 848,792    | \$ | 848,792    | 115938 |
| GRF 700409 | Farmland Preservation                    | \$ | 72,750     | \$ | 72,750     | 115939 |
| GRF 700412 | Weights and Measures                     | \$ | 600,000    | \$ | 600,000    | 115940 |
| GRF 700415 | Poultry Inspection                       | \$ | 392,978    | \$ | 392,978    | 115941 |
| GRF 700418 | Livestock Regulation<br>Program          | \$ | 1,108,071  | \$ | 1,108,071  | 115942 |
| GRF 700424 | Livestock Testing and<br>Inspections     | \$ | 102,770    | \$ | 102,770    | 115943 |
| GRF 700426 | Dangerous and<br>Restricted Animals      | \$ | 800,000    | \$ | 800,000    | 115944 |
| GRF 700427 | High Volume Breeder<br>Kennel Control    | \$ | 400,000    | \$ | 200,000    | 115945 |
| GRF 700499 | Meat Inspection<br>Program - State Share | \$ | 4,175,097  | \$ | 4,175,097  | 115946 |
| GRF 700501 | County Agricultural<br>Societies         | \$ | 391,415    | \$ | 391,415    | 115947 |
| TOTAL GRF  | General Revenue Fund                     | \$ | 15,254,231 | \$ | 15,054,231 | 115948 |



|                                    |        |                       |                  |                   |
|------------------------------------|--------|-----------------------|------------------|-------------------|
| General Services Fund Group        |        |                       |                  | 115949            |
| 5DA0                               | 700644 | Laboratory            | \$ 1,115,000 \$  | 1,115,000 115950  |
|                                    |        | Administration        |                  |                   |
|                                    |        | Support               |                  |                   |
| 5GH0                               | 700655 | Central Support       | \$ 4,368,013 \$  | 4,404,073 115951  |
|                                    |        | Indirect Cost         |                  |                   |
| TOTAL GSF General Services Fund    |        |                       |                  | 115952            |
| Group                              |        |                       |                  |                   |
| Federal Special Revenue Fund Group |        |                       |                  | 115953            |
| 3260                               | 700618 | Meat Inspection       | \$ 4,450,000 \$  | 4,450,000 115954  |
|                                    |        | Program - Federal     |                  |                   |
|                                    |        | Share                 |                  |                   |
| 3360                               | 700617 | Ohio Farm Loan        | \$ 150,000 \$    | 150,000 115955    |
|                                    |        | Revolving Fund        |                  |                   |
| 3820                               | 700601 | Cooperative Contracts | \$ 4,500,000 \$  | 4,500,000 115956  |
| 3AB0                               | 700641 | Agricultural Easement | \$ 1,000,000 \$  | 1,000,000 115957  |
| 3J40                               | 700607 | Indirect Cost         | \$ 1,100,000 \$  | 1,100,000 115958  |
| 3R20                               | 700614 | Federal Plant         | \$ 1,606,000 \$  | 1,606,000 115959  |
|                                    |        | Industry              |                  |                   |
| TOTAL FED Federal Special Revenue  |        |                       |                  | 115960            |
| Fund Group                         |        |                       |                  |                   |
|                                    |        |                       | \$ 12,806,000 \$ | 12,806,000 115961 |
| State Special Revenue Fund Group   |        |                       |                  | 115962            |
| 4900                               | 700651 | License Plates -      | \$ 10,000 \$     | 10,000 115963     |
|                                    |        | Sustainable           |                  |                   |
|                                    |        | Agriculture           |                  |                   |
| 4940                               | 700612 | Agricultural          | \$ 218,000 \$    | 213,000 115964    |
|                                    |        | Commodity Marketing   |                  |                   |
|                                    |        | Program               |                  |                   |
| 4960                               | 700626 | Ohio Grape Industries | \$ 970,000 \$    | 970,000 115965    |
| 4970                               | 700627 | Commodity Handlers    | \$ 482,672 \$    | 482,672 115966    |
|                                    |        | Regulatory Program    |                  |                   |
| 4C90                               | 700605 | Commercial Feed and   | \$ 1,760,000 \$  | 1,760,000 115967  |

|                                    |        |                       |    |            |    |                   |
|------------------------------------|--------|-----------------------|----|------------|----|-------------------|
|                                    |        | Seed                  |    |            |    |                   |
| 4D20                               | 700609 | Auction Education     | \$ | 35,000     | \$ | 35,000 115968     |
| 4E40                               | 700606 | Utility Radiological  | \$ | 130,000    | \$ | 130,000 115969    |
|                                    |        | Safety                |    |            |    |                   |
| 4P70                               | 700610 | Food Safety           | \$ | 1,017,328  | \$ | 1,017,328 115970  |
|                                    |        | Inspection            |    |            |    |                   |
| 4R00                               | 700636 | Ohio Proud Marketing  | \$ | 45,500     | \$ | 45,500 115971     |
| 4R20                               | 700637 | Dairy Industry        | \$ | 1,738,247  | \$ | 1,738,247 115972  |
|                                    |        | Inspection            |    |            |    |                   |
| 4T60                               | 700611 | Poultry and Meat      | \$ | 120,000    | \$ | 120,000 115973    |
|                                    |        | Inspection            |    |            |    |                   |
| 5780                               | 700620 | Ride Inspection Fees  | \$ | 1,175,142  | \$ | 1,175,142 115974  |
| 5880                               | 700633 | Brand Registration    | \$ | 5,000      | \$ | 5,000 115975      |
| 5B80                               | 700629 | Auctioneers           | \$ | 340,000    | \$ | 340,000 115976    |
| 5CP0                               | 700652 | License Plate         | \$ | 10,000     | \$ | 10,000 115977     |
|                                    |        | Scholarships          |    |            |    |                   |
| 5FC0                               | 700648 | Plant Pest Program    | \$ | 1,190,000  | \$ | 1,190,000 115978  |
| 5H20                               | 700608 | Metrology Lab and     | \$ | 552,000    | \$ | 552,000 115979    |
|                                    |        | Scale Certification   |    |            |    |                   |
| 5L80                               | 700604 | Livestock Management  | \$ | 145,000    | \$ | 145,000 115980    |
|                                    |        | Program               |    |            |    |                   |
| 5MA0                               | 700657 | Dangerous and         | \$ | 195,000    | \$ | 195,000 115981    |
|                                    |        | Restricted Animals    |    |            |    |                   |
| 6520                               | 700634 | Animal and Consumer   | \$ | 4,966,383  | \$ | 4,966,383 115982  |
|                                    |        | Analytical Laboratory |    |            |    |                   |
| 6690                               | 700635 | Pesticide,            | \$ | 3,418,041  | \$ | 3,418,041 115983  |
|                                    |        | Fertilizer, and Lime  |    |            |    |                   |
|                                    |        | Inspection Program    |    |            |    |                   |
| TOTAL SSR                          |        | State Special Revenue |    |            |    | 115984            |
| Fund Group                         |        |                       | \$ | 18,523,313 | \$ | 18,518,313 115985 |
| Clean Ohio Conservation Fund Group |        |                       |    |            |    | 115986            |
| 7057                               | 700632 | Clean Ohio            | \$ | 310,000    | \$ | 310,000 115987    |
|                                    |        | Agricultural Easement |    |            |    |                   |

|                                                                    |                    |            |           |            |           |
|--------------------------------------------------------------------|--------------------|------------|-----------|------------|-----------|
| TOTAL CLF Clean Ohio Conservation                                  | \$                 | 310,000    | \$        | 310,000    | 115988    |
| Fund Group                                                         |                    |            |           |            |           |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$                 | 52,376,557 | \$        | 52,207,617 | 115989    |
| DANGEROUS AND RESTRICTED WILD ANIMALS                              |                    |            |           |            | 115990    |
| The foregoing GRF appropriation item 700426, Dangerous and         |                    |            |           |            | 115991    |
| Restricted Animals, shall be used to administer the Dangerous and  |                    |            |           |            | 115992    |
| Restricted Wild Animal Permitting Program.                         |                    |            |           |            | 115993    |
| COUNTY AGRICULTURAL SOCIETIES                                      |                    |            |           |            | 115994    |
| The foregoing appropriation item 700501, County Agricultural       |                    |            |           |            | 115995    |
| Societies, shall be used to reimburse county and independent       |                    |            |           |            | 115996    |
| agricultural societies for expenses related to Junior Fair         |                    |            |           |            | 115997    |
| activities.                                                        |                    |            |           |            | 115998    |
| CLEAN OHIO AGRICULTURAL EASEMENT                                   |                    |            |           |            | 115999    |
| The foregoing appropriation item 700632, Clean Ohio                |                    |            |           |            | 116000    |
| Agricultural Easement, shall be used by the Department of          |                    |            |           |            | 116001    |
| Agriculture in administering Ohio Agricultural Easement Fund (Fund |                    |            |           |            | 116002    |
| 7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to |                    |            |           |            | 116003    |
| 5301.70 of the Revised Code.                                       |                    |            |           |            | 116004    |
| <b>Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY</b>       |                    |            |           |            | 116005    |
| General Services Fund Group                                        |                    |            |           |            | 116006    |
| 5EG0 898608                                                        | Energy Strategy    | \$         | 240,681   | \$         | 240,681   |
|                                                                    | Development        |            |           |            |           |
| TOTAL GSF General Services Fund                                    |                    | \$         | 240,681   | \$         | 240,681   |
| State Special Revenue Fund Group                                   |                    |            |           |            | 116009    |
| 4Z90 898602                                                        | Small Business     | \$         | 288,232   | \$         | 288,232   |
|                                                                    | Ombudsman          |            |           |            |           |
| 5700 898601                                                        | Operating Expenses | \$         | 323,980   | \$         | 323,980   |
| 5A00 898603                                                        | Small Business     | \$         | 900,000   | \$         | 1,125,000 |
|                                                                    | Assistance         |            |           |            |           |
| TOTAL SSR State Special Revenue                                    |                    | \$         | 1,512,212 | \$         | 1,737,212 |

Fund Group

TOTAL ALL BUDGET FUND GROUPS                      \$        1,752,893    \$        1,977,893    116014

**Section 213.20.** ENERGY STRATEGY DEVELOPMENT                      116016

The Energy Strategy Development Program shall develop energy                      116017  
initiatives, projects, and policy that align with the energy                      116018  
policy for the state. Issues addressed by such initiatives,                      116019  
projects, and policy shall not be limited to those governed by                      116020  
Chapter 3706. of the Revised Code. The Ohio Air Quality                      116021  
Development Authority shall be responsible for the monitoring of                      116022  
the program.                      116023

There is hereby created in the state treasury the Energy                      116024  
Strategy Development Fund (Fund 5EG0). The fund shall consist of                      116025  
money credited to it and money obtained for advanced energy                      116026  
projects from federal or private grants, loans, or other sources.                      116027  
Money in the fund shall be used to carry out the purposes of the                      116028  
program. Interest earned on the money in the fund shall be                      116029  
credited to the General Revenue Fund.                      116030

On July 1 of each fiscal year, or as soon as possible                      116031  
thereafter, the Director of Budget and Management may transfer                      116032  
cash from the funds specified below, up to the amounts specified                      116033  
below, to the Energy Strategy Development Fund. Fund 5EG0 may                      116034  
accept contributions and transfers made to the fund. On July 1,                      116035  
2015, or as soon as possible thereafter, the Director shall                      116036  
transfer to the General Revenue Fund all cash credited to Fund                      116037  
5EG0. Upon completion of the transfer, Fund 5EG0 is abolished.                      116038

| <u>Fund</u> | <u>Fund Name</u> | <u>User</u>     | <u>FY 2014</u> | <u>FY 2015</u> |        |
|-------------|------------------|-----------------|----------------|----------------|--------|
| 1310        | State Agency     | Ohio Facilities | \$27,405       | \$27,439       | 116039 |
|             | Construction     | Construction    |                |                | 116040 |
|             | Project Service  | Commission      |                |                |        |
| 5GH0        | Central Support  | Department of   | \$27,405       | \$27,439       | 116041 |
|             | Indirect Cost    | Agriculture     |                |                |        |

|      |                                           |                                    |          |          |        |
|------|-------------------------------------------|------------------------------------|----------|----------|--------|
| 1350 | Supportive<br>Services                    | Development<br>Services Agency     | \$27,405 | \$27,439 | 116042 |
| 2190 | Central Support<br>Indirect Cost          | Environmental<br>Protection Agency | \$27,405 | \$27,439 | 116043 |
| 1570 | Central Support<br>Indirect<br>Chargeback | Department of<br>Natural Resources | \$27,405 | \$27,439 | 116044 |
| 7002 | Highway Operating                         | Department of<br>Transportation    | \$39,150 | \$39,199 | 116045 |

**Section 213.30.** REIMBURSEMENT TO AIR QUALITY DEVELOPMENT 116046  
AUTHORITY TRUST ACCOUNT 116047

Notwithstanding any other provision of law to the contrary, 116048  
the Air Quality Development Authority may reimburse the Air 116049  
Quality Development Authority trust account established under 116050  
section 3706.10 of the Revised Code from all operating funds of 116051  
the agency for expenses pertaining to the administration and 116052  
shared costs incurred by the Air Quality Development Authority in 116053  
the execution of responsibilities as prescribed in Chapter 3706. 116054  
of the Revised Code. Reimbursement shall be made by voucher and 116055  
completed in accordance with the administrative indirect costs 116056  
allocation plan approved by the Office of Budget and Management. 116057

**Section 215.10.** ARC STATE BOARD OF EXAMINERS OF ARCHITECTS 116058  
General Services Fund Group 116059  
4K90 891609 Operating \$ 481,379 \$ 485,954 116060  
TOTAL GSF General Services Fund 116061  
Group \$ 481,379 \$ 485,954 116062  
TOTAL ALL BUDGET FUND GROUPS \$ 481,379 \$ 485,954 116063

**Section 217.10.** ART OHIO ARTS COUNCIL 116065  
General Revenue Fund 116066

|                              |                                                                   |    |            |    |            |        |
|------------------------------|-------------------------------------------------------------------|----|------------|----|------------|--------|
| GRF 370321                   | Operating Expenses                                                | \$ | 1,599,204  | \$ | 1,599,204  | 116067 |
| GRF 370502                   | State Program                                                     | \$ | 8,850,000  | \$ | 8,850,000  | 116068 |
|                              | Subsidies                                                         |    |            |    |            |        |
| TOTAL GRF                    | General Revenue Fund                                              | \$ | 10,449,204 | \$ | 10,449,204 | 116069 |
|                              | General Services Fund Group                                       |    |            |    |            | 116070 |
| 4600 370602                  | Management Expenses                                               | \$ | 247,000    | \$ | 247,000    | 116071 |
|                              | and Donations                                                     |    |            |    |            |        |
| 4B70 370603                  | Percent for Art                                                   | \$ | 247,000    | \$ | 247,000    | 116072 |
|                              | Acquisitions                                                      |    |            |    |            |        |
| TOTAL GSF                    | General Services Fund                                             | \$ | 494,000    | \$ | 494,000    | 116073 |
|                              | Group                                                             |    |            |    |            |        |
|                              | Federal Special Revenue Fund Group                                |    |            |    |            | 116074 |
| 3140 370601                  | Federal Support                                                   | \$ | 1,000,000  | \$ | 1,000,000  | 116075 |
| TOTAL FED                    | Federal Special Revenue                                           | \$ | 1,000,000  | \$ | 1,000,000  | 116076 |
|                              | Fund Group                                                        |    |            |    |            |        |
| TOTAL ALL BUDGET FUND GROUPS |                                                                   | \$ | 11,943,204 | \$ | 11,943,204 | 116077 |
|                              | FEDERAL SUPPORT                                                   |    |            |    |            | 116078 |
|                              | Notwithstanding any provision of law to the contrary, the         |    |            |    |            | 116079 |
|                              | foregoing appropriation item 370601, Federal Support, shall be    |    |            |    |            | 116080 |
|                              | used by the Ohio Arts Council for subsidies only, and not for its |    |            |    |            | 116081 |
|                              | administrative costs, unless the Council is required to use a     |    |            |    |            | 116082 |
|                              | portion of the funds for administrative costs under conditions of |    |            |    |            | 116083 |
|                              | the federal grant.                                                |    |            |    |            | 116084 |
|                              | <b>Section 219.10. ATH ATHLETIC COMMISSION</b>                    |    |            |    |            | 116085 |
|                              | General Services Fund Group                                       |    |            |    |            | 116086 |
| 4K90 175609                  | Operating Expenses                                                | \$ | 312,000    | \$ | 320,000    | 116087 |
| TOTAL GSF                    | General Services Fund                                             | \$ | 312,000    | \$ | 320,000    | 116088 |
|                              | Group                                                             |    |            |    |            |        |
| TOTAL ALL BUDGET FUND GROUPS |                                                                   | \$ | 312,000    | \$ | 320,000    | 116089 |
|                              | <b>Section 221.10. AGO ATTORNEY GENERAL</b>                       |    |            |    |            | 116091 |

|                             |                      |                       |                  |                   |
|-----------------------------|----------------------|-----------------------|------------------|-------------------|
| General Revenue Fund        |                      |                       |                  | 116092            |
| GRF                         | 055321               | Operating Expenses    | \$ 42,514,169 \$ | 42,514,169 116093 |
| GRF                         | 055405               | Law-Related Education | \$ 100,000 \$    | 100,000 116094    |
| GRF                         | 055407               | Tobacco Settlement    | \$ 1,500,000 \$  | 1,500,000 116095  |
| Enforcement                 |                      |                       |                  |                   |
| GRF                         | 055411               | County Sheriffs' Pay  | \$ 757,921 \$    | 757,921 116096    |
| Supplement                  |                      |                       |                  |                   |
| GRF                         | 055415               | County Prosecutors'   | \$ 831,499 \$    | 831,499 116097    |
| Pay Supplement              |                      |                       |                  |                   |
| TOTAL GRF                   | General Revenue Fund |                       | \$ 45,703,589 \$ | 45,703,589 116098 |
| General Services Fund Group |                      |                       |                  | 116099            |
| 1060                        | 055612               | General Reimbursement | \$ 54,806,192 \$ | 55,820,716 116100 |
| 1950                        | 055660               | Workers' Compensation | \$ 8,415,504 \$  | 8,415,504 116101  |
| Section                     |                      |                       |                  |                   |
| 4180                        | 055615               | Charitable            | \$ 8,286,000 \$  | 8,286,000 116102  |
| Foundations                 |                      |                       |                  |                   |
| 4200                        | 055603               | Attorney General      | \$ 1,839,074 \$  | 1,839,074 116103  |
| Antitrust                   |                      |                       |                  |                   |
| 4210                        | 055617               | Police Officers'      | \$ 500,000 \$    | 500,000 116104    |
| Training Academy Fee        |                      |                       |                  |                   |
| 4Z20                        | 055609               | BCI Asset Forfeiture  | \$ 1,000,000 \$  | 1,000,000 116105  |
| and Cost                    |                      |                       |                  |                   |
| Reimbursement               |                      |                       |                  |                   |
| 5900                        | 055633               | Peace Officer Private | \$ 79,438 \$     | 95,325 116106     |
| Security Fund               |                      |                       |                  |                   |
| 5A90                        | 055618               | Telemarketing Fraud   | \$ 45,000 \$     | 10,000 116107     |
| Enforcement                 |                      |                       |                  |                   |
| 5L50                        | 055619               | Law Enforcement       | \$ 375,255 \$    | 187,627 116108    |
| Assistance Program          |                      |                       |                  |                   |
| 5LR0                        | 055655               | Peace Officer         | \$ 4,629,409 \$  | 4,629,409 116109  |
| Training - Casino           |                      |                       |                  |                   |
| 5MP0                        | 055657               | Peace Officer         | \$ 25,000 \$     | 25,000 116110     |

|                                           |        |                       |    |            |    |            |        |
|-------------------------------------------|--------|-----------------------|----|------------|----|------------|--------|
|                                           |        | Training Commission   |    |            |    |            |        |
| 6310                                      | 055637 | Consumer Protection   | \$ | 6,700,000  | \$ | 6,834,000  | 116111 |
|                                           |        | Enforcement           |    |            |    |            |        |
| TOTAL GSF General Services Fund           |        |                       |    |            |    |            | 116112 |
| Group                                     |        |                       | \$ | 86,700,872 | \$ | 87,642,655 | 116113 |
| Federal Special Revenue Fund Group        |        |                       |    |            |    |            | 116114 |
| 3060                                      | 055620 | Medicaid Fraud        | \$ | 4,537,408  | \$ | 4,628,156  | 116115 |
|                                           |        | Control               |    |            |    |            |        |
| 3810                                      | 055611 | Civil Rights Legal    | \$ | 75,000     | \$ | 35,574     | 116116 |
|                                           |        | Service               |    |            |    |            |        |
| 3830                                      | 055634 | Crime Victims         | \$ | 15,000,000 | \$ | 15,000,000 | 116117 |
|                                           |        | Assistance            |    |            |    |            |        |
| 3E50                                      | 055638 | Attorney General      | \$ | 599,999    | \$ | 599,999    | 116118 |
|                                           |        | Pass-Through Funds    |    |            |    |            |        |
| 3FV0                                      | 055656 | Crime Victim          | \$ | 7,000,000  | \$ | 7,000,000  | 116119 |
|                                           |        | Compensation          |    |            |    |            |        |
| 3R60                                      | 055613 | Attorney General      | \$ | 999,999    | \$ | 999,999    | 116120 |
|                                           |        | Federal Funds         |    |            |    |            |        |
| TOTAL FED Federal Special Revenue         |        |                       |    |            |    |            | 116121 |
| Fund Group                                |        |                       | \$ | 28,212,406 | \$ | 28,263,728 | 116122 |
| State Special Revenue Fund Group          |        |                       |    |            |    |            | 116123 |
| 4020                                      | 055616 | Victims of Crime      | \$ | 16,456,769 | \$ | 16,456,769 | 116124 |
| 4190                                      | 055623 | Claims Section        | \$ | 55,920,716 | \$ | 56,937,131 | 116125 |
| 4L60                                      | 055606 | DARE Programs         | \$ | 3,578,901  | \$ | 3,486,209  | 116126 |
| 4Y70                                      | 055608 | Title Defect Recision | \$ | 600,000    | \$ | 600,000    | 116127 |
| 6590                                      | 055641 | Solid and Hazardous   | \$ | 310,730    | \$ | 310,730    | 116128 |
|                                           |        | Waste Background      |    |            |    |            |        |
|                                           |        | Investigations        |    |            |    |            |        |
| TOTAL SSR State Special Revenue           |        |                       |    |            |    |            | 116129 |
| Fund Group                                |        |                       | \$ | 76,867,116 | \$ | 77,790,839 | 116130 |
| Holding Account Redistribution Fund Group |        |                       |    |            |    |            | 116131 |
| R004                                      | 055631 | General Holding       | \$ | 1,000,000  | \$ | 1,000,000  | 116132 |



|       |                        |                                                                    |    |             |                       |
|-------|------------------------|--------------------------------------------------------------------|----|-------------|-----------------------|
|       | Account                |                                                                    |    |             |                       |
| R005  | 055632                 | Antitrust Settlements                                              | \$ | 1,000       | \$ 1,000 116133       |
| R018  | 055630                 | Consumer Frauds                                                    | \$ | 750,000     | \$ 750,000 116134     |
| R042  | 055601                 | Organized Crime                                                    | \$ | 25,025      | \$ 25,025 116135      |
|       |                        | Commission                                                         |    |             |                       |
|       |                        | Distributions                                                      |    |             |                       |
| R054  | 055650                 | Collection Payment                                                 | \$ | 4,500,000   | \$ 4,500,000 116136   |
|       |                        | Redistribution                                                     |    |             |                       |
| TOTAL | 090                    | Holding Account                                                    |    |             | 116137                |
|       |                        | Redistribution Fund Group                                          | \$ | 6,276,025   | \$ 6,276,025 116138   |
|       |                        | Tobacco Master Settlement Agreement Fund Group                     |    |             | 116139                |
| U087  | 055402                 | Tobacco Settlement                                                 | \$ | 500,000     | \$ 500,000 116140     |
|       |                        | Oversight,                                                         |    |             |                       |
|       |                        | Administration, and                                                |    |             |                       |
|       |                        | Enforcement                                                        |    |             |                       |
| TOTAL | TSF                    | Tobacco Master Settlement                                          | \$ | 500,000     | \$ 500,000 116141     |
|       |                        | Agreement Fund Group                                               |    |             |                       |
| TOTAL | ALL BUDGET FUND GROUPS |                                                                    | \$ | 244,260,008 | \$ 246,176,836 116142 |
|       |                        | COUNTY SHERIFFS' PAY SUPPLEMENT                                    |    |             | 116143                |
|       |                        | The foregoing appropriation item 055411, County Sheriffs' Pay      |    |             | 116144                |
|       |                        | Supplement, shall be used for the purpose of supplementing the     |    |             | 116145                |
|       |                        | annual compensation of county sheriffs as required by section      |    |             | 116146                |
|       |                        | 325.06 of the Revised Code.                                        |    |             | 116147                |
|       |                        | At the request of the Attorney General, the Director of            |    |             | 116148                |
|       |                        | Budget and Management may transfer appropriation from              |    |             | 116149                |
|       |                        | appropriation item 055321, Operating Expenses, to appropriation    |    |             | 116150                |
|       |                        | item 055411, County Sheriffs' Pay Supplement. Any appropriation so |    |             | 116151                |
|       |                        | transferred shall be used to supplement the annual compensation of |    |             | 116152                |
|       |                        | county sheriffs as required by section 325.06 of the Revised Code. |    |             | 116153                |
|       |                        | COUNTY PROSECUTORS' PAY SUPPLEMENT                                 |    |             | 116154                |
|       |                        | The foregoing appropriation item 055415, County Prosecutors'       |    |             | 116155                |

Pay Supplement, shall be used for the purpose of supplementing the 116156  
annual compensation of certain county prosecutors as required by 116157  
section 325.111 of the Revised Code. 116158

At the request of the Attorney General, the Director of 116159  
Budget and Management may transfer appropriation from 116160  
appropriation item 055321, Operating Expenses, to appropriation 116161  
item 055415, County Prosecutors' Pay Supplement. Any appropriation 116162  
so transferred shall be used to supplement the annual compensation 116163  
of county prosecutors as required by section 325.111 of the 116164  
Revised Code. 116165

CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE GENERAL 116166  
REIMBURSEMENT FUND 116167

Notwithstanding any other provision of law to the contrary, 116168  
on July 1, 2013, or as soon as possible thereafter, the Director 116169  
of Budget and Management shall transfer \$80,000 cash from the 116170  
General Revenue Fund to the General Reimbursement Fund (Fund 116171  
1060). 116172

WORKERS' COMPENSATION SECTION 116173

The Workers' Compensation Fund (Fund 1950) is entitled to 116174  
receive payments from the Bureau of Workers' Compensation and the 116175  
Ohio Industrial Commission at the beginning of each quarter of 116176  
each fiscal year to fund legal services to be provided to the 116177  
Bureau of Workers' Compensation and the Ohio Industrial Commission 116178  
during the ensuing quarter. The advance payment shall be subject 116179  
to adjustment. 116180

In addition, the Bureau of Workers' Compensation shall 116181  
transfer payments at the beginning of each quarter for the support 116182  
of the Workers' Compensation Fraud Unit. 116183

All amounts shall be mutually agreed upon by the Attorney 116184  
General, the Bureau of Workers' Compensation, and the Ohio 116185  
Industrial Commission. 116186

ATTORNEY GENERAL PASS-THROUGH FUNDS 116187

The foregoing appropriation item 055638, Attorney General 116188  
Pass-Through Funds, shall be used to receive federal grant funds 116189  
provided to the Attorney General by other state agencies, 116190  
including, but not limited to, the Department of Youth Services 116191  
and the Department of Public Safety. 116192

GENERAL HOLDING ACCOUNT 116193

The foregoing appropriation item 055631, General Holding 116194  
Account, shall be used to distribute moneys under the terms of 116195  
relevant court orders or other settlements received in a variety 116196  
of cases involving the Office of the Attorney General. If it is 116197  
determined that additional amounts are necessary for this purpose, 116198  
the amounts are hereby appropriated. 116199

ANTITRUST SETTLEMENTS 116200

The foregoing appropriation item 055632, Antitrust 116201  
Settlements, shall be used to distribute moneys under the terms of 116202  
relevant court orders or other out of court settlements in 116203  
antitrust cases or antitrust matters involving the Office of the 116204  
Attorney General. If it is determined that additional amounts are 116205  
necessary for this purpose, the amounts are hereby appropriated. 116206

CONSUMER FRAUDS 116207

The foregoing appropriation item 055630, Consumer Frauds, 116208  
shall be used for distribution of moneys from court-ordered 116209  
judgments against sellers in actions brought by the Office of 116210  
Attorney General under sections 1334.08 and 4549.48 and division 116211  
(B) of section 1345.07 of the Revised Code. These moneys shall be 116212  
used to provide restitution to consumers victimized by the fraud 116213  
that generated the court-ordered judgments. If it is determined 116214  
that additional amounts are necessary for this purpose, the 116215  
amounts are hereby appropriated. 116216

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 116217

The foregoing appropriation item 055601, Organized Crime 116218  
Commission Distributions, shall be used by the Organized Crime 116219  
Investigations Commission, as provided by section 177.011 of the 116220  
Revised Code, to reimburse political subdivisions for the expenses 116221  
the political subdivisions incur when their law enforcement 116222  
officers participate in an organized crime task force. If it is 116223  
determined that additional amounts are necessary for this purpose, 116224  
the amounts are hereby appropriated. 116225

COLLECTION PAYMENT REDISTRIBUTION 116226

The foregoing appropriation item 055650, Collection Payment 116227  
Redistribution, shall be used for the purpose of allocating the 116228  
revenue where debtors mistakenly paid the client agencies instead 116229  
of the Attorney General's Collections Enforcement Section. If it 116230  
is determined that additional amounts are necessary for this 116231  
purpose, the amounts are hereby appropriated. 116232

**Section 223.10.** AUD AUDITOR OF STATE 116233

General Revenue Fund 116234

|            |                    |               |               |        |
|------------|--------------------|---------------|---------------|--------|
| GRF 070321 | Operating Expenses | \$ 27,434,452 | \$ 27,434,452 | 116235 |
|------------|--------------------|---------------|---------------|--------|

|            |        |            |            |        |
|------------|--------|------------|------------|--------|
| GRF 070403 | Fiscal | \$ 800,000 | \$ 800,000 | 116236 |
|------------|--------|------------|------------|--------|

Watch/Emergency  
Technical Assistance

|           |                      |               |               |        |
|-----------|----------------------|---------------|---------------|--------|
| TOTAL GRF | General Revenue Fund | \$ 28,234,452 | \$ 28,234,452 | 116237 |
|-----------|----------------------|---------------|---------------|--------|

Auditor of State Fund Group 116238

|             |                      |              |              |        |
|-------------|----------------------|--------------|--------------|--------|
| 1090 070601 | Public Audit Expense | \$ 9,069,804 | \$ 9,196,081 | 116239 |
|-------------|----------------------|--------------|--------------|--------|

- Intra-State

|             |                      |               |               |        |
|-------------|----------------------|---------------|---------------|--------|
| 4220 070602 | Public Audit Expense | \$ 31,052,999 | \$ 31,031,044 | 116240 |
|-------------|----------------------|---------------|---------------|--------|

- Local Government

|             |                  |            |            |        |
|-------------|------------------|------------|------------|--------|
| 5840 070603 | Training Program | \$ 181,730 | \$ 181,250 | 116241 |
|-------------|------------------|------------|------------|--------|

|             |                      |            |            |        |
|-------------|----------------------|------------|------------|--------|
| 5JZ0 070606 | LEAP Revolving Loans | \$ 650,000 | \$ 650,000 | 116242 |
|-------------|----------------------|------------|------------|--------|

|                                                                    |                     |    |            |    |            |        |
|--------------------------------------------------------------------|---------------------|----|------------|----|------------|--------|
| 6750 070605                                                        | Uniform Accounting  | \$ | 3,241,533  | \$ | 3,160,637  | 116243 |
|                                                                    | Network             |    |            |    |            |        |
| TOTAL AUD Auditor of State Fund                                    |                     |    |            |    |            | 116244 |
| Group                                                              |                     | \$ | 44,196,066 | \$ | 44,219,012 | 116245 |
| TOTAL ALL BUDGET FUND GROUPS                                       |                     |    |            |    |            | 116246 |
| FISCAL WATCH/EMERGENCY TECHNICAL ASSISTANCE                        |                     |    |            |    |            | 116247 |
| The foregoing appropriation item 070403, Fiscal                    |                     |    |            |    |            | 116248 |
| Watch/Emergency Technical Assistance, shall be used for expenses   |                     |    |            |    |            | 116249 |
| incurred by the Office of the Auditor of State in its role         |                     |    |            |    |            | 116250 |
| relating to fiscal watch or fiscal emergency activities under      |                     |    |            |    |            | 116251 |
| Chapters 118. and 3316. of the Revised Code. Expenses include, but |                     |    |            |    |            | 116252 |
| are not limited to, the following: duties related to the           |                     |    |            |    |            | 116253 |
| determination or termination of fiscal watch or fiscal emergency   |                     |    |            |    |            | 116254 |
| of municipal corporations, counties, townships, or school          |                     |    |            |    |            | 116255 |
| districts; development of preliminary accounting reports;          |                     |    |            |    |            | 116256 |
| performance of annual forecasts; provision of performance audits;  |                     |    |            |    |            | 116257 |
| and supervisory, accounting, or auditing services for the          |                     |    |            |    |            | 116258 |
| municipal corporations, counties, townships, or school districts.  |                     |    |            |    |            | 116259 |
| <b>Section 225.10. BRB BOARD OF BARBER EXAMINERS</b>               |                     |    |            |    |            | 116260 |
| General Services Fund Group                                        |                     |    |            |    |            | 116261 |
| 4K90 877609                                                        | Operating Expenses  | \$ | 670,882    | \$ | 674,272    | 116262 |
| TOTAL GSF General Services Fund                                    |                     |    |            |    |            | 116263 |
| Group                                                              |                     | \$ | 670,882    | \$ | 674,272    | 116264 |
| TOTAL ALL BUDGET FUND GROUPS                                       |                     |    |            |    |            | 116265 |
| <b>Section 227.10. OBM OFFICE OF BUDGET AND MANAGEMENT</b>         |                     |    |            |    |            | 116267 |
| General Revenue Fund                                               |                     |    |            |    |            | 116268 |
| GRF 042321                                                         | Budget Development  | \$ | 2,703,189  | \$ | 2,697,483  | 116269 |
|                                                                    | and Implementation  |    |            |    |            |        |
| GRF 042409                                                         | Commission Closures | \$ | 304,000    | \$ | 155,000    | 116270 |
| GRF 042416                                                         | Office of Health    | \$ | 484,486    | \$ | 498,571    | 116271 |

|                              |        |                                                                    |    |            |    |                   |
|------------------------------|--------|--------------------------------------------------------------------|----|------------|----|-------------------|
|                              |        | Transformation                                                     |    |            |    |                   |
| GRF                          | 042425 | Shared Services                                                    | \$ | 1,250,000  | \$ | 1,250,000 116272  |
|                              |        | Development                                                        |    |            |    |                   |
| TOTAL GRF                    |        | General Revenue Fund                                               | \$ | 4,741,675  | \$ | 4,601,054 116273  |
|                              |        | General Services Fund Group                                        |    |            |    | 116274            |
| 1050                         | 042603 | Financial Management                                               | \$ | 14,060,275 | \$ | 14,451,086 116275 |
| 1050                         | 042620 | Shared Services                                                    | \$ | 8,837,518  | \$ | 8,924,830 116276  |
|                              |        | Operating                                                          |    |            |    |                   |
| TOTAL GSF                    |        | General Services Fund                                              | \$ | 22,897,793 | \$ | 23,375,916 116277 |
|                              |        | Group                                                              |    |            |    |                   |
|                              |        | Federal Special Revenue Fund Group                                 |    |            |    | 116278            |
| 3CM0                         | 042606 | Office of Health                                                   | \$ | 438,723    | \$ | 438,723 116279    |
|                              |        | Transformation -                                                   |    |            |    |                   |
|                              |        | Federal                                                            |    |            |    |                   |
| TOTAL FED                    |        | Federal Special Revenue                                            | \$ | 438,723    | \$ | 438,723 116280    |
|                              |        | Fund Group                                                         |    |            |    |                   |
|                              |        | Agency Fund Group                                                  |    |            |    | 116281            |
| 5EH0                         | 042604 | Forgery Recovery                                                   | \$ | 40,000     | \$ | 40,000 116282     |
| TOTAL AGY                    |        | Agency Fund Group                                                  | \$ | 40,000     | \$ | 40,000 116283     |
| TOTAL ALL BUDGET FUND GROUPS |        |                                                                    | \$ | 28,118,191 | \$ | 28,455,693 116284 |
|                              |        | COMMISSION CLOSURES                                                |    |            |    | 116285            |
|                              |        | The foregoing appropriation item 042409, Commission Closures,      |    |            |    | 116286            |
|                              |        | may be used to pay obligations associated with the closure of any  |    |            |    | 116287            |
|                              |        | state agency, whether in the executive, legislative, or judicial   |    |            |    | 116288            |
|                              |        | branch of government. Notwithstanding any provision of law to the  |    |            |    | 116289            |
|                              |        | contrary, this appropriation item may also be used to pay final    |    |            |    | 116290            |
|                              |        | payroll expenses occurring after the closure of any state agency,  |    |            |    | 116291            |
|                              |        | whether in the executive, legislative, or judicial branch of       |    |            |    | 116292            |
|                              |        | government in the event that appropriations or cash in the closing |    |            |    | 116293            |
|                              |        | agency are insufficient to do so.                                  |    |            |    | 116294            |
|                              |        | The Director of Budget and Management may request Controlling      |    |            |    | 116295            |

Board approval for funds to be transferred to appropriation item 116296  
042409, Commission Closures, from appropriation item 911614, CB 116297  
Emergency Purposes, for anticipated expenses associated with 116298  
agency closures. 116299

AUDIT COSTS AND DUES 116300

All centralized audit costs associated with either Single 116301  
Audit Schedules or financial statements prepared in conformance 116302  
with generally accepted accounting principles for the state shall 116303  
be paid from the foregoing appropriation item 042603, Financial 116304  
Management. 116305

Costs associated with the audit of the Auditor of State and 116306  
national association dues shall be paid from the foregoing 116307  
appropriation item 042321, Budget Development and Implementation. 116308

SHARED SERVICES CENTER 116309

The foregoing appropriation items 042425, Shared Services 116310  
Development, and 042620, Shared Services Operating, shall be used 116311  
by the Director of Budget and Management to support a Shared 116312  
Services Center within the Office of Budget and Management for the 116313  
purpose of consolidating statewide business functions and common 116314  
transactional processes. 116315

The Director of Budget and Management shall include the 116316  
recovery of costs to operate the Shared Services Center in the 116317  
accounting and budgeting services payroll rate and through a 116318  
direct charges using intrastate transfer vouchers to agencies for 116319  
services rendered. The Director of Budget and Management shall 116320  
determine the cost recovery methodology. Such cost recovery 116321  
revenues shall be deposited to the credit of Fund 1050. 116322

INTERNAL AUDIT 116323

The Director of Budget and Management shall include the 116324  
recovery of costs to operate the Internal Audit Program in the 116325

accounting and budgeting services payroll rate and through a 116326  
direct charge using intrastate transfer vouchers to agencies 116327  
reviewed by the program. The Director of Budget and Management, 116328  
with advice from the Internal Audit Advisory Council, shall 116329  
determine the cost recovery methodology. Such cost recovery 116330  
revenues shall be deposited to the credit of the Accounting and 116331  
Budgeting Fund (Fund 1050). 116332

FORGERY RECOVERY 116333

The foregoing appropriation item 042604, Forgery Recovery, 116334  
shall be used to reissue warrants that have been certified as 116335  
forgeries by the rightful recipient as determined by the Bureau of 116336  
Criminal Identification and Investigation and the Treasurer of 116337  
State. Upon receipt of funds to cover the reissuance of the 116338  
warrant, the Director of Budget and Management shall reissue a 116339  
state warrant of the same amount. Any additional amounts needed to 116340  
reissue warrants backed by the receipt of funds are hereby 116341  
appropriated. 116342

ABOLISHMENT OF FUND 5N40 AND FUND 5Z80 116343

On or before December 31, 2013, the Director of Budget and 116344  
Management shall transfer the cash balances of the OAKS Project 116345  
Implementation Fund (Fund 5N40) and the Office of Health 116346  
Transformation Administration Fund (Fund 5Z80) to the General 116347  
Revenue Fund. Upon completion of the transfers, Fund 5N40 and Fund 116348  
5Z80 are abolished. 116349

**Section 229.10.** CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 116350

|                      |                      |    |           |    |           |        |
|----------------------|----------------------|----|-----------|----|-----------|--------|
| General Revenue Fund |                      |    |           |    | 116351    |        |
| GRF 874100           | Personal Services    | \$ | 2,417,467 | \$ | 2,417,467 | 116352 |
| GRF 874320           | Maintenance and      | \$ | 1,161,098 | \$ | 1,161,098 | 116353 |
|                      | Equipment            |    |           |    |           |        |
| TOTAL GRF            | General Revenue Fund | \$ | 3,578,565 | \$ | 3,578,565 | 116354 |



|                                 |    |           |    |           |        |
|---------------------------------|----|-----------|----|-----------|--------|
| General Services Fund Group     |    |           |    |           | 116355 |
| 4G50 874603 Capitol Square      | \$ | 5,882     | \$ | 5,882     | 116356 |
| Education Center and            |    |           |    |           |        |
| Arts                            |    |           |    |           |        |
| 4S70 874602 Statehouse Gift     | \$ | 629,409   | \$ | 629,409   | 116357 |
| Shop/Events                     |    |           |    |           |        |
| TOTAL GSF General Services      |    |           |    |           | 116358 |
| Fund Group                      | \$ | 635,291   | \$ | 635,291   | 116359 |
| Underground Parking Garage      |    |           |    |           | 116360 |
| 2080 874601 Underground Parking | \$ | 3,039,740 | \$ | 2,981,740 | 116361 |
| Garage Operations               |    |           |    |           |        |
| TOTAL UPG Underground Parking   |    |           |    |           | 116362 |
| Garage                          | \$ | 3,039,740 | \$ | 2,981,740 | 116363 |
| TOTAL ALL BUDGET FUND GROUPS    | \$ | 7,253,596 | \$ | 7,195,596 | 116364 |

WAREHOUSE PAYMENTS 116365

Of the foregoing appropriation item 874601, Underground 116366  
 Parking Garage Operations, \$48,000 in each fiscal year shall be 116367  
 used to meet all payments at the times they are required to be 116368  
 made during the period from July 1, 2013, through June 30, 2015, 116369  
 to the Department of Administrative Services for bond service 116370  
 charges relating to the purchase and improvement of a warehouse 116371  
 acquired pursuant to section 105.41 of the Revised Code, in which 116372  
 to store items of the Capitol Collection Trust and, whenever 116373  
 necessary, equipment or other property of the Board. 116374

UNDERGROUND PARKING GARAGE FUND 116375

Notwithstanding division (G) of section 105.41 of the Revised 116376  
 Code and any other provision to the contrary, moneys in the 116377  
 Underground Parking Garage Fund (Fund 2080) may be used for 116378  
 personnel and operating costs related to the operations of the 116379  
 Statehouse and the Statehouse Underground Parking Garage. 116380

|                                                                        |                       |    |               |                   |
|------------------------------------------------------------------------|-----------------------|----|---------------|-------------------|
| <b>Section 231.10. SCR STATE BOARD OF CAREER COLLEGES AND</b>          |                       |    |               | 116381            |
| SCHOOLS                                                                |                       |    |               | 116382            |
| General Services Fund Group                                            |                       |    |               | 116383            |
| 4K90 233601                                                            | Operating Expenses    | \$ | 579,328 \$    | 579,328 116384    |
| TOTAL GSF                                                              | General Services Fund | \$ | 579,328 \$    | 579,328 116385    |
| Group                                                                  |                       |    |               |                   |
| TOTAL ALL BUDGET FUND GROUPS                                           |                       | \$ | 579,328 \$    | 579,328 116386    |
| <br><b>Section 233.10. CAC CASINO CONTROL COMMISSION</b>               |                       |    |               | 116388            |
| State Special Revenue Fund Group                                       |                       |    |               | 116389            |
| 5HS0 955321                                                            | Casino Control -      | \$ | 13,121,283 \$ | 13,542,674 116390 |
| Operating                                                              |                       |    |               |                   |
| TOTAL SSR                                                              | State Special Revenue | \$ | 13,121,283 \$ | 13,542,674 116391 |
| Fund Group                                                             |                       |    |               |                   |
| TOTAL ALL BUDGET FUND GROUPS                                           |                       | \$ | 13,121,283 \$ | 13,542,674 116392 |
| <br><b>Section 235.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD</b> |                       |    |               | 116394            |
| General Services Fund Group                                            |                       |    |               | 116395            |
| 4K90 930609                                                            | Operating Expenses    | \$ | 476,642 \$    | 469,349 116396    |
| TOTAL GSF                                                              | General Services Fund | \$ | 476,642 \$    | 469,349 116397    |
| Group                                                                  |                       |    |               |                   |
| TOTAL ALL BUDGET FUND GROUPS                                           |                       | \$ | 476,642 \$    | 469,349 116398    |
| <br><b>Section 237.10. CHR STATE CHIROPRACTIC BOARD</b>                |                       |    |               | 116400            |
| General Services Fund Group                                            |                       |    |               | 116401            |
| 4K90 878609                                                            | Operating Expenses    | \$ | 617,829 \$    | 630,775 116402    |
| TOTAL GSF                                                              | General Services Fund | \$ | 617,829 \$    | 630,775 116403    |
| Group                                                                  |                       |    |               |                   |
| TOTAL ALL BUDGET FUND GROUPS                                           |                       | \$ | 617,829 \$    | 630,775 116404    |
| <br><b>Section 239.10. CIV OHIO CIVIL RIGHTS COMMISSION</b>            |                       |    |               | 116406            |

|                                                   |    |            |               |        |
|---------------------------------------------------|----|------------|---------------|--------|
| General Revenue Fund                              |    |            |               | 116407 |
| GRF 876321 Operating Expenses                     | \$ | 4,725,784  | \$ 4,725,784  | 116408 |
| TOTAL GRF General Revenue Fund                    | \$ | 4,725,784  | \$ 4,725,784  | 116409 |
| General Services Fund Group                       |    |            |               | 116410 |
| 2170 876604 Operations Support                    | \$ | 4,000      | \$ 4,000      | 116411 |
| TOTAL GSF General Services                        |    |            |               | 116412 |
| Fund Group                                        | \$ | 4,000      | \$ 4,000      | 116413 |
| Federal Special Revenue Fund Group                |    |            |               | 116414 |
| 3340 876601 Federal Programs                      | \$ | 2,820,670  | \$ 2,947,983  | 116415 |
| TOTAL FED Federal Special Revenue                 |    |            |               | 116416 |
| Fund Group                                        | \$ | 2,820,670  | \$ 2,947,983  | 116417 |
| TOTAL ALL BUDGET FUND GROUPS                      | \$ | 7,550,454  | \$ 7,677,767  | 116418 |
| <b>Section 241.10. COM DEPARTMENT OF COMMERCE</b> |    |            |               | 116420 |
| General Services Fund Group                       |    |            |               | 116421 |
| 1630 800620 Division of Administration            | \$ | 6,200,000  | \$ 6,200,000  | 116422 |
| 1630 800637 Information Technology                | \$ | 6,011,977  | \$ 6,011,977  | 116423 |
| 5430 800602 Unclaimed Funds-Operating             | \$ | 7,737,546  | \$ 7,737,546  | 116424 |
| 5430 800625 Unclaimed Funds-Claims                | \$ | 64,000,000 | \$ 64,000,000 | 116425 |
| 5F10 800635 Small Government Fire Departments     | \$ | 300,000    | \$ 300,000    | 116426 |
| TOTAL GSF General Services Fund                   |    |            |               | 116427 |
| Group                                             | \$ | 84,249,523 | \$ 84,249,523 | 116428 |
| Federal Special Revenue Fund Group                |    |            |               | 116429 |
| 3480 800622 Underground Storage Tanks             | \$ | 1,129,518  | \$ 1,129,518  | 116430 |
| 3480 800624 Leaking Underground Storage Tanks     | \$ | 1,556,211  | \$ 1,556,211  | 116431 |
| TOTAL FED Federal Special Revenue                 |    |            |               | 116432 |

|                                  |                         |    |            |    |            |        |
|----------------------------------|-------------------------|----|------------|----|------------|--------|
| Fund Group                       |                         | \$ | 2,685,729  | \$ | 2,685,729  | 116433 |
| State Special Revenue Fund Group |                         |    |            |    |            | 116434 |
| 4B20 800631                      | Real Estate Appraisal   | \$ | 35,000     | \$ | 35,000     | 116435 |
|                                  | Recovery                |    |            |    |            |        |
| 4H90 800608                      | Cemeteries              | \$ | 266,688    | \$ | 266,688    | 116436 |
| 4X20 800619                      | Financial Institutions  | \$ | 1,854,298  | \$ | 1,854,298  | 116437 |
| 5440 800612                      | Banks                   | \$ | 6,836,589  | \$ | 6,836,589  | 116438 |
| 5450 800613                      | Savings Institutions    | \$ | 2,259,536  | \$ | 2,259,536  | 116439 |
| 5460 800610                      | Fire Marshal            | \$ | 15,315,738 | \$ | 15,324,574 | 116440 |
| 5460 800639                      | Fire Department Grants  | \$ | 2,198,802  | \$ | 2,198,802  | 116441 |
| 5470 800603                      | Real Estate             | \$ | 69,655     | \$ | 69,655     | 116442 |
|                                  | Education/Research      |    |            |    |            |        |
| 5480 800611                      | Real Estate Recovery    | \$ | 50,000     | \$ | 50,000     | 116443 |
| 5490 800614                      | Real Estate             | \$ | 3,310,412  | \$ | 3,310,412  | 116444 |
| 5500 800617                      | Securities              | \$ | 4,238,814  | \$ | 4,238,814  | 116445 |
| 5520 800604                      | Credit Union            | \$ | 3,297,888  | \$ | 3,297,888  | 116446 |
| 5530 800607                      | Consumer Finance        | \$ | 3,481,692  | \$ | 3,481,692  | 116447 |
| 5560 800615                      | Industrial Compliance   | \$ | 26,612,520 | \$ | 27,104,205 | 116448 |
| 5FW0 800616                      | Financial Literacy      | \$ | 200,000    | \$ | 200,000    | 116449 |
|                                  | Education               |    |            |    |            |        |
| 5GK0 800609                      | Securities Investor     | \$ | 432,150    | \$ | 432,150    | 116450 |
|                                  | Education/Enforcement   |    |            |    |            |        |
| 5HV0 800641                      | Cigarette Enforcement   | \$ | 118,800    | \$ | 118,800    | 116451 |
| 5LP0 800646                      | Liquor Regulatory       | \$ | 7,988,921  | \$ | 7,844,537  | 116452 |
|                                  | Operating Expenses      |    |            |    |            |        |
| 5X60 800623                      | Video Service           | \$ | 337,224    | \$ | 337,224    | 116453 |
| 6530 800629                      | UST Registration/Permit | \$ | 3,831,888  | \$ | 3,612,588  | 116454 |
|                                  | Fee                     |    |            |    |            |        |
| 6A40 800630                      | Real Estate             | \$ | 672,973    | \$ | 672,973    | 116455 |
|                                  | Appraiser-Operating     |    |            |    |            |        |
| TOTAL SSR State Special Revenue  |                         |    |            |    |            | 116456 |
| Fund Group                       |                         | \$ | 83,409,588 | \$ | 83,546,425 | 116457 |
| Liquor Control Fund Group        |                         |    |            |    |            | 116458 |

|                              |                                               |    |           |    |           |        |
|------------------------------|-----------------------------------------------|----|-----------|----|-----------|--------|
| 5LC0 800644                  | Liquor JobsOhio<br>Extraordinary<br>Allowance | \$ | 209,279   | \$ | 198,097   | 116459 |
| 5LN0 800645                  | Liquor Operating<br>Services                  | \$ | 5,231,967 | \$ | 4,952,417 | 116460 |
| TOTAL LCF Liquor Control     |                                               |    |           |    |           | 116461 |
| Fund Group                   |                                               | \$ | 5,441,246 | \$ | 5,150,514 | 116462 |
| TOTAL ALL BUDGET FUND GROUPS |                                               |    |           |    |           | 116463 |

ADMINISTRATIVE ASSESSMENTS 116464

Notwithstanding any other provision of law to the contrary, 116465  
the Division of Administration Fund (Fund 1630) is entitled to 116466  
receive assessments from all operating funds of the Department in 116467  
accordance with procedures prescribed by the Director of Commerce 116468  
and approved by the Director of Budget and Management. 116469

UNCLAIMED FUNDS PAYMENTS 116470

The foregoing appropriation item 800625, Unclaimed 116471  
Funds-Claims, shall be used to pay claims under section 169.08 of 116472  
the Revised Code. If it is determined that additional amounts are 116473  
necessary, the amounts are appropriated. 116474

FIRE DEPARTMENT GRANTS 116475

Of the foregoing appropriation item 800639, Fire Department 116476  
Grants, up to \$2,198,802 in each fiscal year shall be used to make 116477  
annual grants to the following eligible recipients: volunteer fire 116478  
departments, fire departments that serve one or more small 116479  
municipalities or small townships, joint fire districts comprised 116480  
of fire departments that primarily serve small municipalities or 116481  
small townships, local units of government responsible for such 116482  
fire departments, and local units of government responsible for 116483  
the provision of fire protection services for small municipalities 116484  
or small townships. For the purposes of these grants, a private 116485  
fire company, as that phrase is defined in section 9.60 of the 116486

Revised Code, that is providing fire protection services under a 116487  
contract to a political subdivision of the state, is an additional 116488  
eligible recipient for a training grant. 116489

Eligible recipients that consist of small municipalities or 116490  
small townships that all intend to contract with the same fire 116491  
department or private fire company for fire protection services 116492  
may jointly apply and be considered for a grant. If a joint 116493  
applicant is awarded a grant, the State Fire Marshal shall, if 116494  
feasible, proportionately award the grant and any equipment 116495  
purchased with grant funds to each of the joint applicants based 116496  
upon each applicant's contribution to and demonstrated need for 116497  
fire protection services. 116498

If the grant awarded to joint applicants is an equipment 116499  
grant and the equipment to be purchased cannot be readily 116500  
distributed or possessed by multiple recipients, each of the joint 116501  
applicants shall be awarded by the State Fire Marshal an ownership 116502  
interest in the equipment so purchased in proportion to each 116503  
applicant's contribution to and demonstrated need for fire 116504  
protection services. The joint applicants shall then mutually 116505  
agree on how the equipment is to be maintained, operated, stored, 116506  
or disposed of. If, for any reason, the joint applicants cannot 116507  
agree as to how jointly owned equipment is to be maintained, 116508  
operated, stored, or disposed of or any of the joint applicants no 116509  
longer maintain a contract with the same fire protection service 116510  
provider as the other applicants, then the joint applicants shall, 116511  
with the assistance of the State Fire Marshal, mutually agree as 116512  
to how the jointly owned equipment is to be maintained, operated, 116513  
stored, disposed of, or owned. If the joint applicants cannot 116514  
agree how the grant equipment is to be maintained, operated, 116515  
stored, disposed of, or owned, the State Fire Marshal may, in its 116516  
discretion, require all of the equipment acquired by the joint 116517  
applicants with grant funds to be returned to the State Fire 116518

Marshal. The State Fire Marshal may then award the returned 116519  
equipment to any eligible recipients. 116520

Except as otherwise provided in this section, the grants 116521  
shall be used by recipients to purchase firefighting or rescue 116522  
equipment or gear or similar items, to provide full or partial 116523  
reimbursement for the documented costs of firefighter training, 116524  
or, at the discretion of the State Fire Marshal, to cover fire 116525  
department costs for providing fire protection services in that 116526  
grant recipient's jurisdiction. 116527

Of the foregoing appropriation item 800639, up to \$500,000 116528  
per fiscal year may be used to pay for the State Fire Marshal's 116529  
costs of providing firefighter I certification classes or other 116530  
firefighter classes approved by the Department of Public Safety in 116531  
accordance with section 4765.55 of the Revised Code at no cost to 116532  
selected students attending the Ohio Fire Academy or other class 116533  
providers approved by the State Fire Marshal. The State Fire 116534  
Marshal may establish the qualifications and selection processes 116535  
for students to attend such classes by written policy, and such 116536  
students shall be considered eligible recipients of fire 116537  
department grants for the purposes of this portion of the grant 116538  
program. 116539

Grant awards for firefighting or rescue equipment or gear or 116540  
for fire department costs of providing fire protection services 116541  
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 116542  
fiscal year if an eligible entity serves a jurisdiction in which 116543  
the Governor declared a natural disaster during the preceding or 116544  
current fiscal year in which the grant was awarded. In addition to 116545  
any grant funds awarded for rescue equipment or gear, or for fire 116546  
department costs associated with the provision of fire protection 116547  
services, an eligible entity may receive a grant for up to \$15,000 116548  
per fiscal year for full or partial reimbursement of the 116549  
documented costs of firefighter training. For each fiscal year, 116550

the State Fire Marshal shall determine the total amounts to be allocated for each eligible purpose.

The grant program shall be administered by the State Fire Marshal in accordance with rules the State Fire Marshal adopts as part of the state fire code adopted pursuant to section 3737.82 of the Revised Code that are necessary for the administration and operation of the grant program. The rules may further define the entities eligible to receive grants and establish criteria for the awarding and expenditure of grant funds, including methods the State Fire Marshal may use to verify the proper use of grant funds or to obtain reimbursement for or the return of equipment for improperly used grant funds. Any amounts in appropriation item 800639, Fire Department Grants, in excess of the amount allocated for these grants may be used for the administration of the grant program.

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND

The Director of Budget and Management, upon the request of the Director of Commerce, may transfer up to \$500,000 in cash from the Real Estate Recovery Fund (Fund 5480) and up to \$250,000 in cash from the Real Estate Appraiser Recovery Fund (Fund 4B20) to the Division of Real Estate Operating Fund (Fund 5490) during the biennium ending June 30, 2015.

**Section 243.10.** OCC OFFICE OF CONSUMERS' COUNSEL

|                              |                       |    |           |    |           |
|------------------------------|-----------------------|----|-----------|----|-----------|
| General Services Fund Group  |                       |    |           |    |           |
| 5F50 053601                  | Operating Expenses    | \$ | 5,641,093 | \$ | 5,641,093 |
| TOTAL GSF                    | General Services Fund | \$ | 5,641,093 | \$ | 5,641,093 |
| Group                        |                       |    |           |    |           |
| TOTAL ALL BUDGET FUND GROUPS |                       | \$ | 5,641,093 | \$ | 5,641,093 |

**Section 245.10.** CEB CONTROLLING BOARD

General Revenue Fund



|                              |                             |    |            |    |            |        |
|------------------------------|-----------------------------|----|------------|----|------------|--------|
| GRF 911441                   | Ballot Advertising          | \$ | 475,000    | \$ | 475,000    | 116581 |
|                              | Costs                       |    |            |    |            |        |
| TOTAL GRF                    | General Revenue Fund        | \$ | 475,000    | \$ | 475,000    | 116582 |
|                              | General Services Fund Group |    |            |    |            | 116583 |
| 5KM0 911614                  | CB Emergency Purposes       | \$ | 10,000,000 | \$ | 10,000,000 | 116584 |
| TOTAL GSF                    | General Services Fund       | \$ | 10,000,000 | \$ | 10,000,000 | 116585 |
|                              | Group                       |    |            |    |            |        |
| TOTAL ALL BUDGET FUND GROUPS |                             | \$ | 10,475,000 | \$ | 10,475,000 | 116586 |

FEDERAL SHARE 116587

In transferring appropriations to or from appropriation items 116588  
that have federal shares identified in this act, the Controlling 116589  
Board shall add or subtract corresponding amounts of federal 116590  
matching funds at the percentages indicated by the state and 116591  
federal division of the appropriations in this act. Such changes 116592  
are hereby appropriated. 116593

DISASTER SERVICES 116594

Pursuant to requests submitted by the Department of Public 116595  
Safety, the Controlling Board may approve transfers from the 116596  
Disaster Services Fund (5E20) to a fund and appropriation item 116597  
used by the Department of Public Safety to provide for assistance 116598  
to political subdivisions made necessary by natural disasters or 116599  
emergencies. These transfers may be requested and approved prior 116600  
to the occurrence of any specific natural disasters or emergencies 116601  
in order to facilitate the provision of timely assistance. The 116602  
Emergency Management Agency of the Department of Public Safety 116603  
shall use the funding to fund the State Disaster Relief Program 116604  
for disasters that have a written Governor's authorization, and 116605  
the State Individual Assistance Program for disasters that have a 116606  
written Governor's authorization and is declared by the federal 116607  
Small Business Administration. The Ohio Emergency Management 116608  
Agency shall publish and make available application packets 116609  
outlining procedures for the State Disaster Relief Program and the 116610

State Individual Assistance Program. 116611

Fund 5E20 shall be used by the Controlling Board, pursuant to 116612  
requests submitted by state agencies, to transfer cash and 116613  
appropriations to any fund and appropriation item for the payment 116614  
of state agency disaster relief program expenses for disasters 116615  
that have a written Governor's authorization, if the Director of 116616  
Budget and Management determines that sufficient funds exist. 116617

BALLOT ADVERTISING COSTS 116618

Pursuant to section 3501.17 of the Revised Code, and upon 116619  
requests submitted by the Secretary of State, the Controlling 116620  
Board shall approve transfers from the foregoing appropriation 116621  
item 911441, Ballot Advertising Costs, to appropriation item 116622  
050621, Statewide Ballot Advertising, in order to pay for the cost 116623  
of public notices associated with statewide ballot initiatives. 116624

CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS 116625  
ELIGIBILITY 116626

A state agency director shall request that the Controlling 116627  
Board increase the amount of the agency's capital appropriations 116628  
if the director determines such an increase is necessary for the 116629  
agency to receive and use funds under the federal American 116630  
Recovery and Reinvestment Act of 2009. The Controlling Board may 116631  
increase the capital appropriations pursuant to the request up to 116632  
the exact amount necessary under the federal act if the Board 116633  
determines it is necessary for the agency to receive and use those 116634  
federal funds. 116635

**Section 247.10.** COS STATE BOARD OF COSMETOLOGY 116636

General Services Fund Group 116637  
4K90 879609 Operating Expenses \$ 3,474,030 \$ 3,474,030 116638  
TOTAL GSF General Services Fund 116639  
Group \$ 3,474,030 \$ 3,474,030 116640

|                                                                   |    |           |    |           |        |
|-------------------------------------------------------------------|----|-----------|----|-----------|--------|
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 3,474,030 | \$ | 3,474,030 | 116641 |
| <br>                                                              |    |           |    |           |        |
| <b>Section 249.10.</b> CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE |    |           |    |           | 116643 |
| AND FAMILY THERAPIST BOARD                                        |    |           |    |           | 116644 |
| General Services Fund Group                                       |    |           |    |           | 116645 |
| 4K90 899609 Operating Expenses                                    | \$ | 1,265,856 | \$ | 1,281,478 | 116646 |
| TOTAL GSF General Services Fund                                   |    |           |    |           | 116647 |
| Group                                                             | \$ | 1,265,856 | \$ | 1,281,478 | 116648 |
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 1,265,856 | \$ | 1,281,478 | 116649 |
| <br>                                                              |    |           |    |           |        |
| <b>Section 251.10.</b> CLA COURT OF CLAIMS                        |    |           |    |           | 116651 |
| General Revenue Fund                                              |    |           |    |           | 116652 |
| GRF 015321 Operating Expenses                                     | \$ | 2,501,052 | \$ | 2,501,052 | 116653 |
| TOTAL GRF General Revenue Fund                                    | \$ | 2,501,052 | \$ | 2,501,052 | 116654 |
| State Special Revenue Fund Group                                  |    |           |    |           | 116655 |
| 5K20 015603 CLA Victims of Crime                                  | \$ | 415,556   | \$ | 415,953   | 116656 |
| TOTAL SSR State Special Revenue                                   |    |           |    |           | 116657 |
| Fund Group                                                        | \$ | 415,556   | \$ | 415,953   | 116658 |
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 2,916,608 | \$ | 2,917,005 | 116659 |
| <br>                                                              |    |           |    |           |        |
| <b>Section 253.10.</b> DEN STATE DENTAL BOARD                     |    |           |    |           | 116661 |
| General Services Fund Group                                       |    |           |    |           | 116662 |
| 4K90 880609 Operating Expenses                                    | \$ | 1,566,484 | \$ | 1,566,484 | 116663 |
| TOTAL GSF General Services Fund                                   |    |           |    |           | 116664 |
| Group                                                             | \$ | 1,566,484 | \$ | 1,566,484 | 116665 |
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 1,566,484 | \$ | 1,566,484 | 116666 |
| <br>                                                              |    |           |    |           |        |
| <b>Section 255.10.</b> BDP BOARD OF DEPOSIT                       |    |           |    |           | 116668 |
| General Services Fund Group                                       |    |           |    |           | 116669 |
| 4M20 974601 Board of Deposit                                      | \$ | 1,876,000 | \$ | 1,876,000 | 116670 |
| TOTAL GSF General Services Fund                                   |    |           |    |           | 116671 |
| Group                                                             | \$ | 1,876,000 | \$ | 1,876,000 | 116672 |

|                                                                   |  |  |    |            |    |            |        |
|-------------------------------------------------------------------|--|--|----|------------|----|------------|--------|
| TOTAL ALL BUDGET FUND GROUPS                                      |  |  | \$ | 1,876,000  | \$ | 1,876,000  | 116673 |
| BOARD OF DEPOSIT EXPENSE FUND                                     |  |  |    |            |    |            | 116674 |
| Upon receiving certification of expenses from the Treasurer       |  |  |    |            |    |            | 116675 |
| of State, the Director of Budget and Management shall transfer    |  |  |    |            |    |            | 116676 |
| cash from the Investment Earnings Redistribution Fund (Fund 6080) |  |  |    |            |    |            | 116677 |
| to the Board of Deposit Expense Fund (Fund 4M20). The latter fund |  |  |    |            |    |            | 116678 |
| shall be used pursuant to section 135.02 of the Revised Code to   |  |  |    |            |    |            | 116679 |
| pay for any and all necessary expenses of the Board of Deposit or |  |  |    |            |    |            | 116680 |
| for banking charges and fees required for the operation of the    |  |  |    |            |    |            | 116681 |
| State of Ohio Regular Account.                                    |  |  |    |            |    |            | 116682 |
| <b>Section 257.10. DEV DEVELOPMENT SERVICES AGENCY</b>            |  |  |    |            |    |            | 116683 |
| General Revenue Fund                                              |  |  |    |            |    |            | 116684 |
| GRF 195402 Coal Research                                          |  |  | \$ | 261,205    | \$ | 261,405    | 116685 |
| Operating                                                         |  |  |    |            |    |            |        |
| GRF 195405 Minority Business                                      |  |  | \$ | 1,693,691  | \$ | 1,693,691  | 116686 |
| Development                                                       |  |  |    |            |    |            |        |
| GRF 195407 Travel and Tourism                                     |  |  | \$ | 1,300,000  | \$ | 0          | 116687 |
| GRF 195415 Business Development                                   |  |  | \$ | 2,413,387  | \$ | 2,413,387  | 116688 |
| Services                                                          |  |  |    |            |    |            |        |
| GRF 195426 Redevelopment                                          |  |  | \$ | 468,365    | \$ | 468,365    | 116689 |
| Assistance                                                        |  |  |    |            |    |            |        |
| GRF 195497 CDBG Operating Match                                   |  |  | \$ | 1,015,000  | \$ | 1,015,000  | 116690 |
| GRF 195501 Appalachian Local                                      |  |  | \$ | 440,000    | \$ | 440,000    | 116691 |
| Development Districts                                             |  |  |    |            |    |            |        |
| GRF 195532 Technology Programs                                    |  |  | \$ | 13,547,341 | \$ | 13,547,341 | 116692 |
| and Grants                                                        |  |  |    |            |    |            |        |
| GRF 195533 Business Assistance                                    |  |  | \$ | 4,205,774  | \$ | 4,205,774  | 116693 |
| GRF 195535 Appalachia Assistance                                  |  |  | \$ | 3,846,482  | \$ | 3,846,482  | 116694 |
| GRF 195537 Ohio Israel                                            |  |  | \$ | 150,000    | \$ | 150,000    | 116695 |
| Agricultural                                                      |  |  |    |            |    |            |        |
| Initiative                                                        |  |  |    |            |    |            |        |

|           |                                    |                                                                                   |    |             |    |             |        |
|-----------|------------------------------------|-----------------------------------------------------------------------------------|----|-------------|----|-------------|--------|
| GRF       | 195901                             | Coal Research &<br>Development General<br>Obligation Debt<br>Service              | \$ | 2,858,900   | \$ | 4,327,200   | 116696 |
| GRF       | 195905                             | Third Frontier<br>Research &<br>Development General<br>Obligation Debt<br>Service | \$ | 66,511,600  | \$ | 83,783,000  | 116697 |
| GRF       | 195912                             | Job Ready Site<br>Development General<br>Obligation Debt<br>Service               | \$ | 15,498,400  | \$ | 19,124,500  | 116698 |
| TOTAL GRF | General Revenue Fund               |                                                                                   | \$ | 114,210,145 | \$ | 135,276,145 | 116699 |
|           | General Services Fund Group        |                                                                                   |    |             |    |             | 116700 |
| 1350      | 195684                             | Development Services<br>Operations                                                | \$ | 10,800,000  | \$ | 10,800,000  | 116701 |
| 4W10      | 195646                             | Minority Business<br>Enterprise Loan                                              | \$ | 2,500,000   | \$ | 2,500,000   | 116702 |
| 5KN0      | 195640                             | Local Government<br>Innovation                                                    | \$ | 20,130,986  | \$ | 20,000,000  | 116703 |
| 5MB0      | 195623                             | Business Incentive<br>Grants                                                      | \$ | 15,000,000  | \$ | 0           | 116704 |
| 5MK0      | 195600                             | Vacant Facilities<br>Grant                                                        | \$ | 1,000,000   | \$ | 1,000,000   | 116705 |
| 5W50      | 195690                             | Travel and Tourism<br>Cooperative Projects                                        | \$ | 150,000     | \$ | 150,000     | 116706 |
| 6850      | 195636                             | Development Services<br>Reimbursable<br>Expenditures                              | \$ | 700,000     | \$ | 700,000     | 116707 |
| TOTAL GSF | General Services Fund              |                                                                                   |    |             |    |             | 116708 |
| Group     |                                    |                                                                                   | \$ | 50,280,986  | \$ | 35,150,000  | 116709 |
|           | Federal Special Revenue Fund Group |                                                                                   |    |             |    |             | 116710 |

|      |        |                                                                           |    |             |    |             |        |
|------|--------|---------------------------------------------------------------------------|----|-------------|----|-------------|--------|
| 3080 | 195602 | Appalachian Regional<br>Commission                                        | \$ | 475,000     | \$ | 475,000     | 116711 |
| 3080 | 195603 | Housing Assistance<br>Programs                                            | \$ | 10,000,000  | \$ | 10,000,000  | 116712 |
| 3080 | 195609 | Small Business<br>Administration Grants                                   | \$ | 5,271,381   | \$ | 5,271,381   | 116713 |
| 3080 | 195618 | Energy Grants                                                             | \$ | 9,307,779   | \$ | 4,109,193   | 116714 |
| 3080 | 195670 | Home Weatherization<br>Program                                            | \$ | 17,000,000  | \$ | 17,000,000  | 116715 |
| 3080 | 195671 | Brownfield<br>Redevelopment                                               | \$ | 5,000,000   | \$ | 5,000,000   | 116716 |
| 3080 | 195672 | Manufacturing<br>Extension Partnership                                    | \$ | 5,359,305   | \$ | 5,359,305   | 116717 |
| 3080 | 195675 | Procurement Technical<br>Assistance                                       | \$ | 600,000     | \$ | 600,000     | 116718 |
| 3080 | 195681 | SBDC Disability<br>Consulting                                             | \$ | 1,300,000   | \$ | 1,300,000   | 116719 |
| 3350 | 195610 | Energy Programs                                                           | \$ | 200,000     | \$ | 200,000     | 116720 |
| 3AE0 | 195643 | Workforce Development<br>Initiatives                                      | \$ | 1,800,000   | \$ | 1,800,000   | 116721 |
| 3DB0 | 195642 | Federal Stimulus -<br>Energy Efficiency &<br>Conservation Block<br>Grants | \$ | 38,152      | \$ | 0           | 116722 |
| 3FJ0 | 195626 | Small Business<br>Capital Access and<br>Collateral<br>Enhancement Program | \$ | 32,046,846  | \$ | 5,655,326   | 116723 |
| 3FJ0 | 195661 | Technology Targeted<br>Investment Program                                 | \$ | 12,750,410  | \$ | 2,250,072   | 116724 |
| 3K80 | 195613 | Community Development<br>Block Grant                                      | \$ | 65,000,000  | \$ | 65,000,000  | 116725 |
| 3K90 | 195611 | Home Energy                                                               | \$ | 172,000,000 | \$ | 172,000,000 | 116726 |

|                                  |        |                         |    |             |    |             |        |
|----------------------------------|--------|-------------------------|----|-------------|----|-------------|--------|
|                                  |        | Assistance Block        |    |             |    |             |        |
|                                  |        | Grant                   |    |             |    |             |        |
| 3K90                             | 195614 | HEAP Weatherization     | \$ | 22,000,000  | \$ | 22,000,000  | 116727 |
| 3L00                             | 195612 | Community Services      | \$ | 27,240,217  | \$ | 27,240,217  | 116728 |
|                                  |        | Block Grant             |    |             |    |             |        |
| 3V10                             | 195601 | HOME Program            | \$ | 30,000,000  | \$ | 30,000,000  | 116729 |
| TOTAL FED                        |        | Federal Special Revenue |    |             |    |             | 116730 |
| Fund Group                       |        |                         | \$ | 417,389,090 | \$ | 375,260,494 | 116731 |
| State Special Revenue Fund Group |        |                         |    |             |    |             | 116732 |
| 4500                             | 195624 | Minority Business       | \$ | 74,868      | \$ | 74,905      | 116733 |
|                                  |        | Bonding Program         |    |             |    |             |        |
|                                  |        | Administration          |    |             |    |             |        |
| 4510                             | 195649 | Business Assistance     | \$ | 6,300,800   | \$ | 6,700,800   | 116734 |
|                                  |        | Programs                |    |             |    |             |        |
| 4F20                             | 195639 | State Special Projects  | \$ | 102,145     | \$ | 102,104     | 116735 |
| 4F20                             | 195699 | Utility Community       | \$ | 500,000     | \$ | 500,000     | 116736 |
|                                  |        | Assistance              |    |             |    |             |        |
| 5CG0                             | 195679 | Alternative Fuel        | \$ | 750,000     | \$ | 750,000     | 116737 |
|                                  |        | Transportation          |    |             |    |             |        |
| 5HR0                             | 195526 | Incumbent Workforce     | \$ | 30,000,000  | \$ | 30,000,000  | 116738 |
|                                  |        | Training Vouchers       |    |             |    |             |        |
| 5HR0                             | 195622 | Defense Development     | \$ | 5,000,000   | \$ | 5,000,000   | 116739 |
|                                  |        | Assistance              |    |             |    |             |        |
| 5JR0                             | 195635 | Redevelopment Program   | \$ | 100,000     | \$ | 100,000     | 116740 |
|                                  |        | Support                 |    |             |    |             |        |
| 5KP0                             | 195645 | Historic Rehab          | \$ | 650,000     | \$ | 650,000     | 116741 |
|                                  |        | Operating               |    |             |    |             |        |
| 5LU0                             | 195673 | Racetrack Facility      | \$ | 12,000,000  | \$ | 0           | 116742 |
|                                  |        | Community Economic      |    |             |    |             |        |
|                                  |        | Redevelopment Fund      |    |             |    |             |        |
| 5M40                             | 195659 | Low Income Energy       | \$ | 350,000,000 | \$ | 350,000,000 | 116743 |
|                                  |        | Assistance (USF)        |    |             |    |             |        |
| 5M50                             | 195660 | Advanced Energy Loan    | \$ | 8,000,000   | \$ | 8,000,000   | 116744 |

|               |        |                                                  |    |             |    |             |        |
|---------------|--------|--------------------------------------------------|----|-------------|----|-------------|--------|
|               |        | Programs                                         |    |             |    |             |        |
| 5MH0          | 195644 | SiteOhio                                         | \$ | 100,000     | \$ | 100,000     | 116745 |
|               |        | Administration                                   |    |             |    |             |        |
| 5MJ0          | 195683 | TourismOhio                                      | \$ | 7,000,000   | \$ | 8,000,000   | 116746 |
|               |        | Administration                                   |    |             |    |             |        |
| 5W60          | 195691 | International Trade                              | \$ | 18,000      | \$ | 18,000      | 116747 |
|               |        | Cooperative Projects                             |    |             |    |             |        |
| 6170          | 195654 | Volume Cap                                       | \$ | 32,562      | \$ | 32,562      | 116748 |
|               |        | Administration                                   |    |             |    |             |        |
| 6460          | 195638 | Low- and Moderate-                               | \$ | 53,000,000  | \$ | 53,000,000  | 116749 |
|               |        | Income Housing Trust                             |    |             |    |             |        |
|               |        | Fund                                             |    |             |    |             |        |
| TOTAL SSR     |        | State Special Revenue                            |    |             |    |             | 116750 |
| Fund Group    |        |                                                  | \$ | 473,628,375 | \$ | 463,028,371 | 116751 |
|               |        | Facilities Establishment Fund Group              |    |             |    |             | 116752 |
| 5S90          | 195628 | Capital Access Loan                              | \$ | 3,000,000   | \$ | 3,000,000   | 116753 |
|               |        | Program                                          |    |             |    |             |        |
| 7009          | 195664 | Innovation Ohio                                  | \$ | 15,000,000  | \$ | 15,000,000  | 116754 |
| 7010          | 195665 | Research and                                     | \$ | 22,000,000  | \$ | 22,000,000  | 116755 |
|               |        | Development                                      |    |             |    |             |        |
| 7037          | 195615 | Facilities                                       | \$ | 50,000,000  | \$ | 50,000,000  | 116756 |
|               |        | Establishment                                    |    |             |    |             |        |
| TOTAL 037     |        | Facilities                                       |    |             |    |             | 116757 |
| Establishment |        | Fund Group                                       | \$ | 90,000,000  | \$ | 90,000,000  | 116758 |
|               |        | Clean Ohio Revitalization Fund                   |    |             |    |             | 116759 |
| 7003          | 195663 | Clean Ohio Program                               | \$ | 950,000     | \$ | 950,000     | 116760 |
| TOTAL 7003    |        | Clean Ohio                                       | \$ | 950,000     | \$ | 950,000     | 116761 |
|               |        | Revitalization Fund                              |    |             |    |             |        |
|               |        | Third Frontier Research & Development Fund Group |    |             |    |             | 116762 |
| 7011          | 195686 | Third Frontier                                   | \$ | 1,149,750   | \$ | 1,149,750   | 116763 |
|               |        | Operating                                        |    |             |    |             |        |
| 7011          | 195687 | Third Frontier                                   | \$ | 90,850,250  | \$ | 90,850,250  | 116764 |



|       |        |                                                     |    |               |    |                      |
|-------|--------|-----------------------------------------------------|----|---------------|----|----------------------|
|       |        | Research &<br>Development Projects                  |    |               |    |                      |
| 7014  | 195620 | Third Frontier                                      | \$ | 1,700,000     | \$ | 1,700,000 116765     |
|       |        | Operating - Tax                                     |    |               |    |                      |
| 7014  | 195692 | Research &<br>Development Taxable<br>Bond Projects  | \$ | 38,300,000    | \$ | 38,300,000 116766    |
| TOTAL | 011    | Third Frontier Research &<br>Development Fund Group | \$ | 132,000,000   | \$ | 132,000,000 116767   |
|       |        | Job Ready Site Development Fund Group               |    |               |    | 116768               |
| 7012  | 195688 | Job Ready Site<br>Development                       | \$ | 800,000       | \$ | 800,000 116769       |
| TOTAL | 012    | Job Ready Site<br>Development Fund Group            | \$ | 800,000       | \$ | 800,000 116770       |
|       |        | Tobacco Master Settlement Agreement Fund Group      |    |               |    | 116771               |
| M087  | 195435 | Biomedical Research<br>and Technology<br>Transfer   | \$ | 1,896,595     | \$ | 1,906,025 116772     |
| TOTAL | TSF    | Tobacco Master Settlement<br>Agreement Fund Group   | \$ | 1,896,595     | \$ | 1,906,025 116773     |
| TOTAL | ALL    | BUDGET FUND GROUPS                                  | \$ | 1,281,155,191 | \$ | 1,234,371,035 116774 |

**Section 257.20. COAL RESEARCH OPERATING** 116776

The foregoing appropriation item 195402, Coal Research 116777  
Operating, shall be used for the operating expenses of the 116778  
Community Services Division in support of the Ohio Coal 116779  
Development Office. 116780

**TRAVEL AND TOURISM** 116781

The foregoing appropriation item 195407, Travel and Tourism, 116782  
shall be used for marketing the state of Ohio as a tourism 116783  
destination and to support administrative expenses and contracts 116784  
necessary to market Ohio. 116785

BUSINESS DEVELOPMENT SERVICES 116786

The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Business Services Division and the regional economic development offices and for grants for cooperative economic development ventures. 116787  
116788  
116789  
116790

REDEVELOPMENT ASSISTANCE 116791

The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the Clean Ohio Revitalization program and other urban revitalization programs that may be implemented by the Development Services Agency. 116792  
116793  
116794  
116795  
116796

CDBG OPERATING MATCH 116797

The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto. 116798  
116799  
116800  
116801  
116802

APPALACHIAN LOCAL DEVELOPMENT DISTRICTS 116803

The foregoing appropriation item 195501, Appalachian Local Development Districts, shall be used to support four local development districts. Of the foregoing appropriation amount in each fiscal year, up to \$135,000 shall be allocated to the Ohio Valley Regional Development Commission, up to \$135,000 shall be allocated to the Ohio Mid-Eastern Government Association, up to \$135,000 shall be allocated to the Buckeye Hills-Hocking Valley Regional Development District, and up to \$35,000 shall be allocated to the Eastgate Regional Council of Governments. Local development districts receiving funding under this section shall use the funds for the implementation and administration of programs and duties under section 107.21 of the Revised Code. 116804  
116805  
116806  
116807  
116808  
116809  
116810  
116811  
116812  
116813  
116814  
116815

TECHNOLOGY PROGRAMS AND GRANTS 116816

Of the foregoing appropriation item 195532, Technology 116817  
Programs and Grants, up to \$547,341 in each fiscal year shall be 116818  
used for operating expenses incurred in administering the Ohio 116819  
Third Frontier pursuant to sections 184.10 to 184.20 of the 116820  
Revised Code; and up to \$13,000,000 in each fiscal year shall be 116821  
used for the Thomas Edison Program pursuant to sections 122.28 to 116822  
122.38 of the Revised Code, of which not less than \$8,700,000 116823  
shall be allocated for the Edison Center Network entities defined 116824  
in division (C) of section 122.33 of the Revised Code, and not 116825  
more than ten per cent shall be used for operating expenses 116826  
incurred in administering the program. 116827

BUSINESS ASSISTANCE 116828

The foregoing appropriation item 195533, Business Assistance, 116829  
may be used to provide a range of business assistance, including 116830  
grants to local organizations to support economic development 116831  
activities that promote minority business development, small 116832  
business development, entrepreneurship, and exports of Ohio's 116833  
goods and services. This appropriation item shall also be used as 116834  
matching funds for grants from the United States Small Business 116835  
Administration and other federal agencies, pursuant to Public Law 116836  
No. 96-302 as amended by Public Law No. 98-395, and regulations 116837  
and policy guidelines for the programs pursuant thereto. 116838

APPALACHIA ASSISTANCE 116839

The foregoing appropriation item 195535, Appalachia 116840  
Assistance, may be used for the administrative costs of planning 116841  
and liaison activities for the Governor's Office of Appalachia, to 116842  
provide financial assistance to projects in Ohio's Appalachian 116843  
counties, and to pay dues for the Appalachian Regional Commission. 116844  
These funds may be used to match federal funds from the 116845  
Appalachian Regional Commission. 116846

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| OHIO ISRAEL AGRICULTURE INITIATIVE                                 | 116847 |
| The foregoing appropriation item 195537, Ohio Israel               | 116848 |
| Agricultural Initiative, shall be used for the Ohio - Israel       | 116849 |
| Agricultural Initiative.                                           | 116850 |
| COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE      | 116851 |
| The foregoing appropriation line item 195901, Coal Research        | 116852 |
| and Development General Obligation Debt Service, shall be used to  | 116853 |
| pay all debt service and related financing costs during the period | 116854 |
| July 1, 2013, through June 30, 2015 for obligations issued under   | 116855 |
| sections 151.01 and 151.07 of the Revised Code.                    | 116856 |
| THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION DEBT      | 116857 |
| SERVICE                                                            | 116858 |
| The foregoing appropriation item 195905, Third Frontier            | 116859 |
| Research & Development General Obligation Debt Service, shall be   | 116860 |
| used to pay all debt service and related financing costs during    | 116861 |
| the period from July 1, 2013, through June 30, 2015, on            | 116862 |
| obligations issued for research and development purposes under     | 116863 |
| sections 151.01 and 151.10 of the Revised Code.                    | 116864 |
| JOB READY SITE DEVELOPMENT GENERAL OBLIGATION DEBT SERVICE         | 116865 |
| The foregoing appropriation item 195912, Job Ready Site            | 116866 |
| Development General Obligation Debt Service, shall be used to pay  | 116867 |
| all debt service and related financing costs during the period     | 116868 |
| from July 1, 2013, through June 30, 2015, on obligations issued    | 116869 |
| for job ready site development purposes under sections 151.01 and  | 116870 |
| 151.11 of the Revised Code.                                        | 116871 |
| <b>Section 257.30. DEVELOPMENT SERVICES OPERATIONS</b>             | 116872 |
| The Director of Development Services may assess offices of         | 116873 |
| the agency for the cost of central service operations. An          | 116874 |
| assessment shall contain the characteristics of administrative     | 116875 |
| ease and uniform application. A division's payments shall be       | 116876 |

credited to the Supportive Services Fund (Fund 1350) using an 116877  
intrastate transfer voucher. 116878

LOCAL GOVERNMENT INNOVATION FUND 116879

The Director of Budget and Management shall transfer 116880  
\$4,000,000 in cash in each fiscal year from the General Revenue 116881  
Fund to the Local Government Innovation Fund (Fund 5KN0). The 116882  
foregoing appropriation item 195640, Local Government Innovation, 116883  
shall be used for the purposes of making loans and grants to 116884  
political subdivisions under the Local Government Innovation 116885  
Program in accordance with sections 189.01 to 189.10 of the 116886  
Revised Code. Notwithstanding section 189.04 of the Revised Code, 116887  
of the foregoing appropriation item 195640, Local Government 116888  
Innovation, up to \$4,000,000 in each fiscal year shall be used for 116889  
grants under the Local Government Innovation Program established 116890  
in section 189.02 of the Revised Code, and up to \$175,000 in each 116891  
fiscal year shall be used for administrative costs incurred by the 116892  
Development Services Agency. 116893

TRAVEL AND TOURISM COOPERATIVE PROJECTS 116894

The foregoing appropriation item 195690, Travel and Tourism 116895  
Cooperative Projects, shall consist solely of leveraged private 116896  
sector paid advertising dollars received in tourism marketing 116897  
assistance and co-op programs. These funds are to be used for the 116898  
marketing and promotion of travel and tourism in Ohio. 116899

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 116900

The foregoing appropriation item 195636, Development Services 116901  
Reimbursable Expenditures, shall be used for reimbursable costs 116902  
incurred by the agency. Revenues to the General Reimbursement Fund 116903  
(Fund 6850) shall consist of moneys charged for administrative 116904  
costs that are not central service costs. 116905

**Section 257.40.** HEAP WEATHERIZATION 116906

Not less than fifteen per cent of the federal funds deposited 116907  
to the credit of the Home Energy Assistance Block Grant Fund (Fund 116908  
3K90) shall be expended from appropriation item 195614, HEAP 116909  
Weatherization, to provide home weatherization services in the 116910  
state as determined by the Director of Development Services. Any 116911  
transfers or increases in appropriation for the foregoing 116912  
appropriation items 195614, HEAP Weatherization, or 195611, Home 116913  
Energy Assistance Block Grant, shall be subject to approval by the 116914  
Controlling Board. 116915

**Section 257.50. BUSINESS ASSISTANCE PROGRAMS** 116916

The foregoing appropriation item 195649, Business Assistance 116917  
Programs, shall be used for administrative expenses associated 116918  
with the operation of tax credit programs, loan servicing, the 116919  
Ohio Film Office, workforce initiatives, and the Office of 116920  
Strategic Business Investments, and for payments to the JobsOhio 116921  
corporation established in Chapter 187. of the Revised Code for 116922  
services provided for the administration of the 166 Direct Loan 116923  
Program, Ohio Enterprise Bond Fund, Research and Development Loan 116924  
Program, and Innovation Ohio Loan Program. 116925

**STATE SPECIAL PROJECTS** 116926

The State Special Projects Fund (Fund 4F20), may be used for 116927  
the deposit of private-sector funds from utility companies and for 116928  
the deposit of other miscellaneous state funds. State moneys so 116929  
deposited may also be used to match federal housing grants for the 116930  
homeless. 116931

**MINORITY BUSINESS ENTERPRISE LOAN** 116932

All repayments from the Minority Development Financing 116933  
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee 116934  
Program shall be deposited in the State Treasury to the credit of 116935  
the Minority Business Enterprise Loan Fund (Fund 4W10). 116936

MINORITY BUSINESS BONDING FUND 116937

Notwithstanding Chapters 122., 169., and 175. of the Revised Code, the Director of Development Services may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to \$10,000,000 in the fiscal year 2014-fiscal year 2015 biennium of unclaimed funds administered by the Director of Commerce and allocated to the Minority Business Bonding Program under section 169.05 of the Revised Code.

If needed for the payment of losses arising from the Minority Business Bonding Program, the Director of Budget and Management may, at the request of the Director of Development Services, request that the Director of Commerce transfer unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code to the Minority Bonding Fund (Fund 4490). The transfer of unclaimed funds shall only occur after proceeds of the initial transfer of \$2,700,000 by the Controlling Board to the Minority Business Bonding Program have been used for that purpose. If expenditures are required for payment of losses arising from the Minority Business Bonding Program, such expenditures shall be made from appropriation item 195658, Minority Business Bonding Contingency in the Minority Business Bonding Fund, and such amounts are hereby appropriated.

INCUMBENT WORKFORCE TRAINING VOUCHERS 116959

(A) The Director of Budget and Management may transfer up to \$30,000,000 cash in each fiscal year from the Economic Development Programs Fund (Fund 5JC0) used by the Board of Regents to the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0) used by the Development Services Agency.

(B) Of the foregoing appropriation item 195526, Incumbent Workforce Training Vouchers, up to \$30,000,000 in each fiscal year shall be used to support the Ohio Incumbent Workforce Training

Voucher Program. 116968

(C) The Ohio Incumbent Workforce Training Voucher Program 116969  
shall conform to guidelines for the operation of the program, 116970  
including, but not limited to, the following: 116971

(1) A requirement that a training voucher under the program 116972  
shall not exceed \$6,000 per worker per year; 116973

(2) A provision for an employer of an eligible employee to 116974  
apply for a voucher on behalf of the eligible employee; 116975

(3) A provision for an eligible employee to apply directly 116976  
for a training voucher with the pre-approval of the employee's 116977  
employer; and 116978

(4) A requirement that an employee participating in the 116979  
program, or the employee's employer, shall pay for not less than 116980  
thirty-three per cent of the training costs under the program. 116981

On July 1, 2014, or as soon as possible thereafter, the 116982  
Director of Development Services may request that the Director of 116983  
Budget and Management reappropriate any unexpended, unencumbered 116984  
balance of the prior fiscal year's appropriation to the foregoing 116985  
appropriation item 195526, Incumbent Workforce Training Vouchers, 116986  
for fiscal year 2015. The Director of Budget and Management may 116987  
request additional information necessary for evaluating the 116988  
request, and the Director of Development Services shall provide 116989  
the requested information to the Director of Budget and 116990  
Management. Based on the information provided by the Director of 116991  
Development Services, the Director of Budget and Management shall 116992  
determine the amount to be reappropriated, and those amounts are 116993  
hereby reappropriated for fiscal year 2015. 116994

DEFENSE DEVELOPMENT ASSISTANCE 116995

The Director of Budget and Management may transfer up to 116996  
\$5,000,000 in cash in each fiscal year from the Economic 116997



Development Programs Fund (Fund 5JC0) used by the Board of Regents 116998  
to the Ohio Incumbent Workforce Job Training Fund (Fund 5HR0) used 116999  
by the Development Services Agency. The transferred funds shall be 117000  
used for appropriation item 195622, Defense Development 117001  
Assistance, for economic development programs and the creation of 117002  
new jobs to leverage and support mission gains at Department of 117003  
Defense facilities in Ohio by working with future base realignment 117004  
and closure activities and ongoing Department of Defense 117005  
efficiency initiatives, assisting efforts to secure Department of 117006  
Defense support contracts for Ohio companies, assessing and 117007  
supporting regional job training and workforce development needs 117008  
generated by the Department of Defense and the Ohio aerospace 117009  
industry, and for expanding job training and economic development 117010  
programs in human performance related initiatives. A portion of 117011  
these funds shall be matched by private industry partners or the 117012  
Department of Defense. 117013

On July 1, 2014, or as soon as possible thereafter, the 117014  
Director of Development Services may request that the Director of 117015  
Budget and Management reappropriate any unexpended, unencumbered 117016  
balance of the prior fiscal year's appropriation to the foregoing 117017  
appropriation item 195622, Defense Development Assistance, for 117018  
fiscal year 2015. The Director of Budget and Management may 117019  
request additional information necessary for evaluating the 117020  
request, and the Director of Development Services shall provide 117021  
the requested information to the Director of Budget and 117022  
Management. Based on the information provided by the Director of 117023  
Development Services, the Director of Budget and Management shall 117024  
determine the amount to be reappropriated, and those amounts are 117025  
hereby reappropriated for fiscal year 2015. 117026

ADVANCED ENERGY LOAN PROGRAMS 117027

The foregoing appropriation item 195660, Advanced Energy Loan 117028  
Programs, shall be used to provide financial assistance to 117029

customers for eligible advanced energy projects for residential, 117030  
commercial, and industrial business, local government, educational 117031  
institution, nonprofit, and agriculture customers, and to pay for 117032  
the program's administrative costs as provided in sections 4928.61 117033  
to 4928.63 of the Revised Code and rules adopted by the Director 117034  
of Development Services. 117035

VOLUME CAP ADMINISTRATION 117036

The foregoing appropriation item 195654, Volume Cap 117037  
Administration, shall be used for expenses related to the 117038  
administration of the Volume Cap Program. Revenues received by the 117039  
Volume Cap Administration Fund (Fund 6170) shall consist of 117040  
application fees, forfeited deposits, and interest earned from the 117041  
custodial account held by the Treasurer of State. 117042

**Section 257.60.** CAPITAL ACCESS LOAN PROGRAM 117043

The foregoing appropriation item 195628, Capital Access Loan 117044  
Program, shall be used for operating, program, and administrative 117045  
expenses of the program. Funds of the Capital Access Loan Program 117046  
shall be used to assist participating financial institutions in 117047  
making program loans to eligible businesses that face barriers in 117048  
accessing working capital and obtaining fixed-asset financing. 117049

INNOVATION OHIO LOAN FUND 117050

The foregoing appropriation item 195664, Innovation Ohio, 117051  
shall be used to provide for Innovation Ohio purposes, including 117052  
loan guarantees and loans under Chapter 166. and particularly 117053  
sections 166.12 to 166.16 of the Revised Code. 117054

RESEARCH AND DEVELOPMENT 117055

The foregoing appropriation item 195665, Research and 117056  
Development, shall be used to provide for research and development 117057  
purposes, including loans, under Chapter 166. and particularly 117058  
sections 166.17 to 166.21 of the Revised Code. 117059

|                                                                                                                                                                                                                                                                                                                                                      |                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| FACILITIES ESTABLISHMENT                                                                                                                                                                                                                                                                                                                             | 117060                                                   |
| The foregoing appropriation item 195615, Facilities Establishment, shall be used for the purposes of the Facilities Establishment Fund (Fund 7037) under Chapter 166. of the Revised Code.                                                                                                                                                           | 117061<br>117062<br>117063<br>117064                     |
| Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$3,000,000 in cash in each fiscal year may be transferred from the Facilities Establishment Fund (Fund 7037) to the Business Assistance Fund (Fund 4510). The transfer is subject to Controlling Board approval under division (B) of section 166.03 of the Revised Code. | 117065<br>117066<br>117067<br>117068<br>117069<br>117070 |
| Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$1,000,000 in cash in each fiscal year from the Facilities Establishment Fund (Fund 7037) to the Minority Business Enterprise Loan Fund (Fund 4W10).                                                                   | 117071<br>117072<br>117073<br>117074<br>117075           |
| Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$2,000,000 in cash in each fiscal year from the Facilities Establishment Fund (Fund 7037) to the Capital Access Loan Fund (Fund 5S90).                                                                                 | 117076<br>117077<br>117078<br>117079<br>117080           |
| <b>Section 257.70. CLEAN OHIO OPERATING EXPENSES</b>                                                                                                                                                                                                                                                                                                 | 117081                                                   |
| The foregoing appropriation item 195663, Clean Ohio Program, shall be used by the Development Services Agency in administering Clean Ohio Revitalization Fund (Fund 7003) projects pursuant to sections 122.65 to 122.658 of the Revised Code.                                                                                                       | 117082<br>117083<br>117084<br>117085                     |
| <b>Section 257.80. THIRD FRONTIER OPERATING</b>                                                                                                                                                                                                                                                                                                      | 117086                                                   |
| The foregoing appropriation items 195686, Third Frontier Operating, and 195620, Third Frontier Operating - Tax, shall be                                                                                                                                                                                                                             | 117087<br>117088                                         |

used for operating expenses incurred by the Development Services Agency in administering projects pursuant to sections 184.10 to 184.20 of the Revised Code. Operating expenses paid from item 195686 shall be limited to the administration of projects funded from the Third Frontier Research & Development Fund (Fund 7011) and operating expenses paid from item 195620 shall be limited to the administration of projects funded from the Third Frontier Research & Development Taxable Bond Project Fund (Fund 7014).

THIRD FRONTIER RESEARCH AND DEVELOPMENT PROJECTS AND RESEARCH AND DEVELOPMENT TAXABLE BOND PROJECTS

The foregoing appropriation items 195687, Third Frontier Research & Development Projects, 195692, Research & Development Taxable Bond Projects, and 195620, Third Frontier Operating - Tax, shall be used by the Development Services Agency to fund selected projects. Eligible costs are those costs of research and development projects to which the proceeds of the Third Frontier Research & Development Fund (Fund 7011) and the Research & Development Taxable Bond Project Fund (Fund 7014) are to be applied.

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS

The Director of Budget and Management may approve written requests from the Director of Development Services for the transfer of appropriations between appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, based upon awards recommended by the Third Frontier Commission. The transfers are subject to approval by the Controlling Board.

In fiscal year 2015, the Director of Development Services may request that the Director of Budget and Management reappropriate any unexpended, unencumbered balances of the prior fiscal year's appropriation to the foregoing appropriation items 195687, Third

Frontier Research & Development Projects, and 195692, Research & 117120  
Development Taxable Bond Projects, for fiscal year 2015. The 117121  
Director of Budget and Management may request additional 117122  
information necessary for evaluating these requests, and the 117123  
Director of Development Services shall provide the requested 117124  
information to the Director of Budget and Management. Based on the 117125  
information provided by the Director of Development Services, the 117126  
Director of Budget and Management shall determine the amounts to 117127  
be reappropriated, and those amounts are hereby reappropriated for 117128  
fiscal year 2015. 117129

AUTHORITY TO ISSUE AND SELL ORIGINAL OBLIGATIONS 117130

The Ohio Public Facilities Commission is hereby authorized to 117131  
issue and sell, in accordance with Section 2p of Article VIII, 117132  
Ohio Constitution, and particularly sections 151.01 and 151.10 of 117133  
the Revised Code, original obligations of the State of Ohio in an 117134  
aggregate amount not to exceed \$350,000,000 in addition to the 117135  
original issuance of obligations authorized by prior acts of the 117136  
General Assembly. The authorized obligations shall be issued and 117137  
sold from time to time and in amounts necessary to ensure 117138  
sufficient moneys to the credit of the Third Frontier Research and 117139  
Development Fund (Fund 7011) and the Third Frontier Research and 117140  
Development Taxable Bond Fund (Fund 7014) to pay costs of research 117141  
and development projects. 117142

**Section 257.90.** JOB READY SITE PROGRAM 117143

The foregoing appropriation item 195688, Job Ready Site 117144  
Development, shall be used for operating expenses incurred by the 117145  
Development Services Agency in administering Job Ready Site 117146  
Development Fund (Fund 7012) projects pursuant to sections 122.085 117147  
to 122.0820 of the Revised Code. Operating expenses include, but 117148  
are not limited to, certain qualified expenses of the District 117149  
Public Works Integrating Committees, as applicable, engineering 117150

review of submitted applications by the State Architect or a 117151  
third-party engineering firm, audit and accountability activities, 117152  
and costs associated with formal certifications verifying that 117153  
site infrastructure is in place and is functional. 117154

**Section 257.110.** (A) ASSORTED TRANSFERS FOR RESTRUCTURING 117155

On July 1, 2013, or as soon as possible thereafter, the 117156  
Director of Budget and Management may transfer up to the cash 117157  
balances in the Tax Incentive Program Operating Fund (Fund 4S00) 117158  
and the Tax Credit Operating Fund (Fund 4S10) to the Business 117159  
Assistance Fund (Fund 4510). 117160

On July 1, 2013, or as soon as possible thereafter, the 117161  
Director of Budget and Management may transfer up to the cash 117162  
balances in the Family Farm Loan Fund (Fund 5H10) and the First 117163  
Frontier Fund (Fund 4H40) to the Facility Establishment Fund (Fund 117164  
7037). 117165

On July 1, 2013, or as soon as possible thereafter, the 117166  
Director of Budget and Management may transfer up to the cash 117167  
balance in the Brownfield Stormwater Loan Fund (Fund 5KD0) to the 117168  
New Markets Tax Credit Program Fund (Fund 5JR0). 117169

On July 1, 2013, or as soon as possible thereafter, the 117170  
Director of Budget and Management may transfer up to the cash 117171  
balances in the Water and Sewer Fund (Fund 4440) and the Water and 117172  
Sewer Administrative Fund (Fund 6110) to the General 117173  
Reimbursements Fund (Fund 6850). 117174

On July 1, 2013, or as soon as possible thereafter, the 117175  
Director of Budget and Management may transfer up to the cash 117176  
balance in the Local Government Services Collaboration Grant Fund 117177  
(Fund 7088) to the Local Government Innovation Fund (Fund 5KN0). 117178

(B) ABOLISHMENT OF FUNDS 117179

On July 1, 2013, or as soon as possible thereafter, upon 117180

completion of a transfer of the cash balance in a fund as 117181  
described in division (A) of this section by the Director of 117182  
Budget and Management, notwithstanding the establishment authority 117183  
of the fund, the fund is hereby abolished. 117184

On July 1, 2013, or as soon as possible thereafter, the 117185  
Director of Budget and Management shall transfer the cash balance 117186  
in the Motion Picture Tax Credit Program Operating Fund (Fund 117187  
5HJ0) to the Business Assistance Fund (Fund 4510). After 117188  
completion of the transfer and on the effective date of its repeal 117189  
by this act, Fund 5HJ0 shall be abolished. 117190

On July 1, 2013, or as soon as possible thereafter, the 117191  
Director of Budget and Management shall transfer the cash balance 117192  
in the Exempt Facility Inspection Fund (Fund 5X10) to the Advanced 117193  
Energy Fund (Fund 5M50). After completion of the transfer and on 117194  
the effective date of its repeal by this act, Fund 5X10 shall be 117195  
abolished. 117196

On July 1, 2013, or as soon as possible thereafter, the 117197  
Director of Budget and Management shall transfer the cash balance 117198  
in the Rapid Outreach Loan Fund (Fund 7022) to the Facilities 117199  
Establishment Fund (Fund 7037). After completion of the transfer 117200  
and on the effective date of its repeal by this act, Fund 7022 117201  
shall be abolished. 117202

The following funds, which, like Funds 5HJ0, 5X10, and 7022, 117203  
were created in the Revised Code, are determined to be dormant and 117204  
shall be abolished on the effective date of their repeal by this 117205  
act: Diesel Emissions Grant Fund (Fund 3BD0), Shovel Ready Sites 117206  
Fund (Fund 5CA0), Energy Projects Fund (Fund 5DU0), Business 117207  
Development and Assistance Fund (Fund 5LK0), Clean Ohio 117208  
Revitalization Revolving Loan Fund (Fund 7007), and Logistics & 117209  
Distribution Infrastructure Taxable Bond Fund (Fund 7048). 117210

(C) ELIMINATION OF DORMANT FUNDS 117211

On July 1, 2013, or as soon as possible thereafter, the 117212  
Director of Budget and Management may determine whether the 117213  
following funds are dormant. If the Director of Budget and 117214  
Management determines a fund to be dormant, notwithstanding the 117215  
establishment authority of the fund, the fund is hereby abolished. 117216  
The funds are: 117217

| Fund Number | Fund Name                               |        |
|-------------|-----------------------------------------|--------|
| 1360        | International Trade                     | 117218 |
| 3800        | Ohio Housing Agency                     | 117219 |
| 3BJ0        | TANF Heating Assistance                 | 117220 |
| 3X30        | TANF Housing                            | 117221 |
| 4450        | OHFA Administration                     | 117222 |
| 4480        | Ohio Coal Development                   | 117223 |
| 4D00        | Public & Private Assistance             | 117224 |
| 5CV0        | Defense Conversion Assistance           | 117225 |
| 5D10        | Port Authority Bond Reserves            | 117226 |
| 5D20        | Urban Redevelopment Loan                | 117227 |
| 5F70        | Local Government Y2K Loan Program       | 117228 |
| 5X50        | Family Homelessness Prevention<br>Pilot | 117229 |
| 5Y60        | Economic Development Contingency        | 117230 |
| 5Z30        | Jobs                                    | 117231 |
| QA70        | Electric Revenue Development            | 117232 |

**Section 259.10.** DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 117234

|                      |        |                                     |                                    |
|----------------------|--------|-------------------------------------|------------------------------------|
| General Revenue Fund |        |                                     | 117235                             |
| GRF                  | 320412 | Protective Services                 | \$ 1,918,196 \$ 1,918,196 117236   |
| GRF                  | 320415 | Lease-Rental Payments               | \$ 15,843,300 \$ 16,076,700 117237 |
| GRF                  | 322420 | Screening and Early<br>Intervention | \$ 300,000 \$ 300,000 117238       |
| GRF                  | 322451 | Family Support<br>Services          | \$ 5,932,758 \$ 5,932,758 117239   |



|                                    |                                       |                                            |    |               |    |               |        |
|------------------------------------|---------------------------------------|--------------------------------------------|----|---------------|----|---------------|--------|
| GRF                                | 322501                                | County Boards<br>Subsidies                 | \$ | 44,449,280    | \$ | 44,449,280    | 117240 |
| GRF                                | 322503                                | Tax Equity                                 | \$ | 14,000,000    | \$ | 14,000,000    | 117241 |
| GRF                                | 322507                                | County Board Case<br>Management            | \$ | 2,500,000     | \$ | 2,500,000     | 117242 |
| GRF                                | 322508                                | Employment First<br>Pilot Program          | \$ | 1,000,000     | \$ | 1,000,000     | 117243 |
| GRF                                | 653321                                | Medicaid Program<br>Support - State        | \$ | 6,186,694     | \$ | 6,186,694     | 117244 |
| GRF                                | 653407                                | Medicaid Services                          | \$ | 428,056,111   | \$ | 433,574,237   | 117245 |
| TOTAL GRF                          | General Revenue Fund                  |                                            | \$ | 520,186,339   | \$ | 525,937,865   | 117246 |
| General Services Fund Group        |                                       |                                            |    |               |    |               | 117247 |
| 1520                               | 653609                                | DC and Residential<br>Operating Services   | \$ | 3,414,317     | \$ | 3,414,317     | 117248 |
| TOTAL GSF                          | General Services Fund<br>Group        |                                            | \$ | 3,414,317     | \$ | 3,414,317     | 117249 |
| Federal Special Revenue Fund Group |                                       |                                            |    |               |    |               | 117250 |
| 3A50                               | 320613                                | DD Council                                 | \$ | 3,297,656     | \$ | 3,324,187     | 117251 |
| 3250                               | 322612                                | Community Social<br>Service Programs       | \$ | 10,604,896    | \$ | 10,604,896    | 117252 |
| 3A40                               | 653604                                | DC & ICF/MR Program<br>Support             | \$ | 8,013,611     | \$ | 8,013,611     | 117253 |
| 3A40                               | 653605                                | DC and Residential<br>Services and Support | \$ | 159,548,565   |    | 159,548,565   | 117254 |
| 3A40                               | 653653                                | ICF/MR                                     | \$ | 354,712,840   | \$ | 353,895,717   | 117255 |
| 3G60                               | 653639                                | Medicaid Waiver<br>Services                | \$ | 928,623,249   | \$ | 1,019,035,423 | 117256 |
| 3G60                               | 653640                                | Medicaid Waiver<br>Program Support         | \$ | 36,934,303    | \$ | 36,170,872    | 117257 |
| 3M70                               | 653650                                | CAFS Medicaid                              | \$ | 3,000,000     | \$ | 3,000,000     | 117258 |
| TOTAL FED                          | Federal Special Revenue<br>Fund Group |                                            | \$ | 1,504,735,120 | \$ | 1,593,593,271 | 117259 |

|                                               |                                      |    |               |    |               |        |
|-----------------------------------------------|--------------------------------------|----|---------------|----|---------------|--------|
| State Special Revenue Fund Group              |                                      |    |               |    | 117260        |        |
| 5GE0 320606                                   | Operating and<br>Services            | \$ | 7,407,297     | \$ | 7,407,297     | 117261 |
| 2210 322620                                   | Supplement Service<br>Trust          | \$ | 150,000       | \$ | 150,000       | 117262 |
| 5DJ0 322625                                   | Targeted Case<br>Management Match    | \$ | 33,750,000    | \$ | 37,260,000    | 117263 |
| 5DK0 322629                                   | Capital Replacement<br>Facilities    | \$ | 750,000       | \$ | 750,000       | 117264 |
| 5H00 322619                                   | Medicaid Repayment                   | \$ | 160,000       | \$ | 160,000       | 117265 |
| 5JX0 322651                                   | Interagency Workgroup<br>- Autism    | \$ | 45,000        |    | 45,000        | 117266 |
| 4890 653632                                   | DC Direct Care<br>Services           | \$ | 16,497,169    | \$ | 16,497,169    | 117267 |
| 5CT0 653607                                   | Intensive Behavioral<br>Needs        | \$ | 1,000,000     | \$ | 1,000,000     | 117268 |
| 5DJ0 653626                                   | Targeted Case<br>Management Services | \$ | 91,740,000    | \$ | 100,910,000   | 117269 |
| 5EV0 653627                                   | Medicaid Program<br>Support          | \$ | 685,000       | \$ | 685,000       | 117270 |
| 5GE0 653606                                   | ICF/MR and Waiver<br>Match           | \$ | 40,353,139    | \$ | 39,106,638    | 117271 |
| 5S20 653622                                   | Medicaid Admin and<br>Oversight      | \$ | 17,341,201    | \$ | 19,032,154    | 117272 |
| 5Z10 653624                                   | County Board Waiver<br>Match         | \$ | 284,740,000   | \$ | 336,480,000   | 117273 |
| TOTAL SSR State Special Revenue<br>Fund Group |                                      | \$ | 494,618,806   | \$ | 559,483,258   | 117274 |
| TOTAL ALL BUDGET FUND GROUPS                  |                                      | \$ | 2,522,954,582 | \$ | 2,682,428,711 | 117275 |

**Section 259.20. LEASE-RENTAL PAYMENTS**

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The foregoing appropriation item 320415, Lease-Rental  
Payments, shall be used to meet all payments at the times they are

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required to be made during the period from July 1, 2013, through 117280  
June 30, 2015, by the Department of Developmental Disabilities 117281  
under leases and agreements made under section 154.20 of the 117282  
Revised Code. These appropriations are the source of funds pledged 117283  
for bond service charges on related obligations issued under 117284  
Chapter 154. of the Revised Code. 117285

**Section 259.30. SCREENING AND EARLY INTERVENTION** 117286

The foregoing appropriation item 322420, Screening and Early 117287  
Intervention, shall be used for screening and early intervention 117288  
programs for children with autism selected by the Director of 117289  
Developmental Disabilities. 117290

**Section 259.40. FAMILY SUPPORT SERVICES SUBSIDY** 117291

The foregoing appropriation item 322451, Family Support 117292  
Services, may be used as follows in fiscal year 2014 and fiscal 117293  
year 2015: 117294

(A) The appropriation item may be used to provide a subsidy 117295  
to county boards of developmental disabilities for family support 117296  
services provided under section 5126.11 of the Revised Code. The 117297  
subsidy shall be paid in quarterly installments and allocated to 117298  
county boards according to a formula the Director of Developmental 117299  
Disabilities shall develop in consultation with representatives of 117300  
county boards. A county board shall use not more than seven per 117301  
cent of its subsidy for administrative costs. 117302

(B) The appropriation item may be used to distribute funds to 117303  
county boards for the purpose of addressing economic hardships and 117304  
to promote efficiency of operations. In consultation with 117305  
representatives of county boards, the Director shall determine the 117306  
amount of funds to distribute for these purposes and the criteria 117307  
for distributing the funds. 117308

**Section 259.50.** STATE SUBSIDY TO COUNTY DD BOARDS 117309

(A) Except as provided in the section of this act titled 117310  
"NONFEDERAL SHARE OF ICF/MR SERVICES," the foregoing appropriation 117311  
item 322501, County Boards Subsidies, shall be used for the 117312  
following purposes: 117313

(1) To provide a subsidy to county boards of developmental 117314  
disabilities in quarterly installments and allocated according to 117315  
a formula developed by the Director of Developmental Disabilities 117316  
in consultation with representatives of county boards. Except as 117317  
provided in section 5126.0511 of the Revised Code or in division 117318  
(B) of this section, county boards shall use the subsidy for early 117319  
childhood services and adult services provided under section 117320  
5126.05 of the Revised Code, service and support administration 117321  
provided under section 5126.15 of the Revised Code, or supported 117322  
living as defined in section 5126.01 of the Revised Code. 117323

(2) To provide funding, as determined necessary by the 117324  
Director, for residential services, including room and board, and 117325  
support service programs that enable individuals with 117326  
developmental disabilities to live in the community. 117327

(3) To distribute funds to county boards of developmental 117328  
disabilities to address economic hardships and promote efficiency 117329  
of operations. The Director shall determine, in consultation with 117330  
representatives of county boards, the amount of funds to 117331  
distribute for these purposes and the criteria for distributing 117332  
the funds. 117333

(B) In collaboration with the county's family and children 117334  
first council, a county board of developmental disabilities may 117335  
transfer portions of funds received under this section, to a 117336  
flexible funding pool in accordance with the section of this act 117337  
titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 117338

**Section 259.60.** COUNTY BOARD SHARE OF WAIVER SERVICES 117339

As used in this section, "home and community-based services" 117340  
has the same meaning as in section 5123.01 of the Revised Code. 117341

The Director of Developmental Disabilities shall establish a 117342  
methodology to be used in fiscal year 2014 and fiscal year 2015 to 117343  
estimate the quarterly amount each county board of developmental 117344  
disabilities is to pay of the nonfederal share of home and 117345  
community-based services that section 5126.0510 of the Revised 117346  
Code requires county boards to pay. Each quarter, the Director 117347  
shall submit to a county board written notice of the amount the 117348  
county board is to pay for that quarter. The notice shall specify 117349  
when the payment is due. 117350

**Section 259.70.** TAX EQUITY 117351

Notwithstanding section 5126.18 of the Revised Code, the 117352  
foregoing appropriation item 322503, Tax Equity, may be used to 117353  
distribute funds to county boards of developmental disabilities to 117354  
address economic hardships and promote efficiency of operations. 117355  
The Director of Developmental Disabilities shall determine, in 117356  
consultation with representatives of county boards, the amount of 117357  
funds to distribute for these purposes and the criteria for 117358  
distributing the funds. 117359

**Section 259.80.** MEDICAID SERVICES 117360

Except as provided in section 5123.0416 of the Revised Code, 117361  
the purposes for which the foregoing appropriation item 653407, 117362  
Medicaid Services, shall be used include the following: 117363

(A) Home and community-based services, as defined in section 117364  
5123.01 of the Revised Code; 117365

(B) Implementation of the requirements of the agreement 117366  
settling the consent decree in *Sermak v. Manuel*, Case No. 117367

C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division; 117368  
117369

(C) Implementation of the requirements of the agreement settling the consent decree in the *Martin v. Strickland*, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division; 117370  
117371  
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(D) ICF/MR services, as defined in section 5124.01 of the Revised Code; 117374  
117375

(E) Other programs as identified by the Director of Developmental Disabilities. 117376  
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**Section 259.90. EMPLOYMENT FIRST PILOT PROGRAM** 117378

The foregoing appropriation item 322508, Employment First Pilot Program, shall be used to increase employment opportunities for individuals with developmental disabilities through the Employment First Initiative in accordance with section 5123.022 of the Revised Code. 117379  
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Of the foregoing appropriation item, 322508, Employment First Pilot Program, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Rehabilitation Services Commission an amount agreed upon by the Director of Developmental Disabilities and the Administrator of the Rehabilitation Services Commission. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Pilot Program. The Rehabilitation Services Commission shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Rehabilitation Services Commission shall be used for the pilot program. The Director of Developmental Disabilities and the Administrator of the Rehabilitation Services Commission shall 117384  
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enter into an interagency agreement in accordance with section 117398  
3304.181 of the Revised Code that will specify the 117399  
responsibilities of each agency under the pilot program. Under the 117400  
interagency agreement, the Rehabilitation Services Commission 117401  
shall retain responsibility for eligibility determination, order 117402  
of selection, plan approval, plan amendment, and release of vendor 117403  
payments. 117404

The remainder of appropriation item 322508, Employment First 117405  
Pilot Program, shall be used to develop a long term, sustainable 117406  
system that places individuals with developmental disabilities in 117407  
community employment, as defined in section 5126.01 of the Revised 117408  
Code. 117409

**Section 259.100. EMPLOYMENT FIRST TASKFORCE FUND** 117410

If an employment first task force is established by the 117411  
Director of Developmental Disabilities in accordance with section 117412  
5123.023 of the Revised Code, the Director of Budget and 117413  
Management shall establish an appropriation item from the 117414  
Employment First Taskforce Fund for use by the Department of 117415  
Developmental Disabilities to support the work of the task force. 117416  
In fiscal year 2014 and fiscal year 2015, if an employment first 117417  
task force is established, the Director of Developmental 117418  
Disabilities shall certify to the Director of Budget and 117419  
Management the appropriation amounts necessary for the Department 117420  
of Developmental Disabilities to fulfill its obligation to support 117421  
the work of the task force. Once the certification required under 117422  
this section has been submitted and approved by the Director of 117423  
Budget and Management, the appropriations established under this 117424  
section are hereby appropriated in the amounts approved by the 117425  
Director of Budget and Management. 117426

**Section 259.110. TRANSFER TO OPERATING AND SERVICES FUND** 117427

On July 1, 2013, or as soon as possible thereafter, the 117428  
Director of Developmental Disabilities shall request the Director 117429  
of Budget and Management to transfer the cash balance in the Home 117430  
and Community-Based Services Fund (Fund 4K80) to the Operating and 117431  
Services Fund (Fund 5GE0). Upon completion of the transfer, Fund 117432  
4K80 is hereby abolished. The Director of Budget and Management 117433  
shall cancel any existing encumbrances against appropriation item 117434  
322604, Medicaid Waiver - State Match, and reestablish them 117435  
against appropriation item 653606, ICF/MR and Waiver Match. The 117436  
reestablished encumbrance amounts are hereby appropriated. 117437

**Section 259.120. OPERATING AND SERVICES** 117438

Of the foregoing appropriation item 320606, Operating and 117439  
Services, \$100,000 in each fiscal year shall be provided to the 117440  
Ohio Center for Autism and Low Incidence to establish a lifespan 117441  
autism hub to support families and professionals. 117442

**Section 259.130. TARGETED CASE MANAGEMENT SERVICES** 117443

County boards of developmental disabilities shall pay the 117444  
nonfederal portion of targeted case management costs to the 117445  
Department of Developmental Disabilities. 117446

The Director of Developmental Disabilities and the Medicaid 117447  
Director may enter into an interagency agreement under which the 117448  
Department of Developmental Disabilities shall transfer cash from 117449  
the Targeted Case Management Fund (Fund 5DJ0) to the Health 117450  
Care/Medicaid Support and Recoveries Fund (Fund 5DL0) used by the 117451  
Department of Medicaid in an amount equal to the nonfederal 117452  
portion of the cost of targeted case management services paid by 117453  
county boards. Under the agreement, the Department of Medicaid 117454  
shall pay the total cost of targeted case management claims. The 117455  
transfer shall be made using an intrastate transfer voucher. 117456



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|--------------------------------------------------------------------|--------|
| <b>Section 259.140.</b> WITHHOLDING OF FUNDS OWED THE DEPARTMENT   | 117457 |
| If a county board of developmental disabilities does not           | 117458 |
| fully pay any amount owed to the Department of Developmental       | 117459 |
| Disabilities by the due date established by the Department, the    | 117460 |
| Director of Developmental Disabilities may withhold the amount the | 117461 |
| county board did not pay from any amounts due to the county board. | 117462 |
| The Director may use any appropriation item or fund used by the    | 117463 |
| Department to transfer cash to any other fund used by the          | 117464 |
| Department in an amount equal to the amount owed the Department    | 117465 |
| that the county board did not pay. Transfers under this section    | 117466 |
| shall be made using an intrastate transfer voucher.                | 117467 |
| <br>                                                               |        |
| <b>Section 259.150.</b> DEVELOPMENTAL CENTER BILLING FOR SERVICES  | 117468 |
| Developmental centers of the Department of Developmental           | 117469 |
| Disabilities may provide services to persons with mental           | 117470 |
| retardation or developmental disabilities living in the community  | 117471 |
| or to providers of services to these persons. The Department may   | 117472 |
| develop a method for recovery of all costs associated with the     | 117473 |
| provision of these services.                                       | 117474 |
| <br>                                                               |        |
| <b>Section 259.160.</b> TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER | 117475 |
| PHARMACY PROGRAMS                                                  | 117476 |
| The Director of Developmental Disabilities shall quarterly         | 117477 |
| transfer cash from the Medicaid - Medicare Fund (Fund 3A40) to the | 117478 |
| Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) used  | 117479 |
| by the Department of Medicaid, in an amount equal to the           | 117480 |
| nonfederal share of Medicaid prescription drug claim costs for all | 117481 |
| developmental centers paid by the Department of Medicaid. The      | 117482 |
| quarterly transfer shall be made using an intrastate transfer      | 117483 |
| voucher.                                                           | 117484 |
| <br>                                                               |        |
| <b>Section 259.170.</b> NONFEDERAL MATCH FOR ACTIVE TREATMENT      | 117485 |

SERVICES 117486

Any county funds received by the Department of Developmental 117487  
Disabilities from county boards of developmental disabilities for 117488  
active treatment shall be deposited in the Developmental 117489  
Disabilities Operating Fund (Fund 4890). 117490

**Section 259.180.** ODODD INNOVATIVE PILOT PROJECTS 117491

(A) In fiscal year 2014 and fiscal year 2015, the Director of 117492  
Developmental Disabilities may authorize the continuation or 117493  
implementation of one or more innovative pilot projects that, in 117494  
the judgment of the Director, are likely to assist in promoting 117495  
the objectives of Chapter 5123. or 5126. of the Revised Code. 117496  
Subject to division (B) of this section and notwithstanding any 117497  
provision of Chapters 5123. and 5126. of the Revised Code and any 117498  
rule adopted under either chapter, a pilot project authorized by 117499  
the Director may be continued or implemented in a manner 117500  
inconsistent with one or more provisions of either chapter or one 117501  
or more rules adopted under either chapter. Before authorizing a 117502  
pilot program, the Director shall consult with entities interested 117503  
in the issue of developmental disabilities, including the Ohio 117504  
Provider Resource Association, Ohio Association of County Boards 117505  
of Developmental Disabilities, Ohio Health Care Association/Ohio 117506  
Centers for Intellectual Disabilities, and ARC of Ohio. 117507

(B) The Director may not authorize a pilot project to be 117508  
implemented in a manner that would cause the state to be out of 117509  
compliance with any requirements for a program funded in whole or 117510  
in part with federal funds. 117511

**Section 259.190.** DEPARTMENT OF DEVELOPMENTAL DISABILITIES' 117512  
APPROPRIATION ITEM STRUCTURE 117513

Upon request from the Director of Developmental Disabilities, 117514  
the Director of Budget and Management may establish new funds, new 117515

appropriation items, and appropriations in order to support the 117516  
transition to a new appropriation item structure in the Department 117517  
of Developmental Disabilities' budget. Also, upon request of the 117518  
Director of Developmental Disabilities, the Director of Budget and 117519  
Management may transfer appropriations between GRF appropriation 117520  
items, transfer cash between any funds used by the Department of 117521  
Developmental Disabilities, abolish existing funds used by the 117522  
Department of Developmental Disabilities, and cancel and 117523  
reestablish encumbrances. Any establishment of new funds or 117524  
appropriation items, any transfers of appropriations or cash, and 117525  
any increases in appropriation under this section are subject to 117526  
Controlling Board approval. 117527

**Section 259.200.** FISCAL YEAR 2014 MEDICAID PAYMENT RATES FOR 117528  
ICFs/MR 117529

(A) As used in this section: 117530

"Capped per diem rate" means the per Medicaid day payment 117531  
rate calculated for an ICF/MR under division (D) of this section. 117532

"Change of operator," "entering operator," "exiting 117533  
operator," "ICF/MR," "ICF/MR services," "Medicaid days," 117534  
"provider," and "provider agreement" have the same meanings as in 117535  
section 5124.01 of the Revised Code. 117536

"Franchise permit fee" means the fee imposed by sections 117537  
5168.60 to 5168.71 of the Revised Code. 117538

"Modified per diem rate" means the per Medicaid day payment 117539  
rate calculated for an ICF/MR under division (C) of this section. 117540

"Unmodified per diem rate" means the per Medicaid day payment 117541  
rate calculated for an ICF/MR under Chapter 5124. of the Revised 117542  
Code. 117543

(B) This section applies to each ICF/MR provider to which 117544  
either of the following applies: 117545

(1) The provider has a valid Medicaid provider agreement for the ICF/MR on June 30, 2013, and a valid Medicaid provider agreement for the ICF/MR during fiscal year 2014.

(2) The ICF/MR undergoes a change of operator that takes effect during fiscal year 2014, the exiting operator has a valid Medicaid provider agreement for the ICF/MR on the day immediately preceding the effective date of the change of operator, and the entering operator has a valid Medicaid provider agreement for the ICF/MR during fiscal year 2014.

(C) An ICF/MR's total modified per diem rate for fiscal year 2014 shall be the ICF/MR's total unmodified per diem rate for that fiscal year with the following modifications:

(1) In place of the inflation adjustment otherwise made under section 5124.23 of the Revised Code, the ICF/MR's desk-reviewed, actual, allowable, per diem other protected costs, excluding the franchise permit fee, from calendar year 2012 shall be multiplied by 1.0123.

(2) In place of the maximum cost per case-mix unit established for the ICF/MR's peer group under division (C) of section 5124.23 of the Revised Code, the ICF/MR's maximum costs per case-mix unit shall be the following:

(a) In the case of an ICF/MR with more than eight beds, \$108.21;

(b) In the case of an ICF/MR with eight or fewer beds, \$102.21.

(3) In place of the inflation adjustment otherwise calculated under division (D) of section 5124.19 of the Revised Code for the purpose of division (A)(1)(b) of that section, an inflation adjustment of 1.0123 shall be used.

(4) In place of the maximum rate for indirect care costs

established for the ICF/MR's peer group under division (C) of 117576  
section 5124.21 of the Revised Code, the maximum rate for indirect 117577  
care costs for the ICF/MR's peer group shall be the following: 117578

(a) In the case of an ICF/MR with more than eight beds, 117579  
\$68.98; 117580

(b) In the case of an ICF/MR with eight or fewer beds, 117581  
\$59.60. 117582

(5) In place of the inflation adjustment otherwise calculated 117583  
under division (D)(1) of section 5124.21 of the Revised Code for 117584  
the purpose of division (B)(1) of that section only, an inflation 117585  
adjustment of 1.0123 shall be used. 117586

(6) In place of the efficiency incentive otherwise calculated 117587  
under division (B)(2) of section 5124.21 of the Revised Code, the 117588  
ICF/MR's efficiency incentive for indirect care costs shall be the 117589  
following: 117590

(a) In the case of an ICF/MR with more than eight beds, 117591  
\$3.69; 117592

(b) In the case of an ICF/MR with eight or fewer beds, \$3.19. 117593

(7) The ICF/MR's efficiency incentive for capital costs, as 117594  
determined under division (E) of section 5124.17 of the Revised 117595  
Code, shall be reduced by 50%. 117596

(D) An ICF/MR's total capped per diem rate for fiscal year 117597  
2014 shall be the ICF/MR's total unmodified per diem rate for that 117598  
fiscal year reduced by the percentage by which the mean total 117599  
unmodified per diem rates for all ICFs/MR in this state for fiscal 117600  
year 2014, weighted by May 2013 Medicaid days and calculated as of 117601  
July 1, 2013, exceeds \$282.84. 117602

(E) Except as otherwise provided by this section, an ICF/MR 117603  
provider to which this section applies shall be paid, for ICF/MR 117604  
services the ICF/MR provides during fiscal year 2014, a total per 117605

diem rate determined as follows: 117606

(1) Add the ICF/MR's total modified per diem rate to the 117607  
ICF/MR's total capped per diem rate; 117608

(2) Divide the amount determined under division (E)(1) of 117609  
this section by two. 117610

(F) If the mean total per diem rate for all ICFs/MR to which 117611  
this section applies, weighted by May 2013 Medicaid days and 117612  
determined under division (E) of this section as of July 1, 2013, 117613  
is other than \$282.84, the Department of Developmental 117614  
Disabilities shall adjust, for fiscal year 2014, the total per 117615  
diem rate for each ICF/MR to which this section applies by a 117616  
percentage that is equal to the percentage by which the mean total 117617  
per diem rate is greater or less than \$282.84. 117618

(G) If the United States Centers for Medicare and Medicaid 117619  
Services requires that the franchise permit fee be reduced or 117620  
eliminated, the Department of Developmental Disabilities shall 117621  
reduce the amount it pays ICF/MR providers under this section as 117622  
necessary to reflect the loss to the state of the revenue and 117623  
federal financial participation generated from the franchise 117624  
permit fee. 117625

(H) The Department of Developmental Disabilities shall follow 117626  
this section in determining the rate to be paid ICF/MR providers 117627  
subject to this section notwithstanding anything to the contrary 117628  
in Chapter 5124. of the Revised Code. 117629

Of the foregoing appropriation items 653407, Medicaid 117630  
Services, 653606, ICF/MR and Waiver Match, and 653653, ICF/MR, 117631  
portions shall be used to pay the Medicaid payment rates 117632  
determined in accordance with this section for ICF/MR services 117633  
provided during fiscal year 2014. 117634

**Section 259.210. FISCAL YEAR 2015 MEDICAID PAYMENT RATES FOR** 117635

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| ICFs/MR                                                            | 117636 |
| (A) As used in this section:                                       | 117637 |
| "Capped per diem rate" means the per Medicaid day payment          | 117638 |
| rate calculated for an ICF/MR under division (D) of this section.  | 117639 |
| "Change of operator," "entering operator," "exiting                | 117640 |
| operator," "ICF/MR," "ICF/MR services," "Medicaid days,"           | 117641 |
| "provider," and "provider agreement" have the same meanings as in  | 117642 |
| section 5124.01 of the Revised Code.                               | 117643 |
| "Franchise permit fee" means the fee imposed by sections           | 117644 |
| 5168.60 to 5168.71 of the Revised Code.                            | 117645 |
| "Modified per diem rate" means the per Medicaid day payment        | 117646 |
| rate calculated for an ICF/MR under division (C) of this section.  | 117647 |
| "Unmodified per diem rate" means the per Medicaid day payment      | 117648 |
| rate calculated for an ICF/MR under Chapter 5124. of the Revised   | 117649 |
| Code.                                                              | 117650 |
| (B) This section applies to each ICF/MR provider to which          | 117651 |
| either of the following applies:                                   | 117652 |
| (1) The provider has a valid Medicaid provider agreement for       | 117653 |
| the ICF/MR on June 30, 2014, and a valid Medicaid provider         | 117654 |
| agreement for the ICF/MR during fiscal year 2015.                  | 117655 |
| (2) The ICF/MR undergoes a change of operator that takes           | 117656 |
| effect during fiscal year 2015, the exiting operator has a valid   | 117657 |
| Medicaid provider agreement for the ICF/MR on the day immediately  | 117658 |
| preceding the effective date of the change of operator, and the    | 117659 |
| entering operator has a valid Medicaid provider agreement for the  | 117660 |
| ICF/MR during fiscal year 2015.                                    | 117661 |
| (C) An ICF/MR's total modified per diem rate for fiscal year       | 117662 |
| 2015 shall be the ICF/MR's total unmodified per diem rate for that | 117663 |
| fiscal year with the following modifications:                      | 117664 |

(1) In place of the inflation adjustment otherwise made under section 5124.23 of the Revised Code, the ICF/MR's desk-reviewed, actual, allowable, per diem other protected costs, excluding the franchise permit fee, from calendar year 2013 shall be multiplied by 1.0123.

(2) In place of the maximum cost per case-mix unit established for the ICF/MR's peer group under division (C) of section 5124.19 of the Revised Code, the ICF/MR's maximum costs per case-mix unit shall be the following:

(a) In the case of an ICF/MR with more than eight beds, \$108.21;

(b) In the case of an ICF/MR with eight or fewer beds, \$102.21.

(3) In place of the inflation adjustment otherwise calculated under division (D) of section 5124.19 of the Revised Code for the purpose of division (A)(1)(b) of that section, an inflation adjustment of 1.0123 shall be used.

(4) In place of the maximum rate for indirect care costs established for the ICF/MR's peer group under division (C) of section 5124.21 of the Revised Code, the maximum rate for indirect care costs for the ICF/MR's peer group shall be the following:

(a) In the case of an ICF/MR with more than eight beds, \$68.98;

(b) In the case of an ICF/MR with eight or fewer beds, \$59.60.

(5) In place of the inflation adjustment otherwise calculated under divisions (D)(1) and (2) of section 5124.21 of the Revised Code for the purpose of division (B)(1) of that section only, an inflation adjustment of 1.0123 shall be used.

(6) In place of the efficiency incentive otherwise calculated



under division (B)(2) of section 5124.21 of the Revised Code, the 117695  
ICF/MR's efficiency incentive for indirect care costs shall be the 117696  
following: 117697

(a) In the case of an ICF/MR with more than eight beds, 117698  
\$3.69; 117699

(b) In the case of an ICF/MR with eight or fewer beds, \$3.19. 117700

(7) The ICF/MR's efficiency incentive for capital costs, as 117701  
determined under division (E) of section 5124.17 of the Revised 117702  
Code, shall be reduced by 50%. 117703

(D) An ICF/MR's total capped per diem rate for fiscal year 117704  
2015 shall be the ICF/MR's total unmodified per diem rate for that 117705  
fiscal year reduced by the percentage by which the mean total 117706  
unmodified per diem rates for all ICFs/MR in this state for fiscal 117707  
year 2015, weighted by May 2014 Medicaid days and calculated as of 117708  
July 1, 2014, exceeds \$282.77. 117709

(E) Except as otherwise provided by this section, an ICF/MR 117710  
provider to which this section applies shall be paid, for ICF/MR 117711  
services the ICF/MR provides during fiscal year 2015, a total per 117712  
diem rate determined as follows: 117713

(1) Add the ICF/MR's total modified per diem rate to the 117714  
ICF/MR's total capped per diem rate; 117715

(2) Divide the amount determined under division (E)(1) of 117716  
this section by two. 117717

(F) If the mean total per diem rate for all ICFs/MR to which 117718  
this section applies, weighted by May 2014 Medicaid days and 117719  
determined under division (E) of this section as of July 1, 2014, 117720  
is other than \$282.77, the Department of Developmental 117721  
Disabilities shall adjust, for fiscal year 2015, the total per 117722  
diem rate for each ICF/MR to which this section applies by a 117723  
percentage that is equal to the percentage by which the mean total 117724

per diem rate is greater or less than \$282.77. 117725

(G) If the United States Centers for Medicare and Medicaid 117726  
Services requires that the franchise permit fee be reduced or 117727  
eliminated, the Department of Developmental Disabilities shall 117728  
reduce the amount it pays ICF/MR providers under this section as 117729  
necessary to reflect the loss to the state of the revenue and 117730  
federal financial participation generated from the franchise 117731  
permit fee. 117732

(H) The Department of Developmental Disabilities shall follow 117733  
this section in determining the rate to be paid ICF/MR providers 117734  
subject to this section notwithstanding anything to the contrary 117735  
in Chapter 5124. of the Revised Code. 117736

Of the foregoing appropriation items 653407, Medicaid 117737  
Services, 653606, ICF/MR and Waiver Match, and 653653, ICF/MR, 117738  
portions shall be used to pay the Medicaid payment rates 117739  
determined in accordance with this section for ICF/MR services 117740  
provided during fiscal year 2015. 117741

**Section 259.220. TRANSFER OF FUNDS FOR OUTLIER SERVICES 117742**  
PROVIDED TO PEDIATRIC VENTILATOR-DEPENDENT ICF/MR RESIDENTS 117743

As used in this section, "ICF/MR" and "ICF/MR services" have 117744  
the same meanings as in section 5124.01 of the Revised Code. 117745

Each quarter during fiscal year 2015, the Director of 117746  
Developmental Disabilities shall certify to the Director of Budget 117747  
and Management the amount needed to pay the nonfederal share of 117748  
the costs of the Medicaid rate add-on paid to ICFs/MR pursuant to 117749  
section 5124.25 of the Revised Code for providing outlier ICF/MR 117750  
services to residents who qualify for the services and are 117751  
transferred to ICFs/MR from hospitals at which they receive 117752  
ventilator services at the time of their transfer to the ICFs/MR. 117753

On receipt of a certification, the Director of Budget and 117754

Management shall transfer appropriations equaling the certified 117755  
amount from appropriation item 651525, Medicaid/Health Care 117756  
Services, to appropriation item 653407, Medicaid Services, and, in 117757  
addition, shall reduce the appropriation in 651525, 117758  
Medicaid/Health Care Services, by the corresponding federal share. 117759

If receipts credited to the Developmental Center and 117760  
Residential Facility Services and Support Fund (Fund 3A40), used 117761  
by the Department of Developmental Disabilities, exceed the 117762  
amounts appropriated in appropriation item 653653, ICF/MR, the 117763  
Director of Developmental Disabilities may request the Director of 117764  
Budget and Management to authorize expenditures from the fund in 117765  
excess of the amounts appropriated. Upon approval of the Director 117766  
of Budget and Management, the additional amounts are hereby 117767  
appropriated. 117768

**Section 259.230. ICF/MR MEDICAID RATE WORKGROUP** 117769

As used in this section, "ICF/MR," "ICF/MR services," and 117770  
"Medicaid-certified capacity" have the same meanings as in section 117771  
5124.01 of the Revised Code. 117772

For the purpose of assisting the Department of Developmental 117773  
Disabilities during fiscal year 2014 and fiscal year 2015 with an 117774  
evaluation of revisions to the formula used to determine Medicaid 117775  
payment rates for ICF/MR services, the Department shall retain the 117776  
workgroup that was created to assist with the study required by 117777  
Section 309.30.80 of Am. Sub. H.B. 153 of the 129th General 117778  
Assembly. In conducting the evaluation, the Department and 117779  
workgroup shall do both of the following: 117780

(A) Focus primarily on the service needs of individuals with 117781  
complex challenges that ICFs/MR are able to meet; 117782

(B) Pursue the goal of reducing the Medicaid-certified 117783  
capacity of individual ICFs/MR and the total number of ICF/MR beds 117784

in the state for the purpose of increasing the service choices and 117785  
community integration of individuals eligible for ICF/MR services. 117786

**Section 259.240. NONFEDERAL SHARE OF ICF/MR SERVICES** 117787

(A) As used in this section, "ICF/MR," "ICF/MR services," and 117788  
"Medicaid-certified capacity" have the same meanings as in section 117789  
5124.01 of the Revised Code. 117790

(B) The Director of Developmental Disabilities shall pay the 117791  
nonfederal share of a claim for ICF/MR services using funds 117792  
specified in division (C) of this section if all of the following 117793  
apply: 117794

(1) Medicaid covers the ICF/MR services. 117795

(2) The ICF/MR services are provided to a Medicaid recipient 117796  
to whom both of the following apply: 117797

(a) The Medicaid recipient is eligible for the ICF/MR 117798  
services; 117799

(b) The Medicaid recipient does not occupy a bed in the 117800  
ICF/MR that used to be included in the Medicaid-certified capacity 117801  
of another ICF/MR certified by the Director of Health before June 117802  
1, 2003. 117803

(3) The ICF/MR services are provided by an ICF/MR whose 117804  
Medicaid certification by the Director of Health was initiated or 117805  
supported by a county board of developmental disabilities. 117806

(4) The provider of the ICF/MR services has a valid Medicaid 117807  
provider agreement for the services for the time that the services 117808  
are provided. 117809

(C) When required by division (B) of this section to pay the 117810  
nonfederal share of a claim, the Director of Developmental 117811  
Disabilities shall use the following funds to pay the claim: 117812

(1) Funds available from appropriation item 322501, County 117813

Boards Subsidies, that the Director allocates to the county board 117814  
that initiated or supported the Medicaid certification of the 117815  
ICF/MR that provided the ICF/MR services for which the claim is 117816  
made; 117817

(2) If the amount of funds used pursuant to division (C)(1) 117818  
of this section is insufficient to pay the claim in full, an 117819  
amount of funds that are needed to make up the difference and 117820  
available from amounts the Director allocates to other county 117821  
boards from appropriation item 322501, County Boards Subsidies. 117822

**Section 259.250.** FY 2014 AND FY 2015 RATES FOR CERTAIN 117823  
HOMEMAKER/PERSONAL CARE SERVICES UNDER IO WAIVER 117824

(A) As used in this section: 117825

"Converted facility" means an ICF/MR, or former ICF/MR, that 117826  
converted some or all of its beds to providing home and 117827  
community-based services under the IO Waiver pursuant to section 117828  
5124.60 of the Revised Code. 117829

"Developmental center" and "ICF/MR" have the same meanings as 117830  
in section 5124.01 of the Revised Code. 117831

"H.B. 153 increased Medicaid payment rate" means the total 117832  
Medicaid payment rate for each fifteen minutes of routine 117833  
homemaker/personal care services that was set by Section 263.20.70 117834  
of Am. Sub. H.B. 153 of the 129th General Assembly, as amended by 117835  
Am. Sub. H.B. 487 of the 129th General Assembly. 117836

"IO Waiver" means the Medicaid waiver component, as defined 117837  
in section 5166.01 of the Revised Code, known as Individual 117838  
Options. 117839

"Public hospital" has the same meaning as in section 5122.01 117840  
of the Revised Code. 117841

"Regular Medicaid payment rate" means the total Medicaid 117842  
payment rate for each fifteen minutes of routine 117843

homemaker/personal care services that are available under the IO 117844  
Waiver and to which this section does not apply. 117845

(B) This section applies to routine homemaker/personal care 117846  
services to which both of the following apply: 117847

(1) The services are provided to an IO Waiver enrollee to 117848  
whom all of the following apply: 117849

(a) The enrollee began to receive the services from the 117850  
provider on or after July 1, 2011. 117851

(b) The enrollee resided in a developmental center, converted 117852  
facility, or public hospital immediately before enrolling in the 117853  
IO Wavier. 117854

(c) The Director of Developmental Disabilities has determined 117855  
that the enrollee's special circumstances (including the 117856  
enrollee's diagnosis, service needs, or length of stay at the 117857  
developmental center, converted facility, or public hospital) 117858  
warrants paying the Medicaid payment rate authorized by this 117859  
section. 117860

(2) The provider of the services has a valid Medicaid 117861  
provider agreement for the services for the period during which 117862  
the enrollee receives the services from the provider. 117863

(C) The total Medicaid payment rate for each fifteen minutes 117864  
of routine homemaker/personal care services to which this section 117865  
applies and that are provided during the period beginning July 1, 117866  
2013, and ending June 30, 2015, shall be the greater of the 117867  
following: 117868

(1) The H.B. 153 increased Medicaid payment rate; 117869

(2) The regular Medicaid payment rate in effect at the time 117870  
the services are provided. 117871

(D) Of the foregoing appropriation items 653407, Medicaid 117872  
Services, and 653639, Medicaid Waiver Services, portions shall be 117873

used to pay the Medicaid payment rates determined in accordance 117874  
with this section for certain homemaker/personal care services 117875  
under the IO Waiver. 117876

**Section 259.260.** UPDATING AUTHORIZING STATUTE CITATIONS 117877

As used in this section, "authorizing statute" means a 117878  
Revised Code section or provision of a Revised Code section that 117879  
is cited in the Ohio Administrative Code as the statute that 117880  
authorizes the adoption of a rule. 117881

The Director of Developmental Disabilities is not required to 117882  
amend any rule for the sole purpose of updating the citation in 117883  
the Ohio Administrative Code to the rule's authorizing statute to 117884  
reflect that this act renumbers the authorizing statute or 117885  
relocates it to another Revised Code section. Such citations shall 117886  
be updated as the Director amends the rules for other purposes. 117887

**Section 259.270.** REASON FOR THE REPEAL OF R.C. 5111.236 117888

This act repeals section 5111.236 of the Revised Code to 117889  
carry out the intent of the Governor as indicated in the veto 117890  
message regarding Am. Sub. H.B. 1 of the 128th General Assembly 117891  
transmitted to the Clerk of the House of Representatives on July 117892  
17, 2009. The actual veto removed the section from the title and 117893  
enacting clause of H.B. 1 and an earmark related to the section. 117894  
However, the actual veto inadvertently showed only division (C) of 117895  
the section, rather than the entire section, as being vetoed. 117896

**Section 261.10.** OBD OHIO BOARD OF DIETETICS 117897

General Services Fund Group 117898  
4K90 860609 Operating Expenses \$ 330,592 \$ 342,592 117899  
TOTAL GSF General Services Fund 117900  
Group \$ 330,592 \$ 342,592 117901  
TOTAL ALL BUDGET FUND GROUPS \$ 330,592 \$ 342,592 117902

|                                                    |                                                      |               |               |        |
|----------------------------------------------------|------------------------------------------------------|---------------|---------------|--------|
| <b>Section 263.10. EDU DEPARTMENT OF EDUCATION</b> |                                                      |               |               | 117904 |
| General Revenue Fund                               |                                                      |               |               | 117905 |
| GRF 200321                                         | Operating Expenses                                   | \$ 13,142,780 | \$ 13,142,780 | 117906 |
| GRF 200408                                         | Early Childhood<br>Education                         | \$ 23,268,341 | \$ 25,268,341 | 117907 |
| GRF 200420                                         | Information Technology<br>Development and<br>Support | \$ 4,241,296  | \$ 4,241,296  | 117908 |
| GRF 200421                                         | Alternative Education<br>Programs                    | \$ 7,403,998  | \$ 7,403,998  | 117909 |
| GRF 200422                                         | School Management<br>Assistance                      | \$ 3,000,000  | \$ 3,000,000  | 117910 |
| GRF 200424                                         | Policy Analysis                                      | \$ 328,558    | \$ 328,558    | 117911 |
| GRF 200425                                         | Tech Prep Consortia<br>Support                       | \$ 260,542    | \$ 260,542    | 117912 |
| GRF 200426                                         | Ohio Educational<br>Computer Network                 | \$ 29,625,569 | \$ 19,625,569 | 117913 |
| GRF 200427                                         | Academic Standards                                   | \$ 3,800,000  | \$ 3,800,000  | 117914 |
| GRF 200437                                         | Student Assessment                                   | \$ 55,895,000 | \$ 75,895,000 | 117915 |
| GRF 200439                                         | Accountability/Report<br>Cards                       | \$ 3,500,000  | \$ 3,750,000  | 117916 |
| GRF 200442                                         | Child Care Licensing                                 | \$ 827,140    | \$ 827,140    | 117917 |
| GRF 200446                                         | Education Management<br>Information System           | \$ 6,833,070  | \$ 6,833,070  | 117918 |
| GRF 200447                                         | GED Testing                                          | \$ 879,551    | \$ 879,551    | 117919 |
| GRF 200448                                         | Educator Preparation                                 | \$ 850,000    | \$ 850,000    | 117920 |
| GRF 200455                                         | Community Schools and<br>Choice Programs             | \$ 2,438,685  | \$ 2,491,395  | 117921 |
| GRF 200464                                         | General Technology<br>Operations                     | \$ 192,097    | \$ 192,097    | 117922 |
| GRF 200465                                         | Technology Integration<br>and Professional           | \$ 1,778,879  | \$ 1,778,879  | 117923 |



|            |        |                             |    |               |    |                      |
|------------|--------|-----------------------------|----|---------------|----|----------------------|
|            |        | Development                 |    |               |    |                      |
| GRF        | 200502 | Pupil Transportation        | \$ | 505,013,527   | \$ | 518,513,527 117924   |
| GRF        | 200505 | School Lunch Match          | \$ | 9,100,000     | \$ | 9,100,000 117925     |
| GRF        | 200511 | Auxiliary Services          | \$ | 130,547,795   | \$ | 134,881,982 117926   |
| GRF        | 200532 | Nonpublic                   | \$ | 58,973,586    | \$ | 60,931,509 117927    |
|            |        | Administrative Cost         |    |               |    |                      |
|            |        | Reimbursement               |    |               |    |                      |
| GRF        | 200540 | Special Education           | \$ | 156,871,292   | \$ | 157,871,292 117928   |
|            |        | Enhancements                |    |               |    |                      |
| GRF        | 200545 | Career-Technical            | \$ | 9,067,999     | \$ | 9,067,999 117929     |
|            |        | Education Enhancements      |    |               |    |                      |
| GRF        | 200550 | Foundation Funding          | \$ | 5,810,107,929 | \$ | 6,003,192,692 117930 |
| GRF        | 200901 | Property Tax                | \$ | 1,138,800,000 | \$ | 1,184,352,000 117931 |
|            |        | Allocation - Education      |    |               |    |                      |
| TOTAL GRF  |        | General Revenue Fund        | \$ | 7,976,747,634 | \$ | 8,248,479,217 117932 |
|            |        | General Services Fund Group |    |               |    | 117933               |
| 1380       | 200606 | Information                 | \$ | 6,850,090     | \$ | 6,850,090 117934     |
|            |        | Technology                  |    |               |    |                      |
|            |        | Development and             |    |               |    |                      |
|            |        | Support                     |    |               |    |                      |
| 4520       | 200638 | Fees and Refunds            | \$ | 500,000       | \$ | 500,000 117935       |
| 4L20       | 200681 | Teacher Certification       | \$ | 8,313,762     | \$ | 13,658,274 117936    |
|            |        | and Licensure               |    |               |    |                      |
| 5960       | 200656 | Ohio Career                 | \$ | 529,761       | \$ | 529,761 117937       |
|            |        | Information System          |    |               |    |                      |
| 5H30       | 200687 | School District             | \$ | 25,000,000    | \$ | 25,000,000 117938    |
|            |        | Solvency Assistance         |    |               |    |                      |
| 5KX0       | 200691 | Ohio School                 | \$ | 487,419       | \$ | 487,419 117939       |
|            |        | Sponsorship Program         |    |               |    |                      |
| 5KY0       | 200693 | Community Schools           | \$ | 83,000        | \$ | 83,000 117940        |
|            |        | Temporary Sponsorship       |    |               |    |                      |
| TOTAL GSF  |        | General Services            |    |               |    | 117941               |
| Fund Group |        |                             | \$ | 41,764,032    | \$ | 47,108,544 117942    |

|                                    |                       |    |             |    |            |        |
|------------------------------------|-----------------------|----|-------------|----|------------|--------|
| Federal Special Revenue Fund Group |                       |    |             |    | 117943     |        |
| 3090 200601                        | Neglected and         | \$ | 2,168,642   | \$ | 2,168,642  | 117944 |
|                                    | Delinquent Education  |    |             |    |            |        |
| 3670 200607                        | School Food Services  | \$ | 8,200,664   | \$ | 8,700,149  | 117945 |
| 3700 200624                        | Education of          | \$ | 1,530,000   | \$ | 1,530,000  | 117946 |
|                                    | Exceptional Children  |    |             |    |            |        |
| 3AF0 200603                        | Schools Medicaid      | \$ | 750,000     | \$ | 750,000    | 117947 |
|                                    | Administrative Claims |    |             |    |            |        |
| 3AN0 200671                        | School Improvement    | \$ | 20,400,000  | \$ | 20,400,000 | 117948 |
|                                    | Grants                |    |             |    |            |        |
| 3BK0 200628                        | Longitudinal Data     | \$ | 1,250,000   | \$ | 0          | 117949 |
|                                    | Systems               |    |             |    |            |        |
| 3C50 200661                        | Early Childhood       | \$ | 14,554,749  | \$ | 14,554,749 | 117950 |
|                                    | Education             |    |             |    |            |        |
| 3CG0 200646                        | Teacher Incentive     | \$ | 15,125,588  | \$ | 15,183,285 | 117951 |
| 3D20 200667                        | Math Science          | \$ | 6,000,000   | \$ | 6,000,000  | 117952 |
|                                    | Partnerships          |    |             |    |            |        |
| 3EC0 200653                        | Teacher Incentive -   | \$ | 1,300,000   | \$ | 0          | 117953 |
|                                    | Federal Stimulus      |    |             |    |            |        |
| 3EH0 200620                        | Migrant Education     | \$ | 2,900,000   | \$ | 2,900,000  | 117954 |
| 3EJ0 200622                        | Homeless Children     | \$ | 2,600,000   | \$ | 2,600,000  | 117955 |
|                                    | Education             |    |             |    |            |        |
| 3EK0 200637                        | Advanced Placement    | \$ | 450,000     | \$ | 450,000    | 117956 |
| 3EN0 200655                        | State Data Systems -  | \$ | 1,250,000   | \$ | 0          | 117957 |
|                                    | Federal Stimulus      |    |             |    |            |        |
| 3FD0 200665                        | Race to the Top       | \$ | 136,000,000 | \$ | 58,074,046 | 117958 |
| 3FN0 200672                        | Early Learning        | \$ | 7,040,000   | \$ | 7,040,000  | 117959 |
|                                    | Challenge - Race to   |    |             |    |            |        |
|                                    | the Top               |    |             |    |            |        |
| 3GE0 200674                        | Summer Food Service   | \$ | 13,596,000  | \$ | 14,003,800 | 117960 |
|                                    | Program               |    |             |    |            |        |
| 3GF0 200675                        | Miscellaneous         | \$ | 700,000     | \$ | 700,000    | 117961 |
|                                    | Nutrition Grants      |    |             |    |            |        |

|                                  |        |                                                   |    |               |    |               |        |
|----------------------------------|--------|---------------------------------------------------|----|---------------|----|---------------|--------|
| 3GG0                             | 200676 | Fresh Fruit and<br>Vegetable Program              | \$ | 4,738,000     | \$ | 4,880,140     | 117962 |
| 3H90                             | 200605 | Head Start<br>Collaboration Project               | \$ | 225,000       | \$ | 225,000       | 117963 |
| 3L60                             | 200617 | Federal School Lunch                              | \$ | 350,608,075   | \$ | 361,126,273   | 117964 |
| 3L70                             | 200618 | Federal School<br>Breakfast                       | \$ | 108,480,590   | \$ | 112,819,813   | 117965 |
| 3L80                             | 200619 | Child/Adult Food<br>Programs                      | \$ | 106,992,650   | \$ | 110,202,428   | 117966 |
| 3L90                             | 200621 | Career-Technical<br>Education Basic Grant         | \$ | 44,663,900    | \$ | 44,663,900    | 117967 |
| 3M00                             | 200623 | ESEA Title 1A                                     | \$ | 560,000,000   | \$ | 560,000,000   | 117968 |
| 3M20                             | 200680 | Individuals with<br>Disabilities<br>Education Act | \$ | 443,170,050   | \$ | 443,170,050   | 117969 |
| 3T40                             | 200613 | Public Charter<br>Schools                         | \$ | 500,000       | \$ | 0             | 117970 |
| 3Y20                             | 200688 | 21st Century<br>Community Learning<br>Centers     | \$ | 48,201,810    | \$ | 50,611,900    | 117971 |
| 3Y60                             | 200635 | Improving Teacher<br>Quality                      | \$ | 101,900,000   | \$ | 101,900,000   | 117972 |
| 3Y70                             | 200689 | English Language<br>Acquisition                   | \$ | 9,700,000     | \$ | 9,700,000     | 117973 |
| 3Y80                             | 200639 | Rural and Low Income<br>Technical Assistance      | \$ | 3,300,000     | \$ | 3,300,000     | 117974 |
| 3Z20                             | 200690 | State Assessments                                 | \$ | 11,800,000    | \$ | 11,800,000    | 117975 |
| 3Z30                             | 200645 | Consolidated Federal<br>Grant Administration      | \$ | 7,949,280     | \$ | 7,949,280     | 117976 |
| TOTAL FED Federal Special        |        |                                                   |    |               |    |               | 117977 |
| Revenue Fund Group               |        |                                                   | \$ | 2,038,044,998 | \$ | 1,977,403,455 | 117978 |
| State Special Revenue Fund Group |        |                                                   |    |               |    |               | 117979 |
| 4540                             | 200610 | GED Testing                                       | \$ | 1,050,000     | \$ | 250,000       | 117980 |

|                                      |        |                                                         |    |             |    |             |        |
|--------------------------------------|--------|---------------------------------------------------------|----|-------------|----|-------------|--------|
| 4550                                 | 200608 | Commodity Foods                                         | \$ | 24,000,000  | \$ | 24,000,000  | 117981 |
| 4R70                                 | 200695 | Indirect Operational<br>Support                         | \$ | 6,600,000   | \$ | 6,600,000   | 117982 |
| 4V70                                 | 200633 | Interagency Program<br>Support                          | \$ | 717,725     | \$ | 717,725     | 117983 |
| 5980                                 | 200659 | Auxiliary Services<br>Reimbursement                     | \$ | 1,328,910   | \$ | 1,328,910   | 117984 |
| 5BJ0                                 | 200626 | Half-Mill Maintenance<br>Equalization                   | \$ | 19,000,000  | \$ | 20,000,000  | 117985 |
| 5MM0                                 | 200677 | Child Nutrition<br>Refunds                              | \$ | 500,000     | \$ | 500,000     | 117986 |
| 5T30                                 | 200668 | Gates Foundation<br>Grants                              | \$ | 200,000     | \$ | 153,000     | 117987 |
| 5U20                                 | 200685 | National Education<br>Statistics                        | \$ | 300,000     | \$ | 300,000     | 117988 |
| 6200                                 | 200615 | Educational<br>Improvement Grants                       | \$ | 300,000     | \$ | 300,000     | 117989 |
| TOTAL SSR State Special Revenue      |        |                                                         |    |             |    |             | 117990 |
| Fund Group                           |        |                                                         | \$ | 53,996,635  | \$ | 54,149,635  | 117991 |
| Lottery Profits Education Fund Group |        |                                                         |    |             |    |             | 117992 |
| 7017                                 | 200612 | Foundation Funding                                      | \$ | 775,000,000 | \$ | 850,000,000 | 117993 |
| 7017                                 | 200648 | Straight A Fund                                         | \$ | 50,000,000  | \$ | 100,000,000 | 117994 |
| 7017                                 | 200666 | EdChoice Expansion                                      | \$ | 8,500,000   | \$ | 17,000,000  | 117995 |
| 7017                                 | 200684 | Community School<br>Facilities                          | \$ | 7,500,000   | \$ | 7,500,000   | 117996 |
| TOTAL LPE Lottery Profits            |        |                                                         |    |             |    |             | 117997 |
| Education Fund Group                 |        |                                                         | \$ | 841,000,000 | \$ | 974,500,000 | 117998 |
| Revenue Distribution Fund Group      |        |                                                         |    |             |    |             | 117999 |
| 7047                                 | 200909 | School District<br>Property Tax<br>Replacement-Business | \$ | 482,000,000 | \$ | 482,000,000 | 118000 |
| 7053                                 | 200900 | School District                                         | \$ | 28,000,000  | \$ | 28,000,000  | 118001 |

Property Tax

Replacement-Utility

|                                |                  |                  |    |             |        |
|--------------------------------|------------------|------------------|----|-------------|--------|
| TOTAL RDF Revenue Distribution |                  |                  |    | 118002      |        |
| Fund Group                     | \$               | 510,000,000      | \$ | 510,000,000 | 118003 |
| TOTAL ALL BUDGET FUND GROUPS   | \$11,461,553,299 | \$11,811,640,851 |    |             | 118004 |

**Section 263.20. OPERATING EXPENSES** 118006

A portion of the foregoing appropriation item 200321, 118007  
Operating Expenses, shall be used by the Department of Education 118008  
to provide matching funds under 20 U.S.C. 2321. 118009

**EARLY CHILDHOOD EDUCATION** 118010

The Department of Education shall distribute the foregoing 118011  
appropriation item 200408, Early Childhood Education, to pay the 118012  
costs of early childhood education programs. 118013

(A) As used in this section: 118014

(1) "Provider" means a city, local, exempted village, or 118015  
joint vocational school district, or an educational service 118016  
center. 118017

(2) In the case of a city, local, or exempted village school 118018  
district, "new eligible provider" means a district that did not 118019  
receive state funding for Early Childhood Education in the 118020  
previous fiscal year or demonstrates a need for early childhood 118021  
programs as defined in division (D) of this section. 118022

(3) "Eligible child" means a child who is at least three 118023  
years of age as of the district entry date for kindergarten, is 118024  
not of the age to be eligible for kindergarten, and whose family 118025  
earns not more than two hundred per cent of the federal poverty 118026  
guidelines as defined in division (A)(3) of section 5101.46 of the 118027  
Revised Code. Children with an Individualized Education Program 118028  
and where the Early Childhood Education program is the least 118029  
restrictive environment may be enrolled on their third birthday. 118030

(4) "Early learning program standards" means early learning program standards for school readiness developed by the Department to assess the operation of early learning programs.

(B) In each fiscal year, up to two per cent of the total appropriation may be used by the Department for program support and technical assistance. The Department shall distribute the remainder of the appropriation in each fiscal year to serve eligible children.

(C) The Department shall provide an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate and post the report to the Department's web site, regarding early childhood education programs operated under this section and the early learning program standards.

(D) After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2014, the Department shall distribute funds first to recipients of funds for early childhood education programs under Section 267.10.10 of Am. Sub. H.B. 153 of the 129th General Assembly, as amended by Am. Sub. H.B. 487 of the 129th General Assembly, in the previous fiscal year and the balance to new eligible providers of early childhood education programs under this section or to existing providers to serve more eligible children or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

After setting aside the amounts to make payments due from the previous fiscal year, in fiscal year 2015, the Department shall distribute funds first to providers of early childhood education programs under this section in the previous fiscal year and the balance to new eligible providers or to existing providers to serve more eligible children as outlined under division (E) of this section or for purposes of program expansion, improvement, or special projects to promote quality and innovation.

(E) The Department shall distribute any new or remaining funding to existing providers of early childhood education programs or any new eligible providers in an effort to invest in high quality early childhood programs where there is a need as determined by the Department. The Department shall distribute the new or remaining funds to existing providers of early childhood education programs or any new eligible providers to serve additional eligible children based on community economic disadvantage, limited access to high quality preschool or childcare services, and demonstration of high quality preschool services as determined by the Department using new metrics developed pursuant to Ohio's Race to the Top—Early Learning Challenge Grant, awarded to the Department in December 2011.

Awards under divisions (D) and (E) of this section shall be distributed on a per-pupil basis, and in accordance with division (I) of this section. The Department may adjust the per-pupil amount so that the per-pupil amount multiplied by the number of eligible children enrolled and receiving services on the first day of December or the business day closest to that date equals the amount allocated under this section.

(F) Costs for developing and administering an early childhood education program may not exceed fifteen per cent of the total approved costs of the program.

All providers shall maintain such fiscal control and accounting procedures as may be necessary to ensure the disbursement of, and accounting for, these funds. The control of funds provided in this program, and title to property obtained, shall be under the authority of the approved provider for purposes provided in the program unless, as described in division (K) of this section, the program waives its right for funding or a program's funding is eliminated or reduced due to its inability to meet financial or early learning program standards. The approved

provider shall administer and use such property and funds for the 118095  
purposes specified. 118096

(G) The Department may examine a provider's financial and 118097  
program records. If the financial practices of the program are not 118098  
in accordance with standard accounting principles or do not meet 118099  
financial standards outlined under division (F) of this section, 118100  
or if the program fails to substantially meet the early learning 118101  
program standards, meet a quality rating level in the tiered 118102  
quality rating and improvement system developed under section 118103  
5104.30 of the Revised Code as prescribed by the Department, or 118104  
exhibits below average performance as measured against the 118105  
standards, the early childhood education program shall propose and 118106  
implement a corrective action plan that has been approved by the 118107  
Department. The approved corrective action plan shall be signed by 118108  
the chief executive officer and the executive of the official 118109  
governing body of the provider. The corrective action plan shall 118110  
include a schedule for monitoring by the Department. Such 118111  
monitoring may include monthly reports, inspections, a timeline 118112  
for correction of deficiencies, and technical assistance to be 118113  
provided by the Department or obtained by the early childhood 118114  
education program. The Department may withhold funding pending 118115  
corrective action. If an early childhood education program fails 118116  
to satisfactorily complete a corrective action plan, the 118117  
Department may deny expansion funding to the program or withdraw 118118  
all or part of the funding to the program and establish a new 118119  
eligible provider through a selection process established by the 118120  
Department. 118121

(H) Each early childhood education program shall do all of 118122  
the following: 118123

(1) Meet teacher qualification requirements prescribed by 118124  
section 3301.311 of the Revised Code; 118125

(2) Align curriculum to the early learning content standards 118126



developed by the Department; 118127

(3) Meet any child or program assessment requirements 118128  
prescribed by the Department; 118129

(4) Require teachers, except teachers enrolled and working to 118130  
obtain a degree pursuant to section 3301.311 of the Revised Code, 118131  
to attend a minimum of twenty hours every two years of 118132  
professional development as prescribed by the Department; 118133

(5) Document and report child progress as prescribed by the 118134  
Department; 118135

(6) Meet and report compliance with the early learning 118136  
program standards as prescribed by the Department; 118137

(7) Participate in the tiered quality rating and improvement 118138  
system developed under section 5104.30 of the Revised Code. 118139  
Effective July 1, 2016, all programs shall be rated through the 118140  
system. 118141

(I) Per-pupil funding for programs subject to this section 118142  
shall be sufficient to provide eligible children with services for 118143  
a standard early childhood schedule which shall be defined in this 118144  
section as a minimum of twelve and one-half hours per school week 118145  
as defined in section 3313.62 of the Revised Code for the minimum 118146  
school year as defined in sections 3313.48, 3313.481, and 3313.482 118147  
of the Revised Code. Nothing in this section shall be construed to 118148  
prohibit program providers from utilizing other funds to serve 118149  
eligible children in programs that exceed the twelve and one-half 118150  
hours per week or that exceed the minimum school year. For any 118151  
provider for which a standard early childhood education schedule 118152  
creates a hardship or for which the provider shows evidence that 118153  
the provider is working in collaboration with a preschool special 118154  
education program, the provider may submit a waiver to the 118155  
Department requesting an alternate schedule. If the Department 118156  
approves a waiver for an alternate schedule that provides services 118157

for less time than the standard early childhood education 118158  
schedule, the Department may reduce the provider's annual 118159  
allocation proportionately. Under no circumstances shall an annual 118160  
allocation be increased because of the approval of an alternate 118161  
schedule. 118162

(J) Each provider shall develop a sliding fee scale based on 118163  
family incomes and shall charge families who earn more than two 118164  
hundred per cent of the federal poverty guidelines, as defined in 118165  
division (A)(3) of section 5101.46 of the Revised Code, for the 118166  
early childhood education program. 118167

The Department shall conduct an annual survey of each 118168  
provider to determine whether the provider charges families 118169  
tuition or fees, the amount families are charged relative to 118170  
family income levels, and the number of families and students 118171  
charged tuition and fees for the early childhood program. 118172

(K) If an early childhood education program voluntarily 118173  
waives its right for funding, or has its funding eliminated for 118174  
not meeting financial standards or the early learning program 118175  
standards, the provider shall transfer control of title to 118176  
property, equipment, and remaining supplies obtained through the 118177  
program to providers designated by the Department and return any 118178  
unexpended funds to the Department along with any reports 118179  
prescribed by the Department. The funding made available from a 118180  
program that waives its right for funding or has its funding 118181  
eliminated or reduced may be used by the Department for new grant 118182  
awards or expansion grants. The Department may award new grants or 118183  
expansion grants to eligible providers who apply. The eligible 118184  
providers who apply must do so in accordance with the selection 118185  
process established by the Department. 118186

(L) Eligible expenditures for the Early Childhood Education 118187  
Program shall be claimed each fiscal year to help meet the state's 118188  
TANF maintenance of effort requirement. The Superintendent of 118189

Public Instruction and the Director of Job and Family Services 118190  
shall enter into an interagency agreement to carry out the 118191  
requirements under this division, which shall include developing 118192  
reporting guidelines for these expenditures. 118193

**Section 263.30.** INFORMATION TECHNOLOGY DEVELOPMENT AND 118194  
SUPPORT 118195

The foregoing appropriation item 200420, Information 118196  
Technology Development and Support, shall be used to support the 118197  
development and implementation of information technology solutions 118198  
designed to improve the performance and services of the Department 118199  
of Education. Funds may be used for personnel, maintenance, and 118200  
equipment costs related to the development and implementation of 118201  
these technical system projects. Implementation of these systems 118202  
shall allow the Department to provide greater levels of assistance 118203  
to school districts and to provide more timely information to the 118204  
public, including school districts, administrators, and 118205  
legislators. Funds may also be used to support data-driven 118206  
decision-making and differentiated instruction, as well as to 118207  
communicate academic content standards and curriculum models to 118208  
schools through web-based applications. 118209

**Section 263.40.** ALTERNATIVE EDUCATION PROGRAMS 118210

The foregoing appropriation item 200421, Alternative 118211  
Education Programs, shall be used for the renewal of successful 118212  
implementation grants and for competitive matching grants to 118213  
school districts for alternative educational programs for existing 118214  
and new at-risk and delinquent youth. Programs shall be focused on 118215  
youth in one or more of the following categories: those who have 118216  
been expelled or suspended, those who have dropped out of school 118217  
or who are at risk of dropping out of school, those who are 118218  
habitually truant or disruptive, or those on probation or on 118219

parole from a Department of Youth Services facility. Grants shall 118220  
be awarded only to programs in which the grant will not serve as 118221  
the program's primary source of funding. These grants shall be 118222  
administered by the Department of Education. 118223

The Department of Education may waive compliance with any 118224  
minimum education standard established under section 3301.07 of 118225  
the Revised Code for any alternative school that receives a grant 118226  
under this section on the grounds that the waiver will enable the 118227  
program to more effectively educate students enrolled in the 118228  
alternative school. 118229

Of the foregoing appropriation item 200421, Alternative 118230  
Education Programs, a portion may be used for program 118231  
administration, monitoring, technical assistance, support, 118232  
research, and evaluation. 118233

**Section 263.50. SCHOOL MANAGEMENT ASSISTANCE** 118234

Of the foregoing appropriation item 200422, School Management 118235  
Assistance, \$1,000,000 in each fiscal year shall be used by the 118236  
Auditor of State in consultation with the Department of Education 118237  
for expenses incurred in the Auditor of State's role relating to 118238  
fiscal caution, fiscal watch, and fiscal emergency activities as 118239  
defined in Chapter 3316. of the Revised Code, unless an amount 118240  
less than \$1,000,000 is needed and mutually agreed to by the 118241  
Department and the Auditor of State. This set-aside may also be 118242  
used by the Auditor of State to conduct performance audits of 118243  
other school districts with priority given to districts in fiscal 118244  
distress. Districts in fiscal distress shall be determined by the 118245  
Auditor of State and shall include districts that the Auditor of 118246  
State, in consultation with the Department of Education, 118247  
determines are employing fiscal practices or experiencing 118248  
budgetary conditions that could produce a state of fiscal watch or 118249  
fiscal emergency. 118250

The remainder of appropriation item 200422, School Management Assistance, shall be used by the Department of Education to provide fiscal technical assistance and inservice education for school district management personnel and to administer, monitor, and implement the fiscal caution, fiscal watch, and fiscal emergency provisions under Chapter 3316. of the Revised Code.

**Section 263.60. POLICY ANALYSIS**

The foregoing appropriation item 200424, Policy Analysis, shall be used by the Department of Education to support a system of administrative, statistical, and legislative education information to be used for policy analysis. Staff supported by this appropriation shall administer the development of reports, analyses, and briefings to inform education policymakers of current trends in education practice, efficient and effective use of resources, and evaluation of programs to improve education results. The database shall be kept current at all times. These research efforts shall be used to supply information and analysis of data to the General Assembly and other state policymakers, including the Office of Budget and Management, the Governor's Office of 21st Century Education, and the Legislative Service Commission.

The Department of Education may use funding from this appropriation item to purchase or contract for the development of software systems or contract for policy studies that will assist in the provision and analysis of policy-related information. Funding from this appropriation item also may be used to monitor and enhance quality assurance for research-based policy analysis and program evaluation to enhance the effective use of education information to inform education policymakers.

**TECH PREP CONSORTIA SUPPORT**

The foregoing appropriation item 200425, Tech Prep Consortia

Support, shall be used by the Department of Education to support 118282  
state-level activities designed to support, promote, and expand 118283  
tech prep programs. Use of these funds shall include, but not be 118284  
limited to, administration of grants, program evaluation, 118285  
professional development, curriculum development, assessment 118286  
development, program promotion, communications, and statewide 118287  
coordination of tech prep consortia. 118288

**Section 263.70.** OHIO EDUCATIONAL COMPUTER NETWORK 118289

The foregoing appropriation item 200426, Ohio Educational 118290  
Computer Network, shall be used by the Department of Education to 118291  
maintain a system of information technology throughout Ohio and to 118292  
provide technical assistance for such a system in support of the 118293  
P-16 State Education Technology Plan developed under section 118294  
3353.09 of the Revised Code. 118295

Of the foregoing appropriation item 200426, Ohio Educational 118296  
Computer Network, up to \$10,705,569 in each fiscal year shall be 118297  
used by the Department of Education to support connection of all 118298  
public school buildings and participating chartered nonpublic 118299  
schools to the state's education network, to each other, and to 118300  
the Internet. In each fiscal year the Department of Education 118301  
shall use these funds to assist information technology centers or 118302  
school districts with the operational costs associated with this 118303  
connectivity. The Department of Education shall develop a formula 118304  
and guidelines for the distribution of these funds to information 118305  
technology centers or individual school districts. As used in this 118306  
section, "public school building" means a school building of any 118307  
city, local, exempted village, or joint vocational school 118308  
district, any community school established under Chapter 3314. of 118309  
the Revised Code, any college preparatory boarding school 118310  
established under Chapter 3328. of the Revised Code, any STEM 118311  
school established under Chapter 3326. of the Revised Code, any 118312

educational service center building used for instructional 118313  
purposes, the Ohio School for the Deaf and the Ohio School for the 118314  
Blind, high schools chartered by the Ohio Department of Youth 118315  
Services, or high schools operated by Ohio Department of 118316  
Rehabilitation and Corrections' Ohio Central School System. 118317

Of the foregoing appropriation item 200426, Ohio Educational 118318  
Computer Network, up to \$2,500,000 in each fiscal year shall be 118319  
used for the Union Catalog and InfOhio Network and to support the 118320  
provision of electronic resources with priority given to resources 118321  
that support the teaching of state academic content standards in 118322  
all public schools. Consideration shall be given by the Department 118323  
of Education to coordinating the allocation of these moneys with 118324  
the efforts of Libraries Connect Ohio, whose members include 118325  
OhioLINK, the Ohio Public Information Network, and the State 118326  
Library of Ohio. 118327

Of the foregoing appropriation item 200426, Ohio Educational 118328  
Computer Network, up to \$5,220,000 in each fiscal year shall be 118329  
used, through a formula and guidelines devised by the Department, 118330  
to subsidize the activities of designated information technology 118331  
centers, as defined by State Board of Education rules, to provide 118332  
school districts and chartered nonpublic schools with 118333  
computer-based student and teacher instructional and 118334  
administrative information services, including approved 118335  
computerized financial accounting, and to ensure the effective 118336  
operation of local automated administrative and instructional 118337  
systems. 118338

Of the foregoing appropriation item 200426, Ohio Educational 118339  
Computer Network, up to \$10,000,000 in fiscal year 2014 shall be 118340  
used for middle mile connections for the information technology 118341  
centers established under section 3301.075 of the Revised Code and 118342  
select large urban districts to connect to the state broadband 118343  
backbone managed by the Ohio Technology Consortium and for other 118344

connectivity upgrades necessary for K-12 school buildings with 118345  
severely restricted broadband connections. The Department of 118346  
Education shall develop an expenditure plan aligned with the 118347  
capacity and timeline requirements of the achievement assessments 118348  
developed by the Partnership for Assessment of Readiness for 118349  
College and Careers and other instructional technology/blended 118350  
learning initiatives. The State Chief Information Officer and the 118351  
Education Technology Division of the Ohio Board of Regents shall 118352  
review the plan to ensure it coincides with State of Ohio and 118353  
higher education network strategies and shall either approve or 118354  
reject the plan. If the plan is rejected, the State Chief 118355  
Information Officer and the Education Technology Division of the 118356  
Ohio Board of Regents shall identify deficiencies in the plan and 118357  
work with the Department to complete an acceptable plan. "Select 118358  
large urban districts" are those districts that connect to the 118359  
state broadband backbone directly rather than through an 118360  
information technology center. At the request of the 118361  
Superintendent of Public Instruction, the Director of Budget and 118362  
Management may authorize the expenditure in fiscal year 2015 of 118363  
any unexpended and unencumbered portion of this set-aside at the 118364  
end of fiscal year 2014. The authorized expenditure is hereby 118365  
reappropriated to the Department for the same purpose for fiscal 118366  
year 2015. 118367

The remainder of appropriation item 200426, Ohio Educational 118368  
Computer Network, shall be used to support the work of the 118369  
development, maintenance, and operation of a network of uniform 118370  
and compatible computer-based information and instructional 118371  
systems as well as the teacher student linkage/roster verification 118372  
process and the eTranscript/student records exchange initiative. 118373  
This technical assistance shall include, but not be restricted to, 118374  
development and maintenance of adequate computer software systems 118375  
to support network activities. In order to improve the efficiency 118376  
of network activities, the Department and information technology 118377



centers may jointly purchase equipment, materials, and services 118378  
from funds provided under this appropriation for use by the 118379  
network and, when considered practical by the Department, may 118380  
utilize the services of appropriate state purchasing agencies. 118381

**Section 263.80. ACADEMIC STANDARDS** 118382

The foregoing appropriation item 200427, Academic Standards, 118383  
shall be used by the Department of Education to develop, revise, 118384  
and communicate to school districts academic content standards and 118385  
curriculum models and to develop professional development programs 118386  
and other tools on the new content standards and model curriculum. 118387

**Section 263.90. STUDENT ASSESSMENT** 118388

Of the foregoing appropriation item 200437, Student 118389  
Assessment, up to \$95,000 in each fiscal year may be used to 118390  
support the assessments required under section 3301.0715 of the 118391  
Revised Code. 118392

The remainder of appropriation item 200437, Student 118393  
Assessment, shall be used to develop, field test, print, 118394  
distribute, score, report results, and support other associated 118395  
costs for the tests required under sections 3301.0710, 3301.0711, 118396  
and 3301.0712 of the Revised Code and for similar purposes as 118397  
required by section 3301.27 of the Revised Code. The funds may 118398  
also be used to update and develop diagnostic assessments required 118399  
under sections 3301.079, 3301.0715, and 3313.608 of the Revised 118400  
Code. 118401

DEPARTMENT OF EDUCATION APPROPRIATION TRANSFERS FOR STUDENT 118402  
ASSESSMENT 118403

In fiscal year 2014 and fiscal year 2015, if the 118404  
Superintendent of Public Instruction determines that additional 118405  
funds are needed to fully fund the requirements of sections 118406  
3301.0710, 3301.0711, 3301.0712, and 3301.27 of the Revised Code 118407

and this act for assessments of student performance, the 118408  
Superintendent of Public Instruction may recommend the 118409  
reallocation of unexpended and unencumbered General Revenue Fund 118410  
appropriations within the Department of Education to appropriation 118411  
item 200437, Student Assessment, to the Director of Budget and 118412  
Management. If the Director of Budget and Management determines 118413  
that such a reallocation is required, the Director of Budget and 118414  
Management may transfer unexpended and unencumbered appropriations 118415  
within the Department of Education as necessary to appropriation 118416  
item 200437, Student Assessment. If these transferred 118417  
appropriations are not sufficient to fully fund the assessment 118418  
requirements in fiscal year 2014 or fiscal year 2015, the 118419  
Superintendent of Public Instruction may request that the 118420  
Controlling Board transfer up to \$9,000,000 cash from the Lottery 118421  
Profits Education Reserve Fund (Fund 7018) to the General Revenue 118422  
Fund. Upon approval of the Controlling Board, the Director of 118423  
Budget and Management shall transfer the cash. These transferred 118424  
funds are hereby appropriated for the same purpose as 118425  
appropriation item 200437, Student Assessment. 118426

**Section 263.100.** Notwithstanding anything to the contrary in 118427  
sections 3301.0710 and 3301.0711 of the Revised Code, in the 118428  
2013-2014 school year, the Department of Education shall not 118429  
furnish, and school districts and schools shall not administer, 118430  
the elementary writing and social studies achievement assessments 118431  
prescribed by section 3301.0710 of the Revised Code, unless the 118432  
Superintendent of Public Instruction determines the Department has 118433  
sufficient funds to pay the costs of furnishing and scoring those 118434  
assessments. 118435

**Section 263.110.** ACCOUNTABILITY/REPORT CARDS 118436

Of the foregoing appropriation item 200439, 118437  
Accountability/Report Cards, a portion in each fiscal year may be 118438

used to train district and regional specialists and district 118439  
educators in the use of the value-added progress dimension and in 118440  
the use of data as it relates to improving student achievement. 118441  
This training may include teacher and administrator professional 118442  
development in the use of data to improve instruction and student 118443  
learning, and teacher and administrator training in understanding 118444  
teacher value-added reports and how they can be used as a 118445  
component in measuring teacher and administrator effectiveness. A 118446  
portion of this funding may be provided to a credible nonprofit 118447  
organization with expertise in value-added progress dimensions. 118448

The remainder of appropriation item 200439, 118449  
Accountability/Report Cards, shall be used by the Department to 118450  
incorporate a statewide value-added progress dimension into 118451  
performance ratings for school districts and for the development 118452  
of an accountability system that includes the preparation and 118453  
distribution of school report cards, funding and expenditure 118454  
accountability reports under sections 3302.03 and 3302.031 of the 118455  
Revised Code, and the development and maintenance of teacher 118456  
value-added reports. 118457

CHILD CARE LICENSING 118458

The foregoing appropriation item 200442, Child Care 118459  
Licensing, shall be used by the Department of Education to license 118460  
and to inspect preschool and school-age child care programs under 118461  
sections 3301.52 to 3301.59 of the Revised Code. 118462

**Section 263.120.** EDUCATION MANAGEMENT INFORMATION SYSTEM 118463

The foregoing appropriation item 200446, Education Management 118464  
Information System, shall be used by the Department of Education 118465  
to improve the Education Management Information System (EMIS). 118466

Of the foregoing appropriation item 200446, Education 118467  
Management Information System, up to \$729,000 in each fiscal year 118468

shall be distributed to designated information technology centers 118469  
for costs relating to processing, storing, and transferring data 118470  
for the effective operation of the EMIS. These costs may include, 118471  
but are not limited to, personnel, hardware, software development, 118472  
communications connectivity, professional development, and support 118473  
services, and to provide services to participate in the State 118474  
Education Technology Plan developed under section 3353.09 of the 118475  
Revised Code. 118476

The remainder of appropriation item 200446, Education 118477  
Management Information System, shall be used to develop and 118478  
support a common core of data definitions and standards as adopted 118479  
by the Education Management Information System Advisory Board, 118480  
including the ongoing development and maintenance of the data 118481  
dictionary and data warehouse. In addition, such funds shall be 118482  
used to support the development and implementation of data 118483  
standards; the design, development, and implementation of a new 118484  
data exchange system; and responsibilities related to the school 118485  
report cards prescribed by section 3302.03 of the Revised Code and 118486  
value-added progress dimension calculations. 118487

Any provider of software meeting the standards approved by 118488  
the Education Management Information System Advisory Board shall 118489  
be designated as an approved vendor and may enter into contracts 118490  
with local school districts, community schools, STEMS schools, 118491  
information technology centers, or other educational entities for 118492  
the purpose of collecting and managing data required under Ohio's 118493  
education management information system (EMIS) laws. On an annual 118494  
basis, the Department of Education shall convene an advisory group 118495  
of school districts, community schools, and other 118496  
education-related entities to review the Education Management 118497  
Information System data definitions and data format standards. The 118498  
advisory group shall recommend changes and enhancements based upon 118499  
surveys of its members, education agencies in other states, and 118500

current industry practices, to reflect best practices, align with federal initiatives, and meet the needs of school districts.

School districts, STEM schools, and community schools not implementing a common and uniform set of data definitions and data format standards for Education Management Information System purposes shall have all EMIS funding withheld until they are in compliance.

**Section 263.130. GED TESTING**

The foregoing appropriation item 200447, GED Testing, shall be used to provide General Educational Development (GED) testing under rules adopted by the State Board of Education.

**Section 263.140. EDUCATOR PREPARATION**

Of the foregoing appropriation item 200448, Educator Preparation, up to \$500,000 in each fiscal year may be used by the Department of Education to monitor and support Ohio's State System of Support in accordance with the "No Child Left Behind Act of 2011," 20 U.S.C. 6317, as administered pursuant to the Elementary and Secondary Education Act flexibility waivers approved for Ohio by the United States Department of Education.

Of the foregoing appropriation item 200448, Educator Preparation, up to \$100,000 in each fiscal year may be used by the Department to support the Educator Standards Board under section 3319.61 of the Revised Code and reforms under sections 3302.042, 3302.06 through 3302.068, 3302.12, 3302.20 through 3302.22, and 3319.58 of the Revised Code.

The remainder of the foregoing appropriation item 200448, Educator Preparation, in fiscal year 2015 may be used for implementation of teacher and principal evaluation systems, including incorporation of student growth as a metric in those systems, and teacher value-added reports.

**Section 263.150.** COMMUNITY SCHOOLS AND CHOICE PROGRAMS 118531

The foregoing appropriation item 200455, Community Schools 118532  
and Choice Programs, may be used by the Department of Education 118533  
for additional services and responsibilities under section 3314.11 118534  
of the Revised Code and for operation of the school choice 118535  
programs. 118536

Of the foregoing appropriation item 200455, Community Schools 118537  
and Choice Programs, a portion in each fiscal year may be used by 118538  
the Department of Education for developing and conducting training 118539  
sessions for community schools and sponsors and prospective 118540  
sponsors of community schools as prescribed in division (A)(1) of 118541  
section 3314.015 of the Revised Code, and other schools 118542  
participating in school choice programs. 118543

**Section 263.160.** TECHNOLOGY INTEGRATION AND PROFESSIONAL 118544  
DEVELOPMENT 118545

The foregoing appropriation item 200465, Technology 118546  
Integration and Professional Development, shall be used by the 118547  
Department of Education to contract with educational television 118548  
stations and education technology centers to provide Ohio public 118549  
schools with instructional resources and services, with priority 118550  
given to resources and services aligned with state academic 118551  
content standards. Such resources and services shall be based upon 118552  
the advice and approval of the Department, based on a formula used 118553  
by the former eTech Ohio Commission unless and until a substitute 118554  
formula is developed in consultation with the Ohio Board of 118555  
Regents. 118556

**Section 263.170.** PUPIL TRANSPORTATION 118557

Of the foregoing appropriation item 200502, Pupil 118558  
Transportation, up to \$838,930 in each fiscal year may be used by 118559

the Department of Education for training prospective and 118560  
experienced school bus drivers in accordance with training 118561  
programs prescribed by the Department. Up to \$60,469,220 in each 118562  
fiscal year may be used by the Department of Education for special 118563  
education transportation reimbursements to school districts and 118564  
county DD boards for transportation operating costs as provided in 118565  
divisions (C) and (F) of section 3317.024 of the Revised Code. Up 118566  
to \$5,000,000 in fiscal year 2014 may be used by the Department of 118567  
Education to reimburse school districts that make payments to 118568  
parents in lieu of transportation under section 3327.02 of the 118569  
Revised Code and whose transportation is not funded under division 118570  
(C) of section 3317.024 of the Revised Code. 118571

Of the foregoing appropriation item 200502, Pupil 118572  
Transportation, up to \$25,300,000 in fiscal year 2014 and up to 118573  
\$23,100,000 in fiscal year 2015 shall be used for additional 118574  
transportation aid for school districts as provided by division 118575  
(G)(2) of section 3317.0212 of the Revised Code, as amended by 118576  
this act. The Department shall pay each school district a pro rata 118577  
portion of the amounts calculated so that the amount appropriated 118578  
is not exceeded. 118579

The remainder of appropriation item 200502, Pupil 118580  
Transportation, shall be used to distribute the amounts calculated 118581  
for transportation aid under division (G)(1) of section 3317.0212 118582  
of the Revised Code, as amended by this act. 118583

**Section 263.180. SCHOOL LUNCH MATCH** 118584

The foregoing appropriation item 200505, School Lunch Match, 118585  
shall be used to provide matching funds to obtain federal funds 118586  
for the school lunch program. 118587

Any remaining appropriation after providing matching funds 118588  
for the school lunch program may be used to partially reimburse 118589  
school buildings within school districts that are required to have 118590

a school breakfast program under section 3313.813 of the Revised Code, at a rate decided by the Department. 118591  
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**Section 263.190. AUXILIARY SERVICES** 118593

The foregoing appropriation item 200511, Auxiliary Services, shall be used by the Department of Education for the purpose of implementing section 3317.06 of the Revised Code. Of the appropriation, up to \$1,888,106 in fiscal year 2014 and up to \$1,944,949 in fiscal year 2015 may be used for payment of the Post-Secondary Enrollment Program for nonpublic students, except that in fiscal year 2014 the Department may spend above the set-aside to pay for outstanding obligations for the Post-Secondary Enrollment Options Program in fiscal year 2013. 118594  
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**Section 263.200. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT** 118603

The foregoing appropriation item 200532, Nonpublic Administrative Cost Reimbursement, shall be used by the Department of Education for the purpose of implementing section 3317.063 of the Revised Code. 118604  
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**Section 263.210. SPECIAL EDUCATION ENHANCEMENTS** 118608

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$50,000,000 in each fiscal year shall be used to fund special education and related services at county boards of developmental disabilities for eligible students under section 3317.20 of the Revised Code and at institutions for eligible students under section 3317.201 of the Revised Code. If necessary, the Department shall proportionately reduce the amount calculated for each county board of developmental disabilities and institution so as not to exceed the amount appropriated in each fiscal year. 118609  
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Of the foregoing appropriation item 200540, Special Education 118619



Enhancements, up to \$1,333,468 in each fiscal year shall be used 118620  
for parent mentoring programs. 118621

Of the foregoing appropriation item 200540, Special Education 118622  
Enhancements, up to \$2,537,824 in each fiscal year may be used for 118623  
school psychology interns. 118624

The remainder of appropriation item 200540, Special Education 118625  
Enhancements, shall be distributed by the Department of Education 118626  
to school districts and institutions, as defined in section 118627  
3323.091 of the Revised Code, for preschool special education 118628  
funding under section 3317.0213 of the Revised Code. If necessary, 118629  
the Department shall proportionately reduce the amount calculated 118630  
for each school district and institution so as not to exceed the 118631  
amount appropriated in each fiscal year. 118632

The Department may reimburse school districts and 118633  
institutions for services provided by instructional assistants, 118634  
related services as defined in rule 3301-51-11 of the 118635  
Administrative Code, physical therapy services provided by a 118636  
licensed physical therapist or physical therapist assistant under 118637  
the supervision of a licensed physical therapist as required under 118638  
Chapter 4755. of the Revised Code and Chapter 4755-27 of the 118639  
Administrative Code and occupational therapy services provided by 118640  
a licensed occupational therapist or occupational therapy 118641  
assistant under the supervision of a licensed occupational 118642  
therapist as required under Chapter 4755. of the Revised Code and 118643  
Chapter 4755-7 of the Administrative Code. Nothing in this section 118644  
authorizes occupational therapy assistants or physical therapist 118645  
assistants to generate or manage their own caseloads. 118646

The Department of Education shall require school districts, 118647  
educational service centers, county DD boards, and institutions 118648  
serving preschool children with disabilities to adhere to Ohio's 118649  
early learning program standards, participate in the tiered 118650  
quality rating and improvement system developed under section 118651

5104.30 of the Revised Code, and document child progress using 118652  
research-based indicators prescribed by the Department and report 118653  
results annually. The reporting dates and method shall be 118654  
determined by the Department. Effective July 1, 2018, all programs 118655  
shall be rated through the tiered quality rating and improvement 118656  
system. 118657

**Section 263.220. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 118658

Of the foregoing appropriation item 200545, Career-Technical 118659  
Education Enhancements, up to \$2,563,568 in each fiscal year shall 118660  
be used to fund secondary career-technical education at 118661  
institutions using a grant-based methodology, notwithstanding 118662  
section 3317.05 of the Revised Code. 118663

Of the foregoing appropriation item 200545, Career-Technical 118664  
Education Enhancements, up to \$2,838,281 in each fiscal year shall 118665  
be used by the Department of Education to fund competitive grants 118666  
to tech prep consortia that expand the number of students enrolled 118667  
in tech prep programs. These grant funds shall be used to directly 118668  
support expanded tech prep programs provided to students enrolled 118669  
in school districts, including joint vocational school districts, 118670  
and affiliated higher education institutions. This support may 118671  
include the purchase of equipment. 118672

Of the foregoing appropriation item 200545, Career-Technical 118673  
Education Enhancements, up to \$3,100,850 in each fiscal year shall 118674  
be used by the Department of Education to support existing High 118675  
Schools That Work (HSTW) sites, develop and support new sites, 118676  
fund technical assistance, and support regional centers and middle 118677  
school programs. The purpose of HSTW is to combine challenging 118678  
academic courses and modern career-technical studies to raise the 118679  
academic achievement of students. HSTW provides intensive 118680  
technical assistance, focused staff development, targeted 118681  
assessment services, and ongoing communications and networking 118682

opportunities. 118683

Of the foregoing appropriation item 200545, Career-Technical 118684  
Education Enhancements, up to \$300,000 in each fiscal year shall 118685  
be used by the Department of Education to enable students in 118686  
agricultural programs to enroll in a fifth quarter of instruction 118687  
based on the agricultural education model of delivering work-based 118688  
learning through supervised agricultural experience. The 118689  
Department of Education shall determine eligibility criteria and 118690  
the reporting process for the Agriculture 5th Quarter Project and 118691  
shall fund as many programs as possible given the set aside. 118692

Of the foregoing appropriation item, 200545, Career-Technical 118693  
Education Enhancements, up to \$157,200 in each fiscal year shall 118694  
be distributed to the Cleveland Municipal School District and the 118695  
Cincinnati City School District to be used for a VoAg Program in 118696  
one at-risk nonvocational school in each district. The amount 118697  
distributed to each district shall be equal to \$78,600 minus the 118698  
funding allocated to the district under division (A)(8) of section 118699  
3317.022 of the Revised Code for the students participating in the 118700  
program. 118701

Of the foregoing appropriation item 200545, Career-Technical 118702  
Education Enhancements, \$108,100 in each fiscal year shall be used 118703  
to prepare students for careers in culinary arts and restaurant 118704  
management under the Ohio ProStart school restaurant program. 118705

**Section 263.230. FOUNDATION FUNDING** 118706

Of the foregoing appropriation item 200550, Foundation 118707  
Funding, up to \$675,000 in each fiscal year shall be used to 118708  
support the work of the College of Education and Human Ecology at 118709  
the Ohio State University in reviewing and assessing the alignment 118710  
of courses offered through the distance learning clearinghouse 118711  
established in sections 3333.81 to 3333.88 of the Revised Code 118712  
with the academic content standards adopted under division (A) of 118713

section 3301.079 of the Revised Code. 118714

Of the foregoing appropriation item 200550, Foundation 118715  
Funding, up to \$40,000,000 in each fiscal year shall be used to 118716  
provide additional state aid to school districts, joint vocational 118717  
school districts, community schools, and STEM schools for special 118718  
education students under division (C)(3) of section 3314.08, 118719  
section 3317.0214, division (B) of section 3317.16, and section 118720  
3326.34 of the Revised Code, except that the Controlling Board may 118721  
increase these amounts if presented with such a request from the 118722  
Department of Education at the final meeting of the fiscal year. 118723

Of the foregoing appropriation item 200550, Foundation 118724  
Funding, up to \$2,000,000 in each fiscal year shall be reserved 118725  
for Youth Services tuition payments under section 3317.024 of the 118726  
Revised Code. 118727

Of the foregoing appropriation item 200550, Foundation 118728  
Funding, up to \$3,800,000 in each fiscal year shall be used to 118729  
fund gifted education at educational service centers. The 118730  
Department shall distribute the funding through the unit-based 118731  
funding methodology in place under division (L) of section 118732  
3317.024, division (E) of section 3317.05, and divisions (A), (B), 118733  
and (C) of section 3317.053 of the Revised Code as they existed 118734  
prior to fiscal year 2010. 118735

Of the foregoing appropriation item 200550, Foundation 118736  
Funding, up to \$43,500,000 in fiscal year 2014 and up to 118737  
\$40,000,000 in fiscal year 2015 shall be reserved to fund the 118738  
state reimbursement of educational service centers under the 118739  
section of this act entitled "EDUCATIONAL SERVICE CENTERS 118740  
FUNDING"; and up to \$3,500,000 in each fiscal year shall be 118741  
distributed to educational service centers for School Improvement 118742  
Initiatives and, in consultation with the Governor's Director of 118743  
21st Century Education, for the provision of technical assistance 118744  
as required by the Elementary and Secondary Education Act 118745

Flexibility waivers approved for Ohio by the United States 118746  
Department of Education. Educational service centers shall be 118747  
required to support districts in the development and 118748  
implementation of their continuous improvement plans as required 118749  
in section 3302.04 of the Revised Code and to provide technical 118750  
assistance and support in accordance with Title I of the "No Child 118751  
Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 6317, as 118752  
administered pursuant to the Elementary and Secondary Education 118753  
Act Flexibility waivers approved for Ohio by the United States 118754  
Department of Education. 118755

Of the foregoing appropriation item 200550, Foundation 118756  
Funding, up to \$20,000,000 in each fiscal year shall be reserved 118757  
for payments under sections 3317.026, 3317.027, and 3317.028 of 118758  
the Revised Code. If this amount is not sufficient, the Department 118759  
of Education shall prorate the payment amounts so that the 118760  
aggregate amount allocated in this paragraph is not exceeded. 118761

Of the foregoing appropriation item 200550, Foundation 118762  
Funding, up to \$2,000,000 in each fiscal year shall be used to pay 118763  
career-technical planning districts for the amounts reimbursed to 118764  
students, as prescribed in this paragraph. Each career-technical 118765  
planning district shall reimburse individuals taking the online 118766  
General Educational Development (GED) test for the first time for 118767  
application/test fees in excess of \$40. Each career-technical 118768  
planning district shall designate a site or sites where 118769  
individuals may register and take the exam. For each individual 118770  
that registers for the exam, the career-technical planning 118771  
district shall make available and offer career counseling 118772  
services, including information on adult education programs that 118773  
are available. 118774

Of the foregoing appropriation item 200550, Foundation 118775  
Funding, up to \$410,000 in each fiscal year shall be used to pay 118776  
career-technical planning districts \$500 for each student that 118777

receives a journeyman certification, as recognized by the United States Department of Labor. 118778  
118779

Of the foregoing appropriation item 200550, Foundation Funding, up to \$18,713,327 in each fiscal year shall be used to support school choice programs. 118780  
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Of the portion of the funds distributed to the Cleveland Municipal School District under this section, up to \$11,901,887 in each fiscal year shall be used to operate the school choice program in the Cleveland Municipal School District under sections 3313.974 to 3313.979 of the Revised Code. Notwithstanding divisions (B) and (C) of section 3313.978 and division (C) of section 3313.979 of the Revised Code, up to \$1,000,000 in each fiscal year of this amount shall be used by the Cleveland Municipal School District to provide tutorial assistance as provided in division (H) of section 3313.974 of the Revised Code. The Cleveland Municipal School District shall report the use of these funds in the district's three-year continuous improvement plan as described in section 3302.04 of the Revised Code in a manner approved by the Department of Education. 118783  
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Of the foregoing appropriation item 200550, Foundation Funding, up to \$2,000,000 in each fiscal year shall be used to pay college-preparatory boarding schools the per pupil boarding amount pursuant to section 3328.34 of the Revised Code. 118797  
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Of the foregoing appropriation item 200550, Foundation Funding, up to \$500,000 in each fiscal year shall be used to support Jobs for Ohio's Graduates. 118801  
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Of the foregoing appropriation item 200550, Foundation Funding, an amount shall be available in each fiscal year to be paid to joint vocational school districts in accordance with division (A) of section 3317.16 of the Revised Code and the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR JOINT 118804  
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VOCATIONAL SCHOOL DISTRICTS." 118809

The remainder of appropriation item 200550, Foundation 118810  
Funding, shall be used to distribute the amounts calculated for 118811  
formula aid under section 3317.022 of the Revised Code and the 118812  
section of this act entitled "TEMPORARY TRANSITIONAL AID FOR CITY, 118813  
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 118814

Appropriation items 200502, Pupil Transportation, 200540, 118815  
Special Education Enhancements, and 200550, Foundation Funding, 118816  
other than specific set-asides, are collectively used in each 118817  
fiscal year to pay state formula aid obligations for school 118818  
districts, community schools, STEM schools, college preparatory 118819  
boarding schools, and joint vocational school districts under this 118820  
act. The first priority of these appropriation items, with the 118821  
exception of specific set-asides, is to fund state formula aid 118822  
obligations. It may be necessary to reallocate funds among these 118823  
appropriation items or use excess funds from other general revenue 118824  
fund appropriation items in the Department of Education's budget 118825  
in each fiscal year, in order to meet state formula aid 118826  
obligations. If it is determined that it is necessary to transfer 118827  
funds among these appropriation items or to transfer funds from 118828  
other General Revenue Fund appropriations in the Department of 118829  
Education's budget to meet state formula aid obligations, the 118830  
Department of Education shall seek approval from the Controlling 118831  
Board to transfer funds as needed. 118832

The Superintendent of Public Instruction shall make payments, 118833  
transfers, and deductions, as authorized by Title XXXIII of the 118834  
Revised Code and Sections 267.30.50, 267.30.53, 267.30.56, and 118835  
267.30.60 of Am. Sub. H.B. 153 of the 129th General Assembly, in 118836  
amounts substantially equal to those made in the prior year, or 118837  
otherwise, at the discretion of the Superintendent, until at least 118838  
the effective date of the amendments and enactments made to Title 118839  
XXXIII by this act. If a new school district, community school, or 118840

STEM school opens prior to the effective date of this act, the 118841  
Department of Education shall pay to the district or school an 118842  
amount of \$5,000 per pupil, based upon the estimated number of 118843  
students that the district or school is expected to serve. Any 118844  
funds paid to districts or schools under this section shall be 118845  
credited toward the annual funds calculated for the district or 118846  
school after the changes made to Title XXXIII in this act are 118847  
effective. Upon the effective date of changes made to Title XXXIII 118848  
in this act, funds shall be calculated as an annual amount. 118849

**Section 263.240.** TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 118850  
AND EXEMPTED VILLAGE SCHOOL DISTRICTS 118851

The Department of Education shall distribute funds within 118852  
appropriation item 200550, Foundation Funding, for temporary 118853  
transitional aid in each fiscal year to each qualifying city, 118854  
local, and exempted village school district. 118855

(A) For fiscal years 2014 and 2015, the Department shall pay 118856  
temporary transitional aid to each city, local, or exempted 118857  
village school district that experiences any decrease in its state 118858  
foundation funding for the current fiscal year from its 118859  
transitional aid guarantee base. The amount of the temporary 118860  
transitional aid payment shall equal the difference between its 118861  
foundation funding for the current fiscal year and its 118862  
transitional aid guarantee base. If the computation made under 118863  
this division results in a negative number, the district's funding 118864  
under this division shall be zero. 118865

(1) As used in this section, foundation funding for each 118866  
city, local, and exempted village school district for a given 118867  
fiscal year equals the sum of the amount calculated for the 118868  
district under section 3317.022 of the Revised Code, as re-enacted 118869  
by this act, and the amounts calculated for the district under 118870  
divisions (G)(1) and (2) of section 3317.0212 of the Revised Code, 118871



for that fiscal year. 118872

(2) The transitional aid guarantee base for each city, local, 118873  
and exempted village school district equals the sum of the amounts 118874  
computed for the district for fiscal year 2013, under Sections 118875  
267.30.50, 267.30.53, and 267.30.56 of Am. Sub. H.B. 153 of the 118876  
129th General Assembly. 118877

(B)(1) Notwithstanding section 3317.022 of the Revised Code, 118878  
as re-enacted by this act, in fiscal year 2014, no city, local, or 118879  
exempted village school district shall be allocated foundation 118880  
funding that is greater than 1.06 times the district's 118881  
transitional aid guarantee base. 118882

(2) Notwithstanding section 3317.022 of the Revised Code, as 118883  
re-enacted by this act, in fiscal year 2015, no city, local, or 118884  
exempted village school district shall be allocated foundation 118885  
funding that is greater than 1.06 times the amount computed for 118886  
foundation funding for the district for fiscal year 2014 plus any 118887  
amount calculated for temporary transitional aid for fiscal year 118888  
2014 under division (A) of this section and after any reductions 118889  
made for fiscal year 2014 under division (B)(1) of this section. 118890

(3) The Department shall reduce a district's payments under 118891  
divisions (A)(1), (2), (4), (5), (6), and (7) of section 3317.022 118892  
of the Revised Code, as re-enacted by this act, proportionately as 118893  
necessary in order to comply with this division. If those amounts 118894  
are insufficient, the Department shall proportionately reduce a 118895  
district's payments under divisions (A)(3), (8), and (9) of 118896  
section 3317.022 of the Revised Code, as re-enacted by this act. 118897

**Section 263.250.** TEMPORARY TRANSITIONAL AID FOR JOINT 118898  
VOCATIONAL SCHOOL DISTRICTS 118899

The Department of Education shall distribute funds within 118900  
appropriation item 200550, Foundation Funding, for temporary 118901

transitional aid in each fiscal year to each qualifying joint vocational school district. 118902  
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(A) For fiscal years 2014 and 2015, the Department shall pay temporary transitional aid to each joint vocational school district that experiences any decrease in its state core foundation funding under division (A) of section 3317.16 of the Revised Code, as re-enacted by this act, for the current fiscal year from its transitional aid guarantee base. The amount of the temporary transitional aid payment shall equal the difference between the district's funding under division (A) of section 3317.16 of the Revised Code for the current fiscal year and its transitional aid guarantee base. If the computation made under this division results in a negative number, the district's funding under this division shall be zero. 118904  
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The transitional aid guarantee base for each joint vocational school district equals the amount computed for the district for fiscal year 2013, under Section 267.30.60 of Am. Sub. H.B. 153 of the 129th General Assembly. 118916  
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(B)(1) Notwithstanding division (A) of section 3317.16 of the Revised Code, as re-enacted by this act, in fiscal year 2014, no joint vocational school district shall be allocated state core foundation funding, as computed under division (A) of section 3317.16 of the Revised Code, as re-enacted by this act, that is greater than 1.06 times the district's transitional aid guarantee base. 118920  
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(2) Notwithstanding division (A) of section 3317.16 of the Revised Code, as re-enacted by this act, in fiscal year 2015, no joint vocational school district shall be allocated state core foundation funding, under division (A) of section 3317.16 of the Revised Code, as re-enacted by this act, that is greater than 1.06 times the amount computed for state core foundation funding for the district for fiscal year 2014 under division (A) of section 118927  
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3317.16 of the Revised Code, as re-enacted by this act, plus any 118934  
amount calculated for temporary transitional aid for fiscal year 118935  
2014 under division (A) of this section and after any reductions 118936  
made for fiscal year 2014 under division (B)(1) of this section. 118937

(3) The Department shall reduce a district's payments under 118938  
divisions (A)(1), (3), and (4) of section 3317.16 of the Revised 118939  
Code, as re-enacted by this act, proportionately as necessary in 118940  
order to comply with this division. If those amounts are 118941  
insufficient, the Department shall proportionately reduce a 118942  
district's payments under divisions (A)(2), (5), and (6) of 118943  
section 3317.16 of the Revised Code, as re-enacted by this act. 118944

**Section 263.260.** PROPERTY TAX ALLOCATION - EDUCATION 118945

The Superintendent of Public Instruction shall not request, 118946  
and the Controlling Board shall not approve, the transfer of 118947  
appropriation from appropriation item 200901, Property Tax 118948  
Allocation - Education, to any other appropriation item. 118949

The appropriation item 200901, Property Tax Allocation - 118950  
Education, is appropriated to pay for the state's costs incurred 118951  
because of the homestead exemption, the property tax rollback, and 118952  
payments required under division (C) of section 5705.2110 of the 118953  
Revised Code. In cooperation with the Department of Taxation, the 118954  
Department of Education shall distribute these funds directly to 118955  
the appropriate school districts of the state, notwithstanding 118956  
sections 321.24 and 323.156 of the Revised Code, which provide for 118957  
payment of the homestead exemption and property tax rollback by 118958  
the Tax Commissioner to the appropriate county treasurer and the 118959  
subsequent redistribution of these funds to the appropriate local 118960  
taxing districts by the county auditor. 118961

Upon receipt of these amounts, each school district shall 118962  
distribute the amount among the proper funds as if it had been 118963  
paid as real or tangible personal property taxes. Payments for the 118964

costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amount specifically appropriated in appropriation items 200901, Property Tax Allocation - Education, for the homestead exemption and the property tax rollback payments, and payments required under division (C) of section 5705.2110 of the Revised Code, which are determined to be necessary for these purposes, are hereby appropriated.

**Section 263.270. TEACHER CERTIFICATION AND LICENSURE**

The foregoing appropriation item 200681, Teacher Certification and Licensure, shall be used by the Department of Education in each year of the biennium to administer and support teacher certification and licensure activities.

**SCHOOL DISTRICT SOLVENCY ASSISTANCE**

(A) Of the foregoing appropriation item 200687, School District Solvency Assistance, \$20,000,000 in each fiscal year shall be allocated to the School District Shared Resource Account and \$5,000,000 in each fiscal year shall be allocated to the Catastrophic Expenditures Account. These funds shall be used to provide assistance and grants to school districts to enable them to remain solvent under section 3316.20 of the Revised Code. Assistance and grants shall be subject to approval by the Controlling Board. Except as provided under division (C) of this section, any required reimbursements from school districts for solvency assistance shall be made to the appropriate account in the School District Solvency Assistance Fund (Fund 5H30).

(B) Notwithstanding any provision of law to the contrary, upon the request of the Superintendent of Public Instruction, the Director of Budget and Management may make transfers to the School

District Solvency Assistance Fund (Fund 5H30) from any fund used 118995  
by the Department of Education or the General Revenue Fund to 118996  
maintain sufficient cash balances in Fund 5H30 in fiscal years 118997  
2014 and 2015. Any cash transferred is hereby appropriated. The 118998  
transferred cash may be used by the Department of Education to 118999  
provide assistance and grants to school districts to enable them 119000  
to remain solvent and to pay unforeseeable expenses of a temporary 119001  
or emergency nature that the school district is unable to pay from 119002  
existing resources. The Director of Budget and Management shall 119003  
notify the members of the Controlling Board of any such transfers. 119004

(C) If the cash balance of the School District Solvency 119005  
Assistance Fund (Fund 5H30) is insufficient to pay solvency 119006  
assistance in fiscal years 2014 and 2015, at the request of the 119007  
Superintendent of Public Instruction, and with the approval of the 119008  
Controlling Board, the Director of Budget and Management may 119009  
transfer cash from the Lottery Profits Education Reserve Fund 119010  
(Fund 7018) to Fund 5H30 to provide assistance and grants to 119011  
school districts to enable them to remain solvent and to pay 119012  
unforeseeable expenses of a temporary nature that they are unable 119013  
to pay from existing resources under section 3316.20 of the 119014  
Revised Code. Such transfers are hereby appropriated to 119015  
appropriation item 200670, School District Solvency Assistance - 119016  
Lottery. Any required reimbursements from school districts for 119017  
solvency assistance granted from appropriation item 200670, School 119018  
District Solvency Assistance - Lottery, shall be made to Fund 119019  
7018. 119020

**Section 263.280. SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS** 119021

Upon the request of the Superintendent of Public Instruction, 119022  
the Director of Budget and Management may transfer up to \$750,000 119023  
cash in each fiscal year from the General Revenue Fund to the 119024  
Schools Medicaid Administrative Claims Fund (Fund 3AF0). The 119025

transferred cash is to be used by the Department of Education to 119026  
pay the expenses the Department incurs in administering the 119027  
Medicaid School Component of the Medicaid program established 119028  
under sections 5162.36 to 5162.364 of the Revised Code. On June 1 119029  
of each fiscal year, or as soon as possible thereafter, the 119030  
Director of Budget and Management shall transfer cash from Fund 119031  
3AF0 back to the General Revenue Fund in an amount equal to the 119032  
total amount transferred to Fund 3AF0 in that fiscal year. 119033

The money deposited into Fund 3AF0 under division (B) of 119034  
section 5162.64 of the Revised Code is hereby appropriated for 119035  
fiscal years 2014 and 2015 and shall be used in accordance with 119036  
division (C) of section 5162.64 of the Revised Code. 119037

**Section 263.290. HALF-MILL MAINTENANCE EQUALIZATION** 119038

The foregoing appropriation item 200626, Half-Mill 119039  
Maintenance Equalization, shall be used to make payments pursuant 119040  
to section 3318.18 of the Revised Code. 119041

**Section 263.300. GATES FOUNDATION GRANTS** 119042

The foregoing appropriation item 200668, Gates Foundation 119043  
Grants, shall be used by the Department of Education to provide 119044  
professional development to school district principals, 119045  
superintendents, and other administrative staff on the use of 119046  
education technology. 119047

**Section 263.310. AUXILIARY SERVICES REIMBURSEMENT** 119048

Notwithstanding section 3317.064 of the Revised Code, if the 119049  
unexpended, unencumbered cash balance is sufficient, the Treasurer 119050  
of State shall transfer \$1,500,000 in fiscal year 2014 within 119051  
thirty days after the effective date of this section, and 119052  
\$1,500,000 in fiscal year 2015 by August 1, 2014, from the 119053  
Auxiliary Services Personnel Unemployment Compensation Fund to the 119054

Auxiliary Services Reimbursement Fund (Fund 5980) used by the Department of Education. 119055  
119056

**Section 263.320.** LOTTERY PROFITS EDUCATION FUND 119057

Appropriation item 200612, Foundation Funding (Fund 7017), shall be used in conjunction with appropriation item 200550, Foundation Funding (GRF), to provide state foundation payments to school districts. 119058  
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The Department of Education, with the approval of the Director of Budget and Management, shall determine the monthly distribution schedules of appropriation item 200550, Foundation Funding (GRF), and appropriation item 200612, Foundation Funding (Fund 7017). If adjustments to the monthly distribution schedule are necessary, the Department of Education shall make such adjustments with the approval of the Director of Budget and Management. 119062  
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STRAIGHT A FUND 119070

Of the foregoing appropriation item, 200648, Straight A Fund, up to \$375,000 in each fiscal year shall be used to provide scholarships to parents of high needs children enrolled in the Get Ready for Kindergarten pilot program. These scholarships shall be administered as provided under the section of this act entitled "GET READY FOR KINDERGARTEN." 119071  
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Of the foregoing appropriation item 200648, Straight A Fund, up to \$500,000 in fiscal year 2014 and up to \$3,000,000 in fiscal year 2015 shall be used for the New Leaders for Ohio Schools Pilot Project in accordance with Section 733.40 of this act. 119077  
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The remainder of appropriation item 200648, Straight A Fund, shall be used to make competitive grants in accordance with Section 263.325 of this act. 119081  
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EDCHOICE EXPANSION 119084

The foregoing appropriation item 200666, EdChoice Expansion, 119085  
shall be used as follows: 119086

(A) In fiscal year 2014, notwithstanding section 3310.032 of 119087  
the Revised Code, the Department of Education shall administer an 119088  
expansion of the Educational Choice Scholarship program as 119089  
follows: 119090

(1) A student is an "eligible student" for purposes of the 119091  
expansion of the Educational Choice Scholarship Pilot Program 119092  
under division (A) of this section if the student's resident 119093  
district is not a school district in which the pilot project 119094  
scholarship program is operating under sections 3313.974 to 119095  
3313.979 of the Revised Code and the student's family income is at 119096  
or below two hundred per cent of the federal poverty guidelines, 119097  
as defined in section 5101.46 of the Revised Code. 119098

(2) The Department shall pay scholarships to attend chartered 119099  
nonpublic schools in accordance with section 3310.08 of the 119100  
Revised Code. The number of scholarships awarded under division 119101  
(A) of this section shall not exceed the number that can be funded 119102  
with appropriations made by the general assembly for this purpose. 119103

(3) Scholarships under division (A) of this section shall be 119104  
awarded for the 2013-2014 school year, to eligible students who 119105  
are entering kindergarten in that school year for the first time. 119106

(4) If the number of eligible students who apply for a 119107  
scholarship exceeds the scholarships available based on the 119108  
appropriation for division (A) of this section, the department 119109  
shall award scholarships in the following order of priority: 119110

(a) First, to eligible students with family incomes at or 119111  
below one hundred per cent of the federal poverty guidelines. 119112

(b) Second, to other eligible students who qualify under 119113  
division (A) of this section. If the number of students described 119114  
in division (A)(4)(b) of this section exceeds the number of 119115



available scholarships after awards are made under division 119116  
(A)(4)(a) of this section, the department shall select students 119117  
described in division (A)(4)(b) of this section by lot to receive 119118  
any remaining scholarships. 119119

(5) A student who receives a scholarship under division (A) 119120  
of this section remains an eligible student and may continue to 119121  
receive scholarships under section 3310.032 of the Revised Code in 119122  
subsequent school years until the student completes grade twelve, 119123  
so long as the student satisfies the conditions specified in 119124  
divisions (E)(2) and (3) of section 3310.03 of the Revised Code. 119125

Once a scholarship is awarded under this section, the student 119126  
shall remain eligible for that scholarship for the current and 119127  
subsequent school years, even if the student's family income rises 119128  
above the amount specified in division (A) of section 3310.032 of 119129  
the Revised Code, provided the student remains enrolled in a 119130  
chartered nonpublic school. 119131

(B) In fiscal year 2015, to provide for the scholarships 119132  
awarded under the expansion of the educational choice program 119133  
established under section 3310.032 of the Revised Code. The number 119134  
of scholarships awarded under the expansion of the educational 119135  
choice program shall not exceed the number that can be funded with 119136  
the appropriations made by the General Assembly for this purpose. 119137

COMMUNITY SCHOOL FACILITIES 119138

The foregoing appropriation item 200684, Community School 119139  
Facilities, shall be used to pay each community school established 119140  
under Chapter 3314. of the Revised Code that is not an internet- 119141  
or computer-based community school an amount equal to \$100 for 119142  
each full-time equivalent pupil for assistance with the cost 119143  
associated with facilities. If the amount appropriated is not 119144  
sufficient, the Department of Education shall prorate the amounts 119145  
so that the aggregate amount appropriated is not exceeded. 119146

**Section 263.323.** GET READY FOR KINDERGARTEN 119147

(A) A preschool is an "eligible preschool" for the purposes 119148  
of this section if the preschool has a quality rating in the top 119149  
two tiers of the tiered rating improvement system developed under 119150  
division (C)(3)(d) of section 5104.30 of the Revised Code. 119151

(B) The Department of Education shall provide scholarships to 119152  
parents of high needs children to enroll in eligible preschools as 119153  
defined in division (A) of this section. 119154

(C) Scholarships under this section shall be awarded to 119155  
students who are at least age three but are not of compulsory 119156  
school age, as defined in section 3321.01 of the Revised Code, and 119157  
who are not currently enrolled in kindergarten. Students who 119158  
receive scholarships under this section shall enroll in eligible 119159  
preschools between July 1, 2013, and December 31, 2013. 119160

**Section 263.325.** (A) The Straight A Program is hereby created 119161  
for fiscal years 2014 and 2015 to provide grants to city, local, 119162  
exempted village, and joint vocational school districts, 119163  
educational service centers, community schools established under 119164  
Chapter 3314., STEM schools established under Chapter 3326., 119165  
college-preparatory boarding schools established under Chapter 119166  
3328. of the Revised Code, individual school buildings, and 119167  
education consortia (which may represent a partnership among 119168  
school districts, school buildings, community schools, or STEM 119169  
schools to partner with institutions of higher education and 119170  
private entities) for projects that aim to achieve at least the 119171  
following goals: 119172

(1) Increased student achievement and progress; 119173

(2) Improved productivity; 119174

(3) Sustainable cost reduction of operations. 119175

(B)(1) Grants shall be awarded by an eight-member governing board consisting of the Superintendent of Public Instruction, or the Superintendent's designee, three members appointed by the Governor, two members appointed by the Speaker of the House of Representatives, and two members appointed by the President of the Senate. The Department of Education shall provide administrative support to the board. No member shall be compensated for the member's service on the board.

(2) The board may establish an advisory council consisting of grant advisors with fiscal expertise and education expertise. These advisors shall evaluate proposals from grant applicants, consult with the governing board regarding strategic planning, and advise the staff administering the program. No advisor shall be compensated for this service.

(3) The board shall issue an annual report to the Governor, the Speaker of the House of Representatives, the President of the Senate, and the chairpersons of the House and Senate committees that primarily deal with education regarding the types of grants awarded, the grant recipients, and the effectiveness of the grant program.

(4) The board shall create a grant application and publish on the Department's web site the application and timeline for the submission, review, notification, and awarding of grant proposals.

(5) With the approval of the board, the Department shall establish a system for evaluating and scoring the grant applications received under this section. The system shall give priority to applicants whose goals demonstrate particular attempts in achieving the following:

(a) Cost reduction in the delivery of services;

(b) Progress in improving literacy in grades kindergarten to three;

(c) Achievement and progress for each subgroup of students specified under division (A) of section 3317.40 of the Revised Code; 119207  
119208  
119209

(d) Improving the performance measures included in the Prepared for Success components specified under division (B)(2) of section 3302.03 of the Revised Code; 119210  
119211  
119212

(e) Utilizing programs recognized as innovative under the federal Race to the Top program. 119213  
119214

(C) Each grant applicant shall submit a proposal that includes all of the following: 119215  
119216

(1) A description of the project for which the applicant is seeking a grant, including a description of how the project will have substantial value and lasting impact; 119217  
119218  
119219

(2) An explanation of how the project will be self-sustaining. If the project will result in increased ongoing spending, the applicant shall show how the spending will be offset by verifiable, credible, permanent spending reductions. 119220  
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(3) A description of quantifiable results of the project that can be benchmarked. 119224  
119225

If an education consortia described in division (A) of this section applies for a grant, the lead applicant shall be the school district, school building, community school, or STEM school that is a member of the consortia and shall so indicate on the grant application. 119226  
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(D)(1) Within seventy-five days after receiving a grant application, the board shall issue a decision on the application of "yes," "no," "hold," or "edit." In making its decision, the board shall consider whether the project has the capability of being replicated in other school districts and schools or creates something that can be used in other districts and schools. A grant 119231  
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awarded under this section to a school district, educational 119237  
service center, community school, STEM school, college-preparatory 119238  
boarding school, or individual school building shall not exceed 119239  
\$500,000. A grant awarded to an education consortia shall not 119240  
exceed \$1,000,000. 119241

(2) If the board issues a "hold" or "edit" decision for an 119242  
application, it shall, upon returning the application to the 119243  
applicant, specify the process for reconsideration of the 119244  
application. An applicant may work with the grant advisors and 119245  
staff to modify or improve a grant application. 119246

(E) Upon deciding to award a grant to an applicant, the board 119247  
shall enter into a grant agreement with the applicant that 119248  
includes all of the following: 119249

(1) The content of the applicant's proposal as outlined under 119250  
division (C) of this section; 119251

(2) The project's deliverables and a timetable for their 119252  
completion; 119253

(3) Conditions for receiving grant funding; 119254

(4) Conditions for receiving funding in future years if the 119255  
contract is a multi-year contract; 119256

(5) A provision specifying that funding will be returned to 119257  
the board if the applicant fails to implement the agreement, as 119258  
determined by the Auditor of State. 119259

(6) A provision specifying that the agreement may be amended 119260  
by mutual agreement between the board and the applicant. 119261

(F) Each grant awarded under this section shall be subject to 119262  
approval by the Controlling Board prior to execution of the grant 119263  
agreement. 119264

**Section 263.330.** LOTTERY PROFITS EDUCATION RESERVE FUND 119265

(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 7018) in the State Treasury. Investment earnings of the Lottery Profits Education Reserve Fund shall be credited to the fund.

(B) Notwithstanding any other provision of law to the contrary, the Director of Budget and Management may transfer cash from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) in fiscal year 2014 and fiscal year 2015.

(C) On July 15, 2013, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$680,500,000 in fiscal year 2013.

(D) On July 15, 2014, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$841,000,000 in fiscal year 2014.

(E) Notwithstanding any provision of law to the contrary, in fiscal year 2014 and fiscal year 2015, the Director of Budget and Management may transfer cash in excess of the amounts necessary to support appropriations in Fund 7017 from that fund to Fund 7018.

**Section 263.340.** GENERAL REVENUE FUND TRANSFERS TO SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - BUSINESS (FUND 7047)

Notwithstanding any provision of law to the contrary, in fiscal year 2014 and fiscal year 2015 the Director of Budget and Management may make temporary transfers between the General Revenue Fund and the School District Property Tax Replacement - Business Fund (Fund 7047), used by the Department of Education, to ensure sufficient balances in Fund 7047 and to replenish the

General Revenue Fund for such transfers. 119296

**Section 263.350.** SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - 119297  
BUSINESS 119298

The foregoing appropriation item 200909, School District 119299  
Property Tax Replacement - Business, shall be used by the 119300  
Department of Education, in consultation with the Department of 119301  
Taxation, to make payments to school districts and joint 119302  
vocational school districts under section 5751.21 of the Revised 119303  
Code. If it is determined by the Director of Budget and Management 119304  
that additional appropriations are necessary for this purpose, 119305  
such amounts are hereby appropriated. 119306

SCHOOL DISTRICT PROPERTY TAX REPLACEMENT - UTILITY 119307

The foregoing appropriation item 200900, School District 119308  
Property Tax Replacement-Utility, shall be used by the Department 119309  
of Education, in consultation with the Department of Taxation, to 119310  
make payments to school districts and joint vocational school 119311  
districts under section 5727.85 of the Revised Code. If it is 119312  
determined by the Director of Budget and Management that 119313  
additional appropriations are necessary for this purpose, such 119314  
amounts are hereby appropriated. 119315

DISTRIBUTION FORMULAS 119316

The Department of Education shall report the following to the 119317  
Director of Budget and Management and the Legislative Service 119318  
Commission: 119319

(A) Changes in formulas for distributing state 119320  
appropriations, including administratively defined formula 119321  
factors; 119322

(B) Discretionary changes in formulas for distributing 119323  
federal appropriations; 119324

(C) Federally mandated changes in formulas for distributing 119325

federal appropriations. 119326

Any such changes shall be reported two weeks prior to the 119327  
effective date of the change. 119328

**Section 263.360. EDUCATIONAL SERVICE CENTERS FUNDING** 119329

In fiscal year 2014, the Department of Education shall pay 119330  
the governing board of each primary educational service center 119331  
state funds equal to thirty-seven dollars times its student count, 119332  
as calculated under division (G)(2) of section 3313.843 of the 119333  
Revised Code. 119334

In fiscal year 2015, the Department of Education shall pay 119335  
the governing board of each primary educational service center 119336  
state funds equal to thirty-five dollars times its student count, 119337  
as calculated under division (G)(2) of section 3313.843 of the 119338  
Revised Code. 119339

If the amount earmarked for the state reimbursement of 119340  
educational service centers in appropriation item 200550, 119341  
Foundation Funding, is not sufficient, the Department of Education 119342  
shall prorate the payment amounts so that the appropriation is not 119343  
exceeded. 119344

Notwithstanding any provision of law to the contrary, the 119345  
Department of Education shall modify the payments under this 119346  
section as follows: 119347

(A) If an educational service center ceases operation, the 119348  
Department shall redistribute that center's funding, as calculated 119349  
under this section, to the remaining centers in proportion to each 119350  
center's service center ADM as defined in former section 3317.11 119351  
of the Revised Code, as that section existed prior to the date of 119352  
its repeal. 119353

(B) If two or more educational service centers merge 119354  
operations to create a single service center, the Department shall 119355



distribute the sum of the original service centers' funding, as 119356  
calculated under this section, to the new service center. 119357

**Section 263.370. SCHOOL DISTRICT PARTICIPATION IN NATIONAL 119358**  
ASSESSMENT OF EDUCATION PROGRESS 119359

The General Assembly intends for the Superintendent of Public 119360  
Instruction to provide for school district participation in the 119361  
administration of the National Assessment of Education Progress in 119362  
accordance with section 3301.27 of the Revised Code. Each school 119363  
and school district selected for participation by the 119364  
Superintendent of Public Instruction shall participate. 119365

**Section 263.380. EARMARK ACCOUNTABILITY 119366**

At the request of the Superintendent of Public Instruction, 119367  
any entity that receives a budget earmark under the Department of 119368  
Education shall submit annually to the chairpersons of the 119369  
committees of the House of Representatives and the Senate 119370  
primarily concerned with education and to the Department of 119371  
Education a report that includes a description of the services 119372  
supported by the funds, a description of the results achieved by 119373  
those services, an analysis of the effectiveness of the program, 119374  
and an opinion as to the program's applicability to other school 119375  
districts. For an earmarked entity that received state funds from 119376  
an earmark in the prior fiscal year, no funds shall be provided by 119377  
the Department of Education to an earmarked entity for a fiscal 119378  
year until its report for the prior fiscal year has been 119379  
submitted. 119380

**Section 263.390. COMMUNITY SCHOOL OPERATING FROM HOME 119381**

A community school established under Chapter 3314. of the 119382  
Revised Code that was open for operation as a community school as 119383  
of May 1, 2005, may operate from or in any home, as defined in 119384

section 3313.64 of the Revised Code, located in the state, 119385  
regardless of when the community school's operations from or in a 119386  
particular home began. 119387

**Section 263.400. USE OF VOLUNTEERS** 119388

The Department of Education may utilize the services of 119389  
volunteers to accomplish any of the purposes of the Department. 119390  
The Superintendent of Public Instruction shall approve for what 119391  
purposes volunteers may be used and for these purposes may 119392  
recruit, train, and oversee the services of volunteers. The 119393  
Superintendent may reimburse volunteers for necessary and 119394  
appropriate expenses in accordance with state guidelines and may 119395  
designate volunteers as state employees for the purpose of motor 119396  
vehicle accident liability insurance under section 9.83 of the 119397  
Revised Code, for immunity under section 9.86 of the Revised Code, 119398  
and for indemnification from liability incurred in the performance 119399  
of their duties under section 9.87 of the Revised Code. 119400

**Section 263.410. RESTRICTION OF LIABILITY FOR CERTAIN** 119401  
**REIMBURSEMENTS** 119402

(A) Except as expressly required under a court judgment not 119403  
subject to further appeals, or a settlement agreement with a 119404  
school district executed on or before June 1, 2009, in the case of 119405  
a school district for which the formula ADM for fiscal year 2005, 119406  
as reported for that fiscal year under division (A) of section 119407  
3317.03 of the Revised Code, was reduced based on enrollment 119408  
reports for community schools, made under section 3314.08 of the 119409  
Revised Code, regarding students entitled to attend school in the 119410  
district, which reduction of formula ADM resulted in a reduction 119411  
of foundation funding or transitional aid funding for fiscal year 119412  
2005, 2006, or 2007, no school district, except a district named 119413  
in the court's judgment or the settlement agreement, shall have a 119414

legal claim for reimbursement of the amount of such reduction in 119415  
foundation funding or transitional aid funding, and the state 119416  
shall not have liability for reimbursement of the amount of such 119417  
reduction in foundation funding or transitional aid funding. 119418

(B) As used in this section: 119419

(1) "Community school" means a community school established 119420  
under Chapter 3314. of the Revised Code. 119421

(2) "Entitled to attend school" means entitled to attend 119422  
school in a school district under section 3313.64 or 3313.65 of 119423  
the Revised Code. 119424

(3) "Foundation funding" means payments calculated for the 119425  
respective fiscal year under Chapter 3317. of the Revised Code. 119426

(4) "Transitional aid funding" means payments calculated for 119427  
the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 119428  
of the 125th General Assembly, as subsequently amended; Section 119429  
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 119430  
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 119431  
of the 127th General Assembly. 119432

**Section 263.420. UNAUDITABLE COMMUNITY SCHOOL** 119433

(A) If the Auditor of State or a public accountant, pursuant 119434  
to section 117.41 of the Revised Code, declares a community school 119435  
established under Chapter 3314. of the Revised Code to be 119436  
unauditable, the Auditor of State shall provide written 119437  
notification of that declaration to the school, the school's 119438  
sponsor, and the Department of Education. The Auditor of State 119439  
also shall post the notification on the Auditor of State's web 119440  
site. 119441

(B) Notwithstanding any provision to the contrary in Chapter 119442  
3314. of the Revised Code or any other provision of law, a sponsor 119443  
of a community school that is notified by the Auditor of State 119444

under division (A) of this section that a community school it 119445  
sponsors is unauditabile shall not enter into contracts with any 119446  
additional community schools under section 3314.03 of the Revised 119447  
Code until the Auditor of State or a public accountant has 119448  
completed a financial audit of that school. 119449

(C) Not later than forty-five days after receiving 119450  
notification by the Auditor of State under division (A) of this 119451  
section that a community school is unauditabile, the sponsor of the 119452  
school shall provide a written response to the Auditor of State. 119453  
The response shall include the following: 119454

(1) An overview of the process the sponsor will use to review 119455  
and understand the circumstances that led to the community school 119456  
becoming unauditabile; 119457

(2) A plan for providing the Auditor of State with the 119458  
documentation necessary to complete an audit of the community 119459  
school and for ensuring that all financial documents are available 119460  
in the future; 119461

(3) The actions the sponsor will take to ensure that the plan 119462  
described in division (C)(2) of this section is implemented. 119463

(D) If a community school fails to make reasonable efforts 119464  
and continuing progress to bring its accounts, records, files, or 119465  
reports into an auditabile condition within ninety days after being 119466  
declared unauditabile, the Auditor of State, in addition to 119467  
requesting legal action under sections 117.41 and 117.42 of the 119468  
Revised Code, shall notify the Department of the school's failure. 119469  
If the Auditor of State or a public accountant subsequently is 119470  
able to complete a financial audit of the school, the Auditor of 119471  
State shall notify the Department that the audit has been 119472  
completed. 119473

(E) Notwithstanding any provision to the contrary in Chapter 119474  
3314. of the Revised Code or any other provision of law, upon 119475

notification by the Auditor of State under division (D) of this 119476  
section that a community school has failed to make reasonable 119477  
efforts and continuing progress to bring its accounts, records, 119478  
files, or reports into an auditable condition following a 119479  
declaration that the school is unauditabile, the Department shall 119480  
immediately cease all payments to the school under Chapter 3314. 119481  
of the Revised Code and any other provision of law. Upon 119482  
subsequent notification from the Auditor of State under that 119483  
division that the Auditor of State or a public accountant was able 119484  
to complete a financial audit of the community school, the 119485  
Department shall release all funds withheld from the school under 119486  
this section. 119487

**Section 263.430. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN** 119488

In collaboration with the County Family and Children First 119489  
Council, a city, local, or exempted village school district, 119490  
community school, STEM school, joint vocational school district, 119491  
educational service center, or county board of developmental 119492  
disabilities that receives allocations from the Department of 119493  
Education from appropriation item 200550, Foundation Funding, or 119494  
appropriation item 200540, Special Education Enhancements, may 119495  
transfer portions of those allocations to a flexible funding pool 119496  
authorized by the Section of this act entitled "FAMILY AND 119497  
CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for 119498  
maintenance of effort or for federal or state funding matching 119499  
requirements shall not be transferred unless the allocation may 119500  
still be used to meet such requirements. 119501

**Section 263.440.** The Department of Education shall conduct a 119502  
formative evaluation of the Jon Peterson Special Needs Scholarship 119503  
Program established under sections 3310.51 to 3310.64 of the 119504  
Revised Code and shall report its findings to the General 119505  
Assembly, in accordance with section 101.68 of the Revised Code, 119506

not later than December 31, 2014. 119507

In conducting the evaluation, the Department shall to the 119508  
extent possible gather comments from parents who have been awarded 119509  
scholarships under the program, school district officials, 119510  
representatives of registered private providers, educators, and 119511  
representatives of educational organizations for inclusion in the 119512  
report required under this section. 119513

**Section 263.450.** (A) The Ohio Open Enrollment Task Force is 119514  
hereby established to review and make recommendations on open 119515  
enrollment. The Superintendent of Public Instruction shall consult 119516  
with the Governor's Office of 21st Century Education to convene a 119517  
taskforce that consists of representatives from school districts 119518  
that represent all sectors of Ohio's educational community. 119519

(B) The Superintendent shall designate the chairperson of the 119520  
Task Force. All meetings of the Task Force shall be held at the 119521  
call of the chairperson. 119522

(C) The Task Force shall review and make recommendations 119523  
regarding the process by which students may enroll in other school 119524  
districts under open enrollment and the funding mechanisms 119525  
associated with open enrollment deductions and credits. 119526

(D) Not later than December 31, 2013, the Task Force shall 119527  
issue a report of its findings and recommendations to the 119528  
Governor, the President of the Senate, and the Speaker of the 119529  
House of Representatives. Upon issuance of the report, the Task 119530  
Force shall cease to exist. 119531

**Section 263.460.** Not later than December 31, 2013, the State 119532  
Board of Education shall review and revise the operating standards 119533  
adopted in accordance with division (D) of section 3301.07 of the 119534  
Revised Code. The operating standards adopted in accordance with 119535  
division (D) of section 3301.07 of the Revised Code shall be 119536

limited to the requirements necessary to ensure the health and 119537  
safety of students and the requirements necessary to ensure that 119538  
the individual learning needs are met for each student, including 119539  
students with disabilities, economically disadvantaged students, 119540  
limited English proficient students, and students identified as 119541  
gifted. As much as possible, the state board shall provide schools 119542  
with flexibility in meeting the standards adopted without 119543  
sacrificing the quality of education delivered to students. 119544

**Section 263.463.** (A) In order to implement the transportation 119545  
subsidy prescribed by new section 3327.02 of the Revised Code, as 119546  
enacted by this act, the Department of Education shall prescribe 119547  
procedures and deadlines for parents or students to apply for that 119548  
subsidy for the 2014-2015 school year. The application and notice 119549  
procedures and deadlines prescribed by the Department shall allow 119550  
sufficient time for school district boards of education to take 119551  
the exercise of the parent's or student's option to receive the 119552  
subsidy, in lieu of transportation, into account when planning 119553  
transportation routes and schedules for the 2014-2015 school year. 119554

(B) The State Board of Education shall adopt rules under 119555  
Chapter 119. of the Revised Code prescribing procedures necessary 119556  
to implement this section and new section 3327.02 of the Revised 119557  
Code, as enacted by this act. 119558

**Section 263.470.** (A) On July 1, 2013, or as soon as possible 119559  
thereafter, notwithstanding any provision of law to the contrary, 119560  
and if requested by the Department of Education, the Director of 119561  
Budget and Management shall make budget changes made necessary by 119562  
the transfer of the operations and related management functions of 119563  
the eTech Ohio Commission to the Department of Education, if any, 119564  
including administrative organization, program transfers, the 119565  
creation of new funds, the transfer of state funds, and the 119566

consolidation of funds, as authorized by this section. The 119567  
Director of Budget and Management may, if necessary, establish 119568  
encumbrances or parts of encumbrances in the fiscal year 2014-2015 119569  
biennium in the appropriate fund and appropriation item for the 119570  
same purpose and for payment to the same vendor. The established 119571  
encumbrances plus any additional amounts determined to be 119572  
necessary for the Ohio Department of Education to perform the 119573  
operations and related management functions of the eTech Ohio 119574  
Commission are hereby appropriated. 119575

(B) Not later than 30 days after the transfer and 119576  
consolidation of the operations and related management functions 119577  
of the eTech Ohio Commission to the Department of Education, an 119578  
authorized officer of the eTech Ohio Commission shall certify to 119579  
the Department of Education the unexpended balance and location of 119580  
any funds and accounts designated for building and facility 119581  
operation and management functions, and the custody of such funds 119582  
and accounts shall be transferred to the Department of Education. 119583

(C) Effective July 1, 2013, the Director of Budget and 119584  
Management shall cancel any existing encumbrances against 119585  
appropriation item 935607, Gates Foundation Grants, and 119586  
re-establish them against appropriation item 200668, Gates 119587  
Foundation Grants. The re-established encumbrance amounts are 119588  
hereby appropriated. Any business commenced but not completed 119589  
under appropriation item 935607 by July 1, 2013, shall be 119590  
completed under appropriation item 200668 in the same manner and 119591  
with the same effect as if it were completed with regard to 119592  
appropriation item 935607. 119593

(D) Effective July 1, 2013, the Director of Budget and 119594  
Management shall cancel existing encumbrances against 119595  
appropriation item 935408, General Operations, and re-establish 119596  
them, as determined to be appropriate by the Director of Budget 119597



and Management, against appropriation item 200464, General 119598  
Technology Operations. The re-established encumbrance amounts are 119599  
hereby appropriated. Any business commenced but not completed 119600  
under appropriation item 935408 by July 1, 2013, shall be 119601  
completed, as determined to be appropriate by the Director of 119602  
Budget and Management, under appropriation item 200464 in the same 119603  
manner and with the same effect as if it were completed with 119604  
regard to appropriation item 935408. 119605

(E) Effective July 1, 2013, the Director of Budget and 119606  
Management shall cancel existing encumbrances against 119607  
appropriation item 935411, Technology Integration and Professional 119608  
Development, and re-establish them, as determined to be 119609  
appropriate by the Director of Budget and Management, against 119610  
appropriation item 200465, Technology Integration and Professional 119611  
Development. The re-established encumbrance amounts are hereby 119612  
appropriated. Any business commenced but not completed under 119613  
appropriation item 935411 by July 1, 2013, shall be completed, as 119614  
determined to be appropriate by the Director of Budget and 119615  
Management, under appropriation item 200465 in the same manner and 119616  
with the same effect as if it were completed with regard to 119617  
appropriation item 935411. 119618

(F) There is hereby created the Educational Technology 119619  
Practice Office as a cross-functional office comprised of 119620  
employees of the Ohio Board of Regents and the Department of 119621  
Education, including former employees of the eTech Ohio Commission 119622  
transferred to the Ohio Board of Regents and the Department of 119623  
Education. The Office shall work with educational service centers 119624  
and information technology centers to develop digital learning, 119625  
blended learning, and professional development materials using 119626  
shared infrastructure. The Office shall also evaluate new 119627  
educational technology and methodologies of teaching and learning 119628  
and work with educators to increase awareness of such new 119629

technology and methodologies shown to be helpful to Ohio students. 119630

(G) TRANSFER OF EMPLOYEES 119631

As of July 1, 2013, all employees of the former eTech Ohio 119632  
Commission who transferred to the Department of Education upon the 119633  
abolishment of the Commission as prescribed by this section and 119634  
who when employed by that Commission or a predecessor agency were 119635  
included in a bargaining unit established under Chapter 4117. of 119636  
the Revised Code, shall continue to be included in that bargaining 119637  
unit, are public employees as defined in section 4117.01 of the 119638  
Revised Code, and may collectively bargain with the Department in 119639  
accordance with that chapter. Otherwise, any employee hired by the 119640  
Department on or after the effective date of this section, either 119641  
to fill vacancies or to fill new positions related to the 119642  
transferred employees' duties, shall be exempt from Chapter 4117. 119643  
of the Revised Code and shall not be public employees as defined 119644  
in section 4117.01 of the Revised Code. 119645

**Section 263.473.** Notwithstanding section 3321.01 of the 119646  
Revised Code, no student who has been admitted to and has 119647  
successfully completed kindergarten in the 2012-2013 school year 119648  
shall be required to repeat kindergarten based solely on the age 119649  
of the student. 119650

**Section 265.10.** ELC OHIO ELECTIONS COMMISSION 119651

General Revenue Fund 119652

GRF 051321 Operating Expenses \$ 333,117 \$ 333,117 119653

TOTAL GRF General Revenue Fund \$ 333,117 \$ 333,117 119654

General Services Fund Group 119655

4P20 051601 Ohio Elections \$ 225,000 \$ 225,000 119656

Commission Fund

TOTAL GSF General Services Fund \$ 225,000 \$ 225,000 119657

Group

|                                                                 |    |               |    |               |        |
|-----------------------------------------------------------------|----|---------------|----|---------------|--------|
| TOTAL ALL BUDGET FUND GROUPS                                    | \$ | 558,117       | \$ | 558,117       | 119658 |
| <br>                                                            |    |               |    |               |        |
| <b>Section 267.10.</b> FUN STATE BOARD OF EMBALMERS AND FUNERAL |    |               |    |               | 119660 |
| DIRECTORS                                                       |    |               |    |               | 119661 |
| General Services Fund Group                                     |    |               |    |               | 119662 |
| 4K90 881609 Operating Expenses                                  | \$ | 737,000       | \$ | 741,000       | 119663 |
| TOTAL GSF General Services                                      |    |               |    |               | 119664 |
| Fund Group                                                      | \$ | 737,000       | \$ | 741,000       | 119665 |
| TOTAL ALL BUDGET FUND GROUPS                                    | \$ | 737,000       | \$ | 741,000       | 119666 |
| <br>                                                            |    |               |    |               |        |
| <b>Section 269.10.</b> PAY EMPLOYEE BENEFITS FUNDS              |    |               |    |               | 119668 |
| Accrued Leave Liability Fund Group                              |    |               |    |               | 119669 |
| 8060 995666 Accrued Leave Fund                                  | \$ | 73,494,242    | \$ | 74,964,127    | 119670 |
| 8070 995667 Disability Fund                                     | \$ | 26,593,747    | \$ | 27,345,147    | 119671 |
| TOTAL ALF Accrued Leave Liability                               |    |               |    |               | 119672 |
| Fund Group                                                      | \$ | 100,087,989   | \$ | 102,309,274   | 119673 |
| Agency Fund Group                                               |    |               |    |               | 119674 |
| 1240 995673 Payroll Deductions                                  | \$ | 775,712,468   | \$ | 814,498,091   | 119675 |
| 8080 995668 State Employee Health                               | \$ | 689,654,314   | \$ | 758,608,963   | 119676 |
| Benefit Fund                                                    |    |               |    |               |        |
| 8090 995669 Dependent Care                                      | \$ | 2,967,711     | \$ | 3,116,097     | 119677 |
| Spending Account                                                |    |               |    |               |        |
| 8100 995670 Life Insurance                                      | \$ | 2,143,053     | \$ | 2,143,053     | 119678 |
| Investment Fund                                                 |    |               |    |               |        |
| 8110 995671 Parental Leave                                      | \$ | 3,668,471     | \$ | 3,741,840     | 119679 |
| Benefit Fund                                                    |    |               |    |               |        |
| 8130 995672 Health Care Spending                                | \$ | 8,033,020     | \$ | 8,434,671     | 119680 |
| Account                                                         |    |               |    |               |        |
| TOTAL AGY Agency Fund Group                                     | \$ | 1,482,179,037 | \$ | 1,590,542,715 | 119681 |
|                                                                 |    |               |    |               | 119682 |
| TOTAL ALL BUDGET FUND GROUPS                                    | \$ | 1,582,267,026 | \$ | 1,692,851,989 | 119683 |
| <br>                                                            |    |               |    |               |        |
| ACCRUED LEAVE LIABILITY FUND                                    |    |               |    |               | 119684 |

The foregoing appropriation item 995666, Accrued Leave Fund, 119685  
shall be used to make payments from the Accrued Leave Liability 119686  
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 119687  
If it is determined by the Director of Budget and Management that 119688  
additional amounts are necessary, the amounts are hereby 119689  
appropriated. 119690

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 119691

The foregoing appropriation item 995667, Disability Fund, 119692  
shall be used to make payments from the State Employee Disability 119693  
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 119694  
Revised Code. If it is determined by the Director of Budget and 119695  
Management that additional amounts are necessary, the amounts are 119696  
hereby appropriated. 119697

PAYROLL DEDUCTION FUND 119698

The foregoing appropriation item 995673, Payroll Deductions, 119699  
shall be used to make payments from the Payroll Deduction Fund 119700  
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 119701  
is determined by the Director of Budget and Management that 119702  
additional appropriation amounts are necessary, the amounts are 119703  
hereby appropriated. 119704

STATE EMPLOYEE HEALTH BENEFIT FUND 119705

The foregoing appropriation item 995668, State Employee 119706  
Health Benefit Fund, shall be used to make payments from the State 119707  
Employee Health Benefit Fund (Fund 8080) pursuant to section 119708  
124.87 of the Revised Code. If it is determined by the Director of 119709  
Budget and Management that additional amounts are necessary, the 119710  
amounts are hereby appropriated. 119711

DEPENDENT CARE SPENDING FUND 119712

The foregoing appropriation item 995669, Dependent Care 119713  
Spending Account, shall be used to make payments from the 119714

Dependent Care Spending Fund (Fund 8090) to employees eligible for 119715  
dependent care expenses pursuant to section 124.822 of the Revised 119716  
Code. If it is determined by the Director of Budget and Management 119717  
that additional amounts are necessary, the amounts are hereby 119718  
appropriated. 119719

LIFE INSURANCE INVESTMENT FUND 119720

The foregoing appropriation item 995670, Life Insurance 119721  
Investment Fund, shall be used to make payments from the Life 119722  
Insurance Investment Fund (Fund 8100) for the costs and expenses 119723  
of the state's life insurance benefit program pursuant to section 119724  
125.212 of the Revised Code. If it is determined by the Director 119725  
of Budget and Management that additional amounts are necessary, 119726  
the amounts are hereby appropriated. 119727

PARENTAL LEAVE BENEFIT FUND 119728

The foregoing appropriation item 995671, Parental Leave 119729  
Benefit Fund, shall be used to make payments from the Parental 119730  
Leave Benefit Fund (Fund 8110) to employees eligible for parental 119731  
leave benefits pursuant to section 124.137 of the Revised Code. If 119732  
it is determined by the Director of Budget and Management that 119733  
additional amounts are necessary, the amounts are hereby 119734  
appropriated. 119735

HEALTH CARE SPENDING ACCOUNT FUND 119736

The foregoing appropriation item 995672, Health Care Spending 119737  
Account, shall be used to make payments from the Health Care 119738  
Spending Account Fund (Fund 8130) for payments pursuant to state 119739  
employees' participation in a flexible spending account for 119740  
non-reimbursed health care expenses and section 124.821 of the 119741  
Revised Code. If it is determined by the Director of 119742  
Administrative Services that additional appropriation amounts are 119743  
necessary, the Director of Administrative Services may request 119744  
that the Director of Budget and Management increase such amounts. 119745

Such amounts are hereby appropriated. 119746

**Section 269.20.** CASH TRANSFERS FROM THE COST SAVINGS FUND 119747

On July 1, 2013, or as soon as possible thereafter, the 119748  
Director of Budget and Management shall transfer \$735,000 cash 119749  
from the Cost Savings Fund (Fund 8140) to the Investment Recovery 119750  
Fund (Fund 4270) used by the Department of Administrative 119751  
Services, and up to \$5,200,000 cash from the Cost Savings Fund 119752  
(Fund 8140) to the Accrued Leave Fund (Fund 8060) in order to 119753  
support accrued leave payouts to state employees who are 119754  
participating in an annual leave conversion or who are separating 119755  
from state service. 119756

**Section 271.10.** ERB STATE EMPLOYMENT RELATIONS BOARD 119757

General Revenue Fund 119758

GRF 125321 Operating Expenses \$ 3,761,457 \$ 3,761,457 119759

TOTAL GRF General Revenue Fund \$ 3,761,457 \$ 3,761,457 119760

General Services Fund Group 119761

5720 125603 Training and \$ 85,000 \$ 85,000 119762

Publications

TOTAL GSF General Services 119763

Fund Group \$ 85,000 \$ 85,000 119764

TOTAL ALL BUDGET FUND GROUPS \$ 3,846,457 \$ 3,846,457 119765

**Section 273.10.** ENG STATE BOARD OF ENGINEERS AND SURVEYORS 119767

General Services Fund Group 119768

4K90 892609 Operating \$ 996,938 \$ 993,889 119769

TOTAL GSF General Services 119770

Fund Group \$ 996,938 \$ 993,889 119771

TOTAL ALL BUDGET FUND GROUPS \$ 996,938 \$ 993,889 119772

**Section 275.10.** EPA ENVIRONMENTAL PROTECTION AGENCY 119774

|                                    |                       |    |            |    |            |
|------------------------------------|-----------------------|----|------------|----|------------|
| General Revenue Fund               |                       |    |            |    | 119775     |
| GRF 715502                         | Auto Emissions        | \$ | 10,923,093 | \$ | 10,923,093 |
|                                    | e-Check Program       |    |            |    | 119776     |
| TOTAL GRF                          | General Revenue Fund  | \$ | 10,923,093 | \$ | 10,923,093 |
|                                    |                       |    |            |    | 119777     |
| General Services Fund Group        |                       |    |            |    | 119778     |
| 1990 715602                        | Laboratory Services   | \$ | 252,153    | \$ | 326,029    |
| 2190 715604                        | Central Support       | \$ | 10,255,680 | \$ | 10,255,680 |
|                                    | Indirect              |    |            |    | 119780     |
| 4A10 715640                        | Operating Expenses    | \$ | 2,600,000  | \$ | 2,602,000  |
| 4D50 715618                        | Recycled State        | \$ | 50,000     | \$ | 50,000     |
|                                    | Materials             |    |            |    | 119782     |
| TOTAL GSF                          | General Services      |    |            |    | 119783     |
| Fund Group                         |                       | \$ | 13,157,833 | \$ | 13,233,709 |
|                                    |                       |    |            |    | 119784     |
| Federal Special Revenue Fund Group |                       |    |            |    | 119785     |
| 3530 715612                        | Public Water Supply   | \$ | 2,562,578  | \$ | 2,474,605  |
| 3540 715614                        | Hazardous Waste       | \$ | 4,088,383  | \$ | 4,088,383  |
|                                    | Management - Federal  |    |            |    | 119787     |
| 3570 715619                        | Air Pollution Control | \$ | 6,310,203  | \$ | 6,310,203  |
|                                    | - Federal             |    |            |    | 119788     |
| 3620 715605                        | Underground Injection | \$ | 111,874    | \$ | 111,874    |
|                                    | Control - Federal     |    |            |    | 119789     |
| 3BU0 715684                        | Water Quality         | \$ | 16,205,000 | \$ | 15,280,000 |
|                                    | Protection            |    |            |    | 119790     |
| 3CS0 715688                        | Federal NRD           | \$ | 200,000    | \$ | 200,000    |
|                                    | Settlements           |    |            |    | 119791     |
| 3F20 715630                        | Revolving Loan Fund - | \$ | 832,543    | \$ | 1,114,543  |
|                                    | Operating             |    |            |    | 119792     |
| 3F30 715632                        | Federally Supported   | \$ | 3,012,021  | \$ | 3,012,991  |
|                                    | Cleanup and Response  |    |            |    | 119793     |
| 3FH0 715693                        | Diesel Emission       | \$ | 10,000,000 | \$ | 10,000,000 |
|                                    | Reduction Grants      |    |            |    | 119794     |
| 3T30 715669                        | Drinking Water State  | \$ | 2,609,198  | \$ | 2,824,076  |
|                                    |                       |    |            |    | 119795     |

| Revolving Fund                    |        |                                     |               |                      |
|-----------------------------------|--------|-------------------------------------|---------------|----------------------|
| 3V70                              | 715606 | Agencywide Grants                   | \$ 600,000    | \$ 600,000 119796    |
| TOTAL FED Federal Special Revenue |        |                                     |               | 119797               |
| Fund Group                        |        |                                     | \$ 46,531,800 | \$ 46,016,675 119798 |
| State Special Revenue Fund Group  |        |                                     |               | 119799               |
| 4J00                              | 715638 | Underground Injection Control       | \$ 389,126    | \$ 402,697 119800    |
| 4K20                              | 715648 | Clean Air - Non Title V             | \$ 3,165,400  | \$ 3,237,450 119801  |
| 4K30                              | 715649 | Solid Waste                         | \$ 15,685,342 | \$ 16,330,873 119802 |
| 4K40                              | 715650 | Surface Water Protection            | \$ 6,993,800  | \$ 7,688,800 119803  |
| 4K40                              | 715686 | Environmental Laboratory Services   | \$ 2,096,007  | \$ 2,096,007 119804  |
| 4K50                              | 715651 | Drinking Water Protection           | \$ 6,316,772  | \$ 6,476,011 119805  |
| 4P50                              | 715654 | Cozart Landfill                     | \$ 100,000    | \$ 100,000 119806    |
| 4R50                              | 715656 | Scrap Tire Management               | \$ 1,059,378  | \$ 1,070,532 119807  |
| 4R90                              | 715658 | Voluntary Action Program            | \$ 916,690    | \$ 945,195 119808    |
| 4T30                              | 715659 | Clean Air - Title V Permit Program  | \$ 14,528,885 | \$ 15,080,366 119809 |
| 4U70                              | 715660 | Construction and Demolition Debris  | \$ 335,000    | \$ 335,000 119810    |
| 5000                              | 715608 | Immediate Removal Special Account   | \$ 660,033    | \$ 660,293 119811    |
| 5030                              | 715621 | Hazardous Waste Facility Management | \$ 7,615,403  | \$ 8,224,041 119812  |
| 5050                              | 715623 | Hazardous Waste Cleanup             | \$ 14,528,609 | \$ 14,933,345 119813 |
| 5050                              | 715674 | Clean Ohio Environmental Review     | \$ 108,104    | \$ 108,104 119814    |
| 5320                              | 715646 | Recycling and Litter                | \$ 4,514,500  | \$ 4,535,500 119815  |



|      |        |                        |    |            |    |                   |
|------|--------|------------------------|----|------------|----|-------------------|
|      |        | Control                |    |            |    |                   |
| 5410 | 715670 | Site Specific Cleanup  | \$ | 1,548,101  | \$ | 1,548,101 119816  |
| 5420 | 715671 | Risk Management        | \$ | 208,936    | \$ | 214,826 119817    |
|      |        | Reporting              |    |            |    |                   |
| 5860 | 715637 | Scrap Tire Market      | \$ | 1,497,645  | \$ | 1,497,645 119818  |
|      |        | Development            |    |            |    |                   |
| 5BC0 | 715617 | Clean Ohio             | \$ | 611,455    | \$ | 611,455 119819    |
| 5BC0 | 715622 | Local Air Pollution    | \$ | 2,297,980  | \$ | 2,297,980 119820  |
|      |        | Control                |    |            |    |                   |
| 5BC0 | 715624 | Surface Water          | \$ | 9,614,974  | \$ | 9,614,974 119821  |
| 5BC0 | 715672 | Air Pollution Control  | \$ | 5,684,758  | \$ | 5,684,758 119822  |
| 5BC0 | 715673 | Drinking and Ground    | \$ | 4,863,521  | \$ | 4,863,521 119823  |
|      |        | Water                  |    |            |    |                   |
| 5BC0 | 715676 | Assistance and         | \$ | 695,069    | \$ | 695,069 119824    |
|      |        | Prevention             |    |            |    |                   |
| 5BC0 | 715677 | Laboratory             | \$ | 1,358,586  | \$ | 1,558,586 119825  |
| 5BC0 | 715678 | Corrective Actions     | \$ | 705,423    | \$ | 705,423 119826    |
| 5BC0 | 715687 | Areawide Planning      | \$ | 450,000    | \$ | 450,000 119827    |
|      |        | Agencies               |    |            |    |                   |
| 5BC0 | 715692 | Administration         | \$ | 10,582,627 | \$ | 10,582,627 119828 |
| 5BC0 | 715694 | Environmental Resource | \$ | 170,000    | \$ | 170,000 119829    |
|      |        | Coordination           |    |            |    |                   |
| 5BT0 | 715679 | C&DD Groundwater       | \$ | 203,800    | \$ | 203,800 119830    |
|      |        | Monitoring             |    |            |    |                   |
| 5CD0 | 715682 | Clean Diesel School    | \$ | 475,000    | \$ | 475,000 119831    |
|      |        | Buses                  |    |            |    |                   |
| 5H40 | 715664 | Groundwater Support    | \$ | 128,212    | \$ | 223,212 119832    |
| 5Y30 | 715685 | Surface Water          | \$ | 1,800,000  | \$ | 1,800,000 119833  |
|      |        | Improvement            |    |            |    |                   |
| 6440 | 715631 | Emergency Response     | \$ | 284,266    | \$ | 290,674 119834    |
|      |        | Radiological Safety    |    |            |    |                   |
| 6600 | 715629 | Infectious Waste       | \$ | 88,764     | \$ | 88,764 119835     |
|      |        | Management             |    |            |    |                   |

|                                    |        |                                                   |    |             |    |             |        |
|------------------------------------|--------|---------------------------------------------------|----|-------------|----|-------------|--------|
| 6760                               | 715642 | Water Pollution<br>Control Loan<br>Administration | \$ | 3,921,605   | \$ | 3,921,605   | 119836 |
| 6780                               | 715635 | Air Toxic Release                                 | \$ | 133,636     | \$ | 133,636     | 119837 |
| 6790                               | 715636 | Emergency Planning                                | \$ | 2,623,252   | \$ | 2,623,252   | 119838 |
| 6960                               | 715643 | Air Pollution Control<br>Administration           | \$ | 1,100,000   | \$ | 1,125,000   | 119839 |
| 6990                               | 715644 | Water Pollution<br>Control Administration         | \$ | 345,000     | \$ | 345,000     | 119840 |
| 6A10                               | 715645 | Environmental<br>Education                        | \$ | 1,350,000   | \$ | 1,350,000   | 119841 |
| TOTAL SSR State Special Revenue    |        |                                                   | \$ | 131,755,659 | \$ | 135,299,122 | 119842 |
| Fund Group                         |        |                                                   |    |             |    |             |        |
| Clean Ohio Conservation Fund Group |        |                                                   |    |             |    |             | 119843 |
| 5S10                               | 715607 | Clean Ohio -<br>Operating                         | \$ | 284,124     | \$ | 284,124     | 119844 |
| TOTAL CLF Clean Ohio Conservation  |        |                                                   | \$ | 284,124     | \$ | 284,124     | 119845 |
| Fund Group                         |        |                                                   |    |             |    |             |        |
| TOTAL ALL BUDGET FUND GROUPS       |        |                                                   | \$ | 202,652,509 | \$ | 205,756,723 | 119846 |

AREAWIDE PLANNING AGENCIES 119847

The Director of Environmental Protection Agency may award 119848  
grants from appropriation item 715687, Areawide Planning Agencies, 119849  
to areawide planning agencies engaged in areawide water quality 119850  
management and planning activities in accordance with Section 208 119851  
of the "Federal Clean Water Act," 33 U.S.C. 1288. 119852

CASH TRANSFERS 119853

On July 1, 2013, or as soon as possible thereafter, the 119854  
Director of Budget and Management may transfer up to \$11,400,000 119855  
cash from the Hazardous Waste Management Fund (Fund 5030) to the 119856  
Hazardous Waste Cleanup Fund (Fund 5050) to support closure and 119857  
corrective action programs that were transferred to the Division 119858  
of Environmental Response and Revitalization. 119859

On July 1, 2013, or as soon as possible thereafter, the 119860  
Director of Environmental Protection shall certify to the Director 119861  
of Budget and Management the cash balance in the Dredge and Fill 119862  
Fund (Fund 5N20). The Director of Budget and Management shall 119863  
transfer the certified amount from Fund 5N20 to the Surface Water 119864  
Protection Fund (Fund 4K40). Any existing encumbrances against 119865  
appropriation item 715613, Dredge and Fill, shall be canceled and 119866  
reestablished against appropriation item 715650, Surface Water 119867  
Protection. The reestablished encumbrance amounts are hereby 119868  
appropriated and Fund 5N20 is abolished. 119869

**Section 277.10.** EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 119870

General Revenue Fund 119871  
GRF 172321 Operating Expenses \$ 545,530 \$ 545,530 119872  
TOTAL GRF General Revenue Fund \$ 545,530 \$ 545,530 119873  
TOTAL ALL BUDGET FUND GROUPS \$ 545,530 \$ 545,530 119874

**Section 279.10.** ETH OHIO ETHICS COMMISSION 119876

General Revenue Fund 119877  
GRF 146321 Operating Expenses \$ 1,409,751 \$ 1,381,556 119878  
TOTAL GRF General Revenue Fund \$ 1,409,751 \$ 1,381,556 119879  
General Services Fund Group 119880  
4M60 146601 Operating Expenses \$ 636,388 \$ 641,000 119881  
TOTAL GSF General Services 119882  
Fund Group \$ 636,388 \$ 641,000 119883  
TOTAL ALL BUDGET FUND GROUPS \$ 2,046,139 \$ 2,022,556 119884

**Section 281.10.** EXP OHIO EXPOSITIONS COMMISSION 119886

General Revenue Fund 119887  
GRF 723403 Junior Fair Subsidy \$ 250,000 \$ 250,000 119888  
TOTAL GRF General Revenue Fund \$ 250,000 \$ 250,000 119889  
State Special Revenue Fund Group 119890

|                                                                    |        |                       |    |             |    |             |        |
|--------------------------------------------------------------------|--------|-----------------------|----|-------------|----|-------------|--------|
| 4N20                                                               | 723602 | Ohio State Fair       | \$ | 235,000     | \$ | 235,000     | 119891 |
|                                                                    |        | Harness Racing        |    |             |    |             |        |
| 5060                                                               | 723601 | Operating Expenses    | \$ | 12,894,000  | \$ | 12,894,000  | 119892 |
| TOTAL SSR State Special Revenue                                    |        |                       |    |             |    |             | 119893 |
| Fund Group                                                         |        |                       | \$ | 13,129,000  | \$ | 13,129,000  | 119894 |
| TOTAL ALL BUDGET FUND GROUPS                                       |        |                       | \$ | 13,379,000  | \$ | 13,379,000  | 119895 |
| STATE FAIR RESERVE                                                 |        |                       |    |             |    |             | 119896 |
| The General Manager of the Expositions Commission, in              |        |                       |    |             |    |             | 119897 |
| consultation with the Director of Budget and Management, may       |        |                       |    |             |    |             | 119898 |
| submit a request to the Controlling Board to use available amounts |        |                       |    |             |    |             | 119899 |
| in the State Fair Reserve Fund (Fund 6400) if revenues for the     |        |                       |    |             |    |             | 119900 |
| Ohio State Fair for the 2013 or 2014 Ohio State Fair are           |        |                       |    |             |    |             | 119901 |
| unexpectedly low.                                                  |        |                       |    |             |    |             | 119902 |
| <b>Section 282.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION</b> |        |                       |    |             |    |             | 119903 |
| General Revenue Fund                                               |        |                       |    |             |    |             | 119904 |
| GRF                                                                | 230401 | Lease Rental Payments | \$ | 33,106,400  | \$ | 29,854,500  | 119905 |
|                                                                    |        | - Cultural Facilities |    |             |    |             |        |
| GRF                                                                | 230458 | State Construction    | \$ | 2,495,751   | \$ | 2,245,751   | 119906 |
|                                                                    |        | Management Services   |    |             |    |             |        |
| GRF                                                                | 230908 | Common Schools        | \$ | 351,806,100 | \$ | 377,364,700 | 119907 |
|                                                                    |        | General Obligation    |    |             |    |             |        |
|                                                                    |        | Debt Service          |    |             |    |             |        |
| TOTAL GRF General Revenue Fund                                     |        |                       | \$ | 387,408,251 | \$ | 409,464,951 | 119908 |
| General Services Fund Group                                        |        |                       |    |             |    |             | 119909 |
| 1310                                                               | 230639 | State Construction    | \$ | 9,463,342   | \$ | 9,463,342   | 119910 |
|                                                                    |        | Management Operations |    |             |    |             |        |
| TOTAL GSF General Services Fund                                    |        |                       | \$ | 9,463,342   | \$ | 9,463,342   | 119911 |
| Group                                                              |        |                       |    |             |    |             |        |
| State Special Revenue Fund Group                                   |        |                       |    |             |    |             | 119912 |
| 4T80                                                               | 230603 | Community Project     | \$ | 200,000     | \$ | 200,000     | 119913 |

Administration

|                                 |                    |    |           |    |           |        |
|---------------------------------|--------------------|----|-----------|----|-----------|--------|
| 5E30 230644                     | Operating Expenses | \$ | 8,550,000 | \$ | 8,550,000 | 119914 |
| TOTAL SSR State Special Revenue |                    |    |           |    |           | 119915 |
| Fund Group                      |                    | \$ | 8,750,000 | \$ | 8,750,000 | 119916 |
| TOTAL ALL BUDGET FUND GROUPS    |                    |    |           |    |           | 119917 |

**Section 282.20. LEASE RENTAL PAYMENTS** 119919

The foregoing appropriation item 230401, Lease Rental 119920  
 Payments - Cultural Facilities, shall be used to meet all payments 119921  
 at the times they are required to be made during the period from 119922  
 July 1, 2013 through June 30, 2015, from the Ohio Facilities 119923  
 Construction Commission under the primary leases and agreements 119924  
 for those arts and sports facilities made under Chapters 152. and 119925  
 154. of the Revised Code. These appropriations are the source of 119926  
 funds pledged for bond service charges on related obligations 119927  
 issued under Chapters 152. and 154. of the Revised Code. 119928

COMMON SCHOOLS GENERAL OBLIGATION DEBT SERVICE 119929

The foregoing appropriation item 230908, Common Schools 119930  
 General Obligation Debt Service, shall be used to pay all debt 119931  
 service and related financing costs at the times they are required 119932  
 to be made during the period from July 1, 2013, through June 30, 119933  
 2015, for obligations issued under sections 151.01 and 151.03 of 119934  
 the Revised Code. 119935

**Section 282.30. COMMUNITY PROJECT ADMINISTRATION** 119936

The foregoing appropriation item 230603, Community Project 119937  
 Administration, shall be used by the Ohio Facilities Construction 119938  
 Commission in administering Cultural and Sports Facilities 119939  
 Building Fund (Fund 7030) projects pursuant to section 123.201 of 119940  
 the Revised Code. 119941

**Section 282.40. OPERATING EXPENSES** 119942

The foregoing appropriation item 230644, Operating Expenses, 119943  
shall be used by the Ohio School Facilities Commission to carry 119944  
out its responsibilities under this section and Chapter 3318. of 119945  
the Revised Code. 119946

In both fiscal years 2014 and 2015, the Executive Director of 119947  
the Ohio School Facilities Commission shall certify on a quarterly 119948  
basis to the Director of Budget and Management the amount of cash 119949  
from interest earnings to be transferred from the School Building 119950  
Assistance Fund (Fund 7032), the Public School Building Fund (Fund 119951  
7021), and the Educational Facilities Trust Fund (Fund N087) to 119952  
the Ohio School Facilities Commission Fund (Fund 5E30). The amount 119953  
transferred from the School Building Assistance Fund (Fund 7032) 119954  
may not exceed investment earnings credited to the fund, less any 119955  
amount required to be paid for federal arbitrage rebate purposes. 119956

If the Executive Director of the Ohio Facilities Construction 119957  
Commission determines that transferring cash from interest 119958  
earnings is insufficient to support operations and carry out its 119959  
responsibilities under this section and Chapter 3318. of the 119960  
Revised Code, the Commission may, with the approval of the 119961  
Controlling Board, transfer cash not generated from interest from 119962  
the Public School Building Fund (Fund 7021) and the Educational 119963  
Trust Fund (Fund N087) to the Ohio School Facilities Commission 119964  
Fund (Fund 5E30). 119965

SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION 119966

At the request of the Executive Director of the Ohio School 119967  
Facilities Commission, the Director of Budget and Management may 119968  
cancel encumbrances for school district projects from a previous 119969  
biennium if the district has not raised its local share of project 119970  
costs within thirteen months of receiving Controlling Board 119971  
approval under section 3318.05 or 3318.41 of the Revised Code. The 119972  
Executive Director of the Ohio School Facilities Commission shall 119973  
certify the amounts of the canceled encumbrances to the Director 119974

of Budget and Management on a quarterly basis. The amounts of the 119975  
canceled encumbrances are hereby appropriated. 119976

**Section 282.50.** CAPITAL DONATIONS FUND CERTIFICATIONS AND 119977  
APPROPRIATIONS 119978

The Executive Director of the Facilities Construction 119979  
Commission shall certify to the Director of Budget and Management 119980  
the amount of cash receipts and related investment income, 119981  
irrevocable letters of credit from a bank, or certification of the 119982  
availability of funds that have been received from a county or a 119983  
municipal corporation for deposit into the Capital Donations Fund 119984  
(Fund 5A10) and that are related to an anticipated project. These 119985  
amounts are hereby appropriated to appropriation item C37146, 119986  
Capital Donations. Prior to certifying these amounts to the 119987  
Director, the Executive Director shall make a written agreement 119988  
with the participating entity on the necessary cash flows required 119989  
for the anticipated construction or equipment acquisition project. 119990

**Section 282.60.** AMENDMENT TO PROJECT AGREEMENT FOR 119991  
MAINTENANCE LEVY 119992

The Ohio School Facilities Commission shall amend the project 119993  
agreement between the Commission and a school district that is 119994  
participating in the Accelerated Urban School Building Assistance 119995  
Program on the effective date of this section, if the Commission 119996  
determines that it is necessary to do so in order to comply with 119997  
division (B)(3)(c) of section 3318.38 of the Revised Code. 119998

**Section 282.70.** Notwithstanding any other provision of law to 119999  
the contrary, the Ohio School Facilities Commission may determine 120000  
the amount of funding available for disbursement in a given fiscal 120001  
year for any project approved under sections 3318.01 to 3318.20 of 120002  
the Revised Code in order to keep aggregate state capital spending 120003  
within approved limits and may take actions including, but not 120004

limited to, determining the schedule for design or bidding of 120005  
approved projects, to ensure appropriate and supportable cash 120006  
flow. 120007

**Section 282.80.** Notwithstanding division (B) of section 120008  
3318.40 of the Revised Code, the Ohio School Facilities Commission 120009  
may provide assistance to at least one joint vocational school 120010  
district each fiscal year for the acquisition of classroom 120011  
facilities in accordance with sections 3318.40 to 3318.45 of the 120012  
Revised Code. 120013

**Section 282.90.** The Ohio Cultural Facilities Commission is 120014  
abolished. Except as otherwise provided in this section, all 120015  
obligations of the Ohio Cultural Facilities Commission under 120016  
agreements to which the Ohio Cultural Facilities Commission is a 120017  
party, and all records and assets of the Ohio Cultural Facilities 120018  
Commission, including, without limitation, equipment, inventory, 120019  
contract rights, accounts, and general intangibles, are 120020  
transferred to the Ohio Facilities Construction Commission. 120021

The Ohio Facilities Construction Commission shall designate 120022  
the positions, if any, to be transferred to the Ohio Facilities 120023  
Construction Commission, along with any equipment assigned to 120024  
those positions. Any employee transferred to the Ohio Facilities 120025  
Construction Commission retains the employee's respective 120026  
classification, but the Ohio Facilities Construction Commission 120027  
may reassign and reclassify the employee's position and 120028  
compensation as the Ohio Facilities Construction Commission 120029  
determines to be in the best interest of office administration. 120030

The Ohio Facilities Construction Commission shall complete 120031  
any activities related to the design, planning, construction, and 120032  
related management functions commenced but not completed by the 120033  
Ohio Cultural Facilities Commission in the same manner and with 120034



the same effect as if the Ohio Cultural Facilities Commission had 120035  
completed them. The consolidation of the commissions shall not 120036  
cause the loss or impairment of any validation, cure, right, 120037  
privilege, remedy, obligation, or liability, which the Ohio 120038  
Facilities Construction Commission shall administer. 120039

All rules, orders, and determinations related to the design, 120040  
planning, and construction and related management functions of the 120041  
Ohio Cultural Facilities Commission continue in effect as rules, 120042  
orders, and determinations of the Ohio Facilities Construction 120043  
Commission until the Ohio Facilities Construction Commission 120044  
modifies or rescinds them. The Director of the Legislative Service 120045  
Commission shall renumber the rules of the Ohio Cultural 120046  
Facilities Commission related to that commission's design, 120047  
planning, and construction and related management functions to 120048  
reflect their transfer to the Ohio Facilities Construction 120049  
Commission. 120050

The transfer of functions from the Ohio Cultural Facilities 120051  
Commission to the Ohio Facilities Construction Commission does not 120052  
affect any pending judicial or administrative action or proceeding 120053  
to which the Ohio Cultural Facilities Commission is a party and 120054  
that is related to that commission's design, planning, 120055  
construction, capital funding, or related management functions. 120056  
Any such action or proceeding shall be prosecuted or defended in 120057  
the name of the Ohio Facilities Construction Commission. On 120058  
application to the court or agency, the Ohio Facilities 120059  
Construction Commission shall be substituted for the Ohio Cultural 120060  
Facilities Commission as a party to the action or proceeding. 120061

Effective July 1, 2013, the Director of Budget and Management 120062  
shall cancel any existing encumbrances against appropriation item 120063  
371603, Project Administration, and re-establish them against 120064  
appropriation item 230603, Community Project Administration. The 120065  
re-established encumbrance amounts are hereby appropriated. Any 120066

business commenced but not completed under appropriation item 120067  
371603 by July 1, 2013, shall be completed under appropriation 120068  
item 230603 in the same manner and with the same effect as if it 120069  
were completed with regard to appropriation item 371603. 120070

Funds collected as part of a management contract for the 120071  
Riffe Theatres, which previously were deposited in the Ohio 120072  
Cultural Facilities Commission Administration Fund (Fund 4T80), 120073  
shall be credited to the Theater Equipment Maintenance Fund (Fund 120074  
5MV0), which is hereby created in the State Treasury. The Director 120075  
of Budget and Management shall transfer from the Ohio Cultural 120076  
Facilities Commission Administration Fund to the Theater Equipment 120077  
Maintenance Fund any remaining cash balances from funds collected 120078  
as part of a management contract for the Riffe Theatres. In order 120079  
to facilitate this transfer, the Executive Director of the Ohio 120080  
Facilities Construction Commission, by July 1, 2013, or as soon as 120081  
possible thereafter, shall certify to the Director of Budget and 120082  
Management an estimate of the amount to be transferred. The 120083  
Department of Administrative Services shall use appropriation item 120084  
100662, Theatre Equipment Maintenance, to spend cash in the 120085  
Theatre Equipment Maintenance Fund (Fund 5MV0). 120086

The Ohio Facilities Construction Commission may enter into an 120087  
interagency agreement with the Department of Administrative 120088  
Services for the Department to perform any of the functions 120089  
transferred to the Ohio Facilities Construction Commission under 120090  
this section. 120091

Any reference to the Ohio Cultural Facilities Commission in 120092  
any statute, rule, contract, grant, or other document is deemed to 120093  
refer to the Ohio Facilities Construction Commission. 120094

The Ohio Facilities Construction Commission, the Ohio Public 120095  
Facilities Commission, and the issuing authority of any 120096  
obligations issued for the financing of capital facilities for 120097  
Ohio cultural facilities and Ohio sports facilities may execute 120098

instruments, documents, and agreements and may take necessary or 120099  
appropriate actions to effect the orderly transfer of those 120100  
obligations from the Ohio Cultural Facilities Commission to the 120101  
Ohio Facilities Construction Commission. 120102

This section takes effect July 1, 2013. 120103

**Section 283.10.** GOV OFFICE OF THE GOVERNOR 120104

General Revenue Fund 120105

GRF 040321 Operating Expenses \$ 2,851,552 \$ 2,851,552 120106

TOTAL GRF General Revenue Fund \$ 2,851,552 \$ 2,851,552 120107

General Services Fund Group 120108

5AK0 040607 Government Relations \$ 365,149 \$ 365,149 120109

TOTAL GSF General Services Fund \$ 365,149 \$ 365,149 120110

Group

TOTAL ALL BUDGET FUND GROUPS \$ 3,216,701 \$ 3,216,701 120111

GOVERNMENT RELATIONS 120112

A portion of the foregoing appropriation item 040607, 120113

Government Relations, may be used to support Ohio's membership in 120114

national or regional associations. 120115

The Office of the Governor may charge any state agency of the 120116

executive branch using an intrastate transfer voucher such amounts 120117

necessary to defray the costs incurred for the conduct of 120118

governmental relations associated with issues that can be 120119

attributed to the agency. Amounts collected shall be deposited in 120120

the Government Relations Fund (Fund 5AK0). 120121

**Section 285.10.** DOH DEPARTMENT OF HEALTH 120122

General Revenue Fund 120123

GRF 440412 Cancer Incidence \$ 600,000 \$ 600,000 120124

Surveillance System

GRF 440413 Local Health \$ 823,061 \$ 823,061 120125

| Departments |                                 |    |            |    |            |        |
|-------------|---------------------------------|----|------------|----|------------|--------|
| GRF 440416  | Mothers and Children            | \$ | 4,228,015  | \$ | 4,228,015  | 120126 |
|             | Safety Net Services             |    |            |    |            |        |
| GRF 440418  | Immunizations                   | \$ | 8,825,829  | \$ | 8,825,829  | 120127 |
| GRF 440431  | Free Clinics Safety             | \$ | 437,326    | \$ | 437,326    | 120128 |
|             | Net Services                    |    |            |    |            |        |
| GRF 440438  | Breast and Cervical             | \$ | 823,217    | \$ | 823,217    | 120129 |
|             | Cancer Screening                |    |            |    |            |        |
| GRF 440444  | AIDS Prevention and             | \$ | 5,842,315  | \$ | 5,842,315  | 120130 |
|             | Treatment                       |    |            |    |            |        |
| GRF 440451  | Public Health                   | \$ | 3,655,449  | \$ | 3,655,449  | 120131 |
|             | Laboratory                      |    |            |    |            |        |
| GRF 440452  | Child and Family                | \$ | 630,444    | \$ | 630,444    | 120132 |
|             | Health Services Match           |    |            |    |            |        |
| GRF 440453  | Health Care Quality             | \$ | 4,874,361  | \$ | 4,874,361  | 120133 |
|             | Assurance                       |    |            |    |            |        |
| GRF 440454  | Environmental Health            | \$ | 1,194,634  | \$ | 1,194,634  | 120134 |
| GRF 440459  | Help Me Grow                    | \$ | 33,673,987 | \$ | 33,673,987 | 120135 |
| GRF 440467  | Access to Dental Care           | \$ | 540,484    | \$ | 540,484    | 120136 |
| GRF 440468  | Chronic Disease and             | \$ | 2,447,251  | \$ | 2,447,251  | 120137 |
|             | Injury Prevention               |    |            |    |            |        |
| GRF 440472  | Alcohol Testing                 | \$ | 1,100,000  | \$ | 1,100,000  | 120138 |
| GRF 440473  | Tobacco Prevention and          | \$ | 1,050,000  | \$ | 1,050,000  | 120139 |
|             | Cessation                       |    |            |    |            |        |
| GRF 440474  | Infant Vitality                 | \$ | 3,116,688  | \$ | 3,116,688  | 120140 |
| GRF 440505  | Medically Handicapped           | \$ | 7,512,451  | \$ | 7,512,451  | 120141 |
|             | Children                        |    |            |    |            |        |
| GRF 440507  | Targeted Health Care            | \$ | 1,045,414  | \$ | 1,045,414  | 120142 |
|             | Services Over 21                |    |            |    |            |        |
| GRF 654453  | Medicaid - Health Care          | \$ | 3,300,000  | \$ | 3,300,000  | 120143 |
|             | Quality Assurance               |    |            |    |            |        |
| TOTAL GRF   | General Revenue Fund            | \$ | 85,720,926 | \$ | 85,720,926 | 120144 |
|             | State Highway Safety Fund Group |    |            |    |            | 120145 |

|                                    |        |                                   |    |             |    |             |        |
|------------------------------------|--------|-----------------------------------|----|-------------|----|-------------|--------|
| 4T40                               | 440603 | Child Highway Safety              | \$ | 233,894     | \$ | 233,894     | 120146 |
| TOTAL HSF State Highway Safety     |        |                                   |    |             |    |             | 120147 |
| Fund Group                         |        |                                   | \$ | 233,894     | \$ | 233,894     | 120148 |
| General Services Fund Group        |        |                                   |    |             |    |             | 120149 |
| 1420                               | 440646 | Agency Health Services            | \$ | 820,998     | \$ | 820,998     | 120150 |
| 2110                               | 440613 | Central Support Indirect Costs    | \$ | 30,615,591  | \$ | 31,052,469  | 120151 |
| 4730                               | 440622 | Lab Operating Expenses            | \$ | 5,000,000   | \$ | 5,000,000   | 120152 |
| 6830                               | 440633 | Employee Assistance Program       | \$ | 1,100,000   | \$ | 1,100,000   | 120153 |
| 6980                               | 440634 | Nurse Aide Training               | \$ | 99,265      | \$ | 99,265      | 120154 |
| TOTAL GSF General Services         |        |                                   |    |             |    |             | 120155 |
| Fund Group                         |        |                                   | \$ | 37,635,854  | \$ | 38,072,732  | 120156 |
| Federal Special Revenue Fund Group |        |                                   |    |             |    |             | 120157 |
| 3200                               | 440601 | Maternal Child Health Block Grant | \$ | 23,889,057  | \$ | 23,889,057  | 120158 |
| 3870                               | 440602 | Preventive Health Block Grant     | \$ | 6,000,000   | \$ | 6,000,000   | 120159 |
| 3890                               | 440604 | Women, Infants, and Children      | \$ | 250,000,000 | \$ | 250,000,000 | 120160 |
| 3910                               | 440606 | Medicare Survey and Certification | \$ | 19,449,282  | \$ | 19,961,405  | 120161 |
| 3920                               | 440618 | Federal Public Health Programs    | \$ | 134,546,304 | \$ | 135,140,586 | 120162 |
| 3GD0                               | 654601 | Medicaid Program Support          | \$ | 21,126,014  | \$ | 22,392,094  | 120163 |
| TOTAL FED Federal Special Revenue  |        |                                   |    |             |    |             | 120164 |
| Fund Group                         |        |                                   | \$ | 455,010,657 | \$ | 457,383,142 | 120165 |
| State Special Revenue Fund Group   |        |                                   |    |             |    |             | 120166 |
| 4700                               | 440647 | Fee Supported                     | \$ | 25,305,250  | \$ | 25,613,586  | 120167 |

|                                           |        | Programs                                                  |    |            |    |            |        |
|-------------------------------------------|--------|-----------------------------------------------------------|----|------------|----|------------|--------|
| 4710                                      | 440619 | Certificate of Need                                       | \$ | 878,433    | \$ | 878,433    | 120168 |
| 4770                                      | 440627 | Medically Handicapped<br>Children Audit                   | \$ | 3,692,703  | \$ | 3,692,703  | 120169 |
| 4D60                                      | 440608 | Genetics Services                                         | \$ | 3,311,039  | \$ | 3,311,039  | 120170 |
| 4F90                                      | 440610 | Sickle Cell Disease<br>Control                            | \$ | 1,032,824  | \$ | 1,032,824  | 120171 |
| 4G00                                      | 440636 | Heirloom Birth<br>Certificate                             | \$ | 5,000      | \$ | 5,000      | 120172 |
| 4G00                                      | 440637 | Birth Certificate<br>Surcharge                            | \$ | 5,000      | \$ | 5,000      | 120173 |
| 4L30                                      | 440609 | HIV Care and<br>Miscellaneous<br>Expenses                 | \$ | 8,333,164  | \$ | 8,333,164  | 120174 |
| 4P40                                      | 440628 | Ohio Physician Loan<br>Repayment                          | \$ | 476,870    | \$ | 476,870    | 120175 |
| 4V60                                      | 440641 | Save Our Sight                                            | \$ | 2,255,789  | \$ | 2,255,789  | 120176 |
| 5B50                                      | 440616 | Quality, Monitoring,<br>and Inspection                    | \$ | 878,997    | \$ | 878,997    | 120177 |
| 5CN0                                      | 440645 | Choose Life                                               | \$ | 75,000     | \$ | 75,000     | 120178 |
| 5D60                                      | 440620 | Second Chance Trust                                       | \$ | 1,151,902  | \$ | 1,151,902  | 120179 |
| 5ED0                                      | 440651 | Smoke Free Indoor Air                                     | \$ | 250,000    | \$ | 250,000    | 120180 |
| 5G40                                      | 440639 | Adoption Services                                         | \$ | 20,000     | \$ | 20,000     | 120181 |
| 5Z70                                      | 440624 | Ohio Dentist Loan<br>Repayment                            | \$ | 140,000    | \$ | 140,000    | 120182 |
| 6100                                      | 440626 | Radiation Emergency<br>Response                           | \$ | 1,049,954  | \$ | 1,086,098  | 120183 |
| 6660                                      | 440607 | Medically Handicapped<br>Children - County<br>Assessments | \$ | 19,739,617 | \$ | 19,739,617 | 120184 |
| TOTAL SSR State Special Revenue           |        |                                                           |    |            |    |            | 120185 |
| Fund Group                                |        |                                                           | \$ | 68,601,542 | \$ | 68,946,022 | 120186 |
| Holding Account Redistribution Fund Group |        |                                                           |    |            |    |            | 120187 |

|                |        |                           |    |             |    |             |        |
|----------------|--------|---------------------------|----|-------------|----|-------------|--------|
| R014           | 440631 | Vital Statistics          | \$ | 44,986      | \$ | 44,986      | 120188 |
| R048           | 440625 | Refunds, Grants           | \$ | 20,000      | \$ | 20,000      | 120189 |
|                |        | Reconciliation, and       |    |             |    |             |        |
|                |        | Audit Settlements         |    |             |    |             |        |
| TOTAL          | 090    | Holding Account           |    |             |    |             | 120190 |
| Redistribution |        | Fund Group                | \$ | 64,986      | \$ | 64,986      | 120191 |
| Tobacco Master |        | Settlement Agreement      |    |             |    |             | 120192 |
|                |        | Fund Group                |    |             |    |             |        |
| 5BX0           | 440656 | Tobacco Use               | \$ | 1,450,000   | \$ | 1,450,000   | 120193 |
|                |        | Prevention                |    |             |    |             |        |
| TOTAL          | TSF    | Tobacco Master Settlement | \$ | 1,450,000   | \$ | 1,450,000   | 120194 |
|                |        | Agreement                 |    |             |    |             | 120195 |
|                |        | Fund Group                |    |             |    |             |        |
| TOTAL          | ALL    | BUDGET FUND GROUPS        | \$ | 648,717,859 | \$ | 651,871,702 | 120195 |

**Section 285.20.** HIV/AIDS PREVENTION/TREATMENT 120197

The foregoing appropriation item 440444, AIDS Prevention and Treatment, shall be used to assist persons with HIV/AIDS in acquiring HIV-related medications and to administer educational prevention initiatives. 120198  
120199  
120200  
120201

PUBLIC HEALTH LABORATORY 120202

A portion of the foregoing appropriation item 440451, Public Health Laboratory, shall be used for coordination and management of prevention program operations and the purchase of drugs for sexually transmitted diseases. 120203  
120204  
120205  
120206

HELP ME GROW 120207

The foregoing appropriation item 440459, Help Me Grow, shall be used by the Department of Health to implement the Help Me Grow Program. Funds shall be distributed to counties through agreements, contracts, grants, or subsidies in accordance with section 3701.61 of the Revised Code. Appropriation item 440459, Help Me Grow, may be used in conjunction with other early childhood funds and services to promote the optimal development of 120208  
120209  
120210  
120211  
120212  
120213  
120214

young children and family-centered programs and services that 120215  
acknowledge and support the social, emotional, cognitive, 120216  
intellectual, and physical development of children and the vital 120217  
role of families in ensuring the well-being and success of 120218  
children. The Department of Health shall enter into interagency 120219  
agreements with the Department of Education, Department of 120220  
Developmental Disabilities, Department of Job and Family Services, 120221  
and Department of Mental Health and Addiction Services to ensure 120222  
that all early childhood programs and initiatives are coordinated 120223  
and school linked. 120224

The foregoing appropriation item 440459, Help Me Grow, may 120225  
also be used for the Developmental Autism and Screening Program. 120226

INFANT VITALITY 120227

The foregoing appropriation item 440474, Infant Vitality, 120228  
shall be used to fund the following projects, which are hereby 120229  
created: 120230

(A) The Infant Safe Sleep Campaign to educate parents and 120231  
caregivers with a uniform message regarding safe sleep 120232  
environments; 120233

(B) The Progesterone Prematurity Prevention Project to enable 120234  
prenatal care providers to identify, screen, treat, and track 120235  
outcomes for women eligible for progesterone supplementation; and 120236

(C) The Prenatal Smoking Cessation Project to enable prenatal 120237  
care providers who work with women of reproductive age, including 120238  
pregnant women, to have the tools, training, and technical 120239  
assistance needed to treat smokers effectively. 120240

TARGETED HEALTH CARE SERVICES OVER 21 120241

The foregoing appropriation item 440507, Targeted Health Care 120242  
Services Over 21, shall be used to administer the Cystic Fibrosis 120243  
Program and to implement the Hemophilia Insurance Premium Payment 120244



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| Program.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 120245                                                                                                                         |
| The foregoing appropriation item 440507, Targeted Health Care Services Over 21, shall also be used to provide essential medications and to pay the copayments for drugs approved by the Department of Health and covered by Medicare Part D that are dispensed to Bureau for Children with Medical Handicaps (BCMH) participants for the Cystic Fibrosis Program.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 120246<br>120247<br>120248<br>120249<br>120250<br>120251                                                                       |
| The Department shall expend all of these funds.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 120252                                                                                                                         |
| GENETICS SERVICES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 120253                                                                                                                         |
| The foregoing appropriation item 440608, Genetics Services (Fund 4D60), shall be used by the Department of Health to administer programs authorized by sections 3701.501 and 3701.502 of the Revised Code. None of these funds shall be used to counsel or refer for abortion, except in the case of a medical emergency.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 120254<br>120255<br>120256<br>120257<br>120258                                                                                 |
| MEDICALLY HANDICAPPED CHILDREN AUDIT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 120259                                                                                                                         |
| The Medically Handicapped Children Audit Fund (Fund 4770) shall receive revenue from audits of hospitals and recoveries from third-party payers. Moneys may be expended for payment of audit settlements and for costs directly related to obtaining recoveries from third-party payers and for encouraging Medically Handicapped Children's Program recipients to apply for third-party benefits. Moneys also may be expended for payments for diagnostic and treatment services on behalf of medically handicapped children, as defined in division (A) of section 3701.022 of the Revised Code, and Ohio residents who are twenty-one or more years of age and who are suffering from cystic fibrosis or hemophilia. Moneys may also be expended for administrative expenses incurred in operating the Medically Handicapped Children's Program. | 120260<br>120261<br>120262<br>120263<br>120264<br>120265<br>120266<br>120267<br>120268<br>120269<br>120270<br>120271<br>120272 |
| MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 120273                                                                                                                         |
| The foregoing appropriation item 440607, Medically                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 120274                                                                                                                         |

Handicapped Children - County Assessments (Fund 6660), shall be 120275  
used to make payments under division (E) of section 3701.023 of 120276  
the Revised Code. 120277

CASH TRANSFER FROM THE PUBLIC HEALTH PRIORITIES TRUST FUND TO 120278  
THE TOBACCO USE PREVENTION FUND 120279

On July 1, 2013, or as soon as possible thereafter, the 120280  
Director of Budget and Management shall transfer \$2,439,230 cash 120281  
from the Public Health Priorities Trust Fund (Fund L087) to the 120282  
Tobacco Use Prevention Fund (Fund 5BX0) to meet the operating 120283  
needs of the Department of Health's tobacco enforcement and 120284  
cessation efforts. 120285

**Section 285.30.** DEPARTMENT OF HEALTH'S APPROPRIATION ITEM 120286  
STRUCTURE 120287

Upon request from the Director of Health, the Director of 120288  
Budget and Management may establish new funds, new appropriation 120289  
items, and appropriations in order to support the transition to a 120290  
new appropriation item structure in the Department of Health's 120291  
budget. Also, upon request of the Director of Health, the Director 120292  
of Budget and Management may transfer appropriations between GRF 120293  
appropriation items, transfer cash between any funds used by the 120294  
Department of Health, abolish existing funds used by the 120295  
Department of Health, and cancel and reestablish encumbrances. Any 120296  
establishment of new funds or appropriation items, any transfers 120297  
of appropriations or cash, and any increases in appropriation 120298  
under this section are subject to Controlling Board approval. 120299

**Section 287.10.** HEF HIGHER EDUCATIONAL FACILITY COMMISSION 120300  
Agency Fund Group 120301  
4610 372601 Operating Expenses \$ 12,500 \$ 12,500 120302  
TOTAL AGY Agency Fund Group \$ 12,500 \$ 12,500 120303  
TOTAL ALL BUDGET FUND GROUPS \$ 12,500 \$ 12,500 120304

|                                |        |                                  |    |                                           |              |           |        |
|--------------------------------|--------|----------------------------------|----|-------------------------------------------|--------------|-----------|--------|
| <b>Section 289.10.</b>         |        |                                  |    | SPA COMMISSION ON HISPANIC/LATINO AFFAIRS | 120306       |           |        |
| General Revenue Fund           |        |                                  |    |                                           | 120307       |           |        |
| GRF                            | 148100 | Personal Services                | \$ | 279,998                                   | \$ 279,998   | 120308    |        |
| GRF                            | 148402 | Community Programs               | \$ | 44,924                                    | \$ 44,924    | 120309    |        |
| TOTAL GRF General Revenue Fund |        |                                  | \$ | 324,922                                   | \$ 324,922   | 120310    |        |
| General Services Fund Group    |        |                                  |    |                                           | 120311       |           |        |
| 6010                           | 148602 | Special Initiatives              | \$ | 24,558                                    | \$ 24,558    | 120312    |        |
| TOTAL GSF General Services     |        |                                  |    |                                           | 120313       |           |        |
| Fund Group                     |        |                                  |    | \$                                        | 24,558       | \$ 24,558 | 120314 |
| TOTAL ALL BUDGET FUND GROUPS   |        |                                  | \$ | 349,480                                   | \$ 349,480   | 120315    |        |
| <b>Section 291.10.</b>         |        |                                  |    | OHS OHIO HISTORICAL SOCIETY               | 120317       |           |        |
| General Revenue Fund           |        |                                  |    |                                           | 120318       |           |        |
| GRF                            | 360501 | Education and<br>Collections     | \$ | 3,618,997                                 | \$ 3,618,997 | 120319    |        |
| GRF                            | 360502 | Site and Museum<br>Operations    | \$ | 4,426,288                                 | \$ 4,926,288 | 120320    |        |
| GRF                            | 360504 | Ohio Preservation<br>Office      | \$ | 290,000                                   | \$ 290,000   | 120321    |        |
| GRF                            | 360505 | National<br>Afro-American Museum | \$ | 414,798                                   | \$ 414,798   | 120322    |        |
| GRF                            | 360506 | Hayes Presidential<br>Center     | \$ | 309,147                                   | \$ 309,147   | 120323    |        |
| GRF                            | 360509 | Outreach and<br>Partnership      | \$ | 90,395                                    | \$ 90,395    | 120324    |        |
| TOTAL GRF General Revenue Fund |        |                                  | \$ | 9,149,625                                 | \$ 9,649,625 | 120325    |        |
| Agency Fund Group              |        |                                  |    |                                           | 120326       |           |        |
| 5KL0                           | 360602 | Ohio History Tax<br>Check-off    | \$ | 250,000                                   | \$ 250,000   | 120327    |        |
| TOTAL AGY Agency Fund Group    |        |                                  | \$ | 250,000                                   | \$ 250,000   | 120328    |        |
| TOTAL ALL BUDGET FUND GROUPS   |        |                                  | \$ | 9,399,625                                 | \$ 9,899,625 | 120329    |        |

|                                                                   |    |            |    |            |        |
|-------------------------------------------------------------------|----|------------|----|------------|--------|
| SUBSIDY APPROPRIATION                                             |    |            |    | 120330     |        |
| Upon approval by the Director of Budget and Management, the       |    |            |    | 120331     |        |
| foregoing appropriation items shall be released to the Ohio       |    |            |    | 120332     |        |
| Historical Society in quarterly amounts that in total do not      |    |            |    | 120333     |        |
| exceed the annual appropriations. The funds and fiscal records of |    |            |    | 120334     |        |
| the society for fiscal year 2014 and fiscal year 2015 shall be    |    |            |    | 120335     |        |
| examined by independent certified public accountants approved by  |    |            |    | 120336     |        |
| the Auditor of State, and a copy of the audited financial         |    |            |    | 120337     |        |
| statements shall be filed with the Office of Budget and           |    |            |    | 120338     |        |
| Management. The society shall prepare and submit to the Office of |    |            |    | 120339     |        |
| Budget and Management the following:                              |    |            |    | 120340     |        |
| (A) An estimated operating budget for each fiscal year of the     |    |            |    | 120341     |        |
| biennium. The operating budget shall be submitted at or near the  |    |            |    | 120342     |        |
| beginning of each calendar year.                                  |    |            |    | 120343     |        |
| (B) Financial reports, indicating actual receipts and             |    |            |    | 120344     |        |
| expenditures for the fiscal year to date. These reports shall be  |    |            |    | 120345     |        |
| filed at least semiannually during the fiscal biennium.           |    |            |    | 120346     |        |
| The foregoing appropriations shall be considered to be the        |    |            |    | 120347     |        |
| contractual consideration provided by the state to support the    |    |            |    | 120348     |        |
| state's offer to contract with the Ohio Historical Society under  |    |            |    | 120349     |        |
| section 149.30 of the Revised Code.                               |    |            |    | 120350     |        |
| <b>Section 293.10. REP OHIO HOUSE OF REPRESENTATIVES</b>          |    |            |    | 120351     |        |
| General Revenue Fund                                              |    |            |    | 120352     |        |
| GRF 025321 Operating Expenses                                     | \$ | 21,031,091 | \$ | 21,031,091 | 120353 |
| TOTAL GRF General Revenue Fund                                    | \$ | 21,031,091 | \$ | 21,031,091 | 120354 |
| General Services Fund Group                                       |    |            |    | 120355     |        |
| 1030 025601 House Reimbursement                                   | \$ | 1,433,664  | \$ | 1,433,664  | 120356 |
| 4A40 025602 Miscellaneous Sales                                   | \$ | 37,849     | \$ | 37,849     | 120357 |
| TOTAL GSF General Services                                        |    |            |    | 120358     |        |
| Fund Group                                                        | \$ | 1,471,513  | \$ | 1,471,513  | 120359 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |    |            |    |            |                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|------------|----|------------|------------------------------------------------------------------------------|
| TOTAL ALL BUDGET FUND GROUPS                                                                                                                                                                                                                                                                                                                                                                                                                                             | \$ | 22,502,604 | \$ | 22,502,604 | 120360                                                                       |
| OPERATING EXPENSES                                                                                                                                                                                                                                                                                                                                                                                                                                                       |    |            |    |            | 120361                                                                       |
| On July 1, 2013, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2013 to be reappropriated to fiscal year 2014. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2014. |    |            |    |            | 120362<br>120363<br>120364<br>120365<br>120366<br>120367<br>120368<br>120369 |
| On July 1, 2014, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2014 to be reappropriated to fiscal year 2015. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2015. |    |            |    |            | 120370<br>120371<br>120372<br>120373<br>120374<br>120375<br>120376<br>120377 |
| HOUSE REIMBURSEMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                      |    |            |    |            | 120378                                                                       |
| If it is determined by the Chief Administrative Officer of the House of Representatives that additional appropriations are necessary for the foregoing appropriation item 025601, House Reimbursement, the amounts are hereby appropriated.                                                                                                                                                                                                                              |    |            |    |            | 120379<br>120380<br>120381<br>120382                                         |
| <b>Section 295.10.</b> HFA OHIO HOUSING FINANCE AGENCY                                                                                                                                                                                                                                                                                                                                                                                                                   |    |            |    |            | 120383                                                                       |
| State Special Revenue Fund Group                                                                                                                                                                                                                                                                                                                                                                                                                                         |    |            |    |            | 120384                                                                       |
| 5AZ0 997601 Housing Finance Agency                                                                                                                                                                                                                                                                                                                                                                                                                                       | \$ | 12,156,982 | \$ | 12,156,982 | 120385                                                                       |
| Personal Services                                                                                                                                                                                                                                                                                                                                                                                                                                                        |    |            |    |            |                                                                              |
| TOTAL SSR State Special Revenue Fund Group                                                                                                                                                                                                                                                                                                                                                                                                                               | \$ | 12,156,982 | \$ | 12,156,982 | 120386                                                                       |
| TOTAL ALL BUDGET FUND GROUPS                                                                                                                                                                                                                                                                                                                                                                                                                                             | \$ | 12,156,982 | \$ | 12,156,982 | 120387                                                                       |

|                                                            |                       |                      |                             |        |
|------------------------------------------------------------|-----------------------|----------------------|-----------------------------|--------|
| <b>Section 297.10. IGO OFFICE OF THE INSPECTOR GENERAL</b> |                       |                      |                             | 120389 |
| General Revenue Fund                                       |                       |                      |                             | 120390 |
| GRF                                                        | 965321                | Operating Expenses   | \$ 1,175,598 \$ 1,175,598   | 120391 |
| GRF                                                        | 965404                | Deputy Inspector     | \$ 475,000 \$ 350,000       | 120392 |
| General for ARRA                                           |                       |                      |                             |        |
| TOTAL GRF                                                  | General Revenue Fund  |                      | \$ 1,650,598 \$ 1,525,598   | 120393 |
| General Services Fund Group                                |                       |                      |                             | 120394 |
| 5FA0                                                       | 965603                | Deputy Inspector     | \$ 400,000 \$ 400,000       | 120395 |
| General for ODOT                                           |                       |                      |                             |        |
| 5FT0                                                       | 965604                | Deputy Inspector     | \$ 425,000 \$ 425,000       | 120396 |
| General for BWC/OIC                                        |                       |                      |                             |        |
| 5GI0                                                       | 965605                | Deputy Inspector     | \$ 25,000 \$ 0              | 120397 |
| General for ARRA                                           |                       |                      |                             |        |
| TOTAL GSF                                                  | General Services Fund |                      | \$ 850,000 \$ 825,000       | 120398 |
| Group                                                      |                       |                      |                             |        |
| TOTAL ALL BUDGET FUND GROUPS                               |                       |                      | \$ 2,500,598 \$ 2,350,598   | 120399 |
| <br><b>Section 299.10. INS DEPARTMENT OF INSURANCE</b>     |                       |                      |                             | 120401 |
| Federal Special Revenue Fund Group                         |                       |                      |                             | 120402 |
| 3EV0                                                       | 820610                | Health Insurance     | \$ 1,300,000 \$ 1,300,000   | 120403 |
| Premium Review                                             |                       |                      |                             |        |
| 3U50                                                       | 820602                | OSHIIP Operating     | \$ 1,970,725 \$ 1,970,725   | 120404 |
| Grant                                                      |                       |                      |                             |        |
| TOTAL FED                                                  | Federal Special       |                      |                             | 120405 |
| Revenue Fund Group                                         |                       |                      |                             |        |
|                                                            |                       |                      | \$ 3,270,725 \$ 3,270,725   | 120406 |
| State Special Revenue Fund Group                           |                       |                      |                             | 120407 |
| 5540                                                       | 820601                | Operating Expenses - | \$ 180,000 \$ 180,000       | 120408 |
| OSHIIP                                                     |                       |                      |                             |        |
| 5540                                                       | 820606                | Operating Expenses   | \$ 27,570,433 \$ 24,910,367 | 120409 |
| 5550                                                       | 820605                | Examination          | \$ 8,184,065 \$ 8,184,065   | 120410 |
| TOTAL SSR                                                  | State Special Revenue |                      |                             | 120411 |

|                              |    |            |    |            |        |
|------------------------------|----|------------|----|------------|--------|
| Fund Group                   | \$ | 35,934,498 | \$ | 33,274,432 | 120412 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 39,205,223 | \$ | 36,545,157 | 120413 |

EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES 120414

The Director of Budget and Management, at the request of the 120415  
 Superintendent of Insurance, may transfer funds from the 120416  
 Department of Insurance Operating Fund (Fund 5540), established by 120417  
 section 3901.021 of the Revised Code, to the Superintendent's 120418  
 Examination Fund (Fund 5550), established by section 3901.071 of 120419  
 the Revised Code, only for expenses incurred in examining domestic 120420  
 fraternal benefit societies as required by section 3921.28 of the 120421  
 Revised Code. 120422

TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND 120423

Not later than the thirty-first day of July each fiscal year, 120424  
 the Director of Budget and Management shall transfer \$5,000,000 120425  
 from the Department of Insurance Operating Fund (Fund 5540) to the 120426  
 General Revenue Fund. 120427

**Section 301.10.** JFS DEPARTMENT OF JOB AND FAMILY SERVICES 120428

General Revenue Fund 120429

|            |                 |    |            |    |            |        |
|------------|-----------------|----|------------|----|------------|--------|
| GRF 600321 | Program Support | \$ | 31,320,964 | \$ | 31,109,751 | 120430 |
|------------|-----------------|----|------------|----|------------|--------|

|            |                                     |    |             |    |             |        |
|------------|-------------------------------------|----|-------------|----|-------------|--------|
| GRF 600410 | TANF State/Maintenance<br>of Effort | \$ | 151,386,934 | \$ | 151,386,934 | 120431 |
|------------|-------------------------------------|----|-------------|----|-------------|--------|

|            |                                              |    |            |    |            |        |
|------------|----------------------------------------------|----|------------|----|------------|--------|
| GRF 600413 | Child Care<br>State/Maintenance of<br>Effort | \$ | 84,732,730 | \$ | 84,732,730 | 120432 |
|------------|----------------------------------------------|----|------------|----|------------|--------|

|            |                                    |    |            |    |            |        |
|------------|------------------------------------|----|------------|----|------------|--------|
| GRF 600416 | Information Technology<br>Projects | \$ | 54,223,871 | \$ | 54,184,700 | 120433 |
|------------|------------------------------------|----|------------|----|------------|--------|

|            |                        |    |           |    |           |        |
|------------|------------------------|----|-----------|----|-----------|--------|
| GRF 600420 | Child Support Programs | \$ | 6,498,667 | \$ | 6,591,048 | 120434 |
|------------|------------------------|----|-----------|----|-----------|--------|

|            |                               |    |           |    |           |        |
|------------|-------------------------------|----|-----------|----|-----------|--------|
| GRF 600421 | Family Assistance<br>Programs | \$ | 3,161,930 | \$ | 3,161,930 | 120435 |
|------------|-------------------------------|----|-----------|----|-----------|--------|

|            |                       |    |           |    |           |        |
|------------|-----------------------|----|-----------|----|-----------|--------|
| GRF 600423 | Families and Children | \$ | 6,384,514 | \$ | 6,542,517 | 120436 |
|------------|-----------------------|----|-----------|----|-----------|--------|

|             |                                                          |    |             |    |             |        |
|-------------|----------------------------------------------------------|----|-------------|----|-------------|--------|
|             | Programs                                                 |    |             |    |             |        |
| GRF 600502  | Child Support - Local                                    | \$ | 23,814,103  | \$ | 23,814,103  | 120437 |
| GRF 600511  | Disability Financial Assistance                          | \$ | 22,000,000  | \$ | 22,000,000  | 120438 |
| GRF 600521  | Family Assistance - Local                                | \$ | 41,132,751  | \$ | 41,132,751  | 120439 |
| GRF 600523  | Family and Children Services                             | \$ | 54,105,323  | \$ | 54,105,323  | 120440 |
| GRF 600528  | Adoption Services                                        |    |             |    |             | 120441 |
|             | State                                                    | \$ | 28,623,389  | \$ | 28,623,389  | 120442 |
|             | Federal                                                  | \$ | 38,202,557  | \$ | 38,202,557  | 120443 |
|             | Adoption Services Total                                  | \$ | 66,825,946  | \$ | 66,825,946  | 120444 |
| GRF 600533  | Child, Family, and Adult Community & Protective Services | \$ | 13,500,000  | \$ | 13,500,000  | 120445 |
| GRF 600534  | Adult Protective Services                                | \$ | 366,003     | \$ | 366,003     | 120446 |
| GRF 600535  | Early Care and Education                                 | \$ | 123,596,474 | \$ | 123,596,474 | 120447 |
| GRF 600540  | Food Banks                                               | \$ | 6,000,000   | \$ | 6,000,000   | 120448 |
| GRF 600541  | Kinship Permanency Incentive Program                     | \$ | 3,500,000   | \$ | 3,500,000   | 120449 |
| GRF 655522  | Medicaid Program Support - Local                         | \$ | 31,067,970  | \$ | 31,067,970  | 120450 |
| GRF 655523  | Medicaid Program Support - Local Transportation          | \$ | 30,680,495  | \$ | 30,680,495  | 120451 |
| TOTAL GRF   | General Revenue Fund                                     |    |             |    |             | 120452 |
|             | State                                                    | \$ | 716,096,118 | \$ | 716,096,118 | 120453 |
|             | Federal                                                  | \$ | 38,202,557  | \$ | 38,202,557  | 120454 |
|             | GRF Total                                                | \$ | 754,298,675 | \$ | 754,298,675 | 120455 |
|             | General Services Fund Group                              |    |             |    |             | 120456 |
| 4A80 600658 | Public Assistance                                        | \$ | 34,000,000  | \$ | 34,000,000  | 120457 |



|                                    |        | Activities                            |                |                |        |
|------------------------------------|--------|---------------------------------------|----------------|----------------|--------|
| 5DM0                               | 600633 | Administration &<br>Operating         | \$ 19,660,339  | \$ 19,660,339  | 120458 |
| 5HC0                               | 600695 | Unemployment<br>Compensation Interest | \$ 60,000,000  | \$ 60,000,000  | 120459 |
| 5HL0                               | 600602 | State and County<br>Shared Services   | \$ 3,020,000   | \$ 3,020,000   | 120460 |
| 6130                               | 600645 | Training Activities                   | \$ 100,000     | \$ 92,989      | 120461 |
| TOTAL GSF General Services         |        |                                       |                |                | 120462 |
| Fund Group                         |        |                                       | \$ 116,780,339 | \$ 116,773,328 | 120463 |
| Federal Special Revenue Fund Group |        |                                       |                |                | 120464 |
| 3270                               | 600606 | Child Welfare                         | \$ 29,769,866  | \$ 29,769,866  | 120465 |
| 3310                               | 600615 | Veterans Programs                     | \$ 8,000,000   | \$ 8,000,000   | 120466 |
| 3310                               | 600624 | Employment Services<br>Programs       | \$ 26,000,000  | \$ 26,000,000  | 120467 |
| 3310                               | 600686 | Workforce Programs                    | \$ 6,260,000   | \$ 6,260,000   | 120468 |
| 3840                               | 600610 | Food Assistance<br>Programs           | \$ 209,333,246 | \$ 180,381,394 | 120469 |
| 3850                               | 600614 | Refugee Services                      | \$ 12,564,952  | \$ 12,564,952  | 120470 |
| 3950                               | 600616 | Federal Discretionary<br>Grants       | \$ 2,259,264   | \$ 2,259,264   | 120471 |
| 3960                               | 600620 | Social Services Block<br>Grant        | \$ 47,000,000  | \$ 47,000,000  | 120472 |
| 3970                               | 600626 | Child Support -<br>Federal            | \$ 235,000,000 | \$ 235,000,000 | 120473 |
| 3980                               | 600627 | Adoption Program -<br>Federal         | \$ 174,178,779 | \$ 174,178,779 | 120474 |
| 3A20                               | 600641 | Emergency Food<br>Distribution        | \$ 5,000,000   | \$ 5,000,000   | 120475 |
| 3D30                               | 600648 | Children's Trust Fund<br>Federal      | \$ 3,477,699   | \$ 3,477,699   | 120476 |
| 3F01                               | 655624 | Medicaid Program<br>Support           | \$ 110,680,495 | \$ 110,680,495 | 120477 |

|                                   |        |                                                         |    |               |    |               |        |
|-----------------------------------|--------|---------------------------------------------------------|----|---------------|----|---------------|--------|
| 3H70                              | 600617 | Child Care Federal                                      | \$ | 241,987,805   | \$ | 222,212,089   | 120478 |
| 3N00                              | 600628 | Foster Care Program -<br>Federal                        | \$ | 311,968,616   | \$ | 311,968,616   | 120479 |
| 3S50                              | 600622 | Child Support Projects                                  | \$ | 534,050       | \$ | 534,050       | 120480 |
| 3V00                              | 600688 | Workforce Investment<br>Act Programs                    | \$ | 136,000,000   | \$ | 136,000,000   | 120481 |
| 3V40                              | 600678 | Federal Unemployment<br>Programs                        | \$ | 182,814,212   | \$ | 182,814,212   | 120482 |
| 3V40                              | 600679 | UC Review Commission -<br>Federal                       | \$ | 6,185,788     | \$ | 6,185,788     | 120483 |
| 3V60                              | 600689 | TANF Block Grant                                        | \$ | 777,957,809   | \$ | 790,304,845   | 120484 |
| TOTAL FED Federal Special Revenue |        |                                                         |    |               |    |               | 120485 |
| Fund Group                        |        |                                                         | \$ | 2,526,972,581 | \$ | 2,490,592,049 | 120486 |
| State Special Revenue Fund Group  |        |                                                         |    |               |    |               | 120487 |
| 1980                              | 600647 | Children's Trust Fund                                   | \$ | 5,873,848     | \$ | 5,873,848     | 120488 |
| 4A90                              | 600607 | Unemployment<br>Compensation<br>Administration Fund     | \$ | 9,006,000     | \$ | 9,006,000     | 120489 |
| 4E70                              | 600604 | Family and Children<br>Services Collections             | \$ | 400,000       | \$ | 400,000       | 120490 |
| 4F10                              | 600609 | Family and Children<br>Activities                       | \$ | 683,549       | \$ | 683,549       | 120491 |
| 5DB0                              | 600637 | Military Injury Relief<br>Subsidies                     | \$ | 2,000,000     | \$ | 2,000,000     | 120492 |
| 5DP0                              | 600634 | Adoption Assistance<br>Loan                             | \$ | 500,000       | \$ | 500,000       | 120493 |
| 5ES0                              | 600630 | Food Bank Assistance                                    | \$ | 500,000       | \$ | 500,000       | 120494 |
| 5KU0                              | 600611 | Unemployment<br>Compensation Support -<br>Other Sources | \$ | 2,000,000     | \$ | 2,000,000     | 120495 |
| 5NG0                              | 600660 | Victims of Human<br>Trafficking                         | \$ | 100,000       | \$ | 100,000       | 120496 |
| 5U60                              | 600663 | Family and Children                                     | \$ | 4,000,000     | \$ | 4,000,000     | 120497 |

Support

|                                           |    |               |                  |        |
|-------------------------------------------|----|---------------|------------------|--------|
| TOTAL SSR State Special Revenue           |    |               |                  | 120498 |
| Fund Group                                | \$ | 25,063,397    | \$ 25,063,397    | 120499 |
| Agency Fund Group                         |    |               |                  | 120500 |
| 1920 600646 Child Support                 | \$ | 129,250,000   | \$ 129,250,000   | 120501 |
| Intercept - Federal                       |    |               |                  |        |
| 5830 600642 Child Support                 | \$ | 14,000,000    | \$ 14,000,000    | 120502 |
| Intercept - State                         |    |               |                  |        |
| 5B60 600601 Food Assistance               | \$ | 1,000,000     | \$ 1,000,000     | 120503 |
| Intercept                                 |    |               |                  |        |
| TOTAL AGY Agency Fund Group               | \$ | 144,250,000   | \$ 144,250,000   | 120504 |
| Holding Account Redistribution Fund Group |    |               |                  | 120505 |
| R012 600643 Refunds and Audit             | \$ | 2,200,000     | \$ 2,200,000     | 120506 |
| Settlements                               |    |               |                  |        |
| R013 600644 Forgery Collections           | \$ | 10,000        | \$ 10,000        | 120507 |
| TOTAL 090 Holding Account                 | \$ | 2,210,000     | \$ 2,210,000     | 120508 |
| Redistribution Fund Group                 |    |               |                  |        |
| TOTAL ALL BUDGET FUND GROUPS              | \$ | 3,569,574,992 | \$ 3,533,187,449 | 120509 |

**Section 301.20.** TRANSFER TO STATE AND COUNTY SHARED SERVICES 120511

FUND 120512

Within thirty days of the effective date of this act, or as 120513

soon as possible thereafter, the Director of Budget and Management 120514

shall transfer the cash balance in the County Technologies Fund 120515

(Fund 5N10) to the State and County Shared Services Fund (Fund 120516

5HL0). 120517

**Section 301.30.** AGENCY AND HOLDING ACCOUNT REDISTRIBUTION 120518

FUND GROUPS 120519

The Agency Fund Group and Holding Account Redistribution Fund 120520

Group shall be used to hold revenues until the appropriate fund is 120521

determined or until the revenues are directed to the appropriate 120522

governmental agency other than the Department of Job and Family Services. If receipts credited to the Support Intercept - Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 5830), the Food Stamp Offset Fund (Fund 5B60), the Refunds and Audit Settlements Fund (Fund R012), or the Forgery Collections Fund (Fund R013) exceed the amounts appropriated from the fund, the Director of Job and Family Services may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

**Section 301.40. COUNTY ADMINISTRATIVE FUNDS**

The foregoing appropriation item 600521, Family Assistance - Local, may be provided to county departments of job and family services to administer food assistance and disability assistance programs.

The foregoing appropriation item 655522, Medicaid Program Support - Local, may be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program.

At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local, in order to ensure county administrative funds are expended from the proper appropriation item.

**Section 301.50. FOOD STAMPS TRANSFER**

On July 1, 2013, or as soon as possible thereafter, the Director of Budget and Management may transfer up to \$1,000,000 cash from the Supplemental Nutrition Assistance Program Fund (Fund

3840), to the Food Assistance Fund (Fund 5ES0). 120553

**Section 301.60.** NAME OF FOOD STAMP PROGRAM 120554

The Director of Job and Family Services is not required to 120555  
amend rules regarding the Food Stamp Program to change the name of 120556  
the program to the Supplemental Nutrition Assistance Program. The 120557  
Director may refer to the program as the Food Stamp Program or the 120558  
Food Assistance Program in rules and documents of the Department 120559  
of Job and Family Services. 120560

**Section 301.70.** OHIO ASSOCIATION OF FOOD BANKS 120561

The foregoing appropriation item 600540, Food Banks, shall be 120562  
used to provide funds to the Ohio Association of Food Banks to 120563  
purchase and distribute food products. 120564

Notwithstanding section 5101.46 of the Revised Code and any 120565  
other provision in this bill, in addition to funds designated for 120566  
the Ohio Association of Food Banks in this section, in fiscal year 120567  
2014 and fiscal year 2015, the Director of Job and Family Services 120568  
shall provide assistance from eligible funds to the Ohio 120569  
Association of Food Banks in an amount up to or equal to the 120570  
assistance provided in state fiscal year 2013 from all funds used 120571  
by the Department, except the General Revenue Fund. 120572

Eligible nonfederal expenditures made by member food banks of 120573  
the Association shall be counted by the Department of Job and 120574  
Family Services toward the TANF maintenance of effort requirements 120575  
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 120576  
shall enter into an agreement with the Ohio Association of Food 120577  
Banks, in accordance with sections 5101.80 and 5101.801 of the 120578  
Revised Code, to carry out the requirements under this section. 120579

**Section 301.80.** PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 120580

The foregoing appropriation item 600658, Public Assistance 120581

Activities, shall be used by the Department of Job and Family 120582  
Services to meet the TANF maintenance of effort requirements of 42 120583  
U.S.C. 609(a)(7). When the state is assured that it will meet the 120584  
maintenance of effort requirement, the Department of Job and 120585  
Family Services may use funds from appropriation item 600658, 120586  
Public Assistance Activities, to support public assistance 120587  
activities. 120588

**Section 301.90.** GOVERNOR'S OFFICE OF FAITH-BASED AND 120589  
COMMUNITY INITIATIVES 120590

Of the foregoing appropriation item 600689, TANF Block Grant, 120591  
up to \$6,540,000 in each fiscal year shall be used, in accordance 120592  
with sections 5101.80 and 5101.801 of the Revised Code, to provide 120593  
support to programs or organizations that provide services that 120594  
align with the mission and goals of the Governor's Office of 120595  
Faith-Based and Community Initiatives, as outlined in section 120596  
107.12 of the Revised Code, and that further at least one of the 120597  
four purposes of the TANF program, as specified in 42 U.S.C. 601. 120598

**Section 301.100.** INDEPENDENT LIVING INITIATIVE 120599

Of the foregoing appropriation item 600689, TANF Block Grant, 120600  
up to \$2,000,000 in each fiscal year shall be used, in accordance 120601  
with sections 5101.80 and 5101.801 of the Revised Code, to support 120602  
the Independent Living Initiative, including life skills training 120603  
and work supports for older children in foster care and those who 120604  
have recently aged out of foster care. 120605

**Section 301.110.** KINSHIP PERMANENCY INCENTIVE PROGRAM 120606

Of the foregoing appropriation item 600689, TANF Block Grant, 120607  
\$1,750,000 in each fiscal year shall be used to support the 120608  
activities of the Kinship Permanency Incentive Program established 120609  
in section 5101.802 of the Revised Code. 120610

**Section 301.120.** OHIO COMMISSION ON FATHERHOOD 120611

Of the foregoing appropriation item 600689, TANF Block Grant, 120612  
\$1,000,000 in each fiscal year shall be provided to the Ohio 120613  
Commission on Fatherhood. 120614

**Section 301.130.** DIFFERENTIAL RESPONSE 120615

In accordance with an independent evaluation of the Ohio 120616  
Alternative Response Pilot Program that recommended statewide 120617  
implementation, the Department of Job and Family Services shall 120618  
plan the statewide expansion of the Ohio Alternative Response 120619  
Pilot Program on a county by county basis, through a schedule 120620  
determined by the Department. The program shall be known as the 120621  
"differential response" approach as defined in section 2151.011 of 120622  
the Revised Code. Notwithstanding provisions of Chapter 2151. of 120623  
the Revised Code that refer to "differential response," 120624  
"traditional response," and "alternative response," those 120625  
provisions shall become effective on the scheduled date of 120626  
expansion of the differential response approach to that county. 120627  
Prior to statewide implementation, the Department may adopt rules 120628  
in accordance with Chapter 119. of the Revised Code as necessary 120629  
to carry out the purposes of this section. 120630

**Section 301.140.** FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 120631

In collaboration with the county family and children first 120632  
council, a county department of job and family services or public 120633  
children services agency that receives an allocation from the 120634  
Department of Job and Family Services from the foregoing 120635  
appropriation item 600523, Children and Families Services, or 120636  
600533, Child, Family, and Adult Community & Protective Services, 120637  
may transfer a portion of either or both allocations to a flexible 120638  
funding pool as authorized by the section of this act titled 120639  
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 120640

**Section 301.150.** CHILD, FAMILY, AND ADULT COMMUNITY AND 120641  
PROTECTIVE SERVICES 120642

(A) The foregoing appropriation item 600533, Child, Family, 120643  
and Adult Community & Protective Services, shall be distributed to 120644  
each county department of job and family services using the 120645  
formula the Department of Job and Family Services uses when 120646  
distributing Title XX funds to county departments of job and 120647  
family services under section 5101.46 of the Revised Code. County 120648  
departments shall use the funds distributed to them under this 120649  
section as follows, in accordance with the written plan of 120650  
cooperation entered into under section 307.983 of the Revised 120651  
Code: 120652

(1) To assist individuals achieve or maintain 120653  
self-sufficiency, including by reducing or preventing dependency 120654  
among individuals with family income not exceeding two hundred per 120655  
cent of the federal poverty guidelines; 120656

(2) Subject to division (B) of this section, to respond to 120657  
reports of abuse, neglect, or exploitation of children and adults, 120658  
including through the differential response approach program 120659  
developed under Section 309.50.10 of this act; 120660

(3) To provide outreach and referral services regarding home 120661  
and community-based services to individuals at risk of placement 120662  
in a group home or institution, regardless of the individuals' 120663  
family income and without need for a written application; 120664

(4) To provide outreach, referral, application assistance, 120665  
and other services to assist individuals receive assistance, 120666  
benefits, or services under Medicaid; Title IV-A programs, as 120667  
defined in section 5101.80 of the Revised Code; the Supplemental 120668  
Nutrition Assistance Program; and other public assistance 120669  
programs. 120670



(B) Protective services may be provided to a child or adult 120671  
as part of a response, under division (A)(2) of this section, to a 120672  
report of abuse, neglect, or exploitation without regard to a 120673  
child or adult's family income and without need for a written 120674  
application. The protective services may be provided if the case 120675  
record documents circumstances of actual or potential abuse, 120676  
neglect, or exploitation. 120677

**Section 301.160.** CHILDREN AND FAMILY SERVICES ACTIVITIES 120678

The foregoing appropriation item 600609, Children and Family 120679  
Services Activities, shall be used to expend miscellaneous 120680  
foundation funds and grants to support children and family 120681  
services activities. 120682

**Section 301.170.** ADOPTION ASSISTANCE LOAN 120683

Of the foregoing appropriation item 600634, Adoption 120684  
Assistance Loan, the Department of Job and Family Services may use 120685  
up to ten per cent for administration of adoption assistance loans 120686  
pursuant to section 3107.018 of the Revised Code. 120687

**Section 301.173.** VICTIMS OF HUMAN TRAFFICKING 120688

The foregoing appropriation item 600660, Victims of Human 120689  
Trafficking, shall be used to provide treatment, care, 120690  
rehabilitation, education, housing, and assistance for victims of 120691  
trafficking in persons as specified in section 5101.87 of the 120692  
Revised Code. If receipts credited to the Victims of Human 120693  
Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to 120694  
the fund, the Director of Job and Family Services may request the 120695  
Director of Budget and Management to authorize expenditures from 120696  
the fund in excess of the amounts appropriated. Upon the approval 120697  
of the Director of Budget and Management, the additional amounts 120698  
are hereby appropriated. 120699

**Section 301.180.** FEDERAL UNEMPLOYMENT PROGRAMS 120700

All unexpended funds remaining at the end of fiscal year 2013 120701  
that were appropriated and made available to the state under 120702  
section 903(d) of the Social Security Act, as amended, in the 120703  
foregoing appropriation item 600678, Federal Unemployment Programs 120704  
(Fund 3V40), are hereby appropriated to the Department of Job and 120705  
Family Services. Upon the request of the Director of Job and 120706  
Family Services, the Director of Budget and Management may 120707  
increase the appropriation for fiscal year 2014 by the amount 120708  
remaining unspent from the fiscal year 2013 appropriation and may 120709  
increase the appropriation for fiscal year 2015 by the amount 120710  
remaining unspent from the fiscal year 2014 appropriation. The 120711  
appropriation shall be used under the direction of the Department 120712  
of Job and Family Services to pay for administrative activities 120713  
for the Unemployment Insurance Program, employment services, and 120714  
other allowable expenditures under section 903(d) of the Social 120715  
Security Act, as amended. 120716

The amounts obligated pursuant to this section shall not 120717  
exceed at any time the amount by which the aggregate of the 120718  
amounts transferred to the account of the state under section 120719  
903(d) of the Social Security Act, as amended, exceeds the 120720  
aggregate of the amounts obligated for administration and paid out 120721  
for benefits and required by law to be charged against the amounts 120722  
transferred to the account of the state. 120723

**Section 301.190.** UNEMPLOYMENT COMPENSATION INTEREST 120724

The foregoing appropriation item 600695, Unemployment 120725  
Compensation Interest, shall be used for payment of interest costs 120726  
paid to the United States Secretary of the Treasury for the 120727  
repayment of accrued interest related to federal unemployment 120728  
account borrowing. 120729

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| <b>Section 303.10.</b> JCR JOINT COMMITTEE ON AGENCY RULE REVIEW   | 120730 |
| General Revenue Fund                                               | 120731 |
| GRF 029321 Operating Expenses \$ 455,858 \$ 456,376                | 120732 |
| TOTAL GRF General Revenue Fund \$ 455,858 \$ 456,376               | 120733 |
| TOTAL ALL BUDGET FUND GROUPS \$ 455,858 \$ 456,376                 | 120734 |
| OPERATING GUIDANCE                                                 | 120735 |
| The Chief Administrative Officer of the House of                   | 120736 |
| Representatives and the Clerk of the Senate shall determine, by    | 120737 |
| mutual agreement, which of them shall act as fiscal agent for the  | 120738 |
| Joint Committee on Agency Rule Review. Members of the Committee    | 120739 |
| shall be paid in accordance with section 101.35 of the Revised     | 120740 |
| Code.                                                              | 120741 |
| OPERATING EXPENSES                                                 | 120742 |
| On July 1, 2013, or as soon as possible thereafter, the            | 120743 |
| Executive Director of the Joint Committee on Agency Rule Review    | 120744 |
| may certify to the Director of Budget and Management the amount of | 120745 |
| the unexpended, unencumbered balance of the foregoing              | 120746 |
| appropriation item 029321, Operating Expenses, at the end of       | 120747 |
| fiscal year 2013 to be reappropriated to fiscal year 2014. The     | 120748 |
| amount certified is hereby reappropriated to the same              | 120749 |
| appropriation item for fiscal year 2014.                           | 120750 |
| On July 1, 2014, or as soon as possible thereafter, the            | 120751 |
| Executive Director of the Joint Committee on Agency Rule Review    | 120752 |
| may certify to the Director of Budget and Management the amount of | 120753 |
| the unexpended, unencumbered balance of the foregoing              | 120754 |
| appropriation item 029321, Operating Expenses, at the end of       | 120755 |
| fiscal year 2014 to be reappropriated to fiscal year 2015. The     | 120756 |
| amount certified is hereby reappropriated to the same              | 120757 |
| appropriation item for fiscal year 2015.                           | 120758 |
| <b>Section 305.10.</b> JCO JUDICIAL CONFERENCE OF OHIO             | 120759 |

|                                                                     |    |           |              |        |
|---------------------------------------------------------------------|----|-----------|--------------|--------|
| General Revenue Fund                                                |    |           |              | 120760 |
| GRF 018321 Operating Expenses                                       | \$ | 824,900   | \$ 847,200   | 120761 |
| TOTAL GRF General Revenue Fund                                      | \$ | 824,900   | \$ 847,200   | 120762 |
| General Services Fund Group                                         |    |           |              | 120763 |
| 4030 018601 Ohio Jury                                               | \$ | 385,000   | \$ 385,000   | 120764 |
| Instructions                                                        |    |           |              |        |
| TOTAL GSF General Services Fund                                     | \$ | 385,000   | \$ 385,000   | 120765 |
| Group                                                               |    |           |              |        |
| TOTAL ALL BUDGET FUND GROUPS                                        | \$ | 1,209,900 | \$ 1,232,200 | 120766 |
| STATE COUNCIL OF UNIFORM STATE LAWS                                 |    |           |              | 120767 |
| Notwithstanding section 105.26 of the Revised Code, of the          |    |           |              | 120768 |
| foregoing appropriation item 018321, Operating Expenses, up to      |    |           |              | 120769 |
| \$84,900 in fiscal year 2014 and up to \$88,300 in fiscal year 2015 |    |           |              | 120770 |
| shall be used to pay the expenses of the State Council of Uniform   |    |           |              | 120771 |
| State Laws, including membership dues to the National Conference    |    |           |              | 120772 |
| of Commissioners on Uniform State Laws.                             |    |           |              | 120773 |
| OHIO JURY INSTRUCTIONS FUND                                         |    |           |              | 120774 |
| The Ohio Jury Instructions Fund (Fund 4030) shall consist of        |    |           |              | 120775 |
| grants, royalties, dues, conference fees, bequests, devises, and    |    |           |              | 120776 |
| other gifts received for the purpose of supporting costs incurred   |    |           |              | 120777 |
| by the Judicial Conference of Ohio in its activities as a part of   |    |           |              | 120778 |
| the judicial system of the state as determined by the Judicial      |    |           |              | 120779 |
| Conference Executive Committee. Fund 4030 shall be used by the      |    |           |              | 120780 |
| Judicial Conference of Ohio to pay expenses incurred in its         |    |           |              | 120781 |
| activities as a part of the judicial system of the state as         |    |           |              | 120782 |
| determined by the Judicial Conference Executive Committee. All      |    |           |              | 120783 |
| moneys accruing to Fund 4030 in excess of \$385,000 in fiscal year  |    |           |              | 120784 |
| 2014 and in excess of \$385,000 in fiscal year 2015 are hereby      |    |           |              | 120785 |
| appropriated for the purposes authorized.                           |    |           |              | 120786 |
| No money in Fund 4030 shall be transferred to any other fund        |    |           |              | 120787 |
| by the Director of Budget and Management or the Controlling Board.  |    |           |              | 120788 |

|                                                        |                         |                       |                   |                    |
|--------------------------------------------------------|-------------------------|-----------------------|-------------------|--------------------|
| <b>Section 307.10. JSC THE JUDICIARY/SUPREME COURT</b> |                         |                       |                   | 120789             |
| General Revenue Fund                                   |                         |                       |                   | 120790             |
| GRF                                                    | 005321                  | Operating Expenses -  | \$ 138,016,534 \$ | 140,232,737 120791 |
|                                                        |                         | Judiciary/Supreme     |                   |                    |
|                                                        |                         | Court                 |                   |                    |
| GRF                                                    | 005406                  | Law-Related Education | \$ 236,172 \$     | 236,172 120792     |
| GRF                                                    | 005409                  | Ohio Courts           | \$ 3,350,000 \$   | 3,350,000 120793   |
|                                                        |                         | Technology Initiative |                   |                    |
| TOTAL GRF                                              | General Revenue Fund    |                       | \$ 141,602,706 \$ | 143,818,909 120794 |
| General Services Fund Group                            |                         |                       |                   | 120795             |
| 6720                                                   | 005601                  | Continuing Judicial   | \$ 101,392 \$     | 93,563 120796      |
|                                                        |                         | Education             |                   |                    |
| TOTAL GSF                                              | General Services Fund   |                       | \$ 101,392 \$     | 93,563 120797      |
| Group                                                  |                         |                       |                   |                    |
| Federal Special Revenue Fund Group                     |                         |                       |                   | 120798             |
| 3J00                                                   | 005603                  | Federal Grants        | \$ 1,235,900 \$   | 1,252,600 120799   |
| TOTAL FED                                              | Federal Special Revenue |                       | \$ 1,235,900 \$   | 1,252,600 120800   |
| Fund Group                                             |                         |                       |                   |                    |
| State Special Revenue Fund Group                       |                         |                       |                   | 120801             |
| 4C80                                                   | 005605                  | Attorney Services     | \$ 3,923,101 \$   | 3,915,721 120802   |
| 5HT0                                                   | 005617                  | Court Interpreter     | \$ 23,000 \$      | 23,000 120803      |
|                                                        |                         | Certification         |                   |                    |
| 5JY0                                                   | 005620                  | County Law Library    | \$ 258,000 \$     | 258,000 120804     |
|                                                        |                         | Resources Boards      |                   |                    |
| 5T80                                                   | 005609                  | Grants and Awards     | \$ 25,000 \$      | 25,000 120805      |
| 6A80                                                   | 005606                  | Supreme Court         | \$ 1,283,751 \$   | 1,308,025 120806   |
|                                                        |                         | Admissions            |                   |                    |
| TOTAL SSR                                              | State Special Revenue   |                       | \$ 5,512,852 \$   | 5,529,746 120807   |
| Fund Group                                             |                         |                       |                   |                    |
| TOTAL ALL BUDGET FUND GROUPS                           |                         |                       | \$ 148,452,850 \$ | 150,694,818 120808 |
| OPERATING EXPENSES - JUDICIARY/SUPREME COURT           |                         |                       |                   | 120809             |

Of the foregoing appropriation item 005321, Operating 120810  
Expenses - Judiciary/Supreme Court, up to \$206,770 in each fiscal 120811  
year may be used to support the functions of the State Criminal 120812  
Sentencing Council. 120813

LAW-RELATED EDUCATION 120814

The foregoing appropriation item 005406, Law-Related 120815  
Education, shall be distributed directly to the Ohio Center for 120816  
Law-Related Education for the purposes of providing continuing 120817  
citizenship education activities to primary and secondary 120818  
students, expanding delinquency prevention programs, increasing 120819  
activities for at-risk youth, and accessing additional public and 120820  
private money for new programs. 120821

OHIO COURTS TECHNOLOGY INITIATIVE 120822

The foregoing appropriation item 005409, Ohio Courts 120823  
Technology Initiative, shall be used to fund an initiative by the 120824  
Supreme Court to facilitate the exchange of information and 120825  
warehousing of data by and between Ohio courts and other justice 120826  
system partners through the creation of an Ohio Courts Network, 120827  
the delivery of technology services to courts throughout the 120828  
state, including the provision of hardware, software, and the 120829  
development and implementation of educational and training 120830  
programs for judges and court personnel, and operation of the 120831  
Commission on Technology and the Courts by the Supreme Court for 120832  
the promulgation of statewide rules, policies, and uniform 120833  
standards, and to aid in the orderly adoption and comprehensive 120834  
use of technology in Ohio courts. 120835

CONTINUING JUDICIAL EDUCATION 120836

The Continuing Judicial Education Fund (Fund 6720) shall 120837  
consist of fees paid by judges and court personnel for attending 120838  
continuing education courses and other gifts and grants received 120839  
for the purpose of continuing judicial education. The foregoing 120840

appropriation item 005601, Continuing Judicial Education, shall be 120841  
used to pay expenses for continuing education courses for judges 120842  
and court personnel. If it is determined by the Administrative 120843  
Director of the Supreme Court that additional appropriations are 120844  
necessary, the amounts are hereby appropriated. 120845

No money in Fund 6720 shall be transferred to any other fund 120846  
by the Director of Budget and Management or the Controlling Board. 120847  
Interest earned on money in Fund 6720 shall be credited to the 120848  
fund. 120849

FEDERAL GRANTS 120850

The Federal Grants Fund (Fund 3J00) shall consist of grants 120851  
and other moneys awarded to the Supreme Court (The Judiciary) by 120852  
the United States Government or other entities that receive the 120853  
moneys directly from the United States Government and distribute 120854  
those moneys to the Supreme Court (The Judiciary). The foregoing 120855  
appropriation item 005603, Federal Grants, shall be used in a 120856  
manner consistent with the purpose of the grant or award. If it is 120857  
determined by the Administrative Director of the Supreme Court 120858  
that additional appropriations are necessary, the amounts are 120859  
hereby appropriated. 120860

No money in Fund 3J00 shall be transferred to any other fund 120861  
by the Director of Budget and Management or the Controlling Board. 120862  
However, interest earned on money in Fund 3J00 shall be credited 120863  
or transferred to the General Revenue Fund. 120864

ATTORNEY SERVICES 120865

The Attorney Services Fund (Fund 4C80), formerly known as the 120866  
Attorney Registration Fund, shall consist of money received by the 120867  
Supreme Court (The Judiciary) pursuant to the Rules for the 120868  
Government of the Bar of Ohio. In addition to funding other 120869  
activities considered appropriate by the Supreme Court, the 120870  
foregoing appropriation item 005605, Attorney Services, may be 120871

used to compensate employees and to fund appropriate activities of 120872  
the following offices established by the Supreme Court: the Office 120873  
of Disciplinary Counsel, the Board of Commissioners on Grievances 120874  
and Discipline, the Clients' Security Fund, and the Attorney 120875  
Services Division. If it is determined by the Administrative 120876  
Director of the Supreme Court that additional appropriations are 120877  
necessary, the amounts are hereby appropriated. 120878

No money in Fund 4C80 shall be transferred to any other fund 120879  
by the Director of Budget and Management or the Controlling Board. 120880  
Interest earned on money in Fund 4C80 shall be credited to the 120881  
fund. 120882

COURT INTERPRETER CERTIFICATION 120883

The Court Interpreter Certification Fund (Fund 5HT0) shall 120884  
consist of money received by the Supreme Court (The Judiciary) 120885  
pursuant to Rules 80 through 87 of the Rules of Superintendence 120886  
for the Courts of Ohio. The foregoing appropriation item 005617, 120887  
Court Interpreter Certification, shall be used to provide 120888  
training, to provide the written examination, and to pay language 120889  
experts to rate, or grade, the oral examinations of those applying 120890  
to become certified court interpreters. If it is determined by the 120891  
Administrative Director that additional appropriations are 120892  
necessary, the amounts are hereby appropriated. 120893

No money in Fund 5HT0 shall be transferred to any other fund 120894  
by the Director of Budget and Management or the Controlling Board. 120895  
Interest earned on money in Fund 5HT0 shall be credited to the 120896  
fund. 120897

COUNTY LAW LIBRARY RESOURCES BOARD 120898

The Statewide Consortium of County Law Library Resources 120899  
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 120900  
to section 307.515 of the Revised Code into a county's law library 120901  
resources fund and forwarded by that county's treasurer for 120902



deposit in the state treasury pursuant to division (E)(1) of 120903  
section 3375.481 of the Revised Code. The foregoing appropriation 120904  
item 005620, County Law Library Resources Board, shall be used for 120905  
the operation of the Statewide Consortium of County Law Library 120906  
Resources Boards. If it is determined by the Administrative 120907  
Director of the Supreme Court that additional appropriations are 120908  
necessary, the amounts are hereby appropriated. 120909

No money in Fund 5JY0 shall be transferred to any other fund 120910  
by the Director of Budget and Management or the Controlling Board. 120911  
Interest earned on money in Fund 5JY0 shall be credited to the 120912  
fund. 120913

GRANTS AND AWARDS 120914

The Grants and Awards Fund (Fund 5T80) shall consist of 120915  
grants and other money awarded to the Supreme Court (The 120916  
Judiciary) by the State Justice Institute, the Division of 120917  
Criminal Justice Services, or other entities. The foregoing 120918  
appropriation item 005609, Grants and Awards, shall be used in a 120919  
manner consistent with the purpose of the grant or award. If it is 120920  
determined by the Administrative Director of the Supreme Court 120921  
that additional appropriations are necessary, the amounts are 120922  
hereby appropriated. 120923

No money in Fund 5T80 shall be transferred to any other fund 120924  
by the Director of Budget and Management or the Controlling Board. 120925  
However, interest earned on money in Fund 5T80 shall be credited 120926  
or transferred to the General Revenue Fund. 120927

SUPREME COURT ADMISSIONS 120928

The foregoing appropriation item 005606, Supreme Court 120929  
Admissions, shall be used to compensate Supreme Court employees 120930  
who are primarily responsible for administering the attorney 120931  
admissions program under the Rules for the Government of the Bar 120932  
of Ohio, and to fund any other activities considered appropriate 120933

by the court. Moneys shall be deposited into the Supreme Court Admissions Fund (Fund 6A80) under the Supreme Court Rules for the Government of the Bar of Ohio. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in Fund 6A80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 6A80 shall be credited to the fund.

**Section 309.10. LEC LAKE ERIE COMMISSION**

Federal Special Revenue Fund Group

|             |                   |    |        |    |   |
|-------------|-------------------|----|--------|----|---|
| 3EP0 780603 | Lake Erie Federal | \$ | 25,000 | \$ | 0 |
|-------------|-------------------|----|--------|----|---|

Grants

|           |                         |    |        |    |   |
|-----------|-------------------------|----|--------|----|---|
| TOTAL FED | Federal Special Revenue | \$ | 25,000 | \$ | 0 |
|-----------|-------------------------|----|--------|----|---|

Fund Group

State Special Revenue Fund Group

|             |                      |    |         |    |         |
|-------------|----------------------|----|---------|----|---------|
| 4C00 780601 | Lake Erie Protection | \$ | 200,000 | \$ | 200,000 |
|-------------|----------------------|----|---------|----|---------|

Fund

|             |                     |    |         |    |         |
|-------------|---------------------|----|---------|----|---------|
| 5D80 780602 | Lake Erie Resources | \$ | 298,942 | \$ | 339,637 |
|-------------|---------------------|----|---------|----|---------|

Fund

|           |                       |  |  |  |  |
|-----------|-----------------------|--|--|--|--|
| TOTAL SSR | State Special Revenue |  |  |  |  |
|-----------|-----------------------|--|--|--|--|

|            |  |    |         |    |         |
|------------|--|----|---------|----|---------|
| Fund Group |  | \$ | 498,942 | \$ | 539,637 |
|------------|--|----|---------|----|---------|

|                              |  |    |         |    |         |
|------------------------------|--|----|---------|----|---------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 523,942 | \$ | 539,637 |
|------------------------------|--|----|---------|----|---------|

CASH TRANSFERS TO THE LAKE ERIE RESOURCES FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management may transfer cash from the funds specified below, up to the amounts specified below, to the Lake Erie Resources Fund (Fund 5D80). Fund 5D80 may accept contributions and transfers made to the fund.

|      |           |      |         |         |
|------|-----------|------|---------|---------|
| Fund | Fund Name | User | FY 2014 | FY 2015 |
|------|-----------|------|---------|---------|

|      |                                   |                                    |          |          |        |
|------|-----------------------------------|------------------------------------|----------|----------|--------|
| 5BC0 | Environmental<br>Protection       | Environmental<br>Protection Agency | \$23,500 | \$53,500 | 120960 |
| 6690 | Pesticide,<br>Fertilizer and Lime | Department of<br>Agriculture       | \$23,500 | \$53,500 | 120961 |
| 4700 | General Operations                | Department of<br>Health            | \$23,500 | \$53,500 | 120962 |
| 1570 | Central Support<br>Indirect       | Department of<br>Natural Resources | \$23,500 | \$53,500 | 120963 |

On July 1, 2013, or as soon as possible thereafter, the 120964  
Director of Budget and Management may transfer \$23,500 cash from a 120965  
fund used by the Development Services Agency, as specified by the 120966  
Director of Development Services, to Fund 5D80. 120967

On July 1, 2014, or as soon as possible thereafter, the 120968  
Director of Budget and Management may transfer \$53,500 cash from a 120969  
fund used by the Development Services Agency, as specified by the 120970  
Director of Development Services, to Fund 5D80. 120971

**Section 311.10.** JLE JOINT LEGISLATIVE ETHICS COMMITTEE 120972

General Revenue Fund 120973

|            |                                 |            |            |        |
|------------|---------------------------------|------------|------------|--------|
| GRF 028321 | Legislative Ethics<br>Committee | \$ 550,000 | \$ 550,000 | 120974 |
|------------|---------------------------------|------------|------------|--------|

|           |                      |            |            |        |
|-----------|----------------------|------------|------------|--------|
| TOTAL GRF | General Revenue Fund | \$ 550,000 | \$ 550,000 | 120975 |
|-----------|----------------------|------------|------------|--------|

General Services Fund Group 120976

|             |                                       |            |            |        |
|-------------|---------------------------------------|------------|------------|--------|
| 4G70 028601 | Joint Legislative<br>Ethics Committee | \$ 150,000 | \$ 150,000 | 120977 |
|-------------|---------------------------------------|------------|------------|--------|

|           |                       |            |            |        |
|-----------|-----------------------|------------|------------|--------|
| TOTAL GSF | General Services Fund | \$ 150,000 | \$ 150,000 | 120978 |
|-----------|-----------------------|------------|------------|--------|

Group

|                              |  |            |            |        |
|------------------------------|--|------------|------------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ 700,000 | \$ 700,000 | 120979 |
|------------------------------|--|------------|------------|--------|

**Section 313.10.** LSC LEGISLATIVE SERVICE COMMISSION 120980

General Revenue Fund 120981

|            |                    |               |               |        |
|------------|--------------------|---------------|---------------|--------|
| GRF 035321 | Operating Expenses | \$ 15,117,700 | \$ 15,117,700 | 120982 |
|------------|--------------------|---------------|---------------|--------|

|                              |                                |                                                     |    |            |    |            |        |
|------------------------------|--------------------------------|-----------------------------------------------------|----|------------|----|------------|--------|
| GRF                          | 035402                         | Legislative Fellows                                 | \$ | 1,022,120  | \$ | 1,022,120  | 120983 |
| GRF                          | 035405                         | Correctional<br>Institution Inspection<br>Committee | \$ | 438,900    | \$ | 438,900    | 120984 |
| GRF                          | 035407                         | Legislative Task Force<br>on Redistricting          | \$ | 320,000    | \$ | 400,000    | 120985 |
| GRF                          | 035409                         | National Associations                               | \$ | 460,560    | \$ | 460,560    | 120986 |
| GRF                          | 035410                         | Legislative<br>Information Systems                  | \$ | 3,861,250  | \$ | 3,861,250  | 120987 |
| GRF                          | 035411                         | Ohio Constitutional<br>Modernization<br>Commission  | \$ | 750,000    | \$ | 750,000    | 120988 |
| TOTAL GRF                    | General Revenue Fund           |                                                     | \$ | 21,970,530 | \$ | 22,050,530 | 120989 |
| General Services Fund Group  |                                |                                                     |    |            |    |            | 120990 |
| 4100                         | 035601                         | Sale of Publications                                | \$ | 10,000     | \$ | 10,000     | 120991 |
| 4F60                         | 035603                         | Legislative Budget<br>Services                      | \$ | 200,000    | \$ | 200,000    | 120992 |
| 5EF0                         | 035607                         | Legislative Agency<br>Telephone Usage               | \$ | 30,000     | \$ | 30,000     | 120993 |
| TOTAL GSF                    | General Services<br>Fund Group |                                                     | \$ | 240,000    | \$ | 240,000    | 120995 |
| TOTAL ALL BUDGET FUND GROUPS |                                |                                                     | \$ | 22,210,530 | \$ | 22,290,530 | 120996 |

OPERATING EXPENSES

On July 1, 2013, or as soon as possible thereafter, the  
 Director of the Legislative Service Commission may certify to the  
 Director of Budget and Management the amount of the unexpended,  
 unencumbered balance of the foregoing appropriation item 035321,  
 Operating Expenses, at the end of fiscal year 2013 to be  
 reappropriated to fiscal year 2014. The amount certified is hereby  
 reappropriated to the same appropriation item for fiscal year  
 2014.

On July 1, 2014, or as soon as possible thereafter, the

Director of the Legislative Service Commission may certify to the 121007  
Director of Budget and Management the amount of the unexpended, 121008  
unencumbered balance of the foregoing appropriation item 035321, 121009  
Operating Expenses, at the end of fiscal year 2014 to be 121010  
reappropriated to fiscal year 2015. The amount certified is hereby 121011  
reappropriated to the same appropriation item for fiscal year 121012  
2015. 121013

LEGISLATIVE TASK FORCE ON REDISTRICTING 121014

An amount equal to the unexpended, unencumbered portion of 121015  
the foregoing appropriation item 035407, Legislative Task Force on 121016  
Redistricting, at the end of fiscal year 2013 is hereby 121017  
reappropriated to the Legislative Service Commission for the same 121018  
purpose for fiscal year 2014. 121019

An amount equal to the unexpended, unencumbered portion of 121020  
the foregoing appropriation item 035407, Legislative Task Force on 121021  
Redistricting, at the end of fiscal year 2014 is hereby 121022  
reappropriated to the Legislative Service Commission for the same 121023  
purpose for fiscal year 2015. 121024

LEGISLATIVE INFORMATION SYSTEMS 121025

On July 1, 2013, or as soon as possible thereafter, the 121026  
Director of the Legislative Service Commission may certify to the 121027  
Director of Budget and Management the amount of the unexpended, 121028  
unencumbered balance of the foregoing appropriation item 035410, 121029  
Legislative Information Systems, at the end of fiscal year 2013 to 121030  
be reappropriated to fiscal year 2014. The amount certified is 121031  
hereby reappropriated to the same appropriation item for fiscal 121032  
year 2014. 121033

On July 1, 2014, or as soon as possible thereafter, the 121034  
Director of the Legislative Service Commission may certify to the 121035  
Director of Budget and Management the amount of the unexpended, 121036  
unencumbered balance of the foregoing appropriation item 035410, 121037

Legislative Information Systems, at the end of fiscal year 2014 to 121038  
be reappropriated to fiscal year 2015. The amount certified is 121039  
hereby reappropriated to the same appropriation item for fiscal 121040  
year 2015. 121041

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION 121042

The foregoing appropriation item 035411, Ohio Constitutional 121043  
Modernization Commission, shall be used to support the operation 121044  
and expenses of the Ohio Constitutional Modernization Commission 121045  
under sections 103.61 to 103.67 of the Revised Code. 121046

An amount equal to the unexpended, unencumbered portion of 121047  
the foregoing appropriation item 035411, Ohio Constitutional 121048  
Modernization Commission, at the end of fiscal year 2013 is hereby 121049  
reappropriated to the Legislative Service Commission for the same 121050  
purpose for fiscal year 2014. 121051

An amount equal to the unexpended, unencumbered portion of 121052  
the foregoing appropriation item 035411, Ohio Constitutional 121053  
Modernization Commission, at the end of fiscal year 2014 is hereby 121054  
reappropriated to the Legislative Service Commission for the same 121055  
purpose for fiscal year 2015. 121056

**Section 315.10.** LIB STATE LIBRARY BOARD 121057

General Revenue Fund 121058

GRF 350321 Operating Expenses \$ 5,057,364 \$ 5,057,364 121059

GRF 350401 Ohioana Rental \$ 120,114 \$ 120,114 121060

Payments

GRF 350502 Regional Library \$ 582,469 \$ 582,469 121061

Systems

TOTAL GRF General Revenue Fund \$ 5,759,947 \$ 5,759,947 121062

General Services Fund Group 121063

1390 350602 Intra-Agency Service \$ 8,000 \$ 8,000 121064

Charges

|                                                                    |        |                       |    |            |    |            |        |
|--------------------------------------------------------------------|--------|-----------------------|----|------------|----|------------|--------|
| 4590                                                               | 350603 | Library Service       | \$ | 3,237,430  | \$ | 3,526,368  | 121065 |
|                                                                    |        | Charges               |    |            |    |            |        |
| 4S40                                                               | 350604 | Ohio Public Library   | \$ | 5,689,788  | \$ | 5,689,788  | 121066 |
|                                                                    |        | Information Network   |    |            |    |            |        |
| 5GB0                                                               | 350605 | Library for the Blind | \$ | 1,274,194  | \$ | 1,274,194  | 121067 |
| TOTAL GSF General Services                                         |        |                       |    |            |    |            | 121068 |
| Fund Group                                                         |        |                       | \$ | 10,209,412 | \$ | 10,498,350 | 121069 |
| Federal Special Revenue Fund Group                                 |        |                       |    |            |    |            | 121070 |
| 3130                                                               | 350601 | LSTA Federal          | \$ | 5,303,693  | \$ | 5,120,439  | 121071 |
| TOTAL FED Federal Special Revenue                                  |        |                       |    |            |    |            | 121072 |
| Fund Group                                                         |        |                       | \$ | 5,303,693  | \$ | 5,120,439  | 121073 |
| TOTAL ALL BUDGET FUND GROUPS                                       |        |                       |    |            |    |            | 121074 |
| OHIOANA RENTAL PAYMENTS                                            |        |                       |    |            |    |            | 121075 |
| The foregoing appropriation item 350401, Ohioana Rental            |        |                       |    |            |    |            | 121076 |
| Payments, shall be used to pay the rental expenses of the Martha   |        |                       |    |            |    |            | 121077 |
| Kinney Cooper Ohioana Library Association under section 3375.61 of |        |                       |    |            |    |            | 121078 |
| the Revised Code.                                                  |        |                       |    |            |    |            | 121079 |
| REGIONAL LIBRARY SYSTEMS                                           |        |                       |    |            |    |            | 121080 |
| The foregoing appropriation item 350502, Regional Library          |        |                       |    |            |    |            | 121081 |
| Systems, shall be used to support regional library systems         |        |                       |    |            |    |            | 121082 |
| eligible for funding under sections 3375.83 and 3375.90 of the     |        |                       |    |            |    |            | 121083 |
| Revised Code.                                                      |        |                       |    |            |    |            | 121084 |
| OHIO PUBLIC LIBRARY INFORMATION NETWORK                            |        |                       |    |            |    |            | 121085 |
| (A) The foregoing appropriation item 350604, Ohio Public           |        |                       |    |            |    |            | 121086 |
| Library Information Network, shall be used for an information      |        |                       |    |            |    |            | 121087 |
| telecommunications network linking public libraries in the state   |        |                       |    |            |    |            | 121088 |
| and such others as may participate in the Ohio Public Library      |        |                       |    |            |    |            | 121089 |
| Information Network (OPLIN).                                       |        |                       |    |            |    |            | 121090 |
| The Ohio Public Library Information Network Board of Trustees      |        |                       |    |            |    |            | 121091 |
| created under section 3375.65 of the Revised Code may make         |        |                       |    |            |    |            | 121092 |
| decisions regarding use of the foregoing appropriation item        |        |                       |    |            |    |            | 121093 |

350604, Ohio Public Library Information Network. 121094

(B) The OPLIN Board shall research and assist or advise local 121095  
libraries with regard to emerging technologies and methods that 121096  
may be effective means to control access to obscene and illegal 121097  
materials. The OPLIN Director shall provide written reports upon 121098  
request within ten days to the Governor, the Speaker and Minority 121099  
Leader of the House of Representatives, and the President and 121100  
Minority Leader of the Senate on any steps being taken by OPLIN 121101  
and public libraries in the state to limit and control such 121102  
improper usage as well as information on technological, legal, and 121103  
law enforcement trends nationally and internationally affecting 121104  
this area of public access and service. 121105

(C) The Ohio Public Library Information Network, INFOhio, and 121106  
OhioLINK shall, to the extent feasible, coordinate and cooperate 121107  
in their purchase or other acquisition of the use of electronic 121108  
databases for their respective users and shall contribute funds in 121109  
an equitable manner to such effort. 121110

LIBRARY FOR THE BLIND 121111

The foregoing appropriation item 350605, Library for the 121112  
Blind, shall be used for the statewide Talking Book Program to 121113  
assist the blind and disabled. 121114

TRANSFER TO OPLIN TECHNOLOGY FUND 121115

Notwithstanding sections 5747.03 and 5747.47 of the Revised 121116  
Code and any other provision of law to the contrary, in accordance 121117  
with a schedule established by the Director of Budget and 121118  
Management, the Director of Budget and Management shall transfer 121119  
\$5,689,788 cash in each fiscal year from the Public Library Fund 121120  
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 121121

TRANSFER TO LIBRARY FOR THE BLIND FUND 121122

Notwithstanding sections 5747.03 and 5747.47 of the Revised 121123



Code and any other provision of law to the contrary, in accordance 121124  
with a schedule established by the Director of Budget and 121125  
Management, the Director of Budget and Management shall transfer 121126  
\$1,274,194 cash in each fiscal year from the Public Library Fund 121127  
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 121128

**Section 317.10.** LCO LIQUOR CONTROL COMMISSION 121129

State Special Revenue Fund Group 121130  
5LP0 970601 Commission Operating \$ 784,376 \$ 796,368 121131  
Expenses  
TOTAL SSR State Special Revenue \$ 784,376 \$ 796,368 121132  
Fund Group  
TOTAL ALL BUDGET FUND GROUPS \$ 784,376 \$ 796,368 121133

**Section 319.10.** LOT STATE LOTTERY COMMISSION 121135

State Lottery Fund Group 121136  
2310 950604 Charitable Gaming \$ 1,946,000 \$ 1,946,000 121137  
Oversight  
7044 950321 Operating Expenses \$ 49,778,677 \$ 51,173,293 121138  
7044 950402 Advertising Contracts \$ 23,024,080 \$ 23,024,080 121139  
7044 950403 Gaming Contracts \$ 63,405,851 \$ 59,356,988 121140  
7044 950601 Direct Prize Payments \$ 116,281,000 \$ 114,779,000 121141  
7044 950605 Problem Gambling \$ 2,000,000 \$ 3,000,000 121142  
8710 950602 Annuity Prizes \$ 79,039,985 \$ 80,299,167 121143  
TOTAL SLF State Lottery Fund 121144  
Group \$ 335,475,593 \$ 333,578,528 121145  
TOTAL ALL BUDGET FUND GROUPS \$ 335,475,593 \$ 333,578,528 121146

OPERATING EXPENSES 121147

Notwithstanding sections 127.14 and 131.35 of the Revised 121148  
Code, the Controlling Board may, at the request of the State 121149  
Lottery Commission, authorize expenditures from the State Lottery 121150  
Fund in excess of the amounts appropriated, up to a maximum of 10 121151

per cent of anticipated total revenue accruing from the sale of 121152  
lottery products. Upon the approval of the Controlling Board, the 121153  
additional amounts are hereby appropriated. 121154

DIRECT PRIZE PAYMENTS 121155

Any amounts, in addition to the amounts appropriated in 121156  
appropriation item 950601, Direct Prize Payments, that the 121157  
Director of the State Lottery Commission determines to be 121158  
necessary to fund prizes are hereby appropriated. 121159

ANNUITY PRIZES 121160

Upon request of the State Lottery Commission, the Director of 121161  
Budget and Management may transfer cash from the State Lottery 121162  
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 121163  
an amount sufficient to fund deferred prizes. The Treasurer of 121164  
State, from time to time, shall credit the Deferred Prizes Trust 121165  
Fund (Fund 8710) the pro rata share of interest earned by the 121166  
Treasurer of State on invested balances. 121167

Any amounts, in addition to the amounts appropriated in 121168  
appropriation item 950602, Annuity Prizes, that the Director of 121169  
the State Lottery Commission determines to be necessary to fund 121170  
deferred prizes and interest earnings are hereby appropriated. 121171

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 121172

Estimated transfers from the State Lottery Fund (Fund 7044) 121173  
to the Lottery Profits Education Fund (Fund 7017) are to be 121174  
\$841,000,000 in fiscal year 2014 and \$974,500,000 in fiscal year 121175  
2015. The Director of Budget and Management shall transfer such 121176  
amounts contingent upon the availability of resources. Transfers 121177  
from the State Lottery Fund to the Lottery Profits Education Fund 121178  
shall represent the estimated net income from operations for the 121179  
Commission in fiscal year 2014 and fiscal year 2015. Transfers by 121180  
the Director of Budget and Management to the Lottery Profits 121181  
Education Fund shall be administered as the statutes direct. 121182

|                                                          |                                     |                  |                  |        |
|----------------------------------------------------------|-------------------------------------|------------------|------------------|--------|
| <b>Section 321.10. MHC MANUFACTURED HOMES COMMISSION</b> |                                     |                  |                  | 121183 |
| General Services Fund Group                              |                                     |                  |                  | 121184 |
| 4K90 996609                                              | Operating Expenses                  | \$ 459,134       | \$ 459,134       | 121185 |
| TOTAL GSF General Services Fund Group                    |                                     |                  |                  | 121186 |
| Fund Group                                               |                                     |                  |                  | 121187 |
| State Special Revenue Fund Group                         |                                     |                  |                  | 121188 |
| 5MC0 996610                                              | Manufactured Homes Regulation       | \$ 747,825       | \$ 747,825       | 121189 |
| TOTAL SSR State Special Revenue Fund Group               |                                     |                  |                  | 121190 |
| Fund Group                                               |                                     |                  |                  | 121191 |
| TOTAL ALL BUDGET FUND GROUPS                             |                                     |                  |                  | 121191 |
| <br><b>Section 323.10. MCD DEPARTMENT OF MEDICAID</b>    |                                     |                  |                  | 121193 |
| General Revenue Fund                                     |                                     |                  |                  | 121194 |
| GRF 651425                                               | Medicaid Program Support - State    | \$ 149,932,299   | \$ 156,514,636   | 121195 |
| GRF 651525                                               | Medicaid/Health Care Services       |                  |                  | 121196 |
|                                                          | State                               | \$ 4,735,471,377 | \$ 4,979,088,535 | 121197 |
|                                                          | Federal                             | \$ 8,979,532,639 | \$ 9,293,422,318 | 121198 |
|                                                          | Medicaid/Health Care Services Total | \$13,715,004,016 | \$14,272,510,853 | 121199 |
| GRF 651526                                               | Medicare Part D                     | \$ 308,749,142   | \$ 324,920,518   | 121200 |
| TOTAL GRF General Revenue Fund                           |                                     |                  |                  | 121201 |
|                                                          | State                               | \$ 5,194,152,818 | \$ 5,460,523,689 | 121202 |
|                                                          | Federal                             | \$ 8,979,532,639 | \$ 9,293,422,318 | 121203 |
|                                                          | GRF Total                           | \$14,173,685,457 | \$14,753,946,007 | 121204 |
| General Services Fund Group                              |                                     |                  |                  | 121205 |
| 5DL0 651639                                              | Medicaid Services - Recoveries      | \$ 462,900,000   | \$ 514,700,000   | 121206 |
| 5FX0 561638                                              | Medicaid Services -                 | \$ 6,000,000     | \$ 6,000,000     | 121207 |

|                                    |                                    |                                        |                  | Payment Withholding |        |        |  |
|------------------------------------|------------------------------------|----------------------------------------|------------------|---------------------|--------|--------|--|
| TOTAL GSF                          | General Services Fund              |                                        | \$ 468,900,000   | \$ 520,700,000      | 121208 |        |  |
| Group                              |                                    |                                        |                  |                     |        |        |  |
| Federal Special Revenue Fund Group |                                    |                                        |                  |                     |        | 121209 |  |
| 3ER0                               | 651603                             | Medicaid Health Information Technology | \$ 123,074,778   | \$ 123,089,606      | 121210 |        |  |
| 3F00                               | 651623                             | Medicaid Services - Federal            | \$ 2,977,109,943 | \$ 3,214,589,109    | 121211 |        |  |
| 3F00                               | 651624                             | Medicaid Program Support - Federal     | \$ 409,446,401   | \$ 409,773,399      | 121212 |        |  |
| 3FA0                               | 651680                             | Health Care Grants - Federal           | \$ 20,000,000    | \$ 20,000,000       | 121213 |        |  |
| 3G50                               | 651655                             | Medicaid Interagency Pass-Through      | \$ 1,712,881,658 | \$ 1,895,403,348    | 121214 |        |  |
| TOTAL FED                          | Federal Special Revenue Fund Group |                                        | \$ 5,242,512,780 | \$ 5,662,855,462    | 121215 |        |  |
| State Special Revenue Fund Group   |                                    |                                        |                  |                     |        | 121216 |  |
| 4E30                               | 651605                             | Resident Protection Fund               | \$ 2,878,319     | \$ 2,878,319        | 121217 |        |  |
| 5AJ0                               | 651631                             | Money Follows the Person               | \$ 5,555,000     | \$ 4,517,500        | 121218 |        |  |
| 5GF0                               | 651656                             | Medicaid Services - Hospitals/UPL      | \$ 531,273,601   | \$ 531,273,601      | 121219 |        |  |
| 5KC0                               | 651682                             | Health Care Grants - State             | \$ 10,000,000    | \$ 10,000,000       | 121220 |        |  |
| 5R20                               | 651608                             | Medicaid Services - Long Term Care     | \$ 402,000,000   | \$ 402,000,000      | 121221 |        |  |
| 5U30                               | 651654                             | Medicaid Program Support               | \$ 36,205,843    | \$ 35,403,126       | 121222 |        |  |
| 6510                               | 651649                             | Medicaid Services - HCAP               | \$ 215,527,947   | \$ 215,314,482      | 121223 |        |  |

|                                           |                  |                  |        |
|-------------------------------------------|------------------|------------------|--------|
| TOTAL SSR State Special Revenue           | \$ 1,203,440,710 | \$ 1,201,387,028 | 121224 |
| Fund Group                                |                  |                  |        |
| Holding Account Redistribution Fund Group |                  |                  | 121225 |
| R055 651644 Refunds and                   | \$ 1,000,000     | \$ 1,000,000     | 121226 |
| Reconciliations                           |                  |                  |        |
| TOTAL 090 Holding Account                 | \$ 1,000,000     | \$ 1,000,000     | 121227 |
| Redistribution Fund Group                 |                  |                  |        |
| TOTAL ALL BUDGET FUND GROUPS              | \$21,089,538,947 | \$22,139,888,497 | 121228 |

**Section 323.10.10. CREATION OF THE DEPARTMENT OF MEDICAID** 121230

(A) As used in this section, "medical assistance program" 121231  
means all of the following: 121232

(1) The Medicaid program established by Title XIX of the 121233  
"Social Security Act," 42 U.S.C. 1396 et seq. 121234

(2) The Children's Health Insurance Program authorized by 121235  
Title XXI of the "Social Security Act," 42 U.S.C. 1397aa et seq. 121236

(3) The Refugee Medical Assistance program authorized by the 121237  
"Immigration and Nationality Act," section 412(e), 42 U.S.C. 121238  
1522(e). 121239

(B) On July 1, 2013, all of the following apply: 121240

(1) The Department of Medicaid is created. 121241

(2) The Department of Medicaid is to be administered by the 121242  
Medicaid Director who is to be appointed by the Governor with the 121243  
advice and consent of the Senate. 121244

(3) The Medicaid Director is to hold the Director's office 121245  
during the term of the appointing Governor and is subject to 121246  
removal at the pleasure of the Governor. 121247

(4) The Medicaid Director is the executive head of the 121248  
Department of Medicaid and all duties conferred on the Department 121249  
by law or order of the Director are under the Director's control 121250

and shall be performed in accordance with rules the Director 121251  
adopts. 121252

(5) The Medicaid Director may appoint such employees as are 121253  
necessary for the efficient operation of the Department of 121254  
Medicaid and may prescribe the title and duties of the employees. 121255

(6) The Office of Medical Assistance shall cease to exist. 121256

(7) Each reference to the Department or Director of Public 121257  
Welfare, Department or Director of Human Services, Department or 121258  
Director of Job and Family Services, Office of Medical Assistance, 121259  
or Medical Assistance Director in any statute, rule, contract, 121260  
grant, or other document is deemed to refer to the Department of 121261  
Medicaid or Medicaid Director, as the case may be, to the extent 121262  
the reference is about a duty or authority of the Department of 121263  
Medicaid or Medicaid Director regarding a medical assistance 121264  
program. 121265

(8) Employees of the Office of Medical Assistance are hereby 121266  
transferred to the Department of Medicaid. The vehicles and 121267  
equipment assigned to the Office's employees are transferred to 121268  
the Department. 121269

(9) The assets, liabilities, other equipment not provided 121270  
for, and records, irrespective of form or medium, of the Office of 121271  
Medical Assistance are transferred to the Department of Medicaid. 121272  
The Department is the successor to, assumes the obligations of, 121273  
and otherwise constitutes the continuation of, the Office. 121274

(10) Business commenced but not completed on July 1, 2013, by 121275  
the Medical Assistance Director, the Office of Medical Assistance, 121276  
Director of Job and Family Services, or Department of Job and 121277  
Family Services regarding a medical assistance program shall be 121278  
completed by the Medicaid Director or Department of Medicaid in 121279  
the same manner, and with the same effect, as if completed by the 121280  
Medical Assistance Director, Office of Medical Assistance, 121281

Director of Job and Family Services, or Department of Job and 121282  
Family Services. No validation, cure, right, privilege, remedy, 121283  
obligation, or liability is lost or impaired by reason of the 121284  
transfer required by this section but shall be administered by the 121285  
Medicaid Director or Department of Medicaid. 121286

(11) For the purpose of the "Social Security Act," section 121287  
1902(a)(5), 42 U.S.C. 1396a(a)(5), the Department of Medicaid 121288  
shall act as the single state agency to supervise the 121289  
administration of the Medicaid program. As the single state 121290  
agency, the Department shall comply with 42 C.F.R. 431.10(e) and 121291  
all other federal requirements applicable to the single state 121292  
agency. 121293

(D) The rules, orders, and determinations pertaining to the 121294  
Office of Medical Assistance and Department of Job and Family 121295  
Services regarding medical assistance programs continue in effect 121296  
as rules, orders, and determinations of the Department of Medicaid 121297  
until modified or rescinded by the Department of Medicaid. 121298

(E) No judicial or administrative action or proceeding 121299  
pending on July 1, 2013, is affected by the transfer of functions 121300  
from the Medical Assistance Director, Office of Medical 121301  
Assistance, Director of Job and Family Services, or Department of 121302  
Job and Family Services to the Medicaid Director or Department of 121303  
Medicaid and shall be prosecuted or defended in the name of the 121304  
Medicaid Director or Department of Medicaid. On application to the 121305  
court or other tribunal, the Medicaid Director or Department of 121306  
Medicaid shall be substituted as a party in such actions and 121307  
proceedings. 121308

(F) When the Department of Medicaid created in section 121.02 121309  
of the Revised Code comes into effect, it is a continuation of the 121310  
Department of Medicaid created in this section. 121311

(G) A portion of the foregoing appropriation items 651425, 121312

Medicaid Program Support - State, 651525, Medicaid/Health Care 121313  
Services, 651526, Medicare Part D, 651639, Medicaid Services - 121314  
Recoveries, 651638, Medicaid Services - Payment Withholding, 121315  
651603, Medicaid Health Information Technology, 651623, Medicaid 121316  
Services - Federal, 651624, Medicaid Program Support - Federal, 121317  
651680 Health Care Grants - Federal, 651655, Medicaid Interagency 121318  
Pass-Through, 651605, Resident Protection Fund, 651631, Money 121319  
Follows the Person, 651656, Medicaid Services - Hospitals/UPL, 121320  
651682, Health Care Grants - State, 651608, Medicaid Services - 121321  
Long Term Care, 651654, Medicaid Program Support, 651649, Medicaid 121322  
Services - HCAP, 651644, Refunds and Reconciliations, and 651612, 121323  
Managed Care Performance Payments, may be used to pay for Medicaid 121324  
services and costs associated with the administration of the 121325  
Medicaid program. 121326

**Section 323.10.20. TRANSFER OF ENCUMBRANCES AND RECEIVABLES** 121327

On July 1, 2013, or as soon as possible thereafter, the 121328  
Medicaid Director shall certify to the Director of Budget and 121329  
Management all medical assistance-related encumbrances held by the 121330  
Department of Job and Family Services, and specify which of those 121331  
encumbrances are requested to be transferred to the Department of 121332  
Medicaid. The Director of Budget and Management may cancel any 121333  
existing encumbrances, as certified by the Medicaid Director, and 121334  
reestablish them in the Department of Medicaid. The reestablished 121335  
encumbrance amounts are hereby appropriated. Any business 121336  
commenced, but not completed, with regard to the encumbrances 121337  
certified shall be completed by the Department of Medicaid in the 121338  
same manner and with the same effect as if it were completed by 121339  
the Department of Job and Family Services. 121340

On July 1, 2013, or as soon as possible thereafter, the 121341  
Medicaid Director shall certify to the Director of Budget and 121342  
Management all medical assistance-related receivables held by the 121343



Department of Job and Family Services, and specify which of those 121344  
receivables are requested to be transferred to the Department of 121345  
Medicaid. The Director of Budget and Management may cancel any 121346  
existing receivables as certified by the Medicaid Director and 121347  
reestablish them in the Department of Medicaid. 121348

A portion of the foregoing appropriation items 651425, 121349  
Medicaid Program Support - State, 651525, Medicaid/Health Care 121350  
Services, 651639, Medicaid Services - Recoveries, 651638, Medicaid 121351  
Services-Payment Withholding, 651624, Medicaid Program Support - 121352  
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 121353  
Interagency Pass-Through, 651605, Resident Protection Fund, 121354  
651631, Money Follows the Person, 651656, Medicaid Services - 121355  
Hospitals/UPL, 651682, Health Care Grants - State, 651608, 121356  
Medicaid Services - Long Term Care, 651654, Medicaid Program 121357  
Support, and 651649, Medicaid Services - HCAP, may be used to pay 121358  
for medical assistance services and costs associated with the 121359  
administration of the Medicaid program. 121360

**Section 323.10.30. TEMPORARY AUTHORITY REGARDING EMPLOYEES** 121361

(A) As used in this section, "medical assistance program" has 121362  
the same meaning as in the section of this act titled "CREATION OF 121363  
THE DEPARTMENT OF MEDICAID." 121364

(B) During the period beginning July 1, 2013, and ending June 121365  
30, 2015, all of the following apply: 121366

(1) The Medicaid Director has the authority to establish, 121367  
change, and abolish positions for the Department of Medicaid, and 121368  
to assign, reassign, classify, reclassify, transfer, reduce, 121369  
promote, or demote all employees of the Department of Medicaid who 121370  
are not subject to Chapter 4117. of the Revised Code. 121371

(2) As part of the transfer of medical assistance programs to 121372  
the Department of Medicaid, the Director of Job and Family 121373

Services has the authority to establish, change, and abolish 121374  
positions for the Department of Job and Family Services, and to 121375  
assign, reassign, classify, reclassify, transfer, reduce, promote, 121376  
or demote all employees of the Department of Job and Family 121377  
Services who are not subject to Chapter 4117. of the Revised Code. 121378

(C) The authority granted under division (B) of this section 121379  
includes assigning or reassigning an exempt employee, as defined 121380  
in section 124.152 of the Revised Code, to a bargaining unit 121381  
classification if the Medicaid Director or Director of Job and 121382  
Family Services determines that the bargaining unit classification 121383  
is the proper classification for that employee. The actions of the 121384  
Medicaid Director or Director of Job and Family Services shall be 121385  
consistent with the requirements of 5 C.F.R. 900.603 for those 121386  
employees subject to such requirements. If an employee in the E-1 121387  
pay range is to be assigned, reassigned, classified, reclassified, 121388  
transferred, reduced, or demoted to a position in a lower 121389  
classification during the period specified in this section, the 121390  
Medicaid Director or Director of Job and Family Services, or in 121391  
the case of a transfer outside the Department of Medicaid or 121392  
Department of Job and Family Services, the Director of 121393  
Administrative Services, shall assign the employee to the 121394  
appropriate classification and place the employee in Step X. The 121395  
employee shall not receive any increase in compensation until the 121396  
maximum rate of pay for that classification exceeds the employee's 121397  
compensation. 121398

(D) Actions taken by the Medicaid Director, Director of Job 121399  
and Family Services, and Director of Administrative Services 121400  
pursuant to this section are not subject to appeal to the State 121401  
Personnel Board of Review. 121402

(E) A portion of the foregoing appropriation items 651425, 121403  
Medicaid Program Support - State, 651603, Medicaid Health 121404  
Information Technology, 651624, Medicaid Program Support - 121405

Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 121406  
Interagency Pass-Through, 651605, Resident Protection Fund, 121407  
651631, Money Follows the Person, 651682, Health Care Grants - 121408  
State, and 651654, Medicaid Program Support, may be used to pay 121409  
for costs associated with the administration of the Medicaid 121410  
program, including the assignment, reassignment, classification, 121411  
reclassification, transfer, reduction, promotion, or demotion of 121412  
employees authorized by this section. 121413

**Section 323.10.40. STAFF TRAINING REGARDING TRANSFERS** 121414

As used in this section, "medical assistance program" has the 121415  
same meaning as in the section of this act titled "CREATION OF THE 121416  
DEPARTMENT OF MEDICAID." 121417

The Medicaid Director and Director of Job and Family Services 121418  
may jointly or separately enter into one or more contracts with 121419  
public or private entities for staff training and development to 121420  
facilitate the transfer of the staff and duties regarding medical 121421  
assistance programs to the Department of Medicaid. Division (B) of 121422  
section 127.16 of the Revised Code does not apply to contracts 121423  
entered into under this section. 121424

A portion of the foregoing appropriation items 651425, 121425  
Medicaid Program Support - State, 651624, Medicaid Program Support 121426  
- Federal, 651680, Health Care Grants - Federal, 651605, Resident 121427  
Protection Fund, 651631, Money Follows the Person, and 651654, 121428  
Medicaid Program Support, may be used to pay for costs associated 121429  
with the administration of the Medicaid program, including staff 121430  
training authorized under this section. 121431

**Section 323.10.50. CREATION OF THE DEPARTMENT OF MEDICAID NOT** 121432  
**A COLLECTIVE BARGAINING SUBJECT** 121433

As used in this section, "medical assistance program" has the 121434  
same meaning as in the section of this act titled "CREATION OF THE 121435

DEPARTMENT OF MEDICAID." 121436

Notwithstanding sections 4117.08 and 4117.10 of the Revised 121437  
Code, this act's creation of the Department of Medicaid and 121438  
reassignment of the functions and duties of the Office of Medical 121439  
Assistance regarding medical assistance programs are not 121440  
appropriate subjects for collective bargaining under Chapter 4117. 121441  
of the Revised Code. 121442

A portion of the foregoing appropriation items 651425, 121443  
Medicaid Program Support - State, 651624, Medicaid Program Support 121444  
- Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 121445  
Interagency Pass-Through, 651605, Resident Protection Fund, 121446  
651631, Money Follows the Person, 651682, Health Care Grants - 121447  
State, and 651654, Medicaid Program Support, may be used to pay 121448  
for costs associated with the administration of the Medicaid 121449  
program, including the reassignment of functions and duties 121450  
related to the transition of the Office of Medical Assistance into 121451  
the Department of Medicaid. 121452

**Section 323.10.60. NEW AND AMENDED GRANT AGREEMENTS** 121453

(A) As used in this section: 121454

(1) "Grant agreement" has the same meaning as in section 121455  
5101.21 of the Revised Code. 121456

(2) "Medical assistance program" has the same meaning as in 121457  
the section of this act titled "CREATION OF THE DEPARTMENT OF 121458  
MEDICAID." 121459

(B) The Director of Job and Family Services and boards of 121460  
county commissioners may enter into negotiations to amend an 121461  
existing grant agreement or to enter into a new grant agreement 121462  
regarding the transfer of medical assistance programs to the 121463  
Department of Medicaid. Any such amended or new grant agreement 121464  
shall be drafted in the name of the Department of Job and Family 121465

Services. The amended or new grant agreement may be executed 121466  
before July 1, 2013, if the amendment or agreement does not become 121467  
effective sooner than that date. 121468

(C) A portion of the foregoing appropriation items 651525, 121469  
Health Care/Medicaid Services, 651603, Medicaid Health Information 121470  
Technology, 651623, Medicaid Services - Federal, 651624, Medicaid 121471  
Program Support - Federal, 651680, Health Care Grants - Federal, 121472  
and 651682, Health Care Grants - State, may be used to pay for 121473  
Medicaid services and costs associated with the administration of 121474  
the Medicaid program. 121475

**Section 323.10.70. LSC TO RENUMBER ADMINISTRATIVE RULES** 121476

On and after October 1, 2013, if necessary to ensure the 121477  
integrity of the numbering of the Administrative Code, the 121478  
Director of the Legislative Service Commission shall renumber the 121479  
rules of the Office of Medical Assistance within the Department of 121480  
Job and Family Services to reflect its transfer to the Department 121481  
of Medicaid. 121482

**Section 323.20. MEDICAID/HEALTH CARE SERVICES** 121483

The foregoing appropriation item 651525, Medicaid/Health Care 121484  
Services, shall not be limited by section 131.33 of the Revised 121485  
Code. 121486

**Section 323.30. QUALITY INCENTIVE PROGRAM TO REDUCE AVOIDABLE** 121487  
**ADMISSIONS** 121488

(A) The Department of Medicaid may implement, for fiscal year 121489  
2014 and fiscal year 2015, a quality incentive program to do both 121490  
of the following: 121491

(1) Reduce the number of times that the following persons are 121492  
admitted to hospitals and nursing facilities or utilize emergency 121493  
department services when the admissions or utilizations are 121494

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| avoidable:                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 121495                                                             |
| (a) Medicaid recipients enrolled in a home and<br>community-based services Medicaid waiver component administered by<br>the Office;                                                                                                                                                                                                                                                                                                                                          | 121496<br>121497<br>121498                                         |
| (b) Medicaid recipients receiving nursing services available<br>under the home health services benefit pursuant to 42 C.F.R.<br>440.70(b)(1);                                                                                                                                                                                                                                                                                                                                | 121499<br>121500<br>121501                                         |
| (c) Medicaid recipients receiving home health aide services<br>available under the home health services benefit pursuant to 42<br>C.F.R. 440.70(b)(2);                                                                                                                                                                                                                                                                                                                       | 121502<br>121503<br>121504                                         |
| (d) Medicaid recipients receiving private duty nursing<br>services as defined in 42 C.F.R. 440.80.                                                                                                                                                                                                                                                                                                                                                                           | 121505<br>121506                                                   |
| (2) Reduce the number of times that Medicaid recipients<br>receiving nursing facility services are admitted to hospitals or<br>utilize emergency department services when the admissions or<br>utilizations are avoidable.                                                                                                                                                                                                                                                   | 121507<br>121508<br>121509<br>121510                               |
| (B) If the quality incentive program is implemented, the<br>Department shall include in the program methods by which the<br>Department will determine the program's actual savings to the<br>Medicaid program and shall distribute not more than fifty per cent<br>of the savings to participating Medicaid providers.                                                                                                                                                       | 121511<br>121512<br>121513<br>121514<br>121515                     |
| <b>Section 323.40. CHILDREN'S HOSPITALS QUALITY OUTCOMES PROGRAM</b>                                                                                                                                                                                                                                                                                                                                                                                                         | 121516<br>121517                                                   |
| (A) As used in this section, "children's hospital" means a<br>hospital, as defined in section 3727.01 of the Revised Code, that<br>is located in this state, primarily serves patients eighteen years<br>of age and younger, is subject to the Medicaid prospective payment<br>system for hospitals established in rules adopted under section<br>5164.02 of the Revised Code, and is excluded from Medicare<br>prospective payments in accordance with 42 C.F.R. 412.23(d). | 121518<br>121519<br>121520<br>121521<br>121522<br>121523<br>121524 |

(B) The Medicaid Director may implement, during fiscal year 2014 and fiscal year 2015, a children's hospitals quality outcomes program that encourages children's hospitals to develop the following:

(1) Infrastructures that are needed to care for patients in the least restrictive setting and promote the care of patients and their families;

(2) Programs designed to improve birth outcomes and measurably reduce neonatal intensive care admissions;

(3) Patient-centered methods to measurably reduce utilization of emergency department services for primary care needs and nonemergency health conditions;

(4) Other quality-focused reforms the Director identifies.

(C) Up to \$6,000,000 state share plus the corresponding federal share in each fiscal year shall be used to support payments made to children's hospitals for developing programs that achieve the outcomes specified under division (B) of this section and any other measures the Medicaid Director deems appropriate.

**Section 323.50. UNIFIED LONG TERM CARE**

The foregoing appropriation item 651425, Medicaid Program Support - State, may be used to provide the preadmission screening and resident review (PASRR), which includes screening, assessments, and determinations made under sections 5119.061 (renumbered section 5119.40 of the Revised Code in this act), 5123.021, and 5165.04 of the Revised Code.

The foregoing appropriation item 651425, Medicaid Program Support - State, may be used to assess and provide long-term care consultations under section 173.42 of the Revised Code to clients regardless of Medicaid eligibility.

The foregoing appropriation item 651525, Medicaid/Health Care

Services, may be used to provide nonwaiver funded PASSPORT and 121555  
assisted living services to persons who the state department has 121556  
determined to be eligible to participate in the nonwaiver funded 121557  
PASSPORT and assisted living programs, who applied for but have 121558  
not yet been determined to be financially eligible to participate 121559  
in the Medicaid waiver component of the PASSPORT Home Care Program 121560  
or the Assisted Living Program by a county department of job and 121561  
family services, and to persons who are not eligible for Medicaid 121562  
but were enrolled in the PASSPORT Program prior to July 1, 1990. 121563

The foregoing appropriation item 651425, Medicaid Program 121564  
Support - State, shall be used to provide the required state match 121565  
for federal Medicaid funds supporting the Medicaid waiver-funded 121566  
PASSPORT Home Care Program, the Choices Program, the Assisted 121567  
Living Program, and the PACE Program. 121568

The foregoing appropriation item 651525, Medicaid/Health Care 121569  
Services, shall be used to provide the federal matching share of 121570  
program costs determined by the Office of Medical Assistance to be 121571  
eligible for Medicaid reimbursement for the Medicaid waiver-funded 121572  
PASSPORT Home Care Program, the Choices Program, the Assisted 121573  
Living Program, and the PACE Program. 121574

**Section 323.53. PASSPORT ADMINISTRATIVE AGENCY SITE 121575**  
OPERATIONS 121576

For fiscal year 2014 and fiscal year 2015, spending for 121577  
PASSPORT administrative agencies' site operating functions 121578  
relating to screening, assessments, general administrative, and 121579  
provider relations for the Medicaid waiver-funded PASSPORT Home 121580  
Care Program, Choices Program, Assisted Living Program, and PACE 121581  
Program shall be at one hundred five per cent of the level 121582  
provided in fiscal year 2013. 121583

**Section 323.60. MANAGED CARE PERFORMANCE PAYMENT PROGRAM 121584**



At the beginning of each quarter, or as soon as possible 121585  
thereafter, the Medicaid Director shall certify to the Director of 121586  
Budget and Management the amount withheld in accordance with 121587  
section 5167.30 of the Revised Code for purposes of the Managed 121588  
Care Performance Payment Program. Upon receiving certification, 121589  
the Director of Budget and Management shall transfer cash in the 121590  
amount certified from the General Revenue Fund to the Managed Care 121591  
Performance Payment Fund. Appropriation item 651525, 121592  
Medicaid/Health Care Services, is hereby reduced by the amount of 121593  
the transfer. Upon request of the Medicaid Director and approval 121594  
of the Director of Budget and Management, appropriation up to the 121595  
cash balance in the Managed Care Performance Payment Fund is 121596  
hereby appropriated. 121597

In addition to any other purpose authorized by law, the 121598  
Department of Medicaid may use money in the Managed Care 121599  
Performance Payment Fund for the following purposes for fiscal 121600  
year 2014 and fiscal year 2015: 121601

(A) To meet obligations specified in provider agreements with 121602  
Medicaid managed care organizations; 121603

(B) To pay for Medicaid services provided by a Medicaid 121604  
managed care organization; 121605

(C) To reimburse a Medicaid managed care organization that 121606  
has paid a fine for failure to meet performance standards or other 121607  
requirements specified in provider agreements or rules adopted 121608  
under section 5167.02 of the Revised Code if the organization 121609  
comes into compliance with the standards or requirements. 121610

**Section 323.70. MEDICAID MANAGED CARE EXEMPTIONS** 121611

(A) As used in this section, "individual with disabilities" 121612  
means any individual receiving services through the program for 121613  
medically handicapped children established under section 3701.023 121614

of the Revised Code who has one or more of the following 121615  
conditions: 121616

(1) Cystic fibrosis; 121617

(2) Hemophilia; 121618

(3) Cancer. 121619

(B) Notwithstanding section 5167.03 of the Revised Code, the 121620  
Department of Medicaid shall not include in the care management 121621  
system established under that section any individual with 121622  
disabilities who was not receiving services through the care 121623  
management system immediately before June 30, 2011, until the 121624  
first day of the thirteenth month that occurs after the date that 121625  
the Office first designates any individual who receives Medicaid 121626  
on the basis of being aged, blind, or disabled who is under 121627  
twenty-one years of age as an individual who is permitted or 121628  
required to participate in the care management system. 121629

**Section 323.80. PRIOR AUTHORIZATION FOR COMMUNITY MENTAL 121630  
HEALTH SERVICES 121631**

(A) As used in this section, "community mental health 121632  
services" means mental health services included in the state 121633  
Medicaid plan pursuant to section 5164.15 of the Revised Code. 121634

(B) For fiscal year 2014 and fiscal year 2015, a Medicaid 121635  
recipient who is under twenty-one years of age automatically 121636  
satisfies all requirements for any prior authorization process for 121637  
community mental health services provided under a component of the 121638  
Medicaid program administered by the Department of Mental Health 121639  
and Addiction Services pursuant to an interagency agreement 121640  
authorized by section 5162.35 of the Revised Code if any of the 121641  
following apply to the recipient: 121642

(1) The recipient is in the temporary custody or permanent 121643  
custody of a public children services agency or private child 121644

placing agency or is in a planned permanent living arrangement. 121645

(2) The recipient has been placed in protective supervision 121646  
by a juvenile court. 121647

(3) The recipient has been committed to the Department of 121648  
Youth Services. 121649

(4) The recipient is an alleged or adjudicated delinquent or 121650  
unruly child receiving services under the Felony Delinquent Care 121651  
and Custody Program operated under section 5139.43 of the Revised 121652  
Code. 121653

**Section 323.90. JOINT LEGISLATIVE COMMITTEE FOR UNIFIED 121654**  
LONG-TERM SERVICES AND SUPPORTS 121655

(A) The Joint Legislative Committee for Unified Long-Term 121656  
Services and Supports created under section 309.30.73 of Am. Sub. 121657  
H.B. 153 of the 129th General Assembly, as subsequently amended, 121658  
shall continue to exist during fiscal year 2014 and fiscal year 121659  
2015. The Committee shall consist of the following members: 121660

(1) Two members of the House of Representatives from the 121661  
majority party, appointed by the Speaker of the House of 121662  
Representatives; 121663

(2) One member of the House of Representatives from the 121664  
minority party, appointed by the Speaker of the House of 121665  
Representatives; 121666

(3) Two members of the Senate from the majority party, 121667  
appointed by the President of the Senate; 121668

(4) One member of the Senate from the minority party, 121669  
appointed by the President of the Senate. 121670

(B) The Speaker of the House of Representatives shall 121671  
designate one of the members of the Committee appointed under 121672  
division (A)(1) of this section to serve as co-chairperson of the 121673

Committee. The President of the Senate shall designate one of the 121674  
members of the Committee appointed under division (A)(3) of this 121675  
section to serve as the other co-chairperson of the Committee. The 121676  
Committee shall meet at the call of the co-chairpersons. The 121677  
co-chairpersons may request assistance for the Committee from the 121678  
Legislative Service Commission. 121679

(C) The Committee may examine the following issues: 121680

(1) The implementation of the dual eligible integrated care 121681  
demonstration project authorized by section 5164.91 of the Revised 121682  
Code; 121683

(2) The implementation of a unified long-term services and 121684  
support Medicaid waiver component under section 5166.14 of the 121685  
Revised Code; 121686

(3) Providing consumers choices regarding a continuum of 121687  
services that meet their health-care needs, promote autonomy and 121688  
independence, and improve quality of life; 121689

(4) Ensuring that long-term care services and supports are 121690  
delivered in a cost-effective and quality manner; 121691

(5) Subjecting county homes, county nursing homes, and 121692  
district homes operated pursuant to Chapter 5155. of the Revised 121693  
Code to the franchise permit fee under sections 5168.40 to 5168.56 121694  
of the Revised Code; 121695

(6) Other issues of interest to the committee. 121696

(D) The co-chairpersons of the Committee shall provide for 121697  
the Medicaid Director to testify before the Committee at least 121698  
quarterly regarding the issues that the Committee examines. 121699

**Section 323.100. HOSPITAL INPATIENT AND OUTPATIENT 121700**  
SUPPLEMENTAL UPPER PAYMENT LIMIT PROGRAM; MEDICAID MANAGED CARE 121701  
HOSPITAL INCENTIVE PAYMENT PROGRAM 121702

|                                                                                                                                                                                                                                                                                                             |                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (A) As used in this section:                                                                                                                                                                                                                                                                                | 121703                                         |
| (1) "Hospital" has the same meaning as in section 5168.20 of the Revised Code.                                                                                                                                                                                                                              | 121704<br>121705                               |
| (2) "Hospital Assessment Fund" means the fund created under section 5168.25 of the Revised Code.                                                                                                                                                                                                            | 121706<br>121707                               |
| (3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.                                                                                                                                                                                                    | 121708<br>121709                               |
| (B) The Department of Medicaid shall do both of the following:                                                                                                                                                                                                                                              | 121710<br>121711                               |
| (1) Continue the Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program that was established pursuant to Section 309.30.17 of Am. Sub. H.B. 1 of the 128th General Assembly, with any modifications necessary to implement the program as described under division (D) of this section; | 121712<br>121713<br>121714<br>121715<br>121716 |
| (2) Continue the Medicaid Managed Care Hospital Incentive Payment Program, as described under division (E) of this section.                                                                                                                                                                                 | 121717<br>121718                               |
| (C) The Department shall use amounts deposited into the Hospital Assessment Fund in fiscal year 2014 and fiscal year 2015 for the following purposes in each fiscal year:                                                                                                                                   | 121719<br>121720<br>121721                     |
| (1) To pay for costs associated with both of the following:                                                                                                                                                                                                                                                 | 121722                                         |
| (a) The Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program;                                                                                                                                                                                                                         | 121723<br>121724                               |
| (b) The Medicaid Managed Care Hospital Incentive Payment Program.                                                                                                                                                                                                                                           | 121725<br>121726                               |
| (2) To reduce spending in appropriation item 651525, Medicaid/Health Care Services.                                                                                                                                                                                                                         | 121727<br>121728                               |
| (D)(1) Under the Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program, subject to division (D)(2) of this section, supplemental Medicaid payments shall be                                                                                                                            | 121729<br>121730<br>121731                     |

made to hospitals for Medicaid-covered inpatient and outpatient 121732  
services. The Department shall make the payments through amounts 121733  
available for the Program pursuant to division (C) of this section 121734  
and any federal financial participation available for the Program. 121735

(2) The Department shall take all actions necessary to cease 121736  
implementation of the Program if the United States Secretary 121737  
determines that the assessment imposed under section 5168.21 of 121738  
the Revised Code is an impermissible healthcare-related tax under 121739  
the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w). 121740

(E)(1) The purpose of the Medicaid Managed Care Hospital 121741  
Incentive Payment Program is to increase access to hospital 121742  
services for Medicaid recipients who are enrolled in Medicaid 121743  
managed care organizations. 121744

Under the Program, subject to division (E)(2) of this 121745  
section, funds shall be provided to Medicaid managed care 121746  
organizations, which shall use the funds to increase payments to 121747  
hospitals for providing services to Medicaid recipients who are 121748  
enrolled in the organizations. The Department shall provide the 121749  
funds through amounts available for the Program pursuant to 121750  
division (C) of this section and any federal financial 121751  
participation available for the Program. 121752

(2)(a) The Department shall not provide funds to Medicaid 121753  
managed care organizations under the Program unless an actuary 121754  
selected by the Department certifies that the Program would not 121755  
violate the actuarial soundness of the capitation rates paid to 121756  
Medicaid managed care organizations. 121757

(b) The Department shall not implement the Program in a 121758  
manner that causes a hospital to receive less money from the 121759  
Hospital Assessment Fund than the hospital would have received if 121760  
the Program were not implemented. 121761

(c) The Department shall not implement the Program in a 121762

manner that causes a Medicaid managed care organization to receive 121763  
a lower capitation payment rate solely because funds are made 121764  
available to the organization under the Program. 121765

(d) The Department shall take all necessary actions to cease 121766  
implementation of the Program if the United States Secretary 121767  
determines that the assessment imposed under section 5168.21 of 121768  
the Revised Code is an impermissible health care-related tax under 121769  
the "Social Security Act," section 1903(w), 42 U.S.C. 1396b(w). 121770

(F) The Director of Budget and Management may authorize 121771  
additional expenditures from appropriation item 651623, Medicaid 121772  
Services - Federal, appropriation item 651525, Medicaid/Health 121773  
Care Services, and appropriation item 651656, Medicaid Services - 121774  
Hospital/UPL, in order to implement the programs authorized by 121775  
this section. Any amounts authorized are hereby appropriated. 121776

(G) The Medicaid Director shall adopt rules as necessary to 121777  
implement this section. The rules shall provide for the applicable 121778  
assessment percentage that is used for the purpose of section 121779  
5168.21 of the Revised Code to be an amount that raises, from the 121780  
assessments imposed on hospitals under that section, an amount the 121781  
Director determines is appropriate to fund the purposes specified 121782  
in division (C) of this section. 121783

**Section 323.110. ADMINISTRATIVE ISSUES RELATED TO TERMINATION** 121784  
**OF MEDICAID WAIVER PROGRAMS** 121785

(A) As used in this section, "MCD or ODA Medicaid waiver 121786  
component" means the following: 121787

(1) The Medicaid waiver component of the PASSPORT program 121788  
created under section 173.52 of the Revised Code; 121789

(2) The Choices program created under section 173.53 of the 121790  
Revised Code; 121791

(3) The Medicaid waiver component of the Assisted Living 121792

program created under section 173.54 of the Revised Code. 121793

(4) The Ohio Home Care Waiver program as defined in section 121794  
5166.01 of the Revised Code; 121795

(5) The Ohio Transitions II Aging Carve-Out program as 121796  
defined in section 5166.01 of the Revised Code; 121797

(B) If an MCD or ODA Medicaid waiver component is terminated 121798  
under section 173.52, 173.53, 173.54, 5166.12, or 5166.13 of the 121799  
Revised Code, all of the following apply: 121800

(1) All applicable statutes, and all applicable rules, 121801  
standards, guidelines, or orders issued by the Medicaid Director 121802  
or Department of Medicaid or Director or Department of Aging 121803  
before the component is terminated, shall remain in full force and 121804  
effect on and after that date, but solely for purposes of 121805  
concluding the component's operations, including fulfilling the 121806  
Departments' legal obligations for claims arising from the 121807  
component relating to eligibility determinations, covered medical 121808  
assistance provided to eligible persons, and recovering erroneous 121809  
overpayments. 121810

(2) Notwithstanding the termination of the component, the 121811  
right of subrogation for the cost of medical assistance given 121812  
under section 5160.37 of the Revised Code to the Department of 121813  
Medicaid and an assignment of the right to medical assistance 121814  
given under section 5160.38 of the Revised Code to the Department 121815  
continue to apply with respect to the component and remain in 121816  
force to the full extent provided under those sections. 121817

(3) The Department of Medicaid and Department of Aging may 121818  
use appropriated funds to satisfy any claims or contingent claims 121819  
for medical assistance provided under the component before the 121820  
component's termination. 121821

(4) Neither the Department of Medicaid nor the Department of 121822  
Aging has liability under the component to reimburse any provider 121823



or other person for claims for medical assistance rendered under 121824  
the component after it is terminated. 121825

(C) The Medicaid Director and Director of Aging may adopt 121826  
rules in accordance with Chapter 119. of the Revised Code to 121827  
implement this section. 121828

**Section 323.120. EXPANSION OF PACE PROGRAM** 121829

(A) As used in this section, "PACE Program" means the Program 121830  
of All-Inclusive Care for the Elderly. 121831

(B) To effectively administer and manage growth within the 121832  
PACE Program, the Director of Aging, in consultation with the 121833  
Medicaid Director, may expand the PACE Program to regions of the 121834  
state that are not being served by the PACE Program if all of the 121835  
following apply: 121836

(1) Funding is available for the expansion. 121837

(2) The Director of Aging and Medicaid Director mutually 121838  
determine that the PACE Program is a cost-effective alternative to 121839  
nursing home care. 121840

(3) The United States Centers for Medicare and Medicaid 121841  
Services agrees to share with the state any savings to the 121842  
Medicare program resulting from an expansion of the PACE Program. 121843

(C) If the PACE Program is expanded, the Director of Aging 121844  
may not decrease the number of individuals in Cuyahoga and 121845  
Hamilton counties and parts of Butler, Clermont, and Warren 121846  
counties who are participants in the PACE Program below the number 121847  
of individuals in those counties and parts of counties who were 121848  
participants in the PACE Program on July 1, 2011. 121849

**Section 323.130. DISPENSING FEE FOR NONCOMPOUNDED DRUGS** 121850

The Medicaid dispensing fee for each noncompounded drug 121851  
covered by the Medicaid program shall be \$1.80 for the period 121852

beginning July 1, 2013, and ending on the effective date of a rule 121853  
changing the amount of the fee that the Medicaid Director adopts 121854  
under section 5164.02 of the Revised Code. 121855

**Section 323.140. MONEY FOLLOWS THE PERSON ENHANCED** 121856  
REIMBURSEMENT FUND 121857

The federal payments made to the state under subsection (e) 121858  
of section 6071 of the "Deficit Reduction Act of 2005," Pub. L. 121859  
No. 109-171, as amended, shall be deposited into the Money Follows 121860  
the Person Enhanced Reimbursement Fund. The Department of Medicaid 121861  
shall continue to use money deposited into the fund for system 121862  
reform activities related to the Money Follows the Person 121863  
demonstration project. 121864

**Section 323.150. MEDICARE PART D** 121865

The foregoing appropriation item 651526, Medicare Part D, may 121866  
be used by the Department of Medicaid for the implementation and 121867  
operation of the Medicare Part D requirements contained in the 121868  
"Medicare Prescription Drug, Improvement, and Modernization Act of 121869  
2003," Pub. L. No. 108-173, as amended. Upon the request of the 121870  
Department of Medicaid, the Director of Budget and Management may 121871  
transfer the state share of appropriations between appropriation 121872  
item 651525, Medicaid/Health Care Services, or appropriation item 121873  
651526, Medicare Part D. If the state share of appropriation item 121874  
651525, Medicaid/Health Care Services, is adjusted, the Director 121875  
of Budget and Management shall adjust the federal share 121876  
accordingly. The Department of Medicaid shall provide notification 121877  
to the Controlling Board of any transfers at the next scheduled 121878  
Controlling Board meeting. 121879

**Section 323.160. REBALANCING LONG-TERM CARE** 121880

(A) As used in this section: 121881

"Balancing Incentive Payments Program" means the program established under section 10202 of the Patient Protection and Affordable Care Act.

"Long-term services and supports" has the same meaning as in section 10202(f)(1) of the Patient Protection and Affordable Care Act.

"Non-institutionally-based long-term services and supports" has the same meaning as in section 10202(f)(1)(B) of the Patient Protection and Affordable Care Act.

"Patient Protection and Affordable Care Act" means Public Law 111-148.

(B) The Departments of Aging, Developmental Disabilities, and Medicaid shall continue efforts to achieve a sustainable and balanced delivery system for long-term services and supports. In so doing, the Departments shall strive to realize the following goals by June 30, 2015:

(1) Having at least fifty per cent of Medicaid recipients who are sixty years of age or older and need long-term services and supports utilize non-institutionally-based long-term services and supports;

(2) Having at least sixty per cent of Medicaid recipients who are less than sixty years of age and have cognitive or physical disabilities for which long-term services and supports are needed utilize non-institutionally-based long-term services and supports.

(C) If the Department of Medicaid determines that participating in the Balancing Incentive Payments Program will assist in achieving the goals specified in division (B) of this section, the Department may apply to the United States Secretary of Health and Human Services to participate in the program.

**Section 323.170.** OHIO ACCESS SUCCESS PROJECT

Of the foregoing appropriation item, 651525, Medicaid/Health Care Services, up to \$450,000 in each fiscal year may be used to provide one-time transitional benefits under the Ohio Access Success Project that the Medicaid Director may establish under section 5166.35 of the Revised Code.

**Section 323.180. PROVIDER FRANCHISE FEE OFFSETS**

(A) At least quarterly, the Medicaid Director shall certify to the Director of Budget and Management the amount of offsets withheld under section 5168.52 of the Revised Code from payments made from the General Revenue Fund.

(B) The Director of Budget and Management may transfer cash from the General Revenue Fund to the Nursing Home Franchise Permit Fee Fund (Fund 5R20), in accordance with section 5168.54 of the Revised Code.

(C) Amounts transferred pursuant to this section are hereby appropriated.

**Section 323.190. HOSPITAL CARE ASSURANCE MATCH**

The foregoing appropriation item 651623, Medicaid Services - Federal, shall be used by the Department of Medicaid for distributing funds to hospitals under section 5168.09 of the Revised Code.

**Section 323.200. HEALTH CARE SERVICES ADMINISTRATION FUND**

Of the amount received by the Department of Medicaid during fiscal year 2014 and fiscal year 2015 from the first installment of assessments paid under section 5168.06 of the Revised Code and intergovernmental transfers made under section 5168.07 of the Revised Code, the Medicaid Director shall deposit \$350,000 in each fiscal year into the state treasury to the credit of the Health Care Services Administration Fund (Fund 5U30).

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| <b>Section 323.210. TRANSFERS OF OFFSETS TO THE HEALTH CARE</b>    | 121941 |
| SERVICES ADMINISTRATION FUND                                       | 121942 |
| (A) As used in this section:                                       | 121943 |
| "Hospital offset" means an offset from a hospital's Medicaid       | 121944 |
| payment authorized by section 5168.991 of the Revised Code.        | 121945 |
| "Vendor offset" means a reduction of a Medicaid payment to a       | 121946 |
| Medicaid provider to correct a previous, incorrect Medicaid        | 121947 |
| payment.                                                           | 121948 |
| (B) During fiscal year 2014 and fiscal year 2015, at               | 121949 |
| intervals selected by the Medicaid Director, the Director shall    | 121950 |
| certify to the Director of Budget and Management the amount of     | 121951 |
| hospital offsets and vendor offsets for the period covered by the  | 121952 |
| certification and the particular funds that would have been used   | 121953 |
| to make Medicaid payments to providers if not for the offsets.     | 121954 |
| Each certification shall specify the amount that would have been   | 121955 |
| taken from each of the funds if not for the hospital offsets and   | 121956 |
| vendor offsets.                                                    | 121957 |
| (C) On receipt of a certification under division (B) of this       | 121958 |
| section, the Director of Budget and Management shall transfer cash | 121959 |
| from the funds identified in the certification to the Health Care  | 121960 |
| Services Administration Fund (Fund 5U30). The amount transferred   | 121961 |
| from a fund shall equal the amount that would have been taken from | 121962 |
| the fund if not for the hospital offsets and vendor offsets as     | 121963 |
| specified in the certification. The transferred cash is hereby     | 121964 |
| appropriated.                                                      | 121965 |
| <b>Section 323.220. MEDICAID INTERAGENCY PASS-THROUGH</b>          | 121966 |
| The Medicaid Director may request the Director of Budget and       | 121967 |
| Management to increase appropriation item 651655, Medicaid         | 121968 |
| Interagency Pass-Through. Upon the approval of the Director of     | 121969 |
| Budget and Management, the additional amounts are hereby           | 121970 |

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| appropriated.                                                      | 121971 |
| <b>Section 323.230.</b> MEDICAID PAYMENTS FOR NONINSTITUTIONAL     | 121972 |
| SERVICES PROVIDED TO DUAL ELIGIBLE INDIVIDUALS                     | 121973 |
| (A) As used in this section:                                       | 121974 |
| "Dual eligible individual" has the same meaning as in the          | 121975 |
| "Social Security Act," section 1915(h)(2)(B), 42 U.S.C.            | 121976 |
| 1396n(h)(2)(B).                                                    | 121977 |
| "Medicare Part B" means the Supplementary Medical Insurance        | 121978 |
| Program for the Aged and Disabled component of the Medicare        | 121979 |
| program established by Part B of Title XVIII of the "Social        | 121980 |
| Security Act," 42 U.S.C. 1395j et seq.                             | 121981 |
| "Noninstitutional services" means any services other than          | 121982 |
| hospital services, nursing facility services, and intermediate     | 121983 |
| care facilities for the mentally retarded.                         | 121984 |
| (B) Notwithstanding any conflicting state statute, a Medicaid      | 121985 |
| payment for noninstitutional services, excluding physician         | 121986 |
| services and including freestanding dialysis center services,      | 121987 |
| provided during the period beginning January 1, 2014, and ending   | 121988 |
| July 1, 2015, to a Medicaid recipient who is a dual eligible       | 121989 |
| individual enrolled for benefits under Medicare Part B shall equal | 121990 |
| the lesser of the following:                                       | 121991 |
| (1) The sum of the Medicare Part B deductible, coinsurance,        | 121992 |
| and copayment for the services that are applicable to the          | 121993 |
| individual;                                                        | 121994 |
| (2) The greater of the following:                                  | 121995 |
| (a) The maximum allowable Medicaid payment for the services        | 121996 |
| when the services are provided to other Medicaid recipients, less  | 121997 |
| the total Medicaid payment (if any) most recently paid on the      | 121998 |
| Medicaid recipient's behalf for such services;                     | 121999 |

(b) Zero. 122000

**Section 323.233.** MEDICAID PAYMENTS FOR HOME HEALTH SERVICES 122001  
AND PRIVATE DUTY NURSING 122002

(A) As used in this section, "responsible adult" means the 122003  
spouse of a Medicaid recipient or, in the case of a Medicaid 122004  
recipient who is a minor, the minor's parent, foster caregiver, 122005  
stepparent, guardian, legal custodian, or any other person who 122006  
stands in loco parentis for the minor. 122007

(B) Except as provided in division (C) of this section, for 122008  
fiscal year 2014 and fiscal year 2015, Medicaid payments shall not 122009  
be made for any of the following services that are provided to a 122010  
Medicaid recipient by an individual who is a responsible adult for 122011  
that recipient: 122012

(1) Nursing services available under the home health services 122013  
benefit pursuant to 42 C.F.R. 440.70(b)(1); 122014

(2) Home health aide services available under the home health 122015  
services benefit pursuant to 42 C.F.R. 440.70(b)(2); 122016

(3) Private duty nursing services, as defined in 42 C.F.R. 122017  
440.80. 122018

(C) For fiscal year 2014 and fiscal year 2015, the Medicaid 122019  
Director shall establish the conditions under which Medicaid 122020  
payments may be made for any of the services described in division 122021  
(B) of this section that are provided to a Medicaid recipient by 122022  
an individual who is a responsible adult for that recipient. 122023

(D) The Director shall adopt rules in accordance with Chapter 122024  
119. of the Revised Code necessary to implement this section. The 122025  
Director shall consult provider representatives, consumer 122026  
representatives, and other stakeholders in developing the rules, 122027  
which may include the following: 122028

(1) Qualification and training requirements necessary for 122029

responsible adults to receive Medicaid payments under division (C) 122030  
of this section; 122031

(2) Oversight requirements necessary for responsible adults 122032  
to receive Medicaid payments under division (C) of this section; 122033

(3) Procedures designed to protect against fraud, waste, and 122034  
abuse that may occur as a result of payments made under division 122035  
(C) of this section; 122036

(4) Any other procedures, standards, or requirements the 122037  
Director considers appropriate. 122038

**Section 323.236. PURCHASING STRATEGIES FOR WHEELCHAIRS** 122039

For fiscal years 2014 and 2015, the Medicaid Director shall 122040  
implement strategies for purchasing wheelchairs for Medicaid 122041  
recipients residing in nursing facilities. In implementing the 122042  
purchasing strategies, the Director shall seek to achieve a more 122043  
efficient allocation of resources and price and quality 122044  
competition among wheelchair providers. The Director shall 122045  
consider one or more of the following when determining the 122046  
purchasing strategies to implement: 122047

(A) Establishing selective contracting or competitive 122048  
bidding; 122049

(B) Establishing a manufacturer's rebate program; 122050

(C) Another purchasing strategy that saves the Medicaid 122051  
program an amount equivalent to the savings that would be realized 122052  
from the purchasing strategies specified in division (A) or (B), 122053  
or both, of this section. 122054

**Section 323.240. RESCISSION OF RULE REGARDING RATES FOR** 122055  
**PHYSICIAN GROUPS ACTING AS OUTPATIENT HOSPITAL CLINICS** 122056

The Medicaid Director shall rescind rule 5101:3-1-60.1 of the 122057  
Administrative Code. The rescission shall not take effect before 122058



|                                                                                                                                                                                                                                                          |                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| January 1, 2014.                                                                                                                                                                                                                                         | 122059                               |
| <b>Section 323.250.</b> REDUCED RATE FOR REPEAT RADIOLOGICAL SERVICES                                                                                                                                                                                    | 122060<br>122061                     |
| (A) The Medicaid Director shall reduce the Medicaid payment rate for radiological services to which both of the following apply:                                                                                                                         | 122062<br>122063<br>122064           |
| (1) They are provided in a physician's office or an independent diagnostic testing facility;                                                                                                                                                             | 122065<br>122066                     |
| (2) They are provided more than once by the same provider for the same Medicaid recipient during the same session.                                                                                                                                       | 122067<br>122068                     |
| (B) The Director shall adopt rules under section 5164.02 of the Revised Code to implement the rate reduction required by this section. The rules shall not take effect before January 1, 2014.                                                           | 122069<br>122070<br>122071           |
| <b>Section 323.260.</b> VARYING MEDICAID PAYMENT RATES FOR PHYSICIAN SERVICES DEPENDING ON LOCATION OF SERVICE                                                                                                                                           | 122072<br>122073                     |
| (A) The Medicaid Director shall do both of the following:                                                                                                                                                                                                | 122074                               |
| (1) Identify physician services for which Medicaid payment rates should vary depending on where the services are provided;                                                                                                                               | 122075<br>122076                     |
| (2) Adopt rules under section 5164.02 of the Revised Code to establish the varying Medicaid payment rates.                                                                                                                                               | 122077<br>122078                     |
| (B) The rules required by division (A)(2) of this section shall not take effect before January 1, 2014.                                                                                                                                                  | 122079<br>122080                     |
| <b>Section 323.263.</b> PAYMENT RATES FOR PASSPORT SERVICES                                                                                                                                                                                              | 122081                               |
| The Medicaid payment rates for services provided under the PASSPORT program, other than adult day-care services, during the period beginning July 1, 2013, and ending June 30, 2015, shall be not less than ninety-eight and five-tenths per cent of the | 122082<br>122083<br>122084<br>122085 |

Medicaid payment rates for the services in effect on June 30, 122086  
2011. The Medicaid payment rates for adult day-care services 122087  
provided under the PASSPORT program during the period beginning 122088  
July 1, 2013, and ending June 30, 2015, shall be twenty per cent 122089  
higher than the amount of the Medicaid payment rates for the 122090  
services in effect on June 30, 2013. 122091

**Section 323.270. MEDICAID PAYMENT METHODOLOGIES ALIGNED WITH 122092**  
MEDICARE PAYMENT METHODOLOGIES 122093

(A) The Medicaid Director shall do both of the following: 122094

(1) Identify Medicaid services for which the Medicaid payment 122095  
methodologies should be aligned, to the extent the Director 122096  
considers appropriate, with Medicare payment methodologies for the 122097  
services; 122098

(2) Adopt rules under section 5164.02 of the Revised Code to 122099  
so align the payment methodologies for the services. 122100

(B) The rules required by division (A)(2) of this section 122101  
shall not take effect before January 1, 2014. 122102

**Section 323.280. ALTERNATIVE PURCHASING MODEL FOR NURSING 122103**  
FACILITY SERVICES 122104

As used in this section, "Medicaid waiver component" has the 122105  
same meaning as in section 5166.01 of the Revised Code. 122106

The Medicaid Director may establish, as a Medicaid waiver 122107  
component, an alternative purchasing model for nursing facility 122108  
services provided, during the period beginning July 1, 2013, and 122109  
ending July 1, 2015, to Medicaid recipients with specialized 122110  
health care needs, including recipients dependent on ventilators, 122111  
recipients who have severe traumatic brain injury, and recipients 122112  
who would be admitted to long-term acute care hospitals or 122113  
rehabilitation hospitals if they did not receive nursing facility 122114

services. If established, the alternative purchasing model shall 122115  
do all of the following: 122116

(A) Recognize a connection between enhanced Medicaid payment 122117  
rates and improved health outcomes capable of being measured; 122118

(B) Include criteria for identifying Medicaid recipients with 122119  
specialized health care needs; 122120

(C) Include procedures for ensuring that Medicaid recipients 122121  
identified pursuant to division (B) of this section receive 122122  
nursing facility services under the alternative purchasing model. 122123

The total per Medicaid day payment rate for nursing facility 122124  
services provided under the alternative purchasing model may 122125  
differ from the rate that would otherwise be paid pursuant to 122126  
Chapter 5165. of the Revised Code. 122127

**Section 323.290. REVIEW OF LONG-TERM SERVICES TO IMPROVE 122128**  
**EFFICIENCY AND INDIVIDUAL CARE 122129**

(A) The Department of Medicaid may review the following 122130  
services covered by the Medicaid program to identify opportunities 122131  
to improve the efficiency of, and individual care provided by, 122132  
long-term care services and supports: 122133

(1) Nursing services available under the home health services 122134  
benefit pursuant to 42 C.F.R. 440.70(b)(1); 122135

(2) Home health aide services available under the home health 122136  
services benefit pursuant to 42 C.F.R. 440.70(b)(2); 122137

(3) Private duty nursing services as defined in 42 C.F.R. 122138  
440.80. 122139

(B) The Department, in its review authorized by division (A) 122140  
of this section, may consider establishing the following: 122141

(1) New methods for authorizing and coordinating long-term 122142  
care services and supports, including such services and supports 122143

|                                                                                                                                                                                                                                                                                                                              |        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| covered by the Medicaid state plan, using case managers or care coordinators;                                                                                                                                                                                                                                                | 122144 |
|                                                                                                                                                                                                                                                                                                                              | 122145 |
| (2) Competency and training requirements for the case managers or care coordinators;                                                                                                                                                                                                                                         | 122146 |
|                                                                                                                                                                                                                                                                                                                              | 122147 |
| (3) Other mechanisms for improving efficiency and individual care in the delivery of long-term care services and supports.                                                                                                                                                                                                   | 122148 |
|                                                                                                                                                                                                                                                                                                                              | 122149 |
| <b>Section 323.300. PERFORMANCE PAYMENTS FOR MEDICAID MANAGED CARE</b>                                                                                                                                                                                                                                                       | 122150 |
|                                                                                                                                                                                                                                                                                                                              | 122151 |
| (A) As used in this section:                                                                                                                                                                                                                                                                                                 | 122152 |
| (1) "Dual eligible individual" has the same meaning as in section 1915(h)(2)(B) of the "Social Security Act," 124 Stat. 315, 42 U.S.C. 1396n(h)(2)(B).                                                                                                                                                                       | 122153 |
|                                                                                                                                                                                                                                                                                                                              | 122154 |
|                                                                                                                                                                                                                                                                                                                              | 122155 |
| (2) "Dual eligible integrated care demonstration project" means the demonstration project authorized by section 5164.91 of the Revised Code.                                                                                                                                                                                 | 122156 |
|                                                                                                                                                                                                                                                                                                                              | 122157 |
|                                                                                                                                                                                                                                                                                                                              | 122158 |
| (3) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.                                                                                                                                                                                                                     | 122159 |
|                                                                                                                                                                                                                                                                                                                              | 122160 |
| (4) "Participant" means an individual participating in the dual eligible integrated care demonstration project.                                                                                                                                                                                                              | 122161 |
|                                                                                                                                                                                                                                                                                                                              | 122162 |
| (B) For fiscal year 2014 and fiscal year 2015, the Department of Medicaid shall provide performance payments as provided under this section to Medicaid managed care organizations providing care under the Dual Eligible Integrated Care Demonstration Project.                                                             | 122163 |
|                                                                                                                                                                                                                                                                                                                              | 122164 |
|                                                                                                                                                                                                                                                                                                                              | 122165 |
|                                                                                                                                                                                                                                                                                                                              | 122166 |
| (C) If the Department implements the Dual Eligible Integrated Care Demonstration Project, and if participants receive care through Medicaid managed care organizations under the project, the Department shall, in consultation with the United States Centers for Medicare and Medicaid Services, do both of the following: | 122167 |
|                                                                                                                                                                                                                                                                                                                              | 122168 |
|                                                                                                                                                                                                                                                                                                                              | 122169 |
|                                                                                                                                                                                                                                                                                                                              | 122170 |
|                                                                                                                                                                                                                                                                                                                              | 122171 |
| (1) Develop quality measures designed specifically to                                                                                                                                                                                                                                                                        | 122172 |

determine the effectiveness of the health care and other services 122173  
provided to participants by Medicaid managed care organizations; 122174

(2) Determine an amount to be withheld from the Medicaid 122175  
premium payments paid to Medicaid managed care organizations for 122176  
participants. 122177

(D)(1) For the purposes of division (C)(2) of this section, 122178  
the Department shall establish an amount that is to be withheld 122179  
each time a premium payment is made to a Medicaid managed care 122180  
organization for a participant. The amount shall be established as 122181  
a percentage of each premium payment. The percentage shall be the 122182  
same for all Medicaid managed care organizations providing care to 122183  
participants. 122184

(2) Each Medicaid managed care organization shall agree to 122185  
the withholding as a condition of receiving or maintaining its 122186  
Medicaid provider agreement with the Department. 122187

(3) When the amount is established and each time the amount 122188  
is modified thereafter, the Department shall certify the amount to 122189  
the Director of Budget and Management and begin withholding the 122190  
amount from each premium the Department pays to a Medicaid managed 122191  
care organization for a participant. 122192

(E) The Director of Budget and Management shall transfer the 122193  
amounts certified in accordance with division (D) of this section 122194  
into the Managed Care Performance Payment Fund created under 122195  
section 5162.60 of the Revised Code. The amounts transferred may 122196  
be used to make performance payments to Medicaid managed care 122197  
organizations providing care to participants in accordance with 122198  
rules that may be adopted by the Medicaid Director under Chapter 122199  
119. of the Revised Code. 122200

(F) A Medicaid managed care organization subject to this 122201  
section is not subject to section 5167.30 of the Revised Code for 122202  
premium payments attributed to participants during fiscal year 122203

2014 and fiscal year 2015. 122204

**Section 323.310.** INTEGRATED CARE DELIVERY SYSTEM PERFORMANCE 122205  
PAYMENT PROGRAM 122206

At the beginning of each quarter, or as soon as possible 122207  
thereafter, the Medicaid Director may certify to the Director of 122208  
Budget and Management the amount withheld in accordance with the 122209  
section in this act titled "PERFORMANCE PAYMENTS FOR MEDICAID 122210  
MANAGED CARE." On receipt of certification, the Director of Budget 122211  
and Management shall transfer cash in the amount certified from 122212  
the General Revenue Fund to the Managed Care Performance Payment 122213  
Fund (Fund 5KW0). The transferred cash is hereby appropriated. 122214  
Appropriation item 651525, Medicaid/Health Care Services, is 122215  
hereby reduced by the amount of the transfer. 122216

**Section 323.320.** VENDOR COLLECTION OF PATIENT LIABILITY 122217

(A) As used in this section: 122218

"Medicaid waiver component" has the same meaning as in 122219  
section 5166.01 of the Revised Code. 122220

"Patient liability" means the amount that 42 C.F.R. 435.735 122221  
requires be reduced from a Medicaid payment for home and 122222  
community-based services available under a Medicaid waiver 122223  
component. 122224

(B) The Medicaid Director may contract with a person or 122225  
government entity to collect patient liabilities for fiscal year 122226  
2014 and fiscal year 2015. The Director may adopt rules under 122227  
section 5166.02 of the Revised Code as necessary to implement this 122228  
section. 122229

**Section 323.330.** STATE PLAN HOME AND COMMUNITY-BASED SERVICES 122230

(A) As used in this section: 122231

"Federal poverty line" means the official poverty line 122232  
defined by the United States Office of Management and Budget based 122233  
on the most recent data available from the United States Bureau of 122234  
the Census and revised by the United States Secretary of Health 122235  
and Human Services pursuant to the "Omnibus Budget Reconciliation 122236  
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 122237

"State plan home and community-based services" means home and 122238  
community-based services that may be included in the Medicaid 122239  
state plan pursuant to the "Social Security Act," section 1915(i), 122240  
42 U.S.C. 1396n(i). 122241

(B) During fiscal year 2014 and fiscal year 2015, the 122242  
Medicaid program may cover state plan home and community-based 122243  
services for Medicaid recipients of any age who have behavioral 122244  
health issues and countable incomes not exceeding one hundred 122245  
fifty per cent of the federal poverty line. A Medicaid recipient 122246  
is not required to undergo a level of care determination to be 122247  
eligible for the state plan home and community-based services. 122248

The Medicaid Director may adopt rules under section 5164.02 122249  
of the Revised Code as necessary to implement this section. 122250

**Section 323.340.** INPATIENT PSYCHIATRIC HOSPITAL SERVICES FOR 122251  
INDIVIDUALS UNDER AGE 21 122252

(A) As used in this section: 122253

"Inpatient psychiatric hospital services for individuals 122254  
under age 21" has the same meaning as in the "Social Security 122255  
Act," section 1905(h), 42 U.S.C. 1396d(h). 122256

"Psychiatric residential treatment facility" has the same 122257  
meaning as in 42 C.F.R. 483.352. 122258

(B) During fiscal year 2014 and fiscal year 2015, the 122259  
Medicaid program may cover inpatient psychiatric hospital services 122260  
for individuals under age 21 that are provided by psychiatric 122261

residential treatment facilities to Medicaid recipients to whom 122262  
both of the following apply: 122263

(1) They are in the custody of the Department of Youth 122264  
Services. 122265

(2) They have been identified as meeting a clinical criterion 122266  
of serious emotional disturbance specified pursuant to division 122267  
(C) of this section. 122268

(C) The Department of Youth Services, in collaboration with 122269  
the Department of Medicaid and Department of Mental Health and 122270  
Addiction Services, shall specify the clinical criterion of 122271  
serious emotional disturbance to be used for the purpose of 122272  
division (B)(2) of this section. 122273

**Section 323.350. MCD COLLABORATION WITH DVS** 122274

The Department of Medicaid may collaborate with the 122275  
Department of Veterans Services to determine ways to improve the 122276  
coordination of the services that the Departments make available 122277  
to veterans in a manner that enhances veterans' receipt of the 122278  
services. The Departments may implement, during fiscal year 2014 122279  
and fiscal year 2015, initiatives that they determine during the 122280  
collaboration will maximize the efficiency of the services and 122281  
ensure that veterans' needs are met. 122282

**Section 323.360. IMPROVED BIRTH OUTCOMES INITIATIVES** 122283

(A) The Medicaid Director may develop and implement, during 122284  
fiscal year 2014 and fiscal year 2015, initiatives designed to 122285  
improve birth outcomes for Medicaid recipients, including 122286  
improvements designed to do the following: 122287

(1) Reduce the number of preterm births; 122288

(2) Reduce Medicaid costs; 122289

(3) Improve the quality of Medicaid services. 122290



(B) In developing the initiatives, the Director may consult 122291  
with experts in practice improvement, Medicaid managed care 122292  
organizations, hospitals, and other types of Medicaid providers. 122293  
The Director, Medicaid managed care organizations, and other types 122294  
of Medicaid providers involved in the initiatives shall make 122295  
information about the initiatives available on their web sites. 122296

**Section 323.370. ABOLISHMENT OF THE PRESCRIPTION DRUG REBATES 122297**  
FUND 122298

On July 1, 2013, or as soon as possible thereafter, the 122299  
Director of Budget and Management shall transfer the cash balance 122300  
in the Prescription Drug Rebates Fund (Fund 5P50) to the Health 122301  
Care/Medicaid Support and Recoveries Fund (Fund 5DL0). Upon 122302  
completion of the transfer, Fund 5P50 is abolished. The Director 122303  
shall cancel any existing encumbrances against appropriation item 122304  
600692, Health Care/Medicaid Support - Drug Rebates, and 122305  
reestablish them against appropriation item 651639, Medicaid 122306  
Services - Recoveries. The re-established encumbrance amounts are 122307  
hereby appropriated. 122308

All money that would have been deposited into the 122309  
Prescription Drug Rebates Fund shall be deposited into the Health 122310  
Care/Medicaid Support and Recoveries Fund during fiscal year 2014 122311  
and fiscal year 2015. 122312

**Section 323.380. ABOLISHMENT OF THE HEALTHCARE COMPLIANCE 122313**  
FUND 122314

On July 1, 2013, or as soon as possible thereafter, the 122315  
Medicaid Director shall certify to the Director of Budget and 122316  
Management, the cash balance related to managed care obligations 122317  
in the Healthcare Compliance Fund (Fund 4Z10). The Director of 122318  
Budget and Management shall transfer the amount certified from 122319  
Fund 4Z10 to the Managed Care Performance Payment Fund (Fund 122320

5KW0). The Director shall cancel any existing encumbrances related 122321  
to managed care obligations against appropriation item 600625, 122322  
Healthcare Compliance, and re-establish them against appropriation 122323  
item 651612, Managed Care Performance Payment. The re-established 122324  
encumbrance amounts are hereby appropriated. 122325

After the cash relating to managed care obligations has been 122326  
transferred, the Director of Budget and Management shall transfer 122327  
the remaining cash balance in the Healthcare Compliance Fund (Fund 122328  
4Z10) to the Health Care Services Administration Fund (Fund 5U30). 122329  
Upon completion of the transfer, Fund 4Z10 is abolished. The 122330  
Director shall cancel any remaining encumbrances against 122331  
appropriation item 600625, Healthcare Compliance, and re-establish 122332  
them against appropriation item 651654, Medicaid Program Support. 122333  
The re-established encumbrance amounts are hereby appropriated. 122334

All money that would have been deposited into the Health Care 122335  
Compliance Fund pursuant to division (B)(2) of former section 122336  
5111.946 of the Revised Code shall be deposited into the Health 122337  
Care Services Administration Fund during fiscal year 2014 and 122338  
fiscal year 2015. 122339

**Section 323.390. ABOLISHMENT OF THE ODJFS ADMINISTRATION AND 122340  
OVERSIGHT FUND 122341**

On July 1, 2013, or as soon as possible thereafter, the 122342  
Director of Budget and Management shall transfer the cash balance 122343  
in the ODJFS Administration and Oversight Fund (Fund 5S30) to the 122344  
Health Care Services Administration Fund (Fund 5U30). Upon 122345  
completion of the transfer, Fund 5S30 is abolished. The Director 122346  
shall cancel any existing encumbrances against appropriation item 122347  
600629, Healthcare Program and DDD Support, and re-establish them 122348  
against appropriation item 651654, Medicaid Program Support. The 122349  
re-established encumbrance amounts are hereby appropriated. 122350

**Section 323.400.** REFUNDS AND RECONCILIATION FUND 122351

The Refunds and Reconciliation Fund (Fund R055) shall be used 122352  
to hold refund and reconciliation revenues until the appropriate 122353  
fund is determined or until the revenues are directed to the 122354  
appropriate governmental agency other than the Department of 122355  
Medicaid. Any Medicaid refunds or reconciliations received or held 122356  
by the Department of Job and Family Services shall be transferred 122357  
or credited to this fund. If receipts credited to the Refunds and 122358  
Reconciliation Fund exceed the amounts appropriated from the fund, 122359  
the Medicaid Director may request the Director of Budget and 122360  
Management to authorize expenditures from the fund in excess of 122361  
the amounts appropriated. Upon approval of the Director of Budget 122362  
and Management, the additional amounts are hereby appropriated. 122363

**Section 323.460.** NO LOSS OF MEDICAID ELIGIBILITY BEFORE 122364  
JANUARY 1, 2014 122365

Notwithstanding the amendments by this act to sections 122366  
5101.18, 5111.01 (as renumbered as section 5162.03), and 5111.011 122367  
(as renumbered as section 5163.02) and the repeal by this act of 122368  
sections 5111.014, 5111.015, 5111.0110, 5111.0111, 5111.0113, 122369  
5111.0115, 5111.0120, 5111.0121, 5111.0122, 5111.0123, 5111.0124, 122370  
5111.0125, 5111.70, 5111.701, 5111.702, 5111.703, 5111.704, 122371  
5111.705, 5111.706, 5111.707, 5111.708, 5111.709, and 5111.7011 of 122372  
the Revised Code, no individual eligible for Medicaid pursuant to 122373  
those sections shall lose Medicaid eligibility before January 1, 122374  
2014, because of the amendments to, or repeal of, those sections. 122375  
This section does not preclude an individual from losing Medicaid 122376  
eligibility before January 1, 2014, if the individual would cease 122377  
to be Medicaid eligible before that date for reasons unrelated to 122378  
the amendments to, or repeal of, those sections. Unrelated reasons 122379  
include acquiring income or assets exceeding eligibility limits 122380  
and failure to comply with eligibility requirements. 122381

**Section 323.470.** ALTERATIONS TO AND ELIMINATION OF OPTIONAL 122382  
MEDICAID ELIGIBILITY GROUPS 122383

The Medicaid Director may initiate, before January 1, 2014, 122384  
the rule-making process to alter the eligibility requirements for, 122385  
or to eliminate, one or more Medicaid optional eligibility groups 122386  
or subgroups pursuant to section 5163.06 of the Revised Code. 122387  
However, none of the rules may go into effect before that date. 122388

**Section 323.480.** UPDATING AUTHORIZING STATUTE CITATIONS 122389

As used in this section, "authorizing statute" means a 122390  
Revised Code section or provision of a Revised Code section that 122391  
is cited in the Ohio Administrative Code as the statute that 122392  
authorizes the adoption of a rule. 122393

The Medicaid Director is not required to amend any rule for 122394  
the sole purpose of updating the citation in the Ohio 122395  
Administrative Code to the rule's authorizing statute to reflect 122396  
that this act renumbers the authorizing statute or relocates it to 122397  
another Revised Code section. Such citations shall be updated as 122398  
the Director amends the rules for other purposes. 122399

**Section 325.10.** MED STATE MEDICAL BOARD 122400

General Services Fund Group 122401  
5C60 883609 Operating Expenses \$ 9,172,062 \$ 9,172,062 122402  
TOTAL GSF General Services 122403  
Fund Group \$ 9,172,062 \$ 9,172,062 122404  
TOTAL ALL BUDGET FUND GROUPS \$ 9,172,062 \$ 9,172,062 122405

**Section 327.10.** MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 122407  
SERVICES 122408

General Revenue Fund 122409  
GRF 333321 Central \$ 13,495,337 \$ 13,486,290 122410

|                             |        | Administration        |    |             |    |             |        |
|-----------------------------|--------|-----------------------|----|-------------|----|-------------|--------|
| GRF                         | 333402 | Resident Trainees     | \$ | 450,000     | \$ | 450,000     | 122411 |
| GRF                         | 333415 | Lease-Rental Payments | \$ | 15,843,300  | \$ | 16,076,700  | 122412 |
| GRF                         | 333416 | Research Program      | \$ | 321,998     | \$ | 321,998     | 122413 |
|                             |        | Evaluation            |    |             |    |             |        |
| GRF                         | 334412 | Hospital Services     | \$ | 190,514,437 | \$ | 190,514,437 | 122414 |
| GRF                         | 334506 | Court Costs           | \$ | 784,210     | \$ | 784,210     | 122415 |
| GRF                         | 335405 | Family & Children     | \$ | 1,386,000   | \$ | 1,386,000   | 122416 |
|                             |        | First                 |    |             |    |             |        |
| GRF                         | 335406 | Prevention and        | \$ | 868,659     | \$ | 868,659     | 122417 |
|                             |        | Wellness              |    |             |    |             |        |
| GRF                         | 335421 | Continuum of Care     | \$ | 76,399,100  | \$ | 76,399,100  | 122418 |
|                             |        | Services              |    |             |    |             |        |
| GRF                         | 335422 | Criminal Justice      | \$ | 4,917,898   | \$ | 4,917,898   | 122419 |
|                             |        | Services              |    |             |    |             |        |
| GRF                         | 335504 | Community Innovations | \$ | 1,500,000   | \$ | 1,500,000   | 122420 |
| GRF                         | 335506 | Residential State     | \$ | 7,502,875   | \$ | 7,502,875   | 122421 |
|                             |        | Supplement            |    |             |    |             |        |
| GRF                         | 335507 | Community Behavioral  | \$ | 50,000,000  | \$ | 50,000,000  | 122422 |
|                             |        | Health                |    |             |    |             |        |
| GRF                         | 652507 | Medicaid Support      | \$ | 1,727,553   | \$ | 1,736,600   | 122423 |
| TOTAL GRF                   |        | General Revenue Fund  | \$ | 365,711,367 | \$ | 365,944,767 | 122424 |
| General Services Fund Group |        |                       |    |             |    |             | 122425 |
| 1490                        | 333609 | Central Office        | \$ | 1,343,190   | \$ | 1,343,190   | 122426 |
|                             |        | Operating             |    |             |    |             |        |
| 5T90                        | 333641 | Problem Gambling      | \$ | 60,000      | \$ | 60,000      | 122427 |
|                             |        | Services -            |    |             |    |             |        |
|                             |        | Administration        |    |             |    |             |        |
| 1490                        | 334609 | Hospital - Operating  | \$ | 28,190,000  | \$ | 28,190,000  | 122428 |
|                             |        | Expenses              |    |             |    |             |        |
| 1500                        | 334620 | Special Education     | \$ | 150,000     | \$ | 150,000     | 122429 |
| 4P90                        | 335604 | Community Mental      | \$ | 250,000     | \$ | 250,000     | 122430 |
|                             |        | Health Projects       |    |             |    |             |        |

|                                    |        |                                                    |    |             |    |             |        |
|------------------------------------|--------|----------------------------------------------------|----|-------------|----|-------------|--------|
| 5T90                               | 335641 | Problem Gambling<br>Services                       | \$ | 275,000     | \$ | 275,000     | 122431 |
| 1510                               | 336601 | Office of Support<br>Services                      | \$ | 115,000,000 | \$ | 115,000,000 | 122432 |
| TOTAL                              | GSF    | General Services Fund<br>Group                     | \$ | 145,268,190 | \$ | 145,268,190 | 122433 |
| Federal Special Revenue Fund Group |        |                                                    |    |             |    |             | 122434 |
| 3240                               | 333605 | Medicaid/Medicare -<br>Refunds                     | \$ | 154,500     | \$ | 154,500     | 122435 |
| 3A60                               | 333608 | Federal Miscellaneous<br>- Administration          | \$ | 140,000     | \$ | 140,000     | 122436 |
| 3A70                               | 333612 | Social Services Block<br>Grant -<br>Administration | \$ | 50,000      | \$ | 50,000      | 122437 |
| 3A80                               | 333613 | Federal Grants -<br>Administration                 | \$ | 4,717,000   | \$ | 4,717,000   | 122438 |
| 3A90                               | 333614 | Mental Health Block<br>Grant -<br>Administration   | \$ | 748,470     | \$ | 748,470     | 122439 |
| 3G40                               | 333618 | Substance Abuse Block<br>Grant- Administration     | \$ | 3,307,789   | \$ | 3,307,789   | 122440 |
| 3H80                               | 333606 | Demonstration Grants<br>- Administration           | \$ | 3,237,574   | \$ | 3,237,574   | 122441 |
| 3N80                               | 333639 | Administrative<br>Reimbursement                    | \$ | 300,000     | \$ | 300,000     | 122442 |
| 3240                               | 334605 | Medicaid/Medicare -<br>Hospitals                   | \$ | 28,200,000  | \$ | 28,200,000  | 122443 |
| 3A60                               | 334608 | Federal Miscellaneous<br>- Hospitals               | \$ | 200,000     | \$ | 200,000     | 122444 |
| 3A80                               | 334613 | Federal Letter of<br>Credit                        | \$ | 200,000     | \$ | 200,000     | 122445 |
| 3A60                               | 335608 | Federal Miscellaneous                              | \$ | 2,170,000   | \$ | 2,170,000   | 122446 |
| 3A70                               | 335612 | Social Services Block                              | \$ | 8,400,000   | \$ | 8,400,000   | 122447 |

|           |        |                                  |    |             |    |             |        |
|-----------|--------|----------------------------------|----|-------------|----|-------------|--------|
|           |        | Grant                            |    |             |    |             |        |
| 3A80      | 335613 | Federal Grant -                  | \$ | 2,500,000   | \$ | 2,500,000   | 122448 |
|           |        | Community Mental                 |    |             |    |             |        |
|           |        | Health Board Subsidy             |    |             |    |             |        |
| 3A90      | 335614 | Mental Health Block              | \$ | 14,200,000  | \$ | 14,200,000  | 122449 |
|           |        | Grant                            |    |             |    |             |        |
| 3FR0      | 335638 | Race to the Top -                | \$ | 1,164,000   | \$ | 1,164,000   | 122450 |
|           |        | Early Learning                   |    |             |    |             |        |
|           |        | Challenge Grant                  |    |             |    |             |        |
| 3G40      | 335618 | Substance Abuse Block            | \$ | 62,542,003  | \$ | 62,557,967  | 122451 |
|           |        | Grant                            |    |             |    |             |        |
| 3H80      | 335606 | Demonstration Grants             | \$ | 5,428,006   | \$ | 5,428,006   | 122452 |
| 3B10      | 652635 | Community Medicaid               | \$ | 5,000,000   | \$ | 0           | 122453 |
|           |        | Legacy Costs                     |    |             |    |             |        |
| 3B10      | 652636 | Community Medicaid               | \$ | 7,000,000   | \$ | 7,000,000   | 122454 |
|           |        | Legacy Support                   |    |             |    |             |        |
| 3J80      | 652609 | Medicaid Legacy Costs            | \$ | 3,000,000   | \$ | 0           | 122455 |
|           |        | Support                          |    |             |    |             |        |
| TOTAL FED |        | Federal Special Revenue          | \$ | 152,659,342 | \$ | 144,675,306 | 122456 |
|           |        | Fund Group                       |    |             |    |             |        |
|           |        | State Special Revenue Fund Group |    |             |    |             | 122457 |
| 2320      | 333621 | Family and Children              | \$ | 400,000     | \$ | 400,000     | 122458 |
|           |        | First Administration             |    |             |    |             |        |
| 4750      | 333623 | Statewide Treatment              | \$ | 5,490,667   | \$ | 5,490,667   | 122459 |
|           |        | and Prevention -                 |    |             |    |             |        |
|           |        | Administration                   |    |             |    |             |        |
| 4850      | 333632 | Mental Health                    | \$ | 134,233     | \$ | 134,233     | 122460 |
|           |        | Operating - Refunds              |    |             |    |             |        |
| 5JL0      | 333629 | Problem Gambling and             | \$ | 1,361,592   | \$ | 1,361,592   | 122461 |
|           |        | Casino Addictions -              |    |             |    |             |        |
|           |        | Administration                   |    |             |    |             |        |
| 5V20      | 333611 | Non-Federal                      | \$ | 100,000     | \$ | 100,000     | 122462 |
|           |        | Miscellaneous                    |    |             |    |             |        |

|                                 |        |                                           |    |             |    |             |        |
|---------------------------------|--------|-------------------------------------------|----|-------------|----|-------------|--------|
| 6890                            | 333640 | Education and<br>Conferences              | \$ | 150,000     | \$ | 150,000     | 122463 |
| 4850                            | 334632 | Mental Health<br>Operating - Hospitals    | \$ | 2,477,500   | \$ | 2,477,500   | 122464 |
| 4750                            | 335623 | Statewide Treatment<br>and Prevention     | \$ | 10,059,333  | \$ | 10,059,333  | 122465 |
| 5AU0                            | 335615 | Behavioral Health Care                    | \$ | 6,690,000   | \$ | 6,690,000   | 122466 |
| 5JL0                            | 335629 | Problem Gambling and<br>Casino Addictions | \$ | 4,084,772   |    | 4,084,772   | 122467 |
| 6320                            | 335616 | Community Capital<br>Replacement          | \$ | 350,000     | \$ | 350,000     | 122468 |
| TOTAL SSR State Special Revenue |        |                                           | \$ | 31,298,097  | \$ | 31,298,097  | 122469 |
| Fund Group                      |        |                                           |    |             |    |             |        |
| TOTAL ALL BUDGET FUND GROUPS    |        |                                           | \$ | 694,936,996 | \$ | 687,186,360 | 122470 |

**Section 327.20.** TRANSITION RELATING TO CONSOLIDATION OF DEPARTMENTS 122472  
122473

Notwithstanding Chapters 340., 3793., 5119., and 5122. of the Revised Code, and any other provision of law to the contrary, on July 1, 2013, there is hereby created the Department of Mental Health and Addiction Services, which shall be administered by the Director of Mental Health and Addiction Services. The Director of Mental Health and Addiction Services shall be appointed by the Governor, with the advice and consent of the Senate, and shall hold office during the term of the appointing Governor, and is subject to removal at the pleasure of the Governor. The Director of Mental Health and Addiction Services is the executive head of the Department of Mental Health and Addiction Services. The Department of Alcohol and Drug Addiction Services and the Department of Mental Health shall be consolidated into the single Department of Mental Health and Addiction Services. All of the authority, functions, and assets and liabilities of the Department of Mental Health and the Department of Alcohol and Drug Addiction 122474  
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Services are transferred to the Department of Mental Health and 122490  
Addiction Services. The Department of Mental Health and Addiction 122491  
Services is thereupon and thereafter successor to, assumes the 122492  
obligations of, and otherwise constitutes the continuation of the 122493  
Department of Alcohol and Drug Addiction Services and the 122494  
Department of Mental Health. The Director of Mental Health and 122495  
Addiction Services assumes all of the duties, authorities, and 122496  
responsibilities of the Director of Alcohol and Drug Addiction 122497  
Services and the Director of Mental Health. Any action, license, 122498  
or certification that was undertaken or issued by the Director of 122499  
Alcohol and Drug Addiction Services or the Director of Mental 122500  
Health that is current and valid on the effective date of the 122501  
consolidation is deemed to be an action, license, or certification 122502  
undertaken or issued by the Department of Mental Health and 122503  
Addiction Services under the statute creating that Department. 122504

Any business commenced but not completed by July 1, 2013, by 122505  
the Department of Mental Health or the Department of Alcohol and 122506  
Drug Addiction Services shall be completed by the Department of 122507  
Mental Health and Addiction Services. The business shall be 122508  
completed in the same manner, and with the same effect, as if 122509  
completed by the Department of Mental Health or by the Department 122510  
of Alcohol and Drug Addiction Services prior to July 1, 2013. 122511

No validation, cure, right, privilege, remedy, obligation, or 122512  
liability is lost or impaired by reason of this act's transfer of 122513  
responsibility from the Department of Mental Health and the 122514  
Department of Alcohol and Drug Addiction Services to the 122515  
Department of Mental Health and Addiction Services. Each such 122516  
validation, cure, right, remedy, obligation, or liability shall be 122517  
administered by the Department of Mental Health and Addiction 122518  
Services pursuant to the statute creating that department. 122519

All rules, orders, and determinations made or undertaken 122520  
pursuant to the authority and responsibilities of the Department 122521

of Mental Health and the Department of Alcohol and Drug Addiction 122522  
Services prior to July 1, 2013, shall continue in effect as rules, 122523  
orders, and determinations of the Department of Mental Health and 122524  
Addiction Services until modified or rescinded by the Department 122525  
of Mental Health and Addiction Services. If necessary to ensure 122526  
the integrity of the numbering system of the Administrative Code, 122527  
the Director of the Legislative Service Commission shall renumber 122528  
the rules to reflect the transfer of authority and responsibility 122529  
to the Department of Mental Health and Addiction Services. 122530

Any action or proceeding that is related to the functions or 122531  
duties of the Department of Mental Health or the Department of 122532  
Alcohol and Drug Addiction Services pending on July 1, 2013, is 122533  
not affected by the transfer of responsibility to the Department 122534  
of Mental Health and Addiction Services and shall be prosecuted or 122535  
defended in the name of the Department of Mental Health and 122536  
Addiction Services. In all such actions and proceedings, the 122537  
Department of Mental Health and Addiction Services, on application 122538  
to the court, shall be substituted as a party. 122539

It is the intention of the Department of Mental Health and 122540  
Addiction Services that community subsidies allocated or 122541  
distributed by the department will be used to fund mental health 122542  
and addiction services in largely the same proportion that such 122543  
services were funded when allocated or distributed as separate 122544  
funding streams through the separate Department of Mental Health 122545  
or Department of Alcohol and Drug Addiction Services. 122546

All employees of the Department of Mental Health and the 122547  
Department of Alcohol and Drug Addiction Services shall be 122548  
employees of the Department of Mental Health and Addiction 122549  
Services and shall serve in the positions previously held within 122550  
their respective agencies unless the Department of Mental Health 122551  
and Addiction Services determines otherwise. The merger of 122552  
Department of Mental Health and Department of Alcohol and Drug 122553

Addiction Services shall not be deemed a transfer of employees 122554  
pursuant to division (D)(3)(b) of section 124.11 of the Revised 122555  
Code. Any unclassified employee of the Department of Mental Health 122556  
and Addiction Services who held a right to resume a position 122557  
within the classified service of his or her previous respective 122558  
agency of the Department of Mental Health or the Department of 122559  
Alcohol and Drug Addiction Services shall retain such a right 122560  
subject to section 5119.18 of the Revised Code as may be amended. 122561

On July 1, 2013, or as soon as possible thereafter, 122562  
notwithstanding any provision of law to the contrary, and if 122563  
requested by the Department of Mental Health and Addiction 122564  
Services, the Director of Budget and Management shall make budget 122565  
changes made necessary by the consolidation, if any, including 122566  
administrative organization, program transfers, the creation of 122567  
new funds, the transfer of state funds, and the consolidation of 122568  
funds, as authorized by this section. The Director of Budget and 122569  
Management may make any transfer of cash balances between funds. 122570

On July 1, 2013, or as soon as possible thereafter, the 122571  
Director of Mental Health and Addiction Services shall certify to 122572  
the Director of Budget and Management all encumbrances held by the 122573  
Department of Mental Health and the Department of Alcohol and Drug 122574  
Addiction Services, and specify which of those encumbrances are 122575  
requested to be transferred to the Department of Mental Health and 122576  
Addiction Services. The Director of Budget and Management may 122577  
cancel any existing encumbrances as certified by the Director of 122578  
Mental Health and Addiction Services and re-establish them in the 122579  
new agency. The re-established encumbrance amounts are hereby 122580  
appropriated. Any business commenced but not completed with regard 122581  
to the encumbrances certified shall be completed by the Department 122582  
of Mental Health and Addiction Services in the same manner and 122583  
with the same effect as if it were completed by the Department of 122584  
Mental Health or the Department of Alcohol and Drug Addiction 122585

Services. 122586

Not later than 30 days after the transfer and consolidation 122587  
of the operations and related management functions of the 122588  
Department of Mental Health and the Department of Alcohol and Drug 122589  
Addiction Services to the Department of Mental Health and 122590  
Addiction Services, an authorized officer of the former Department 122591  
of Mental Health and the former Department of Alcohol and Drug 122592  
Addiction Services shall certify to the Director of Mental Health 122593  
and Addiction Services the unexpended balance and location of any 122594  
funds and accounts designated for building and facility operation 122595  
and management functions, and the custody of such funds and 122596  
accounts shall be transferred to the Department of Mental Health 122597  
and Addiction Services. 122598

Effective July 1, 2013, the Director of Budget and Management 122599  
shall cancel any existing encumbrances against appropriation item 122600  
038616, Problem Gambling Services, and re-establish them against 122601  
appropriation items 333641, Problem Gambling Services - 122602  
Administration, and 335641, Problem Gambling Services. The 122603  
re-established encumbrance amounts are hereby appropriated. Any 122604  
business commenced but not completed under appropriation item 122605  
038616 by July 1, 2013, shall be completed under appropriation 122606  
items 333641 and 335641 in the same manner and with the same 122607  
effect as if it were completed with regard to appropriation item 122608  
038616. 122609

Effective July 1, 2013, the Director of Budget and Management 122610  
shall cancel any existing encumbrances against appropriation item 122611  
038614, Substance Abuse Block Grant, and re-establish them against 122612  
appropriation items 333618, Substance Abuse Block Grant - 122613  
Administration, and 335618, Substance Abuse Block Grant. The 122614  
re-established encumbrance amounts are hereby appropriated. Any 122615  
business commenced but not completed under appropriation item 122616  
038614 by July 1, 2013, shall be completed under appropriation 122617

items 333618 and 335618 in the same manner and with the same 122618  
effect as if it were completed with regard to appropriation item 122619  
038614. 122620

Effective July 1, 2013, the Director of Budget and Management 122621  
shall cancel any existing encumbrances against appropriation item 122622  
038609, Demonstration Grants, and re-establish them against 122623  
appropriation items 333606, Demonstration Grants - Administration, 122624  
and 335606, Demonstration Grants. The re-established encumbrance 122625  
amounts are hereby appropriated. Any business commenced but not 122626  
completed under appropriation item 038609 by July 1, 2013, shall 122627  
be completed under appropriation items 333606 and 335606 in the 122628  
same manner and with the same effect as if it were completed with 122629  
regard to appropriation item 038609. 122630

Effective July 1, 2013, the Director of Budget and Management 122631  
shall cancel any existing encumbrances against appropriation item 122632  
038621, Statewide Treatment and Prevention, and re-establish them 122633  
against appropriation items 333623, Statewide Treatment and 122634  
Prevention - Administration, and 335623, Statewide Treatment and 122635  
Prevention. The re-established encumbrance amounts are hereby 122636  
appropriated. Any business commenced but not completed under 122637  
appropriation item 038621 by July 1, 2013, shall be completed 122638  
under appropriation items 333623 and 335623 in the same manner and 122639  
with the same effect as if it were completed with regard to 122640  
appropriation item 038621. 122641

Effective July 1, 2013, the Director of Budget and Management 122642  
shall cancel any existing encumbrances against appropriation item 122643  
038629, Problem Gambling and Casino Addictions, and re-establish 122644  
them against appropriation items 333629, Problem Gambling and 122645  
Casino Addictions - Administration, and 335629, Problem Gambling 122646  
and Casino Addictions. The re-established encumbrance amounts are 122647  
hereby appropriated. Any business commenced but not completed 122648  
under appropriation item 038629 by July 1, 2013, shall be 122649

completed under appropriation items 333629 and 335629 in the same 122650  
manner and with the same effect as if it were completed with 122651  
regard to appropriation item 038629. 122652

Effective July 1, 2013, the Director of Budget and Management 122653  
shall cancel any existing encumbrances against appropriation item 122654  
038611, Administrative Reimbursement, and re-establish them 122655  
against appropriation item 333639, Administrative Reimbursement. 122656  
The re-established encumbrance amounts are hereby appropriated. 122657  
Any business commenced but not completed under appropriation item 122658  
038611 by July 1, 2013, shall be completed under appropriation 122659  
item 333639 in the same manner and with the same effect as if it 122660  
were completed with regard to appropriation item 038611. 122661

Effective July 1, 2013, the Director of Budget and Management 122662  
shall cancel any existing encumbrances against appropriation item 122663  
335635, Community Medicaid Expansion, and re-establish them 122664  
against appropriation item 652635, Community Medicaid Legacy 122665  
Costs. The re-established encumbrance amounts are hereby 122666  
appropriated. Any business commenced but not completed under 122667  
appropriation item 335635 by July 1, 2013, shall be completed 122668  
under appropriation item 652635 in the same manner and with the 122669  
same effect as if it were completed with regard to appropriation 122670  
item 335635. 122671

Effective July 1, 2013, the Director of Budget and Management 122672  
shall cancel any existing encumbrances against appropriation item 122673  
333635, Community Medicaid Expansion, and re-establish them 122674  
against appropriation item 652636, Community Medicaid Legacy 122675  
Support. The re-established encumbrance amounts are hereby 122676  
appropriated. Any business commenced but not completed under 122677  
appropriation item 333635 by July 1, 2013, shall be completed 122678  
under appropriation item 652636 in the same manner and with the 122679  
same effect as if it were completed with regard to appropriation 122680  
item 333635. 122681

Effective July 1, 2013, the Director of Budget and Management 122682  
shall cancel any existing encumbrances against appropriation item 122683  
038610, Medicaid, and re-establish them against appropriation item 122684  
652609, Medicaid Legacy Costs Support. The re-established 122685  
encumbrance amounts are hereby appropriated. Any business 122686  
commenced but not completed under appropriation item 038610 by 122687  
July 1, 2013, shall be completed under appropriation item 652609 122688  
in the same manner and with the same effect as if it were 122689  
completed with regard to appropriation item 038610. 122690

Effective July 1, 2013, the Director of Budget and Management 122691  
shall cancel any existing encumbrances against appropriation item 122692  
038604, Education and Conferences, and re-establish them against 122693  
appropriation item 333640, Education and Conferences. The 122694  
re-established encumbrance amounts are hereby appropriated. Any 122695  
business commenced but not completed under appropriation item 122696  
038604 by July 1, 2013, shall be completed under appropriation 122697  
item 333640 in the same manner and with the same effect as if it 122698  
were completed with regard to appropriation item 038604. 122699

Effective July 1, 2013, the Director of Budget and Management 122700  
shall cancel any existing encumbrances against appropriation item 122701  
038401, Treatment Services, and re-establish them against 122702  
appropriation items 335421, Continuum of Care Services, 335422, 122703  
Criminal Justice Services, and 335406, Prevention and Wellness. 122704  
The re-established encumbrance amounts are hereby appropriated. 122705  
Any business commenced but not completed under appropriation item 122706  
038401 by July 1, 2013, shall be completed under appropriation 122707  
items 335421, 335422, and 335406 in the same manner and with the 122708  
same effect as if it were completed with regard to appropriation 122709  
item 038401. 122710

Effective July 1, 2013, the Director of Budget and Management 122711  
shall cancel any existing encumbrances against appropriation item 122712  
335419, Community Medication Subsidy, and re-establish them 122713

against appropriation item 335421, Continuum of Care Services. The 122714  
re-established encumbrance amounts are hereby appropriated. Any 122715  
business commenced but not completed under appropriation item 122716  
335419 by July 1, 2013, shall be completed under appropriation 122717  
item 335421 in the same manner and with the same effect as if it 122718  
were completed with regard to appropriation item 335419. 122719

Effective July 1, 2013, the Director of Budget and Management 122720  
shall cancel any existing encumbrances against appropriation item 122721  
335505, Local Mental Health Systems of Care, and re-establish them 122722  
against appropriation item 335421, Continuum of Care Services. The 122723  
re-established encumbrance amounts are hereby appropriated. Any 122724  
business commenced but not completed under appropriation item 122725  
335505 by July 1, 2013, shall be completed under appropriation 122726  
item 335421 in the same manner and with the same effect as if it 122727  
were completed with regard to appropriation item 335505. 122728

Effective July 1, 2013, the Director of Budget and Management 122729  
shall cancel any existing encumbrances against appropriation item 122730  
332401, Forensic Services, and re-establish them against 122731  
appropriation item 335422, Criminal Justice Services. The 122732  
re-established encumbrance amounts are hereby appropriated. Any 122733  
business commenced but not completed under appropriation item 122734  
332401 by July 1, 2013, shall be completed under appropriation 122735  
item 335422 in the same manner and with the same effect as if it 122736  
were completed with regard to appropriation item 332401. 122737

Effective July 1, 2013, the Director of Budget and Management 122738  
shall cancel any existing encumbrances against appropriation item 122739  
333403, Pre-Admission Screening Expenses, and re-establish them 122740  
against appropriation item 652507, Medicaid Support. The 122741  
re-established encumbrance amounts are hereby appropriated. Any 122742  
business commenced but not completed under appropriation item 122743  
333403 by July 1, 2013, shall be completed under appropriation 122744  
item 652507 in the same manner and with the same effect as if it 122745



were completed with regard to appropriation item 333403. 122746

Effective July 1, 2013, the Director of Budget and Management 122747  
shall cancel any existing encumbrances against appropriation item 122748  
038900, Indigent Drivers Alcohol Treatment, and re-establish them 122749  
against appropriation item 335900, Indigent Drivers Alcohol 122750  
Treatment. The re-established encumbrance amounts are hereby 122751  
appropriated. Any business commenced but not completed under 122752  
appropriation item 038900 by July 1, 2013, shall be completed 122753  
under appropriation item 335900 in the same manner and with the 122754  
same effect as if it were completed with regard to appropriation 122755  
item 038900. 122756

Effective July 1, 2013, the Director of Budget and Management 122757  
shall cancel any existing encumbrances against appropriation item 122758  
038404, Prevention Services, and re-establish them against 122759  
appropriation item 335406, Prevention and Wellness. The 122760  
re-established encumbrance amounts are hereby appropriated. Any 122761  
business commenced but not completed under appropriation item 122762  
038404 by July 1, 2013, shall be completed under appropriation 122763  
item 335406 in the same manner and with the same effect as if it 122764  
were completed with regard to appropriation item 038404. 122765

**Section 327.20.10.** Effective July 1, 2013, the Director of 122766  
Mental Health and Addiction Services, with respect to all mental 122767  
health and addiction facilities and services established and 122768  
operated or provided under Chapter 340. of the Revised Code shall 122769  
do all of the following: 122770

(A) To the extent the Director determines necessary, and 122771  
after consultation with the boards of alcohol, drug addiction, and 122772  
mental health services, develop and operate, or contract for the 122773  
operation of, a community behavioral health information system or 122774  
systems, and shall specify the information that must be provided 122775  
by boards of alcohol, drug addiction, and mental health services 122776

for inclusion in the system or systems, which may include 122777  
information on services provided in whole or in part under 122778  
contract with a board, financial information regarding 122779  
expenditures of federal, state, or local funds by boards, and 122780  
information about persons served under contract with a board. 122781

(B)(1) Receive and review each board's community mental 122782  
health and addiction services plan, budget, and statement of 122783  
services to be made available, and approve or disapprove the plan, 122784  
budget, and statement of services in whole or in part. 122785

(2) The Department may withhold all or part of the funds 122786  
allocated to a board if it disapproves all or part of a plan, 122787  
budget, or statement of service. 122788

(3) Prior to a final decision to disapprove a plan, budget, 122789  
or statement of services, or to withhold funds from a board, a 122790  
representative of the Director shall meet with the board to 122791  
discuss the reasons for the action and any corrective action that 122792  
should be taken to make the plan, budget, or statement of services 122793  
acceptable, and give the board a reasonable time in which to 122794  
revise the plan, budget, or statement of services. 122795

(C) Establish procedures for the review of plans, budgets, 122796  
and statements of services, and a timetable for submission and 122797  
review. Boards of alcohol, drug addiction, and mental health 122798  
services shall submit to the Department of Mental Health and 122799  
Addiction Services the information, plans, budgets, and statements 122800  
of services described above in accordance with the guidance or 122801  
directives of the Department or Director. After notifying and 122802  
consulting with relevant constituents, the Department of Mental 122803  
Health and Addiction Services shall establish a methodology for 122804  
allocating to boards of alcohol, drug addiction, and mental health 122805  
services the funds appropriated by the General Assembly to the 122806  
Department for the purpose of local mental health and addiction 122807  
services continuums of care. Subject to existing provisions of law 122808

that permit the Director to withhold funds from boards of alcohol, 122809  
drug addiction, and mental health services for failure to comply 122810  
with applicable sections of law, or for discriminating in making 122811  
services available, and subject to a board's submission and 122812  
approval of the required plan, budget, and statement of services 122813  
described above, the Department shall allocate the funds to the 122814  
boards in a manner consistent with the methodology and state and 122815  
federal laws, rules, and regulations. 122816

Portions of appropriation items 333609, Central Office 122817  
Operating, 333606, Demonstration Grants - Administration, 333612, 122818  
Social Services Block Grant - Administration, 333613, Federal 122819  
Grants - Administration, 333614, Mental Health Block Grant - 122820  
Administration, 333618, Substance Abuse Block Grant - 122821  
Administration, 333623, Statewide Treatment and Prevention - 122822  
Administration, 333629, Problem Gambling and Casino Addictions - 122823  
Administration, 333608, Federal Miscellaneous - Administration, 122824  
333641, Problem Gambling Services - Administration, 335406, 122825  
Prevention and Wellness, 335421, Continuum of Care Services, 122826  
335422, Criminal Justice Services, 335604, Community Mental Health 122827  
Projects, 335606, Demonstration Grants, 335612, Social Services 122828  
Block Grant, 335613, Federal Grant - Community Mental Health 122829  
Subsidy, 335614, Mental Health Block Grant, 335615, Behavioral 122830  
Health Care, 335618, Substance Abuse Block Grant, 335623, 122831  
Statewide Treatment and Prevention, 335629, Problem Gambling and 122832  
Casino Addictions, 335638, Race to the Top - Early Learning 122833  
Challenge Grant, and 335900, Indigent Drivers Alcohol Treatment, 122834  
may be used to pay for the Department and board functions 122835  
enumerated above. 122836

**Section 327.20.20.** (A) Effective July 1, 2013, all records 122837  
and reports, other than court journal entries or court docket 122838  
entries, identifying a person and pertaining to the person's 122839  
mental health condition, assessment, provision of care or 122840

treatment, or payment for assessment, care, or treatment that are 122841  
maintained in connection with any services certified by the 122842  
Department of Mental Health and Addiction Services, or any 122843  
hospitals or facilities licensed or operated by the Department, 122844  
shall be kept confidential and shall not be disclosed by any 122845  
person, with the following exceptions: 122846

(1) If the person identified, or the person's legal guardian, 122847  
if any, or if the person is a minor, the person's parent or legal 122848  
guardian, consents. 122849

(2) When disclosure is provided for in Chapters 340., 5119., 122850  
or 5122., or in Title 47 of the Revised Code. 122851

(3) Hospitals, boards of alcohol, drug addiction, and mental 122852  
health services, licensed facilities, and community mental health 122853  
services providers may release necessary information to insurers 122854  
and other third-party payers, including government entities 122855  
responsible for processing and authorizing payment, to obtain 122856  
payment for goods and services furnished to the person. 122857

(4) Pursuant to a court order signed by a judge; 122858

(5) A person shall be granted access to the person's own 122859  
psychiatric and medical records unless access specifically is 122860  
restricted in a person's treatment plan for clear treatment 122861  
reasons. 122862

(6) The Department of Mental Health and Addiction Services 122863  
may exchange psychiatric records and other pertinent information 122864  
with community mental health services providers and boards of 122865  
alcohol, drug addiction, and mental health services relating to 122866  
the person's care or services. Records and information that may be 122867  
exchanged pursuant to this division shall be limited to medication 122868  
history, physical health status and history, financial status, 122869  
summary of course of treatment, summary of treatment needs, and a 122870

discharge summary, if any. 122871

(7) The Department of Mental Health and Addiction Services, 122872  
hospitals, and community providers operated by the Department, 122873  
hospitals licensed by the Department under section 5119.20 122874  
(5119.33) of the Revised Code and community mental health services 122875  
providers may exchange psychiatric records and other pertinent 122876  
information with payers and other providers of treatment and 122877  
health services if the purpose of the exchange is to facilitate 122878  
continuity of care for the person or for the emergency treatment 122879  
of the person. 122880

(8) The Department of Mental Health and Addiction Services 122881  
and community mental health services providers may exchange 122882  
psychiatric records and other pertinent information with boards of 122883  
alcohol, drug addiction, and mental health services for purposes 122884  
of any board function set forth in Chapter 340. of the Revised 122885  
Code. Boards of alcohol, drug addiction, and mental health 122886  
services shall not access or use any personal information from the 122887  
Department or providers except as required or permitted by this 122888  
section, or Chapters 340. and 5122. of the Revised Code for 122889  
purposes related to payment, care coordination, health care 122890  
operations, program and service evaluation, reporting activities, 122891  
research, system administration, oversight, or other authorized 122892  
purposes. 122893

(9) A person's family member who is involved in the 122894  
provision, planning, and monitoring of services to the person may 122895  
receive medication information, a summary of the person's 122896  
diagnosis and prognosis, and a list of the services and personnel 122897  
available to assist the person and the person's family, if the 122898  
person's treatment provider determines that the disclosure would 122899  
be in the best interests of the person. No such disclosure shall 122900  
be made unless the person is notified first and receives the 122901  
information and does not object to the disclosure. 122902

(10) Community mental health services providers may exchange 122903  
psychiatric records and certain other information with the board 122904  
of alcohol, drug addiction, and mental health services and other 122905  
providers in order to provide services to a person involuntarily 122906  
committed to a board. Release of records under this division shall 122907  
be limited to medication history, physical health status and 122908  
history, financial status, summary of course of treatment, summary 122909  
of treatment needs, and discharge summary, if any. 122910

(11) Information may be disclosed to the executor or the 122911  
administrator of an estate of a deceased person when the 122912  
information is necessary to administer the estate. 122913

(12) Information may be disclosed to staff members of the 122914  
appropriate board or to staff members designated by the Director 122915  
of Mental Health and Addiction Services for the purpose of 122916  
evaluating the quality, effectiveness, and efficiency of services 122917  
and determining if the services meet minimum standards. 122918  
Information obtained during such evaluations shall not be retained 122919  
with the name of any person. 122920

(13) Records pertaining to the person's diagnosis, course of 122921  
treatment, treatment needs, and prognosis shall be disclosed and 122922  
released to the appropriate prosecuting attorney if the person was 122923  
committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, 122924  
or 2945.402 of the Revised Code, or to the attorney designated by 122925  
the board for proceedings pursuant to involuntary commitment under 122926  
Chapter 5122. of the Revised Code. 122927

(14) The Department of Mental Health and Addiction Services 122928  
may exchange psychiatric hospitalization records, other mental 122929  
health treatment records, and other pertinent information with the 122930  
Department of Rehabilitation and Correction and with the 122931  
Department of Youth Services to ensure continuity of care for 122932  
inmates and offenders who are receiving mental health services in 122933  
an institution of the Department of Rehabilitation and Correction 122934

or the Department of Youth Services and may exchange psychiatric 122935  
hospitalization records, other mental health treatment records, 122936  
and other pertinent information with boards of alcohol, drug 122937  
addiction, and mental health services and community mental health 122938  
services providers to ensure continuity of care for inmates or 122939  
offenders who are receiving mental health services in an 122940  
institution and are scheduled for release within six months. The 122941  
release of records under this division is limited to records 122942  
regarding an inmate's or offender's medication history, physical 122943  
health status and history, summary of course of treatment, summary 122944  
of treatment needs, and a discharge summary, if any. 122945

(15) A community mental health services provider that ceases 122946  
to operate may transfer to either a community mental health 122947  
services provider that assumes its caseload or to the board of 122948  
alcohol, drug addiction, and mental health services of the service 122949  
district in which the person resided at the time services were 122950  
most recently provided any treatment records that have not been 122951  
transferred elsewhere at the person's request. 122952

(B) Before records are disclosed pursuant to divisions 122953  
(A)(3), (6), or (10) of this section, the custodian of the records 122954  
shall attempt to obtain the consent of the person in question for 122955  
the disclosure. 122956

(C) No person shall reveal the content of a medical record of 122957  
a person except as authorized by the law. 122958

(D) Portions of appropriation items 333321, Central 122959  
Administration, 333416, Research Program Evaluation, 333605, 122960  
Medicaid/Medicare - Refunds, 333606, Demonstration Grants - 122961  
Administration, 333608, Federal Miscellaneous - Administration, 122962  
333609, Central Office Opening, 333611, Non-Federal Miscellaneous, 122963  
333612, Social Services Block Grant - Administration, 333613, 122964  
Federal Grants - Administration, 333614, Mental Health Block Grant 122965  
- Administration, 333618, Substance Abuse Block Grant - 122966

Administration, 333621, Family and Children First Administration, 122967  
333623, Statewide Treatment and Prevention - Administration, 122968  
333629, Problem Gambling and Casino Addictions - Administration, 122969  
333632, Mental Health Operating - Refunds, 333608, Federal 122970  
Miscellaneous - Administration, 333640, Education and Conferences, 122971  
333641, Problem Gambling Services - Administration, 333639, 122972  
Administrative Reimbursement, 334605, Medicaid/Medicare - 122973  
Hospitals, 334608, Federal Miscellaneous - Hospitals, 334609, 122974  
Hospital - Operating Expenses, 334613, Federal Letter of Credit, 122975  
334620, Special Education, 334632, Mental Health Operating - 122976  
Hospitals, 335405, Family and Children First, 335406, Prevention 122977  
and Wellness, 335421, Continuum of Care Services, 335422, Criminal 122978  
Justice Services, 335604, Community Mental Health Projects, 122979  
335506, Residential State Supplement, 335608, Federal 122980  
Miscellaneous, 335606, Demonstration Grants, 335612, Social 122981  
Services Block Grant, 335613, Federal Grant - Community Mental 122982  
Health Subsidy, 335614, Mental Health Block Grant, 335615, 122983  
Behavioral Health Care, 335618, Substance Abuse Block Grant, 122984  
335623, Statewide Treatment and Prevention, 335629, Problem 122985  
Gambling and Casino Addictions, 335638, Race to the Top - Early 122986  
Learning Challenge Grant, 335900, Indigent Drivers Alcohol 122987  
Treatment, 336601, Office of Support Services, 652609, Medicaid 122988  
Legacy Costs Support, 652635, Community Medicaid Legacy Costs, and 122989  
652636, Community Medicaid Legacy Support, may be used to pay for 122990  
the Department and community mental health system functions that 122991  
operate under the confidentiality provisions enumerated above. 122992

**Section 327.20.30.** Effective July 1, 2013, the Director of 122993  
Mental Health and Addiction Services may adopt rules pursuant to 122994  
Chapter 119. of the Revised Code governing licensure and operation 122995  
of residential facilities, that include procedures for conducting 122996  
criminal records checks for operators, employees, and volunteers 122997  
who have direct access to facility residents. 122998



Portions of appropriation items 334506, Court Costs, 335406, 122999  
Prevention and Wellness, 335421, Continuum of Care Services, 123000  
335614, Mental Health Block Grant, 335506, Residential State 123001  
Supplement, 335615, Behavioral Health Care, 335618, Substance 123002  
Abuse Block Grant, 335623, Statewide Treatment and Prevention, and 123003  
335900, Indigent Drivers Alcohol Treatment, may be used to pay for 123004  
these regulated activities. 123005

**Section 327.20.40.** Effective July 1, 2013, to the extent 123006  
funds are available and on application of boards of alcohol, drug 123007  
addiction, and mental health services, the Director of Mental 123008  
Health and Addiction Services may approve state reimbursement of, 123009  
or state grants for, community construction programs, including 123010  
residential housing for severely mentally disabled persons and 123011  
persons with substance use disorders. The Director may also 123012  
approve an application for reimbursement or a grant for such 123013  
programs submitted by other governmental entities or by private, 123014  
nonprofit organizations after the board of alcohol, drug 123015  
addiction, and mental health services has reviewed and approved 123016  
the application and the application is consistent with the plan, 123017  
budget, and statement of services submitted to and approved by the 123018  
Department. The Director shall adopt rules in accordance with 123019  
Chapter 119. of the Revised Code that specify procedures for 123020  
applying for state reimbursement and for state grants for 123021  
community construction programs, including residential housing for 123022  
severely mentally disabled persons and persons with substance use 123023  
disorders. 123024

Portions of appropriation item 335616, Community Capital 123025  
Replacement, may be used to pay for the Department functions 123026  
enumerated above. 123027

**Section 327.20.50.** Effective July 1, 2013, the Department of 123028  
Mental Health and Addiction Services shall collect information 123029

about services delivered and persons served as required for 123030  
reporting and evaluation relating to state and federal funds 123031  
expended for such purposes. No alcohol, drug addiction, or mental 123032  
health program, agency, or services provider shall fail to supply 123033  
statistics or other information within its knowledge and with 123034  
respect to its programs or services upon the request of the 123035  
department. 123036

Portions of appropriation items 333321, Central 123037  
Administration, 333609 Central Office Operating, 333606, 123038  
Demonstration Grants - Administration, 333612, Social Services 123039  
Block Grant - Administration, 333613, Federal Grants - 123040  
Administration, 333614, Mental Health Block Grant - 123041  
Administration, 333618, Substance Abuse Block Grant - 123042  
Administration, 333623, Statewide Treatment and Prevention - 123043  
Administration, 333629, Problem Gambling and Casino Addictions - 123044  
Administration, 333608, Federal Miscellaneous - Administration, 123045  
333641, Problem Gambling Services - Administration, 335406, 123046  
Prevention and Wellness, 335421, Continuum of Care Services, 123047  
335422, Criminal Justice Services, 335604, Community Mental Health 123048  
Projects, 335606, Demonstration Grants, 335612, Social Services 123049  
Block Grant, 335613, Federal Grant - Community Mental Health 123050  
Subsidy, 335614, Mental Health Block Grant, 335615, Behavioral 123051  
Health Care, 335618, Substance Abuse Block Grant, 335623, 123052  
Statewide Treatment and Prevention, 335629, Problem Gambling and 123053  
Casino Addictions, 335638, Race to the Top - Early Learning 123054  
Challenge Grant, and 335900, Indigent Drivers Alcohol Treatment, 123055  
652609, Medicaid Legacy Costs Support, and 652636, Community 123056  
Medicaid Legacy Support, may be used to pay for the Department 123057  
information collection and reporting functions enumerated above. 123058

**Section 327.20.60.** The Department of Mental Health and 123059  
Addiction Services shall administer specified Medicaid services as 123060

delegated by the State's single agency responsible for the 123061  
Medicaid program. Effective July 1, 2013, the Department shall use 123062  
appropriation item 652507, Medicaid Support, to fund the 123063  
Medicaid-related services and supports performed by the 123064  
Department. 123065

**Section 327.30. RESIDENT TRAINEES** 123066

The foregoing appropriation item 333402, Resident Trainees, 123067  
shall be used to fund training agreements entered into by the 123068  
Director of Mental Health and Addiction Services for the 123069  
development of curricula and the provision of training programs to 123070  
support public mental health services. 123071

**Section 327.40. LEASE-RENTAL PAYMENTS** 123072

The foregoing appropriation item 333415, Lease-Rental 123073  
Payments, shall be used to meet all payments at the times they are 123074  
required to be made during the period from July 1, 2013, through 123075  
June 30, 2015, by the Department of Mental Health and Addiction 123076  
Services under leases and agreements made under section 154.20 of 123077  
the Revised Code. These appropriations are the source of funds 123078  
pledged for bond service charges on obligations issued pursuant to 123079  
Chapter 154. of the Revised Code. 123080

**Section 327.50. HOSPITAL SERVICES** 123081

The foregoing appropriation item 334412, Hospital Services, 123082  
shall be used for the operation of the State Regional Psychiatric 123083  
Hospitals, including, but not limited to, all aspects involving 123084  
civil and forensic commitment, treatment, and discharge as 123085  
determined by the Director of Mental Health and Addiction 123086  
Services. A portion of this appropriation may be used by the 123087  
Department of Mental Health and Addiction Services to create, 123088  
purchase, or contract for the custody, supervision, control, and 123089

treatment of persons committed to the Department of Mental Health 123090  
and Addiction Services in other clinically appropriate 123091  
environments, consistent with public safety. 123092

**Section 327.60. CONTINUUM OF CARE SERVICES** 123093

The foregoing appropriation item 335421, Continuum of Care 123094  
Services, shall be used as follows: 123095

(A) A portion of this appropriation may be allocated to 123096  
community alcohol, drug addiction, and mental health services 123097  
boards in accordance with a distribution methodology determined by 123098  
the Director of Mental Health and Addiction Services: 123099

(1) For the boards to purchase mental health and addiction 123100  
services permitted under Chapter 340. of the Revised Code; 123101

(2) To provide subsidized support for psychotropic medication 123102  
needs of indigent citizens in the community to reduce unnecessary 123103  
hospitalization due to lack of medication; and 123104

(3) To provide subsidized support for medication assisted 123105  
treatment costs. 123106

(B) A portion of this appropriation may be distributed to 123107  
community alcohol, drug addiction, and mental health services 123108  
boards, community addiction and/or mental health services 123109  
providers, courts, or other governmental entities to provide 123110  
specific grants in support of mental health and addiction services 123111  
initiatives. 123112

**Section 327.70. CRIMINAL JUSTICE SERVICES** 123113

The foregoing appropriation item 335422, Criminal Justice 123114  
Services, shall be used to provide forensic psychiatric 123115  
evaluations to courts of common pleas and to conduct evaluations 123116  
of patients of forensic status in facilities operated or 123117  
designated by the Department of Mental Health and Addiction 123118

Services prior to conditional release to the community. A portion 123119  
of this appropriation may be allocated through community alcohol, 123120  
drug addiction, and mental health services boards to community 123121  
addiction and/or mental health services providers in accordance 123122  
with a distribution methodology as determined by the Director of 123123  
Mental Health and Addiction Services. 123124

Appropriation item 335422, Criminal Justice Services, may 123125  
also be used to: 123126

(A) Provide forensic monitoring and tracking of individuals 123127  
on conditional release; 123128

(B) Provide forensic training; 123129

(C) Support projects that assist courts and law enforcement 123130  
to identify and develop appropriate alternative services to 123131  
incarceration for nonviolent mentally ill offenders; 123132

(D) Provide specialized re-entry services to offenders 123133  
leaving prisons and jails; 123134

(E) Provide specific grants in support of addiction services 123135  
alternatives to incarceration; 123136

(F) Support specialty dockets; and 123137

(G) Support therapeutic communities. 123138

**Section 327.80. COMMUNITY INNOVATIONS** 123139

The foregoing appropriation item 335504, Community 123140  
Innovations, may be used by the Department of Mental Health and 123141  
Addiction Services to make targeted investments in programs, 123142  
projects, or systems operated by or under the authority of other 123143  
state agencies, governmental entities, or private not-for-profit 123144  
agencies that impact, or are impacted by, the operations and 123145  
functions of the Department, with the goal of achieving a net 123146  
reduction in expenditure of state general revenue funds and/or 123147

improved outcomes for Ohio citizens without a net increase in 123148  
state general revenue fund spending. 123149

The Director shall identify and evaluate programs, projects, 123150  
or systems proposed or operated, in whole or in part, outside of 123151  
the authority of the Department, where targeted investment of 123152  
these funds in the program, project, or system is expected to 123153  
decrease demand for the Department or other resources funded with 123154  
state general revenue funds, and/or to measurably improve outcomes 123155  
for Ohio citizens with mental illness or with alcohol, drug, or 123156  
gambling addictions. The Director shall have discretion to 123157  
transfer money from the appropriation item to other state 123158  
agencies, governmental entities, or private not-for-profit 123159  
agencies in amounts, and subject to conditions, that the Director 123160  
determines most likely to achieve state savings and/or improved 123161  
outcomes. Distribution of moneys from this appropriation item 123162  
shall not be subject to sections 9.23 to 9.239 or Chapter 125. of 123163  
the Revised Code. 123164

The Department shall enter into an agreement with each 123165  
recipient of community innovation funds, identifying: allowable 123166  
expenditure of the funds; other commitment of funds or other 123167  
resources to the program, project, or system; expected state 123168  
savings and/or improved outcomes and proposed mechanisms for 123169  
measurement of such savings or outcomes; and required reporting 123170  
regarding expenditure of funds and savings or outcomes achieved. 123171

The foregoing appropriation item 335504, Community 123172  
Innovations, may also be used by the Department to make payments 123173  
to the Rehabilitation Services Commission for vocational 123174  
rehabilitation services to individuals receiving mental health or 123175  
addiction services paid for with public dollars. 123176

**Section 327.83. COMMUNITY BEHAVIORAL HEALTH** 123177

Of the foregoing appropriation item 335507, Community 123178

Behavioral Health, \$30,000,000 in each fiscal year shall be 123179  
allocated to community alcohol, drug addiction, and mental health 123180  
services boards to provide mental health services. The Department 123181  
of Mental Health and Addiction Services shall allocate these funds 123182  
to the boards using the same methodology used to allocate other 123183  
mental health services subsidies. 123184

Of the foregoing appropriation item 335507, Community 123185  
Behavioral Health, \$20,000,000 in each fiscal year shall be 123186  
allocated to community alcohol, drug addiction, and mental health 123187  
services boards to be used for addiction services including 123188  
medication, treatment programs, and counseling. The Department 123189  
shall allocate these funds to the boards using the same 123190  
methodology used to allocate other addiction services subsidies. 123191

**Section 327.90.** COMMUNITY OPERATING/PLANNING 123192

Appropriation item 335609, Community Operating/Planning, may 123193  
be used by the Department of Mental Health and Addiction Services 123194  
to make payments to the Rehabilitation Services Commission for 123195  
vocational rehabilitation services to individuals receiving mental 123196  
health or addiction services paid for with public dollars. 123197

In addition, appropriation item 335609, Community 123198  
Operating/Planning, may be used by the Department to make 123199  
incentive payments to operators of residential facilities that are 123200  
licensed by the Department of Mental Health and Addiction Services 123201  
and provide accommodations and personal care services for one or 123202  
two unrelated adults or accommodations, supervision, and personal 123203  
care services for three to sixteen unrelated adults. The incentive 123204  
payments shall be granted based upon operators demonstrating 123205  
linkage between their facilities' residents and community 123206  
resources, based on the residents' needs including, but not 123207  
limited to, aged, mental health, and physical health issues. The 123208  
financial incentive shall be used to support community living for 123209

individuals with a disability or who are aged, and to assist with 123210  
costs arising from facility operations. 123211

Appropriation item 335609, Community Operating/Planning, may 123212  
also be used by the Department to support non-Medicaid program 123213  
costs for individuals moving into community settings. 123214

**Section 327.100. RESIDENTIAL STATE SUPPLEMENT** 123215

(A) As used in this section: 123216

(1) "Residential facility" means a facility licensed by the 123217  
Department of Mental Health and Addiction Services under section 123218  
5119.34 of the Revised Code. 123219

(2) "Residential care facility" means a facility licensed by 123220  
the Director of Health under Chapter 3721. of the Revised Code or 123221  
by a political subdivision certified under section 3721.09 of the 123222  
Revised Code. 123223

(B) The foregoing appropriation item 335506, Residential 123224  
State Supplement, may be used by the Department of Mental Health 123225  
and Addiction Services to provide training for residential 123226  
facilities providing accommodations, supervision, and personal 123227  
care services to three to sixteen unrelated adults with mental 123228  
illness, to transfer cash to the Nursing Home Franchise Permit Fee 123229  
Fund (Fund 5R20) used by the Department of Job and Family 123230  
Services, and to make benefit payments to residential state 123231  
supplement recipients. 123232

(C) Under the Residential State Supplement Program, the 123233  
amount used to determine whether a resident is eligible for 123234  
payment, and for determining the amount per month the eligible 123235  
resident will receive, shall be as follows: 123236

(1) \$927 for a residential care facility; 123237

(2) \$927 for a residential facility that provides 123238  
accommodations, supervision, and personal care services for six to 123239



sixteen unrelated adults as described in section 5119.34 of the Revised Code; 123240  
123241

(3) \$824 for a residential facility that provides accommodations, supervision, and personal care services for one or two unrelated adults as described in division (A)(9)(b)(ii) of section 5119.34 of the Revised Code; 123242  
123243  
123244  
123245

(4) \$824 for a residential facility providing accommodations, supervision, and personal care services to three to five unrelated adults, as described in section 5119.34 of the Revised Code; 123246  
123247  
123248

(5) \$824 for a residential facility that provides accommodations, supervision, and personal care services for one or two unrelated persons with mental illness or persons with severe mental disabilities who are referred by or are receiving mental health services from a community mental health services provider or a hospital, as described in division (A)(9)(b)(i) of section 5119.34 of the Revised Code; 123249  
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123255

(6) \$618 for community mental health housing services, as described in division (D)(1)(c) of section 5119.41 of the Revised Code. 123256  
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The Department of Mental Health and Addiction Services shall reflect these amounts in any applicable rules the Department adopts under section 5119.41 of the Revised Code. 123259  
123260  
123261

(D) The Department of Mental Health and Addiction Services shall, with the input of stakeholders and impacted state agencies, conduct a review of the state and federal rules and statutes governing the Residential State Supplement Program and report on potential improvements to be made in governing the program not later than January 1, 2014. 123262  
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123264  
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123267

**Section 327.110. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL** 123268  
123269

A county family and children first council may establish and operate a flexible funding pool in order to assure access to needed services by families, children, and older adults in need of protective services. The operation of the flexible funding pools shall be subject to the following restrictions:

(A) The county council shall establish and operate the flexible funding pool in accordance with formal guidance issued by the Family and Children First Cabinet Council;

(B) The county council shall produce an annual report on its use of the pooled funds. The annual report shall conform to a format prescribed in the formal guidance issued by the Family and Children First Cabinet Council;

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues allocated to local entities to support the provision of services to families and children;

(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and

(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation.

**Section 329.10.** MIH COMMISSION ON MINORITY HEALTH

General Revenue Fund

GRF 149321 Operating Expenses \$ 581,490 \$ 591,615

GRF 149501 Minority Health \$ 889,100 \$ 878,975

Grants

GRF 149502 Lupus Program \$ 110,047 \$ 110,047

|                                                                |    |            |    |            |        |
|----------------------------------------------------------------|----|------------|----|------------|--------|
| TOTAL GRF General Revenue Fund                                 | \$ | 1,580,637  | \$ | 1,580,637  | 123299 |
| Federal Special Revenue Fund Group                             |    |            |    |            | 123300 |
| 3J90 149602 Federal Grants                                     | \$ | 140,000    | \$ | 140,000    | 123301 |
| TOTAL FED Federal Special Revenue                              |    |            |    |            | 123302 |
| Fund Group                                                     | \$ | 140,000    | \$ | 140,000    | 123303 |
| State Special Revenue Fund Group                               |    |            |    |            | 123304 |
| 4C20 149601 Minority Health                                    | \$ | 25,000     | \$ | 25,000     | 123305 |
| Conference                                                     |    |            |    |            |        |
| TOTAL SSR State Special Revenue                                |    |            |    |            | 123306 |
| Fund Group                                                     | \$ | 25,000     | \$ | 25,000     | 123307 |
| TOTAL ALL BUDGET FUND GROUPS                                   | \$ | 1,745,637  | \$ | 1,745,637  | 123308 |
| <br><b>Section 331.10. CRB MOTOR VEHICLE REPAIR BOARD</b>      |    |            |    |            | 123310 |
| General Services Fund Group                                    |    |            |    |            | 123311 |
| 4K90 865601 Operating Expenses                                 | \$ | 487,592    | \$ | 484,292    | 123312 |
| TOTAL GSF General Services                                     |    |            |    |            | 123313 |
| Fund Group                                                     | \$ | 487,592    | \$ | 484,292    | 123314 |
| TOTAL ALL BUDGET FUND GROUPS                                   | \$ | 487,592    | \$ | 484,292    | 123315 |
| <br><b>Section 333.10. DNR DEPARTMENT OF NATURAL RESOURCES</b> |    |            |    |            | 123317 |
| General Revenue Fund                                           |    |            |    |            | 123318 |
| GRF 725401 Wildlife-GRF Central                                | \$ | 1,800,000  | \$ | 1,800,000  | 123319 |
| Support                                                        |    |            |    |            |        |
| GRF 725413 Lease Rental Payments                               | \$ | 21,622,900 | \$ | 23,943,400 | 123320 |
| GRF 725456 Canal Lands                                         | \$ | 135,000    | \$ | 135,000    | 123321 |
| GRF 725502 Soil and Water                                      | \$ | 2,900,000  | \$ | 2,900,000  | 123322 |
| Districts                                                      |    |            |    |            |        |
| GRF 725505 Healthy Lake Erie Fund                              | \$ | 350,000    | \$ | 200,000    | 123323 |
| GRF 725507 Coal and Mine Safety                                | \$ | 2,500,000  | \$ | 2,500,000  | 123324 |
| Program                                                        |    |            |    |            |        |
| GRF 725508 Oil and Gas Program                                 | \$ | 7,200,000  | \$ | 7,350,000  | 123325 |
| GRF 725903 Natural Resources                                   | \$ | 24,325,400 | \$ | 25,443,000 | 123326 |

|           |        |                             |    |             |    |             |        |
|-----------|--------|-----------------------------|----|-------------|----|-------------|--------|
|           |        | General Obligation          |    |             |    |             |        |
|           |        | Debt Service                |    |             |    |             |        |
| GRF       | 727321 | Division of Forestry        | \$ | 4,392,002   | \$ | 4,392,001   | 123327 |
| GRF       | 728321 | Division of Geological      | \$ | 800,000     | \$ | 800,000     | 123328 |
|           |        | Survey                      |    |             |    |             |        |
| GRF       | 729321 | Office of Information       | \$ | 177,405     | \$ | 177,405     | 123329 |
|           |        | Technology                  |    |             |    |             |        |
| GRF       | 730321 | Division of Parks and       | \$ | 30,000,000  | \$ | 30,000,000  | 123330 |
|           |        | Recreation                  |    |             |    |             |        |
| GRF       | 736321 | Division of                 | \$ | 2,279,115   | \$ | 2,324,736   | 123331 |
|           |        | Engineering                 |    |             |    |             |        |
| GRF       | 737321 | Division of Soil and        | \$ | 4,782,704   | \$ | 4,782,652   | 123332 |
|           |        | Water Resources             |    |             |    |             |        |
| GRF       | 738321 | Division of Real            | \$ | 715,963     | \$ | 670,342     | 123333 |
|           |        | Estate and Land             |    |             |    |             |        |
|           |        | Management                  |    |             |    |             |        |
| GRF       | 741321 | Division of Natural         | \$ | 1,200,000   | \$ | 1,200,000   | 123334 |
|           |        | Areas and Preserves         |    |             |    |             |        |
| TOTAL GRF |        | General Revenue Fund        | \$ | 105,180,489 | \$ | 108,618,536 | 123335 |
|           |        | General Services Fund Group |    |             |    |             | 123336 |
| 1550      | 725601 | Departmental Projects       | \$ | 2,109,968   | \$ | 1,839,204   | 123337 |
| 1570      | 725651 | Central Support             | \$ | 4,609,154   | \$ | 4,671,566   | 123338 |
|           |        | Indirect                    |    |             |    |             |        |
| 2040      | 725687 | Information Services        | \$ | 5,179,097   | \$ | 5,288,168   | 123339 |
| 2050      | 725696 | Human Resource Direct       | \$ | 2,474,345   | \$ | 2,526,662   | 123340 |
|           |        | Service                     |    |             |    |             |        |
| 2070      | 725690 | Real Estate Services        | \$ | 50,000      | \$ | 50,000      | 123341 |
| 2230      | 725665 | Law Enforcement             | \$ | 2,126,432   | \$ | 2,126,432   | 123342 |
|           |        | Administration              |    |             |    |             |        |
| 2270      | 725406 | Parks Projects              | \$ | 436,500     | \$ | 436,500     | 123343 |
|           |        | Personnel                   |    |             |    |             |        |
| 4300      | 725671 | Canal Lands                 | \$ | 883,879     | \$ | 883,879     | 123344 |
| 4S90      | 725622 | NatureWorks Personnel       | \$ | 404,657     | \$ | 412,570     | 123345 |

|                                    |        |                                                  |    |            |    |            |        |
|------------------------------------|--------|--------------------------------------------------|----|------------|----|------------|--------|
| 4X80                               | 725662 | Water Resources<br>Council                       | \$ | 138,005    | \$ | 138,005    | 123346 |
| 5100                               | 725631 | Maintenance -<br>State-owned<br>Residences       | \$ | 303,611    | \$ | 303,611    | 123347 |
| 5160                               | 725620 | Water Management                                 | \$ | 2,559,292  | \$ | 2,559,292  | 123348 |
| 6350                               | 725664 | Fountain Square<br>Facilities Management         | \$ | 3,329,935  | \$ | 3,346,259  | 123349 |
| 6970                               | 725670 | Submerged Lands                                  | \$ | 852,982    | \$ | 869,145    | 123350 |
| TOTAL GSF General Services         |        |                                                  |    |            |    |            | 123351 |
| Fund Group                         |        |                                                  | \$ | 25,457,857 | \$ | 25,451,293 | 123352 |
| Federal Special Revenue Fund Group |        |                                                  |    |            |    |            | 123353 |
| 3320                               | 725669 | Federal Mine Safety<br>Grant                     | \$ | 265,000    | \$ | 265,000    | 123354 |
| 3B30                               | 725640 | Federal Forest<br>Pass-Thru                      | \$ | 500,000    | \$ | 500,000    | 123355 |
| 3B40                               | 725641 | Federal Flood<br>Pass-Thru                       | \$ | 500,000    | \$ | 500,000    | 123356 |
| 3B50                               | 725645 | Federal Abandoned<br>Mine Lands                  | \$ | 11,851,759 | \$ | 11,851,759 | 123357 |
| 3B60                               | 725653 | Federal Land and<br>Water Conservation<br>Grants | \$ | 950,000    | \$ | 950,000    | 123358 |
| 3B70                               | 725654 | Reclamation -<br>Regulatory                      | \$ | 3,200,000  | \$ | 3,200,000  | 123359 |
| 3P10                               | 725632 | Geological Survey -<br>Federal                   | \$ | 933,448    | \$ | 557,146    | 123360 |
| 3P20                               | 725642 | Oil and Gas - Federal                            | \$ | 234,509    | \$ | 234,509    | 123361 |
| 3P30                               | 725650 | Coastal Management -<br>Federal                  | \$ | 2,790,633  | \$ | 2,790,633  | 123362 |
| 3P40                               | 725660 | Federal - Soil and<br>Water Resources            | \$ | 969,190    | \$ | 1,006,874  | 123363 |
| 3R50                               | 725673 | Acid Mine Drainage                               | \$ | 4,342,280  | \$ | 4,342,280  | 123364 |

|                                  |        |                         |    |            |    |            |        |
|----------------------------------|--------|-------------------------|----|------------|----|------------|--------|
|                                  |        | Abatement/Treatment     |    |            |    |            |        |
| 3Z50                             | 725657 | Federal Recreation      | \$ | 1,850,000  | \$ | 1,850,000  | 123365 |
|                                  |        | and Trails              |    |            |    |            |        |
| TOTAL FED                        |        | Federal Special Revenue |    |            |    |            | 123366 |
| Fund Group                       |        |                         | \$ | 28,386,819 | \$ | 28,048,201 | 123367 |
| State Special Revenue Fund Group |        |                         |    |            |    |            | 123368 |
| 4J20                             | 725628 | Injection Well Review   | \$ | 128,466    | \$ | 128,466    | 123369 |
| 4M70                             | 725686 | Wildfire Suppression    | \$ | 100,000    | \$ | 100,000    | 123370 |
| 4U60                             | 725668 | Scenic Rivers           | \$ | 100,000    | \$ | 100,000    | 123371 |
|                                  |        | Protection              |    |            |    |            |        |
| 5090                             | 725602 | State Forest            | \$ | 6,873,330  | \$ | 6,880,158  | 123372 |
| 5110                             | 725646 | Ohio Geological         | \$ | 1,220,690  | \$ | 1,993,519  | 123373 |
|                                  |        | Mapping                 |    |            |    |            |        |
| 5120                             | 725605 | State Parks Operations  | \$ | 29,654,880 | \$ | 29,671,044 | 123374 |
| 5140                             | 725606 | Lake Erie Shoreline     | \$ | 1,559,583  | \$ | 1,559,583  | 123375 |
| 5180                             | 725643 | Oil and Gas Permit      | \$ | 12,812,311 | \$ | 13,140,201 | 123376 |
|                                  |        | Fees                    |    |            |    |            |        |
| 5180                             | 725677 | Oil and Gas Well        | \$ | 1,500,000  | \$ | 1,500,000  | 123377 |
|                                  |        | Plugging                |    |            |    |            |        |
| 5210                             | 725627 | Off-Road Vehicle        | \$ | 143,490    | \$ | 143,490    | 123378 |
|                                  |        | Trails                  |    |            |    |            |        |
| 5220                             | 725656 | Natural Areas and       | \$ | 546,639    | \$ | 546,639    | 123379 |
|                                  |        | Preserves               |    |            |    |            |        |
| 5260                             | 725610 | Strip Mining            | \$ | 1,800,000  | \$ | 1,800,000  | 123380 |
|                                  |        | Administration Fee      |    |            |    |            |        |
| 5270                             | 725637 | Surface Mining          | \$ | 1,941,532  | \$ | 1,941,532  | 123381 |
|                                  |        | Administration          |    |            |    |            |        |
| 5290                             | 725639 | Unreclaimed Land Fund   | \$ | 1,804,180  | \$ | 1,804,180  | 123382 |
| 5310                             | 725648 | Reclamation Forfeiture  | \$ | 500,000    | \$ | 500,000    | 123383 |
| 5B30                             | 725674 | Mining Regulation       | \$ | 28,135     | \$ | 28,135     | 123384 |
| 5BV0                             | 725683 | Soil and Water          | \$ | 8,250,000  | \$ | 8,250,000  | 123385 |
|                                  |        | Districts               |    |            |    |            |        |
| 5EJ0                             | 725608 | Forestry Law            | \$ | 1,000      | \$ | 1,000      | 123386 |

|                                    |        |                         |    |            |    |            |        |
|------------------------------------|--------|-------------------------|----|------------|----|------------|--------|
|                                    |        | Enforcement             |    |            |    |            |        |
| 5EK0                               | 725611 | Natural Areas &         | \$ | 1,000      | \$ | 1,000      | 123387 |
|                                    |        | Preserves Law           |    |            |    |            |        |
|                                    |        | Enforcement             |    |            |    |            |        |
| 5EL0                               | 725612 | Wildlife Law            | \$ | 12,000     | \$ | 12,000     | 123388 |
|                                    |        | Enforcement             |    |            |    |            |        |
| 5EM0                               | 725613 | Park Law Enforcement    | \$ | 34,000     | \$ | 34,000     | 123389 |
| 5EN0                               | 725614 | Watercraft Law          | \$ | 2,500      | \$ | 2,500      | 123390 |
|                                    |        | Enforcement             |    |            |    |            |        |
| 5HK0                               | 725625 | Ohio Nature Preserves   | \$ | 1,000      | \$ | 1,000      | 123391 |
| 5MF0                               | 725635 | Ohio Geology License    | \$ | 7,500      | \$ | 7,500      | 123392 |
|                                    |        | Plate                   |    |            |    |            |        |
| 5MW0                               | 725604 | Natural Resources       | \$ | 6,000,000  | \$ | 6,000,000  | 123393 |
|                                    |        | Special Purposes        |    |            |    |            |        |
| 6150                               | 725661 | Dam Safety              | \$ | 943,517    | \$ | 943,517    | 123394 |
| TOTAL SSR                          |        | State Special Revenue   |    |            |    |            | 123395 |
| Fund Group                         |        |                         | \$ | 75,965,753 | \$ | 77,089,464 | 123396 |
| Clean Ohio Conservation Fund Group |        |                         |    |            |    |            | 123397 |
| 7061                               | 725405 | Clean Ohio Operating    | \$ | 300,775    | \$ | 300,775    | 123398 |
| TOTAL CLF                          |        | Clean Ohio Conservation | \$ | 300,775    | \$ | 300,775    | 123399 |
| Fund Group                         |        |                         |    |            |    |            |        |
| Wildlife Fund Group                |        |                         |    |            |    |            | 123400 |
| 5P20                               | 725634 | Wildlife Boater         | \$ | 3,000,000  | \$ | 3,000,000  | 123401 |
|                                    |        | Angler Administration   |    |            |    |            |        |
| 7015                               | 740401 | Division of Wildlife    | \$ | 56,466,564 | \$ | 57,075,976 | 123402 |
|                                    |        | Conservation            |    |            |    |            |        |
| 8150                               | 725636 | Cooperative             | \$ | 120,449    | \$ | 120,449    | 123403 |
|                                    |        | Management Projects     |    |            |    |            |        |
| 8160                               | 725649 | Wetlands Habitat        | \$ | 966,885    | \$ | 966,885    | 123404 |
| 8170                               | 725655 | Wildlife Conservation   | \$ | 2,000,000  | \$ | 2,000,000  | 123405 |
|                                    |        | Checkoff Fund           |    |            |    |            |        |
| 8180                               | 725629 | Cooperative Fisheries   | \$ | 1,500,000  | \$ | 1,500,000  | 123406 |

|                |            |                                           |    |             |    |                    |
|----------------|------------|-------------------------------------------|----|-------------|----|--------------------|
|                |            | Research                                  |    |             |    |                    |
| 8190           | 725685     | Ohio River Management                     | \$ | 203,584     | \$ | 203,584 123407     |
| 81B0           | 725688     | Wildlife Habitat Fund                     | \$ | 1,200,000   | \$ | 1,200,000 123408   |
| TOTAL          | WLF        | Wildlife Fund Group                       | \$ | 65,457,482  | \$ | 66,066,894 123409  |
|                |            | Waterways Safety Fund Group               |    |             |    | 123410             |
| 7086           | 725414     | Waterways Improvement                     | \$ | 5,693,671   | \$ | 5,693,671 123411   |
| 7086           | 725418     | Buoy Placement                            | \$ | 52,182      | \$ | 52,182 123412      |
| 7086           | 725501     | Waterway Safety                           | \$ | 120,000     | \$ | 120,000 123413     |
|                |            | Grants                                    |    |             |    |                    |
| 7086           | 725506     | Watercraft Marine                         | \$ | 576,153     | \$ | 576,153 123414     |
|                |            | Patrol                                    |    |             |    |                    |
| 7086           | 725513     | Watercraft                                | \$ | 366,643     | \$ | 366,643 123415     |
|                |            | Educational Grants                        |    |             |    |                    |
| 7086           | 739401     | Division of                               | \$ | 19,467,370  | \$ | 19,297,370 123416  |
|                |            | Watercraft                                |    |             |    |                    |
| TOTAL          | WSF        | Waterways Safety Fund                     |    |             |    | 123417             |
| Group          |            |                                           | \$ | 26,276,019  | \$ | 26,106,019 123418  |
|                |            | Accrued Leave Liability Fund Group        |    |             |    | 123419             |
| 4M80           | 725675     | FOP Contract                              | \$ | 20,219      | \$ | 20,219 123420      |
| TOTAL          | ALF        | Accrued Leave                             |    |             |    | 123421             |
| Liability      |            | Fund Group                                | \$ | 20,219      | \$ | 20,219 123422      |
|                |            | Holding Account Redistribution Fund Group |    |             |    | 123423             |
| R017           | 725659     | Performance Cash Bond                     | \$ | 496,263     | \$ | 496,263 123424     |
|                |            | Refunds                                   |    |             |    |                    |
| R043           | 725624     | Forestry                                  | \$ | 2,100,000   | \$ | 2,100,000 123425   |
| TOTAL          | 090        | Holding Account                           |    |             |    | 123426             |
| Redistribution |            | Fund Group                                | \$ | 2,596,263   | \$ | 2,596,263 123427   |
| TOTAL          | ALL BUDGET | FUND GROUPS                               | \$ | 329,641,676 | \$ | 334,297,664 123428 |

**Section 333.20.** CENTRAL SUPPORT INDIRECT 123430

With the exception of the Division of Wildlife, whose direct 123431  
and indirect central support charges shall be paid out of the 123432



General Revenue Fund from the foregoing appropriation item 725401, 123433  
Wildlife-GRF Central Support, the Department of Natural Resources, 123434  
with approval of the Director of Budget and Management, shall 123435  
utilize a methodology for determining each division's payments 123436  
into the Central Support Indirect Fund (Fund 1570). The 123437  
methodology used shall contain the characteristics of 123438  
administrative ease and uniform application in compliance with 123439  
federal grant requirements. It may include direct cost charges for 123440  
specific services provided. Payments to Fund 1570 shall be made 123441  
using an intrastate transfer voucher. 123442

**Section 333.30. LEASE RENTAL PAYMENTS** 123443

The foregoing appropriation item 725413, Lease Rental 123444  
Payments, shall be used to meet all payments at the times they are 123445  
required to be made during the period from July 1, 2013, through 123446  
June 30, 2015, by the Department of Natural Resources pursuant to 123447  
leases and agreements made under section 154.22 of the Revised 123448  
Code. These appropriations are the source of funds pledged for 123449  
bond service charges on related obligations issued under Chapter 123450  
154. of the Revised Code. 123451

**CANAL LANDS** 123452

The foregoing appropriation item 725456, Canal Lands, shall 123453  
be used to provide operating expenses for the State Canal Lands 123454  
Program. 123455

**HEALTHY LAKE ERIE FUND** 123456

Of the foregoing appropriation item 725505, Healthy Lake Erie 123457  
Fund, up to \$350,000 in fiscal year 2014 and up to \$200,000 in 123458  
fiscal year 2015 shall be used by the Director of Natural 123459  
Resources, in consultation with the Director of Agriculture and 123460  
the Director of Environmental Protection, to implement 123461  
nonstatutory recommendations of the Agriculture Nutrients and 123462

Water Quality Working Group. The Director shall give priority to 123463  
recommendations that encourage farmers to adopt agricultural 123464  
production guidelines commonly known as 4R nutrient stewardship 123465  
practices. Funds may also be used for enhanced soil testing in the 123466  
Western Lake Erie Basin, monitoring the quality of Lake Erie and 123467  
its tributaries, and conducting research and establishing pilot 123468  
projects that have the goal of reducing algae blooms in Lake Erie. 123469

COAL AND MINE SAFETY PROGRAM 123470

The foregoing appropriation item 725507, Coal and Mine Safety 123471  
Program, shall be used for the administration of the Mine Safety 123472  
Program and the Coal Regulation Program. 123473

OIL AND GAS PROGRAM 123474

The foregoing appropriation item 725508, Oil and Gas Program, 123475  
shall be used for the Oil and Gas Program. 123476

NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE 123477

The foregoing appropriation item 725903, Natural Resources 123478  
General Obligation Debt Service, shall be used to pay all debt 123479  
service and related financing costs during the period July 1, 123480  
2013, through June 30, 2015, on obligations issued under sections 123481  
151.01 and 151.05 of the Revised Code. 123482

**Section 333.40. WELL LOG FILING FEES** 123483

The Chief of the Division of Soil and Water Resources shall 123484  
deposit fees forwarded to the Division pursuant to section 1521.05 123485  
of the Revised Code into the Departmental Services - Intrastate 123486  
Fund (Fund 1550) for the purposes described in that section. 123487

**Section 333.50. HUMAN RESOURCES DIRECT SERVICE** 123488

The foregoing appropriation item 725696, Human Resources 123489  
Direct Service, shall be used to cover the cost of support, 123490  
coordination, and oversight of the Department of Natural 123491

Resources' human resources functions. The Human Resources 123492  
Chargeback Fund (Fund 2050) shall consist of cash transferred to 123493  
it via intrastate transfer voucher from other funds as determined 123494  
by the Director of Natural Resources and the Director of Budget 123495  
and Management. 123496

**Section 333.60. LAW ENFORCEMENT ADMINISTRATION** 123497

The foregoing appropriation item 725665, Law Enforcement 123498  
Administration, shall be used to cover the cost of support, 123499  
coordination, and oversight of the Department of Natural 123500  
Resources' law enforcement functions. The Law Enforcement 123501  
Administration Fund (Fund 2230) shall consist of cash transferred 123502  
to it via intrastate transfer voucher from other funds as 123503  
determined by the Director of Natural Resources and the Director 123504  
of Budget and Management. 123505

**Section 333.70. FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO** 123506  
**EXPO CENTER** 123507

The foregoing appropriation item 725664, Fountain Square 123508  
Facilities Management, shall be used for payment of repairs, 123509  
renovation, utilities, property management, and building 123510  
maintenance expenses for the Fountain Square complex and the 123511  
Department of Natural Resources grounds at the Ohio Expo Center. 123512  
Cash transferred by intrastate transfer vouchers from various 123513  
department funds and rental income received by the Department of 123514  
Natural Resources shall be deposited into the Fountain Square 123515  
Facilities Management Fund (Fund 6350). 123516

**Section 333.80. SOIL AND WATER DISTRICTS** 123517

In addition to state payments to soil and water conservation 123518  
districts authorized by section 1515.10 of the Revised Code, the 123519  
Department of Natural Resources may use appropriation item 725683, 123520

Soil and Water Districts, to pay any soil and water conservation 123521  
district an annual amount not to exceed \$40,000, upon receipt of a 123522  
request and justification from the district and approval by the 123523  
Ohio Soil and Water Conservation Commission. The county auditor 123524  
shall credit the payments to the special fund established under 123525  
section 1515.10 of the Revised Code for the local soil and water 123526  
conservation district. Moneys received by each district shall be 123527  
expended for the purposes of the district. 123528

OIL AND GAS WELL PLUGGING 123529

The foregoing appropriation item 725677, Oil and Gas Well 123530  
Plugging, shall be used exclusively for the purposes of plugging 123531  
wells and to properly restore the land surface of idle and orphan 123532  
oil and gas wells pursuant to section 1509.071 of the Revised 123533  
Code. No funds from the appropriation item shall be used for 123534  
salaries, maintenance, equipment, or other administrative 123535  
purposes, except for those costs directly attributed to the 123536  
plugging of an idle or orphan well. This appropriation item shall 123537  
not be used to transfer cash to any other fund or appropriation 123538  
item. 123539

**Section 333.90.** CLEAN OHIO OPERATING EXPENSES 123540

The foregoing appropriation item 725405, Clean Ohio 123541  
Operating, shall be used by the Department of Natural Resources in 123542  
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 123543  
to section 1519.05 of the Revised Code. 123544

**Section 333.100.** WATERCRAFT MARINE PATROL 123545

Of the foregoing appropriation item 739401, Division of 123546  
Watercraft, up to \$200,000 in each fiscal year shall be expended 123547  
for the purchase of equipment for marine patrols qualifying for 123548  
funding from the Department of Natural Resources pursuant to 123549  
section 1547.67 of the Revised Code. Proposals for equipment shall 123550

accompany the submission of documentation for receipt of a marine 123551  
patrol subsidy pursuant to section 1547.67 of the Revised Code and 123552  
shall be loaned to eligible marine patrols pursuant to a 123553  
cooperative agreement between the Department of Natural Resources 123554  
and the eligible marine patrol. 123555

**Section 333.110. PARKS CAPITAL EXPENSES FUND** 123556

The Director of Natural Resources shall submit to the 123557  
Director of Budget and Management the estimated design, 123558  
engineering, and planning costs of capital-related work to be done 123559  
by Department of Natural Resources staff for parks projects within 123560  
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 123561  
Director of Budget and Management approves the estimated costs, 123562  
the Director may release appropriations from appropriation item 123563  
C725E6, Project Planning, Fund 7035, for those purposes. Upon 123564  
release of the appropriations, the Department of Natural Resources 123565  
shall pay for these expenses from the Parks Capital Expenses Fund 123566  
(Fund 2270). Expenses paid from Fund 2270 shall be reimbursed by 123567  
Fund 7035 using an intrastate transfer voucher. 123568

**NATUREWORKS CAPITAL EXPENSES FUND** 123569

The Department of Natural Resources shall periodically 123570  
prepare and submit to the Director of Budget and Management the 123571  
estimated design, planning, and engineering costs of 123572  
capital-related work to be done by Department of Natural Resources 123573  
staff for each capital improvement project within the Ohio Parks 123574  
and Natural Resources Fund (Fund 7031). If the Director of Budget 123575  
and Management approves the estimated costs, the Director may 123576  
release appropriations from appropriation item C725E5, Project 123577  
Planning, in Fund 7031, for those purposes. Upon release of the 123578  
appropriations, the Department of Natural Resources shall pay for 123579  
these expenses from the Capital Expenses Fund (Fund 4S90). 123580  
Expenses paid from Fund 4S90 shall be reimbursed by Fund 7031 by 123581

using an intrastate transfer voucher. 123582

**Section 333.120.** ELIMINATION OF DORMANT FUNDS 123583

The following funds are hereby abolished and the fund names 123584  
and fund numbers shall be stricken from the list of funds falling 123585  
within the jurisdiction of the Department of Natural Resources: 123586

| Fund Number | Fund Name                                     |        |
|-------------|-----------------------------------------------|--------|
| 1580        | Reprint and Replacement - Intrastate          | 123588 |
| 1610        | Parks and Recreation Depreciation Reserve     | 123589 |
| 1620        | Civilian Conservation Corps Earned Revenues   | 123590 |
| 2060        | General Services                              | 123591 |
| 5080        | Natural Resources Publications and Promotions | 123592 |
| 5190        | Burr Oak Water Plant                          | 123593 |
| 5250        | Reclamation Forfeiture                        | 123594 |
| 5300        | Surface Mining Reclamation                    | 123595 |
| 8800        | Cooperative Boat Harbor Project               | 123596 |
| 4B80        | Forestry Development                          | 123597 |
| 5F90        | Flood Reimbursement                           | 123598 |
| 81A0        | Wildlife Education                            | 123599 |
| R029        | Reclamation Fee                               | 123600 |
| R030        | Surface Mining Reclamation Fee                | 123601 |
| R040        | Wildlife Refunds                              | 123602 |
| 3280        | Federal Special Revenue                       | 123603 |
| 3P00        | Natural Areas and Preserves - Federal         | 123604 |
| 5K10        | Urban Forestry Grant                          | 123605 |
| 5150        | Conservancy District Organization             | 123606 |
| 6300        | Wild Animal                                   | 123607 |
| 3CH0        | Mined Land Set Aside                          | 123608 |

TRANSFER OF ELIMINATED DORMANT FUNDS 123609

The Watercraft Revolving Loan Fund (Fund 5AW0) is hereby 123610  
abolished. Any balance remaining in the fund as of July 1, 2013, 123611  
shall be transferred into the Waterways Safety Fund (Fund 7086) 123612

and appropriated to appropriation item 739401, Division of 123613  
Watercraft. 123614

The Division of Forestry Law Enforcement Fund (Fund 5EJ0) and 123615  
the Division of Natural Areas and Preserves Law Enforcement Fund 123616  
(Fund 5EK0) are hereby abolished. Any balance remaining in these 123617  
funds as of July 1, 2013, shall be transferred into the Park Law 123618  
Enforcement Fund (Fund 5EM0) and appropriated to appropriation 123619  
item 725613, Park Law Enforcement. 123620

**Section 335.10.** NUR STATE BOARD OF NURSING 123621

General Services Fund Group 123622

4K90 884609 Operating Expenses \$ 7,181,743 \$ 7,273,978 123623

5AC0 884602 Nurse Education Grant \$ 1,373,506 \$ 1,373,506 123624  
Program

5P80 884601 Nursing Special \$ 2,000 \$ 2,000 123625  
Issues

TOTAL GSF General Services 123626

Fund Group \$ 8,557,249 \$ 8,649,484 123627

TOTAL ALL BUDGET FUND GROUPS \$ 8,557,249 \$ 8,649,484 123628

**Section 337.10.** PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 123630  
AND ATHLETIC TRAINERS BOARD 123631

General Services Fund Group 123632

4K90 890609 Operating Expenses \$ 866,169 \$ 925,897 123633

TOTAL GSF General Services Fund \$ 866,169 \$ 925,897 123634  
Group

TOTAL ALL BUDGET FUND GROUPS \$ 866,169 \$ 925,897 123635

**Section 339.10.** OLA OHIOANA LIBRARY ASSOCIATION 123637

General Revenue Fund 123638

GRF 355501 Library Subsidy \$ 135,000 \$ 140,000 123639

TOTAL GRF General Revenue Fund \$ 135,000 \$ 140,000 123640

|                                                               |                       |    |             |    |             |        |
|---------------------------------------------------------------|-----------------------|----|-------------|----|-------------|--------|
| TOTAL ALL BUDGET FUND GROUPS                                  |                       | \$ | 135,000     | \$ | 140,000     | 123641 |
| <b>Section 340.10. RSC REHABILITATION SERVICES COMMISSION</b> |                       |    |             |    |             | 123643 |
| General Revenue Fund                                          |                       |    |             |    |             | 123644 |
| GRF 415402                                                    | Independent Living    | \$ | 252,000     | \$ | 252,000     | 123645 |
|                                                               | Council               |    |             |    |             |        |
| GRF 415406                                                    | Assistive Technology  | \$ | 26,618      | \$ | 26,618      | 123646 |
| GRF 415431                                                    | Office for People     | \$ | 126,567     | \$ | 126,567     | 123647 |
|                                                               | with Brain Injury     |    |             |    |             |        |
| GRF 415506                                                    | Services for People   | \$ | 15,277,885  | \$ | 15,277,885  | 123648 |
|                                                               | with Disabilities     |    |             |    |             |        |
| GRF 415508                                                    | Services for the Deaf | \$ | 28,000      | \$ | 28,000      | 123649 |
| GRF 415510                                                    | Telephone and Radio   | \$ | 245,000     | \$ | 245,000     | 123650 |
|                                                               | Reading Services      |    |             |    |             |        |
| TOTAL GRF General Revenue Fund                                |                       | \$ | 15,956,070  | \$ | 15,956,070  | 123651 |
| General Services Fund Group                                   |                       |    |             |    |             | 123652 |
| 4670 415609                                                   | Business Enterprise   | \$ | 962,538     | \$ | 965,481     | 123653 |
|                                                               | Operating Expenses    |    |             |    |             |        |
| TOTAL GSF General Services                                    |                       |    |             |    |             | 123654 |
| Fund Group                                                    |                       | \$ | 962,538     | \$ | 965,481     | 123655 |
| Federal Special Revenue Fund Group                            |                       |    |             |    |             | 123656 |
| 3170 415620                                                   | Disability            | \$ | 83,332,186  | \$ | 84,641,911  | 123657 |
|                                                               | Determination         |    |             |    |             |        |
| 3790 415616                                                   | Federal - Vocational  | \$ | 117,431,895 | \$ | 113,610,728 | 123658 |
|                                                               | Rehabilitation        |    |             |    |             |        |
| 3L10 415601                                                   | Social Security       | \$ | 2,748,451   | \$ | 2,752,396   | 123659 |
|                                                               | Personal Care         |    |             |    |             |        |
|                                                               | Assistance            |    |             |    |             |        |
| 3L10 415605                                                   | Social Security       | \$ | 772,000     | \$ | 772,000     | 123660 |
|                                                               | Community Centers for |    |             |    |             |        |
|                                                               | the Deaf              |    |             |    |             |        |
| 3L10 415608                                                   | Social Security       | \$ | 445,258     | \$ | 498,269     | 123661 |



|                              |                     |                                                                     |    |             |    |             |        |
|------------------------------|---------------------|---------------------------------------------------------------------|----|-------------|----|-------------|--------|
|                              | Special             |                                                                     |    |             |    |             |        |
|                              | Programs/Assistance |                                                                     |    |             |    |             |        |
| 3L40                         | 415612              | Federal Independent                                                 | \$ | 638,431     | \$ | 638,431     | 123662 |
|                              |                     | Living Centers or                                                   |    |             |    |             |        |
|                              |                     | Services                                                            |    |             |    |             |        |
| 3L40                         | 415615              | Federal - Supported                                                 | \$ | 916,727     | \$ | 916,727     | 123663 |
|                              |                     | Employment                                                          |    |             |    |             |        |
| 3L40                         | 415617              | Independent                                                         | \$ | 1,548,658   | \$ | 1,348,658   | 123664 |
|                              |                     | Living/Vocational                                                   |    |             |    |             |        |
|                              |                     | Rehabilitation                                                      |    |             |    |             |        |
|                              |                     | Programs                                                            |    |             |    |             |        |
| TOTAL FED                    |                     | Federal Special                                                     |    |             |    |             | 123665 |
| Revenue Fund Group           |                     |                                                                     | \$ | 207,833,606 | \$ | 205,179,120 | 123666 |
| State Special                |                     | Revenue Fund Group                                                  |    |             |    |             | 123667 |
| 4680                         | 415618              | Third Party Funding                                                 | \$ | 11,000,000  | \$ | 11,000,000  | 123668 |
| 4L10                         | 415619              | Services for                                                        | \$ | 3,502,168   | \$ | 3,502,168   | 123669 |
|                              |                     | Rehabilitation                                                      |    |             |    |             |        |
| 4W50                         | 415606              | Program Management                                                  | \$ | 12,369,751  | \$ | 12,594,758  | 123670 |
|                              |                     | Expenses                                                            |    |             |    |             |        |
| TOTAL SSR                    |                     | State Special                                                       |    |             |    |             | 123671 |
| Revenue Fund Group           |                     |                                                                     | \$ | 26,871,919  | \$ | 27,096,926  | 123672 |
| TOTAL ALL BUDGET FUND GROUPS |                     |                                                                     | \$ | 251,624,133 | \$ | 249,197,597 | 123673 |
|                              |                     | INDEPENDENT LIVING COUNCIL                                          |    |             |    |             | 123674 |
|                              |                     | The foregoing appropriation item 415402, Independent Living         |    |             |    |             | 123675 |
|                              |                     | Council, shall be used to fund the operations of the State          |    |             |    |             | 123676 |
|                              |                     | Independent Living Council and to support state independent living  |    |             |    |             | 123677 |
|                              |                     | centers and independent living services under Title VII of the      |    |             |    |             | 123678 |
|                              |                     | Independent Living Services and Centers for Independent Living of   |    |             |    |             | 123679 |
|                              |                     | the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29       |    |             |    |             | 123680 |
|                              |                     | U.S.C. 796d.                                                        |    |             |    |             | 123681 |
|                              |                     | Of the foregoing appropriation item 415402, Independent             |    |             |    |             | 123682 |
|                              |                     | Living Council, \$67,662 in each fiscal year shall be used as state |    |             |    |             | 123683 |

|                                                                                                                                                                                                                                                                                                 |                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| matching funds for vocational rehabilitation innovation and expansion activities.                                                                                                                                                                                                               | 123684<br>123685                               |
| ASSISTIVE TECHNOLOGY                                                                                                                                                                                                                                                                            | 123686                                         |
| The total amount of the foregoing appropriation item 415406, Assistive Technology, shall be provided to Assistive Technology of Ohio to provide grants and assistive technology services for people with disabilities in the State of Ohio.                                                     | 123687<br>123688<br>123689<br>123690           |
| OFFICE FOR PEOPLE WITH BRAIN INJURY                                                                                                                                                                                                                                                             | 123691                                         |
| The foregoing appropriation item 415431, Office for People with Brain Injury, shall be used to plan and coordinate head-injury-related services provided by state agencies and other government or private entities, to assess the needs for such services, and to set priorities in this area. | 123692<br>123693<br>123694<br>123695<br>123696 |
| Of the foregoing appropriation item 415431, Office for People with Brain Injury, \$44,067 in each fiscal year shall be used as state matching funds to provide vocational rehabilitation services to eligible consumers.                                                                        | 123697<br>123698<br>123699<br>123700           |
| VOCATIONAL REHABILITATION SERVICES                                                                                                                                                                                                                                                              | 123701                                         |
| The foregoing appropriation item 415506, Services for People with Disabilities, shall be used as state matching funds to provide vocational rehabilitation services to eligible consumers.                                                                                                      | 123702<br>123703<br>123704                     |
| SERVICES FOR THE DEAF                                                                                                                                                                                                                                                                           | 123705                                         |
| The foregoing appropriation item 415508, Services for the Deaf, shall be used to provide grants to community centers for the deaf.                                                                                                                                                              | 123706<br>123707<br>123708                     |
| INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS                                                                                                                                                                                                                                           | 123709                                         |
| The foregoing appropriation item 415617, Independent Living/Vocational Rehabilitation Programs, shall be used to support vocational rehabilitation programs.                                                                                                                                    | 123710<br>123711<br>123712                     |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| SOCIAL SECURITY REIMBURSEMENT FUNDS                                                                                                                                                                                                                                                                                                                                                                                                                            | 123713                                                                       |
| Reimbursement funds received from the Social Security Administration, United States Department of Health and Human Services, for the costs of providing services and training to return disability recipients to gainful employment shall be expended from the Social Security Reimbursement Fund (Fund 3L10), to the extent funds are available, as follows:                                                                                                  | 123714<br>123715<br>123716<br>123717<br>123718<br>123719                     |
| (A) Appropriation item 415601, Social Security Personal Care Assistance, to provide personal care services in accordance with section 3304.41 of the Revised Code;                                                                                                                                                                                                                                                                                             | 123720<br>123721<br>123722                                                   |
| (B) Appropriation item 415605, Social Security Community Centers for the Deaf, to provide grants to community centers for the deaf in Ohio for services to individuals with hearing impairments; and                                                                                                                                                                                                                                                           | 123723<br>123724<br>123725<br>123726                                         |
| (C) Appropriation item 415608, Social Security Special Programs/Assistance, to provide vocational rehabilitation services to individuals with severe disabilities who are Social Security beneficiaries, to enable them to achieve competitive employment. This appropriation item shall also be used to pay a portion of indirect costs of the Personal Care Assistance Program and the Independent Living Programs as mandated by federal OMB Circular A-87. | 123727<br>123728<br>123729<br>123730<br>123731<br>123732<br>123733<br>123734 |
| PROGRAM MANAGEMENT EXPENSES                                                                                                                                                                                                                                                                                                                                                                                                                                    | 123735                                                                       |
| The foregoing appropriation item 415606, Program Management Expenses, shall be used to support the administrative functions of the commission related to the provision of vocational rehabilitation, disability determination services, and ancillary programs.                                                                                                                                                                                                | 123736<br>123737<br>123738<br>123739<br>123740                               |
| ETECH OHIO COMMISSION APPROPRIATION LINE ITEM TRANSFER                                                                                                                                                                                                                                                                                                                                                                                                         | 123741                                                                       |
| Effective July 1, 2013, the Director of Budget and Management                                                                                                                                                                                                                                                                                                                                                                                                  | 123742                                                                       |

shall cancel any existing encumbrances against appropriation item 123743  
 935410, Content Development, Acquisition, and Distribution, and 123744  
 re-establish them, as determined to be appropriate by the Director 123745  
 of Budget and Management, against appropriation item 415510, 123746  
 Telephone and Radio Reading Services. The re-established 123747  
 encumbrance amounts are hereby appropriated. Any business 123748  
 commenced but not completed under appropriation item 935410, 123749  
 Content Development, Acquisition, and Distribution, by July 1, 123750  
 2013, shall be completed, as determined to be appropriate by the 123751  
 Director of Budget and Management, under appropriation item 123752  
 415510, Telephone and Radio Reading Services, in the same manner 123753  
 and with the same effect as if it were completed with regard to 123754  
 appropriation item 935410, Content Development, Acquisition, and 123755  
 Distribution. 123756

**Section 341.10.** ODB OHIO OPTICAL DISPENSERS BOARD 123757

General Services Fund Group 123758  
 4K90 894609 Operating Expenses \$ 366,000 \$ 365,000 123759  
 TOTAL GSF General Services 123760  
 Fund Group \$ 366,000 \$ 365,000 123761  
 TOTAL ALL BUDGET FUND GROUPS \$ 366,000 \$ 365,000 123762

**Section 343.10.** OPT STATE BOARD OF OPTOMETRY 123764

General Services Fund Group 123765  
 4K90 885609 Operating Expenses \$ 347,278 \$ 347,278 123766  
 TOTAL GSF General Services 123767  
 Fund Group \$ 347,278 \$ 347,278 123768  
 TOTAL ALL BUDGET FUND GROUPS \$ 347,278 \$ 347,278 123769

**Section 345.10.** OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, 123771  
 AND PEDORTHICS 123772  
 General Services Fund Group 123773

|                              |                    |    |         |    |         |        |
|------------------------------|--------------------|----|---------|----|---------|--------|
| 4K90 973609                  | Operating Expenses | \$ | 135,677 | \$ | 140,846 | 123774 |
| TOTAL GSF General Services   |                    |    |         |    |         | 123775 |
| Fund Group                   |                    | \$ | 135,677 | \$ | 140,846 | 123776 |
| TOTAL ALL BUDGET FUND GROUPS |                    |    |         |    |         | 123777 |

**Section 347.10.** UST PETROLEUM UNDERGROUND STORAGE TANK 123778

|                                  |               |    |           |    |           |        |
|----------------------------------|---------------|----|-----------|----|-----------|--------|
| RELEASE COMPENSATION BOARD       |               |    |           |    |           | 123779 |
| State Special Revenue Fund Group |               |    |           |    |           | 123780 |
| 6910 810632                      | PUSTRCB Staff | \$ | 1,233,249 | \$ | 1,252,202 | 123781 |
| TOTAL SSR State Special Revenue  |               |    |           |    |           | 123782 |
| Fund Group                       |               | \$ | 1,233,249 | \$ | 1,252,202 | 123783 |
| TOTAL ALL BUDGET FUND GROUPS     |               |    |           |    |           | 123784 |

**Section 349.10.** PRX STATE BOARD OF PHARMACY 123786

|                                    |                      |    |           |    |           |        |
|------------------------------------|----------------------|----|-----------|----|-----------|--------|
| General Services Fund Group        |                      |    |           |    |           | 123787 |
| 4A50 887605                        | Drug Law Enforcement | \$ | 150,000   | \$ | 150,000   | 123788 |
| 4K90 887609                        | Operating Expenses   | \$ | 6,701,285 | \$ | 6,701,285 | 123789 |
| TOTAL GSF General Services Fund    |                      |    |           |    |           | 123790 |
| Group                              |                      |    |           |    |           |        |
| Federal Special Revenue Fund Group |                      |    |           |    |           | 123791 |
| 3BC0 887604                        | Dangerous Drugs      | \$ | 390,869   | \$ | 0         | 123792 |
| Database                           |                      |    |           |    |           |        |
| 3CT0 887606                        | 2008                 | \$ | 224,691   | \$ | 112,346   | 123793 |
| Developing/Enhancing               |                      |    |           |    |           |        |
| PMP                                |                      |    |           |    |           |        |
| 3DV0 887607                        | Enhancing Ohio's PMP | \$ | 2,000     | \$ | 2,000     | 123794 |
| 3EY0 887603                        | Administration of    | \$ | 66,335    | \$ | 0         | 123795 |
| PMIX Hub                           |                      |    |           |    |           |        |
| TOTAL FED Federal Special Revenue  |                      |    |           |    |           | 123796 |
| Fund Group                         |                      |    |           |    |           |        |
| TOTAL ALL BUDGET FUND GROUPS       |                      |    |           |    |           | 123797 |

**Section 351.10.** PSY STATE BOARD OF PSYCHOLOGY 123799

|                                                                |    |            |    |            |        |
|----------------------------------------------------------------|----|------------|----|------------|--------|
| General Services Fund Group                                    |    |            |    |            | 123800 |
| 4K90 882609 Operating Expenses                                 | \$ | 548,000    | \$ | 571,000    | 123801 |
| TOTAL GSF General Services                                     |    |            |    |            | 123802 |
| Fund Group                                                     | \$ | 548,000    | \$ | 571,000    | 123803 |
| TOTAL ALL BUDGET FUND GROUPS                                   | \$ | 548,000    | \$ | 571,000    | 123804 |
| <br><b>Section 353.10. PUB OHIO PUBLIC DEFENDER COMMISSION</b> |    |            |    |            | 123806 |
| General Revenue Fund                                           |    |            |    |            | 123807 |
| GRF 019401 State Legal Defense                                 | \$ | 3,020,855  | \$ | 3,020,855  | 123808 |
| Services                                                       |    |            |    |            |        |
| GRF 019403 Multi-County: State                                 | \$ | 1,237,318  | \$ | 1,250,824  | 123809 |
| Share                                                          |    |            |    |            |        |
| GRF 019404 Trumbull County -                                   | \$ | 354,743    | \$ | 359,631    | 123810 |
| State Share                                                    |    |            |    |            |        |
| GRF 019405 Training Account                                    | \$ | 50,000     | \$ | 50,000     | 123811 |
| GRF 019501 County Reimbursement                                | \$ | 9,768,050  | \$ | 9,885,175  | 123812 |
| TOTAL GRF General Revenue Fund                                 | \$ | 14,430,966 | \$ | 14,566,485 | 123813 |
| General Services Fund Group                                    |    |            |    |            | 123814 |
| 4070 019604 County Representation                              | \$ | 351,149    | \$ | 354,248    | 123815 |
| 4080 019605 Client Payments                                    | \$ | 725,144    | \$ | 722,931    | 123816 |
| 5CX0 019617 Civil Case Filing Fee                              | \$ | 532,136    | \$ | 528,476    | 123817 |
| TOTAL GSF General Services                                     |    |            |    |            | 123818 |
| Fund Group                                                     | \$ | 1,608,429  | \$ | 1,605,655  | 123819 |
| Federal Special Revenue Fund Group                             |    |            |    |            | 123820 |
| 3FX0 019621 Wrongful Conviction                                | \$ | 103,950    | \$ | 103,950    | 123821 |
| Program                                                        |    |            |    |            |        |
| 3S80 019608 Federal                                            | \$ | 204,706    | \$ | 202,942    | 123822 |
| Representation                                                 |    |            |    |            |        |
| TOTAL FED Federal Special Revenue                              |    |            |    |            | 123823 |
| Fund Group                                                     | \$ | 308,656    | \$ | 306,892    | 123824 |
| State Special Revenue Fund Group                               |    |            |    |            | 123825 |

|                                                                                                                                                                                                                                                                                                                                                                                    |                                              |    |            |    |            |                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|----|------------|----|------------|----------------------------------------------------------|
| 4C70 019601                                                                                                                                                                                                                                                                                                                                                                        | Multi-County: County Share                   | \$ | 2,297,876  | \$ | 2,322,959  | 123826                                                   |
| 4X70 019610                                                                                                                                                                                                                                                                                                                                                                        | Trumbull County - County Share               | \$ | 658,809    | \$ | 667,887    | 123827                                                   |
| 5740 019606                                                                                                                                                                                                                                                                                                                                                                        | Civil Legal Aid                              | \$ | 20,000,000 | \$ | 20,000,000 | 123828                                                   |
| 5DY0 019618                                                                                                                                                                                                                                                                                                                                                                        | Indigent Defense Support - County Share      | \$ | 40,320,991 | \$ | 41,191,285 | 123829                                                   |
| 5DY0 019619                                                                                                                                                                                                                                                                                                                                                                        | Indigent Defense Support Fund - State Office | \$ | 5,186,329  | \$ | 5,612,719  | 123830                                                   |
| TOTAL SSR State Special Revenue                                                                                                                                                                                                                                                                                                                                                    |                                              |    |            |    |            | 123831                                                   |
| Fund Group                                                                                                                                                                                                                                                                                                                                                                         |                                              | \$ | 68,464,005 | \$ | 69,794,850 | 123832                                                   |
| TOTAL ALL BUDGET FUND GROUPS                                                                                                                                                                                                                                                                                                                                                       |                                              |    |            |    |            | 123833                                                   |
| INDIGENT DEFENSE OFFICE                                                                                                                                                                                                                                                                                                                                                            |                                              |    |            |    |            | 123834                                                   |
| The foregoing appropriation items 019404, Trumbull County - State Share, and 019610, Trumbull County - County Share, shall be used to support an indigent defense office for Trumbull County.                                                                                                                                                                                      |                                              |    |            |    |            | 123835<br>123836<br>123837                               |
| MULTI-COUNTY OFFICE                                                                                                                                                                                                                                                                                                                                                                |                                              |    |            |    |            | 123838                                                   |
| The foregoing appropriation items 019403, Multi-County: State Share, and 019601, Multi-County: County Share, shall be used to support the Office of the Ohio Public Defender's Multi-County Branch Office Program.                                                                                                                                                                 |                                              |    |            |    |            | 123839<br>123840<br>123841<br>123842                     |
| TRAINING ACCOUNT                                                                                                                                                                                                                                                                                                                                                                   |                                              |    |            |    |            | 123843                                                   |
| The foregoing appropriation item 019405, Training Account, shall be used by the Ohio Public Defender to provide legal training programs at no cost for private appointed counsel who represent at least one indigent defendant at no cost and for state and county public defenders and attorneys who contract with the Ohio Public Defender to provide indigent defense services. |                                              |    |            |    |            | 123844<br>123845<br>123846<br>123847<br>123848<br>123849 |
| FEDERAL REPRESENTATION                                                                                                                                                                                                                                                                                                                                                             |                                              |    |            |    |            | 123850                                                   |

The foregoing appropriation item 019608, Federal Representation, shall be used to receive reimbursements from the federal courts when the Ohio Public Defender provides representation in federal court cases and to support representation in such cases.

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123855

**Section 355.10.** DPS DEPARTMENT OF PUBLIC SAFETY

123856

General Revenue Fund

123857

GRF 767420 Investigative Unit - \$ 10,500,000 \$ 10,500,000 123858

Operating

TOTAL GRF General Revenue Fund \$ 10,500,000 \$ 10,500,000 123859

TOTAL ALL BUDGET FUND GROUPS \$ 10,500,000 \$ 10,500,000 123860

**Section 357.10.** PUC PUBLIC UTILITIES COMMISSION OF OHIO

123862

General Services Fund Group

123863

5BP0 870623 Wireless 9-1-1 Administration \$ 18,035,000 \$ 0 123864

Administration

5F60 870622 Utility and Railroad Regulation \$ 30,619,708 \$ 30,619,708 123865

Regulation

5F60 870624 NARUC/NRRI Subsidy \$ 85,000 \$ 85,000 123866

5Q50 870626 Telecommunications Relay Service \$ 5,000,000 \$ 5,000,000 123867

Relay Service

TOTAL GSF General Services Fund Group 123868

Fund Group \$ 53,739,708 \$ 35,704,708 123869

Federal Special Revenue Fund Group

123870

3330 870601 Gas Pipeline Safety \$ 597,959 \$ 597,959 123871

3500 870608 Motor Carrier Safety \$ 7,351,660 \$ 7,351,660 123872

3EA0 870630 Energy Assurance Planning \$ 192,001 \$ 0 123873

Planning

3ED0 870631 State Regulators Assistance \$ 115,912 \$ 0 123874

Assistance

3V30 870604 Commercial Vehicle \$ 100,000 \$ 100,000 123875



|                                                    |    |             |                |        |
|----------------------------------------------------|----|-------------|----------------|--------|
| Information                                        |    |             |                |        |
| Systems/Networks                                   |    |             |                |        |
| TOTAL FED Federal Special Revenue                  |    |             |                | 123876 |
| Fund Group                                         | \$ | 8,357,532   | \$ 8,049,619   | 123877 |
| State Special Revenue Fund Group                   |    |             |                | 123878 |
| 4A30 870614 Grade Crossing                         | \$ | 1,347,357   | \$ 1,347,357   | 123879 |
| Protection                                         |    |             |                |        |
| Devices-State                                      |    |             |                |        |
| 4L80 870617 Pipeline Safety-State                  | \$ | 331,992     | \$ 331,992     | 123880 |
| 5610 870606 Power Siting Board                     | \$ | 581,618     | \$ 581,618     | 123881 |
| 5LT0 870640 Intrastate                             | \$ | 180,000     | \$ 180,000     | 123882 |
| Registration                                       |    |             |                |        |
| 5LT0 870641 Unified Carrier                        | \$ | 420,000     | \$ 420,000     | 123883 |
| Registration                                       |    |             |                |        |
| 5LT0 870642 Hazardous Materials                    | \$ | 743,346     | \$ 753,346     | 123884 |
| Registration                                       |    |             |                |        |
| 5LT0 870643 Nonhazardous Materials                 | \$ | 277,496     | \$ 277,496     | 123885 |
| Civil Forfeiture                                   |    |             |                |        |
| 5LT0 870644 Hazardous Materials                    | \$ | 898,800     | \$ 898,800     | 123886 |
| Civil Forfeiture                                   |    |             |                |        |
| 5LT0 870645 Motor Carrier                          | \$ | 4,768,453   | \$ 4,709,592   | 123887 |
| Enforcement                                        |    |             |                |        |
| TOTAL SSR State Special Revenue                    |    |             |                | 123888 |
| Fund Group                                         | \$ | 9,549,062   | \$ 9,500,201   | 123889 |
| TOTAL ALL BUDGET FUND GROUPS                       | \$ | 71,646,302  | \$ 53,254,528  | 123890 |
| <br>                                               |    |             |                |        |
| <b>Section 359.10. PWC PUBLIC WORKS COMMISSION</b> |    |             |                | 123892 |
| General Revenue Fund                               |    |             |                | 123893 |
| GRF 150904 Conservation General                    | \$ | 33,376,600  | \$ 34,447,700  | 123894 |
| Obligation Debt                                    |    |             |                |        |
| Service                                            |    |             |                |        |
| GRF 150907 State Capital                           | \$ | 227,810,300 | \$ 228,948,900 | 123895 |

|                                                                    |    |             |                       |
|--------------------------------------------------------------------|----|-------------|-----------------------|
| Improvements General                                               |    |             |                       |
| Obligation Debt                                                    |    |             |                       |
| Service                                                            |    |             |                       |
| TOTAL GRF General Revenue Fund                                     | \$ | 261,186,900 | \$ 263,396,600 123896 |
| Clean Ohio Conservation Fund Group                                 |    |             | 123897                |
| 7056 150403 Clean Ohio Operating                                   | \$ | 288,980     | \$ 288,980 123898     |
| Expenses                                                           |    |             |                       |
| TOTAL 056 Clean Ohio Conservation                                  | \$ | 288,980     | \$ 288,980 123899     |
| Fund Group                                                         |    |             |                       |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 261,475,880 | \$ 263,685,580 123900 |
| CONSERVATION GENERAL OBLIGATION DEBT SERVICE                       |    |             | 123901                |
| The foregoing appropriation item 150904, Conservation General      |    |             | 123902                |
| Obligation Debt Service, shall be used to pay all debt service and |    |             | 123903                |
| related financing costs during the period from July 1, 2013,       |    |             | 123904                |
| through June 30, 2015, at the times they are required to be made   |    |             | 123905                |
| for obligations issued under sections 151.01 and 151.09 of the     |    |             | 123906                |
| Revised Code.                                                      |    |             | 123907                |
| STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE         |    |             | 123908                |
| The foregoing appropriation item 150907, State Capital             |    |             | 123909                |
| Improvements General Obligation Debt Service, shall be used to pay |    |             | 123910                |
| all debt service and related financing costs during the period     |    |             | 123911                |
| from July 1, 2013, through June 30, 2015, at the times they are    |    |             | 123912                |
| required to be made for obligations issued under sections 151.01   |    |             | 123913                |
| and 151.08 of the Revised Code.                                    |    |             | 123914                |
| CLEAN OHIO OPERATING EXPENSES                                      |    |             | 123915                |
| The foregoing appropriation item 150403, Clean Ohio Operating      |    |             | 123916                |
| Expenses, shall be used by the Ohio Public Works Commission in     |    |             | 123917                |
| administering Clean Ohio Conservation Fund (Fund 7056) projects    |    |             | 123918                |
| pursuant to sections 164.20 to 164.27 of the Revised Code.         |    |             | 123919                |
| <b>Section 361.10. RAC STATE RACING COMMISSION</b>                 |    |             | 123920                |

|                                             |    |            |    |            |        |
|---------------------------------------------|----|------------|----|------------|--------|
| State Special Revenue Fund Group            |    |            |    |            | 123921 |
| 5620 875601 Thoroughbred Race               | \$ | 1,696,456  | \$ | 1,696,456  | 123922 |
| Fund                                        |    |            |    |            |        |
| 5630 875602 Standardbred                    | \$ | 1,697,452  | \$ | 1,697,452  | 123923 |
| Development Fund                            |    |            |    |            |        |
| 5640 875603 Quarter Horse                   | \$ | 1,000      | \$ | 1,000      | 123924 |
| Development Fund                            |    |            |    |            |        |
| 5650 875604 Racing Commission               | \$ | 2,934,178  | \$ | 2,934,178  | 123925 |
| Operating                                   |    |            |    |            |        |
| 5C40 875607 Simulcast Horse                 | \$ | 12,000,000 | \$ | 12,000,000 | 123926 |
| Racing Purse                                |    |            |    |            |        |
| 5JK0 875610 Racing Commission               | \$ | 10,000,000 | \$ | 10,000,000 | 123927 |
| Fund                                        |    |            |    |            |        |
| TOTAL SSR State Special Revenue             |    |            |    |            | 123928 |
| Fund Group                                  | \$ | 28,329,086 | \$ | 28,329,086 | 123929 |
| Holding Account Redistribution Fund Group   |    |            |    |            | 123930 |
| R021 875605 Bond Reimbursements             | \$ | 100,000    | \$ | 100,000    | 123931 |
| TOTAL 090 Holding Account                   |    |            |    |            | 123932 |
| Redistribution                              |    |            |    |            |        |
| Fund Group                                  | \$ | 100,000    | \$ | 100,000    | 123933 |
| TOTAL ALL BUDGET FUND GROUPS                | \$ | 28,429,086 | \$ | 28,429,086 | 123934 |
| <b>Section 363.10. BOR BOARD OF REGENTS</b> |    |            |    |            | 123936 |
| General Revenue Fund                        |    |            |    |            | 123937 |
| GRF 235321 Operating Expenses               | \$ | 2,850,357  | \$ | 2,850,357  | 123938 |
| GRF 235401 Lease Rental Payments            | \$ | 5,805,300  | \$ | 0          | 123939 |
| GRF 235402 Sea Grants                       | \$ | 285,000    | \$ | 285,000    | 123940 |
| GRF 235406 Articulation and                 | \$ | 2,000,000  | \$ | 2,000,000  | 123941 |
| Transfer                                    |    |            |    |            |        |
| GRF 235408 Midwest Higher                   | \$ | 95,000     | \$ | 95,000     | 123942 |
| Education Compact                           |    |            |    |            |        |
| GRF 235409 HEI Information System           | \$ | 1,505,683  | \$ | 1,505,683  | 123943 |

|            |                                                           |    |            |    |            |        |
|------------|-----------------------------------------------------------|----|------------|----|------------|--------|
| GRF 235414 | State Grants and<br>Scholarship<br>Administration         | \$ | 830,180    | \$ | 830,180    | 123944 |
| GRF 235417 | eStudent Services                                         | \$ | 2,532,688  | \$ | 2,532,688  | 123945 |
| GRF 235428 | Appalachian New<br>Economy Partnership                    | \$ | 737,366    | \$ | 737,366    | 123946 |
| GRF 235433 | Economic Growth<br>Challenge                              | \$ | 521,153    | \$ | 521,153    | 123947 |
| GRF 235438 | Choose Ohio First<br>Scholarship                          | \$ | 16,665,114 | \$ | 16,665,114 | 123948 |
| GRF 235443 | Adult Basic and<br>Literacy Education -<br>State          | \$ | 7,427,416  | \$ | 7,427,416  | 123949 |
| GRF 235444 | Post-Secondary Adult<br>Career-Technical<br>Education     | \$ | 15,317,547 | \$ | 15,317,547 | 123950 |
| GRF 235474 | Area Health Education<br>Centers Program<br>Support       | \$ | 900,000    | \$ | 900,000    | 123951 |
| GRF 235478 | Statehouse News Bureau                                    | \$ | 215,561    | \$ | 215,561    | 123952 |
| GRF 235479 | Ohio Government<br>Telecommunications<br>Services         | \$ | 1,002,089  | \$ | 1,002,089  | 123953 |
| GRF 235480 | General Technology<br>Operations                          | \$ | 1,254,193  | \$ | 1,254,193  | 123954 |
| GRF 235481 | Technology Operations                                     | \$ | 2,091,823  | \$ | 2,091,823  | 123955 |
| GRF 235482 | Content Development,<br>Acquisition, and<br>Distribution  | \$ | 2,362,094  | \$ | 2,362,094  | 123956 |
| GRF 235483 | Technology Integration<br>and Professional<br>Development | \$ | 2,378,598  | \$ | 2,378,598  | 123957 |
| GRF 235484 | Information Technology                                    | \$ | 577,006    | \$ | 577,006    | 123958 |

|            |                                                          |                  |                  |        |
|------------|----------------------------------------------------------|------------------|------------------|--------|
| GRF 235501 | State Share of<br>Instruction                            | \$ 1,784,225,497 | \$ 1,818,225,497 | 123959 |
| GRF 235502 | Student Support<br>Services                              | \$ 632,974       | \$ 632,974       | 123960 |
| GRF 235504 | War Orphans<br>Scholarships                              | \$ 5,500,000     | \$ 5,500,000     | 123961 |
| GRF 235505 | State Share of<br>Instruction Bridge<br>Funding          | \$ 8,095,005     | \$ 0             | 123962 |
| GRF 235507 | OhioLINK                                                 | \$ 6,211,012     | \$ 6,211,012     | 123963 |
| GRF 235508 | Air Force Institute of<br>Technology                     | \$ 1,740,803     | \$ 1,740,803     | 123964 |
| GRF 235510 | Ohio Supercomputer<br>Center                             | \$ 3,747,418     | \$ 3,747,418     | 123965 |
| GRF 235511 | Cooperative Extension<br>Service                         | \$ 23,086,658    | \$ 23,056,658    | 123966 |
| GRF 235514 | Central State<br>Supplement                              | \$ 11,063,468    | \$ 11,063,468    | 123967 |
| GRF 235515 | Case Western Reserve<br>University School of<br>Medicine | \$ 2,146,253     | \$ 2,146,253     | 123968 |
| GRF 235519 | Family Practice                                          | \$ 3,166,185     | \$ 3,166,185     | 123969 |
| GRF 235520 | Shawnee State<br>Supplement                              | \$ 2,326,097     | \$ 2,326,097     | 123970 |
| GRF 235524 | Police and Fire<br>Protection                            | \$ 107,814       | \$ 107,814       | 123971 |
| GRF 235525 | Geriatric Medicine                                       | \$ 522,151       | \$ 522,151       | 123972 |
| GRF 235526 | Primary Care<br>Residencies                              | \$ 1,500,000     | \$ 1,500,000     | 123973 |
| GRF 235535 | Ohio Agricultural<br>Research and<br>Development Center  | \$ 34,126,100    | \$ 34,126,100    | 123974 |
| GRF 235536 | The Ohio State                                           | \$ 9,668,941     | \$ 9,668,941     | 123975 |

|            |                                                     |    |               |    |               |        |
|------------|-----------------------------------------------------|----|---------------|----|---------------|--------|
|            | University Clinical Teaching                        |    |               |    |               |        |
| GRF 235537 | University of Cincinnati Clinical Teaching          | \$ | 7,952,573     | \$ | 7,952,573     | 123976 |
| GRF 235538 | University of Toledo Clinical Teaching              | \$ | 6,198,600     | \$ | 6,198,600     | 123977 |
| GRF 235539 | Wright State University Clinical Teaching           | \$ | 3,011,400     | \$ | 3,011,400     | 123978 |
| GRF 235540 | Ohio University Clinical Teaching                   | \$ | 2,911,212     | \$ | 2,911,212     | 123979 |
| GRF 235541 | Northeast Ohio Medical University Clinical Teaching | \$ | 2,994,178     | \$ | 2,994,178     | 123980 |
| GRF 235552 | Capital Component                                   | \$ | 13,628,639    | \$ | 10,280,387    | 123981 |
| GRF 235555 | Library Depositories                                | \$ | 1,440,342     | \$ | 1,440,342     | 123982 |
| GRF 235556 | Ohio Academic Resources Network                     | \$ | 3,172,519     | \$ | 3,172,519     | 123983 |
| GRF 235558 | Long-term Care Research                             | \$ | 195,300       | \$ | 195,300       | 123984 |
| GRF 235563 | Ohio College Opportunity Grant                      | \$ | 89,126,474    | \$ | 89,126,474    | 123985 |
| GRF 235572 | The Ohio State University Clinic Support            | \$ | 766,533       | \$ | 766,533       | 123986 |
| GRF 235599 | National Guard Scholarship Program                  | \$ | 16,711,514    | \$ | 17,384,511    | 123987 |
| GRF 235909 | Higher Education General Obligation Debt Service    | \$ | 221,168,700   | \$ | 248,822,000   | 123988 |
| TOTAL GRF  | General Revenue Fund                                | \$ | 2,334,498,528 | \$ | 2,379,546,268 | 123989 |
|            | General Services Fund Group                         |    |               |    |               | 123990 |

|                                    |        |                                                             |    |            |    |            |        |
|------------------------------------|--------|-------------------------------------------------------------|----|------------|----|------------|--------|
| 2200                               | 235614 | Program Approval and<br>Reauthorization                     | \$ | 903,595    | \$ | 903,595    | 123991 |
| 4560                               | 235603 | Sales and Services                                          | \$ | 199,250    | \$ | 199,250    | 123992 |
| 4F30                               | 235679 | Affiliate Services                                          | \$ | 50,000     | \$ | 50,000     | 123993 |
| 4T20                               | 235680 | Government<br>Television/Telecommunications<br>Operating    | \$ | 25,000     | \$ | 25,000     | 123994 |
| 5JC0                               | 235649 | Co-op Internship<br>Program                                 | \$ | 8,000,000  | \$ | 8,000,000  | 123995 |
| TOTAL GSF General Services         |        |                                                             |    |            |    |            | 123996 |
| Fund Group                         |        |                                                             | \$ | 9,177,845  | \$ | 3,177,845  | 123997 |
| Federal Special Revenue Fund Group |        |                                                             |    |            |    |            | 123998 |
| 3120                               | 235612 | Carl D. Perkins<br>Grant/Plan<br>Administration             | \$ | 1,350,000  | \$ | 1,350,000  | 123999 |
| 3120                               | 235617 | Improving Teacher<br>Quality Grant                          | \$ | 3,200,000  | \$ | 3,200,000  | 124000 |
| 3120                               | 235641 | Adult Basic and<br>Literacy Education -<br>Federal          | \$ | 14,835,671 | \$ | 14,835,671 | 124001 |
| 3120                               | 235672 | H-1B Tech Skills<br>Training                                | \$ | 1,100,000  | \$ | 1,100,000  | 124002 |
| 3BW0                               | 235630 | Indirect Cost<br>Recovery - Federal                         | \$ | 50,000     | \$ | 50,000     | 124003 |
| 3H20                               | 235608 | Human Services<br>Project                                   | \$ | 1,000,000  | \$ | 1,000,000  | 124004 |
| TOTAL FED Federal Special Revenue  |        |                                                             |    |            |    |            | 124005 |
| Fund Group                         |        |                                                             | \$ | 21,535,671 | \$ | 21,535,671 | 124006 |
| State Special Revenue Fund Group   |        |                                                             |    |            |    |            | 124007 |
| 4E80                               | 235602 | Higher Educational<br>Facility Commission<br>Administration | \$ | 29,100     | \$ | 29,100     | 124008 |

|                                                               |        |                                           |    |               |    |               |        |
|---------------------------------------------------------------|--------|-------------------------------------------|----|---------------|----|---------------|--------|
| 4X10                                                          | 235674 | Telecommunity and<br>Distance Learning    | \$ | 49,150        | \$ | 49,150        | 124009 |
| 5D40                                                          | 235675 | Conferences/Special<br>Purposes           | \$ | 1,884,095     | \$ | 1,884,095     | 124010 |
| 5FK0                                                          | 235676 | Media Services                            | \$ | 491,373       | \$ | 491,373       | 124011 |
| 5FR0                                                          | 235643 | Making Opportunity<br>Affordable          | \$ | 230,000       | \$ | 230,000       | 124012 |
| 5P30                                                          | 235663 | Variable Savings Plan                     | \$ | 8,066,920     | \$ | 8,104,370     | 124013 |
| 6450                                                          | 235664 | Guaranteed Savings<br>Plan                | \$ | 1,290,718     | \$ | 1,303,129     | 124014 |
| 6820                                                          | 235606 | Nursing Loan Program                      | \$ | 891,320       | \$ | 891,320       | 124015 |
| TOTAL SSR State Special Revenue                               |        |                                           |    |               |    |               | 124016 |
| Fund Group                                                    |        |                                           | \$ | 12,932,676    | \$ | 12,982,537    | 124017 |
| Third Frontier Research & Development Fund Group              |        |                                           |    |               |    |               | 124018 |
| 7011                                                          | 235634 | Research Incentive<br>Third Frontier Fund | \$ | 8,000,000     | \$ | 8,000,000     | 124019 |
| TOTAL 011 Third Frontier Research &<br>Development Fund Group |        |                                           | \$ | 8,000,000     | \$ | 8,000,000     | 124020 |
| TOTAL ALL BUDGET FUND GROUPS                                  |        |                                           | \$ | 2,386,144,720 | \$ | 2,431,242,321 | 124021 |

**Section 363.20. LEASE RENTAL PAYMENTS** 124023

The foregoing appropriation item 235401, Lease Rental 124024  
 Payments, shall be used to meet all payments at the times they are 124025  
 required to be made during the period from July 1, 2013, through 124026  
 June 30, 2015, by the Chancellor of the Board of Regents under 124027  
 leases and agreements made under section 154.21 of the Revised 124028  
 Code. These appropriations are the source of funds pledged for 124029  
 bond service charges on related obligations issued under Chapter 124030  
 154. of the Revised Code. 124031

**Section 363.23. SEA GRANTS** 124032

The foregoing appropriation item 235402, Sea Grants, shall be 124033



used to match federal dollars and leverage additional support by 124034  
The Ohio State University's Sea Grant program, including Stone 124035  
Laboratory, for research, education, and outreach to enhance the 124036  
economic value, public utilization, and responsible management of 124037  
Lake Erie and Ohio's coastal resources. 124038

**Section 363.30. ARTICULATION AND TRANSFER** 124039

The foregoing appropriation item 235406, Articulation and 124040  
Transfer, shall be used by the Chancellor of the Board of Regents 124041  
to maintain and expand the work of the Articulation and Transfer 124042  
Council to develop a system of transfer policies to ensure that 124043  
students at state institutions of higher education can transfer 124044  
and have coursework apply to their majors and degrees at any other 124045  
state institution of higher education without unnecessary 124046  
duplication or institutional barriers under sections 3333.16, 124047  
3333.161, and 3333.162 of the Revised Code. 124048

**Section 363.40. MIDWEST HIGHER EDUCATION COMPACT** 124049

The foregoing appropriation item 235408, Midwest Higher 124050  
Education Compact, shall be distributed by the Chancellor of the 124051  
Board of Regents under section 3333.40 of the Revised Code. 124052

**Section 363.50. HEI INFORMATION SYSTEM** 124053

The foregoing appropriation item 235409, HEI Information 124054  
System, shall be used by the Chancellor of the Board of Regents to 124055  
support the development and implementation of information 124056  
technology solutions designed to improve the performance and 124057  
services of the Chancellor of the Board of Regents and the 124058  
University System of Ohio. Information technology solutions may be 124059  
provided by the Ohio Academic Research Network (OARnet). 124060

**Section 363.60. STATE GRANTS AND SCHOLARSHIP ADMINISTRATION** 124061

The foregoing appropriation item 235414, State Grants and Scholarship Administration, shall be used by the Chancellor of the Board of Regents to administer the following student financial aid programs: Ohio College Opportunity Grant, Ohio War Orphans' Scholarship, Nurse Education Assistance Loan Program, Ohio Safety Officers College Memorial Fund, and any other student financial aid programs created by the General Assembly. The appropriation item also shall be used to support all state financial aid audits and student financial aid programs created by Congress, and to provide fiscal services for the Ohio National Guard Scholarship Program.

**Section 363.70. ESTUDENT SERVICES**

The foregoing appropriation item 235417, eStudent Services, shall be used by the Chancellor of the Board of Regents to support the continued implementation of eStudent Services, a consortium organized under division (T) of section 3333.04 of the Revised Code to expand access to dual enrollment opportunities for high school students, as well as adult and higher education opportunities through technology. The funds shall be used by eStudent Services to develop and promote learning and assessment through the use of technology, to test and provide advice on emerging learning-directed technologies, to support the distance learning clearinghouse and platform created under section 3333.82 of the Revised Code, and to facilitate cost-effectiveness through shared educational technology investments.

**Section 363.80. APPALACHIAN NEW ECONOMY PARTNERSHIP**

The foregoing appropriation item 235428, Appalachian New Economy Partnership, shall be distributed to Ohio University to continue a multi-campus and multi-agency coordinated effort to link Appalachia to the new economy. Ohio University shall use

these funds to provide leadership in the development and 124092  
implementation of initiatives in the areas of entrepreneurship, 124093  
management, education, and technology. 124094

**Section 363.90. ECONOMIC GROWTH CHALLENGE** 124095

The foregoing appropriation item 235433, Economic Growth 124096  
Challenge, shall be used for administrative expenses of the 124097  
Research Incentive Program and other economic advancement 124098  
initiatives undertaken by the Chancellor of the Board of Regents. 124099

The Chancellor of the Board of Regents shall use any 124100  
appropriation transfer to the foregoing appropriation item 235433, 124101  
Economic Growth Challenge, to enhance the basic research and 124102  
commercialization capabilities of public colleges and universities 124103  
and accredited Ohio institutions of higher education holding 124104  
certificates of authorization issued under section 1713.02 of the 124105  
Revised Code, in order to strengthen academic research and 124106  
commercialization for pursuing Ohio's economic development goals. 124107

**Section 363.100. CHOOSE OHIO FIRST SCHOLARSHIP** 124108

The foregoing appropriation item 235438, Choose Ohio First 124109  
Scholarship, shall be used to operate the program prescribed in 124110  
sections 3333.60 to 3333.70 of the Revised Code. 124111

**Section 363.110. ADULT BASIC AND LITERACY EDUCATION** 124112

The foregoing appropriation item 235443, Adult Basic and 124113  
Literacy Education - State, shall be used to support the adult 124114  
basic and literacy education instructional grant program and state 124115  
leadership program. The supported programs shall satisfy the state 124116  
match and maintenance of effort requirements for the 124117  
state-administered grant program. 124118

**Section 363.120. POST-SECONDARY ADULT CAREER-TECHNICAL** 124119

EDUCATION 124120

The foregoing appropriation item 235444, Post-Secondary Adult Career-Technical Education, shall be used by the Chancellor of the Board of Regents, in consultation with the Superintendent of Public Instruction and the Governor's Office of Workforce Transformation, to support post-secondary adult career-technical education. The Chancellor of the Board of Regents, the Superintendent of Public Instruction, and the Governor's Office of Workforce Transformation, or their designees, shall hold a series of consultations with the Ohio Technical Centers during fiscal year 2014 to develop an appropriate funding formula to distribute these funds based on student outcomes, beginning in fiscal year 2015.

The Chancellor of the Board of Regents shall establish a One-Year Option credit articulation system in which graduates of Ohio Technical Centers receive college technical credit. The system shall ensure that Ohio Technical Center students that complete a 900-hour program of study and obtain an industry-recognized credential shall receive 30 college technical credit hours, and students that complete a program of study between 600 and 899 hours and obtain an industry-recognized credential shall receive a proportional number of college technical credit hours.

**Section 363.130.** AREA HEALTH EDUCATION CENTERS 124143

The foregoing appropriation item 235474, Area Health Education Centers Program Support, shall be used by the Chancellor of the Board of Regents to support the medical school regional area health education centers' educational programs for the continued support of medical and other health professions education and for support of the Area Health Education Center

Program. 124150

**Section 363.140.** STATEHOUSE NEWS BUREAU 124151

The foregoing appropriation item 235478, Statehouse News 124152  
Bureau, shall be used solely to support the operations of the Ohio 124153  
Statehouse News Bureau. 124154

**Section 363.150.** OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 124155

The foregoing appropriation item 235479, Ohio Government 124156  
Telecommunications Services, shall be used solely to support the 124157  
operations of Ohio Government Telecommunications Services which 124158  
include providing multimedia support to the state government and 124159  
its affiliated organizations and broadcasting the activities of 124160  
the legislative, judicial, and executive branches of state 124161  
government, among its other functions. 124162

**Section 363.160.** TECHNOLOGY OPERATIONS 124163

Of the foregoing appropriation item 235481, Technology 124164  
Operations, up to \$1,000,000 in each fiscal year shall be used to 124165  
provide grants on a competitive basis to public and chartered 124166  
nonpublic schools for their participation in the electronic 124167  
textbook pilot project. These grants shall be administered as 124168  
provided under the section of this act entitled ELECTRONIC 124169  
TEXTBOOK PILOT PROJECT. On July 1, 2014, or as soon as possible 124170  
thereafter, the Chancellor of the Board of Regents may certify to 124171  
the Director of Budget and Management the amount of the 124172  
unexpended, unencumbered balance of this set aside at the end of 124173  
fiscal year 2014 to be appropriated to fiscal year 2015. The 124174  
amount certified is hereby reappropriated for the same purpose for 124175  
fiscal year 2015. 124176

The remainder of the foregoing appropriation item 235481, 124177  
Technology Operations, shall be used by the Chancellor of the 124178

Board of Regents to pay Ohio's network infrastructure expenses, 124179  
which includes the television and radio transmission 124180  
infrastructure and infrastructure that shall link all public K-12 124181  
classrooms to each other and to the Internet, and provide access 124182  
to voice, video, other communication services, and data 124183  
educational resources for students and teachers. The foregoing 124184  
appropriation item 235481, Technology Operations, may also be used 124185  
to cover student costs for taking advanced placement courses and 124186  
courses that the Chancellor of the Board of Regents has determined 124187  
to be eligible for postsecondary credit through the Ohio Learns 124188  
Gateway. To the extent that funds remain available for this 124189  
purpose, students who are enrolled in public and chartered 124190  
nonpublic schools, and students who are instructed at home 124191  
pursuant to section 3321.04 of the Revised Code, who are taking 124192  
advanced placement or postsecondary courses through the Ohio 124193  
Learns Gateway shall be eligible to receive a fee waiver to cover 124194  
the cost of participating in one course. The fee waivers shall be 124195  
distributed until the funds appropriated to support the waivers 124196  
have been exhausted. 124197

**Section 363.170.** CONTENT DEVELOPMENT, ACQUISITION, AND 124198  
DISTRIBUTION 124199

The foregoing appropriation item 235482, Content Development, 124200  
Acquisition, and Distribution, shall be used for the development, 124201  
acquisition, and distribution of information resources by public 124202  
media and radio reading services and for educational use in the 124203  
classroom and online. 124204

Of the foregoing appropriation item 235482, Content 124205  
Development, Acquisition, and Distribution, up to \$596,193 in each 124206  
fiscal year shall be allocated equally among the Ohio educational 124207  
television stations and used with the advice and approval of the 124208  
Chancellor of the Board of Regents. Funds shall be used for the 124209

production of interactive instructional programming series with 124210  
priority given to resources aligned with state academic content 124211  
standards in consultation with the Ohio Department of Education. 124212  
The programming shall be targeted to the needs of the poorest two 124213  
hundred school districts as determined by the district's adjusted 124214  
valuation per pupil as defined in former section 3317.0213 of the 124215  
Revised Code as that section existed prior to June 30, 2005. 124216

Of the foregoing appropriation item 235482, Content 124217  
Development, Acquisition, and Distribution, up to \$1,584,965 in 124218  
each fiscal year shall be distributed by the Chancellor of the 124219  
Board of Regents to Ohio's qualified public educational television 124220  
stations and educational radio stations to support their 124221  
operations. The funds shall be distributed pursuant to an 124222  
allocation formula used by the Ohio Educational Telecommunications 124223  
Network Commission unless a substitute formula is developed by the 124224  
Chancellor of the Board of Regents in consultation with Ohio's 124225  
qualified public educational television stations and educational 124226  
radio stations. 124227

Of the foregoing appropriation item 235482, Content 124228  
Development, Acquisition, and Distribution, up to \$180,936 in each 124229  
fiscal year shall be distributed by the Chancellor of the Board of 124230  
Regents to Ohio's qualified radio reading services to support 124231  
their operations. The funds shall be distributed pursuant to an 124232  
allocation formula used by the Ohio Educational Telecommunications 124233  
Network Commission unless a substitute formula is developed by the 124234  
Chancellor of the Board of Regents in consultation with Ohio's 124235  
qualified radio reading services. 124236

**Section 363.180. TECHNOLOGY INTEGRATION AND PROFESSIONAL** 124237  
**DEVELOPMENT** 124238

Of the foregoing appropriation item 235483, Technology 124239  
Integration and Professional Development, up to \$2,000,000 in each 124240

fiscal year shall be used to provide grants on a competitive basis 124241  
to public and chartered nonpublic schools for their participation 124242  
in the electronic textbook pilot project. These grants shall be 124243  
administered as provided under the section of this act entitled 124244  
ELECTRONIC TEXTBOOK PILOT PROJECT. On July 1, 2014, or as soon as 124245  
possible thereafter, the Chancellor of the Board of Regents may 124246  
certify to the Director of Budget and Management the amount of the 124247  
unexpended, unencumbered balance of this set aside at the end of 124248  
fiscal year 2014 to be appropriated to fiscal year 2015. The 124249  
amount certified is hereby reappropriated for the same purpose for 124250  
fiscal year 2015. 124251

The remainder of the foregoing appropriation item 235483, 124252  
Technology Integration and Professional Development, shall be used 124253  
by the Ohio Department of Education and the Chancellor of the 124254  
Board of Regents for the provision of staff development, hardware, 124255  
software, telecommunications services, and information resources 124256  
to support educational uses of technology in the classroom and at 124257  
a distance and for professional development for teachers, 124258  
administrators, and technology staff on the use of educational 124259  
technology in qualifying public schools, including the State 124260  
School for the Blind, the School for the Deaf, and the Department 124261  
of Youth Services. 124262

**Section 363.190. STATE SHARE OF INSTRUCTION FORMULAS** 124263

The Chancellor of the Board of Regents shall establish 124264  
procedures to allocate the foregoing appropriation item 235501, 124265  
State Share of Instruction, based on the formulas detailed in this 124266  
section that utilize the enrollment, course completion, degree 124267  
attainment, and student achievement factors reported annually by 124268  
each state institution of higher education participating in the 124269  
Higher Education Information (HEI) system. 124270

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COMPLETIONS 124271



(1) As soon as possible during each fiscal year of the 124272  
biennium ending June 30, 2015, in accordance with instructions of 124273  
the Board of Regents, each state institution of higher education 124274  
shall report its actual data, consistent with the definitions in 124275  
the Higher Education Information (HEI) system's enrollment files, 124276  
to the Chancellor of the Board of Regents. 124277

(2) In defining the number of full-time equivalent students 124278  
for state subsidy instructional cost purposes, the Chancellor of 124279  
the Board of Regents shall exclude all undergraduate students who 124280  
are not residents of Ohio, except those charged in-state fees in 124281  
accordance with reciprocity agreements made under section 3333.17 124282  
of the Revised Code or employer contracts entered into under 124283  
section 3333.32 of the Revised Code. 124284

(3) In calculating the core subsidy entitlements for 124285  
university branch and main campuses, the Chancellor of the Board 124286  
of Regents shall use the following count of FTE students: 124287

(a) The subsidy eligible enrollments by model shall equal 124288  
only those FTE students who successfully complete the course as 124289  
defined and reported through the Higher Education Information 124290  
(HEI) system course enrollment file; 124291

(b) For those undergraduate FTE students with successful 124292  
course completions, identified in division (A)(3)(a) of this 124293  
section, that had an expected family contribution less than 2190 124294  
or were determined to have been in need of remedial education 124295  
shall be defined as at-risk students and shall have their eligible 124296  
completions weighted by the following: 124297

(i) Campus-specific course completion indexes, where the 124298  
indexes are calculated based upon the number of at-risk students 124299  
enrolled during the 2010-2012 academic years; and 124300

(ii) A statewide average at-risk course completion weight 124301  
determined for each subsidy model. The statewide average at-risk 124302

course completion weight shall be determined by calculating the 124303  
 difference between the percentage of traditional students who 124304  
 complete a course and the percentage of at-risk students who 124305  
 complete the same course. 124306

(4) In calculating the core subsidy entitlements for Medical 124307  
 II models only, students repeating terms may be no more than five 124308  
 per cent of current year enrollment. 124309

(5) In calculating the core subsidy entitlements for students 124310  
 enrolled in state-supported law schools, subsidy eligible FTE 124311  
 completions shall be limited to students identified as residents 124312  
 of Ohio. 124313

(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT 124314

For purposes of calculating state share of instruction 124315  
 allocations, the total instructional costs per full-time 124316  
 equivalent student shall be: 124317

| Model                                   | Fiscal<br>Year 2014 | Fiscal<br>Year 2015 |        |
|-----------------------------------------|---------------------|---------------------|--------|
| ARTS AND HUMANITIES 1                   | \$7,803             | \$7,940             | 124318 |
| ARTS AND HUMANITIES 2                   | \$10,828            | \$11,018            | 124319 |
| ARTS AND HUMANITIES 3                   | \$13,988            | \$14,234            | 124320 |
| ARTS AND HUMANITIES 4                   | \$20,242            | \$20,598            | 124321 |
| ARTS AND HUMANITIES 5                   | \$33,969            | \$34,567            | 124322 |
| ARTS AND HUMANITIES 6                   | \$38,280            | \$38,954            | 124323 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 1 | \$7,109             | \$7,235             | 124324 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 2 | \$8,106             | \$8,249             | 124325 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 3 | \$10,640            | \$10,827            | 124326 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 4 | \$12,647            | \$12,869            | 124327 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 5 | \$19,657            | \$20,003            | 124328 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 6 | \$22,006            | \$22,393            | 124329 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 7 | \$30,558            | \$31,096            | 124330 |
| MEDICAL 1                               | \$53,424            | \$54,365            | 124331 |

|                                                           |          |          |        |
|-----------------------------------------------------------|----------|----------|--------|
| MEDICAL 2                                                 | \$45,873 | \$46,681 | 124333 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1 | \$7,190  | \$7,317  | 124334 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2 | \$10,091 | \$10,268 | 124335 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3 | \$11,928 | \$12,138 | 124336 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4 | \$15,186 | \$15,454 | 124337 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5 | \$20,043 | \$20,396 | 124338 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6 | \$21,633 | \$22,013 | 124339 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7 | \$26,471 | \$26,937 | 124340 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8 | \$36,766 | \$37,413 | 124341 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9 | \$52,170 | \$53,088 | 124342 |

Doctoral I and Doctoral II models shall be allocated in accordance with division (D)(3) of this section. 124343  
124344

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS 124345  
124346

For the purpose of implementing the recommendations of the 2006 State Share of Instruction Consultation and the Higher Education Funding Study Council that priority be given to maintaining state support for science, technology, engineering, mathematics, medicine, and graduate programs, the costs in division (B) of this section shall be weighted by the amounts provided below: 124347  
124348  
124349  
124350  
124351  
124352  
124353

|       |           |           |        |
|-------|-----------|-----------|--------|
| Model | Fiscal    | Fiscal    | 124354 |
|       | Year 2014 | Year 2015 |        |

|                                                              |        |        |        |
|--------------------------------------------------------------|--------|--------|--------|
| ARTS AND HUMANITIES 1                                        | 1.0000 | 1.0000 | 124355 |
| ARTS AND HUMANITIES 2                                        | 1.0000 | 1.0000 | 124356 |
| ARTS AND HUMANITIES 3                                        | 1.0000 | 1.0000 | 124357 |
| ARTS AND HUMANITIES 4                                        | 1.0000 | 1.0000 | 124358 |
| ARTS AND HUMANITIES 5                                        | 1.0425 | 1.0425 | 124359 |
| ARTS AND HUMANITIES 6                                        | 1.0425 | 1.0425 | 124360 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 1                      | 1.0000 | 1.0000 | 124361 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 2                      | 1.0000 | 1.0000 | 124362 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 3                      | 1.0000 | 1.0000 | 124363 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 4                      | 1.0000 | 1.0000 | 124364 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 5                      | 1.0425 | 1.0425 | 124365 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 6                      | 1.0425 | 1.0425 | 124366 |
| BUSINESS, EDUCATION & SOCIAL SCIENCES 7                      | 1.0425 | 1.0425 | 124367 |
| MEDICAL 1                                                    | 1.6456 | 1.6456 | 124368 |
| MEDICAL 2                                                    | 1.7462 | 1.7462 | 124369 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 1 | 1.0000 | 1.0000 | 124370 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 2 | 1.0017 | 1.0017 | 124371 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 3 | 1.6150 | 1.6150 | 124372 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 4 | 1.6920 | 1.6920 | 124373 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 5 | 1.4222 | 1.4222 | 124374 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 6 | 1.8798 | 1.8798 | 124375 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 7 | 1.4380 | 1.4380 | 124376 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 8 | 1.5675 | 1.5675 | 124377 |
| SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS,<br>MEDICINE 9 | 1.1361 | 1.1361 | 124378 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA                                                                                                                                                                                                                                                                                                                                                                                           | 124379                                                             |
| ENTITLEMENTS AND ADJUSTMENTS                                                                                                                                                                                                                                                                                                                                                                                                                    | 124380                                                             |
| (1) Of the foregoing appropriation item 235501, State Share of Instruction, 25 per cent of the fiscal year 2014 appropriation for state-supported community colleges, state community colleges, and technical colleges shall be allocated to colleges in proportion to their share of college student success factors as adopted by the Chancellor of the Board of Regents in formal communication to the Controlling Board on August 30, 2010. | 124381<br>124382<br>124383<br>124384<br>124385<br>124386<br>124387 |
| (2) Of the foregoing appropriation item 235501, State Share of Instruction, 25 per cent of the fiscal year 2014 appropriation for state-supported community colleges, state community colleges, and technical colleges shall be reserved for course completion FTEs as aggregated by the subsidy models defined in division (B) of this section.                                                                                                | 124388<br>124389<br>124390<br>124391<br>124392<br>124393           |
| The course completion funding shall be allocated to colleges in proportion to each campuses' share of the total sector's course completions, weighted by the instructional cost of the subsidy models.                                                                                                                                                                                                                                          | 124394<br>124395<br>124396<br>124397                               |
| To calculate the subsidy entitlements for course completions at community colleges, state community colleges, and technical colleges, the Chancellor of the Board of Regents shall use the following calculations:                                                                                                                                                                                                                              | 124398<br>124399<br>124400<br>124401                               |
| (a) In calculating each campus's count of FTE course completions, the Chancellor of the Board of Regents shall use the three-year average course completions for the three-year period ending in the prior year.                                                                                                                                                                                                                                | 124402<br>124403<br>124404<br>124405                               |
| (b) The model costs as used in the calculation shall be augmented by the model weights for science, technology, engineering, mathematics, and medicine models as established in division (C) of this section.                                                                                                                                                                                                                                   | 124406<br>124407<br>124408<br>124409                               |

(3) Of the foregoing appropriation item 235501, State Share 124410  
of Instruction, up to 11.78 per cent of the appropriation for 124411  
universities, as established in division (A)(2) of the section of 124412  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 124413  
2014 and 2015," in each fiscal year shall be reserved for support 124414  
of doctoral programs to implement the funding recommendations made 124415  
by representatives of the universities. The amount so reserved 124416  
shall be referred to as the doctoral set-aside. 124417

The doctoral set-aside shall be allocated to universities as 124418  
follows: 124419

(a) 50 per cent of the doctoral set-aside in fiscal year 2014 124420  
and 40 per cent of the doctoral set-aside in fiscal year 2015 124421  
shall be allocated to universities in proportion to their share of 124422  
the statewide total of each state institution's three-year average 124423  
Doctoral I equivalent FTEs as calculated on an institutional basis 124424  
using historical FTEs for the period fiscal year 1994 through 124425  
fiscal year 1998 with annualized FTEs for fiscal years 1994 124426  
through 1997 and all-term FTEs for fiscal year 1998 as adjusted to 124427  
reflect the effects of doctoral review and subsequent changes in 124428  
Doctoral I equivalent enrollments. For the purposes of this 124429  
calculation, Doctoral I equivalent FTEs shall equal the sum of 124430  
Doctoral I FTEs plus 1.5 times the sum of Doctoral II FTEs. 124431

(b) 25 per cent of the doctoral set-aside in fiscal year 2014 124432  
and 30 per cent of the doctoral set-aside in fiscal year 2015 124433  
shall be allocated to universities in proportion to each campus's 124434  
share of the total statewide doctoral degrees, weighted by the 124435  
cost of the doctoral discipline. In calculating each campus's 124436  
doctoral degrees the Chancellor of the Board of Regents shall use 124437  
the three-year average doctoral degrees awarded for the three-year 124438  
period ending in the prior year. 124439

(c) 12.5 per cent of the doctoral set-aside in fiscal year 124440  
2014 and 15 per cent of the doctoral set-aside in fiscal year 2015 124441

shall be allocated to universities in proportion to their share of 124442  
research grant activity, using a data collection method that is 124443  
reviewed and approved by the presidents of Ohio's doctoral degree 124444  
granting universities. In the event that the data collection 124445  
method is not available, funding for this component shall be 124446  
allocated to universities in proportion to their share of research 124447  
grant activity published by the National Science Foundation. Grant 124448  
awards from the Department of Health and Human Services shall be 124449  
weighted at 50 per cent. 124450

(d) 12.5 per cent of the doctoral set-aside in fiscal year 124451  
2014 and 15 per cent of the doctoral set-aside in fiscal year 2015 124452  
shall be allocated to universities based on other quality measures 124453  
that contribute to the advancement of quality doctoral programs. 124454  
These other quality measures shall be identified by the Chancellor 124455  
in consultation with universities. If for any reason metrics for 124456  
distributing the quality component of the doctoral set-aside are 124457  
not identified prior to the fiscal year allocation process, this 124458  
portion of the doctoral set-aside funds shall be allocated to 124459  
universities based on division (D)(3)(a) of this section. 124460

(4) Of the foregoing appropriation item 235501, State Share 124461  
of Instruction, 6.41 per cent of the appropriation for 124462  
universities, as established in division (A)(2) of the section of 124463  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 124464  
2014 AND 2015," in each fiscal year shall be reserved for support 124465  
of Medical II FTEs. The amount so reserved shall be referred to as 124466  
the medical II set-aside. 124467

The medical II set-aside shall be allocated to universities 124468  
in proportion to their share of the statewide total of each state 124469  
institution's three-year average Medical II FTEs as calculated in 124470  
division (A) of this section, weighted by model cost. 124471

(5) Of the foregoing appropriation item 235501, State Share 124472  
of Instruction, 1.48 per cent of the appropriation for 124473

universities, as established in division (A)(2) of the section of 124474  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 124475  
2014 AND 2015," in each fiscal year shall be reserved for support 124476  
of Medical I FTEs. The amount so reserved shall be referred to as 124477  
the medical I set-aside. 124478

The medical I set-aside shall be allocated to universities in 124479  
proportion to their share of the statewide total of each state 124480  
institution's three-year average Medical I FTEs as calculated in 124481  
division (A) of this section. 124482

(6) Of the foregoing appropriation item 235501, State Share 124483  
of Instruction, 50 per cent of the appropriation in each fiscal 124484  
year for universities, net any earmarked funding for university 124485  
regional campuses as detailed in division (B)(1) of the section of 124486  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 124487  
2014 AND 2015," shall be reserved for support of associate, 124488  
baccalaureate, master's, and professional level degree attainment. 124489

The degree attainment funding shall be allocated to 124490  
universities in proportion to each campus's share of the total 124491  
statewide degrees granted, weighted by the cost of the degree 124492  
programs. The degree cost calculations shall include the model 124493  
cost weights for the science, technology, engineering, 124494  
mathematics, and medicine models as established in division (C) of 124495  
this section. 124496

In calculating the subsidy entitlements for degree attainment 124497  
at university main and regional campuses, the Chancellor of the 124498  
Board of Regents shall use the following count of degrees and 124499  
degree costs: 124500

(a) The subsidy eligible undergraduate degrees shall be 124501  
defined as follows: 124502

(i) The subsidy eligible degrees conferred to students 124503  
identified as residents of the state of Ohio in any term of their 124504



studies, as reported through the Higher Education Information 124505  
(HEI) system student enrollment file, shall be weighted by a 124506  
factor of 1. 124507

(ii) The subsidy eligible degrees conferred to students 124508  
identified as out-of-state residents during all terms of their 124509  
studies, as reported through the Higher Education Information 124510  
(HEI) system student enrollment file, which remain in the state of 124511  
Ohio at least one year after graduation shall be weighted by a 124512  
factor of 50 per cent. For fiscal year 2014, subsidy eligible 124513  
degrees conferred to all out-of-state students shall be weighted 124514  
by a factor of 25 per cent. 124515

(b) In fiscal year 2014, for those associate degrees awarded 124516  
by a state-supported university, the subsidy eligible degrees 124517  
granted are defined as only those earned by students attending a 124518  
university that received funding under GRF appropriation item 124519  
235418, Access Challenge, in fiscal year 2009. In fiscal year 124520  
2015, subsidy eligible associate degrees are defined as those 124521  
earned by students attending any state-supported university main 124522  
or regional campus. 124523

(c) In calculating each campus's count of degrees, the 124524  
Chancellor of the Board of Regents shall use the three-year 124525  
average associate, baccalaureate, master's, and professional 124526  
degrees awarded for the three-year period ending in the prior 124527  
year. In fiscal year 2014, university regional campuses are not 124528  
eligible for degree completion funding. In fiscal year 2015, all 124529  
university campuses are eligible for degree completion funding. 124530

(d) Eligible associate degrees defined in division (D)(6)(b) 124531  
of this section and all bachelor's degrees earned by a student 124532  
that either had an expected family contribution less than 2190, 124533  
was determined to have been in need of remedial education, is 124534  
Native American, African American, or Hispanic, or is at least age 124535  
26 at the time of graduation, shall be defined as degrees earned 124536

by an at-risk student and shall be weighted by the following: 124537

(i) A campus-specific at-risk index, where the index is 124538  
calculated based on the proportion of at-risk students enrolled 124539  
during a four-year cohort beginning in fiscal year 2001, 2002, 124540  
2003, or 2004; and 124541

(ii) A statewide average at-risk degree completion weight 124542  
determined by calculating the difference between the percentage of 124543  
non-at-risk students who earned a degree and the percentage of 124544  
at-risk students who earned a degree in eight years or less. 124545

(7) State share of instruction base formula earnings shall be 124546  
determined as follows: 124547

(a) The instructional costs shall be determined by 124548  
multiplying the amounts listed above in divisions (B) and (C) of 124549  
this section by the average subsidy-eligible FTEs for the 124550  
three-year period ending in the prior year for all models except 124551  
Doctoral I and Doctoral II. 124552

(b) The Chancellor of the Board of Regents shall compute a 124553  
uniform state share of instructional costs for each sector. 124554

(i) For the state-supported community colleges, state 124555  
community colleges, and technical colleges, in fiscal year 2014 124556  
the Chancellor of the Board of Regents shall compute the uniform 124557  
state share of instructional costs for enrollment by dividing the 124558  
sector level appropriation total as determined by the Chancellor 124559  
in division (A)(1) of the section of this act entitled "STATE 124560  
SHARE OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," and adjusted 124561  
pursuant to divisions (B) and (C) of that section, less the 124562  
student college success allocation as described in division (D)(1) 124563  
of this section and less the course completion allocation as 124564  
detailed in division (D)(2) of this section, by the sum of all 124565  
eligible campuses' instructional costs as calculated in division 124566  
(D)(7)(b) of this section. 124567

(ii) For the state-supported university regional campuses, in 124568  
fiscal year 2014 the Chancellor of the Board of Regents shall 124569  
compute the uniform state share of instructional costs by dividing 124570  
the sector level appropriation, as determined by the Chancellor in 124571  
division (A)(2) of the section of this act entitled "STATE SHARE 124572  
OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," and adjusted 124573  
pursuant to division (B) of that section by the sum of all 124574  
campuses' instructional costs as calculated in division (D)(7)(b) 124575  
of this section. 124576

(iii) For the state-supported university main campuses, in 124577  
fiscal year 2014 the Chancellor of the Board of Regents shall 124578  
compute the uniform state share of instructional costs by dividing 124579  
the sector level appropriation, as determined by the Chancellor in 124580  
division (A)(3) of the section of this act entitled "STATE SHARE 124581  
OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," and adjusted 124582  
pursuant to division (B) of that section, less the degree 124583  
attainment funding as calculated in divisions (D)(3) to (6) of 124584  
this section, less the doctoral set-aside, less the medical I 124585  
set-aside, and less the medical II set-aside, by the sum of all 124586  
campuses' instructional costs as calculated in division (D)(7)(b) 124587  
of this section. 124588

(iv) For the state university regional and main campuses, in 124589  
fiscal year 2015 the Chancellor of the Board of Regents shall 124590  
compute the uniform state share of instructional costs by dividing 124591  
the university appropriation, as determined by the Chancellor in 124592  
division (A)(3) of the section of this act entitled "STATE SHARE 124593  
OF INSTRUCTION FOR FISCAL YEARS 2014 AND 2015," and adjusted 124594  
pursuant to division (B) of that section, less the degree 124595  
attainment funding as calculated in divisions (D)(3) to (6) of 124596  
this section, less the doctoral set-aside, less the medical I 124597  
set-aside, and less the medical II set-aside, by the sum of all 124598  
campuses' instructional costs as calculated in division (D)(7)(b) 124599

of this section. 124600

(c) The formula entitlement shall be determined by 124601  
multiplying the uniform state share of instructional costs 124602  
calculated in division (D)(7)(c) of this section by the 124603  
instructional cost determined in division (D)(7)(b) of this 124604  
section. 124605

(8) In addition to the student success allocation, doctoral 124606  
set-aside, medical I set-aside, medical II set-aside, and the 124607  
degree attainment allocation determined in divisions (D)(1) to (6) 124608  
of this section and the formula entitlement determined in division 124609  
(D)(7) of this section, an allocation based on facility-based 124610  
plant operations and maintenance (POM) subsidy shall be made. For 124611  
each eligible university main campus, the amount of the POM 124612  
allocation in each fiscal year shall be distributed based on what 124613  
each campus received in the fiscal year 2009 POM allocation. 124614

Any POM allocations required by this division shall be funded 124615  
by proportionately reducing formula entitlement earnings, 124616  
including the POM allocations, for all campuses in that sector. 124617

(9) STABILITY IN STATE SHARE OF INSTRUCTION FUNDING FOR 124618  
COMMUNITY, STATE COMMUNITY, AND TECHNICAL COLLEGES 124619

In addition to and after the adjustments noted above, in 124620  
fiscal year 2014, no community college, state community college, 124621  
or technical college shall receive a state share of instruction 124622  
allocation that is less than 97 per cent of the prior year's state 124623  
share of instruction earnings. Funds shall be made available to 124624  
support this allocation by proportionately reducing formula 124625  
entitlement earnings from those campuses, within the community, 124626  
state community, and technical college sector, that are not 124627  
receiving stability funding. 124628

(10) CAPITAL COMPONENT DEDUCTION 124629

After all other adjustments have been made, state share of 124630

instruction earnings shall be reduced for each campus by the 124631  
amount, if any, by which debt service charged in Am. H.B. 748 of 124632  
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 124633  
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 124634  
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 124635  
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 124636  
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 124637  
562 of the 127th General Assembly for that campus exceeds that 124638  
campus's capital component earnings. The sum of the amounts 124639  
deducted shall be transferred to appropriation item 235552, 124640  
Capital Component, in each fiscal year. 124641

(E) EXCEPTIONAL CIRCUMSTANCES 124642

Adjustments may be made to the state share of instruction 124643  
payments and other subsidies distributed by the Chancellor of the 124644  
Board of Regents to state colleges and universities for 124645  
exceptional circumstances. No adjustments for exceptional 124646  
circumstances may be made without the recommendation of the 124647  
Chancellor and the approval of the Controlling Board. 124648

(F) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 124649  
INSTRUCTION 124650

The standard provisions of the state share of instruction 124651  
calculation as described in the preceding sections of temporary 124652  
law shall apply to any reductions made to appropriation item 124653  
235501, State Share of Instruction, before the Chancellor of the 124654  
Board of Regents has formally approved the final allocation of the 124655  
state share of instruction funds for any fiscal year. 124656

Any reductions made to appropriation item 235501, State Share 124657  
of Instruction, after the Chancellor of the Board of Regents has 124658  
formally approved the final allocation of the state share of 124659  
instruction funds for any fiscal year, shall be uniformly applied 124660  
to each campus in proportion to its share of the final allocation. 124661

(G) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 124662

The state share of instruction payments to the institutions 124663  
shall be in substantially equal monthly amounts during the fiscal 124664  
year, unless otherwise determined by the Director of Budget and 124665  
Management pursuant to section 126.09 of the Revised Code. 124666  
Payments during the first six months of the fiscal year shall be 124667  
based upon the state share of instruction appropriation estimates 124668  
made for the various institutions of higher education according to 124669  
the Chancellor of the Board of Regents enrollment, completion, and 124670  
performance estimates. Payments during the last six months of the 124671  
fiscal year shall be distributed after approval of the Controlling 124672  
Board upon the request of the Chancellor. 124673

(H) STUDIES TO DETERMINE IMPROVEMENTS TO THE FISCAL YEAR 2015 124674  
STATE SHARE OF INSTRUCTION FORMULAS 124675

(1) STUDY ON IDENTIFYING "AT-RISK" STUDENTS FOR COMMUNITY 124676  
COLLEGES 124677

Community college presidents, or their designees, in 124678  
consultation with the Chancellor of the Board of Regents, shall 124679  
study the most appropriate formula weights for students who come 124680  
from "at-risk" populations and recommend how they may be used to 124681  
determine allocations of appropriations to community colleges from 124682  
appropriation item 235501, State Share of Instruction, in fiscal 124683  
year 2015. The study shall identify the socio-economic, 124684  
demographic, academic, personal, and other factors that identify a 124685  
student as being "at-risk" of academic failure, and recommend how 124686  
these factors may be used to determine allocations of the State 124687  
Share of Instruction for community colleges in fiscal year 2015. 124688  
The study shall be completed by December 31, 2013. Notwithstanding 124689  
any provision of law to the contrary, community college 124690  
presidents, or their designees, in consultation with the 124691  
Chancellor of the Board of Regents, shall use the results of the 124692  
study to recommend changes in the determination of the 124693

distribution of the community college allocations beginning in 124694  
fiscal year 2015 and shall report any such formula change 124695  
recommendations to the Governor, the General Assembly, and the 124696  
Office of Budget and Management not later than February 15, 2014. 124697

(2) STUDY ON THE USE OF SUCCESS POINTS AND COMPLETION 124698  
MEASURES FOR COMMUNITY COLLEGES 124699

Community college presidents, or their designees, in 124700  
consultation with the Chancellor of the Board of Regents, shall 124701  
study the most appropriate formula weights for the "success 124702  
points" and completion performance measures used in the allocation 124703  
of appropriations to community colleges from appropriation item 124704  
235501, State Share of Instruction, in fiscal year 2015. The study 124705  
shall research the most appropriate success points and completion 124706  
measures that occur during the academic career of community 124707  
college students and recommend revisions to the current State 124708  
Share of Instruction model to fund achievement of the success 124709  
points beginning in fiscal year 2015. In addition, community 124710  
college presidents, or their designees, in consultation with the 124711  
Chancellor of the Board of Regents, shall determine how the 124712  
community college's fiscal year 2015 share of State Share of 124713  
Instruction funding shall be distributed among its success points, 124714  
completion measures and course completion funding, or other 124715  
performance and access measures. The study shall be completed by 124716  
December 31, 2013. Notwithstanding any provision of law to the 124717  
contrary, community college presidents, or their designees, in 124718  
consultation with the Chancellor of the Board of Regents, shall 124719  
use the results of the study to recommend changes in the 124720  
determination of the distribution of the community college 124721  
allocations beginning in fiscal year 2015 and shall report any 124722  
such formula change recommendations to the Governor, the General 124723  
Assembly, and the Office of Budget and Management not later than 124724  
February 15, 2014. 124725

(3) STUDY ON THE USE OF STUDENT LEVEL "AT-RISK" WEIGHTS AND 124726  
PROPORTIONAL DEGREE COUNTS FOR THE UNIVERSITIES DEGREE COMPLETION 124727  
COMPONENT 124728

University presidents, or their designees, in consultation 124729  
with the Chancellor of the Board of Regents, shall study the most 124730  
appropriate formula weights for students who come from "at-risk" 124731  
populations and recommend how they may be used to determine 124732  
allocations of appropriations to universities from appropriation 124733  
item 235501, State Share of Instruction, in fiscal year 2015. In 124734  
addition to studying the "at-risk" student weights, university 124735  
presidents, or their designees, in consultation with the 124736  
Chancellor of the Board of Regents, shall recommend a methodology 124737  
for merging the current main campus and regional campus funding 124738  
formulas and distributing degree subsidies in cases where a 124739  
student attended more than one institution of higher education. 124740  
The study shall be completed by December 31, 2013. Notwithstanding 124741  
any provision of law to the contrary, university presidents, or 124742  
their designees, in consultation with the Chancellor of the Board 124743  
of Regents, shall use the results of the study to recommend 124744  
changes in the determination of the distribution of the university 124745  
allocations beginning in fiscal year 2015 and shall report any 124746  
such formula change recommendations to the Governor, the General 124747  
Assembly and the Office of Budget and Management not later than 124748  
February 15, 2014. 124749

**Section 363.200.** STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 124750  
2014 AND 2015 124751

(A) The foregoing appropriation item 235501, State Share of 124752  
Instruction, shall be distributed according to the section of this 124753  
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 124754

(1) Of the foregoing appropriation item 235501, State Share 124755  
of Instruction, \$411,257,477 in fiscal year 2014 and \$419,101,428 124756



in fiscal year 2015 shall be distributed to state-supported 124757  
community colleges, state community colleges, and technical 124758  
colleges. 124759

(2) Of the foregoing appropriation item 235501, State Share 124760  
of Instruction, \$1,372,968,020 in fiscal year 2014 and 124761  
\$1,399,124,069 in fiscal year 2015 shall be distributed to 124762  
state-supported university main and regional campuses. 124763

(B) Of the amounts earmarked in division (A)(2) of this 124764  
section: 124765

(1) \$116,181,104 in fiscal year 2014 shall be distributed to 124766  
state university regional campuses. 124767

(2) \$3,923,764 in each fiscal year shall be distributed to 124768  
university main campuses based on each campus's share of the 124769  
appropriation item 235418, Access Challenge, in fiscal year 2009. 124770

(C) The POM adjustment in division (D)(7) of the section of 124771  
this act entitled "STATE SHARE OF INSTRUCTION FORMULAS" and the 124772  
Access Challenge earmark in division (B) of this section shall 124773  
expire on June 30, 2015. 124774

(D) The state share of instruction payments to the 124775  
institutions shall be in substantially equal monthly amounts 124776  
during the fiscal year, unless otherwise determined by the 124777  
Director of Budget and Management pursuant to section 126.09 of 124778  
the Revised Code. Payments during the last six months of the 124779  
fiscal year shall be distributed after approval of the Controlling 124780  
Board upon the request of the Chancellor of the Board of Regents. 124781

**Section 363.210. TRANSFER OF INSTRUCTIONAL SUBSIDIES BETWEEN 124782  
UNIVERSITIES 124783**

Notwithstanding any provision of law to the contrary, in 124784  
consultation with the Chancellor of the Board of Regents, a 124785  
state-supported university may request to transfer its fiscal year 124786

2014 state share of instruction subsidy allocations of the 124787  
foregoing appropriation item 235501, State Share of Instruction, 124788  
between a university main campus and any university branch campus 124789  
for which the university main campus is affiliated to best 124790  
accomplish institutional goals and objectives. At the request of 124791  
the Chancellor of the Board of Regents, the Director of Budget and 124792  
Management may transfer the requested amounts of state share of 124793  
instruction appropriation allocations between affiliated 124794  
university branch campuses and university main campuses. 124795

**Section 363.213. STATE SHARE OF INSTRUCTION BRIDGE FUNDING** 124796

The foregoing appropriation item 235505, State Share of 124797  
Instruction Bridge Funding, shall be used by the Chancellor to 124798  
supplement each campus receiving a State Share of Instruction 124799  
allocation in fiscal year 2014 that is lower than that campus's 124800  
State Share of Instruction allocation in fiscal year 2013. 124801

(A) For fiscal year 2014, the Chancellor shall pay temporary 124802  
allocations from the foregoing appropriation item 235505, State 124803  
Share of Instruction Bridge Funding, to any campus that 124804  
experiences any decrease in its State Share of Instruction 124805  
funding. 124806

(1) The amount of the temporary allocation payments for all 124807  
state institution campuses except Central State University and 124808  
Shawnee State University shall be equal to the difference between 124809  
the campus's State Share of Instruction funding allocation for 124810  
fiscal year 2013, as determined under the formula detailed in 124811  
sections 371.20.50 and 371.20.60 of Am. Sub. H.B. 153 of the 129th 124812  
General Assembly, and the campus's State Share of Instruction 124813  
funding allocation for fiscal year 2014, as determined under the 124814  
formula detailed in sections 363.190 and 363.200 of this act. If 124815  
the computation made under this division results in a negative 124816  
number, the campus's payment under this division shall be zero. 124817

(2) The amount of the temporary allocation payments for 124818  
Central State University shall be equal to the difference between 124819  
(a) Central State University's State Share of Instruction funding 124820  
allocation for fiscal year 2013, as determined under the State 124821  
Share of Instruction formula detailed in sections 371.20.50 and 124822  
371.20.60 of Am. Sub. H.B. 153 of the 129th General Assembly, 124823  
combined with the fiscal year 2013 appropriation for appropriation 124824  
item 235514, Central State Supplement, in section 371.10 of Am. 124825  
Sub. H.B. 153 of the 129th General Assembly, and (b) Central State 124826  
University's State Share of Instruction funding allocation for 124827  
fiscal year 2014, as determined under the formula detailed in 124828  
sections 363.190 and 363.200 of this act, combined with the fiscal 124829  
year 2014 appropriation for the foregoing appropriation item 124830  
235514, Central State Supplement. If the computation made under 124831  
this division results in a negative number, Central State 124832  
University's payment under this division shall be zero. 124833

(3) The amount of the temporary allocation payments for 124834  
Shawnee State University shall be equal to the difference between 124835  
(a) Shawnee State University's State Share of Instruction funding 124836  
allocation for fiscal year 2013, as determined under the State 124837  
Share of Instruction formula detailed in sections 371.20.50 and 124838  
371.20.60 of Am. Sub. H.B. 153 of the 129th General Assembly, 124839  
combined with the fiscal year 2013 appropriation for appropriation 124840  
item 235520, Shawnee State Supplement, in section 371.10 of Am. 124841  
Sub. H.B. 153 of the 129th General Assembly, and (b) Shawnee State 124842  
University's State Share of Instruction funding allocation for 124843  
fiscal year 2014, as determined under the formula detailed in 124844  
sections 363.190 and 363.200 of this act, combined with the fiscal 124845  
year 2014 appropriation for the foregoing appropriation item 124846  
235514, Shawnee State Supplement. If the computation made under 124847  
this division results in a negative number, Shawnee State 124848  
University's payment under this division shall be zero. 124849

(B) In each fiscal year, the Chancellor shall not distribute 124850  
an amount greater than what is appropriated under the foregoing 124851  
appropriation item 235505, State Share of Instruction Bridge 124852  
Funding. If the Chancellor determines that the amounts 124853  
appropriated for support of the State Share of Instruction Bridge 124854  
Funding program are inadequate to provide full temporary 124855  
allocation payments to all eligible campuses, the Chancellor shall 124856  
proportionally reduce payment amounts. 124857

**Section 363.220. RESTRICTION ON FEE INCREASES** 124858

The boards of trustees of state institutions of higher 124859  
education shall restrain increases in in-state undergraduate 124860  
instructional and general fees. Each state university and the 124861  
Northeast Ohio Medical University shall not increase its in-state 124862  
undergraduate instructional and general fees by more than 2.0 per 124863  
cent or \$188, whichever is higher, over what the institution 124864  
charged for the preceding academic year. 124865

Each university regional campus shall not increase its 124866  
in-state undergraduate instructional and general fees by more than 124867  
2.0 per cent or \$114, whichever is higher, over what the 124868  
institution charged for the preceding academic year. 124869

Each community college, state community college, and 124870  
technical college shall not increase its in-state undergraduate 124871  
instructional and general fees by more than \$100 over what the 124872  
institution charged for the preceding academic year. 124873

These limitations shall not apply to increases required to 124874  
comply with institutional covenants related to their obligations 124875  
or to meet unfunded legal mandates or legally binding obligations 124876  
incurred or commitments made prior to the effective date of this 124877  
section with respect to which the institution had identified such 124878  
fee increases as the source of funds. Any increase required by 124879  
such covenants and any such mandates, obligations, or commitments 124880

shall be reported by the Chancellor of the Board of Regents to the Controlling Board. These limitations may also be modified by the Chancellor of the Board of Regents, with the approval of the Controlling Board, to respond to exceptional circumstances as identified by the Chancellor of the Board of Regents.

These limitations shall not apply to institutions participating in an undergraduate tuition guarantee program pursuant to section 3345.48 of the Revised Code.

**Section 363.230. HIGHER EDUCATION - BOARD OF TRUSTEES**

(A) Funds appropriated for instructional subsidies at colleges and universities may be used to provide such branch or other off-campus undergraduate courses of study and such master's degree courses of study as may be approved by the Chancellor of the Board of Regents.

(B) In providing instructional and other services to students, boards of trustees of state institutions of higher education shall supplement state subsidies with income from charges to students. Except as otherwise provided in this act, each board shall establish the fees to be charged to all students, including an instructional fee for educational and associated operational support of the institution and a general fee for noninstructional services, including locally financed student services facilities used for the benefit of enrolled students. The instructional fee and the general fee shall encompass all charges for services assessed uniformly to all enrolled students. Each board may also establish special purpose fees, service charges, and fines as required; such special purpose fees and service charges shall be for services or benefits furnished individual students or specific categories of students and shall not be applied uniformly to all enrolled students. A tuition surcharge shall be paid by all students who are not residents of Ohio.

The board of trustees of a state institution of higher education shall not authorize a waiver or nonpayment of instructional fees or general fees for any particular student or any class of students other than waivers specifically authorized by law or approved by the Chancellor. This prohibition is not intended to limit the authority of boards of trustees to provide for payments to students for services rendered the institution, nor to prohibit the budgeting of income for staff benefits or for student assistance in the form of payment of such instructional and general fees.

Each state institution of higher education in its statement of charges to students shall separately identify the instructional fee, the general fee, the tuition charge, and the tuition surcharge. Fee charges to students for instruction shall not be considered to be a price of service but shall be considered to be an integral part of the state government financing program in support of higher educational opportunity for students.

(C) The boards of trustees of state institutions of higher education shall ensure that faculty members devote a proper and judicious part of their work week to the actual instruction of students. Total class credit hours of production per academic term per full-time faculty member is expected to meet the standards set forth in the budget data submitted by the Chancellor of the Board of Regents.

(D) The authority of government vested by law in the boards of trustees of state institutions of higher education shall in fact be exercised by those boards. Boards of trustees may consult extensively with appropriate student and faculty groups. Administrative decisions about the utilization of available resources, about organizational structure, about disciplinary procedure, about the operation and staffing of all auxiliary facilities, and about administrative personnel shall be the

exclusive prerogative of boards of trustees. Any delegation of 124944  
authority by a board of trustees in other areas of responsibility 124945  
shall be accompanied by appropriate standards of guidance 124946  
concerning expected objectives in the exercise of such delegated 124947  
authority and shall be accompanied by periodic review of the 124948  
exercise of this delegated authority to the end that the public 124949  
interest, in contrast to any institutional or special interest, 124950  
shall be served. 124951

**Section 363.240. STUDENT SUPPORT SERVICES** 124952

The foregoing appropriation item 235502, Student Support 124953  
Services, shall be distributed by the Chancellor of the Board of 124954  
Regents to Ohio's state colleges and universities that incur 124955  
disproportionate costs in the provision of support services to 124956  
disabled students. 124957

**Section 363.250. WAR ORPHANS SCHOLARSHIPS** 124958

The foregoing appropriation item 235504, War Orphans 124959  
Scholarships, shall be used to reimburse state institutions of 124960  
higher education for waivers of instructional fees and general 124961  
fees provided by them, to provide grants to institutions that have 124962  
received a certificate of authorization from the Chancellor of the 124963  
Board of Regents under Chapter 1713. of the Revised Code, in 124964  
accordance with the provisions of section 5910.04 of the Revised 124965  
Code, and to fund additional scholarship benefits provided by 124966  
section 5910.032 of the Revised Code. 124967

**Section 363.260. OHIOLINK** 124968

The foregoing appropriation item 235507, OhioLINK, shall be 124969  
used by the Chancellor of the Board of Regents to support 124970  
OhioLINK, a consortium organized under division (T) of section 124971  
3333.04 of the Revised Code to serve as the state's electronic 124972

library information and retrieval system, which provides access 124973  
statewide to an extensive set of electronic databases and 124974  
resources, the library holdings of Ohio's public and participating 124975  
private nonprofit colleges and universities, and the State Library 124976  
of Ohio. 124977

**Section 363.270. AIR FORCE INSTITUTE OF TECHNOLOGY** 124978

The foregoing appropriation item 235508, Air Force Institute 124979  
of Technology, shall be used to: (A) strengthen the research and 124980  
educational linkages between the Wright Patterson Air Force Base 124981  
and institutions of higher education in Ohio; and (B) support the 124982  
Dayton Area Graduate Studies Institute, an engineering graduate 124983  
consortium of Wright State University, the University of Dayton, 124984  
and the Air Force Institute of Technology, with the participation 124985  
of the University of Cincinnati and The Ohio State University. 124986

**Section 363.280. OHIO SUPERCOMPUTER CENTER** 124987

The foregoing appropriation item 235510, Ohio Supercomputer 124988  
Center, shall be used by the Chancellor of the Board of Regents to 124989  
support the operation of the Ohio Supercomputer Center, a 124990  
consortium organized under division (T) of section 3333.04 of the 124991  
Revised Code, located at The Ohio State University. The Ohio 124992  
Supercomputer Center is a statewide resource available to Ohio 124993  
research universities both public and private. It is also intended 124994  
that the center be made accessible to private industry as 124995  
appropriate. 124996

Funds shall be used, in part, to support the Ohio 124997  
Supercomputer Center's Computational Science Initiative, which 124998  
includes its industrial outreach program, Blue Collar Computing, 124999  
and its School of Computational Science. These collaborations 125000  
between the Ohio Supercomputer Center and Ohio's colleges and 125001  
universities shall be aimed at making Ohio a leader in using 125002



computer modeling to promote economic development. 125003

**Section 363.290.** COOPERATIVE EXTENSION SERVICE 125004

The foregoing appropriation item 235511, Cooperative 125005  
Extension Service, shall be disbursed through the Chancellor of 125006  
the Board of Regents to The Ohio State University in monthly 125007  
payments, unless otherwise determined by the Director of Budget 125008  
and Management under section 126.09 of the Revised Code. 125009

Of the foregoing appropriation item 235511, Cooperative 125010  
Extension Service, up to \$30,000 in fiscal year 2014 shall be used 125011  
to develop an in-school agriculturally based curriculum for 125012  
inclusion within the regular classroom curriculum of an elementary 125013  
school in the Cleveland Municipal School District and the 125014  
Cincinnati City School District. 125015

Of the foregoing appropriation item 235511, Cooperative 125016  
Extension Service, up to \$73,450 in each fiscal year shall be used 125017  
to support a City of Cleveland Program Manager tasked with 125018  
preparing regular classroom teachers in one elementary school to 125019  
recruit and train volunteers for an after-school 4-H Club. 125020

Of the foregoing appropriation item 235511, Cooperative 125021  
Extension Service, \$73,450 in each fiscal year shall be used to 125022  
support a City of Cincinnati Program Manager tasked with preparing 125023  
regular classroom teachers in one elementary school to recruit and 125024  
train volunteers for an after-school 4-H Club. 125025

**Section 363.300.** CENTRAL STATE SUPPLEMENT 125026

The foregoing appropriation item 235514, Central State 125027  
Supplement, shall be disbursed by the Chancellor of the Board of 125028  
Regents to Central State University in accordance with the plan 125029  
developed by the Chancellor and submitted to the Governor and the 125030  
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 125031  
General Assembly. Funds shall be used in a manner consistent with 125032

the goals of increasing enrollment, improving course completion, 125033  
and increasing the number of degrees conferred. 125034

The Chancellor shall monitor the implementation of the plan 125035  
and the use of funds. Central State University shall provide any 125036  
information requested by the Chancellor related to the 125037  
implementation of the plan. If the Chancellor determines that 125038  
Central State University's use of supplemental funds is not in 125039  
accordance with the plan or if the plan is not having the desired 125040  
effect, the Chancellor may notify Central State University that 125041  
the plan is suspended. Upon receiving such notice, Central State 125042  
University shall avoid all unnecessary expenditures under the 125043  
plan. The Chancellor shall notify the Controlling Board of the 125044  
suspension of the plan and within sixty days prepare a new plan 125045  
for the use of any remaining funds. 125046

**Section 363.310.** CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 125047  
MEDICINE 125048

The foregoing appropriation item 235515, Case Western Reserve 125049  
University School of Medicine, shall be disbursed to Case Western 125050  
Reserve University through the Chancellor of the Board of Regents 125051  
in accordance with agreements entered into under section 3333.10 125052  
of the Revised Code, provided that the state support per full-time 125053  
medical student shall not exceed that provided to full-time 125054  
medical students at state universities. 125055

**Section 363.320.** FAMILY PRACTICE 125056

The Chancellor of the Ohio Board of Regents shall develop 125057  
plans consistent with existing criteria and guidelines as may be 125058  
required for the distribution of appropriation item 235519, Family 125059  
Practice. 125060

**Section 363.330.** SHAWNEE STATE SUPPLEMENT 125061

The foregoing appropriation item 235520, Shawnee State Supplement, shall be disbursed by the Chancellor of the Board of Regents to Shawnee State University in accordance with the plan developed by the Chancellor and submitted to the Governor and the General Assembly as directed by Am. Sub. H.B. 153 of the 129th General Assembly. Funds shall be used in a manner consistent with the goals of improving course completion, increasing the number of degrees conferred, and furthering the university's mission of service to the Appalachian region.

The Chancellor shall monitor the implementation of the plan and the use of funds. Shawnee State University shall provide any information requested by the Chancellor related to the implementation of the plan. If the Chancellor determines that Shawnee State University's use of supplemental funds is not in accordance with the plan or if the plan is not having the desired effect, the Chancellor may notify Shawnee State University that the plan is suspended. Upon receiving such notice, Shawnee State University shall avoid all unnecessary expenditures under the plan. The Chancellor shall notify the Controlling Board of the suspension of the plan and within sixty days prepare a new plan for the use of any remaining funds.

**Section 363.340. POLICE AND FIRE PROTECTION** 125083

The foregoing appropriation item 235524, Police and Fire Protection, shall be used for police and fire services in the municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, Portsmouth, Xenia Township (Greene County), Rootstown Township, and the City of Nelsonville that may be used to assist these local governments in providing police and fire protection for the central campus of the state-affiliated university located therein.

**Section 363.350. GERIATRIC MEDICINE** 125091

The Chancellor of the Board of Regents shall develop plans 125092  
consistent with existing criteria and guidelines as may be 125093  
required for the distribution of appropriation item 235525, 125094  
Geriatric Medicine. 125095

**Section 363.360. PRIMARY CARE RESIDENCIES** 125096

The Chancellor of the Board of Regents shall develop plans 125097  
consistent with existing criteria and guidelines as may be 125098  
required for the distribution of appropriation item 235526, 125099  
Primary Care Residencies. 125100

The foregoing appropriation item 235526, Primary Care 125101  
Residencies, shall be distributed in each fiscal year of the 125102  
biennium, based on whether or not the institution has submitted 125103  
and gained approval for a plan. If the institution does not have 125104  
an approved plan, it shall receive five per cent less funding per 125105  
student than it would have received from its annual allocation. 125106  
The remaining funding shall be distributed among those 125107  
institutions that meet or exceed their targets. 125108

**Section 363.370. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT** 125109  
**CENTER** 125110

The foregoing appropriation item 235535, Ohio Agricultural 125111  
Research and Development Center, shall be disbursed through the 125112  
Chancellor of the Board of Regents to The Ohio State University in 125113  
monthly payments, unless otherwise determined by the Director of 125114  
Budget and Management under section 126.09 of the Revised Code. 125115  
The Ohio Agricultural Research and Development Center shall not be 125116  
required to remit payment to The Ohio State University during the 125117  
biennium ending June 30, 2015, for cost reallocation assessments. 125118  
The cost reallocation assessments include, but are not limited to, 125119  
any assessment on state appropriations to the Center. 125120

The Ohio Agricultural Research and Development Center, an 125121

entity of the College of Food, Agricultural, and Environmental 125122  
Sciences of The Ohio State University, shall further its mission 125123  
of enhancing Ohio's economic development and job creation by 125124  
continuing to internally allocate on a competitive basis 125125  
appropriated funding of programs based on demonstrated 125126  
performance. Academic units, faculty, and faculty-driven programs 125127  
shall be evaluated and rewarded consistent with agreed-upon 125128  
performance expectations as called for in the College's 125129  
Expectations and Criteria for Performance Assessment. 125130

**Section 363.380. STATE UNIVERSITY CLINICAL TEACHING** 125131

The foregoing appropriation items 235536, The Ohio State 125132  
University Clinical Teaching; 235537, University of Cincinnati 125133  
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 125134  
235539, Wright State University Clinical Teaching; 235540, Ohio 125135  
University Clinical Teaching; and 235541, Northeast Ohio Medical 125136  
University Clinical Teaching, shall be distributed through the 125137  
Chancellor of the Board of Regents. 125138

**Section 363.390. CAPITAL COMPONENT** 125139

The foregoing appropriation item 235552, Capital Component, 125140  
shall be used by the Chancellor of the Board of Regents to provide 125141  
funding for prior commitments made pursuant to the state's former 125142  
capital funding policy for state colleges and universities that 125143  
was originally established in Am. H.B. 748 of the 121st General 125144  
Assembly. Appropriations from this item shall be distributed to 125145  
all campuses for which the estimated campus debt service 125146  
attributable to qualifying capital projects was less than the 125147  
campus's formula-determined capital component allocation. Campus 125148  
allocations shall be determined by subtracting the estimated 125149  
campus debt service attributable to qualifying capital projects 125150  
from the campus's formula-determined capital component allocation. 125151

Moneys distributed from this appropriation item shall be 125152  
restricted to capital-related purposes. 125153

Any campus for which the estimated campus debt service 125154  
attributable to qualifying capital projects is greater than the 125155  
campus's formula-determined capital component allocation shall 125156  
have the difference subtracted from its State Share of Instruction 125157  
allocation in each fiscal year. Appropriation equal to the sum of 125158  
all such amounts except that of the Ohio Agricultural Research and 125159  
Development Center shall be transferred from appropriation item 125160  
235501, State Share of Instruction, to appropriation item 235552, 125161  
Capital Component. Appropriation equal to any estimated Ohio 125162  
Agricultural Research and Development Center debt service 125163  
attributable to qualifying capital projects that is greater than 125164  
the Center's formula-determined capital component allocation shall 125165  
be transferred from appropriation item 235535, Ohio Agricultural 125166  
Research and Development Center, to appropriation item 235552, 125167  
Capital Component. 125168

**Section 363.400. LIBRARY DEPOSITORIES** 125169

The foregoing appropriation item, 235555, Library 125170  
Depositories, shall be distributed to the state's five regional 125171  
depository libraries for the cost-effective storage of and access 125172  
to lesser-used materials in university library collections. The 125173  
depositories shall be administrated by the Chancellor of the Board 125174  
of Regents, or by OhioLINK at the discretion of the Chancellor. 125175

**Section 363.410. OHIO ACADEMIC RESOURCES NETWORK (OARNET)** 125176

The foregoing appropriation item 235556, Ohio Academic 125177  
Resources Network, shall be used by the Chancellor of the Board of 125178  
Regents to support the operations of the Ohio Academic Resources 125179  
Network, a consortium organized under division (T) of section 125180  
3333.04 of the Revised Code, which shall include support for 125181

Ohio's colleges and universities in maintaining and enhancing 125182  
network connections, using new network technologies to improve 125183  
research, education, and economic development programs, and 125184  
sharing information technology services. To the extent network 125185  
capacity is available, OARnet shall support allocating bandwidth 125186  
to eligible programs directly supporting Ohio's economic 125187  
development. 125188

**Section 363.420.** LONG-TERM CARE RESEARCH 125189

The foregoing appropriation item 235558, Long-term Care 125190  
Research, shall be disbursed to Miami University for long-term 125191  
care research. 125192

**Section 363.430.** OHIO COLLEGE OPPORTUNITY GRANT 125193

(A) Except as provided in division (C) of this section: 125194

Of the foregoing appropriation item 235563, Ohio College 125195  
Opportunity Grant, \$41,000,000 in each fiscal year shall be used 125196  
by the Chancellor of the Board of Regents to award need-based 125197  
financial aid to students enrolled in eligible four-year public 125198  
institutions of higher education, excluding early college high 125199  
school and post-secondary enrollment option participants. 125200

Of the foregoing appropriation item 235563, Ohio College 125201  
Opportunity Grant, \$41,000,000 in each fiscal year shall be used 125202  
by the Chancellor of the Board of Regents to award need-based 125203  
financial aid to students enrolled in eligible private nonprofit 125204  
institutions of higher education, excluding early college high 125205  
school and post-secondary enrollment option participants. 125206

The remainder of the foregoing appropriation item 235563, 125207  
Ohio College Opportunity Grant, shall be used by the Chancellor of 125208  
the Board of Regents to award needs-based financial aid to 125209  
students enrolled in eligible private for-profit career colleges 125210  
and schools. 125211

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| (B)(1) As used in this section:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 125212                                                                                                               |
| (a) "Eligible institution" means any institution described in divisions (B)(2)(a) to (c) of section 3333.122 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 125213<br>125214<br>125215                                                                                           |
| (b) The three "sectors" of institutions of higher education consist of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 125216<br>125217                                                                                                     |
| (i) State colleges and universities, community colleges, state community colleges, university branches, and technical colleges;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 125218<br>125219<br>125220                                                                                           |
| (ii) Eligible private nonprofit institutions of higher education;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 125221<br>125222                                                                                                     |
| (iii) Eligible private for-profit career colleges and schools.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 125223<br>125224                                                                                                     |
| (2) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as calculated under division (D) of section 3333.122 of the Revised Code, the Chancellor may create a distribution formula for fiscal year 2014 and fiscal year 2015 based on the formula used in fiscal year 2013, or may follow methods established in division (C)(1)(a) or (b) of section 3333.122 of the Revised Code. The Chancellor shall notify the Controlling Board of the distribution method. Any formula calculated under this division shall be complete and established to coincide with the start of the 2013-2014 academic year. | 125225<br>125226<br>125227<br>125228<br>125229<br>125230<br>125231<br>125232<br>125233<br>125234<br>125235<br>125236 |
| (C) Prior to determining the amount of funds available to award under this section and section 3333.122 of the Revised Code, the Chancellor shall use the foregoing appropriation item 235563, Ohio College Opportunity Grant, to pay for renewals or partial renewals of scholarships students receive under the Ohio Academic Scholarship Program under sections 3333.21 and 3333.22 of the                                                                                                                                                                                                                                                                                                                                        | 125237<br>125238<br>125239<br>125240<br>125241<br>125242                                                             |



Revised Code. In paying for scholarships under this division, the 125243  
Chancellor shall deduct funds from the allocations made under 125244  
division (A) of this section. Deductions shall be proportionate to 125245  
the amounts allocated to each sector from the total amounts 125246  
appropriated for each sector under the foregoing appropriation 125247  
item 235563, Ohio College Opportunity Grant. 125248

In each fiscal year, the Chancellor shall not distribute or 125249  
obligate or commit to be distributed an amount greater than what 125250  
is appropriated under the foregoing appropriation item 235563, 125251  
Ohio College Opportunity Grant. 125252

(D) The Chancellor shall establish, and post on the Ohio 125253  
Board of Regents' web site, award tables based on any formulas 125254  
created under division (B) of this section. The Chancellor shall 125255  
notify students and institutions of any reductions in awards under 125256  
this section. 125257

On or before August 31, 2013, the Chancellor of the Board of 125258  
Regents shall submit award tables to the Controlling Board for the 125259  
2013-2014 academic year and allocations of Ohio College 125260  
Opportunity Grant awards not already specified in section 3333.122 125261  
of the Revised Code. 125262

(E) Notwithstanding section 3333.122 of the Revised Code, no 125263  
student shall be eligible to receive an Ohio College Opportunity 125264  
Grant for more than ten semesters, fifteen quarters, or the 125265  
equivalent of five academic years, less the number of semesters or 125266  
quarters in which the student received an Ohio Instructional 125267  
Grant. 125268

**Section 363.440.** THE OHIO STATE UNIVERSITY CLINIC SUPPORT 125269

The foregoing appropriation item 235572, The Ohio State 125270  
University Clinic Support, shall be distributed through the 125271  
Chancellor of the Board of Regents to The Ohio State University 125272

for support of dental and veterinary medicine clinics. 125273

**Section 363.450.** NATIONAL GUARD SCHOLARSHIP PROGRAM 125274

The Chancellor of the Board of Regents shall disburse funds 125275  
from appropriation item 235599, National Guard Scholarship 125276  
Program. During each fiscal year, the Chancellor of the Board of 125277  
Regents, within ten days of cancellation, may certify to the 125278  
Director of Budget and Management the amount of canceled 125279  
prior-year encumbrances in appropriation item 235599, National 125280  
Guard Scholarship Program. Upon receipt of the certification, the 125281  
Director of Budget and Management may transfer cash in an amount 125282  
up to the amount certified from the General Revenue Fund to the 125283  
National Guard Scholarship Reserve Fund (Fund 5BM0). The 125284  
Chancellor of the Board of Regents shall seek Controlling Board 125285  
approval to authorize additional expenditures for appropriation 125286  
item 235623, National Guard Scholarship Reserve Fund. Upon 125287  
approval of the Controlling Board, the additional amounts are 125288  
hereby appropriated. The Chancellor of the Board of Regents shall 125289  
disburse funds from appropriation item 235623, National Guard 125290  
Scholarship Reserve Fund. 125291

**Section 363.460.** PLEDGE OF FEES 125292

Any new pledge of fees, or new agreement for adjustment of 125293  
fees, made in the biennium ending June 30, 2015, to secure bonds 125294  
or notes of a state institution of higher education for a project 125295  
for which bonds or notes were not outstanding on the effective 125296  
date of this section shall be effective only after approval by the 125297  
Chancellor of the Board of Regents, unless approved in a previous 125298  
biennium. 125299

**Section 363.470.** HIGHER EDUCATION GENERAL OBLIGATION DEBT 125300  
SERVICE 125301

The foregoing appropriation item 235909, Higher Education 125302  
General Obligation Debt Service, shall be used to pay all debt 125303  
service and related financing costs at the times they are required 125304  
to be made during the period from July 1, 2013, through June 30, 125305  
2015, for obligations issued under sections 151.01 and 151.04 of 125306  
the Revised Code. 125307

**Section 363.480. SALES AND SERVICES** 125308

The Chancellor of the Board of Regents is authorized to 125309  
charge and accept payment for the provision of goods and services. 125310  
Such charges shall be reasonably related to the cost of producing 125311  
the goods and services. Except as otherwise provided by law, no 125312  
charges may be levied for goods or services that are produced as 125313  
part of the routine responsibilities or duties of the Chancellor. 125314  
All revenues received by the Chancellor of the Board of Regents 125315  
shall be deposited into Fund 4560, and may be used by the 125316  
Chancellor of the Board of Regents to pay for the costs of 125317  
producing the goods and services. 125318

**Section 363.483. CO-OP INTERNSHIP PROGRAM** 125319

Of the foregoing appropriation item 235649, Co-op Internship 125320  
Program, \$75,000 in each fiscal year shall be used by the 125321  
Chancellor of the Board of Regents to support the operations of 125322  
Ohio University's Voinovich School. 125323

Of the foregoing appropriation item 235649, Co-op Internship 125324  
Program, \$75,000 in each fiscal year, shall be used by the 125325  
Chancellor of the Board of Regents to support the operations of 125326  
The Ohio State University's John Glenn School of Public Affairs. 125327

Of the foregoing appropriation item 235649, Co-op Internship 125328  
Program, \$75,000 in each fiscal year shall be used to support the 125329  
Bliss Institute of Applied Politics at the University of Akron. 125330

Of the foregoing appropriation item 235649, Co-op Internship 125331

Program, \$75,000 in each fiscal year shall be used to support the 125332  
Center for Public Management and Regional Affairs at Miami 125333  
University. 125334

Of the foregoing appropriation item 235649, Co-op Internship 125335  
Program, \$75,000 in each fiscal year shall be used to support the 125336  
Washington Center Internship Program. 125337

Of the foregoing appropriation item 235649, Co-op Internship 125338  
Program, \$75,000 in each fiscal year shall be used to support the 125339  
Ohio Center for the Advancement of Women in Public Service at the 125340  
Maxine Goodman Levin College of Urban Affairs at Cleveland State 125341  
University. 125342

Of the foregoing appropriation item 235649, Co-op Internship 125343  
Program, \$75,000 in each fiscal year shall be used to support the 125344  
University of Cincinnati Internship Program. 125345

Of the foregoing appropriation item 235649, Co-op Internship 125346  
Program, \$75,000 in each fiscal year shall be used by the 125347  
Chancellor of the Board of Regents to support the operations of 125348  
the Center for Regional Development at Bowling Green State 125349  
University. 125350

Of the foregoing appropriation item 235649, Co-op Internship 125351  
Program, \$75,000 in each fiscal year shall be used by the 125352  
Chancellor of the Board of Regents to support the operations of 125353  
the Institute for Defense Studies at Wright State University. 125354

**Section 363.490. HIGHER EDUCATIONAL FACILITY COMMISSION 125355**  
ADMINISTRATION 125356

The foregoing appropriation item 235602, Higher Educational 125357  
Facility Commission Administration, shall be used by the 125358  
Chancellor of the Board of Regents for operating expenses related 125359  
to the Chancellor of the Board of Regents' support of the 125360  
activities of the Ohio Higher Educational Facility Commission. 125361

Upon the request of the Chancellor, the Director of Budget and Management may transfer up to \$29,100 cash in each fiscal year from the HEFC Operating Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 4E80).

**Section 363.500. NURSING LOAN PROGRAM**

The foregoing appropriation item 235606, Nursing Loan Program, shall be used to administer the nurse education assistance program. Up to \$50,000 in each fiscal year may be used for operating expenses associated with the program. Any additional funds needed for the administration of the program are subject to Controlling Board approval.

**Section 363.510. TELECOMMUNITY AND DISTANCE LEARNING**

Of the foregoing appropriation item 235674, Telecommunity and Distance Learning, up to \$25,000 in each fiscal year shall be distributed by the Chancellor of the Board of Regents on a grant basis to eligible school districts to establish "distance learning" through interactive video technologies in the school district. Per agreements with eight Ohio local telephone companies, ALLTEL Ohio, CENTURY Telephone of Ohio, Chillicothe Telephone Company, Cincinnati Bell Telephone Company, Orwell Telephone Company, Sprint North Central Telephone, VERIZON, and Western Reserve Telephone Company, school districts are eligible for funds if they are within one of the listed telephone company service areas. Funds to administer the program shall be expended by the Chancellor of the Board of Regents up to the amount specified in the agreements with the listed telephone companies.

Within thirty days after the effective date of this section, the Director of Budget and Management shall transfer to Fund 4X10 in the State Special Revenue Fund Group any investment earnings from moneys paid by any telephone company as part of any

settlement agreement between the listed companies and the Public 125392  
Utilities Commission in fiscal years 1996 and beyond. 125393

Of the foregoing appropriation item 235674, Telecommunity and 125394  
Distance Learning, up to \$24,150 in each fiscal year shall be 125395  
distributed by the Chancellor of the Board of Regents on a grant 125396  
basis to eligible school districts to establish "distance 125397  
learning" in the school district. Per an agreement with Ameritech, 125398  
school districts are eligible for funds if they are within an 125399  
Ameritech service area. Funds to administer the program shall be 125400  
expended by the Chancellor of the Board of Regents up to the 125401  
amount specified in the agreement with Ameritech. 125402

Within thirty days after the effective date of this section, 125403  
the Director of Budget and Management shall transfer to Fund 4X10 125404  
in the State Special Revenue Fund Group any investment earnings 125405  
from moneys paid by any telephone company as part of a settlement 125406  
agreement between the company and the Public Utilities Commission 125407  
in fiscal year 1995. 125408

**Section 363.520. VETERANS PREFERENCES** 125409

The Chancellor of the Board of Regents shall work with the 125410  
Department of Veterans Services to develop specific veterans 125411  
preference guidelines for higher education institutions. These 125412  
guidelines shall ensure that the institutions' hiring practices 125413  
are in accordance with the intent of Ohio's veterans preference 125414  
laws. 125415

**Section 363.530. STATE NEED-BASED FINANCIAL AID** 125416  
**RECONCILIATION** 125417

By the first day of August in each fiscal year, or as soon as 125418  
possible thereafter, the Chancellor of the Board of Regents shall 125419  
certify to the Director of Budget and Management the amount 125420  
necessary to pay any outstanding prior year obligations to higher 125421

education institutions for the state's need-based financial aid 125422  
programs. The amounts certified are hereby appropriated to 125423  
appropriation item 235618, State Need-based Financial Aid 125424  
Reconciliation, from revenues received in the State Need-based 125425  
Financial Aid Reconciliation Fund (Fund 5Y50). 125426

**Section 363.540.** (A) As used in this section: 125427

(1) "Board of trustees" includes the managing authority of a 125428  
university branch district. 125429

(2) "State institution of higher education" has the same 125430  
meaning as in section 3345.011 of the Revised Code. 125431

(B) The board of trustees of any state institution of higher 125432  
education, notwithstanding any rule of the institution to the 125433  
contrary, may adopt a policy providing for mandatory furloughs of 125434  
employees, including faculty, to achieve spending reductions 125435  
necessitated by institutional budget deficits. 125436

**Section 363.550.** EFFICIENCY ADVISORY COMMITTEE 125437

The Chancellor of the Board of Regents shall establish an 125438  
efficiency advisory committee for the purpose of generating 125439  
optimal efficiency plans for campuses, identifying shared services 125440  
opportunities, and sharing best practices. The efficiency advisory 125441  
committee shall also attempt to reduce the cost of textbooks and 125442  
other education resource materials. The committee shall meet at 125443  
the call of the Chancellor or the Chancellor's designee, but at 125444  
least quarterly. Each state institution of higher education shall 125445  
designate an employee to serve as its efficiency officer 125446  
responsible for the evaluation and improvement of operational 125447  
efficiencies on campus. Each efficiency officer shall serve on the 125448  
efficiency advisory committee. 125449

By December 31 of each year, the Efficiency Advisory 125450  
Committee shall provide a report to the Office of Budget and 125451

Management, the Governor, and the General Assembly compiling the 125452  
operational efficiency plans for all institutions of higher 125453  
education and benchmarking efficiency gains realized over the 125454  
preceding year and progress in implementing the prior year's 125455  
efficiency plan. The report shall also be made available to the 125456  
public on the Ohio Board of Regents web site. 125457

**Section 363.570. (A) FUND ABOLITION** 125458

On July 1, 2013, or as soon as possible thereafter, the 125459  
Director of Budget and Management shall transfer the cash balance 125460  
in the eTech Ohio Telecommunity Education Fund (Fund 4W90) to the 125461  
Distance Learning Fund (Fund 4X10). Upon completion of the 125462  
transfer, the eTech Ohio Telecommunity Education Fund (Fund 125463  
4W90) is hereby abolished. 125464

**(B) ETECH OHIO COMMISSION ABOLISHMENT AND APPROPRIATION LINE** 125465  
**ITEM TRANSFER** 125466

Effective July 1, 2013, the Director of Budget and Management 125467  
shall cancel any existing encumbrances against appropriation item 125468  
935401, Statehouse News Bureau, and re-establish them against 125469  
appropriation item 235478, Statehouse News Bureau. The 125470  
re-established encumbrance amounts are hereby appropriated. Any 125471  
business commenced but not completed under appropriation item 125472  
935401, Statehouse News Bureau, by July 1, 2013, shall be 125473  
completed under appropriation item 235478, Statehouse News Bureau, 125474  
in the same manner and with the same effect as if it were 125475  
completed with regard to appropriation item 935401, Statehouse 125476  
News Bureau. 125477

Effective July 1, 2013, the Director of Budget and Management 125478  
shall cancel any existing encumbrances against appropriation item 125479  
935402, Ohio Government Telecommunications Services, and 125480  
re-establish them against appropriation item 235479, Ohio 125481  
Government Telecommunications Services. The re-established 125482



encumbrance amounts are hereby appropriated. Any business 125483  
commenced but not completed under appropriation item 935402, Ohio 125484  
Government Telecommunications Services, by July 1, 2013, shall be 125485  
completed under appropriation item 235479, Ohio Government 125486  
Telecommunications Services, in the same manner and with the same 125487  
effect as if it were completed with regard to appropriation item 125488  
935402, Ohio Government Telecommunications Services. 125489

Effective July 1, 2013, the Director of Budget and Management 125490  
shall cancel any existing encumbrances against appropriation item 125491  
935408, General Operations, and re-establish them, as determined 125492  
to be appropriate by the Director of Budget and Management, 125493  
against appropriation item 235480, General Technology Operations. 125494  
The re-established encumbrance amounts are hereby appropriated. 125495  
Any business commenced but not completed under appropriation item 125496  
935408, General Operations, by July 1, 2013, shall be completed, 125497  
as determined to be appropriate by the Director of Budget and 125498  
Management, under appropriation item 235480, General Technology 125499  
Operations, in the same manner and with the same effect as if it 125500  
were completed with regard to appropriation item 935408, General 125501  
Operations. 125502

Effective July 1, 2013, the Director of Budget and Management 125503  
shall cancel any existing encumbrances against appropriation item 125504  
935409, Technology Operations, and re-establish them against 125505  
appropriation item 235481, Technology Operations. The 125506  
re-established encumbrance amounts are hereby appropriated. Any 125507  
business commenced but not completed under appropriation item 125508  
935409, Technology Operations, by July 1, 2013, shall be completed 125509  
under appropriation item 235481, Technology Operations, in the 125510  
same manner and with the same effect as if it were completed with 125511  
regard to appropriation item 935409, Technology Operations. 125512

Effective July 1, 2013, the Director of Budget and Management 125513  
shall cancel any existing encumbrances against appropriation item 125514

935410, Content Development, Acquisition, and Distribution, and 125515  
re-establish them, as determined to be appropriate by the Director 125516  
of Budget and Management, against appropriation item 235482, 125517  
Content Development, Acquisition, and Distribution. The 125518  
re-established encumbrance amounts are hereby appropriated. Any 125519  
business commenced but not completed under appropriation item 125520  
935410, Content Development, Acquisition, and Distribution, by 125521  
July 1, 2013, shall be completed, as determined to be appropriate 125522  
by the Director of Budget and Management, under appropriation item 125523  
235482, Content Development, Acquisition, and Distribution, in the 125524  
same manner and with the same effect as if it were completed with 125525  
regard to appropriation item 935410, Content Development, 125526  
Acquisition, and Distribution. 125527

Effective July 1, 2013, the Director of Budget and Management 125528  
shall cancel any existing encumbrances against appropriation item 125529  
935411, Technology Integration and Professional Development, and 125530  
re-establish them, as determined to be appropriate by the Director 125531  
of Budget and Management, against appropriation item 235483, 125532  
Technology Integration and Professional Development. The 125533  
re-established encumbrance amounts are hereby appropriated. Any 125534  
business commenced but not completed under appropriation item 125535  
935411, Technology Integration and Professional Development, by 125536  
July 1, 2013, shall be completed, as determined to be appropriate 125537  
by the Director of Budget and Management, under appropriation item 125538  
235483, Technology Integration and Professional Development, in 125539  
the same manner and with the same effect as if it were completed 125540  
with regard to appropriation item 935411, Technology Integration 125541  
and Professional Development. 125542

Effective July 1, 2013, the Director of Budget and Management 125543  
shall cancel any existing encumbrances against appropriation item 125544  
935412, Information Technology, and re-establish them against 125545  
appropriation item 235484, Information Technology. The 125546

re-established encumbrance amounts are hereby appropriated. Any 125547  
business commenced but not completed under appropriation item 125548  
935412, Information Technology, by July 1, 2013, shall be 125549  
completed under appropriation item 235484, Information Technology, 125550  
in the same manner and with the same effect as if it were 125551  
completed with regard to appropriation item 935412, Information 125552  
Technology. 125553

Effective July 1, 2013, the Director of Budget and Management 125554  
shall cancel any existing encumbrances against appropriation item 125555  
935603, Affiliate Services, and re-establish them against 125556  
appropriation item 235679, Affiliate Services. The re-established 125557  
encumbrance amounts are hereby appropriated. Any business 125558  
commenced but not completed under appropriation item 935603, 125559  
Affiliate Services, by July 1, 2013, shall be completed under 125560  
appropriation item 235679, Affiliate Services, in the same manner 125561  
and with the same effect as if it were completed with regard to 125562  
appropriation item 935603, Affiliate Services. 125563

Effective July 1, 2013, the Director of Budget and Management 125564  
shall cancel any existing encumbrances against appropriation item 125565  
935605, Government Television/Telecommunications Operating, and 125566  
re-establish them against appropriation item 235680, Government 125567  
Television/Telecommunications Operating. The re-established 125568  
encumbrance amounts are hereby appropriated. Any business 125569  
commenced but not completed under appropriation item 935605, 125570  
Government Television/Telecommunications Operating, by July 1, 125571  
2013, shall be completed under appropriation item 235680, 125572  
Government Television/Telecommunications Operating, in the same 125573  
manner and with the same effect as if it were completed with 125574  
regard to appropriation item 935605, Government 125575  
Television/Telecommunications Operating. 125576

Effective July 1, 2013, the Director of Budget and Management 125577  
shall cancel any existing encumbrances against appropriation item 125578

935608, Media Services, and re-establish them against 125579  
appropriation item 235676, Media Services. The re-established 125580  
encumbrance amounts are hereby appropriated. Any business 125581  
commenced but not completed under appropriation item 935608, Media 125582  
Services, by July 1, 2013, shall be completed under appropriation 125583  
item 235676, Media Services, in the same manner and with the same 125584  
effect as if it were completed with regard to appropriation item 125585  
935608, Media Services. 125586

Effective July 1, 2013, the Director of Budget and Management 125587  
shall cancel any existing encumbrances against appropriation item 125588  
935640, Conference/Special Purposes, and re-establish them against 125589  
appropriation item 235675, Conference/Special Purposes. The 125590  
re-established encumbrance amounts are hereby appropriated. Any 125591  
business commenced but not completed under appropriation item 125592  
935640, Conference/Special Purposes, by July 1, 2013, shall be 125593  
completed under appropriation item 235675, Conference/Special 125594  
Purposes, in the same manner and with the same effect as if it 125595  
were completed with regard to appropriation item 935640, 125596  
Conference/Special Purposes. 125597

Effective July 1, 2013, the Director of Budget and Management 125598  
shall cancel any existing encumbrances against appropriation item 125599  
935630, Telecommunity, and cancel any existing encumbrances 125600  
against appropriation item 935634, Distance Learning, and 125601  
re-establish them against appropriation item 235674, Telecommunity 125602  
and Distance Learning. The re-established encumbrance amounts are 125603  
hereby appropriated. Any business commenced but not completed 125604  
under appropriation items 935630, Telecommunity, and 935634, 125605  
Distance Learning, by July 1, 2013, shall be completed under 125606  
appropriation item 235674, Telecommunity and Distance Learning, in 125607  
the same manner and with the same effect as if it were completed 125608  
with regard to appropriation items 935630, Telecommunity, and 125609  
935634, Distance Learning. 125610

On July 1, 2013, or as soon as possible thereafter, the 125611  
Director of Budget and Management shall cancel any existing 125612  
capital appropriations and capital encumbrances of the former 125613  
eTech Ohio Commission in the Higher Education Improvement Fund 125614  
(Fund 7034), and re-establish them with the Chancellor of the 125615  
Board of Regents in the Higher Education Improvement Fund (Fund 125616  
7034). The re-established amounts are hereby appropriated. 125617

Effective July 1, 2013, notwithstanding any provision of the 125618  
law to the contrary, the Director of Budget and Management may 125619  
make budget changes made necessary by the transfer of the former 125620  
eTech Ohio Commission to the Chancellor of the Board of Regents, 125621  
if any, including administrative organization, program transfers, 125622  
the creation of new funds, the transfer of state funds, the 125623  
consolidation of funds, and the transfer of capital 125624  
appropriations, as authorized by this section. The Director of 125625  
Budget and Management may, if necessary, establish prior year 125626  
encumbrances or parts of prior year encumbrances of the former 125627  
eTech Ohio Commission with the Chancellor of the Board of Regents 125628  
in the appropriate fund and appropriation item for the same 125629  
purpose and for payment to the same vendor in fiscal year 2014 or 125630  
fiscal year 2015. The established encumbrances plus any additional 125631  
amounts determined to be necessary for the Chancellor of the Board 125632  
of Regents to perform the operations and related management 125633  
functions of the former eTech Ohio Commission are hereby 125634  
appropriated. 125635

(C) OHIO BROADCASTING AND PUBLIC RADIO ADVISORY BOARD 125636

There is hereby created the Ohio Broadcasting and Public 125637  
Radio Advisory Board within the office of the Chancellor of the 125638  
Board of Regents. All centralized broadcasting services, public 125639  
television services, and public radio services currently provided 125640  
by the eTech Ohio Commission North Star facility are hereby 125641  
transferred to the Chancellor of the Board of Regents. The 125642

Chancellor of the Board of Regents shall select an Ohio 125643  
Broadcasting and Public Radio Advisory Board comprised of four 125644  
members who will advise the Chancellor on the direction and 125645  
expenditure of funds. The Chancellor shall also appoint an 125646  
Executive Director of the Ohio Broadcasting and Public Radio 125647  
Advisory Board, who shall oversee the daily operations and staff 125648  
of the North Star facility. 125649

(D) CONFERENCE OPERATION OFFICE 125650

Beginning in fiscal year 2014, the annual eTech Ohio 125651  
Conference will be overseen by a Conference Operation Office 125652  
comprised of employees of the Chancellor of the Board of Regents 125653  
and Department of Education, including former employees of the 125654  
eTech Ohio Commission transferred to the Chancellor of the Board 125655  
of Regents and the Department of Education. The Office shall be 125656  
responsible for conferences that focus on professional development 125657  
in the education field, educational technology, distance learning, 125658  
and other education topics pertinent to the State of Ohio. 125659

(E) ETECH ABOLISHMENT 125660

On and after July 1, 2013, the eTech Ohio Commission is 125661  
hereby abolished and its duties, personnel, assets, and 125662  
liabilities are transferred as provided in divisions (F) and (G) 125663  
of this section. 125664

(F) TRANSFER OF RESPONSIBILITIES 125665

(1) On July 1, 2013, responsibility for administration of the 125666  
state's educational telecommunications activities under sections 125667  
3333.89, 3333.91, and 3333.92 and new section 3333.90 of the 125668  
Revised Code and teacher professional development for implementing 125669  
educational technology under section 3319.235 of the Revised Code 125670  
are transferred from the former eTech Ohio Commission to the 125671  
Chancellor of the Ohio Board of Regents. The Chancellor is 125672  
thereupon and thereafter successor to, assumes the obligations of, 125673

and otherwise constitutes the continuation of the eTech Ohio Commission relating to the functions, assets, records, and obligations of the state regarding those matters.

All other functions of the former eTech Ohio Commission are discontinued.

(2) Any business commenced but not completed by the former eTech Ohio Commission shall be completed by the Chancellor in the same manner, and with the same effect, as if completed by the eTech Ohio Commission. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the transfer, and shall be recognized, administered, performed, or enforced by the Chancellor.

(3) All of the rules of the former eTech Ohio Commission continue in effect as rules of the Chancellor, until amended or rescinded by the Chancellor.

(4) No judicial or administrative action or proceeding in which the former eTech Ohio Commission is a party, that is pending on the effective date of this section, is affected by the transfer. Such action or proceeding shall be prosecuted or defended in the name of the Chancellor. On application to the court or other tribunal, the Chancellor of the Ohio Board of Regents shall be substituted for the eTech Ohio Commission as a party to such action or proceeding.

(5) Subject to the lay-off provisions of sections 124.321 to 124.328, section 3301.41, and division (C) of new section 3333.90 of the Revised Code, all employees of the former eTech Ohio Commission continue with the Chancellor or with the Department of Education and retain their positions and all benefits accruing thereto. The Chancellor, the Superintendent of Public Instruction, and the Director of the Office of Budget and Management shall jointly determine which employees continue with the Chancellor and

which continue with the Department. 125705

(6) All books, records, documents, files, transcripts, 125706  
equipment, furniture, supplies, and other materials assigned to or 125707  
in the possession of the former eTech Ohio Commission shall be 125708  
transferred to the Chancellor. 125709

(G) TRANSFER OF CAPITAL DUTIES 125710

As of July 1, 2013, the Chancellor of the Board of Regents 125711  
shall succeed to and have and perform all fiduciary duties and 125712  
responsibilities previously held by the Director of eTech Ohio for 125713  
all outstanding capital appropriations designated for use by eTech 125714  
Ohio. 125715

(H) EDUCATIONAL TELECOMMUNICATIONS RESPONSIBILITIES 125716

(1) Beginning July 1, 2013, the Chancellor of the Ohio Board 125717  
of Regents shall do all of the following regarding the management 125718  
and oversight of the state's educational telecommunications 125719  
activities: 125720

(a) Own or operate transmission facilities and 125721  
interconnection facilities, or contract for transmission 125722  
facilities and interconnection facilities, for an educational 125723  
television, radio, or radio reading service network; 125724

(b) Establish standards for interconnection facilities used 125725  
by the Chancellor in the transmission of educational television, 125726  
radio, or radio reading service programming; 125727

(c) Enter into agreements with noncommercial educational 125728  
television or radio broadcasting stations or radio reading 125729  
services for the operation of the interconnection; 125730

(d) Enter into agreements with noncommercial educational 125731  
television or radio broadcasting stations or radio reading 125732  
services for the production and use of educational television, 125733  
radio, or radio reading service programs to be transmitted by the 125734



educational telecommunications network; 125735

(e) Act as consultant with educational television and 125736  
educational radio stations and radio reading services toward 125737  
coordination within the state of the distribution of federal funds 125738  
that may become available for equipment for educational 125739  
broadcasting or radio reading services; 125740

(f) Make payments to noncommercial Ohio educational 125741  
television or radio broadcasting stations or radio reading 125742  
services to sustain the operation of such stations or services; 125743

(g) Execute contracts and other agreements necessary and 125744  
desirable to carry out the purposes of this section. 125745

(2) Sections 9.331 to 9.335 and Chapters 123., 124., 125., 125746  
and 153. of the Revised Code do not apply to contracts, programs, 125747  
projects, or activities of the Chancellor carried out under 125748  
division (H)(1) of this section. 125749

(3) All employees of the former eTech Ohio Commission who 125750  
transferred to the office of the Chancellor, as a result of the 125751  
transfer to the Chancellor of the state's educational 125752  
telecommunications activities by this section, and who when 125753  
employed by that Commission or a predecessor agency were included 125754  
in a bargaining unit established under Chapter 4117. of the 125755  
Revised Code, shall continue to be included in that bargaining 125756  
unit, are public employees as defined in section 4117.01 of the 125757  
Revised Code, and may collectively bargain with the Chancellor in 125758  
accordance with that chapter. Otherwise, any employee hired by the 125759  
Chancellor on or after the effective date of this section, either 125760  
to fill vacancies or to fill new positions related to the 125761  
Chancellor's duties under this section, shall be exempt from 125762  
Chapter 4117. of the Revised Code and shall not be public 125763  
employees as defined in section 4117.01 of the Revised Code. 125764

|                                                                                                                                                                                                                                                                                                                                                                          |                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <b>Section 363.580.</b> ELECTRONIC TEXTBOOK PILOT PROJECT                                                                                                                                                                                                                                                                                                                | 125765                                                   |
| (A) The Electronic Textbook Pilot Project is hereby established to provide grants on a competitive basis to public and chartered nonpublic schools to purchase electronic textbooks through the learning clearinghouse established in section 3333.81 to 3333.88. The Electronic Textbook Pilot Project shall be administered by the Chancellor of the Board of Regents. | 125766<br>125767<br>125768<br>125769<br>125770<br>125771 |
| (B) The Chancellor shall have the authority to set the grant criteria and to select grant recipients. In awarding grants under this section, the Chancellor shall establish the criteria for determining which applicants will be considered a priority for receiving grant funds.                                                                                       | 125772<br>125773<br>125774<br>125775<br>125776           |
| (C) Not later than January 31, 2014, the Chancellor shall issue a request for proposals from eligible schools.                                                                                                                                                                                                                                                           | 125777<br>125778                                         |
| (D) Not later than May 31, 2014, the Chancellor shall award grants for use during the 2014-2015 school year.                                                                                                                                                                                                                                                             | 125779<br>125780                                         |
| (E) The Chancellor and Superintendent of Public Instruction jointly shall notify schools of and promote participation in the pilot project.                                                                                                                                                                                                                              | 125781<br>125782<br>125783                               |
| (F) Not later than December 31, 2015, the Chancellor shall submit to the Governor and the General Assembly, in accordance with section 101.68 of the Revised Code, a formative evaluation of the implementation and results of the pilot project and legislative recommendations for any changes in the pilot project.                                                   | 125784<br>125785<br>125786<br>125787<br>125788           |
| (G) The number of grants awarded under this section shall not exceed the number that can be funded with appropriations made by the General Assembly for this purpose.                                                                                                                                                                                                    | 125789<br>125790<br>125791                               |
| <b>Section 365.10.</b> DRC DEPARTMENT OF REHABILITATION AND CORRECTION                                                                                                                                                                                                                                                                                                   | 125792<br>125793                                         |

|                                |        |                       |                     |                      |
|--------------------------------|--------|-----------------------|---------------------|----------------------|
| General Revenue Fund           |        |                       |                     | 125794               |
| GRF                            | 501321 | Institutional         | \$ 883,768,015 \$   | 873,724,802 125795   |
| Operations                     |        |                       |                     |                      |
| GRF                            | 501403 | Prisoner Compensation | \$ 6,000,000 \$     | 6,000,000 125796     |
| GRF                            | 501405 | Halfway House         | \$ 45,049,356 \$    | 46,024,108 125797    |
| GRF                            | 501406 | Lease Rental Payments | \$ 104,099,500 \$   | 99,534,800 125798    |
| GRF                            | 501407 | Community             | \$ 34,187,858 \$    | 34,314,390 125799    |
| Nonresidential                 |        |                       |                     |                      |
| Programs                       |        |                       |                     |                      |
| GRF                            | 501408 | Community Misdemeanor | \$ 12,856,800 \$    | 12,856,800 125800    |
| Programs                       |        |                       |                     |                      |
| GRF                            | 501501 | Community Residential | \$ 63,345,972 \$    | 66,150,781 125801    |
| Programs - CBCF                |        |                       |                     |                      |
| GRF                            | 503321 | Parole and Community  | \$ 64,480,938 \$    | 65,029,680 125802    |
| Operations                     |        |                       |                     |                      |
| GRF                            | 504321 | Administrative        | \$ 20,659,664 \$    | 20,907,476 125803    |
| Operations                     |        |                       |                     |                      |
| GRF                            | 505321 | Institution Medical   | \$ 243,289,774 \$   | 254,139,452 125804   |
| Services                       |        |                       |                     |                      |
| GRF                            | 506321 | Institution Education | \$ 19,102,051 \$    | 19,112,418 125805    |
| Services                       |        |                       |                     |                      |
| TOTAL GRF General Revenue Fund |        |                       | \$ 1,496,839,928 \$ | 1,497,794,707 125806 |
| General Services Fund Group    |        |                       |                     | 125807               |
| 1480                           | 501602 | Institutional         | \$ 3,139,577 \$     | 3,139,577 125808     |
| Services                       |        |                       |                     |                      |
| 2000                           | 501607 | Ohio Penal Industries | \$ 41,393,226 \$    | 40,609,872 125809    |
| 4830                           | 501605 | Property Receipts     | \$ 582,086 \$       | 582,086 125810       |
| 4B00                           | 501601 | Sewer Treatment       | \$ 2,023,671 \$     | 2,067,214 125811     |
| Services                       |        |                       |                     |                      |
| 4D40                           | 501603 | Prisoner Programs     | \$ 17,499,255 \$    | 17,499,255 125812    |
| 4L40                           | 501604 | Transitional Control  | \$ 1,113,120 \$     | 1,113,120 125813     |
| 4S50                           | 501608 | Education Services    | \$ 4,114,782 \$     | 4,114,782 125814     |

|       |            |                                                                    |    |               |    |               |        |
|-------|------------|--------------------------------------------------------------------|----|---------------|----|---------------|--------|
| 5710  | 501606     | Training Academy                                                   | \$ | 125,000       | \$ | 125,000       | 125815 |
|       |            | Receipts                                                           |    |               |    |               |        |
| 5930  | 501618     | Laboratory Services                                                | \$ | 3,750,000     | \$ | 0             | 125816 |
| 5AF0  | 501609     | State and Non-Federal                                              | \$ | 1,440,000     | \$ | 1,440,000     | 125817 |
|       |            | Awards                                                             |    |               |    |               |        |
| 5H80  | 501617     | Offender Financial                                                 | \$ | 2,000,000     | \$ | 2,000,000     | 125818 |
|       |            | Responsibility                                                     |    |               |    |               |        |
| 5L60  | 501611     | Information                                                        | \$ | 250,000       | \$ | 250,000       | 125819 |
|       |            | Technology Services                                                |    |               |    |               |        |
| TOTAL | GSF        | General Services Fund                                              | \$ | 77,430,717    | \$ | 72,940,906    | 125820 |
|       |            | Group                                                              |    |               |    |               |        |
|       |            | Federal Special Revenue Fund Group                                 |    |               |    |               | 125821 |
| 3230  | 501619     | Federal Grants                                                     | \$ | 7,132,943     | \$ | 7,132,943     | 125822 |
| TOTAL | FED        | Federal Special Revenue                                            |    |               |    |               | 125823 |
|       |            | Fund Group                                                         | \$ | 7,132,943     | \$ | 7,132,943     | 125824 |
| TOTAL | ALL BUDGET | FUND GROUPS                                                        | \$ | 1,581,403,588 | \$ | 1,577,868,556 | 125825 |
|       |            | TRANSFER OF OPERATING APPROPRIATIONS TO IMPLEMENT CRIMINAL         |    |               |    |               | 125826 |
|       |            | SENTENCING REFORMS                                                 |    |               |    |               | 125827 |
|       |            | For the purposes of implementing criminal sentencing reforms,      |    |               |    |               | 125828 |
|       |            | and notwithstanding any other provision of law to the contrary,    |    |               |    |               | 125829 |
|       |            | the Director of Budget and Management, at the request of the       |    |               |    |               | 125830 |
|       |            | Director of Rehabilitation and Correction, may transfer up to      |    |               |    |               | 125831 |
|       |            | \$14,000,000 in appropriations, in each of fiscal years 2014 and   |    |               |    |               | 125832 |
|       |            | 2015, from appropriation item 501321, Institutional Operations, to |    |               |    |               | 125833 |
|       |            | any combination of appropriation items 501405, Halfway House;      |    |               |    |               | 125834 |
|       |            | 501407, Community Residential Programs; 501408, Community          |    |               |    |               | 125835 |
|       |            | Misdemeanor Programs; and 501501, Community Residential Programs - |    |               |    |               | 125836 |
|       |            | CBCF.                                                              |    |               |    |               | 125837 |
|       |            | LEASE RENTAL PAYMENTS                                              |    |               |    |               | 125838 |
|       |            | The foregoing appropriation item 501406, Lease Rental              |    |               |    |               | 125839 |
|       |            | Payments, shall be used to meet all payments at the times they are |    |               |    |               | 125840 |
|       |            | required to be made during the period from July 1, 2013, through   |    |               |    |               | 125841 |

June 30, 2015, by the Department of Rehabilitation and Correction 125842  
under the primary leases and agreements for those buildings made 125843  
under Chapters 152. and 154. of the Revised Code. These 125844  
appropriations are the source of funds pledged for bond service 125845  
charges on related obligations issued under Chapters 152. and 154. 125846  
of the Revised Code. 125847

OSU MEDICAL CHARGES 125848

Notwithstanding section 341.192 of the Revised Code, at the 125849  
request of the Department of Rehabilitation and Correction, The 125850  
Ohio State University Medical Center, including the Arthur G. 125851  
James Cancer Hospital and Richard J. Solove Research Institute and 125852  
the Richard M. Ross Heart Hospital, shall provide necessary care 125853  
to persons who are confined in state adult correctional 125854  
facilities. The provision of necessary care shall be billed to the 125855  
Department at a rate not to exceed the authorized reimbursement 125856  
rate for the same service established by the Department of 125857  
Medicaid under the Medicaid Program. 125858

CORRECTIVE CASH TRANSFER 125859

At the request of the Director of Rehabilitation and 125860  
Correction, the Director of Budget and Management may transfer an 125861  
amount not to exceed \$2,391 in cash that was mistakenly deposited 125862  
in the Federal Grants Fund (Fund 3230) to the General Revenue 125863  
Fund. 125864

**Section 369.10.** RCB RESPIRATORY CARE BOARD 125865

General Services Fund Group 125866  
4K90 872609 Operating Expenses \$ 547,576 \$ 542,246 125867  
TOTAL GSF General Services 125868  
Fund Group \$ 547,576 \$ 542,246 125869  
TOTAL ALL BUDGET FUND GROUPS \$ 547,576 \$ 542,246 125870

**Section 371.10.** RDF REVENUE DISTRIBUTION FUNDS 125872

|                                         |                      |                  |                  |  |        |
|-----------------------------------------|----------------------|------------------|------------------|--|--------|
| Special State Revenue Fund Group        |                      |                  |                  |  | 125873 |
| 5JG0 110633                             | Gross Casino Revenue | \$ 158,005,325   | \$ 168,977,942   |  | 125874 |
|                                         | County Fund          |                  |                  |  |        |
| TOTAL SSR State Special Revenue         |                      | \$ 158,005,325   | \$ 168,977,942   |  | 125875 |
| Fund Group                              |                      |                  |                  |  |        |
| Volunteer Firefighters' Dependents Fund |                      |                  |                  |  | 125876 |
| 7085 800985                             | Volunteer Firemen's  | \$ 300,000       | \$ 300,000       |  | 125877 |
|                                         | Dependents Fund      |                  |                  |  |        |
| TOTAL 085 Volunteer Firefighters'       |                      |                  |                  |  | 125878 |
| Dependents Fund                         |                      | \$ 300,000       | \$ 300,000       |  | 125879 |
| Agency Fund Group                       |                      |                  |                  |  | 125880 |
| 4P80 001698                             | Cash Management      | \$ 3,100,000     | \$ 3,100,000     |  | 125881 |
|                                         | Improvement Fund     |                  |                  |  |        |
| 5JH0 110634                             | Gross Casino Revenue | \$ 105,336,883   | \$ 112,651,961   |  | 125882 |
|                                         | County Student Fund  |                  |                  |  |        |
| 5JJ0 110636                             | Gross Casino Revenue | \$ 15,490,718    | \$ 16,566,465    |  | 125883 |
|                                         | Host City Fund       |                  |                  |  |        |
| 6080 001699                             | Investment Earnings  | \$ 30,000,000    | \$ 30,000,000    |  | 125884 |
| 7062 110962                             | Resort Area Excise   | \$ 1,000,000     | \$ 1,000,000     |  | 125885 |
|                                         | Tax                  |                  |                  |  |        |
| 7063 110963                             | Permissive Tax       | \$ 2,066,331,400 | \$ 2,151,135,100 |  | 125886 |
|                                         | Distribution         |                  |                  |  |        |
| 7067 110967                             | School District      | \$ 346,669,300   | \$ 365,277,800   |  | 125887 |
|                                         | Income Tax           |                  |                  |  |        |
| 7099 762902                             | Permissive Tax       | \$ 184,000,000   | \$ 184,000,000   |  | 125888 |
|                                         | Distribution - Auto  |                  |                  |  |        |
|                                         | Registration         |                  |                  |  |        |
| TOTAL AGY Agency Fund Group             |                      | \$ 2,751,928,301 | \$ 2,863,731,326 |  | 125889 |
| Holding Account Redistribution          |                      |                  |                  |  | 125890 |
| R045 110617                             | International Fuel   | \$ 40,000,000    | \$ 40,000,000    |  | 125891 |
|                                         | Tax Distribution     |                  |                  |  |        |
| TOTAL 090 Holding Account               |                      | \$ 40,000,000    | \$ 40,000,000    |  | 125892 |

Redistribution Fund

|                                                                  |    |               |                  |        |
|------------------------------------------------------------------|----|---------------|------------------|--------|
| Revenue Distribution Fund Group                                  |    |               |                  | 125893 |
| 7049 335900 Indigent Drivers                                     | \$ | 2,250,000     | \$ 2,250,000     | 125894 |
| Alcohol Treatment                                                |    |               |                  |        |
| 7050 762900 International                                        | \$ | 30,000,000    | \$ 30,000,000    | 125895 |
| Registration Plan                                                |    |               |                  |        |
| Distribution                                                     |    |               |                  |        |
| 7051 762901 Auto Registration                                    | \$ | 360,000,000   | \$ 360,000,000   | 125896 |
| Distribution                                                     |    |               |                  |        |
| 7054 110954 Local Government                                     | \$ | 5,649,000     | \$ 5,649,000     | 125897 |
| Property Tax                                                     |    |               |                  |        |
| Replacement - Utility                                            |    |               |                  |        |
| 7060 110960 Gasoline Excise Tax                                  | \$ | 395,000,000   | \$ 395,000,000   | 125898 |
| Fund                                                             |    |               |                  |        |
| 7065 110965 Public Library Fund                                  | \$ | 359,300,000   | \$ 369,000,000   | 125899 |
| 7066 800966 Undivided Liquor                                     | \$ | 14,100,000    | \$ 14,100,000    | 125900 |
| Permits                                                          |    |               |                  |        |
| 7068 110968 State and Local                                      | \$ | 196,000,000   | \$ 196,000,000   | 125901 |
| Government Highway                                               |    |               |                  |        |
| Distribution                                                     |    |               |                  |        |
| 7069 110969 Local Government Fund                                | \$ | 363,600,000   | \$ 376,400,000   | 125902 |
| 7081 110981 Local Government                                     | \$ | 146,500,000   | \$ 107,900,000   | 125903 |
| Property Tax                                                     |    |               |                  |        |
| Replacement-Business                                             |    |               |                  |        |
| 7082 110982 Horse Racing Tax                                     | \$ | 100,000       | \$ 100,000       | 125904 |
| 7083 700900 Ohio Fairs Fund                                      | \$ | 1,400,000     | \$ 1,400,000     | 125905 |
| TOTAL RDF Revenue Distribution                                   |    |               |                  | 125906 |
| Fund Group                                                       | \$ | 1,873,899,000 | \$ 1,857,799,000 | 125907 |
| TOTAL ALL BUDGET FUND GROUPS                                     | \$ | 4,824,132,626 | \$ 4,930,808,268 | 125908 |
| ADDITIONAL APPROPRIATIONS                                        |    |               |                  | 125909 |
| Appropriation items in this section shall be used for the        |    |               |                  | 125910 |
| purpose of administering and distributing the designated revenue |    |               |                  | 125911 |
| distribution funds according to the Revised Code. If it is       |    |               |                  | 125912 |

determined that additional appropriations are necessary for this 125913  
purpose, such amounts are hereby appropriated. 125914

GENERAL REVENUE FUND TRANSFERS 125915

Notwithstanding any provision of law to the contrary, in 125916  
fiscal year 2014 and fiscal year 2015, the Director of Budget and 125917  
Management may transfer from the General Revenue Fund to the Local 125918  
Government Tangible Property Tax Replacement Fund (Fund 7081) in 125919  
the Revenue Distribution Fund Group, those amounts necessary to 125920  
reimburse local taxing units under section 5751.22 of the Revised 125921  
Code. Also, in fiscal year 2014 and fiscal year 2015, the Director 125922  
of Budget and Management may make temporary transfers from the 125923  
General Revenue Fund to ensure sufficient balances in the Local 125924  
Government Tangible Property Tax Replacement Fund (Fund 7081) and 125925  
to replenish the General Revenue Fund for such transfers. 125926

**Section 373.10.** SAN BOARD OF SANITARIAN REGISTRATION 125927

|                                |    |         |            |        |
|--------------------------------|----|---------|------------|--------|
| General Services Fund Group    |    |         |            | 125928 |
| 4K90 893609 Operating Expenses | \$ | 137,850 | \$ 129,850 | 125929 |
| TOTAL GSF General Services     |    |         |            | 125930 |
| Fund Group                     | \$ | 137,850 | \$ 129,850 | 125931 |
| TOTAL ALL BUDGET FUND GROUPS   | \$ | 137,850 | \$ 129,850 | 125932 |

**Section 375.10.** OSB OHIO STATE SCHOOL FOR THE BLIND 125934

|                                |    |           |              |        |
|--------------------------------|----|-----------|--------------|--------|
| General Revenue Fund           |    |           |              | 125935 |
| GRF 226321 Operations          | \$ | 7,278,579 | \$ 7,278,579 | 125936 |
| TOTAL GRF General Revenue Fund | \$ | 7,278,579 | \$ 7,278,579 | 125937 |
| General Services Fund Group    |    |           |              | 125938 |
| 4H80 226602 Education Reform   | \$ | 27,000    | \$ 27,000    | 125939 |
| Grants                         |    |           |              |        |
| TOTAL GSF General Services     |    |           |              | 125940 |
| Fund Group                     | \$ | 27,000    | \$ 27,000    | 125941 |



|                                    |                              |    |            |    |            |        |
|------------------------------------|------------------------------|----|------------|----|------------|--------|
| Federal Special Revenue Fund Group |                              |    |            |    | 125942     |        |
| 3100 226626                        | Coordinating Unit            | \$ | 2,527,104  | \$ | 2,527,104  | 125943 |
| 3DT0 226621                        | Ohio Transition              | \$ | 650,000    | \$ | 650,000    | 125944 |
|                                    | Collaborative                |    |            |    |            |        |
| 3P50 226643                        | Medicaid Professional        | \$ | 50,000     | \$ | 50,000     | 125945 |
|                                    | Services                     |    |            |    |            |        |
|                                    | Reimbursement                |    |            |    |            |        |
| TOTAL FED Federal Special          |                              |    |            |    |            | 125946 |
| Revenue Fund Group                 |                              | \$ | 3,227,104  | \$ | 3,227,104  | 125947 |
| State Special Revenue Fund Group   |                              |    |            |    |            | 125948 |
| 4M50 226601                        | Work Study and               | \$ | 461,521    | \$ | 461,521    | 125949 |
|                                    | Technology Investment        |    |            |    |            |        |
| TOTAL SSR State Special Revenue    |                              |    |            |    |            | 125950 |
| Fund Group                         |                              | \$ | 461,521    | \$ | 461,521    | 125951 |
| TOTAL ALL BUDGET FUND GROUPS       |                              | \$ | 10,994,204 | \$ | 10,994,204 | 125952 |
| <b>Section 377.10.</b>             | OSD OHIO SCHOOL FOR THE DEAF |    |            |    |            | 125954 |
| General Revenue Fund               |                              |    |            |    |            | 125955 |
| GRF 221321                         | Operations                   | \$ | 8,727,657  | \$ | 8,727,657  | 125956 |
| TOTAL GRF General Revenue Fund     |                              | \$ | 8,727,657  | \$ | 8,727,657  | 125957 |
| General Services Fund Group        |                              |    |            |    |            | 125958 |
| 4M10 221602                        | Education Reform             | \$ | 35,000     | \$ | 35,000     | 125959 |
|                                    | Grants                       |    |            |    |            |        |
| TOTAL GSF General Services         |                              |    |            |    |            | 125960 |
| Fund Group                         |                              | \$ | 35,000     | \$ | 35,000     | 125961 |
| Federal Special Revenue Fund Group |                              |    |            |    |            | 125962 |
| 3110 221625                        | Coordinating Unit            | \$ | 2,153,245  | \$ | 2,153,245  | 125963 |
| 3R00 221684                        | Medicaid Professional        | \$ | 35,000     | \$ | 35,000     | 125964 |
|                                    | Services                     |    |            |    |            |        |
|                                    | Reimbursement                |    |            |    |            |        |
| TOTAL FED Federal Special          |                              |    |            |    |            | 125965 |

|                                               |    |            |    |            |        |
|-----------------------------------------------|----|------------|----|------------|--------|
| Revenue Fund Group                            | \$ | 2,188,245  | \$ | 2,188,245  | 125966 |
| State Special Revenue Fund Group              |    |            |    |            | 125967 |
| 4M00 221601 Educational Program               | \$ | 95,000     | \$ | 95,000     | 125968 |
| Expenses                                      |    |            |    |            |        |
| 5H60 221609 Even Start Fees and               | \$ | 35,000     | \$ | 35,000     | 125969 |
| Gifts                                         |    |            |    |            |        |
| TOTAL SSR State Special Revenue               |    |            |    |            | 125970 |
| Fund Group                                    | \$ | 130,000    | \$ | 130,000    | 125971 |
| TOTAL ALL BUDGET FUND GROUPS                  | \$ | 11,080,902 | \$ | 11,080,902 | 125972 |
| <br>                                          |    |            |    |            |        |
| <b>Section 381.10. SOS SECRETARY OF STATE</b> |    |            |    |            | 125974 |
| General Revenue Fund                          |    |            |    |            | 125975 |
| GRF 050321 Operating Expenses                 | \$ | 2,144,030  | \$ | 2,144,030  | 125976 |
| GRF 050407 Pollworkers Training               | \$ | 234,196    | \$ | 234,196    | 125977 |
| TOTAL GRF General Revenue Fund                | \$ | 2,378,226  | \$ | 2,378,226  | 125978 |
| General Services Fund Group                   |    |            |    |            | 125979 |
| 4120 050609 Notary Commission                 | \$ | 475,000    | \$ | 475,000    | 125980 |
| 4130 050601 Information Systems               | \$ | 49,000     | \$ | 49,000     | 125981 |
| 4S80 050610 Board of Voting                   | \$ | 7,200      | \$ | 7,200      | 125982 |
| Machine Examiners                             |    |            |    |            |        |
| 5FG0 050620 BOE Reimbursement and             | \$ | 80,000     | \$ | 80,000     | 125983 |
| Education                                     |    |            |    |            |        |
| TOTAL General Services Fund Group             | \$ | 611,200    | \$ | 611,200    | 125984 |
| Federal Special Revenue Fund Group            |    |            |    |            | 125985 |
| 3AH0 050614 Election                          | \$ | 300,000    | \$ | 300,000    | 125986 |
| Reform/Health and                             |    |            |    |            |        |
| Human Services                                |    |            |    |            |        |
| 3AS0 050616 Help America Vote Act             | \$ | 1,710,000  | \$ | 1,710,000  | 125987 |
| (HAVA)                                        |    |            |    |            |        |
| TOTAL FED Federal Special Revenue             |    |            |    |            | 125988 |
| Fund Group                                    | \$ | 2,010,000  | \$ | 2,010,000  | 125989 |
| State Special Revenue Fund Group              |    |            |    |            | 125990 |

|                                                                    |                    |    |            |    |            |        |
|--------------------------------------------------------------------|--------------------|----|------------|----|------------|--------|
| 5990 050603                                                        | Business Services  | \$ | 14,385,400 | \$ | 14,385,400 | 125991 |
|                                                                    | Operating Expenses |    |            |    |            |        |
| TOTAL SSR State Special Revenue                                    |                    |    |            |    |            | 125992 |
| Fund Group                                                         |                    | \$ | 14,385,400 | \$ | 14,385,400 | 125993 |
| Holding Account Redistribution Fund Group                          |                    |    |            |    |            | 125994 |
| R001 050605                                                        | Uniform Commercial | \$ | 30,000     | \$ | 30,000     | 125995 |
|                                                                    | Code Refunds       |    |            |    |            |        |
| R002 050606                                                        | Corporate/Business | \$ | 85,000     | \$ | 85,000     | 125996 |
|                                                                    | Filing Refunds     |    |            |    |            |        |
| TOTAL 090 Holding Account                                          |                    |    |            |    |            | 125997 |
| Redistribution Fund Group                                          |                    | \$ | 115,000    | \$ | 115,000    | 125998 |
| TOTAL ALL BUDGET FUND GROUPS                                       |                    | \$ | 19,499,826 | \$ | 19,499,826 | 125999 |
| POLLWORKER TRAINING                                                |                    |    |            |    |            | 126000 |
| The foregoing appropriation item 050407, Pollworkers               |                    |    |            |    |            | 126001 |
| Training, shall be used to reimburse county boards of elections    |                    |    |            |    |            | 126002 |
| for pollworker training pursuant to section 3501.27 of the Revised |                    |    |            |    |            | 126003 |
| Code. At the end of fiscal year 2014, an amount equal to the       |                    |    |            |    |            | 126004 |
| unexpended, unencumbered portion of appropriation item 050407,     |                    |    |            |    |            | 126005 |
| Pollworkers Training, is hereby reappropriated in fiscal year 2015 |                    |    |            |    |            | 126006 |
| for the same purpose.                                              |                    |    |            |    |            | 126007 |
| BOARD OF VOTING MACHINE EXAMINERS                                  |                    |    |            |    |            | 126008 |
| The foregoing appropriation item 050610, Board of Voting           |                    |    |            |    |            | 126009 |
| Machine Examiners, shall be used to pay for the services and       |                    |    |            |    |            | 126010 |
| expenses of the members of the Board of Voting Machine Examiners,  |                    |    |            |    |            | 126011 |
| and for other expenses that are authorized to be paid from the     |                    |    |            |    |            | 126012 |
| Board of Voting Machine Examiners Fund, which is created in        |                    |    |            |    |            | 126013 |
| section 3506.05 of the Revised Code. Moneys not used shall be      |                    |    |            |    |            | 126014 |
| returned to the person or entity submitting equipment for          |                    |    |            |    |            | 126015 |
| examination. If it is determined that additional appropriations    |                    |    |            |    |            | 126016 |
| are necessary, such amounts are hereby appropriated.               |                    |    |            |    |            | 126017 |
| HAVA FUNDS                                                         |                    |    |            |    |            | 126018 |

An amount equal to the unexpended, unencumbered portion of 126019  
appropriation item 050614, Election Reform/Health and Human 126020  
Services, at the end of fiscal year 2014 is reappropriated for the 126021  
same purpose in fiscal year 2015. 126022

An amount equal to the unexpended, unencumbered portion of 126023  
appropriation item 050616, Help America Vote Act (HAVA), at the 126024  
end of fiscal year 2014 is reappropriated for the same purpose in 126025  
fiscal year 2015. 126026

The Director of Budget and Management shall credit the 126027  
ongoing interest earnings from the Election Reform/Health and 126028  
Human Services Fund (Fund 3AH0) and the Help America Vote Act 126029  
(HAVA) (Fund 3AS0) to the respective funds and distribute these 126030  
earnings in accordance with the terms of the grant under which the 126031  
money is received. 126032

MISCELLANEOUS FEDERAL GRANTS 126033

On July 1, 2013, or as soon as possible thereafter, the 126034  
Director of Budget and Management shall transfer from the General 126035  
Revenue Fund (GRF) all investment earnings and amounts equal to 126036  
the interest earnings that were attributable to the Miscellaneous 126037  
Federal Grants Fund (Fund 3FM0) in each quarter of fiscal year 126038  
2013. The Director of Budget and Management shall credit the 126039  
ongoing interest earnings from Fund 3FM0 to that fund and 126040  
distribute these earnings in accordance with the terms of the 126041  
grant under which the money was received. 126042

HOLDING ACCOUNT REDISTRIBUTION GROUP 126043

The foregoing appropriation items 050605, Uniform Commercial 126044  
Code Refunds, and 050606, Corporate/Business Filing Refunds, shall 126045  
be used to hold revenues until they are directed to the 126046  
appropriate accounts or until they are refunded. If it is 126047  
determined that additional appropriations are necessary, such 126048  
amounts are hereby appropriated. 126049

|                                                                    |                                            |               |               |  |        |
|--------------------------------------------------------------------|--------------------------------------------|---------------|---------------|--|--------|
| <b>Section 383.10.</b>                                             | SEN THE OHIO SENATE                        |               |               |  | 126050 |
| General Revenue Fund                                               |                                            |               |               |  | 126051 |
| GRF 020321                                                         | Operating Expenses                         | \$ 11,947,822 | \$ 11,947,822 |  | 126052 |
| TOTAL GRF                                                          | General Revenue Fund                       | \$ 11,947,822 | \$ 11,947,822 |  | 126053 |
| General Services Fund Group                                        |                                            |               |               |  | 126054 |
| 1020 020602                                                        | Senate Reimbursement                       | \$ 852,001    | \$ 852,001    |  | 126055 |
| 4090 020601                                                        | Miscellaneous Sales                        | \$ 34,497     | \$ 34,497     |  | 126056 |
| TOTAL GSF                                                          | General Services                           |               |               |  | 126057 |
| Fund Group                                                         |                                            | \$ 886,498    | \$ 886,498    |  | 126058 |
| TOTAL ALL BUDGET                                                   | FUND GROUPS                                | \$ 12,834,320 | \$ 12,834,320 |  | 126059 |
| OPERATING EXPENSES                                                 |                                            |               |               |  | 126060 |
| On July 1, 2013, or as soon as possible thereafter, the Clerk      |                                            |               |               |  | 126061 |
| of the Senate may certify to the Director of Budget and Management |                                            |               |               |  | 126062 |
| the amount of the unexpended, unencumbered balance of the          |                                            |               |               |  | 126063 |
| foregoing appropriation item 020321, Operating Expenses, at the    |                                            |               |               |  | 126064 |
| end of fiscal year 2013 to be reappropriated to fiscal year 2014.  |                                            |               |               |  | 126065 |
| The amount certified is hereby reappropriated to the same          |                                            |               |               |  | 126066 |
| appropriation item for fiscal year 2014.                           |                                            |               |               |  | 126067 |
| On July 1, 2014, or as soon as possible thereafter, the Clerk      |                                            |               |               |  | 126068 |
| of the Senate may certify to the Director of Budget and Management |                                            |               |               |  | 126069 |
| the amount of the unexpended, unencumbered balance of the          |                                            |               |               |  | 126070 |
| foregoing appropriation item 020321, Operating Expenses, at the    |                                            |               |               |  | 126071 |
| end of fiscal year 2014 to be reappropriated to fiscal year 2015.  |                                            |               |               |  | 126072 |
| The amount certified is hereby reappropriated to the same          |                                            |               |               |  | 126073 |
| appropriation item for fiscal year 2015.                           |                                            |               |               |  | 126074 |
| <b>Section 385.10.</b>                                             | CSV COMMISSION ON SERVICE AND VOLUNTEERISM |               |               |  | 126075 |
| General Revenue Fund                                               |                                            |               |               |  | 126076 |
| GRF 866321                                                         | CSV Operations                             | \$ 286,661    | \$ 294,072    |  | 126077 |
| TOTAL GRF                                                          | General Revenue Fund                       | \$ 286,661    | \$ 294,072    |  | 126078 |

|                                                              |                                                     |    |             |                       |
|--------------------------------------------------------------|-----------------------------------------------------|----|-------------|-----------------------|
| General Services Fund                                        |                                                     |    |             | 126079                |
| 5GN0 866605                                                  | Serve Ohio Support                                  | \$ | 30,000      | \$ 30,000 126080      |
| TOTAL GSF                                                    | General Services Fund                               | \$ | 30,000      | \$ 30,000 126081      |
| Federal Special Revenue Fund Group                           |                                                     |    |             | 126082                |
| 3R70 866617                                                  | AmeriCorps Programs                                 | \$ | 7,447,000   | \$ 7,447,000 126083   |
| TOTAL FED                                                    | Federal Special Revenue                             |    |             | 126084                |
| Fund Group                                                   |                                                     | \$ | 7,447,000   | \$ 7,447,000 126085   |
| TOTAL ALL BUDGET FUND GROUPS                                 |                                                     | \$ | 7,763,661   | \$ 7,771,072 126086   |
| <b>Section 387.10. CSF COMMISSIONERS OF THE SINKING FUND</b> |                                                     |    |             | 126088                |
| Debt Service Fund Group                                      |                                                     |    |             | 126089                |
| 7070 155905                                                  | Third Frontier                                      | \$ | 66,511,600  | \$ 83,783,000 126090  |
|                                                              | Research and<br>Development Bond<br>Retirement Fund |    |             |                       |
| 7072 155902                                                  | Highway Capital                                     | \$ | 132,647,900 | \$ 127,171,800 126091 |
|                                                              | Improvement Bond<br>Retirement Fund                 |    |             |                       |
| 7073 155903                                                  | Natural Resources Bond                              | \$ | 24,325,400  | \$ 25,443,000 126092  |
|                                                              | Retirement Fund                                     |    |             |                       |
| 7074 155904                                                  | Conservation Projects                               | \$ | 33,376,600  | \$ 34,447,700 126093  |
|                                                              | Bond Retirement Fund                                |    |             |                       |
| 7076 155906                                                  | Coal Research and                                   | \$ | 2,858,900   | \$ 4,327,200 126094   |
|                                                              | Development Bond<br>Retirement Fund                 |    |             |                       |
| 7077 155907                                                  | State Capital                                       | \$ | 227,810,300 | \$ 228,948,900 126095 |
|                                                              | Improvement Bond<br>Retirement Fund                 |    |             |                       |
| 7078 155908                                                  | Common Schools Bond                                 | \$ | 351,806,100 | \$ 377,364,700 126096 |
|                                                              | Retirement Fund                                     |    |             |                       |
| 7079 155909                                                  | Higher Education Bond                               | \$ | 221,168,700 | \$ 248,822,000 126097 |
|                                                              | Retirement Fund                                     |    |             |                       |

|                                                                     |        |                                                                             |    |               |    |               |        |
|---------------------------------------------------------------------|--------|-----------------------------------------------------------------------------|----|---------------|----|---------------|--------|
| 7080                                                                | 155901 | Persian Gulf,<br>Afghanistan, and Iraq<br>Conflicts Bond<br>Retirement Fund | \$ | 7,542,600     | \$ | 9,914,800     | 126098 |
| 7090                                                                | 155912 | Job Ready Site<br>Development Bond<br>Retirement Fund                       | \$ | 15,498,400    | \$ | 19,124,500    | 126099 |
| TOTAL DSF Debt Service Fund Group                                   |        |                                                                             | \$ | 1,083,546,500 | \$ | 1,159,347,600 | 126100 |
| TOTAL ALL BUDGET FUND GROUPS                                        |        |                                                                             | \$ | 1,083,546,500 | \$ | 1,159,347,600 | 126101 |
| ADDITIONAL APPROPRIATIONS                                           |        |                                                                             |    |               |    |               | 126102 |
| Appropriation items in this section are for the purpose of          |        |                                                                             |    |               |    |               | 126103 |
| paying debt service and financing costs on bonds or notes of the    |        |                                                                             |    |               |    |               | 126104 |
| state issued under the Ohio Constitution and acts of the General    |        |                                                                             |    |               |    |               | 126105 |
| Assembly. If it is determined that additional amounts are           |        |                                                                             |    |               |    |               | 126106 |
| necessary for this purpose, such amounts are hereby appropriated.   |        |                                                                             |    |               |    |               | 126107 |
| <b>Section 389.10.</b> SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY |        |                                                                             |    |               |    |               | 126108 |
| DEVELOPMENT FOUNDATION                                              |        |                                                                             |    |               |    |               | 126109 |
| Tobacco Master Settlement Agreement Fund Group                      |        |                                                                             |    |               |    |               | 126110 |
| 5M90                                                                | 945601 | Operating Expenses                                                          | \$ | 426,800       | \$ | 426,800       | 126111 |
| TOTAL TMF Tobacco Master Settlement                                 |        |                                                                             | \$ | 426,800       | \$ | 426,800       | 126112 |
| Agreement Fund Group                                                |        |                                                                             |    |               |    |               |        |
| TOTAL ALL BUDGET FUND GROUPS                                        |        |                                                                             | \$ | 426,800       | \$ | 426,800       | 126113 |
| <b>Section 391.10.</b> SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY &     |        |                                                                             |    |               |    |               | 126115 |
| AUDIOLOGY                                                           |        |                                                                             |    |               |    |               | 126116 |
| General Services Fund Group                                         |        |                                                                             |    |               |    |               | 126117 |
| 4K90                                                                | 886609 | Operating Expenses                                                          | \$ | 472,260       | \$ | 508,660       | 126118 |
| TOTAL GSF General Services                                          |        |                                                                             |    |               |    |               | 126119 |
| Fund Group                                                          |        |                                                                             | \$ | 472,260       | \$ | 508,660       | 126120 |
| TOTAL ALL BUDGET FUND GROUPS                                        |        |                                                                             | \$ | 427,260       | \$ | 508,660       | 126121 |

|                                                       |                       |                |                |        |
|-------------------------------------------------------|-----------------------|----------------|----------------|--------|
| <b>Section 393.10. BTA BOARD OF TAX APPEALS</b>       |                       |                |                | 126123 |
| General Revenue Fund                                  |                       |                |                | 126124 |
| GRF 116321                                            | Operating Expenses    | \$ 1,700,000   | \$ 1,700,000   | 126125 |
| TOTAL GRF General Revenue Fund                        |                       |                |                | 126126 |
| TOTAL ALL BUDGET FUND GROUPS                          |                       |                |                | 126127 |
| <br><b>Section 395.10. TAX DEPARTMENT OF TAXATION</b> |                       |                |                | 126129 |
| General Revenue Fund                                  |                       |                |                | 126130 |
| GRF 110321                                            | Operating Expenses    | \$ 71,068,330  | \$ 67,968,332  | 126131 |
| GRF 110404                                            | Tobacco Settlement    | \$ 178,200     | \$ 178,200     | 126132 |
| Enforcement                                           |                       |                |                |        |
| GRF 110901                                            | Property Tax          | \$ 666,640,000 | \$ 693,305,600 | 126133 |
| Allocation - Taxation                                 |                       |                |                |        |
| TOTAL GRF General Revenue Fund                        |                       |                |                | 126134 |
| General Services Fund Group                           |                       |                |                | 126135 |
| 2280 110628                                           | Revenue Enhancement   | \$ 15,500,000  | \$ 17,500,000  | 126136 |
| 4330 110602                                           | Tape File Account     | \$ 175,000     | \$ 175,000     | 126137 |
| 5BP0 110639                                           | Wireless 9-1-1        | \$ 290,000     | \$ 290,000     | 126138 |
| Administration                                        |                       |                |                |        |
| 5CZ0 110631                                           | Vendor's License      | \$ 250,000     | \$ 250,000     | 126139 |
| Application                                           |                       |                |                |        |
| 5MN0 110638                                           | STARS Development and | \$ 5,000,000   | \$ 3,000,000   | 126140 |
| Implementation                                        |                       |                |                |        |
| 5N50 110605                                           | Municipal Income Tax  | \$ 150,000     | \$ 150,000     | 126141 |
| Administration                                        |                       |                |                |        |
| 5N60 110618                                           | Kilowatt Hour Tax     | \$ 100,000     | \$ 100,000     | 126142 |
| Administration                                        |                       |                |                |        |
| 5V80 110623                                           | Property Tax          | \$ 11,978,310  | \$ 11,978,310  | 126143 |
| Administration                                        |                       |                |                |        |
| 5W70 110627                                           | Exempt Facility       | \$ 49,500      | \$ 49,500      | 126144 |
| Administration                                        |                       |                |                |        |



|                                           |    |               |                  |        |
|-------------------------------------------|----|---------------|------------------|--------|
| TOTAL GSF General Services                |    |               |                  | 126145 |
| Fund Group                                | \$ | 33,492,810    | \$ 33,492,810    | 126146 |
| State Special Revenue Fund Group          |    |               |                  | 126147 |
| 4350 110607 Local Tax                     | \$ | 20,000,000    | \$ 20,700,000    | 126148 |
| Administration                            |    |               |                  |        |
| 4360 110608 Motor Vehicle Audit           | \$ | 1,459,609     | \$ 1,459,609     | 126149 |
| 4370 110606 Income Tax                    | \$ | 38,800        | \$ 38,800        | 126150 |
| Contribution                              |    |               |                  |        |
| 4380 110609 School District Income        | \$ | 5,802,044     | \$ 5,802,044     | 126151 |
| Tax                                       |    |               |                  |        |
| 4C60 110616 International                 | \$ | 682,415       | \$ 682,415       | 126152 |
| Registration Plan                         |    |               |                  |        |
| 4R60 110610 Tire Tax                      | \$ | 244,193       | \$ 244,193       | 126153 |
| Administration                            |    |               |                  |        |
| 5V70 110622 Motor Fuel Tax                | \$ | 5,035,374     | \$ 5,035,374     | 126154 |
| Administration                            |    |               |                  |        |
| 6390 110614 Cigarette Tax                 | \$ | 1,750,000     | \$ 1,750,000     | 126155 |
| Enforcement                               |    |               |                  |        |
| 6420 110613 Ohio Political Party          | \$ | 500,000       | \$ 500,000       | 126156 |
| Distributions                             |    |               |                  |        |
| 6880 110615 Local Excise Tax              | \$ | 775,015       | \$ 775,015       | 126157 |
| Administration                            |    |               |                  |        |
| TOTAL SSR State Special Revenue           |    |               |                  | 126158 |
| Fund Group                                | \$ | 36,287,450    | \$ 36,987,450    | 126159 |
| Agency Fund Group                         |    |               |                  | 126160 |
| 4250 110635 Tax Refunds                   | \$ | 1,546,800,000 | \$ 1,546,800,000 | 126161 |
| 7095 110995 Municipal Income Tax          | \$ | 21,000,000    | \$ 21,000,000    | 126162 |
| TOTAL AGY Agency Fund Group               | \$ | 1,567,800,000 | \$ 1,567,800,000 | 126163 |
| Holding Account Redistribution Fund Group |    |               |                  | 126164 |
| R010 110611 Tax Distributions             | \$ | 50,000        | \$ 50,000        | 126165 |
| R011 110612 Miscellaneous Income          | \$ | 50,000        | \$ 50,000        | 126166 |
| Tax Receipts                              |    |               |                  |        |

|                              |    |               |    |               |        |
|------------------------------|----|---------------|----|---------------|--------|
| TOTAL 090 Holding Account    |    |               |    | 126167        |        |
| Redistribution Fund Group    | \$ | 100,000       | \$ | 100,000       | 126168 |
| TOTAL ALL BUDGET FUND GROUPS | \$ | 2,375,566,790 | \$ | 2,399,832,392 | 126169 |

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 126170

The foregoing appropriation item 110901, Property Tax Allocation - Taxation, is hereby appropriated to pay for the state's costs incurred due to the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback. The Tax Commissioner shall distribute these funds directly to the appropriate local taxing districts, except for school districts, notwithstanding the provisions in sections 321.24 and 323.156 of the Revised Code, which provide for payment of the Homestead Exemption, the Manufactured Home Property Tax Rollback, and Property Tax Rollback by the Tax Commissioner to the appropriate county treasurer and the subsequent redistribution of these funds to the appropriate local taxing districts by the county auditor.

Upon receipt of these amounts, each local taxing district shall distribute the amount among the proper funds as if it had been paid as real property taxes. Payments for the costs of administration shall continue to be paid to the county treasurer and county auditor as provided for in sections 319.54, 321.26, and 323.156 of the Revised Code.

Any sums, in addition to the amounts specifically appropriated in appropriation item 110901, Property Tax Allocation - Taxation, for the Homestead Exemption, the Manufactured Home Property Tax Rollback, and the Property Tax Rollback payments, which are determined to be necessary for these purposes, are hereby appropriated.

MUNICIPAL INCOME TAX 126196

The foregoing appropriation item 110995, Municipal Income 126197

Tax, shall be used to make payments to municipal corporations 126198  
under section 5745.05 of the Revised Code. If it is determined 126199  
that additional appropriations are necessary to make such 126200  
payments, such amounts are hereby appropriated. 126201

TAX REFUNDS 126202

The foregoing appropriation item 110635, Tax Refunds, shall 126203  
be used to pay refunds under section 5703.052 of the Revised Code. 126204  
If it is determined that additional appropriations are necessary 126205  
for this purpose, such amounts are hereby appropriated. 126206

INTERNATIONAL REGISTRATION PLAN AUDIT 126207

The foregoing appropriation item 110616, International 126208  
Registration Plan, shall be used under section 5703.12 of the 126209  
Revised Code for audits of persons with vehicles registered under 126210  
the International Registration Plan. 126211

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 126212

Of the foregoing appropriation item 110607, Local Tax 126213  
Administration, the Tax Commissioner may disburse funds, if 126214  
available, for the purposes of paying travel expenses incurred by 126215  
members of Ohio's delegation to the Streamlined Sales Tax Project, 126216  
as appointed under section 5740.02 of the Revised Code. Any travel 126217  
expense reimbursement paid for by the Department of Taxation shall 126218  
be done in accordance with applicable state laws and guidelines. 126219

TOBACCO SETTLEMENT ENFORCEMENT 126220

The foregoing appropriation item 110404, Tobacco Settlement 126221  
Enforcement, shall be used by the Tax Commissioner to pay costs 126222  
incurred in the enforcement of divisions (F) and (G) of section 126223  
5743.03 of the Revised Code. 126224

STARS DEVELOPMENT AND IMPLEMENTATION FUND 126225

The foregoing appropriation item 110638, STARS Development 126226  
and Implementation Fund, shall be used to pay costs incurred in 126227

the development and implementation of the department's State Tax Accounting and Revenue System. The Director of Budget and Management, under a plan submitted by the Tax Commissioner, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the Tax Reform System Implementation Fund, Local Tax Administration Fund, School District Income Tax Fund, Discovery Project Fund, and the Motor Fuel Tax Administration Fund to the credit of the STARS Development and Implementation Fund (Fund 5MN0). The transfers of cash shall not exceed \$8,000,000 in the biennium.

**Section 397.10.** DOT DEPARTMENT OF TRANSPORTATION 126238

|                              |                       |    |            |    |            |        |
|------------------------------|-----------------------|----|------------|----|------------|--------|
| General Revenue Fund         |                       |    |            |    | 126239     |        |
| GRF 775451                   | Public Transportation | \$ | 7,300,000  | \$ | 7,300,000  | 126240 |
|                              | - State               |    |            |    |            |        |
| GRF 776465                   | Ohio Rail Development | \$ | 2,000,000  | \$ | 2,000,000  | 126241 |
|                              | Commission            |    |            |    |            |        |
| GRF 777471                   | Airport Improvements  | \$ | 750,000    | \$ | 750,000    | 126242 |
|                              | - State               |    |            |    |            |        |
| TOTAL GRF                    | General Revenue Fund  | \$ | 10,050,000 | \$ | 10,050,000 | 126243 |
| TOTAL ALL BUDGET FUND GROUPS |                       | \$ | 10,050,000 | \$ | 10,050,000 | 126244 |

**Section 399.10.** TOS TREASURER OF STATE 126246

|                      |                        |    |           |    |           |        |
|----------------------|------------------------|----|-----------|----|-----------|--------|
| General Revenue Fund |                        |    |           |    | 126247    |        |
| GRF 090321           | Operating Expenses     | \$ | 7,743,553 | \$ | 7,743,553 | 126248 |
| GRF 090401           | Office of the Sinking  | \$ | 502,304   | \$ | 502,304   | 126249 |
|                      | Fund                   |    |           |    |           |        |
| GRF 090402           | Continuing Education   | \$ | 377,702   | \$ | 377,702   | 126250 |
| GRF 090524           | Police and Fire        | \$ | 6,000     | \$ | 6,000     | 126251 |
|                      | Disability Pension     |    |           |    |           |        |
|                      | Fund                   |    |           |    |           |        |
| GRF 090534           | Police and Fire Ad Hoc | \$ | 70,000    | \$ | 70,000    | 126252 |

|                                |                             |    |            |    |                   |
|--------------------------------|-----------------------------|----|------------|----|-------------------|
|                                | Cost of Living              |    |            |    |                   |
| GRF 090554                     | Police and Fire             | \$ | 507,000    | \$ | 507,000 126253    |
|                                | Survivor Benefits           |    |            |    |                   |
| GRF 090575                     | Police and Fire Death       | \$ | 20,000,000 | \$ | 20,000,000 126254 |
|                                | Benefits                    |    |            |    |                   |
| TOTAL GRF General Revenue Fund |                             | \$ | 29,206,559 | \$ | 29,206,559 126255 |
|                                | General Services Fund Group |    |            |    | 126256            |
| 4E90 090603                    | Securities Lending          | \$ | 3,765,000  | \$ | 3,765,000 126257  |
|                                | Income                      |    |            |    |                   |
| 5770 090605                    | Investment Pool             | \$ | 850,000    | \$ | 850,000 126258    |
|                                | Reimbursement               |    |            |    |                   |
| 5C50 090602                    | County Treasurer            | \$ | 170,057    | \$ | 170,057 126259    |
|                                | Education                   |    |            |    |                   |
| 6050 090609                    | Treasurer of State          | \$ | 835,000    | \$ | 835,000 126260    |
|                                | Administrative Fund         |    |            |    |                   |
| TOTAL GSF General Services     |                             |    |            |    | 126261            |
| Fund Group                     |                             | \$ | 5,620,057  | \$ | 5,620,057 126262  |
|                                | Agency Fund Group           |    |            |    | 126263            |
| 4250 090635                    | Tax Refunds                 | \$ | 6,000,000  | \$ | 6,000,000 126264  |
| TOTAL Agency Fund Group        |                             | \$ | 6,000,000  | \$ | 6,000,000 126265  |
| TOTAL ALL BUDGET FUND GROUPS   |                             | \$ | 40,826,616 | \$ | 40,826,616 126266 |

**Section 399.20. OFFICE OF THE SINKING FUND** 126268

The foregoing appropriation item 090401, Office of the 126269  
Sinking Fund, shall be used for costs incurred by or on behalf of 126270  
the Commissioners of the Sinking Fund and the Ohio Public 126271  
Facilities Commission with respect to State of Ohio general 126272  
obligation bonds or notes, and the Treasurer of State with respect 126273  
to State of Ohio general obligation and special obligation bonds 126274  
or notes, including, but not limited to, printing, advertising, 126275  
delivery, rating fees and the procurement of ratings, professional 126276  
publications, membership in professional organizations, and other 126277

services referred to in division (D) of section 151.01 of the Revised Code. The General Revenue Fund shall be reimbursed for such costs relating to the issuance and administration of Highway Capital Improvement bonds or notes authorized under Ohio Constitution, Article VIII, Section 2m and Chapter 151. of the Revised Code. That reimbursement shall be made from appropriation item 155902, Highway Capital Improvement Bond Retirement Fund, by intrastate transfer voucher pursuant to a certification by the Office of the Sinking Fund of the actual amounts used. The amounts necessary to make such a reimbursement are hereby appropriated from the Highway Capital Improvement Bond Retirement Fund created in section 151.06 of the Revised Code.

POLICE AND FIRE DEATH BENEFIT FUND

The foregoing appropriation item 090575, Police and Fire Death Benefits, shall be disbursed quarterly by the Treasurer of State at the beginning of each quarter of each fiscal year to the Board of Trustees of the Ohio Police and Fire Pension Fund. The Treasurer of State shall certify such amounts quarterly to the Director of Budget and Management. By the twentieth day of June of each fiscal year, the Board of Trustees of the Ohio Police and Fire Pension Fund shall certify to the Treasurer of State the amount disbursed in the current fiscal year to make the payments required by section 742.63 of the Revised Code and shall return to the Treasurer of State moneys received from this appropriation item but not disbursed.

TAX REFUNDS

The foregoing appropriation item 090635, Tax Refunds, shall be used to pay refunds under section 5703.052 of the Revised Code. If the Director of Budget and Management determines that additional amounts are necessary for this purpose, such amounts are hereby appropriated.

|     |                        |                                         |              |              |        |
|-----|------------------------|-----------------------------------------|--------------|--------------|--------|
|     | <b>Section 401.10.</b> | VTO VETERANS' ORGANIZATIONS             |              |              | 126309 |
|     |                        | General Revenue Fund                    |              |              | 126310 |
|     |                        | VAP AMERICAN EX-PRISONERS OF WAR        |              |              | 126311 |
| GRF | 743501                 | State Support                           | \$ 28,910    | \$ 28,910    | 126312 |
|     |                        | VAN ARMY AND NAVY UNION, USA, INC.      |              |              | 126313 |
| GRF | 746501                 | State Support                           | \$ 63,539    | \$ 63,539    | 126314 |
|     |                        | VKW KOREAN WAR VETERANS                 |              |              | 126315 |
| GRF | 747501                 | State Support                           | \$ 57,118    | \$ 57,118    | 126316 |
|     |                        | VJW JEWISH WAR VETERANS                 |              |              | 126317 |
| GRF | 748501                 | State Support                           | \$ 34,321    | \$ 34,321    | 126318 |
|     |                        | VCW CATHOLIC WAR VETERANS               |              |              | 126319 |
| GRF | 749501                 | State Support                           | \$ 66,978    | \$ 66,978    | 126320 |
|     |                        | VPH MILITARY ORDER OF THE PURPLE HEART  |              |              | 126321 |
| GRF | 750501                 | State Support                           | \$ 65,116    | \$ 65,116    | 126322 |
|     |                        | VVV VIETNAM VETERANS OF AMERICA         |              |              | 126323 |
| GRF | 751501                 | State Support                           | \$ 214,776   | \$ 214,776   | 126324 |
|     |                        | VAL AMERICAN LEGION OF OHIO             |              |              | 126325 |
| GRF | 752501                 | State Support                           | \$ 349,189   | \$ 349,189   | 126326 |
|     |                        | VII AMVETS                              |              |              | 126327 |
| GRF | 753501                 | State Support                           | \$ 332,547   | \$ 332,547   | 126328 |
|     |                        | VAV DISABLED AMERICAN VETERANS          |              |              | 126329 |
| GRF | 754501                 | State Support                           | \$ 249,836   | \$ 249,836   | 126330 |
|     |                        | VMC MARINE CORPS LEAGUE                 |              |              | 126331 |
| GRF | 756501                 | State Support                           | \$ 133,947   | \$ 133,947   | 126332 |
|     |                        | V37 37TH DIVISION VETERANS' ASSOCIATION |              |              | 126333 |
| GRF | 757501                 | State Support                           | \$ 6,868     | \$ 6,868     | 126334 |
|     |                        | VFW VETERANS OF FOREIGN WARS            |              |              | 126335 |
| GRF | 758501                 | State Support                           | \$ 284,841   | \$ 284,841   | 126336 |
|     |                        | TOTAL GRF General Revenue Fund          | \$ 1,887,986 | \$ 1,887,986 | 126337 |
|     |                        | TOTAL ALL BUDGET FUND GROUPS            | \$ 1,887,986 | \$ 1,887,986 | 126338 |
|     |                        | RELEASE OF FUNDS                        |              |              | 126339 |

The Director of Budget and Management may release the 126340  
foregoing appropriation items 743501, 746501, 747501, 748501, 126341  
749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501, 126342  
and 758501, State Support. 126343

**Section 403.10.** DVS DEPARTMENT OF VETERANS SERVICES 126344

General Revenue Fund 126345

GRF 900321 Veterans' Homes \$ 27,369,946 \$ 27,369,946 126346

GRF 900402 Hall of Fame \$ 107,075 \$ 107,075 126347

GRF 900408 Department of \$ 2,001,823 \$ 2,001,823 126348

Veterans Services

GRF 900901 Persian Gulf, \$ 7,542,600 \$ 9,914,800 126349

Afghanistan, and Iraq

Compensation Debt

Service

TOTAL GRF General Revenue Fund \$ 37,021,444 \$ 39,393,644 126350

General Services Fund Group 126351

4840 900603 Veterans' Homes \$ 1,596,894 \$ 1,596,894 126352

Services

TOTAL GSF General Services Fund \$ 1,596,894 \$ 1,596,894 126353

Group

Federal Special Revenue Fund Group 126354

3680 900614 Veterans Training \$ 684,017 \$ 697,682 126355

3740 900606 Troops to Teachers \$ 111,822 \$ 111,879 126356

3BX0 900609 Medicare Services \$ 2,250,000 \$ 2,250,000 126357

3L20 900601 Veterans' Homes \$ 24,887,790 \$ 25,634,423 126358

Operations - Federal

TOTAL FED Federal Special Revenue 126359

Fund Group \$ 27,933,629 \$ 28,693,984 126360

State Special Revenue Fund Group 126361

4E20 900602 Veterans' Homes \$ 10,614,652 \$ 10,837,435 126362



|                                                                    |                       |    |            |    |                                    |
|--------------------------------------------------------------------|-----------------------|----|------------|----|------------------------------------|
|                                                                    | Operating             |    |            |    |                                    |
| 6040 900604                                                        | Veterans' Homes       | \$ | 403,663    | \$ | 459,359 126363                     |
|                                                                    | Improvement           |    |            |    |                                    |
| TOTAL SSR State Special Revenue                                    |                       |    |            |    | 126364                             |
| Fund Group                                                         |                       | \$ | 11,018,315 | \$ | 11,296,794 126365                  |
| Persian Gulf, Afghanistan, and Iraq Compensation Fund Group        |                       |    |            |    | 126366                             |
| 7041 900615                                                        | Veteran Bonus Program | \$ | 738,703    | \$ | 629,709 126367                     |
|                                                                    | - Administration      |    |            |    |                                    |
| 7041 900641                                                        | Persian Gulf,         | \$ | 14,500,000 | \$ | 9,400,000 126368                   |
|                                                                    | Afghanistan, and Iraq |    |            |    |                                    |
|                                                                    | Compensation          |    |            |    |                                    |
| TOTAL 041 Persian Gulf,                                            |                       |    |            |    | 126369                             |
| Afghanistan, and Iraq                                              |                       |    |            |    | 126370                             |
| Compensation Fund Group                                            |                       | \$ | 15,238,703 | \$ | 10,029,709 126371                  |
| TOTAL ALL BUDGET FUND GROUPS                                       |                       |    |            |    | \$ 92,808,985 \$ 91,011,025 126372 |
| PERSIAN GULF, AFGHANISTAN AND IRAQ COMPENSATION GENERAL            |                       |    |            |    | 126373                             |
| OBLIGATION DEBT SERVICE                                            |                       |    |            |    | 126374                             |
| The foregoing appropriation item 900901, Persian Gulf,             |                       |    |            |    | 126375                             |
| Afghanistan and Iraq Compensation Debt Service, shall be used to   |                       |    |            |    | 126376                             |
| pay all debt service and related financing costs during the period |                       |    |            |    | 126377                             |
| from July 1, 2013, through June 30, 2015, on obligations issued    |                       |    |            |    | 126378                             |
| for Persian Gulf, Afghanistan and Iraq Conflicts Compensation      |                       |    |            |    | 126379                             |
| purposes under sections 151.01 and 151.12 of the Revised Code.     |                       |    |            |    | 126380                             |
| <b>Section 405.10. DVM STATE VETERINARY MEDICAL BOARD</b>          |                       |    |            |    | 126381                             |
| General Services Fund Group                                        |                       |    |            |    | 126382                             |
| 4K90 888609                                                        | Operating Expenses    | \$ | 337,432    | \$ | 331,695 126383                     |
| 5BU0 888602                                                        | Veterinary Student    | \$ | 30,000     | \$ | 30,000 126384                      |
|                                                                    | Loan Program          |    |            |    |                                    |
| TOTAL GSF General Services                                         |                       |    |            |    | 126385                             |
| Fund Group                                                         |                       | \$ | 367,432    | \$ | 361,695 126386                     |
| TOTAL ALL BUDGET FUND GROUPS                                       |                       |    |            |    | \$ 367,432 \$ 361,695 126387       |

|                                                         |                      |                       |                               |        |
|---------------------------------------------------------|----------------------|-----------------------|-------------------------------|--------|
| <b>Section 407.10. DYS DEPARTMENT OF YOUTH SERVICES</b> |                      |                       |                               | 126389 |
| General Revenue Fund                                    |                      |                       |                               | 126390 |
| GRF                                                     | 470401               | RECLAIM Ohio          | \$ 166,862,228 \$ 166,862,228 | 126391 |
| GRF                                                     | 470412               | Lease Rental Payments | \$ 26,044,800 \$ 27,819,700   | 126392 |
| GRF                                                     | 470510               | Youth Services        | \$ 16,702,728 \$ 16,702,728   | 126393 |
| GRF                                                     | 472321               | Parole Operations     | \$ 10,583,118 \$ 10,583,118   | 126394 |
| GRF                                                     | 477321               | Administrative        | \$ 11,355,389 \$ 11,355,389   | 126395 |
| Operations                                              |                      |                       |                               |        |
| TOTAL GRF                                               | General Revenue Fund |                       | \$ 231,548,263 \$ 233,323,163 | 126396 |
| General Services Fund Group                             |                      |                       |                               | 126397 |
| 1750                                                    | 470613               | Education             | \$ 3,950,000 \$ 3,600,000     | 126398 |
| Reimbursement                                           |                      |                       |                               |        |
| 4790                                                    | 470609               | Employee Food Service | \$ 125,000 \$ 125,000         | 126399 |
| 4A20                                                    | 470602               | Child Support         | \$ 250,000 \$ 250,000         | 126400 |
| 4G60                                                    | 470605               | General Operational   | \$ 115,000 \$ 115,000         | 126401 |
| Funds                                                   |                      |                       |                               |        |
| 5BN0                                                    | 470629               | E-Rate Program        | \$ 525,000 \$ 525,000         | 126402 |
| TOTAL GSF                                               | General Services     |                       |                               | 126403 |
| Fund Group                                              |                      |                       | \$ 4,965,000 \$ 4,615,000     | 126404 |
| Federal Special Revenue Fund Group                      |                      |                       |                               | 126405 |
| 3210                                                    | 470601               | Education             | \$ 1,480,740 \$ 1,203,272     | 126406 |
| 3210                                                    | 470603               | Juvenile Justice      | \$ 300,000 \$ 300,000         | 126407 |
| Prevention                                              |                      |                       |                               |        |
| 3210                                                    | 470606               | Nutrition             | \$ 1,033,947 \$ 1,033,947     | 126408 |
| 3210                                                    | 470614               | Title IV-E            | \$ 5,755,620 \$ 3,714,548     | 126409 |
| Reimbursements                                          |                      |                       |                               |        |
| 3CP0                                                    | 470638               | Federal Juvenile      | \$ 20,000 \$ 5,000            | 126410 |
| Programs FFY 09                                         |                      |                       |                               |        |
| 3CR0                                                    | 470639               | Federal Juvenile      | \$ 479,900 \$ 126,000         | 126411 |
| Programs FFY 10                                         |                      |                       |                               |        |
| 3FB0                                                    | 470641               | Federal Juvenile      | \$ 500,000 \$ 105,000         | 126412 |

|                              |        |                                                                   |    |             |    |             |        |
|------------------------------|--------|-------------------------------------------------------------------|----|-------------|----|-------------|--------|
|                              |        | Programs FFY 11                                                   |    |             |    |             |        |
| 3FC0                         | 470642 | Federal Juvenile                                                  | \$ | 600,000     | \$ | 50,000      | 126413 |
|                              |        | Programs FFY 12                                                   |    |             |    |             |        |
| 3GB0                         | 470643 | Federal Juvenile                                                  | \$ | 135,000     | \$ | 600,000     | 126414 |
|                              |        | Programs FFY 13                                                   |    |             |    |             |        |
| 3GC0                         | 470644 | Federal Juvenile                                                  | \$ | 0           | \$ | 135,000     | 126415 |
|                              |        | Programs FFY 14                                                   |    |             |    |             |        |
| 3V50                         | 470604 | Juvenile                                                          | \$ | 1,300,000   | \$ | 1,000,000   | 126416 |
|                              |        | Justice/Delinquency                                               |    |             |    |             |        |
|                              |        | Prevention                                                        |    |             |    |             |        |
| TOTAL FED                    |        | Federal Special Revenue                                           |    |             |    |             | 126417 |
| Fund Group                   |        |                                                                   | \$ | 11,605,207  | \$ | 8,272,767   | 126418 |
| State Special Revenue        |        | Fund Group                                                        |    |             |    |             | 126419 |
| 1470                         | 470612 | Vocational Education                                              | \$ | 1,795,000   | \$ | 1,795,000   | 126420 |
| TOTAL SSR                    |        | State Special Revenue                                             |    |             |    |             | 126421 |
| Fund Group                   |        |                                                                   | \$ | 1,795,000   | \$ | 1,795,000   | 126422 |
| TOTAL ALL BUDGET FUND GROUPS |        |                                                                   | \$ | 249,913,470 | \$ | 248,005,930 | 126423 |
|                              |        | COMMUNITY PROGRAMS                                                |    |             |    |             | 126424 |
|                              |        | For purposes of improving community programs, and                 |    |             |    |             | 126425 |
|                              |        | notwithstanding any provision of law to the contrary, of the      |    |             |    |             | 126426 |
|                              |        | foregoing appropriation item 470401, RECLAIM Ohio, the Department |    |             |    |             | 126427 |
|                              |        | of Youth Services shall use \$8,813,811 in each fiscal year to    |    |             |    |             | 126428 |
|                              |        | expand Targeted RECLAIM, the Behavioral Health Juvenile Justice   |    |             |    |             | 126429 |
|                              |        | Initiative, and other evidence-based community programs.          |    |             |    |             | 126430 |
|                              |        | For purposes of implementing juvenile sentencing reforms, and     |    |             |    |             | 126431 |
|                              |        | notwithstanding any provision of law to the contrary, the         |    |             |    |             | 126432 |
|                              |        | Department of Youth Services may use up to forty-five per cent of |    |             |    |             | 126433 |
|                              |        | the unexpended, unencumbered balance of the portion of            |    |             |    |             | 126434 |
|                              |        | appropriation item 470401, RECLAIM Ohio, that is allocated to     |    |             |    |             | 126435 |
|                              |        | juvenile correctional facilities in each fiscal year to expand    |    |             |    |             | 126436 |
|                              |        | Targeted RECLAIM, the Behavioral Health Juvenile Justice          |    |             |    |             | 126437 |
|                              |        | Initiative, and other evidence-based community programs.          |    |             |    |             | 126438 |

LEASE RENTAL PAYMENTS 126439

The foregoing appropriation item 470412, Lease Rental 126440  
Payments, shall be used to meet all payments at the times they are 126441  
required to be made for the period from July 1, 2013, through June 126442  
30, 2015, by the Department of Youth Services under the leases and 126443  
agreements for facilities made under Chapters 152. and 154. of the 126444  
Revised Code. This appropriation is the source of funds pledged 126445  
for bond service charges on related obligations issued under 126446  
Chapters 152. and 154. of the Revised Code. 126447

EDUCATION REIMBURSEMENT 126448

The foregoing appropriation item 470613, Education 126449  
Reimbursement, shall be used to fund the operating expenses of 126450  
providing educational services to youth supervised by the 126451  
Department of Youth Services. Operating expenses include, but are 126452  
not limited to, teachers' salaries, maintenance costs, and 126453  
educational equipment. This appropriation item may be used for 126454  
capital expenses related to the education program. 126455

EMPLOYEE FOOD SERVICE AND EQUIPMENT 126456

Notwithstanding section 125.14 of the Revised Code, the 126457  
foregoing appropriation item 470609, Employee Food Service, may be 126458  
used to purchase any food operational items with funds received 126459  
into the fund from reimbursements for state surplus property. 126460

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 126461

In collaboration with the county family and children first 126462  
council, the juvenile court of that county that receives 126463  
allocations from one or both of the foregoing appropriation items 126464  
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 126465  
portions of those allocations to a flexible funding pool as 126466  
authorized by the section of Am. Sub. H.B. 153 of the 129th 126467  
General Assembly titled "FAMILY AND CHILDREN FIRST FLEXIBLE 126468  
FUNDING POOL." 126469

**Section 501.10.** SCREENING TOOL FOR HIGH-RISK YOUTH TEAM 126470  
EVALUATION 126471

The Office of Health Transformation shall convene a team 126472  
comprised of the Department of Youth Services, the Department of 126473  
Medicaid, the Department of Job and Family Services, the 126474  
Department of Health, and the Department of Mental Health and 126475  
Addiction Services. The team shall evaluate the feasibility of 126476  
implementing a trauma screening tool for high-risk youth and 126477  
create a report with the following information: (A) the 126478  
recommended trauma screening tool to be used to evaluate high-risk 126479  
youth; (B) training in the administration of the recommended tool; 126480  
(C) screening protocols; (D) the persons to whom the recommended 126481  
tool should apply; and (E) the implications for treatment. The 126482  
report shall be completed by December 1, 2013, and shall be 126483  
distributed to the Governor. The Department of Youth Services may 126484  
receive funds for piloting the recommended tool in detention 126485  
centers. 126486

**Section 501.20.** All items set forth in this section are 126487  
hereby appropriated for the biennium ending on June 30, 2015, out 126488  
of any moneys in the state treasury to the credit of the 126489  
Administrative Building Fund (Fund 7026) that are not otherwise 126490  
appropriated. 126491

|                                    | Appropriations |        |
|------------------------------------|----------------|--------|
| TOS TREASURER OF STATE             |                | 126492 |
| C09001 Treasury Management System  | \$ 10,000,000  | 126493 |
| TOTAL Treasurer of State           | \$ 10,000,000  | 126494 |
| TOTAL Administrative Building Fund | \$ 10,000,000  | 126495 |

The foregoing appropriation item C09001, Treasury Management 126496  
System, shall be used to pay costs incurred in the implementation 126497  
of the Treasury Management System pursuant to Chapter 125. of the 126498  
Revised Code, including, but not limited to, the application 126499

hardware and software and the installation and implementation 126500  
thereof, for the use of the Treasurer of State. 126501

The Treasurer of State may acquire and implement a Treasury 126502  
Management System pursuant to Chapter 125. of the Revised Code, 126503  
including, but not limited to, the application hardware and 126504  
software and the installation and implementation thereof, for the 126505  
use of the Treasurer of State. The Treasury Management System is 126506  
an integrated treasury technology infrastructure system that will 126507  
replace the Treasurer of State's existing separate cash, custody, 126508  
investment, and accounting software and administration systems for 126509  
the various treasury functions performed by the state. Any 126510  
purchase agreement utilized under Chapter 125. of the Revised Code 126511  
to finance the Treasury Management System, including any 126512  
fractionalized interests therein as defined in division (N) of 126513  
section 133.01 of the Revised Code, is limited in amount to not 126514  
more than \$10,000,000, and shall provide at the point of purchase 126515  
that the financed asset becomes the property of the state. 126516

The Treasurer of State is hereby authorized to issue and 126517  
sell, in accordance with Section 2i of Article VIII, Ohio 126518  
Constitution, and Chapter 154. of the Revised Code, particularly 126519  
section 154.22 of the Revised Code, original obligations in an 126520  
aggregate principal amount not to exceed \$10,000,000, in addition 126521  
to the original issuance of obligations heretofore authorized by 126522  
prior acts of the General Assembly. These authorized obligations 126523  
shall be issued, subject to applicable constitutional and 126524  
statutory limitations, to pay costs associated with previously 126525  
authorized capital facilities and the capital facilities referred 126526  
to in this section of the act. 126527

**Section 503.10. PERSONAL SERVICE EXPENSES** 126528

Unless otherwise prohibited by law, any appropriation from 126529  
which personal service expenses are paid shall bear the employer's 126530

share of public employees' retirement, workers' compensation, 126531  
disabled workers' relief, and insurance programs; and the costs of 126532  
centralized financial services, centralized payroll processing, 126533  
and related reports and services; centralized human resources 126534  
services, including affirmative action and equal employment 126535  
opportunity programs; the Office of Collective Bargaining; the 126536  
Employee Assistance Program; centralized information technology 126537  
management services; administering the enterprise resource 126538  
planning system; and administering the state employee merit system 126539  
as required by section 124.07 of the Revised Code. These costs 126540  
shall be determined in conformity with the appropriate sections of 126541  
law and paid in accordance with procedures specified by the Office 126542  
of Budget and Management. Expenditures from appropriation item 126543  
070601, Public Audit Expense - Intra-State, may be exempted from 126544  
the requirements of this section. 126545

**Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 126546  
**AGAINST THE STATE** 126547

Except as otherwise provided in this section, an 126548  
appropriation in this act or any other act may be used for the 126549  
purpose of satisfying judgments, settlements, or administrative 126550  
awards ordered or approved by the Court of Claims or by any other 126551  
court of competent jurisdiction in connection with civil actions 126552  
against the state. This authorization does not apply to 126553  
appropriations to be applied to or used for payment of guarantees 126554  
by or on behalf of the state, or for payments under lease 126555  
agreements relating to, or debt service on, bonds, notes, or other 126556  
obligations of the state. Notwithstanding any other statute to the 126557  
contrary, this authorization includes appropriations from funds 126558  
into which proceeds of direct obligations of the state are 126559  
deposited only to the extent that the judgment, settlement, or 126560  
administrative award is for, or represents, capital costs for 126561  
which the appropriation may otherwise be used and is consistent 126562

with the purpose for which any related obligations were issued or 126563  
entered into. Nothing contained in this section is intended to 126564  
subject the state to suit in any forum in which it is not 126565  
otherwise subject to suit, and is not intended to waive or 126566  
compromise any defense or right available to the state in any suit 126567  
against it. 126568

**Section 503.30. CAPITAL PROJECT SETTLEMENTS** 126569

This section specifies an additional and supplemental 126570  
procedure to provide for payments of judgments and settlements if 126571  
the Director of Budget and Management determines, pursuant to 126572  
division (C)(4) of section 2743.19 of the Revised Code, that 126573  
sufficient unencumbered moneys do not exist in the fund to support 126574  
a particular appropriation to pay the amount of a final judgment 126575  
rendered against the state or a state agency, including the 126576  
settlement of a claim approved by a court, in an action upon and 126577  
arising out of a contractual obligation for the construction or 126578  
improvement of a capital facility if the costs under the contract 126579  
were payable in whole or in part from a state capital projects 126580  
appropriation. In such a case, the Director may either proceed 126581  
pursuant to division (C)(4) of section 2743.19 of the Revised Code 126582  
or apply to the Controlling Board to increase an appropriation or 126583  
create an appropriation out of any unencumbered moneys in the 126584  
state treasury to the credit of the capital projects fund from 126585  
which the initial state appropriation was made. The amount of an 126586  
increase in appropriation or new appropriation approved by the 126587  
Controlling Board is hereby appropriated from the applicable 126588  
capital projects fund and made available for the payment of the 126589  
judgment or settlement. 126590

If the Director does not make the application authorized by 126591  
this section or the Controlling Board disapproves the application, 126592  
and the Director does not make application under division (C)(4) 126593



of section 2743.19 of the Revised Code, the Director shall for the 126594  
purpose of making that payment make a request to the General 126595  
Assembly as provided for in division (C)(5) of that section. 126596

**Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS** 126597

In order to provide funds for the reissuance of voided 126598  
warrants under section 126.37 of the Revised Code, there is hereby 126599  
appropriated, out of moneys in the state treasury from the fund 126600  
credited as provided in section 126.37 of the Revised Code, that 126601  
amount sufficient to pay such warrants when approved by the Office 126602  
of Budget and Management. 126603

**Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED** 126604  
**BALANCES OF OPERATING APPROPRIATIONS** 126605

(A) An unexpended balance of an operating appropriation or 126606  
reappropriation that a state agency lawfully encumbered prior to 126607  
the close of a fiscal year is hereby reappropriated on the first 126608  
day of July of the following fiscal year from the fund from which 126609  
it was originally appropriated or reappropriated for the following 126610  
period and shall remain available only for the purpose of 126611  
discharging the encumbrance: 126612

(1) For an encumbrance for personal services, maintenance, 126613  
equipment, or items for resale, other than an encumbrance for an 126614  
item of special order manufacture not available on term contract 126615  
or in the open market or for reclamation of land or oil and gas 126616  
wells, for a period of not more than five months from the end of 126617  
the fiscal year; 126618

(2) For an encumbrance for an item of special order 126619  
manufacture not available on term contract or in the open market, 126620  
for a period of not more than five months from the end of the 126621  
fiscal year or, with the written approval of the Director of 126622  
Budget and Management, for a period of not more than twelve months 126623

from the end of the fiscal year; 126624

(3) For an encumbrance for reclamation of land or oil and gas 126625  
wells, for a period ending when the encumbered appropriation is 126626  
expended or for a period of two years, whichever is less; 126627

(4) For an encumbrance for any other expense, for such period 126628  
as the Director approves, provided such period does not exceed two 126629  
years. 126630

(B) Any operating appropriations for which unexpended 126631  
balances are reappropriated beyond a five-month period from the 126632  
end of the fiscal year by division (A)(2) of this section shall be 126633  
reported to the Controlling Board by the Director of Budget and 126634  
Management by the thirty-first day of December of each year. The 126635  
report on each such item shall include the item, the cost of the 126636  
item, and the name of the vendor. The report shall be updated on a 126637  
quarterly basis for encumbrances remaining open. 126638

(C) Upon the expiration of the reappropriation period set out 126639  
in division (A) of this section, a reappropriation made by this 126640  
section lapses, and the Director of Budget and Management shall 126641  
cancel the encumbrance of the unexpended reappropriation not later 126642  
than the end of the weekend following the expiration of the 126643  
reappropriation period. 126644

(D) Notwithstanding division (C) of this section, with the 126645  
approval of the Director of Budget and Management, an unexpended 126646  
balance of an encumbrance that was reappropriated on the first day 126647  
of July by this section for a period specified in division (A)(3) 126648  
or (4) of this section and that remains encumbered at the close of 126649  
the fiscal biennium is hereby reappropriated on the first day of 126650  
July of the following fiscal biennium from the fund from which it 126651  
was originally appropriated or reappropriated for the applicable 126652  
period specified in division (A)(3) or (4) of this section and 126653  
shall remain available only for the purpose of discharging the 126654

encumbrance. 126655

(E) The Director of Budget and Management may correct 126656  
accounting errors committed by the staff of the Office of Budget 126657  
and Management, such as reestablishing encumbrances or 126658  
appropriations cancelled in error, during the cancellation of 126659  
operating encumbrances in November and of nonoperating 126660  
encumbrances in December. 126661

(F) The Director of Budget and Management may at any time 126662  
correct accounting errors committed by the staff of a state agency 126663  
or state institution of higher education, as defined in section 126664  
3345.011 of the Revised Code, such as reestablishing prior year 126665  
nonoperating encumbrances canceled or modified in error. The 126666  
reestablished encumbrance amounts are hereby appropriated. 126667

(G) If the Controlling Board approved a purchase, that 126668  
approval remains in effect so long as the appropriation used to 126669  
make that purchase remains encumbered. 126670

**Section 503.60.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND 126671  
RE-ESTABLISHMENT OF ENCUMBRANCES 126672

Any cash transferred by the Director of Budget and Management 126673  
under section 126.15 of the Revised Code is hereby appropriated. 126674  
Any amounts necessary to re-establish appropriations or 126675  
encumbrances under section 126.15 of the Revised Code are hereby 126676  
appropriated. 126677

**Section 503.70.** INCOME TAX DISTRIBUTION TO COUNTIES 126678

There are hereby appropriated out of any moneys in the state 126679  
treasury to the credit of the General Revenue Fund, which are not 126680  
otherwise appropriated, funds sufficient to make any payment 126681  
required by division (B)(2) of section 5747.03 of the Revised 126682  
Code. 126683

|                        |                                                                    |    |                |                |           |
|------------------------|--------------------------------------------------------------------|----|----------------|----------------|-----------|
| <b>Section 503.80.</b> | EXPENDITURES AND APPROPRIATION INCREASES                           |    |                |                | 126684    |
|                        | APPROVED BY THE CONTROLLING BOARD                                  |    |                |                | 126685    |
|                        | Any money that the Controlling Board approves for expenditure      |    |                |                | 126686    |
|                        | or any increase in appropriation that the Controlling Board        |    |                |                | 126687    |
|                        | approves under sections 127.14, 131.35, and 131.39 of the Revised  |    |                |                | 126688    |
|                        | Code or any other provision of law is hereby appropriated for the  |    |                |                | 126689    |
|                        | period ending June 30, 2015.                                       |    |                |                | 126690    |
| <b>Section 503.90.</b> | FUNDS RECEIVED FOR USE OF GOVERNOR'S                               |    |                |                | 126691    |
|                        | RESIDENCE                                                          |    |                |                | 126692    |
|                        | If the Governor's Residence Fund (Fund 4H20) receives payment      |    |                |                | 126693    |
|                        | for use of the residence pursuant to section 107.40 of the Revised |    |                |                | 126694    |
|                        | Code, the amounts so received are hereby appropriated to           |    |                |                | 126695    |
|                        | appropriation item 100604, Governor's Residence Gift.              |    |                |                | 126696    |
| <b>Section 506.10.</b> | UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS                      |    |                |                | 126697    |
|                        | Unless the agency and nuclear electric utility mutually agree      |    |                |                | 126698    |
|                        | to a higher amount by contract, the maximum amounts that may be    |    |                |                | 126699    |
|                        | assessed against nuclear electric utilities under division (B)(2)  |    |                |                | 126700    |
|                        | of section 4937.05 of the Revised Code and deposited into the      |    |                |                | 126701    |
|                        | specified funds are as follows:                                    |    |                |                | 126702    |
| <u>Fund</u>            | <u>User</u>                                                        |    | <u>FY 2014</u> | <u>FY 2015</u> | 126703    |
| Utility Radiological   | Department of                                                      | \$ | 130,000        | \$             | 130,000   |
| Safety Fund (Fund      | Agriculture                                                        |    |                |                |           |
| 4E40)                  |                                                                    |    |                |                |           |
| Radiation Emergency    | Department of                                                      | \$ | 1,049,954      | \$             | 1,086,098 |
| Response Fund (Fund    | Health                                                             |    |                |                |           |
| 6100)                  |                                                                    |    |                |                |           |
| ER Radiological Safety | Environmental                                                      | \$ | 284,266        | \$             | 290,674   |
| Fund (Fund 6440)       | Protection Agency                                                  |    |                |                |           |
| Emergency Response     | Department of                                                      | \$ | 1,415,945      | \$             | 1,415,945 |

Plan Fund (Fund 6570) Public Safety

**Section 512.10.** TRANSFERS TO THE GENERAL REVENUE FUND OF 126708  
INTEREST EARNED 126709

Notwithstanding any provision of law to the contrary, the 126710  
Director of Budget and Management, through June 30, 2015, may 126711  
transfer interest earned by any state fund to the General Revenue 126712  
Fund. This section does not apply to funds whose source of revenue 126713  
is restricted or protected by the Ohio Constitution, federal tax 126714  
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 126715  
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 126716

**Section 512.20.** CASH TRANSFERS TO THE GENERAL REVENUE FUND 126717  
FROM NON-GRF FUNDS 126718

Notwithstanding any provision of law to the contrary, the 126719  
Director of Budget and Management may transfer up to \$60,000,000 126720  
in each fiscal year in cash from non-General Revenue Funds that 126721  
are not constitutionally restricted to the General Revenue Fund in 126722  
order to ensure that available General Revenue Fund receipts and 126723  
balances are sufficient to support General Revenue Fund 126724  
appropriations in each fiscal year. 126725

**Section 512.30.** FISCAL YEAR 2013 GENERAL REVENUE FUND ENDING 126726  
BALANCE 126727

Notwithstanding divisions (B) and (C) of section 131.44 of 126728  
the Revised Code, the Director of Budget and Management shall 126729  
determine the surplus General Revenue Fund revenue that existed on 126730  
June 30, 2013, in excess of the amount required under division 126731  
(A)(3) of section 131.44 of the Revised Code, and transfer from 126732  
the General Revenue Fund, to the extent of the amount so 126733  
determined, the following: 126734

(A) To the Disaster Services Fund (Fund 5E20), a cash amount 126735

of up to \$15,000,000; 126736

(B) To the Controlling Board Emergency Purposes Fund (Fund 5KM0), a cash amount of up to \$20,000,000; 126737  
126738

(C) To the Natural Resources Special Purposes Fund (Fund 5MW0), which is hereby created in the state treasury, a cash amount of up to \$12,000,000; 126739  
126740  
126741

(D) To the Unemployment Compensation Interest Contingency Fund (Fund 5HC0), a cash amount of up to \$120,000,000 for payment to the United States Secretary of the Treasury of accrued interest costs related to federal unemployment account borrowing. 126742  
126743  
126744  
126745

**Section 512.40. ACCESS SUCCESS II PROGRAM** 126746

To the extent cash is available, the Director of Budget and Management may transfer cash from the Money Follows the Person Enhanced Reimbursement Fund (Fund 5AJ0), used by the Department of Medicaid, to the Sale of Goods and Services Fund (Fund 1490), used by the Department of Mental Health and Addiction Services. The transferred cash is hereby appropriated. 126747  
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126749  
126750  
126751  
126752

The Department of Mental Health and Addiction Services shall use the transferred funds to administer the Access Success II Program to help non-Medicaid patients in any hospital established, controlled, or supervised by the Department under Chapter 5119. of the Revised Code to transition from inpatient status to a community setting. 126753  
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**Section 512.50.** Not later than the first day of September 2013, the Director of Mental Health and the Director of Alcohol and Drug Addiction Services shall certify to the Director of Budget and Management the amount of all of the unexpended, unencumbered balances of general revenue fund appropriations made to the Department of Mental Health and to the Department of Alcohol and Drug Addiction Services for FY 2012, excluding funds 126759  
126760  
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126765

appropriated for rental payments to the Ohio Public Facilities Commission. On receipt of the certification, the Director of Budget and Management shall transfer cash to the Department of Mental Health and Addiction Services Trust Fund created in section 5119.46 of the Revised Code (renumbered section 5119.60 of the Revised Code in this act) in an amount up to, but not exceeding, the total amounts certified by the Director of Mental Health and the Director of Alcohol and Drug Addiction Services.

**Section 512.60.** There is hereby created in the state treasury, the Permissive Tax Supplement Fund (Fund 5NB0). Not later than November 30, 2013, the Tax Commissioner shall certify to the Director of Budget and Management, an estimate of the amounts necessary during fiscal year 2014 to make supplemental permissive tax distributions to counties and transit authorities as prescribed in division (B) of section 5739.21 of the Revised Code. Following this certification, the Director of Budget and Management shall then transfer the certified amount from the General Revenue Fund to the Permissive Tax Supplement Fund. In the event that additional moneys beyond those initially certified are required for this purpose in fiscal year 2014, the Tax Commissioner may from time to time update the certification and the Director of Budget and Management shall transfer those amounts from the General Revenue Fund.

Not later than July 15, 2014, the Tax Commissioner shall certify to the Director of Budget and Management, an estimate of the amounts necessary during fiscal year 2015 to make supplemental permissive tax distributions to counties and transit authorities as prescribed in division (B) of section 5739.21 of the Revised Code. Following this certification, the Director of Budget and Management shall then transfer the certified amount from the General Revenue Fund to the Permissive Tax Supplement Fund. In the

event that additional moneys beyond those initially certified are 126797  
required for this purpose in fiscal year 2015, the Tax 126798  
Commissioner may from time to time update the certification and 126799  
the Director of Budget and Management shall transfer those 126800  
additional amounts from the General Revenue Fund to the Permissive 126801  
Tax Supplement Fund. 126802

Not later than December 15, 2013, and on or before the 126803  
fifteenth day of each month through June 15, 2015, the Tax 126804  
Commissioner shall certify to the Director of Budget and 126805  
Management, the amounts calculated as necessary to make 126806  
supplemental permissive tax distributions for that month pursuant 126807  
to division (B) of section 5739.21 of the Revised Code. The 126808  
Director of Budget and Management shall then transfer the amount 126809  
certified from the Permissive Tax Supplement Fund to the 126810  
Permissive Tax Distribution Fund (Fund 7063). 126811

If on June 20, 2015, or any date thereafter, any balance 126812  
exists in the Permissive Tax Supplement Fund, the Director of 126813  
Budget and Management may transfer that amount to the General 126814  
Revenue Fund. 126815

**Section 512.70. PROHIBITION ON TRANSFERS** 126816

Notwithstanding section 131.44 of the Revised Code, cash 126817  
shall not be transferred to the Income Tax Reduction Fund prior to 126818  
July 1, 2015. 126819

**Section 515.40.** The Department of Aging shall use 126820  
appropriation item 490627, Board of Executives of LTSS, to spend 126821  
cash in the Board of Executives of Long-Term Services and Supports 126822  
Fund (Fund 5MT0), which is hereby established in the State 126823  
Treasury. On the effective date of this section, the Board of 126824  
Examiners of Nursing Home Administrators is renamed the Board of 126825  
Executives of Long-Term Services and Supports. The Board of 126826



Examiners of Nursing Home Administrators' functions and its assets 126827  
and liabilities, are transferred to the Board of Executives of 126828  
Long-Term Services and Supports. The Board of Executives of 126829  
Long-Term Services and Supports is successor to, assumes the 126830  
obligations and authority of, and otherwise continues the Board of 126831  
Examiners of Nursing Home Administrators. No right, privilege, or 126832  
remedy, and no duty, liability, or obligation, accrued under the 126833  
Board of Examiners of Nursing Home Administrators is impaired or 126834  
lost by reason of the renaming and shall be recognized, 126835  
administered, performed, or enforced by the Board of Executives of 126836  
Long-Term Services and Supports. 126837

Business commenced but not completed by the Board of 126838  
Examiners of Nursing Home Administrators or by the Secretary of 126839  
the Board of Examiners of Nursing Home Administrators shall be 126840  
completed by the Board of Executives of Long-Term Services and 126841  
Supports or the Secretary of the Board of Executives of Long-Term 126842  
Services and Supports in the same manner, and with the same 126843  
effect, as if completed by the Board of Examiners of Nursing Home 126844  
Administrators or by the Secretary of the Board of Examiners of 126845  
Nursing Home Administrators. 126846

All of the Board of Examiners of Nursing Home Administrators' 126847  
rules, orders, and determinations continue in effect as rules, 126848  
orders, and determinations of the Board of Executives of Long-Term 126849  
Services and Supports. 126850

Subject to the layoff provisions of sections 124.321 to 126851  
124.328 of the Revised Code, all employees of the Board of 126852  
Examiners of Nursing Home Administrators who provide 126853  
administrative, technical, or other services to the Board of 126854  
Examiners of Nursing Home Administrators on a full-time, permanent 126855  
basis shall continue with the Board of Executives of Long-Term 126856  
Services and Supports and retain their positions and benefits 126857

accruing thereto, except that those employees in the classified 126858  
service shall be reclassified into the unclassified service and 126859  
shall serve at the pleasure of the Board. 126860

Notwithstanding section 4751.03 of the Revised Code, as 126861  
amended by this act, those board members currently serving as 126862  
members of the Board of Examiners of Nursing Home Administrators 126863  
on the effective date of this act shall continue to serve as 126864  
members of the Board of Executives of Long-Term Services and 126865  
Supports for the remainder of their appointment period, at which 126866  
time new members shall be appointed in a manner consistent with 126867  
section 4751.03 of the Revised Code, as amended by this act. 126868

Within ninety days after the effective date of this act, the 126869  
Governor shall appoint to the Board of Executives of Long-Term 126870  
Services and Supports those new members who are required to be 126871  
appointed under divisions (A)(3) and (6) of section 4751.03 of the 126872  
Revised Code, as amended by this act, for terms ending on May 27, 126873  
2014. Thereafter, appointment for those members shall be as 126874  
provided in section 4751.03 of the Revised Code, as amended by 126875  
this act. 126876

Whenever the Board of Examiners of Nursing Home 126877  
Administrators is referred to in statute, contract, or other 126878  
instrument, the reference is deemed to refer to the Board of 126879  
Executives of Long-Term Services and Supports. 126880

No pending action or proceeding being prosecuted or defended 126881  
in court or before an agency by the Board of Examiners of Nursing 126882  
Home Administrators or the Secretary of the Board of Examiners of 126883  
Nursing Home Administrators is affected by the renaming and shall 126884  
be prosecuted or defended in the name of the Board of Executives 126885  
of Long-Term Services and Supports or the Secretary of the Board 126886  
of Executives of Long-Term Services and Supports. Upon application 126887  
to the court or agency, the Board of Executives of Long-Term 126888  
Services and Supports or the Secretary of the Board of Executives 126889

of Long-Term Services and Supports shall be substituted. 126890

**Section 518.10.** GENERAL OBLIGATION DEBT SERVICE PAYMENTS 126891

Certain appropriations are in this act for the purpose of 126892  
paying debt service and financing costs on general obligation 126893  
bonds or notes of the state issued pursuant to the Ohio 126894  
Constitution and acts of the General Assembly. If it is determined 126895  
that additional appropriations are necessary for this purpose, 126896  
such amounts are hereby appropriated. 126897

**Section 518.20.** LEASE RENTAL PAYMENTS FOR DEBT SERVICE 126898

Certain appropriations are in this act for the purpose of 126899  
making lease rental payments pursuant to leases and agreements 126900  
relating to bonds or notes issued by the Treasurer of State, or 126901  
previously by the Ohio Public Facilities Commission or the Ohio 126902  
Building Authority, pursuant to the Ohio Constitution and acts of 126903  
the General Assembly. If it is determined that additional 126904  
appropriations are necessary for this purpose, such amounts are 126905  
hereby appropriated. 126906

**Section 518.30.** AUTHORIZATION FOR TREASURER OF STATE AND OBM 126907  
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 126908

The Office of Budget and Management shall process payments 126909  
from general obligation and lease rental payment appropriation 126910  
items during the period from July 1, 2013, through June 30, 2015, 126911  
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 126912  
2n, 2o, 2p, 2q, 2r, and 15 of Article VIII, Ohio Constitution, and 126913  
Chapters 151., 152., and 154. of the Revised Code. Payments shall 126914  
be made upon certification by the Treasurer of State of the dates 126915  
and the amounts due on those dates. 126916

**Section 521.20.** STATEWIDE INDIRECT COST RECOVERY 126917

Whenever the Director of Budget and Management determines 126918  
that an appropriation made to a state agency from a fund of the 126919  
state is insufficient to provide for the recovery of statewide 126920  
indirect costs under section 126.12 of the Revised Code, the 126921  
amount required for such purpose is hereby appropriated from the 126922  
available receipts of such fund. 126923

**Section 521.30.** TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 126924  
COST ALLOCATION PLAN 126925

The total transfers made from the General Revenue Fund by the 126926  
Director of Budget and Management under this section shall not 126927  
exceed the amounts transferred into the General Revenue Fund under 126928  
section 126.12 of the Revised Code. 126929

The director of an agency may certify to the Director of 126930  
Budget and Management the amount of expenses not allowed to be 126931  
included in the Statewide Indirect Cost Allocation Plan under 126932  
federal regulations, from any fund included in the Statewide 126933  
Indirect Cost Allocation Plan, prepared as required by section 126934  
126.12 of the Revised Code. 126935

Upon determining that no alternative source of funding is 126936  
available to pay for such expenses, the Director of Budget and 126937  
Management may transfer cash from the General Revenue Fund into 126938  
the fund for which the certification is made, up to the amount of 126939  
the certification. The director of the agency receiving such funds 126940  
shall include, as part of the next budget submission prepared 126941  
under section 126.02 of the Revised Code, a request for funding 126942  
for such activities from an alternative source such that further 126943  
federal disallowances would not be required. 126944

The director of an agency may certify to the Director of 126945  
Budget and Management the amount of expenses paid in error from a 126946  
fund included in the Statewide Indirect Cost Allocation Plan. The 126947  
Director of Budget and Management may transfer cash from the fund 126948

from which the expenditure should have been made into the fund 126949  
from which the expenses were erroneously paid, up to the amount of 126950  
the certification. 126951

The director of an agency may certify to the Director of 126952  
Budget and Management the amount of expenses or revenues not 126953  
allowed to be included in the Statewide Indirect Cost Allocation 126954  
Plan under federal regulations, for any fund included in the 126955  
Statewide Indirect Cost Allocation Plan, for which the federal 126956  
government requires payment. If the Director of Budget and 126957  
Management determines that an appropriation made to a state agency 126958  
from a fund of the state is insufficient to pay the amount 126959  
required by the federal government, the amount required for such 126960  
purpose is hereby appropriated from the available receipts of such 126961  
fund, up to the amount of the certification. 126962

**Section 521.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS** 126963

Notwithstanding any provision of law to the contrary, on or 126964  
before the first day of September of each fiscal year, the 126965  
Director of Budget and Management, in order to reduce the payment 126966  
of adjustments to the federal government, as determined by the 126967  
plan prepared under division (A) of section 126.12 of the Revised 126968  
Code, may designate such funds as the Director considers necessary 126969  
to retain their own interest earnings. 126970

**Section 521.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT** 126971

Pursuant to the plan for compliance with the Federal Cash 126972  
Management Improvement Act required by section 131.36 of the 126973  
Revised Code, the Director of Budget and Management may cancel and 126974  
re-establish all or part of encumbrances in like amounts within 126975  
the funds identified by the plan. The amounts necessary to 126976  
re-establish all or part of encumbrances are hereby appropriated. 126977

**Section 521.60.** FISCAL STABILIZATION AND RECOVERY 126978

To ensure the level of accountability and transparency 126979  
 required by federal law, the Director of Budget and Management may 126980  
 issue guidelines to any agency applying for federal money made 126981  
 available to this state for fiscal stabilization and recovery 126982  
 purposes, and may prescribe the process by which agencies are to 126983  
 comply with any reporting requirements established by the federal 126984  
 government. 126985

**Section 605.10.** That Section 205.10 of Am. Sub. H.B. 51 of 126986  
 the 130th General Assembly be amended to read as follows: 126987

**Sec. 205.10.** DPS DEPARTMENT OF PUBLIC SAFETY 126988

|                                 |                        |    |             |    |             |        |
|---------------------------------|------------------------|----|-------------|----|-------------|--------|
| State Highway Safety Fund Group |                        |    |             |    | 126989      |        |
| 4W40 762321                     | Operating Expense -    | \$ | 130,559,268 | \$ | 130,418,957 | 126990 |
|                                 | BMV                    |    |             |    |             |        |
| 5V10 762682                     | License Plate          | \$ | 2,100,000   | \$ | 2,100,000   | 126991 |
|                                 | Contribution           |    |             |    |             |        |
| 7036 761321                     | Operating Expense -    | \$ | 7,055,066   | \$ | 6,999,331   | 126992 |
|                                 | Information and        |    |             |    |             |        |
|                                 | Education              |    |             |    |             |        |
| 7036 761401                     | Lease Rental Payments  | \$ | 2,472,300   | \$ | 2,473,100   | 126993 |
| 7036 764033                     | Minor Capital Projects | \$ | 1,250,000   | \$ | 1,250,000   | 126994 |
| 7036 764321                     | Operating Expense -    | \$ | 268,232,602 | \$ | 270,232,602 | 126995 |
|                                 | Highway Patrol         |    |             |    |             |        |
| 7036 764605                     | Motor Carrier          | \$ | 2,860,000   | \$ | 2,860,000   | 126996 |
|                                 | Enforcement Expenses   |    |             |    |             |        |
| 8300 761603                     | Salvage and Exchange - | \$ | 20,053      | \$ | 20,053      | 126997 |
|                                 | Administration         |    |             |    |             |        |
| 8310 761610                     | Information and        | \$ | 300,000     | \$ | 300,000     | 126998 |
|                                 | Education - Federal    |    |             |    |             |        |
| 8310 764608                     | FARS Grant Federal     | \$ | 175,000     | \$ | 175,000     | 126999 |

|      |        |                                             |    |            |    |            |        |
|------|--------|---------------------------------------------|----|------------|----|------------|--------|
| 8310 | 764610 | Patrol - Federal                            | \$ | 2,250,000  | \$ | 2,250,000  | 127000 |
| 8310 | 764659 | Transportation<br>Enforcement - Federal     | \$ | 5,200,000  | \$ | 5,200,000  | 127001 |
| 8310 | 765610 | EMS - Federal                               | \$ | 225,000    | \$ | 225,000    | 127002 |
| 8310 | 769610 | Investigative Unit<br>Federal Reimbursement | \$ | 1,400,000  | \$ | 1,400,000  | 127003 |
| 8310 | 769631 | Homeland Security -<br>Federal              | \$ | 750,000    | \$ | 400,000    | 127004 |
| 8320 | 761612 | Traffic Safety -<br>Federal                 | \$ | 22,000,000 | \$ | 22,000,000 | 127005 |
| 8350 | 762616 | Financial<br>Responsibility<br>Compliance   | \$ | 5,274,068  | \$ | 5,274,068  | 127006 |
| 8370 | 764602 | Turnpike Policing                           | \$ | 11,553,959 | \$ | 11,553,959 | 127007 |
| 83C0 | 764630 | Contraband,<br>Forfeiture, Other            | \$ | 622,894    | \$ | 622,894    | 127008 |
| 83F0 | 764657 | Law Enforcement<br>Automated Data System    | \$ | 8,500,000  | \$ | 8,500,000  | 127009 |
| 83G0 | 764633 | OMVI<br>Enforcement/Education               | \$ | 641,927    | \$ | 641,927    | 127010 |
| 83J0 | 764693 | Highway Patrol Justice<br>Contraband        | \$ | 2,100,000  | \$ | 2,100,000  | 127011 |
| 83M0 | 765624 | Operating - EMS                             | \$ | 3,056,069  | \$ | 3,056,069  | 127012 |
| 83M0 | 765640 | EMS - Grants                                | \$ | 3,300,000  | \$ | 3,300,000  | 127013 |
| 83R0 | 762639 | Local Immobilization<br>Reimbursement       | \$ | 450,000    | \$ | 450,000    | 127014 |
| 83T0 | 764694 | Highway Patrol<br>Treasury Contraband       | \$ | 21,000     | \$ | 21,000     | 127015 |
| 8400 | 764607 | State Fair Security                         | \$ | 1,294,354  | \$ | 1,294,354  | 127016 |
| 8400 | 764617 | Security and<br>Investigations              | \$ | 8,793,865  | \$ | 9,514,236  | 127017 |
| 8400 | 764626 | State Fairgrounds<br>Police Force           | \$ | 1,047,560  | \$ | 1,084,559  | 127018 |

|                                              |        |                                                         |    |             |    |             |        |
|----------------------------------------------|--------|---------------------------------------------------------|----|-------------|----|-------------|--------|
| 8400                                         | 769632 | Homeland Security -<br>Operating                        | \$ | 650,000     | \$ | 630,000     | 127019 |
| 8410                                         | 764603 | Salvage and Exchange -<br>Highway Patrol                | \$ | 1,339,399   | \$ | 1,339,399   | 127020 |
| 8460                                         | 761625 | Motorcycle Safety<br>Education                          | \$ | 3,280,563   | \$ | 3,280,563   | 127021 |
| 8490                                         | 762627 | Automated Title<br>Processing Board                     | \$ | 16,675,513  | \$ | 16,467,293  | 127022 |
| TOTAL HSF State Highway Safety Fund<br>Group |        |                                                         | \$ | 515,450,460 | \$ | 517,434,364 | 127023 |
| General Services Fund Group                  |        |                                                         |    |             |    |             | 127024 |
| 4P60                                         | 768601 | Justice Program<br>Services                             | \$ | 900,000     | \$ | 875,000     | 127025 |
| 5ET0                                         | 768625 | Drug Law Enforcement                                    | \$ | 4,250,000   | \$ | 4,250,000   | 127026 |
| 5LM0                                         | 768698 | Criminal Justice<br>Services Law<br>Enforcement Support | \$ | 850,946     | \$ | 850,946     | 127027 |
| TOTAL GSF General Services Fund<br>Group     |        |                                                         | \$ | 6,290,946   | \$ | 6,265,946   | 127028 |
| Federal Special Revenue Fund Group           |        |                                                         |    |             |    |             | 127029 |
| 3290                                         | 763645 | Federal Mitigation<br>Program                           | \$ | 10,413,642  | \$ | 10,413,642  | 127030 |
| 3370                                         | 763609 | Federal Disaster<br>Relief                              | \$ | 27,707,636  | \$ | 27,707,636  | 127031 |
| 3390                                         | 763647 | Emergency Management<br>Assistance and<br>Training      | \$ | 70,934,765  | \$ | 70,934,765  | 127032 |
| 3CE0                                         | 768611 | Justice Assistance<br>Grants - FFY09                    | \$ | 400,000     | \$ | 100,000     | 127033 |
| 3DE0                                         | 768612 | Federal Stimulus -<br>Justice Assistance<br>Grants      | \$ | 1,000,000   | \$ | 300,000     | 127034 |



|                                  |                         |                                                        |    |             |    |             |        |
|----------------------------------|-------------------------|--------------------------------------------------------|----|-------------|----|-------------|--------|
| 3DU0                             | 762628                  | BMV Grants                                             | \$ | 1,350,000   | \$ | 1,325,000   | 127035 |
| 3EU0                             | 768614                  | Justice Assistance<br>Grants - FFY10                   | \$ | 830,000     | \$ | 500,000     | 127036 |
| 3FK0                             | 768615                  | Justice Assistance<br>Grants - FFY11                   | \$ | 900,000     | \$ | 900,000     | 127037 |
| 3FP0                             | 767620                  | Ohio Investigative<br>Unit Justice<br>Contraband       | \$ | 55,000      | \$ | 55,000      | 127038 |
| 3FY0                             | 768616                  | Justice Assistance<br>Grants - FFY12                   | \$ | 2,200,000   | \$ | 1,500,000   | 127039 |
| 3FZ0                             | 768617                  | Justice Assistance<br>Grants - FFY13                   | \$ | 7,000,000   | \$ | 2,000,000   | 127040 |
| 3GA0                             | 768618                  | Justice Assistance<br>Grants - FFY14                   | \$ | 0           | \$ | 7,500,000   | 127041 |
| 3L50                             | 768604                  | Justice Program                                        | \$ | 10,500,000  | \$ | 10,500,000  | 127042 |
| 3N50                             | 763644                  | U.S. Department of<br>Energy Agreement                 | \$ | 31,672      | \$ | 31,672      | 127043 |
| TOTAL FED                        | Federal Special Revenue |                                                        | \$ | 133,322,715 | \$ | 133,767,715 | 127044 |
| Fund Group                       |                         |                                                        |    |             |    |             |        |
| State Special Revenue Fund Group |                         |                                                        |    |             |    |             | 127045 |
| 4V30                             | 763662                  | Storms/NOAA<br>Maintenance                             | \$ | 4,950,000   | \$ | 4,950,000   | 127046 |
| 5390                             | 762614                  | Motor Vehicle Dealers<br>Board                         | \$ | 150,000     | \$ | 140,000     | 127047 |
| 5B90                             | 766632                  | Private Investigator<br>and Security Guard<br>Provider | \$ | 1,400,000   | \$ | 1,400,000   | 127048 |
| 5BK0                             | 768687                  | Criminal Justice<br>Services - Operating               | \$ | 400,000     | \$ | 400,000     | 127049 |
| 5BK0                             | 768689                  | Family Violence<br>Shelter Programs                    | \$ | 750,000     | \$ | 750,000     | 127050 |
| <del>5BP0</del>                  | 764609                  | DPS Wireless 911<br>Administration                     | \$ | 290,000     | \$ | 290,000     | 127051 |
| <u>5NF0</u>                      |                         |                                                        |    |             |    |             |        |

|                              |        |                                                              |    |             |    |             |        |
|------------------------------|--------|--------------------------------------------------------------|----|-------------|----|-------------|--------|
| 5CM0                         | 767691 | Equitable Share<br>Account                                   | \$ | 300,000     | \$ | 300,000     | 127052 |
| 5DS0                         | 769630 | Homeland Security                                            | \$ | 1,414,384   | \$ | 1,414,384   | 127053 |
| 5FF0                         | 762621 | Indigent Interlock<br>and Alcohol<br>Monitoring              | \$ | 2,000,000   | \$ | 2,000,000   | 127054 |
| 5FL0                         | 769634 | Investigations                                               | \$ | 899,300     | \$ | 899,300     | 127055 |
| 5ML0                         | 769635 | Infrastructure<br>Protection                                 | \$ | 400,000     | \$ | 400,000     | 127056 |
| 6220                         | 767615 | Investigative<br>Contraband and<br>Forfeiture                | \$ | 325,000     | \$ | 325,000     | 127057 |
| 6570                         | 763652 | Utility Radiological<br>Safety                               | \$ | 1,415,945   | \$ | 1,415,945   | 127058 |
| 6810                         | 763653 | SARA Title III HAZMAT<br>Planning                            | \$ | 262,438     | \$ | 262,438     | 127059 |
| 8500                         | 767628 | Investigative Unit<br>Salvage                                | \$ | 92,700      | \$ | 92,700      | 127060 |
| TOTAL SSR                    |        | State Special Revenue<br>Fund Group                          | \$ | 15,049,767  | \$ | 15,039,767  | 127061 |
|                              |        | Agency Fund Group                                            |    |             |    |             | 127062 |
| 5J90                         | 761678 | Federal Salvage/GSA                                          | \$ | 1,500,000   | \$ | 1,500,000   | 127063 |
| TOTAL AGY                    |        | Agency Fund Group                                            | \$ | 1,500,000   | \$ | 1,500,000   | 127064 |
|                              |        | Holding Account Redistribution Fund Group                    |    |             |    |             | 127065 |
| R024                         | 762619 | Unidentified Motor<br>Vehicle Receipts                       | \$ | 1,885,000   | \$ | 1,885,000   | 127066 |
| R052                         | 762623 | Security Deposits                                            | \$ | 350,000     | \$ | 350,000     | 127067 |
| TOTAL 090                    |        | Holding Account<br>Redistribution Fund Group                 | \$ | 2,235,000   | \$ | 2,235,000   | 127068 |
| TOTAL ALL BUDGET FUND GROUPS |        |                                                              | \$ | 673,558,888 | \$ | 675,952,792 | 127069 |
|                              |        | MOTOR VEHICLE REGISTRATION                                   |    |             |    |             | 127070 |
|                              |        | The Registrar of Motor Vehicles may deposit revenues to meet |    |             |    |             | 127071 |

the cash needs of the State Bureau of Motor Vehicles Fund (Fund 127072  
4W40) established in section 4501.25 of the Revised Code, obtained 127073  
under sections 4503.02 and 4504.02 of the Revised Code, less all 127074  
other available cash. Revenue deposited pursuant to this paragraph 127075  
shall support, in part, appropriations for operating expenses and 127076  
defray the cost of manufacturing and distributing license plates 127077  
and license plate stickers and enforcing the law relative to the 127078  
operation and registration of motor vehicles. Notwithstanding 127079  
section 4501.03 of the Revised Code, the revenues shall be paid 127080  
into Fund 4W40 before any revenues obtained pursuant to sections 127081  
4503.02 and 4504.02 of the Revised Code are paid into any other 127082  
fund. The deposit of revenues to meet the aforementioned cash 127083  
needs shall be in approximately equal amounts on a monthly basis 127084  
or as otherwise determined by the Director of Budget and 127085  
Management pursuant to a plan submitted by the Registrar of Motor 127086  
Vehicles. 127087

OPERATING EXPENSE - BMV 127088

Of the foregoing appropriation item 762321, Operating Expense 127089  
- BMV, up to \$50,000 in fiscal year 2014 shall be used to pay for 127090  
costs associated with improvements to the program to accept 127091  
applications for registration transactions of apportionable 127092  
vehicles electronically over the internet. 127093

OPERATING EXPENSE - INFORMATION AND EDUCATION 127094

Of the foregoing appropriation item 761321, Operating Expense 127095  
- Information and Education, up to \$250,000 in each fiscal year 127096  
may be used to fund state employees to staff travel information 127097  
centers on the border of the state. 127098

The Department of Public Safety shall conduct a study for 127099  
partnering with local travel and tourism centers, as well as a 127100  
study for the creation of the Ohio Ambassadors Volunteer Program 127101  
at rest stops. 127102

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| LEASE RENTAL PAYMENTS                                              | 127103 |
| The foregoing appropriation item 761401, Lease Rental              | 127104 |
| Payments, shall be used for payments to the Treasurer of State for | 127105 |
| the period July 1, 2013, through June 30, 2015, under the primary  | 127106 |
| leases and agreements for public safety related buildings. The     | 127107 |
| appropriations are the source of funds pledged for bond service    | 127108 |
| charges on obligations pursuant to Chapters 152. and 154. of the   | 127109 |
| Revised Code.                                                      | 127110 |
| CASH TRANSFERS BETWEEN FUNDS                                       | 127111 |
| Notwithstanding any provision of law to the contrary, the          | 127112 |
| Director of Budget and Management, upon the written request of the | 127113 |
| Director of Public Safety, may transfer cash between the following | 127114 |
| six funds: the Trauma and Emergency Medical Services Fund (Fund    | 127115 |
| 83M0), the Homeland Security Fund (Fund 5DS0), the Investigations  | 127116 |
| Fund (Fund 5FL0), the Emergency Management Agency Service and      | 127117 |
| Reimbursement Fund (Fund 4V30), the Justice Program Services Fund  | 127118 |
| (Fund 4P60), and the State Bureau of Motor Vehicles Fund (Fund     | 127119 |
| 4W40).                                                             | 127120 |
| CASH TRANSFER FROM TEEN DRIVER EDUCATION FUND TO LICENSE           | 127121 |
| PLATE CONTRIBUTION FUND                                            | 127122 |
| On July 1, 2013, or as soon as possible thereafter, the            | 127123 |
| Director of Budget and Management may transfer the cash balance in | 127124 |
| the Teen Driver Education Fund (Fund 5JS0) to the License Plate    | 127125 |
| Contribution Fund (Fund 5V10). Upon completion of the transfer,    | 127126 |
| Fund 5JS0 is hereby abolished.                                     | 127127 |
| CASH TRANSFER FROM HILLTOP UTILITY REIMBURSEMENT FUND TO           | 127128 |
| STATE HIGHWAY SAFETY FUND                                          | 127129 |
| Not later than January 1, 2014, the Director of Budget and         | 127130 |
| Management may transfer the cash balance in the Hilltop Utility    | 127131 |
| Reimbursement Fund (Fund 4S30) to the State Highway Safety Fund    | 127132 |
| (Fund 7036). Upon completion of the transfer, Fund 4S30 is hereby  | 127133 |

abolished. The Director shall cancel any existing encumbrances 127134  
against appropriation item 766661, Hilltop Utility Reimbursement, 127135  
and reestablish them against appropriation item 761321, Operating 127136  
Expense - Information and Education. The reestablished encumbrance 127137  
amounts are hereby appropriated. 127138

CASH TRANSFER FROM REGISTRAR RENTAL FUND TO STATE HIGHWAY 127139  
SAFETY FUND 127140

On July 1, 2013, or as soon as possible thereafter, the 127141  
Director of Budget and Management shall transfer the cash balance 127142  
in the Registrar Rental Fund (Fund 8380) to the State Bureau of 127143  
Motor Vehicles Fund (Fund 4W40). Upon completion of the transfer, 127144  
Fund 8380 is abolished. 127145

STATE DISASTER RELIEF 127146

The State Disaster Relief Fund (Fund 5330) may accept 127147  
transfers of cash and appropriations from Controlling Board 127148  
appropriation items for Ohio Emergency Management Agency disaster 127149  
response costs and disaster program management costs, and may also 127150  
be used for the following purposes: 127151

(A) To accept transfers of cash and appropriations from 127152  
Controlling Board appropriation items for Ohio Emergency 127153  
Management Agency public assistance and mitigation program match 127154  
costs to reimburse eligible local governments and private 127155  
nonprofit organizations for costs related to disasters; 127156

(B) To accept and transfer cash to reimburse the costs 127157  
associated with Emergency Management Assistance Compact (EMAC) 127158  
deployments; 127159

(C) To accept disaster related reimbursement from federal, 127160  
state, and local governments. The Director of Budget and 127161  
Management may transfer cash from reimbursements received by this 127162  
fund to other funds of the state from which transfers were 127163  
originally approved by the Controlling Board. 127164

(D) To accept transfers of cash and appropriations from 127165  
Controlling Board appropriation items to fund the State Disaster 127166  
Relief Program, for disasters that qualify for the program by 127167  
written authorization of the Governor, and the State Individual 127168  
Assistance Program for disasters that have been declared by the 127169  
federal Small Business Administration and that qualify for the 127170  
program by written authorization of the Governor. The Ohio 127171  
Emergency Management Agency shall publish and make available 127172  
application packets outlining procedures for the State Disaster 127173  
Relief Program and the State Individual Assistance Program. 127174

JUSTICE ASSISTANCE GRANT FUND 127175

The federal payments made to the state for the Byrne Justice 127176  
Assistance Grants Program under Title II of Division A of the 127177  
American Recovery and Reinvestment Act of 2009 shall be deposited 127178  
to the credit of the Justice Assistance Grant Fund (Fund 3DE0), 127179  
which is hereby created in the state treasury. All investment 127180  
earnings of the fund shall be credited to the fund. 127181

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 127182  
AGENCY SERVICE AND REIMBURSEMENT FUND 127183

On July 1 of each fiscal year, or as soon as possible 127184  
thereafter, the Director of Budget and Management shall transfer 127185  
\$200,000 cash from the State Fire Marshal Fund (Fund 5460) to the 127186  
Emergency Management Agency Service and Reimbursement Fund (Fund 127187  
4V30) to be distributed to the Ohio Task Force One - Urban Search 127188  
and Rescue Unit, other similar urban search and rescue units 127189  
around the state, and for the maintenance of the statewide fire 127190  
emergency response plan by an entity recognized by the Ohio 127191  
Emergency Management Agency. 127192

FAMILY VIOLENCE PREVENTION FUND 127193

Notwithstanding any provision of law to the contrary, in each 127194  
of fiscal years 2014 and 2015, the first \$750,000 received to the 127195

credit of the Family Violence Prevention Fund (Fund 5BK0) is 127196  
appropriated to appropriation item 768689, Family Violence Shelter 127197  
Programs, and the next \$400,000 received to the credit of Fund 127198  
5BK0 in each of those fiscal years is appropriated to 127199  
appropriation item 768687, Criminal Justice Services - Operating. 127200  
Any moneys received to the credit of Fund 5BK0 in excess of the 127201  
aforementioned appropriated amounts in each fiscal year shall, 127202  
upon the approval of the Controlling Board, be used to provide 127203  
grants to family violence shelters in Ohio. 127204

SARA TITLE III HAZMAT PLANNING 127205

The SARA Title III HAZMAT Planning Fund (Fund 6810) is 127206  
entitled to receive grant funds from the Emergency Response 127207  
Commission to implement the Emergency Management Agency's 127208  
responsibilities under Chapter 3750. of the Revised Code. 127209

COLLECTIVE BARGAINING INCREASES 127210

Notwithstanding division (D) of section 127.14 and division 127211  
(B) of section 131.35 of the Revised Code, except for the General 127212  
Revenue Fund, the Controlling Board may, upon the request of 127213  
either the Director of Budget and Management, or the Department of 127214  
Public Safety with the approval of the Director of Budget and 127215  
Management, authorize expenditures in excess of appropriations and 127216  
transfer appropriations, as necessary, for any fund used by the 127217  
Department of Public Safety, to assist in paying the costs of 127218  
increases in employee compensation that have occurred pursuant to 127219  
collective bargaining agreements under Chapter 4117. of the 127220  
Revised Code and, for exempt employees, under section 124.152 of 127221  
the Revised Code. Any money approved for expenditure under this 127222  
paragraph is hereby appropriated. 127223

CASH BALANCE FUND REVIEW 127224

Not later than the first day of April in each fiscal year of 127225  
the biennium, the Director of Budget and Management shall review 127226

the cash balances for each fund, except the State Highway Safety Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 4W40), in the State Highway Safety Fund Group, and shall recommend to the Controlling Board an amount to be transferred to the credit of Fund 7036 or Fund 4W40, as appropriate.

AUTO REGISTRATION DISTRIBUTION FUND

Notwithstanding the amendment by this act to section 4501.03 of the Revised Code and the enactment by this act of section 4501.031 of the Revised Code, any license tax assessed under Chapters 4503. or 4504. of the Revised Code, and derived from registrations processed on business days prior to July 1, 2013, shall be deposited to the state treasury to the credit of the Auto Registration Distribution Fund (Fund 7051) created by section 4501.03 of the Revised Code, even if such deposit does not occur until on or after July 1, 2013. All license tax assessed on registrations under Chapters 4503. or 4504. of the Revised Code prior to July 1, 2013, shall be deposited, and distributed, in accordance with sections 4501.03, 4501.04, 4501.041, 4501.042, and 4501.043 of the Revised Code as they existed prior to the amendments to those sections by this act.

**Section 605.11.** That existing Section 205.10 of Am. Sub. H.B. 51 of the 130th General Assembly is hereby repealed.

**Section 610.10.** That Sections 201.80 and 509.40 of Sub. H.B. 482 of the 129th General Assembly be amended to read as follows:

**Sec. 201.80.** All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the School Building Program Assistance Fund (Fund 7032), that are not otherwise appropriated.



|        |                                               |                    |        |
|--------|-----------------------------------------------|--------------------|--------|
|        | SFC SCHOOL FACILITIES COMMISSION              |                    | 127255 |
| C23002 | School Building Program Assistance            | \$ 425,000,000     | 127256 |
|        |                                               | <u>413,000,000</u> |        |
| C23020 | <u>School Security Grant Program</u>          | \$ 12,000,000      | 127257 |
|        | Total School Facilities Commission            | \$ 425,000,000     | 127258 |
|        | TOTAL School Building Program Assistance Fund | \$ 425,000,000     | 127259 |

SCHOOL BUILDING PROGRAM ASSISTANCE 127260

The foregoing appropriation item C23002, School Building Program Assistance, shall be used by the School Facilities Commission to provide funding to school districts that receive conditional approval from the Commission pursuant to Chapter 3318. of the Revised Code. 127261  
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SCHOOL SECURITY GRANT PROGRAM 127266

The foregoing appropriation item C23020, School Security Grant Program, shall be used by the School Facilities Commission to provide funding to all public schools for school security expenditures including the purchase and installation of one Multi-Agency Radio Communications System unit per school building and a security door system, consisting of a security camera, an intercom, and remote access, at one entrance per school building. A school may apply to the School Facilities Commission for reimbursement up to \$2,000 for one Multi-Agency Radio Communications System Unit per school building and up to \$5,000 for costs incurred with the purchase of a security door system installed on or after January 1, 2013. 127267  
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**Sec. 509.40. AGENCY ADMINISTRATION OF CAPITAL FACILITIES PROJECTS** 127279  
127280

Notwithstanding ~~sections 123.01 and 123.15~~ section 123.21 of the Revised Code, the Executive Director of Administrative Services the Ohio Facilities Construction Commission may authorize the Departments of Mental Health, Developmental Disabilities, 127281  
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Agriculture, Job and Family Services, Rehabilitation and 127285  
Correction, Youth Services, Public Safety, Transportation, ~~and~~ 127286  
Veterans Services, and the Bureau of Workers' Compensation to 127287  
administer any capital facilities projects, the estimated cost of 127288  
which, including design fees, construction, equipment, and 127289  
contingency amounts, is less than \$1,500,000. Requests for 127290  
authorization to administer capital facilities projects shall be 127291  
made ~~in writing to the Director of Administrative Services~~ through 127292  
the OAKS-CI application by the applicable state agency ~~within~~ 127293  
~~sixty days after the effective date of the section of law in which~~ 127294  
~~the General Assembly initially makes an appropriation for the~~ 127295  
~~project.~~ Upon the release of funds for the projects by the 127296  
Controlling Board or the Director of Budget and Management, the 127297  
agency may administer the capital project or projects for which 127298  
agency administration has been authorized without the supervision, 127299  
control, or approval of the Executive Director of ~~Administrative~~ 127300  
~~Services~~ the Ohio Facilities Construction Commission. 127301

A state agency authorized by the Executive Director of 127302  
~~Administrative Services~~ the Ohio Facilities Construction 127303  
Commission to administer capital facilities projects pursuant to 127304  
this section shall comply with the applicable procedures and 127305  
guidelines established in Chapter 153. of the Revised Code and 127306  
shall track all project information in OAKS-CI pursuant to Ohio 127307  
Facilities Construction Commission guidelines. 127308

**Section 610.11.** That existing Sections 201.80 and 509.40 of 127309  
Sub. H.B. 482 of the 129th General Assembly are hereby repealed. 127310

**Section 610.20.** That Section 4 of Sub. S.B. 171 of the 129th 127311  
General Assembly, as amended by Am. Sub. H.B. 487 of the 129th 127312  
General Assembly, be amended to read as follows: 127313

**Sec. 4.** The following agencies are retained under division 127314

|                                                                                                      |                                    |        |
|------------------------------------------------------------------------------------------------------|------------------------------------|--------|
| (D) of section 101.83 of the Revised Code and expire on December 31, 2016:                           |                                    | 127315 |
|                                                                                                      |                                    | 127316 |
| AGENCY NAME                                                                                          | REVISED CODE OR UNCODIFIED SECTION | 127317 |
| Academic Distress Commission                                                                         | 3302.10                            | 127318 |
| Advisory Board of Governor's Office of Faith-Based and Community Initiatives                         | 107.12                             | 127319 |
| Advisory Board to Assist and Advise in the Operation of the Ohio Center for Autism and Low Incidence | 3323.33, 3323.34                   | 127320 |
| Advisory Council on Amusement Ride Safety                                                            | 1711.51, 1711.52                   | 127321 |
| <del>Advisory Council of Directors for Prison Labor</del>                                            | 5145.162                           | 127322 |
| <u>Office of Enterprise Development Advisory Board</u>                                               |                                    |        |
| Advisory Council for Wild, Scenic, or Recreational River Area(s)                                     | 1547.84                            | 127323 |
| Advisory Committee on Livestock Exhibitions                                                          | 901.71                             | 127324 |
| Agricultural Commodity Marketing Programs Operating Committees                                       | 924.07                             | 127325 |
| Agricultural Commodity Marketing Programs Coordinating Committee                                     | 924.14                             | 127326 |
| Alternative Energy Advisory Committee                                                                | 4928.64(D)                         | 127327 |
| AMBER Alert Advisory Committee                                                                       | 5502.521                           | 127328 |
| Apprenticeship Council                                                                               | Chapter 4139.                      | 127329 |
| Armory Board of Control                                                                              | 5911.09, 5911.12                   | 127330 |
| Automated Title Processing Board                                                                     | 4505.09(C)(1)                      | 127331 |
| Backflow Advisory Board                                                                              | 3703.21                            | 127332 |
| Banking Commission                                                                                   | 1123.01                            | 127333 |
| Board of Directors of the Great Lakes Protection Fund                                                | 1506.22 (6161.04)                  | 127334 |
| Board of Directors of the Medical Liability Underwriting Association Stabilization Fund              | 3929.631                           | 127335 |

|                                                                                  |                                          |        |
|----------------------------------------------------------------------------------|------------------------------------------|--------|
| Board of Directors of the Ohio Appalachian Center<br>for Higher Education        | 3333.58                                  | 127336 |
| Board of Directors of the Ohio Health Reinsurance<br>Program                     | 3924.08 -<br>3924.11                     | 127337 |
| Board of Governors of the Commercial Insurance<br>Joint Underwriting Association | 3930.03                                  | 127338 |
| Board of Governors of the Medical Liability<br>Underwriting Association          | 3929.64                                  | 127339 |
| Board of Voting Machines Examiners                                               | 3506.05                                  | 127340 |
| Budget Planning and Management Commission                                        | Section 509.10,<br>H.B. 1, 128th<br>G.A. | 127341 |
| Brain Injury Advisory Committee                                                  | 3304.231                                 | 127342 |
| Bureau of Workers' Compensation Board of<br>Directors                            | 4121.12                                  | 127343 |
| Capitol Square Review and Advisory Board                                         | 105.41                                   | 127344 |
| Child Care Advisory Council                                                      | 5104.08                                  | 127345 |
| Child Support Guideline Advisory Council                                         | 3119.024                                 | 127346 |
| Children's Trust Fund Board                                                      | 3109.15 -<br>3109.17                     | 127347 |
| Citizen's Advisory Council                                                       | 5123.092,<br>5123.093                    | 127348 |
| Clean Ohio Trail Advisory Board                                                  | 1519.06                                  | 127349 |
| Coastal Resources Advisory Council                                               | 1506.12                                  | 127350 |
| Commission on African-American Males                                             | 4112.12, 4112.13                         | 127351 |
| Commission on Hispanic-Latino Affairs                                            | 121.31                                   | 127352 |
| Commission on Minority Health                                                    | 3701.78                                  | 127353 |
| Committee on Prescriptive Governance                                             | 4723.49 -<br>4723.492                    | 127354 |
| Commodity Advisory Commission                                                    | 926.32                                   | 127355 |
| Consumer Advisory Committee to the Rehabilitation<br>Services Commission         | 3304.24                                  | 127356 |
| Continuing Education Committee                                                   | 109.80(B)                                | 127357 |

|                                                                                                 |                               |        |
|-------------------------------------------------------------------------------------------------|-------------------------------|--------|
| Council on Alcohol and Drug Addiction Services                                                  | 3793.09                       | 127358 |
| Council on Unreclaimed Strip Mined Lands                                                        | 1513.29                       | 127359 |
| County Sheriff's Standard Car Marking and Uniform Commission                                    | 311.25 - 311.27               | 127360 |
| Credential Review Board                                                                         | 3319.65                       | 127361 |
| Credit Union Council                                                                            | 1733.329                      | 127362 |
| Criminal Sentencing Advisory Committee                                                          | 181.22                        | 127363 |
| Data Collection and Analysis Group                                                              | 3727.32                       | 127364 |
| Dentist Loan Repayment Advisory Board                                                           | 3702.92                       | 127365 |
| Department Advisory Council(s)                                                                  | 107.18, 121.13                | 127366 |
| Development Financing Advisory Council                                                          | 122.40, 122.41                | 127367 |
| Early Childhood Advisory Council                                                                | 3301.90                       | 127368 |
| Education Commission of the States (Interstate Compact for Education)                           | 3301.48, 3301.49              | 127369 |
| Education Management Information System Advisory Board                                          | 3301.0713                     | 127370 |
| Educator Standards Board                                                                        | 3319.60                       | 127371 |
| Electrical Safety Inspector Advisory Committee                                                  | 3783.08                       | 127372 |
| Emergency Response Commission                                                                   | 3750.02                       | 127373 |
| Engineering Experiment Station Advisory Committee                                               | 3335.27                       | 127374 |
| Environmental Education Council                                                                 | 3745.21                       | 127375 |
| Environmental Protection Agency Advisory Board(s)                                               | 121.13, 3704.03,<br>3745.01   | 127376 |
| <del>eTech Ohio Commission</del>                                                                | <del>3353.02</del><br>3353.04 | 127377 |
| Ex-Offender Reentry Coalition                                                                   | 5120.07                       | 127378 |
| Farmland Preservation Advisory Board                                                            | 901.23                        | 127379 |
| Financial Planning and Supervision Commission(s) for Municipal Corporation, County, or Township | 118.05                        | 127380 |
| Financial Planning and Supervision Commission for a school district                             | 3316.05                       | 127381 |
| Forestry Advisory Council                                                                       | 1503.40                       | 127382 |
| Governance Authority for a State University or                                                  | 3345.75                       | 127383 |

|                                                                                                   |                                         |        |
|---------------------------------------------------------------------------------------------------|-----------------------------------------|--------|
| College                                                                                           |                                         |        |
| Governor's Council on People with Disabilities                                                    | 3303.41                                 | 127384 |
| Governor's Policy Information Working Group                                                       | Section 313,<br>H.B. 420, 127th<br>G.A. | 127385 |
| Governor's Residence Advisory Commission                                                          | 107.40                                  | 127386 |
| Grain Marketing Program Operating Committee                                                       | 924.20 - 924.30                         | 127387 |
| Great Lakes Commission (Great Lakes Basin Compact)                                                | 6161.01                                 | 127388 |
| Gubernatorial Transition Committee                                                                | 107.29, 126.26                          | 127389 |
| Help Me Grow Advisory Council                                                                     | 3701.611                                | 127390 |
| Hemophilia Advisory Subcommittee of the Medically Handicapped Children's Medical Advisory Council | 3701.0210                               | 127391 |
| Homeland Security Advisory Council                                                                | 5502.011(E)                             | 127392 |
| Hospital Measures Advisory Council                                                                | 3727.31                                 | 127393 |
| Housing Trust Fund Advisory Committee                                                             | 174.06                                  | 127394 |
| Industrial Commission Nominating Council                                                          | 4121.04                                 | 127395 |
| Industrial Technology and Enterprise Advisory Council                                             | 122.29, 122.30                          | 127396 |
| Infant Hearing Screening Subcommittee                                                             | 3701.507                                | 127397 |
| Infection Control Group                                                                           | 3727.312(D)                             | 127398 |
| Insurance Agent Education Advisory Council                                                        | 3905.483                                | 127399 |
| Interstate Rail Passenger Advisory Council                                                        | 4981.35                                 | 127400 |
| Joint Select Committee on Volume Cap                                                              | 133.021                                 | 127401 |
| Labor-Management Government Advisory Council                                                      | 4121.70                                 | 127402 |
| Legislative Programming Committee of the Ohio Government Telecommunications Service               | 3353.07                                 | 127403 |
| Legislative Task Force on Redistricting, Reapportionment, and Demographic Research                | 103.51                                  | 127404 |
| Maternity and Newborn Advisory Council                                                            | 3711.20, 3711.21                        | 127405 |
| Medically Handicapped Children's Medical Advisory Council                                         | 3701.025                                | 127406 |
| Midwest Interstate Passenger Rail Compact                                                         | 4981.361                                | 127407 |

|                                                                             |                                           |        |
|-----------------------------------------------------------------------------|-------------------------------------------|--------|
| Commission                                                                  |                                           |        |
| Milk Sanitation Board                                                       | 917.03 - 917.032                          | 127408 |
| Mine Subsidence Insurance Governing Board                                   | 3929.51                                   | 127409 |
| Minority Development Financing Advisory Board                               | 122.72, 122.73                            | 127410 |
| Multi-Agency Radio Communications System (MARCS)<br>Steering Committee      | Section 15.02,<br>H.B. 640, 123rd<br>G.A. | 127411 |
| National Museum of Afro-American History and<br>Culture Planning Committee  | 149.303                                   | 127412 |
| New African Immigrants Commission                                           | 4112.31, 4112.32                          | 127413 |
| Ohio Accountability Task Force                                              | 3302.021(E)                               | 127414 |
| Ohio Advisory Council for the Aging                                         | 173.03                                    | 127415 |
| Ohio Agriculture License Plate Scholarship Fund<br>Board                    | 901.90                                    | 127416 |
| Ohio Arts Council                                                           | Chapter 3379.                             | 127417 |
| Ohio Business Gateway Steering Committee                                    | 5703.57                                   | 127418 |
| Ohio Cemetery Dispute Resolution Commission                                 | 4767.05, 4767.06                          | 127419 |
| Ohio Civil Rights Commission Advisory Agencies<br>and Conciliation Councils | 4112.04(B)(4)                             | 127420 |
| Ohio Commercial Market Assistance Plan Executive<br>Committee               | 3930.02                                   | 127421 |
| Ohio Commission on Dispute Resolution and<br>Conflict Management            | 179.02 - 179.04                           | 127422 |
| Ohio Commission on Fatherhood                                               | 5101.34                                   | 127423 |
| Ohio Community Service Council                                              | 121.40 - 121.404                          | 127424 |
| Ohio Council for Interstate Adult Offender<br>Supervision                   | 5149.22                                   | 127425 |
| Ohio Cultural Facilities Commission                                         | Chapter 3383.                             | 127426 |
| Ohio Cystic Fibrosis Legislative Task Force                                 | 101.38                                    | 127427 |
| Ohio Developmental Disabilities Council                                     | 5123.35                                   | 127428 |
| Ohio Expositions Commission                                                 | 991.02                                    | 127429 |
| Ohio Family and Children First Cabinet Council                              | 121.37                                    | 127430 |
| Ohio Geographically Referenced Information                                  | 125.901, 125.902                          | 127431 |

Program Council

|                                                                                   |                                          |        |
|-----------------------------------------------------------------------------------|------------------------------------------|--------|
| Ohio Geology Advisory Council                                                     | 1501.11                                  | 127432 |
| Ohio Grape Industries Committee                                                   | 924.51 - 924.55                          | 127433 |
| Ohio Historic Site Preservation Advisory Board                                    | 149.301                                  | 127434 |
| Ohio Historical Society Board of Trustees                                         | 149.30                                   | 127435 |
| Ohio Judicial Conference                                                          | 105.91 - 105.97                          | 127436 |
| Ohio Lake Erie Commission                                                         | 1506.21                                  | 127437 |
| Ohio Legislative Commission on the Education and<br>Preservation of State History | Section 701.05,<br>H.B. 1, 128th<br>G.A. | 127438 |
| Ohio Medical Quality Foundation                                                   | 3701.89                                  | 127439 |
| Ohio Parks and Recreation Council                                                 | 1541.40                                  | 127440 |
| Ohio Peace Officer Training Commission                                            | 109.71, 109.72                           | 127441 |
| Ohio Private Investigation and Security Services<br>Commission                    | 4749.021,<br>4743.01                     | 127442 |
| Ohio Public Defender Commission                                                   | 120.01 - 120.03                          | 127443 |
| Ohio Public Library Information Network Board of<br>Trustees                      | 3375.65, 3375.66                         | 127444 |
| Ohio Quarter Horse Development Commission                                         | 3769.086                                 | 127445 |
| Ohio Small Government Capital Improvements<br>Commission                          | 164.02(C)(D)                             | 127446 |
| Ohio Soil and Water Conservation Commission                                       | 1515.02                                  | 127447 |
| Ohio Standardbred Development Commission                                          | 3769.085                                 | 127448 |
| Ohio Subrogation Rights Commission                                                | 2323.44                                  | 127449 |
| Ohio Thoroughbred Racing Advisory Committee                                       | 3769.084                                 | 127450 |
| Ohio Transportation Finance Commission                                            | 5531.12(B) to<br>(D)                     | 127451 |
| Ohio Tuition Trust Authority                                                      | 3334.03, 3334.08                         | 127452 |
| Ohio University College of Osteopathic Medicine<br>Advisory Committee             | 3337.10, 3337.11                         | 127453 |
| Ohio Vendors Representative Committee                                             | 3304.34, 20 USC<br>107                   | 127454 |
| Ohio War Orphans Scholarship Board                                                | 5910.02 -                                | 127455 |



|                                                                                                             |                                          |        |
|-------------------------------------------------------------------------------------------------------------|------------------------------------------|--------|
|                                                                                                             | 5910.06                                  |        |
| Ohio Water Advisory Council                                                                                 | 1521.031                                 | 127456 |
| Ohio Water Resources Council Advisory Group                                                                 | 1521.19                                  | 127457 |
| Ohio Water Resources Council                                                                                | 1521.19                                  | 127458 |
| Oil and Gas Commission                                                                                      | 1509.35                                  | 127459 |
| Operating Committee of the Oil and Gas Marketing Program                                                    | 1510.06, 1510.11                         | 127460 |
| Organized Crime Investigations Commission                                                                   | 177.01                                   | 127461 |
| Pharmacy and Therapeutics Committee of the Department of <del>Job and Family Services</del> <u>Medicaid</u> | <del>5111.084</del><br><u>5164.7510</u>  | 127462 |
| Physician Assistant Policy Committee of the State Medical Board                                             | 4730.05, 4730.06                         | 127463 |
| Physician Loan Repayment Advisory Board                                                                     | 3702.81                                  | 127464 |
| Power Siting Board                                                                                          | 4906.02                                  | 127465 |
| Prequalification Review Board                                                                               | 5525.07                                  | 127466 |
| Private Water Systems Advisory Council                                                                      | 3701.346                                 | 127467 |
| Public Utilities Commission Nominating Council                                                              | 4901.021                                 | 127468 |
| Public Utility Property Tax Study Committee                                                                 | 5727.85(K)                               | 127469 |
| Radiation Advisory Council                                                                                  | 3748.20                                  | 127470 |
| Reclamation Commission                                                                                      | 1513.05                                  | 127471 |
| Reclamation Forfeiture Fund Advisory Board                                                                  | 1513.182                                 | 127472 |
| Recreation and Resources Commission                                                                         | 1501.04                                  | 127473 |
| Recycling and Litter Prevention Advisory Council                                                            | 1502.04                                  | 127474 |
| School and Ministerial Lands Divestiture Committee                                                          | 501.041                                  | 127475 |
| Savings and Loan Associations and Savings Banks Board                                                       | 1181.16                                  | 127476 |
| Second Chance Trust Fund Advisory Committee                                                                 | 2108.35                                  | 127477 |
| Service Coordination Workgroup                                                                              | Section 751.20,<br>H.B. 1, 128th<br>G.A. | 127478 |
| Ski Tramway Board                                                                                           | 4169.02                                  | 127479 |
| Small Business Stationary Source Technical and                                                              | 3704.19                                  | 127480 |

|                                                                                        |                                               |        |
|----------------------------------------------------------------------------------------|-----------------------------------------------|--------|
| Environmental Compliance Assistance Council                                            |                                               |        |
| Solid Waste Management Advisory Council                                                | 3734.51                                       | 127481 |
| Special Commission to Consider the Suspension of<br>Local Government Officials         | 3.16                                          | 127482 |
| Speed to Scale Task Force                                                              | Section<br>375.60.80, H.B.<br>119, 128th G.A. | 127483 |
| State Agency Coordinating Group                                                        | 1521.19                                       | 127484 |
| State Audit Committee                                                                  | 126.46                                        | 127485 |
| State Council of Uniform State Laws                                                    | 105.21 - 105.27                               | 127486 |
| State Criminal Sentencing Commission                                                   | 181.22 - 181.26                               | 127487 |
| State Fire Council                                                                     | 3737.81                                       | 127488 |
| State Library Board                                                                    | 3375.01                                       | 127489 |
| State Victims Assistance Advisory Council                                              | 109.91(B) and<br>(C)                          | 127490 |
| Statewide Consortium of County Law Library<br>Resource Boards                          | 3375.481                                      | 127491 |
| STEM Committee                                                                         | 3326.02                                       | 127492 |
| Student Tuition Recovery Authority                                                     | 3332.081                                      | 127493 |
| Sunset Review Committee                                                                | 101.84 - 101.87                               | 127494 |
| Tax Credit Authority                                                                   | 122.17(M)                                     | 127495 |
| Technical Advisory Committee to Assist Director<br>of the Ohio Coal Development Office | 1551.35                                       | 127496 |
| Technical Advisory Council on Oil and Gas                                              | 1509.38                                       | 127497 |
| Transportation Review Advisory Council                                                 | 5512.07 -<br>5512.09                          | 127498 |
| Unemployment Compensation Advisory Council                                             | 4141.08                                       | 127499 |
| Unemployment Compensation Review Commission                                            | 4141.06                                       | 127500 |
| Veterans Advisory Committee                                                            | 5902.02(K)                                    | 127501 |
| Volunteer Fire Fighters' Dependents Fund Boards<br>(private volunteer)                 | 146.02 - 146.06                               | 127502 |
| Volunteer Fire Fighters' Dependents Fund Boards<br>(public)                            | 146.02 - 146.06                               | 127503 |

|                                          |            |        |
|------------------------------------------|------------|--------|
| Water and Sewer Commission               | 1525.11(C) | 127504 |
| Waterways Safety Council                 | 1547.73    | 127505 |
| Wildlife Council                         | 1531.03 -  | 127506 |
|                                          | 1531.05    |        |
| Workers' Compensation Board of Directors | 4121.123   | 127507 |
| Nominating Committee                     |            |        |

**Section 610.21.** That existing Section 4 of Sub. S.B. 171 of the 129th General Assembly, as amended by Am. Sub. H.B. 487 of the 129th General Assembly, is hereby repealed.

**Section 620.10.** That Section 105.05 of Am. Sub. H.B. 2 of the 128th General Assembly be amended to read as follows:

**Sec. 105.05.** Section 121.53 of the Revised Code is hereby repealed, effective ~~September~~ June 30, 2013 2014.

**Section 620.11.** That existing Section 105.05 of Am. Sub. H.B. 2 of the 128th General Assembly is hereby repealed.

**Section 630.10.** All items set forth in this section are hereby appropriated out of any moneys in the state treasury to the credit of the Administrative Building Fund (Fund 7026) that are not otherwise appropriated for the biennium ending June 30, 2014:

Appropriations

|                                   |    |         |        |
|-----------------------------------|----|---------|--------|
| DEV DEVELOPMENT SERVICES AGENCY   |    |         | 127521 |
| C19506 Children's Home            | \$ | 100,000 | 127522 |
| Total Development Services Agency | \$ | 100,000 | 127523 |
| CHILDREN'S HOME                   |    |         | 127524 |

The foregoing appropriation item C19506, Children's Home, shall be used for the Children's Home of Cincinnati.

**Section 630.11.** That Sections 203.90.10 and 203.90.20 of Sub.

S.B. 312 of the 129th General Assembly be amended to read as 127528  
follows: 127529

Reappropriations

|                                                        |                                        |                          |        |
|--------------------------------------------------------|----------------------------------------|--------------------------|--------|
| <b>Sec. 203.90.10. DMH DEPARTMENT OF MENTAL HEALTH</b> |                                        |                          | 127530 |
| C58000                                                 | Hazardous Materials Abatement          | \$ 118,750               | 127531 |
| C58001                                                 | Community Assistance Projects          | \$ <del>332,500</del>    | 127532 |
|                                                        |                                        | <u>232,500</u>           |        |
| C58002                                                 | Campus Consolidation - Automation      | \$ 95,000                | 127533 |
| C58004                                                 | Demolition                             | \$ 142,500               | 127534 |
| C58005                                                 | Life Safety/Critical Plant Renovations | \$ 23,750                | 127535 |
| C58006                                                 | Patient Care/Environment Improvement   | \$ 285,000               | 127536 |
| C58007                                                 | Infrastructure Renovations             | \$ 475,000               | 127537 |
| C58008                                                 | Emergency Improvements                 | \$ 285,000               | 127538 |
| C58009                                                 | Patient Environment Improvement        | \$ 1,000                 | 127539 |
|                                                        | Consolidation                          |                          |        |
| C58010                                                 | Campus Consolidation                   | \$ 23,750,000            | 127540 |
| C58020                                                 | Mandel Jewish Community Center         | \$ 199,500               | 127541 |
| Total Department of Mental Health                      |                                        | \$ <del>25,708,000</del> | 127542 |
|                                                        |                                        | <u>25,608,000</u>        |        |

COMMUNITY ASSISTANCE PROJECTS 127543

Of the foregoing appropriation item C58001, Community 127544  
Assistance Projects, ~~\$100,000 shall be used for the Children's~~ 127545  
~~Home of Cincinnati~~, \$100,000 shall be used for the Shaw JCC, and 127546  
\$300,000 shall be used for the Berea Children's Home. 127547

The amount reappropriated for the foregoing appropriation 127548  
item C58001, Community Assistance Projects, is the unencumbered 127549  
unallotted balance, as of June 30, 2012, in appropriation item 127550  
C58001, Community Assistance Projects, plus \$1,096,159.42. Prior 127551  
to the expenditure of this reappropriation, the Director of Mental 127552  
Health shall certify to the Director of Budget and Management 127553  
canceled encumbrances in the amount of at least \$1,096,159.42. 127554

INFRASTRUCTURE RENOVATIONS 127555

The amount reappropriated for the foregoing appropriation 127556  
 item C58007, Infrastructure Renovations, is the unencumbered and 127557  
 unallotted balance as of June 30, 2012, in appropriation item 127558  
 C58007, Infrastructure Renovations, plus \$2,995,450.24. Prior to 127559  
 the expenditure of this reappropriation, the Director of Mental 127560  
 Health shall certify to the Director of Budget and Management 127561  
 canceled encumbrances in the amount of at least \$2,995,450.24. 127562

Reappropriations

**Sec. 203.90.20.** DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES 127563

|        |                                           |    |                       |        |
|--------|-------------------------------------------|----|-----------------------|--------|
| C59004 | Community Assistance Projects             | \$ | 13,913,599            | 127564 |
| C59029 | Emergency Generator Replacement           | \$ | 460,362               | 127565 |
| C59034 | Statewide Developmental Centers           | \$ | 1,407,067             | 127566 |
| C59050 | Emergency Improvements                    | \$ | 484,984               | 127567 |
| C59051 | Energy Conservation                       | \$ | 430,500               | 127568 |
| C59055 | Camp McKinley Improvements                | \$ | 30,000                | 127569 |
| C59056 | The Hope Learning Center                  | \$ | 250,000               | 127570 |
| TOTAL  | Department of Developmental Disabilities  | \$ | 16,976,512            | 127571 |
| TOTAL  | Mental Health Facilities Improvement Fund | \$ | <del>42,684,512</del> | 127572 |
|        |                                           |    | <u>42,584,512</u>     |        |

COMMUNITY ASSISTANCE PROJECTS 127573

The foregoing appropriation item C59004, Community Assistance 127574  
 Projects, may be used to provide community assistance funds for 127575  
 the construction or renovation of facilities for day programs or 127576  
 residential programs that provide services to persons eligible for 127577  
 services from the Department of Developmental Disabilities or 127578  
 county boards of developmental disabilities. 127579

The amount reappropriated for the foregoing appropriation 127580  
 item C59004, Community Assistance Projects, is the unencumbered, 127581  
 unallotted balance as of June 30, 2012, in appropriation item 127582  
 C59004, Community Assistance Projects, plus \$8,326,255. Prior to 127583

the expenditure of this reappropriation, the Director of 127584  
Developmental Disabilities shall certify to the Director of Budget 127585  
and Management canceled encumbrances in the Mental Health 127586  
Facilities Improvement Fund (Fund 7033) in the amount of at least 127587  
\$8,326,255. 127588

STATEWIDE DEVELOPMENTAL CENTERS 127589

The amount reappropriated for the foregoing appropriation 127590  
item C59034, Statewide Developmental Centers, is the unencumbered, 127591  
unallotted balance as of June 30, 2012, in appropriation item 127592  
C59034, Statewide Developmental Centers, plus \$167,912. Prior to 127593  
the expenditure of this reappropriation, the Director of 127594  
Developmental Disabilities shall certify to the Director of Budget 127595  
and Management canceled encumbrances in the Mental Health 127596  
Facilities Improvement Fund (Fund 7033) in the amount of at least 127597  
\$167,912. 127598

**Section 630.12.** That existing Sections 203.90.10 and 127599  
203.90.20 of Sub. S.B. 312 of the 129th General Assembly are 127600  
hereby repealed. 127601

**Section 701.10.** EXEMPT EMPLOYEE CONSENT TO CERTAIN DUTIES 127602

As used in this section, "appointing authority" has the same 127603  
meaning as in section 124.01 of the Revised Code, and "exempt 127604  
employee" has the same meaning as in section 124.01 of the Revised 127605  
Code. 127606

Notwithstanding section 124.181 of the Revised Code, in cases 127607  
where no vacancy exists, an appointing authority may, with the 127608  
written consent of an exempt employee, assign duties of a higher 127609  
classification to that exempt employee for a period of time not to 127610  
exceed two years, and that exempt employee shall receive 127611  
compensation at a rate commensurate with the duties of the higher 127612  
classification. 127613

**Section 715.10.** Two years after the amendments to section 127614  
1501.011 of the Revised Code by this act take effect, the Ohio 127615  
Facilities Construction Commission and the Department of Natural 127616  
Resources shall review division (C) of that section. 127617

**Section 733.10.** Notwithstanding section 3317.01 of the 127618  
Revised Code, as amended by this act, to determine whether a 127619  
school district satisfied the minimum school year in the 2013-2014 127620  
school year in order to qualify for state funding under Chapter 127621  
3317. of the Revised Code for fiscal year 2015, the Department of 127622  
Education shall apply the criteria prescribed in the version of 127623  
division (B) of section 3317.01 of the Revised Code in effect 127624  
prior to July 1, 2014. 127625

**Section 733.20.** The General Assembly hereby declares its 127626  
intent, in enacting section 3319.031 of the Revised Code, to 127627  
supersede any effect of the decision of the Court of Appeals of 127628  
the Eighth Appellate District in *OAPSE/AFSCME Local 4 v. Berdine*, 127629  
174 Ohio App.3d 46 (Cuyahoga County, 2007) to the extent the 127630  
decision conflicts with the principle that boards of education may 127631  
appoint a licensed business manager, but also may determine 127632  
instead to assign the roles and functions of a business manager to 127633  
one or more employees or officers of the board, including the 127634  
treasurer, in the board's sole discretion. 127635

**Section 733.40.** (A) The Superintendent of Public Instruction 127636  
shall appoint three incorporators who are knowledgeable about the 127637  
administration of public schools and about the operation of 127638  
nonprofit corporations in Ohio. 127639

(B) The incorporators shall do whatever is necessary and 127640  
proper to set up a nonprofit corporation under Chapter 1702. of 127641  
the Revised Code. The articles of incorporation, in addition to 127642

meeting the requirements of section 1702.04 of the Revised Code, 127643  
shall set forth the following provisions: 127644

(1) That the nonprofit corporation is to create and implement 127645  
a pilot program that provides an alternative path for individuals 127646  
to receive training and development in the administration of 127647  
primary and secondary education and leadership, that will enable 127648  
these individuals to earn a degree in public school 127649  
administration, that will enable these individuals to obtain 127650  
licenses in public school administration, and that promotes the 127651  
placement of these individuals in public schools that have a 127652  
poverty percentage greater than fifty per cent. 127653

(2) That the Board of Directors are to establish criteria for 127654  
program costs, participant selection, and continued participation, 127655  
and metrics to document and measure pilot program activities. 127656

(3) That the name of the nonprofit corporation is "New 127657  
Leaders for Ohio Schools." 127658

(4) That the Board of Directors is to consist of the 127659  
following eight directors: 127660

(a) The Governor or the Governor's designee; 127661

(b) The Superintendent of Public Instruction, or the 127662  
Superintendent's designee; 127663

(c) The Chancellor of the Ohio Board of Regents, or the 127664  
Chancellor's designee; 127665

(d) A person to represent major business enterprises in Ohio; 127666

(e) Two individuals appointed by the Speaker of the House of 127667  
Representatives, one of whom shall be an active duty or retired 127668  
military officer; 127669

(f) Two individuals appointed by the President of the Senate, 127670  
one of whom shall be a current or retired teacher or principal. 127671

The Dean of The Ohio State University Fisher College of 127672



Business and the Dean of The Ohio State University College of 127673  
Education and Human Ecology are to serve as ex-officio nonvoting 127674  
members of the Board. 127675

The person on the Board who represents a major business 127676  
enterprise in Ohio is to be appointed by an organization selected 127677  
by the Governor. The organization is to be nonpartisan and consist 127678  
of chief executive officers of corporations organized in Ohio. 127679

(5) That the Board is to appoint a President of the 127680  
corporation. 127681

(6) That the President of the Corporation, subject to the 127682  
approval of the Board, is to enter into a contract with The Ohio 127683  
State University Fisher College of Business. Under the contract, 127684  
the College is to provide oversight to the corporation, is to 127685  
serve as fiscal agent for the corporation, and is to provide the 127686  
corporation with office space, and with office furniture and 127687  
equipment, as is necessary for the corporation successfully to 127688  
fulfill its duties. 127689

(7) That the administrative costs of the corporation are not 127690  
to exceed fifteen per cent of the annual budget of the 127691  
corporation. 127692

(8) That the President is to apply for, and is to receive and 127693  
accept, grants, gifts, bequests, and contributions from private 127694  
sources. 127695

(9) That the corporation is to submit an annual report to the 127696  
General Assembly and Governor beginning December 31, 2013. 127697

(10) That the corporation shall cease operations on the date 127698  
that is five years after the effective date of this section and 127699  
proceed to wind up its affairs. 127700

**Section 751.10.** RECOVERY REQUIRES A COMMUNITY PROGRAM 127701

The Department of Mental Health and Addiction Services, in 127702

consultation with the Department of Medicaid, shall administer the 127703  
Recovery Requires a Community Program to identify individuals 127704  
residing in nursing facilities who can be successfully moved into 127705  
a community setting with the aid of community non-Medicaid 127706  
services. 127707

The Director of Mental Health and Addiction Services and the 127708  
Medicaid Director shall agree upon an amount representing the 127709  
savings realized from decreased nursing facility utilization to be 127710  
transferred within the biennium from the Department of Medicaid to 127711  
the Department of Mental Health and Addiction Services to support 127712  
non-Medicaid program costs for individuals moving into community 127713  
settings. 127714

Of the foregoing appropriation item 651525, Medicaid/Health 127715  
Care Services, the Medicaid Director shall transfer the amount 127716  
agreed upon representing the savings from the General Revenue Fund 127717  
to the Sale of Goods and Services Fund (Fund 1490). The transfer 127718  
shall be made using an intrastate transfer voucher. The 127719  
transferred cash is hereby appropriated to appropriation item 127720  
335609, Community Operating/Planning. 127721

**Section 757.10. MINIMUM DISTRIBUTION OF LOCAL GOVERNMENT FUND** 127722  
127723

Notwithstanding any provision of section 131.51 of the 127724  
Revised Code to the contrary, from revenue arising from the 127725  
personal income tax levied under Chapter 5747. of the Revised 127726  
Code, an amount equal to one hundred per cent of the amount 127727  
credited to the Local Government Fund in July 2012 shall be 127728  
credited to such fund in July 2013. In July 2013 each county 127729  
undivided local government fund shall receive the same amount it 127730  
received in July 2012. In July 2013 each municipal corporation 127731  
shall receive the same amount it directly received from the Local 127732  
Government Fund in July 2012. 127733

**Section 757.20.** (A) On or before June 15, 2014, the Director 127734  
of the Ohio Public Works Commission shall certify to the Director 127735  
of Budget and Management the amount of debt service paid from the 127736  
General Revenue Fund in fiscal years 2013 and 2014 on bonds issued 127737  
to finance or assist in the financing of the cost of local 127738  
subdivision public infrastructure capital improvement projects, as 127739  
provided for in Sections 2k, 2m, and 2p of Article VIII, Ohio 127740  
Constitution, that are attributable to costs for construction, 127741  
reconstruction, maintenance, or repair of public highways and 127742  
bridges and other statutory highway purposes. That certification 127743  
shall allocate the total amount of debt service paid from the 127744  
General Revenue Fund and attributable to those costs in each of 127745  
fiscal years 2013 and 2014 according to the applicable section of 127746  
the Ohio Constitution under which the bonds were originally 127747  
issued. 127748

(B) On or before June 15, 2015, the Director of the Ohio 127749  
Public Works Commission shall certify to the Director of Budget 127750  
and Management the amount of debt service paid from the General 127751  
Revenue Fund in fiscal year 2015 on bonds issued to finance or 127752  
assist in the financing of the cost of local subdivision public 127753  
infrastructure capital improvement projects, as provided for in 127754  
Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that 127755  
are attributable to costs for construction, reconstruction, 127756  
maintenance, or repair of public highways and bridges and other 127757  
statutory highway purposes. That certification shall allocate the 127758  
total amount of debt service paid from the General Revenue Fund 127759  
and attributable to those costs in fiscal year 2015 according to 127760  
the applicable section of the Ohio Constitution under which the 127761  
bonds were originally issued. 127762

(C) On or before June 30 of each fiscal year, the Director of 127763  
Budget and Management shall determine an amount up to but not 127764  
exceeding the amount certified under division (A) or (B) of this 127765

section and shall reserve that amount from the cash balance in the 127766  
Commercial Activity Tax Motor Fuel Receipts Fund for transfer to 127767  
the General Revenue Fund at times and in amounts to be determined 127768  
by the Director. The Director shall transfer the cash balance in 127769  
the Commercial Activity Tax Motor Fuel Receipts Fund in excess of 127770  
the amount so reserved to the Highway Operating Fund on or before 127771  
June 30 of each fiscal year. 127772

**Section 803.10.** An investor who is issued a tax credit 127773  
certificate under section 122.152 of the Revised Code prior to 127774  
that section's repeal by this act may continue to claim that 127775  
credit in the manner provided for in that section. 127776

**Section 803.20.** The member of the Farmland Preservation 127777  
Advisory Board appointed under division (A)(4) of section 901.23 127778  
of the Revised Code, as that section existed prior to its 127779  
amendment by this act, who is serving on the effective date of 127780  
this act shall continue to serve until the expiration of the term 127781  
for which the member was appointed. At the end of that term, a 127782  
member shall be appointed in accordance with division (A)(4) of 127783  
that section as amended by this act. 127784

**Section 803.30.** A member of the technical advisory committee 127785  
created in section 1551.35 of the Revised Code, as amended by this 127786  
act, who was appointed by the Director of the Ohio Coal 127787  
Development Office and who is serving on the committee immediately 127788  
prior to the effective date of the amendments to that section 127789  
shall continue in office until the expiration of the member's 127790  
term. Thereafter, the appointment of a member for that position on 127791  
the committee shall be made in accordance with the amendments to 127792  
that section by this act. 127793

**Section 803.50.** The amendments to sections 3313.48, 3313.533, 127794

3313.62, 3317.01, and 3321.05; the repeal and reenactment of 127795  
section 3313.481; and the repeal of section 3313.482 of the 127796  
Revised Code made by this act do not apply to any collective 127797  
bargaining agreement executed under Chapter 4117. of the Revised 127798  
Code prior to July 1, 2014. Any collective bargaining agreement or 127799  
renewal executed after that date shall comply with the changes 127800  
provided for in this act. 127801

**Section 803.60.** (A) As used in this section: 127802

(1) "State institution of higher education" has the same 127803  
meaning as in section 3345.011 of the Revised Code. 127804

(2) "Career-technical planning district" has the same meaning 127805  
as in section 3302.033 of the Revised Code. 127806

(B) Nothing in Chapter 3365. of the Revised Code or the 127807  
amendment of sections in that chapter by this act shall be 127808  
construed to infringe upon or require the alteration of any 127809  
existing or future articulation agreement for technical coursework 127810  
offered through state-approved career-technical programs of study 127811  
or any corresponding payment structure between any state 127812  
institution of higher education and a career-technical planning 127813  
district. 127814

The Department of Education and the Board of Regents shall 127815  
study the implications of applying the changes in Chapter 3365. of 127816  
the Revised Code to articulation agreements for technical 127817  
coursework offered through state-approved career-technical 127818  
programs of study. The Department and the Board also shall make 127819  
recommendations on how such career-technical programs of study 127820  
might be included under Chapter 3365. of the Revised Code and the 127821  
implications of including them. These recommendations shall be 127822  
submitted to the Governor's Office of 21st Century Education and 127823  
the General Assembly in accordance with section 101.68 of the 127824  
Revised Code, not later than July 1, 2014. 127825

**Section 803.80.** (A) The amendment by this act of section 127826  
5747.01 of the Revised Code, amending or enacting divisions 127827  
(A)(26) and (GG) or striking existing division (A)(29) of that 127828  
section, applies to taxable years ending on or after the effective 127829  
date of this section. 127830

(B) The amendment by this act of section 5747.022 and 127831  
division (A) of section 5747.025 of the Revised Code applies to 127832  
taxable years beginning on or after January 1, 2013. 127833

(C) The amendment by this act of division (C) of section 127834  
5747.025, and of sections 5747.02, 5747.08, and 5747.21, and the 127835  
repeal of section 5747.211 of the Revised Code apply to taxable 127836  
years beginning on or after January 1, 2013. 127837

**Section 803.90.** (A) The amendment by this act of section 127838  
5751.01 of the Revised Code applies to tax periods ending on or 127839  
after the effective date of that amendment. 127840

(B) The amendment by this act of section 5751.07 of Revised 127841  
Code applies to original returns filed on or after January 1, 127842  
2014. 127843

**Section 803.120.** (A) The amendment or enactment by this act 127844  
of section 1509.50, division (C)(12) of section 5703.21, section 127845  
5749.02, divisions (F), (H), and (I) of section 5749.06, and 127846  
section 5749.17 of the Revised Code applies to the severance of 127847  
natural resources occurring in calendar quarters beginning on or 127848  
after October 1, 2013. 127849

(B) The amendment or enactment by this act of section 127850  
113.061, divisions (A)(5) and (6) of section 5749.02, and 127851  
divisions (B), (D), and (G) of section 5749.06 of the Revised Code 127852  
applies to the severance of natural resources occurring in 127853  
calendar quarters beginning on or after January 1, 2014. 127854

**Section 803.150.** A proposal approved by a board of county commissioners under section 317.321 of the Revised Code as it existed before the date of the amendment of that section by this act continues in effect for the number of years approved by the board of county commissioners under that section. The special fund established at the request of the board under that section ceases to exist upon the expiration of the proposal.

**Section 803.160.** (A) References to the Ohio Cooperative Extension Service, or use of a similar term, in any contracts, agreements, or other instruments that were entered into or executed prior to the effective date of this section pursuant to state statutes are deemed to be references to OSU Extension as defined in section 1.611 of the Revised Code as enacted by this act.

(B) References to the Ohio Cooperative Extension Service, or use of a similar term, in rules adopted prior to the effective date of this section pursuant to state statutes are deemed to be references to OSU Extension.

**Section 803.170.** The amendment by this act of section 5709.17 of the Revised Code applies to tax year 2013 and every tax year thereafter.

**Section 803.180.** The amendment or enactment by this act of sections 5735.01, 5735.012, and 5735.013 applies on the first day of the first month after the effective date of those sections.

**Section 803.190.** (A) The amendment or enactment by this act of division (QQQ) of section 5739.01, section 5739.12, division (I), except for divisions (I)(2)(g) and (I)(4), and division (Q) of section 5741.01, and section 5741.12 of the Revised Code

applies to the storage, use, or other consumption of tangible 127883  
personal property or services occurring on and after the first 127884  
month beginning after the effective date of that division and 127885  
section. 127886

(B) The amendment by this act of divisions (I)(2)(g) and 127887  
(I)(4) of section 5741.01 and section 5741.17 of the Revised Code 127888  
applies to the storage, use, or other consumption of tangible 127889  
personal property or services occurring on and after October 1, 127890  
2013, regardless of the date a seller and a resident entered into 127891  
an agreement described in division (I)(2)(g) of section 5741.01 of 127892  
the Revised Code. On that date, as used in divisions (I)(2)(g) and 127893  
(I)(4) of section 5741.01 of the Revised Code, "preceding twelve 127894  
months" means the twelve months beginning October 1, 2012, and 127895  
ending September 30, 2013. 127896

**Section 806.10.** The items of law contained in this act, and 127897  
their applications, are severable. If any item of law contained in 127898  
this act, or if any application of any item of law contained in 127899  
this act, is held invalid, the invalidity does not affect other 127900  
items of law contained in this act and their applications that can 127901  
be given effect without the invalid item of law or application. 127902

**Section 809.10.** An item of law, other than an amending, 127903  
enacting, or repealing clause, that composes the whole or part of 127904  
an uncodified section contained in this act has no effect after 127905  
June 30, 2015, unless its context clearly indicates otherwise. 127906

**Section 812.10.** Except as otherwise provided in this act, the 127907  
amendment, enactment, or repeal by this act of a section is 127908  
subject to the referendum under Ohio Constitution, Article II, 127909  
Section 1c and therefore takes effect on the ninety-first day 127910  
after this act is filed with the Secretary of State or, if a later 127911



effective date is specified below, on that date. 127912

The enactment of section 5162.12 of the Revised Code takes 127913  
effect January 1, 2014. 127914

The amendment, enactment, or repeal of sections 3313.48, 127915  
3313.533, 3313.62, 3314.09, 3314.092, 3321.05, 3326.11, and 127916  
3326.20 of the Revised Code takes effect July 1, 2014. 127917

The repeal and reenactment of sections 3313.481 and 3327.02 127918  
of the Revised Code take effect July 1, 2014. 127919

The enactment of section 3327.07 of the Revised Code takes 127920  
effect on July 1, 2014. 127921

Sections 323.70, 323.110, 323.120, and 323.480 of this act 127922  
take effect at the earliest time permitted by law but not earlier 127923  
than September 30, 2013. 127924

**Section 812.20.** The amendment, enactment, or repeal by this 127925  
act of the sections listed below is exempt from the referendum 127926  
under Ohio Constitution, Article II, Section 1d and section 1.471 127927  
of the Revised Code and therefore takes effect immediately when 127928  
this act becomes law or, if a later effective date is specified 127929  
below, on that date. 127930

Sections 731.091, 3314.05, 3734.57, 3734.901, 4301.43, 127931  
5727.84, 5747.501, and 5753.03 of the Revised Code. 127932

Sections of this act prefixed with section numbers in the 127933  
200's, 300's, 400's, and 500's except for sections 323.10.70, 127934  
323.70, 323.110, 323.120, 323.480, 363.230, 363.520, 363.540, and 127935  
363.550 of this act. 127936

Sections 812.10, 812.20, and 812.30 of this act. 127937

The enactment of section 5168.41 of the Revised Code takes 127938  
effect July 1, 2013. 127939

The amendment of sections 120.06 and 5139.04 of the Revised Code takes effect July 1, 2013.

**Section 812.30.** The sections that are listed in the left-hand column of the following table combine amendments by this act that are and that are not exempt from the referendum under Ohio Constitution, Article II, sections 1c and 1d and section 1.471 of the Revised Code.

The middle column identifies the amendments to the listed sections that are subject to the referendum under Ohio Constitution, Article II, Section 1c and therefore take effect on the ninety-first day after this act is filed with the Secretary of State or, if a later effective date is specified, on that date.

The right-hand column identifies the amendments to the listed sections that are exempt from the referendum under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code and therefore take effect immediately when this act becomes law or, if a later effective date is specified, on that date.

| Section of law       | Amendments subject to referendum                            | Amendments exempt from referendum                       |        |
|----------------------|-------------------------------------------------------------|---------------------------------------------------------|--------|
| 3745.11              | Amendments to division (M)(5)                               | All amendments except as described in the middle column | 127959 |
| 3721.50<br>(5168.40) | All amendments except as described in the right-hand column | Amendments to division (F)                              | 127960 |
| 5112.30<br>(5168.60) | All amendments except as described in the right-hand column | Amendments to division (A) take effect July 1, 2013     | 127961 |
| 5751.20              | Amendments to division (J)                                  | All amendments except as described in the middle        | 127962 |



(E) In section 5111.071 (5164.753) of the Revised Code, the 127990  
insertion in the last sentence of "and the extent to which each 127991  
terminal distributor participates in the medicaid program as a 127992  
provider of drugs" takes effect July 1, 2014. 127993

(F) In section 5111.083 (5164.757) of the Revised Code, all 127994  
of the amendments take effect January 1, 2014, except for the 127995  
following amendments: 127996

(1) The renumbering of the section; 127997

(2) The insertion of "medicaid" before "director" in the 127998  
first sentence of division (B); 127999

(3) The strike through of "of job and family services". 128000

(G) In section 5111.17 (5167.10) of the Revised Code, the 128001  
amendments to division (B)(2) take effect January 1, 2014. 128002

(H) In section 5111.19 (5164.74) of the Revised Code, the 128003  
following amendments take effect January 1, 2014: 128004

(1) The insertion of ", and the allocation of payments for," 128005  
in the first paragraph; 128006

(2) The strike through of the second paragraph and divisions 128007  
(A), (B), and (C). 128008

**Section 812.60.** (A) Except as provided in division (B) of 128009  
this section, the amendments of this act to section 5111.251 of 128010  
the Revised Code, including the renumbering of the section as 128011  
section 5124.17 of the Revised Code, take effect ninety-one days 128012  
after the effective date of this section. 128013

(B) The following amendments by this act to section 5111.251 128014  
(5124.17) of the Revised Code take effect July 1, 2014: 128015

(1) The amendments that halve the efficiency incentive 128016  
payment for intermediate care facilities for the mentally retarded 128017  
that have more than eight beds; 128018

(2) The amendments that eliminate the nonextensive 128019  
renovations component of the Medicaid payments for the capital 128020  
costs of intermediate care facilities for the mentally retarded 128021  
that have more than eight beds; 128022

(3) The amendments that eliminate the return on equity 128023  
component of the Medicaid payments for the capital costs of all 128024  
intermediate care facilities for the mentally retarded. 128025

**Section 812.70.** All the amendments by this act to section 128026  
3327.01 of the Revised Code are subject to the referendum under 128027  
Ohio Constitution, Article II, Section 1c. The amendment adding 128028  
division (H) to the section takes effect on the ninety-first day 128029  
after this act is filed with the Secretary of State, and all the 128030  
other amendments to the section take effect on July 1, 2014. 128031

**Section 815.10.** The General Assembly, applying the principle 128032  
stated in division (B) of section 1.52 of the Revised Code that 128033  
amendments are to be harmonized if reasonably capable of 128034  
simultaneous operation, finds that the following sections, 128035  
presented in this act as composites of the sections as amended by 128036  
the acts indicated, are the resulting versions of the sections in 128037  
effect prior to the effective date of the sections as presented in 128038  
this act: 128039

Section 9.90 of the Revised Code as amended by both Am. Sub. 128040  
H.B. 153 and Sub. S.B. 171 of the 129th General Assembly. 128041

Section 109.572 of the Revised Code as amended by both Am. 128042  
Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly. 128043

Section 122.17 of the Revised Code as amended by Sub. H.B. 128044  
327, Am. Sub. H.B. 510, and Am. Sub. S.B. 314, all of the 129th 128045  
General Assembly. 128046

Section 122.33 of the Revised Code as amended by both Am. 128047  
Sub. H.B. 117 and Am. Sub. H.B. 356 of the 121st General Assembly. 128048

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| Section 122.85 of the Revised Code as amended by both Am.          | 128049 |
| Sub. H.B. 508 and Am. Sub. H.B. 510 of the 129th General Assembly. | 128050 |
| Section 124.381 of the Revised Code as amended by both Am.         | 128051 |
| Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.        | 128052 |
| Section 149.43 of the Revised Code as amended by both Am.          | 128053 |
| Sub. H.B. 487 and Am. Sub. S.B. 314 of the 129th General Assembly. | 128054 |
| Section 329.06 of the Revised Code as amended by both Am.          | 128055 |
| Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.        | 128056 |
| Section 955.201 of the Revised Code as amended by both Am.         | 128057 |
| Sub. H.B. 1 and Am. Sub. H.B. 2 of the 128th General Assembly.     | 128058 |
| Section 2901.30 of the Revised Code as amended by both Am.         | 128059 |
| H.B. 181 and Sub. S.B. 87 of the 127th General Assembly.           | 128060 |
| Section 2921.13 of the Revised Code as amended by both Am.         | 128061 |
| Sub. H.B. 495 and Sub. S.B. 343 of the 129th General Assembly.     | 128062 |
| Section 2923.126 of the Revised Code as amended by both Am.        | 128063 |
| Sub. H.B. 495 and Am. Sub. S.B. 316 of the 129th General Assembly, | 128064 |
| that is scheduled to take effect January 1, 2014.                  | 128065 |
| Section 2929.13 of the Revised Code as amended by Am. Sub.         | 128066 |
| H.B. 62, Am. Sub. H.B. 262, and Am. Sub. S.B. 160 of the 129th     | 128067 |
| General Assembly.                                                  | 128068 |
| Section 3304.231 of the Revised Code as amended by both Am.        | 128069 |
| Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.        | 128070 |
| Section 3313.978 of the Revised Code as amended by both Am.        | 128071 |
| Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly. | 128072 |
| Section 3701.78 of the Revised Code as amended by both Am.         | 128073 |
| Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.        | 128074 |
| Section 3734.01 of the Revised Code as amended by both Am.         | 128075 |
| Sub. H.B. 487 and Sub. S.B. 294 of the 129th General Assembly.     | 128076 |
| Section 3745.11 of the Revised Code as amended by both Am.         | 128077 |

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| Sub. H.B. 487 and Sub. S.B. 294 of the 129th General Assembly.     | 128078 |
| Section 5104.012 of the Revised Code as amended by both Am.        | 128079 |
| Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly, | 128080 |
| that is scheduled to take effect January 1, 2014.                  | 128081 |
| Section 5104.013 of the Revised Code as amended by both Am.        | 128082 |
| Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly, | 128083 |
| that is scheduled to take effect January 1, 2014.                  | 128084 |
| Section 5111.032 of the Revised Code as amended by both Am.        | 128085 |
| Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly. | 128086 |
| Section 5111.033 of the Revised Code as amended by both Am.        | 128087 |
| Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly. | 128088 |
| Section 5111.034 of the Revised Code as amended by both Am.        | 128089 |
| Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly. | 128090 |
| Section 5111.172 of the Revised Code as amended by both Am.        | 128091 |
| Sub. H.B. 93 and Am. Sub. H.B. 153 of the 129th General Assembly.  | 128092 |
| Section 5119.16 of the Revised Code as amended by both Am.         | 128093 |
| Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.        | 128094 |
| Section 5701.13 of the Revised Code as amended by both Sub.        | 128095 |
| H.B. 267 and Am. Sub. H.B. 487 of the 129th General Assembly.      | 128096 |
| Section 5731.39 of the Revised Code as amended by both Am.         | 128097 |
| Sub. H.B. 487 and Am. Sub. H.B. 508 of the 129th General Assembly. | 128098 |
| Section 5739.01 of the Revised Code as amended by Am. Sub.         | 128099 |
| H.B. 487 and Am. Sub. H.B. 508 of the 129th General Assembly.      | 128100 |
| Section 5747.01 of the Revised Code as amended by Am. H.B.         | 128101 |
| 167, Sub. H.B. 365, and Am. Sub. H.B. 510, all of the 129th        | 128102 |
| General Assembly.                                                  | 128103 |
| Section 5747.98 of the Revised Code as amended by both Am.         | 128104 |
| Sub. H.B. 386 and Am. Sub. H.B. 510 of the 129th General Assembly. | 128105 |
| Section 5749.02 of the Revised Code as amended by both Am.         | 128106 |

|                                                                      |        |
|----------------------------------------------------------------------|--------|
| Sub. H.B. 1 and S.B. 73 of the 128th General Assembly.               | 128107 |
| Section 5751.01 of the Revised Code as amended by both Am.           | 128108 |
| Sub. H.B. 472 and Am. Sub. H.B. 510 of the 129th General Assembly.   | 128109 |
| Section 5751.20 of the Revised Code as amended by both Am.           | 128110 |
| Sub. H.B. 508 and Am. Sub. S.B. 316 of the 129th General Assembly.   | 128111 |
| Section 5753.03 of the Revised Code as amended by both Am.           | 128112 |
| Sub. H.B. 487 and Am. Sub. H.B. 386 of the 129th General Assembly.   | 128113 |
| <b>Section 815.20.</b> The amendment of sections 5104.11 and 5120.07 | 128114 |
| of the Revised Code by this act is not intended to supersede the     | 128115 |
| earlier repeal, with delayed effective date, of those sections.      | 128116 |